ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGII III. REGIS.

Cap. 93.

An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and altering and enlarging the Powers of an Act, passed in the Seventeenth Year of the Reign of His present Majesty, for more effectually amending, widening, and keeping in Repair several Roads leading from the Market House in the Town of *Kidderminster* in the County of *Worcester*, and several other Roads therein mentioned. [30th *June* 1800.]

WHEREAS an Act was passed in the Seventeenth Year of the Reign of His present Majesty, intituled, *An Act to repeal an Act of the Thirty-third Year of His late Majesty, for amending, widening, and keeping in Repair several Roads leading from the Market House in the Town of* Kidderminster *in the County of* Worcester; and also to repeal so much of Two Acts of the Tenth of His late Majesty, and the Seventh of His present Majesty, as relate to the Road from the *Mitre Oak* to a Farm House called *Goodness*, and from *Titton Brock* to the Hamlet of *Wribbenhall*, in the said County; and to discontinue the Powers of an Act of the Eighth of His present Majesty, so far as relate to

Preamble 17 *Geo.* III, recited.

to the Road from the *Cross of the Hands* near *Goodness* Farm, to a Place called *The Spout*; and, for more effectually amending, widening, and keeping in Repair the several Roads described in the first mentioned Act, and also several other Roads therein mentioned: And whereas the Trustees appointed in or by virtue of the said recited Act, have made great Progress in the Execution thereof, and considerable Sums of Money have been from Time to Time borrowed, and are now owing on the Credit of the said Roads: But the said Roads cannot be effectually improved and kept in Repair, and the Interest of the Money borrowed on the Credit of the said Tolls be paid, nor the said principal Money be repaid, unless the Term of the said recited Act is continued, and the Powers and Provisions thereof in some Respects amended and enlarged, and the Tolls altered 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 recited Act, and all the Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things therein contained, and now in Force, (except so much of the said recited Act as relates to Exemption from Stamp Duties, and also except such Parts of the said Act as are hereby altered or repealed), shall be, and are hereby further continued for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act; but subject nevertheless to the Amendments, Variations, and Alterations herein contained, and which shall commence and take Effect upon the passing of this Act; and this Act, and the additional Term, and the Tolls hereby granted, shall be, and are hereby declared to be subject and liable to the Payment of all Monies now due and owing on the Credit of the said former Act, or which shall be borrowed on the Credit of the said Act and this Act, and the Interest due and to grow due thereon respectively.

Former Act continued.

Former Tolls repealed, and others granted.

II. And whereas the Tolls by the said recited Act authorized to be taken on the said Roads are insufficient, be it therefore further enacted, That the said Tolls shall be and they are hereby repealed, and from and after the passing of this Act shall cease, determine, and be no longer paid; and instead thereof the several Tolls and Duties following shall be demanded and taken; (that is to say),

For every Coach, Berlin, Landau, Phaeton, Chariot, Chaise, Calash, Hearse, Chair, Caravan, Waggon, Wain, Cart, or other Carriage, (except of such Waggons, Wains, Carts, or Carriages as shall have the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches at the least), drawn by Six or more Horses, or other Cattle or Beasts of Draught, the Sum of Two Shillings and Three-pence:

For every Coach, Berlin, Landau, Phaeton, Chariot, Chaise, Calash, Hearse, Chair, Caravan, Waggon, Wain, Cart, or other Carriage, (except as aforesaid), drawn by Four or Five Horses, or other Cattle or Beasts of Draught, the Sum of One Shilling and Sixpence:

For every Coach, Berlin, Landau, Phaeton, Chariot, Chaise, Calash, Hearse, Chair, Caravan, Waggon, Wain, Cart, or other Carriage, (except

(except as aforesaid), drawn by Two or Three Horses, or other Cattle or Beasts of Draught, the Sum of Nine-pence:

For every Carriage drawn by One Horse or other Beast of Draught, the Sum of Four-pence:

For every Waggon, Wain, Cart, or Carriage, having the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches or more, drawn by Six or more Horses, or other Cattle or Beasts of Draught, the Sum of One Shilling and Sixpence.

For every Waggon, Wain, Cart, or Carriage, having the Fellies of the Wheels thereof of the like Breadth or Gauge of Six Inches or more, drawn by Four or Five Horses, or other Cattle or Beasts of Draught, the Sum of One Shilling:

For every Waggon, Wain, Cart, or Carriage, having the Fellies of the Wheels thereof of the like Breadth or Gauge of Six Inches or more, drawn by Two or Three Horses, the Sum of Sixpence:

For every Horse, Mare Gelding, Mule, Ass, or Beast of Burthen, laden or unladen, and not drawing, the Sum of One Penny Half-penny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling *per* Score, and so in Proportion for any greater or less Number:

For every Drove of Calves, Swine, Sheep, Lambs, or Goats, the Sum of Sixpence *per* Score, and so in Proportion for any greater or less Number:

And all the said several and respective Tolls shall be, and are hereby vested in the Trustees for putting the said former Act and this Act in Execution; and the same, and every Part thereof, shall and may be applied and disposed of, demised, leased, mortgaged, and assigned to and for the several Uses, Intents, and Purposes of the said former Act and this Act, and according to the Powers, true Intent, and Meaning thereof respectively; and the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall authorize for that Purpose, shall have the same Powers, Authorities, and Remedies for demanding, recovering, collecting, and levying the Tolls hereby granted and made payable, as were in and by the said former Act given and granted for demanding, collecting, recovering, and levying the Tolls thereby granted; and all Persons evading the Tolls hereby granted, or any of them, shall be subject and liable to such and the same Penalties and Forfeitures, as Persons evading any of the Tolls granted by the said former Act are thereby, or by any other Law now in being, made subject and liable to.

Tolls may be varied.

III. And be it further enacted, That the said Trustees, or any Seven or more of them, at any Meeting to be holden for that Purpose, (whereof at least Twenty-one Days Notice shall be given in Writing, affixed on all the Toll Gates erected on the said Road), may, and they are hereby authorized and empowered from Time to Time, (in case it shall appear requisite or expedient), to lessen and reduce, and again to raise and advance the Tolls or Duties hereby authorized to be taken, or any Part or Parts thereof, and to order the same to be taken in such Manner, Parts, and Proportions, as they shall think fit, so that the respective Tolls so varied never exceed the Tolls by this Act authorized to be taken, but no

Order

Order for reducing or lessening the Tolls shall be made at any Meeting to be held after the Expiration of Twelve Months from the passing of this Act, until the Money borrowed on the Credit thereof, together with the Interest, be repaid, except the Person or Persons then entitled to Three-fourths or more of such Money consent thereto; and such Tolls or Duties so varied, and every of them, shall be collected, recovered, and applied in the same Manner as the Tolls or Duties hereby authorized to be taken are directed to be collected, recovered, and applied; any Thing in the said recited Act contained to the contrary hereof in anywise notwithstanding: Provided always, That no Ticket, received at any Gate where the Tolls shall have been reduced as aforesaid, shall entitle any Person to pass through any other Gate upon any of the said Roads, where the Tolls shall not have been equally reduced, unless such Person shall pay at such other Gate so much Money as shall, together with the Money paid at the Gate from which such Ticket shall have been so received, make up the full Toll directed to be paid at such other Gate.

Repealing Restrictions in former Act as to erecting Gates and taking Toll.

IV. And whereas the Clauses contained in the said Act, for restraining the Trustees from erecting Toll Gates or Turnpikes, and taking Tolls on certain Parts of the said Roads, have been found inconvenient and prejudicial to the Improvement of the said Roads; therefore be it enacted, That so much of the said Act as restrains the said Trustees from erecting any Gate or Turnpike on any Part or Parts of the said Roads, or from taking Toll on any Part or Parts of the said Roads, or at any Gate or Turnpike erected or to be erected on any Part or Parts of the said Roads, shall, from and after the passing of this Act, be, and the same is and are hereby repealed.

Restrictions as to the Tolls hereafter to be taken on certain Parts of the Road.

V. Provided always, and be it further enacted, That there shall be but One Turnpike erected on any Part of the said Road lying between *Bewdley Bridge* and *Titton Brook* aforesaid, and that such Turnpike shall be erected within the Distance of Five hundred Yards of *Bewdley Bridge*, and not elsewhere; and that no more than One full Toll shall be demanded or taken in any One Day, (to be computed from Twelve of the Clock at Night to Twelve of the Clock on the succeeding Night), for the same Horse, Beast, Cattle, or Carriage, passing or repassing upon any Part of the said Road between *Bewdley Bridge* and *Titton Brook* aforesaid, or on any Part of the said Road lying between *Battlefield Brook* and *Bewdley Bridge*, or on any Part of the said Road between *The Seven Stars* and *Kidderminster*, or between *The Seven Stars* and *Battlefield Brook*, or between *The Seven Stars* and *Blakedown*, or between *Blakedown* and the *Hoo Brook*, or between *The Mitre Oak* and *Kidderminster*, or between *The Mitre Oak* and *Mustow Green*, or between *Mustow Green* and *Stourport*, but that all Persons having paid Toll Once at any One of the Gates erected or to be erected on the said respective Roads between the Places aforesaid, upon producing a Note or Ticket denoting such Payment, (which Notes or Tickets the Collectors of the Tolls are hereby required to give *gratis* on Receipt of the Toll), shall afterwards pass and repass with the same Horses, Beasts, Cattle, and Carriages, Toll free, through the same Turnpike and Side Gate, and through every other Turnpike and Side Gate erected or to be erected on each respective Road only between the Places aforesaid; any Thing in this Act to the contrary notwithstanding: Provided also, That nothing herein contained shall empower the said Trustees, or any of them,

them, to receive or cause to be received more than Two full Tolls in any One Day (to be computed as aforesaid) for passing or repassing with the same Horses, Cattle, Beasts, or Carriages, through all the Turnpikes or Toll-Gates erected or to be erected on all or any of the Roads, by the said recited Act directed to be repaired, (except the said Road between *Bewdley Bridge* and *Titton Brook*), but that all Persons having paid Toll at any Two Turnpike Gates already erected or to be erected on the said Roads, upon producing a Ticket or Tickets denoting the Payment of such Tolls, shall afterwards pass Toll-free with the same Horses, Cattle, Beasts, and Carriages, in respect whereof Toll shall have been paid Twice as aforesaid during such Day, through all the Turnpikes erected or to be erected on the said Roads or on the Sides thereof, except on the said Road between *Bewdley Bridge* and *Titton Brook*.

An encreased Toll on *Sundays*.

VI. And be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as shall be authorized by them, may and are hereby empowered to demand and take for every Carriage, Horse, Beast, and other Cattle whatsoever, passing through any Gate or Turnpike upon the said Roads, any or either of them, upon the *Lord's Day*, commonly called *Sunday*, One Half more than the Tolls herein-before made payable for the same Carriage, Horse, Beast, or other Cattle, before such Carriage, Horse, Beast, or other Cattle shall be permitted to pass through such Gate (except for such Carriage, Horse, Beast, or other Cattle as are exempted from the Payment of Toll on *Sundays* by the said recited Act); and that between the First Day of *October* and the last Day of *March* in every Year, there shall be demanded and taken for every Carriage laden with Timber, and for the Horses or other Cattle or Beasts drawing the same on any Part of the said Roads, an additional Toll equal to double the Toll herein-before made payable for the same.

For making the Tolls on all the Roads (except between *Bewdley Bridge* and *Titton Brook*) a joint Fund.

VII. And be it further enacted, That the Tolls hereby granted and made payable on all and every the Roads directed to be repaired by the said recited Act, or which shall be varied or altered by virtue thereof and of this Act, (except on the said Road lying between *Bewdley Bridge* and *Titton Brook*), shall be and the same are hereby declared to be a joint Security for the Monies borrowed, and due and owing on the Credit of the same Roads or any Part thereof, by virtue of the said recited Act, or which shall be borrowed on the Credit of the Tolls arising on such Roads by virtue of this Act or the said recited Act; and the same Tolls, and every Part thereof, and all Monies borrowed and to be borrowed on the Credit thereof, shall be considered as one joint Fund, and shall be paid, applied, and disposed of from Time to Time in repairing all the said several Roads (except the said Road lying between *Bewdley Bridge* and *Titton Brook*) and in erecting Turnpikes, Toll Houses, and Weighing Machines thereon, and in defraying all other necessary Expences attending the Execution of the said recited Act and this Act, so far as relates to those Roads, in such Manner as the said Trustees, or any Five or more of them, shall from Time to Time direct or appoint; and that all the Tolls which shall be collected and received on the said Road between *Bewdley Bridge* and *Titton Brook*, and the Monies borrowed and to be borrowed on the Credit thereof, shall be applied in repairing the same Road, and in erecting Turnpikes, Toll Houses, and Weighing Machines thereon, and in defraying all other necessary Expences attending the Execution of the said recited

Act, and this Act, so far as relates to the same Road, in such Manner as the said Trustees, or any Five or more of them, shall from Time to Time order or direct.

GateKeepers, &c. may be competent Witnesses.

VIII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall be, and are hereby declared to be competent to give Evidence in any such Dispute, Suit, or Litigation.

Penalty on assaulting Officers.

IX. And be it further enacted, That if any Person or Persons shall assault any Collector or Receiver of the Tolls, or his or their Servant or Assistant, attending and being at any of the Turnpikes in the Execution of his or their Office or Offices, or shall forge or counterfeit any Note or Ticket by the said former Act or this Act directed to be given, whereby the Payment of the said Tolls, or of any Part thereof, shall or may be avoided; or if any Person or Persons shall pass through any or either of the said Turnpikes with any Horse, Beast, or Carriage without Payment of the Toll, every Person offending in any of the Cases aforesaid shall, for every Offence, forfeit any Sum not exceeding Five Pounds nor less than Twenty Shillings.

Penalty on interrupting Surveyors, &c. in getting Materials.

X. And be it further enacted, That if any Person or Persons whomsoever shall obstruct or hinder the Surveyor or Surveyors appointed or to be appointed by the said Trustees, or any Person or Persons employed by him or them in digging for, or collecting or gathering any Gravel, Sand, Stones, or other Materials in any Place or Places where he or they have a Right to dig for, gather, or collect the same, or shall, after the same shall have been so collected and gathered, take and carry away the same, every Person or Persons offending herein shall, for each and every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings, over and above the Value of the Materials so taken away.

For appointing temporary Collectors, &c.

XI. And be it further enacted, That when and as often as any Collector or Receiver of the said Tolls shall grossly neglect or be incapable of performing his Duty, or shall abscond or absent himself, any Two or more of the said Trustees, although not assembled at a Meeting held pursuant to the Directions of the said Act, shall and may lawfully discharge such Collector or Receiver so neglecting or being incapable of performing his Duty, or absconding, or absenting himself; and in such Case, and also in Case any such Collector or Receiver shall die, any Two or more of the said Trustees as aforesaid shall and may nominate and appoint a proper Person to be a Collector of the said Tolls, to continue until the then next Meeting of the Trustees, in the Stead of such Collector or Receiver as shall die or be discharged; and such Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all Respects, as the Person who shall so die or be discharged would have had or would have been subject to; and if any Collector or Receiver of the said Tolls, who shall be discharged from his Office by virtue of this Act, or the Wife, or Widow, or any of the Children, Family, or other Representative or Representatives of any Collector or Receiver who shall die, or be discharged, or any other Person, shall refuse

For Recovery of Possession of Toll Gates.

fuſe to deliver up the Poſſeſſion of any Toll Houſe or Building continued or erected by virtue of this Act, for the Space of Three Days after Demand thereof made, and Notice in Writing given for that Purpoſe by any Two or more of the ſaid Truſtees, although not aſſembled at a Meeting, or by their Clerk or Treaſurer for the Time being, then and in any of the ſaid Caſes it ſhall and may be lawful for any Juſtice or Juſtices of the Peace for the County or Place, by Warrant under his or their Hand and Seal or Hands and Seals, to order and direct a Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe or Building in the Day Time and to remove the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods out of the ſame, and to put the ſaid Truſtees, or any Two or more of them, or ſuch new appointed Collector, into the Poſſeſſion thereof.

Enabling the Truſtees to take Poſſeſſion of the Toll Houſes when let to Farm.

XII. And be it further enacted, That in caſe the Tolls ariſing from all or any of the Toll Gates, erected or to be erected on the ſaid Roads, ſhall, at any Time or Times during the Continuance of this Act, be demiſed or let to Farm to any Perſon or Perſons whomſoever, and the Leſſee or Leſſees, Farmer or Farmers thereof, ſhall neglect or refuſe to perform the Terms and Conditions on which the ſame ſhall be ſo demiſed or let, or in caſe the Rent or Rents agreed to be paid by ſuch Leſſee or Leſſees, Farmer or Farmers, ſhall be in Arrear by the Space of Ten Days next after any of the Days on which the ſame ought to be paid, purſuant to the Agreement for letting the ſame, then, and in either of thoſe Caſes, the ſaid Truſtees, or any Five or more of them, or their Clerk or Treaſurer, or other Perſon authorized by Writing under the Hands of any Five or more of them the ſaid Truſtees, ſhall be at Liberty, and they are hereby authorized to enter into and upon the Poſſeſſion of the Toll Houſe or Toll Houſes, with the Buildings, Weighing Machines, Gates, and Appurtenances thereto belonging, ſo let as aforeſaid, and to remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers, from the Poſſeſſion thereof, and from the Collection of the Tolls there payable; and that thereupon it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, (if they ſhall think fit), to vacate and determine the Contract or Agreement for leaſing or letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall be utterly void to all Intents and Purpoſes, (ſave as to the Covenants or Agreements for Payment of the Rent and Rents thereby reſerved), as if ſuch Demiſe or Agreement had never been made; and it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, in every ſuch Caſe to demiſe or let to farm the ſaid Tolls again to any other Perſon or Perſons, or cauſe them to be taken and collected as if no former Contract or Agreement had been entered into relative thereto.

Penalty on riding on Footways, *etc.*

XIII. And be it further enacted, That if any Perſon ſhall ride upon any Footway or Path, or ſhall wilfully drive any Carriage upon any Footway or Path adjoining to or on the Side of the ſaid Road, or ſhall wilfully cauſe any Damage to be done to any ſuch Footway, or if any Perſon driving any Pigs, Swine, Sheep, or Cattle upon the ſaid Road, ſhall ſuffer the ſame to ſtop on the ſaid Road, or to root up and damage the ſame or any Part thereof, or the Hedges, Fences, or Banks on either Side thereof; or ſhall turn any Sheep, Swine, or Cattle, to depaſture in

any

any of the ſaid Roads; or if any Perſon driving any Coach, Chaiſe, Waggon, Cart, or other Carriage upon the ſaid Road, and meeting another Coach, Chaiſe, Waggon, Cart, or other Carriage, ſhall not keep his Carriage on the left Side of the ſaid Road; or if any Perſon ſhall in any Manner wilfully prevent any other Perſon or Perſons from paſſing him upon the ſaid Road, or the Coach, Chaiſe, Waggon, Cart, or other Carriage under his Care; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires, commonly called *Bonfires*, or ſhall ſet fire to, or let off or throw any Squib, Rocket, Serpent, or Firework whatſoever, on any Part of the ſaid Road, to the Prejudice, Annoyance, or Inconvenience of any Perſon travelling thereon, every Perſon offending in any or either of the Caſes aforeſaid, ſhall, for every Offence, forfeit and pay any Sum not exceeding Two Pounds nor leſs than Ten Shillings.

For calling Meetings on Emergencies.

XIV. And be it further enacted, That if after any Adjournment of the ſaid Truſtees, it ſhall at any Time be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by ſuch Adjournment, in that Caſe the Clerk or Clerks to the ſaid Truſtees, upon an Order in Writing ſigned by Two or more of the acting Truſtees, although not aſſembled at a Meeting, mentioning the Time, Place, and Purport of ſuch intended Meeting, ſhall forthwith give Notice thereof in the Manner by the ſaid Act directed with reſpect to Notice of Meetings, and of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees, (ſuch Time not being leſs than Seven Days after ſuch Notice), and ſuch earlier Meeting ſhall and may be held accordingly; and all the Proceedings of the ſaid Truſtees at every ſuch Meeting ſhall be as valid and effectual as they would have been in caſe the ſame had been held in purſuance of Adjournment.

Directing the Application of Money paid for Compenſation for Lands, &c. when exceeding 200*l.*

XV. 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 Act or this Act for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatick, or Perſon or Perſons under any Diſability or Incapacity as in the ſaid recited Act particularly mentioned, ſuch Money ſhall, in caſe the ſame ſhall amount to 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 General of the High Court of Chancery, to be placed to his Account there *ex parte* the Truſtees for executing the ſaid Act 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 Incumbrance, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, 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 Meſſuages, Lands, Tenements, or Hereditaments, which ſhall be con-

veyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and 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 such 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 Money shall, by Order of the 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 said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XVI. 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 Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall 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 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, in the Name and with the Privity 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 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 said Trustees, (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 Court of Chancery.

Where exceeding 200 *l.* and not less than 20 *l.*

XVII. Provided also, and be it further enacted, That where 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 Hereditaments so purchased, taken, or used for the Purposes of the said Act 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.

Where less than 20 *l.*

XVIII. And, for the more easy and speedy Conviction of Offenders against the said recited Act and this Act; be it further enacted, That all and every Justice and Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against the said recited Act or this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; (that is to say),

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord at *A. B.* is convicted before me *C. D.* One of His Majesty's Justices of the Peace for the County, City, Borough, or Division of [*as the Case may happen, specifying the Offence, and Time and Place when and where the same was committed, as the Case may be.*] Given under my Hand and Seal, the Day and Year aforesaid.'

Proceedings not to be quashed for Want of Form.

XIX. Provided always, That no Proceeding to be had, touching the Conviction of any Offender or Offenders against the said former Act or this Act, or any Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of the said Acts, shall be vacated or quashed for Want of Form, or be liable to be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

Plaintiff in an Action not to recover if Tender of Amends made.

XX. And be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or wrongful Proceedings, if Tender of sufficient Amends shall be made by or on the Behalf of the Party who shall have committed or caused to have been committed any such Irregularity, Trespass, or wrongful Proceedings, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant in such Action, with Leave of the Court wherein such Action shall depend, at any Time before Issue joined, to pay into Court such Sum or Sums of Money as he shall see fit; whereupon such Proceedings, or Orders and Judgements shall be had and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

XXI. And be it further enacted, That no Action or Suit shall be brought or commenced against any Person or Persons for any Thing done in pursuance of the said recited Act or of this Act, until Twenty-one Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, nor after sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed; and every such Action or Suit shall be laid and brought in One of the Counties of *Worcester*, *Stafford*, or *Salop*, as the Case may be, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue Not Guilty, and give the said Act and this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of the said Act and this Act; and if the same shall appear to be so done, or if such Action or Suit shall be brought before Twenty-one Days Notice shall be given thereof as aforesaid, or after a sufficient

ſufficient Satisfaction made or Tender as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County or Place than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants, and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited or diſcontinue his, her, or their Action or Suit after the Defendant or Defendants ſhall have appeared, or if upon any Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant hath for Coſts of Suit in any other Caſes by Law; nor ſhall any Perſon or Perſons, who ſhall offend againſt the ſaid recited Act or this Act, be ſued or proſecuted, or liable to pay any Penalty or Forfeiture laid or inflicted by the ſaid Act or this Act, after the Expiration of Six Calendar Months from the Time of the Offence committed; any Thing herein or in the ſaid recited Act contained to the contrary thereof in anywiſe notwithſtanding.

For paying the Expences of the Act.

XXII. And be it further enacted, That the Coſts, Charges, and Expences incident to and attending the procuring and obtaining of this Act, together with lawful Intereſt for the ſame, from the Time of advancing the ſame till the Time of Payment, ſhall be paid and ſatisfied by the ſaid Truſtees, in Manner and by the Proportions following; that is to ſay, One-fifth Part thereof ſhall be paid out of the Monies ariſing by the Tolls collected or to be collected on the ſaid Road leading from *Bewdley Bridge* to *Titton Brook*, or out of the Monies borrowed or to be borrowed upon the Credit thereof, and the remaining Four-fifth Parts thereof ſhall be paid out of the Monies ariſing by the Tolls collected or to be collected on the ſeveral other Roads directed to be repaired by the ſaid recited Act and this Act, or out of the Monies borrowed or to be borrowed on the Credit thereof; and that it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby directed and required to order and direct the Payment of the ſaid Charges and Expences, with Intereſt as aforeſaid, out of the Firſt Monies that ſhall be collected, borrowed, or received by virtue of the ſaid Act and this Act, in Preference to all other Payments and Diſburſements whatſoever.

Publick Act.

XXIII. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whatſoever, without the ſame being ſpecially pleaded.

Limiting the Term of this Act.

XXIV. And be it further enacted, That the Term granted and continued by the ſaid recited Act ſhall, upon the paſſing hereof, ceaſe and determine, and that the ſaid Act (but ſubject nevertheleſs as aforeſaid) and this Act ſhall from thenceforth continue and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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