



ANNO QUADRAGESIMO QUARTO

GEORGI II. REGIS.

Cap. 13.

An Act for continuing the Term and altering the Powers of Two Acts, of the Twenty-eighth Year of King *George* the Second, and the Twenty-seventh Year of His present Majesty, so far as relate to the Roads from the *Hand and Post* at the Top of *Burford Lane*, in the County of *Gloucester*, to *Stow on the Wold*, and from thence to *Paddle Brook*; and from the *Cross Hands* on *Salford Hill*, in the County of *Oxford*, to the *Hand and Post* in the Parish of *Withington*, in the County of *Gloucester*.

[3d May 1804.]

28 G. 2. and

WHEREAS an Act was made in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for repairing and widening the Road from the Hand and Post at the Top of Burford Lane, in the County of Gloucester, to Stow on the Wold, and from thence to Halford Bridge, in the County of Warwick; and also the Road from the Cross Hands on Salford Hill, to the Hand and Post in the Parish of Dowdeswell, in the County of Gloucester*: And whereas another Act was made in the Twenty-seventh Year of the Reign of His present Majesty, for continuing and amending the said recited Act of the Twenty-eighth Year of His late Majesty, so far as the same relates to the Roads from the *Hand and Post* at the Top of *Burford Lane*, in the County of *Gloucester*, to *Stow on the Wold*, and from thence to *Paddle Brook*, and from the *Cross Hands* on *Salford Hill*, in the County of *Oxford*, to the *Hand and Post* in the Parish of *Withington*, in the County of

27 G. 3. cited.

[Loc. & Per.]

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off.

Acts further
continued.

of *Gloucester*: And whereas the Trustees, acting in the Execution of the said Acts, have made great Progress in repairing and widening the said last-mentioned Roads; and considerable Sums of Money, borrowed upon the Credit of the Tolls, now remain due, which cannot be repaid, and the said Roads effectually amended, and kept in Repair, unless the Term and Powers of the said Acts, so far as relate to such last-mentioned Roads, be further continued: 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 Acts, and all the Clauses, Powers, Authorities, Provisions, Exemptions, Penalties, Forfeitures, Matters, and Things therein contained, (except such as relate to Exemption from Stamp Duties,) so far as the same relate to the Roads from the *Hand and Post* at the Top of *Burford Lane*, in the County of *Gloucester*, to *Stow on the Wold*, and from thence to *Paddle Brook*; and from the *Cross Hands* on *Salford Hill*, in the County of *Oxford*, to the *Hand and Post*, in the Parish of *Withington*, in the County of *Gloucester*, shall be and remain in full Force and Effect, 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 repeated and re-enacted; and that this Act, and the additional Term hereby granted, shall be, and is hereby declared to be, subject and liable to the Payment of all Monies now due, and owing upon the Credit or on Account of the said recited Acts, or hereafter to be borrowed upon the Credit of the said recited Acts and this Act, and of all Interest due and to become due for the same respectively.

For allowing
certain Ex-
emptions from
Tolls.

II. And be it further enacted, That no Toll shall be demanded or taken for any Horse, Cattle, or Beast, employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials, for repairing of the said Roads, or any of the Roads in the Townships or Parishes in which any Part of such Roads doth lie; or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Outhouses, or on the Lands of the Owners thereof, or for any Horse, Cattle, or Beast employed in carrying or conveying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying, any Ploughs, Harrows, or Implements of Husbandry; or any Mould, Dung, Compost, or Manure employed in Husbandry for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands; or for any Horses or Cattle going to or returning from Pasture or Watering Places, or going to be or returning from being shod; or from any Person going to, or returning from his or her proper Parochial Church, Chapel, or 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 that shall die, and be buried in any of the said Parishes; or from any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horse, Cattle, or Carriage, of whatever Description, employed or to

to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Post Master General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horse, Cattle, or Beast, attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horse, Cart, Cattle, or Beast employed in the Conveyance of Vagrants sent by legal Passes, or returning therefrom; or for any Horse, Cattle, or Beast, carrying or conveying any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Gloucester, Worcester, Oxford, and Warwick*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall, in any fraudulent or collusive Manner whatsoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay, for every such Offence, any Sum not exceeding Forty Shillings; One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

III. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Grounds, 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, Lunatick, 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 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 *ex parte* the Trustees for executing the said 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, Grounds, or other 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, Grounds, or other 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, Grounds, or other 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, Grounds, or other 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 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

Application
of Compensation
Money
when amount-
ing to 200*l*.

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, Grounds, or other Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application
where the
Compensation
Money is less
than 200*l*.
and exceeds
20*l*.

IV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Grounds, or other 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 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, Grounds, or other 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 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 Court of Chancery.

Application
where the Mo-
ney is less than
20*l*.

V. 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 Lands, Grounds, or other 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;

VI. 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, Grounds, or Hereditaments, to be purchased by virtue of the said recited Acts and this Act, 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 such Person or Persons, to whom such Sum or Sums of Money shall be so awarded as aforesaid,

said, cannot be found, or if the Person or Persons entitled to such Lands, Grounds 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 said Sum or Sums of Money, so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privy 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, Grounds, 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 or 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 into the Bank as aforesaid.

or if Persons cannot be found, Purchase Money to be paid into the Bank;

subject to the Order of the Court of Chancery, on Motion or Petition.

VII. Provided always, 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 recited Acts or this Act, for the Purchase of any Lands, Grounds, or Hereditaments, or of any Estate, Right, or Interest, in any Lands, Grounds, or Hereditaments, to be purchased in pursuance of the said recited Acts or this Act, 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 such Lands, Grounds, 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, Grounds, 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 Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Grounds, or Hereditaments, or to some Estate or Interest therein.

Respecting disputed Titles.

VIII. Provided also, 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, Grounds, or Hereditaments, to be purchased under the Authority of the said recited Acts or this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Grounds, or Hereditaments, to be settled to the like Uses, in pursuance of the said recited Acts or this Act, it shall be lawful

Court of Chancery to direct the Payment of Expences.

[Loc. & Per.]

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ful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts or this Act, or so much of such Expences as the said Court shall deem reasonable, 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.

For paying the
Expences of
the Act.

IX. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the procuring and obtaining of this Act, shall be paid and satisfied by the said Trustees; 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 out of the First Monies that shall be collected or received by virtue of the said recited Acts and this Act, in Preference to all other Payments and Disbursements whatsoever.

Publick Act.

X. 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 whomsoever, without specially pleading the same.

Term of this
Act.

XI. And be it further enacted, That the Term granted and continued by the said recited Acts shall, upon the passing of this Act, cease and determine; and that the said Acts 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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