



ANNO QUADRAGESIMO NONO

# GEORGI II. REGIS.

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## Cap. 46.

An Act for enlarging the Term and Powers of Two Acts passed in the Seventh and Twenty-eighth Years of His present Majesty, for amending and widening the Road from the *Bell Inn at Northfield*, in the County of *Worcester*, to the *Wootton Turnpike*, in the Great Turnpike Road from *Stratford-upon-Avon*, in the County of *Warwick*, to *Birmingham*, in the same County. [12th May 1809.]

**W**HEREAS an Act was passed in the Seventh Year of the Reign of His present Majesty, intituled, *An Act for amending and widening the Road leading from the Bell Inn at Northfield, in the County of Worcester, to the Wootton Turnpike in the Great Turnpike Road leading from Stratford-upon-Avon, in the County of Warwick, to Birmingham, in the same County*: And whereas another Act was passed in the Twenty-eighth Year of the Reign of His present Majesty, intituled, *An Act to continue the Term and Powers of an Act made in the Seventh Year of the Reign of His present Majesty, for amending and widening the Road leading from the Bell Inn at Northfield, in the County of Worcester, to the Wootton Turnpike, in the Great Turnpike Road leading from Stratford-upon-Avon, in the County of Warwick, to Birmingham, in the*

[Loc. & Per.]

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same

7 G. 3. c. 68.

28 G. 3. c. 11.



*same County*: And whereas the Trustees appointed in or by virtue of the said Acts have proceeded to put the same in Execution, for which Purpose they have borrowed considerable Sums of Money on the Credit of the Tolls thereby granted, which still remain due, and cannot be repaid, nor can the said Road be properly amended, improved, and kept in Repair, unless the Term of the said Acts be continued, and some of the Powers and Provisions of the said Acts altered, amended, and enlarged, and some of the Tolls varied and increased; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said in Part recited Acts, and all and every the Authorities, Powers, Privileges, Provisions, Penalties, and Clauses therein contained (except such as relate to Exemption from Stamp Duties, and such as are hereby varied, altered, or repealed), shall be and continue in full force, and be executed for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purposes, as if the same were herein particularly repeated and re-enacted, but subject nevertheless to the Amendments, Variations, Alterations, and Additions herein contained, and which shall commence and take effect upon and from the Twentieth Day of *November* One thousand eight hundred and nine; and this Act, and the additional Term and the Tolls hereby granted, shall be and are hereby made subject and liable to the Payment of all Money now due and owing upon the Credit or on account of the said former Acts, or which may hereafter be borrowed or become due and owing on the Credit of the said former Acts and this Act, and of all Interest due and to grow due for the same respectively.

Acts further  
continued.

II. And whereas many of the Trustees named in or appointed by virtue of the said recited Acts are dead, and others have omitted to attend at the Meetings for carrying the said Acts into Execution, and it is expedient that new Trustees should be appointed for executing the said recited Acts and this Act; be it therefore enacted, That *John Burman* Esquire, *John Burman junior*, *Infull Burman*, *Robert Middleton Biddulph* Esquire, *James Bingham* Esquire, the Reverend *Thomas Bartlam*, *Robert Bartlam*, the Reverend *John Bartlam*, *Thomas Burman*, *Thomas James Philip Burman*, the Reverend *Michael Beecher*, the Reverend *John Chambers*, *Edward Bolton Clive* Esquire, the Reverend *Thomas Courmoul*, *Dugdale Stratford Dugdale* Esquire, *William Dester*, *Thomas Dolben*, the Reverend *Fenwick*, *Thomas Fetherston* Esquire, *Henry Geast* Esquire, *Benjamin Greves*, *Thomas Hunter* Esquire, *William Holmes* Esquire, *Francis Holyoake* Esquire, *Francis Edward Holyoake* Esquire, *Henry Hunt* Esquire, *Howard* Esquire, the Reverend *John Hogg*, *Thomas Clarke Jerwoice* Esquire, *Thomas W Owen Jones*, *Edward Johnston* Doctor of Physic, *John Johnston* Doctor of Physic, *Robert Knight* Esquire, *Henry Raleigh Knight* Esquire, the Honourable *William Lygon*, the Honourable *William Henry Lyttelton*, *John Lyttelton* Esquire, *Thomas Lea*, *Walter Landor* Esquire, the Reverend *Charles Landor*, *Sir Charles Mordaunt* Baronet, *William Moody* Esquire, *John Mills*, *Matibew Mills*, *William Mills* Esquire, *Charles Mills* Esquire, *Christopher Musgrave* Esquire, *John Moore*, *Edward Burton Palmer*, *Seymour Welford Palmer*, the Reverend *John Fox Palmer*, *William Palmer*, *John Payton*,  
*Samuel*

New Trustees.



*Samuel Parr* Doctor of Laws, *Richard Reeve*, *Sir Edward Smythe* Baronet, *Edward Smythe* Esquire, *Richard Smith*, *Sir John Throckmorton* Baronet, *Thomas Willetts*, the Reverend *Poyntz Stewart Ward*, *Thomas Wilcox*, *John Wollaston*, *John Walford*, the Reverend *Philip Wren*, the Reverend *James Way*, and the Earl of *Yarmouth*, and their Successors, to be elected according to the Directions of the said first recited Act, shall be and are hereby appointed Trustees for putting in execution the said recited Acts and this Act, who shall meet and adjourn from Time to Time, according to the Directions of the said recited Acts.

III. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk, and that no Action to be brought or commenced by or against the said Trustees, or any Five or more of them, by virtue or on account of the said recited Acts or this Act, or either of them, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk, without the Consent of the said Trustees or any Five or more of them, but the Clerk for the Time being to the said Trustees shall always be deemed the Plaintiff or Defendant in such Action, as the Case may be: Provided always, that every such Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of the said recited Acts or of this Act, shall always be reimbursed and paid out of the Monies to arise by virtue of the said Acts and this Act; all such Costs, Charges, and Expences as by the Event of any such Proceeding he shall pay, bear, expend, or be put unto or become chargeable with by reason of his having been so made Plaintiff or Defendant therein as aforesaid.

Trustees may sue and be sued in the Name of their Clerk.

Clerk to be reimbursed Expences.

IV. And whereas the Tolls by the said recited Acts authorized to be taken upon the said Roads are found insufficient; be it therefore enacted, That from and after the said Twentieth Day of *November* One thousand eight hundred and nine, all such Tolls shall cease, determine, and be no longer paid, and they are hereby declared to be repealed; and that instead and in lieu thereof the following Tolls shall from that Time be demanded and taken at each and every or any of the Gates or Turnpikes erected or to be erected upon or on either Side of the said Road, by such Person or Persons as the said Trustees or any Five or more of them shall from Time to Time appoint for that Purpose, before any Horse, Mare, Gelding, Mule, Ass, Beast, Oxen, Calves, Swine, Sheep, Lambs, or other Cattle, Coach, Waggon, or other Carriage shall be permitted to pass through the same; that is to say,

Former Tolls repealed, and new Tolls to be taken in lieu thereof.

For every Coach, Berlin, Landau, Chariot, Calash, Phaeton, Chaise, or Chair, drawn by Four or more Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Sixpence; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of Nine-pence; and drawn by One Horse, Mare, Gelding, or Mule, the Sum of Sixpence:

Tolls.

For every Waggon having the Wheels of less Breadth than Six Inches, the Sum of One Shilling and Sixpence:

For every Waggon having the Wheels of the Breadth of Six Inches or more, the Sum of One Shilling:

For every Cart having the Wheels of less Breadth than Six Inches, and drawn by three or more Horses, Mares, Geldings, Mules, or Asses, the



the Sum of One Shilling and One Penny Halfpenny; and drawn by less than Three Horses, Mares, Geldings, Mules, or Asses, the Sum of Ninepence:

For every Cart having the Wheels of the Breadth of Six Inches or more, and drawn by Three or more Horses, Mares, Geldings, Mules, or Asses, the Sum of One Shilling; and drawn by less than Three Horses, Mares, Geldings, Mules, or Asses, the Sum of Sixpence:

For every Horse, Mare, Gelding, Mule, or Ass not drawing, the Sum of One Penny Halfpenny:

For every Cow, Heifer, Ox, or Bull, the Sum of One Penny; and for every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Fivepence *per* Score; and so in Proportion for any greater or less Number.

Tolls vested in Trustees.

Which said several and respective Tolls are hereby vested in the said Trustees by this Act appointed; and the said Tolls, and every Part thereof, shall and may be demanded, collected, recovered, applied, and disposed of in such Manner, and for such Uses, Intents, and Purposes as are directed by the said recited Acts with respect to the Tolls thereby authorized to be taken, but subject nevertheless to the Directions and Provisions of this Act.

Present Tolls to be collected till 20th November 1809.

V. Provided always, and be it further enacted, That in the mean Time, and until the same Twentieth Day of *November* One thousand eight hundred and nine, the Tolls at present payable at the several Toll Gates erected on the said Road, shall continue due and payable at the several Gates respectively, and shall be recovered and recoverable in such Manner as is provided by the said recited Acts, or either of them.

Direction that no more than One full Toll shall be taken, repealed.

VI. And be it further enacted, That so much and such Parts of the said first recited Act as directs that no more than One full Toll shall be paid in any One Day for the same Horse, Beast, Cattle, or Carriage, at all or any of the Turnpikes which should be erected on the said Road, and that all Persons, after Payment of the full Toll, should be permitted to pass through all the said Turnpikes with the same Horse, Beast, Cattle, or Carriage, at any Time during the same Day, upon producing a Note or Ticket denoting the Payment of such Toll, shall be and the same is hereby repealed.

No more than One full Toll to be taken for passing on certain Parts of the Road.

VII. Provided always, and be it further enacted, That no Horse, Beast, Cattle, or Carriage, shall be subject to or charged with Tolls more than Once in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night), for passing and repassing through all or any of the Turnpikes erected or to be erected upon, across, or on the Sides of such Part of the said Road as lies between the *Wootton* Turnpike and the *Portway*, or more than Once in any One Day (to be computed as aforesaid) for passing and repassing through all or any of the Turnpikes erected or to be erected upon, across, or on



the Sides of such Part of the said Road as lies between the *Portway* and the *Bell Inn* at *Northfield*, the respective Persons having paid such Tolls producing Notes or Tickets to the Collector of the Tolls at the Toll Gate or Turnpike through which such Horse, Beast, Cattle, or Carriage shall afterwards pass, denoting such Payment, which Notes or Tickets the Collectors of the Tolls are hereby required to give *gratis* on receipt of the Tolls: Provided also, that the Notes or Tickets of the Day denoting Payment of the Tolls at any Turnpike erected or to be erected upon, across, or on the Sides of any Part of the Road between the *Wootton Turnpike* and the *Portway*, shall not entitle the Bearer thereof to pass through any Turnpike erected or to be erected upon, across, or on the Sides of any Part of the Road between the *Portway* and the *Bell Inn* at *Northfield*; nor shall the Notes or Tickets denoting Payment of Tolls at any Turnpike erected or to be erected upon, across, or on the Sides of any Part of the Road between the *Bell Inn* at *Northfield* and the *Portway*, entitle the Bearer thereof to pass through any Turnpike erected, or to be erected upon, across, or on the Sides of any Part of the Road between the *Portway* and the *Wootton Turnpike*.

VIII. Provided always, and be it further enacted, That if any Dispute shall happen touching the Quantity of Tolls due, or the Charges of taking, keeping, or selling any Distress which shall be taken by virtue of this Act, it shall and may be lawful for the Collector or Person distraining to retain the Distress or the Money arising from the Sale thereof, until the Quantity of such Tolls, or the Charges of seizing, detaining, and disposing of such Distress as aforesaid (as the Case shall happen) shall be ascertained by some Justice of the Peace for the County, Place, or District where such Dispute shall arise, who upon Application made to him for that Purpose shall examine the Matter upon Oath of the Parties, or any Witness or Witnesses (which Oath such Justice is hereby empowered to administer), and shall determine the Quantity of the Toll due, and also assess the Costs and Charges of such Seizure, Distress, Keeping, and Sale, and all other reasonable Costs and Charges; all which Sum or Sums of Money so determined and assessed, shall be paid to the Collector before he shall be obliged to return the Distress or the Overplus after the Sale thereof or of any Part thereof.

Disputes to be settled by a Justice.

IX. Provided always, and be it further enacted, That from and after the said Twentieth Day of *November* One thousand eight hundred and nine, no Toll Gate, Side Gate or Bar shall be erected, set up, or continued upon, across the End, or any Part of *Birch Acre Lane*, or on the Side of the said Turnpike Road between the End of *Birch Acre Lane*, at the North-east Corner of *Moorfield Coppice*, in the Parish of *Beoley*, in the County of *Worcester*, and *Inkford Bridge*, in the Parish of *King's Norton*, in the same County; or upon the said Turnpike Road between the said Corner of *Moorfield Coppice* and the Junction of the said Road with the Turnpike Road leading from *Spernal Ash* to *Birmingham*.

No Gate to be erected between *Birch Acre Lane* and *Inkford Bridge*, &c.

X. And be it further enacted, That no Toll shall be demanded or taken at any Toll Gate for any Cattle or Carriage solely employed in carrying or conveying, or going to carry or convey, or returning from carrying

Exemption from Toll.

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rying or conveying any Materials for repairing the said Road, or of any Lime, Dung, Mould, Soil, or Compost of any Kind, for the manuring of any Garden or other Land or Ground; or for any Horse or other Cattle employed in the ploughing, sowing, tilling, or cultivating of any Land or Grounds, or for any Cattle or Carriage employed in Harvest-work or Husbandry, or in the Carriage of any Hay, Straw, or Corn in the Straw not for Sale, or returning from carrying the same with any empty Carriage, or from the Owners or Occupiers of any Lands or their Servants, going to or from their respective Lands on the Business only of looking after such Lands or the Stock upon the same, or for any Horse or other Cattle drawing or conveying any Ploughs, Harrows, or other Implements of Husbandry in order for the repairing thereof, or using the same in Husbandry, or any Utensil that shall be used or employed in Husbandry, or tilling or manuring of Land; or for any Horses, Cattle, Sheep, Swine, or Hogs going to or passing from Water or Pasture in any of the Parishes through which the said Road leads, or which are next adjoining to the said Road; or for any Horse, Mare, or Gelding going to or returning from being shod or farried, or for any Sheep going to be or returning from any Wash, Dike, River, or other Place used for the washing of Sheep in any such Parishes, or for any Sheep going to or returning from any Place used for the Clipping of Sheep in any such Parishes; or for any Horses or Carriages of whatsoever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom; or for any Horse belonging to any Officers or Soldiers upon their March or on Duty, or for any Horses, Cattle, or Carriage employed in carrying or conveying or returning from carrying or conveying the Arms or Baggage of any such Officers or Soldiers; or in carrying any sick, wounded, or disabled Officers or Soldiers, or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise: Provided always, that such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture and Accoutrements, according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption as aforesaid; or for any Horses or other Cattle or Carriage employed in conveying Vagrants sent with lawful Passes, or for any Horse or other Cattle that shall be going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the respective Counties of *Warwick* and *Worcester*, on the Day of such Election or Elections, or on the Day before or on the Day after such Elections shall begin or be concluded; nor shall any Toll be taken or demanded of or from any Rector, Vicar, or Curate going to or returning from his own Parish Church or other Place of Divine Worship, or visiting his sick Parishioners, or upon any other Ecclesiastical Duty; nor from any Person going to or returning from his or her proper Parochial Church, Chapel,



for other Place of Religious Worship tolerated by Law on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person who shall die or be buried in any of the said Parishes; and if any Person or Persons shall claim or take the Benefit of any such Exemption, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied in such and the same Manner as any Penalties or Forfeitures are by the said first-mentioned Act directed to be recovered and applied.

XI. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Over-weight; nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Owners or Drivers of Waggons, conveying Military Stores not subject to Penalties for Over-weight.

XII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road or any Part thereof, shall still remain liable thereto in like Manner as heretofore, and it shall be lawful for any Two or more Justices of the Peace for the said Counties of *Warwick* and *Worcester*, and they are hereby required and empowered within their respective Jurisdictions, upon Application made to them by the said Trustees or by their Clerk or Surveyor, or by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road doth lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute in force and effect

Statute Work



effect for the Repairs of the public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable, and the same shall be done at such Days and at such Times (not being Hay Time or Harvest) and in such Parts of the said Road as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct, and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Acts authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their usual Place or Places of Abode for that purpose by any Surveyor of the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force or effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the said Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such List as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Trustees may  
compound for  
Statute Work.

XIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the Highways of any Parish, Township, Place, or Division, or the Inhabitants or Occupiers of Lands, Tenements, or Hereditaments, within the same respectively, to compound and agree with the said Trustees or any Five or more of them for the Statute Work to be by them or any of them done on the said Road; provided that such Composition Money be paid by the Surveyor or Surveyors or other Officers of the Parish or respective Parishes so compounding,  
to



to the Treasurer or Treasurers of the said Trustees on or before the Thirty-first Day of July in each Year, or within One Calendar Month after Notice for that Purpose given him, her, or them respectively.

XIV. Provided always, and be it enacted, That wherever the Course of any Part of the said Road shall be altered by virtue of the said recited Acts and this Act, or either of them, and a new Road opened and made in and upon the adjoining Land, the Offer of the Purchase of such old Road shall be first made to the Owner of such adjoining Land which shall be cut and used for the Purpose of making such new Road, and in case such Owner shall be desirous of becoming the Purchaser of such old Road, and cannot agree with the said Trustees for the Price to be paid for the Purchase of the same, and such Owner shall still be desirous of becoming the Purchaser thereof, then and in such Case the Value thereof shall be settled and ascertained by a Jury, in such and the like Manner as the Price for any Land to be taken in pursuance of the said recited Acts and this Act is directed to be settled and ascertained in and by the said recited Acts and this Act, and such Owner shall be deemed the Purchaser thereof at the Sum to be ascertained by the Jury to be the Value thereof; and in case such Owner shall refuse to pay such Money upon Demand made thereof by the Treasurer or Clerk to the Trustees, and Tender of the Conveyance of such old Road, the same shall and may be recovered by the said Trustees, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*; and in case any such Owner shall not agree, or shall refuse to purchase any such old Road, it shall and may be lawful to and for any Person or Persons (not interested in the Premises) to make an Affidavit, to be sworn before a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such old Road shall lie, stating that such Offer has been made by or on behalf of the said Trustees, and that such Owner has not agreed or has refused to purchase such old Road (as the Case may be), and such Affidavit shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made, and not agreed to or refused by such Owner: Provided nevertheless, that if the Lands of Two or more Persons shall be taken for any such new Road as aforesaid, each and every such Owner shall be entitled to the First Offer of so much of the old Road as is lying immediately adjoining to his, her, or their Land respectively, in Manner aforesaid; provided also, that if such Owner or Owners respectively shall be willing and consent to take such old Road in Exchange for such new Road, it shall and may be lawful to and for the said Trustees, and they are hereby required to assure the same to such Person or Persons, by entering the same in their Books, and delivering to him or them a Copy of the Entry thereof, signed by any Five or more of the said Trustees, which Copy shall be a good and valid Title to the same, and be available in any Suit in Law or Equity.

Owners of Land used in making any new Road to have the First Offer of the old Road.

XV. And be it further enacted, That in case any Jury to be summoned under or by virtue of the said recited Acts or this Act, shall give in or deliver a Verdict or Assessment for more Money as a Recompence

How the Expenses of a Jury are to be paid.

[Loc. & Per.]

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for.



for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by them sustained, than what shall have been agreed and offered by the said Trustees, or any Five or more of them, or their Treasurer, Clerk, Surveyor, or other known Agent, before the summoning and returning of such Jury, as a Recompence and Satisfaction for any such Right, Interest, and Property, or Loss or Damage as aforesaid, or for less Money than shall have been offered to be accepted or taken on behalf of the said Trustees as the Purchase Money for any such old Road as aforesaid, then and in every such Case the Costs and Expences of summoning and returning the Jury and Witnesses shall be borne and paid by the Treasurer to the said Trustees, out of the Money in his Hands to arise by virtue of the said recited Acts and this Act; but if any such Jury shall give and deliver a Verdict or Assessment for no more or less Money than shall have been offered by or on behalf of the said Trustees, before the summoning and returning of such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, or for the same or any more Money than shall have been offered to be accepted or taken as the Purchase Money for any such old Road as aforesaid, then and in every such Case the full Costs and Expences of summoning and returning the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace not interested in the Matter in Question (who is hereby required to examine and settle the same at a Time and Place to be by him appointed after summoning the Parties interested therein to attend him for that Purpose), shall and may be deducted out of the Money so assessed, and adjudged as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Money shall be deemed and taken to all Intents and Purposes to be a Payment and Tender of the whole Sum or Sums so assessed or adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the Trustees by such Ways and Means as are herein provided for Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall, by reason of Absence, have been prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

Application of  
Compensation  
Money if  
amounting to  
200l.

XVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts and this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as in the said first recited Act particularly mentioned, such Money shall in case the same shall amount to or exceed the Sum of Two Hundred Pounds, with all convenient Speed, be paid into the Bank of *England* in the Name and with the Privity of the Accountant



Accountant General of the High Court of Chancery, to be placed to his Account, *ex parte* the Trustees for executing the said recited Acts and this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting any other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making the Conveyance and Settlement shall be existing, undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Monies shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made.

XVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used, for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank with the Privy and in the Name of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in the Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the Trustees  
for

When less than 200l. and exceeding 20l.



for executing the said recited Acts and this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application  
where less than  
20 l.

XVIII. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, for the Purposes of the said Acts and this Act, in such Manner as the said Trustees or any Five or more of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively,

In case of not  
making out  
Titles;

or if Persons  
cannot be  
found, Pur-  
chase Money  
to be paid  
into the Bank.

XIX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of the said Acts or this Act, for the Purposes of the said Road, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case the Person or Persons to whom any such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Five or more of them, to order the Sum and Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum and Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the public Funds, and to order Distribution thereof or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

XX. And



XX. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the Court of Chancery, in pursuance of the said Acts or this Act, for the Use of the said Road, for the Purchase of any Lands, Tenements, or Hereditaments; or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of the Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful one, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Respecting disputed Titles.

XXI. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of the said Acts or this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of the said Acts and this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of the said Acts or this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order to be paid by the said Trustees, or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Court of Chancery to direct the Payment of Expences.

XXII. And be it further enacted, That the Charges and Expences incurred in and about the obtaining and passing of this Act, together with lawful Interest for all Money which shall be advanced from Time to Time for that Purpose, shall be paid out of any Money already raised by virtue of the said recited Acts, or out of the First Monies which shall be raised or borrowed upon the Credit of the said recited Acts and this Act, in preference to all other Payments whatsoever.

For paying the Expence of this Act.

XXIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Public Act.

[*Loc. & Per.*]

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XXIV. And



49 GEORGE III. *Cap.* 46.

XXIV. And be it further enacted, That the said recited Acts (subject to the Alterations, Additions, and Amendments in this Act contained) and this Act, shall be in force and be executed for and during the Residue now to come of the Term granted and continued by the said recited Acts, and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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