ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. viii.

An Act for enlarging the Term and Powers of Three Acts, for repairing the Road from *Fryer Bacon's Study* to *Chilton Pond*, and other Roads in the County of *Berks*, so far as relates to the Road called *The Abingdon District.* [23d *March* 1819.]

WHEREAS an Act was passed in the Twenty-ninth Year of the Reign of King *George* the Second, intituled *An Act for amending and keeping in Repair the Roads leading from a Place called* Fryer Bacon's Study *to* Chilton Pond, *and from the Top of* Hinksey Hill *to* Foxcombe Hill Gate, *in the Road leading to* Farringdon, *in the County of* Berks: And whereas another Act was passed in the Eighteenth Year of the Reign of His present Majesty, intituled *An Act for enlarging the Term and Powers of an Act made in the Twenty-ninth Year of the Reign of His late Majesty King* George *the Second, for amending and keeping in Repair the Roads leading from a Place called* Fryer Bacon's Study *to* Chilton Pond, *and from the Top of* Hinksey Hill *to* Foxcombe Hill Gate, *in the Road leading to* Farringdon, *in the County of* Berks: And whereas another Act was passed in the Thirty-eighth Year of the Reign of His said present Majesty, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and enlarging the Powers of Two several Acts, the one passed in the Twenty-ninth Year of the Reign of His late Majesty King* George *the Second, the other in the Eighteenth Year of the Reign of His present Majesty, for amending*

29 G. 2. c. lxxxi.

18 G. 3. c. xcix.

38 G. 3. c. xliii.

amending and keeping in Repair the Roads leading from a Place called Fryer Bacon's Study *to* Chilton Pond, *and from the Top of* Hinkſey Hill *to* Foxcombe Hill Gate, *in the Road leading to* Farringdon, *in the County of* Berks, *ſo far as the ſame relate to the* Abingdon *Diſtrict of the ſaid Roads therein mentioned:* And whereas by the ſaid recited Act of the Eighteenth Year of the Reign of His preſent Majeſty the ſaid Roads were divided into Two Diſtricts, and it was thereby declared that the Road leading from the Mayor's Stone at the End of the Vineyard, in the Borough of *Abingdon*, in the County of *Berks*, to *Chilton Pond* in the ſaid County of *Berks*, ſhould be one of the ſaid Diſtricts of Road, and ſhould be called *The Abingdon Diſtrict:* And whereas conſiderable Sums of Money, borrowed on the Credit of the ſaid recited Acts, and charged on the Tolls ariſing upon the ſaid Road called *The Abingdon Diſtrict*, ſtill remain due and owing, and ſuch Sums of Money cannot be repaid, nor can the ſaid Road be properly amended and kept in Repair, unleſs the Term of the ſaid Acts be extended, and ſome of the Powers and Proviſions thereof be altered, amended, and enlarged, with reſpect to the ſaid Road called *The Abingdon Diſtrict:* 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 and every the Clauſes, Powers, Authorities, Truſts, Proviſions, Directions, Rules, Tolls, Penalties, Forfeitures, Payments, Remedies, Articles, Matters, and Things whatſoever therein contained and now in force, ſo far as the ſame relate to the ſaid Road called *The Abingdon Diſtrict* (except ſuch Parts thereof as are repealed, varied, or altered), ſhall be, continue, and remain in full Force and Effect, and the ſame are hereby further continued, and together with the preſent Act ſhall be executed for and during the Term herein-after mentioned, in as full and ample a Manner 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 Proviſions, Alterations, and Amendments in this Act contained; and that this Act, and the additional Term hereby granted, ſhall be ſubject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the ſaid recited Acts, or either of them, on account of the ſaid Road called *The Abingdon Diſtrict*, or hereafter to be borrowed on the Credit of the ſaid recited Acts and this Act, and of all Intereſt due or to grow due for the ſame, with reſpect to the ſaid Road called *The Abingdon Diſtrict*.

Recited Acts further continued.

Appointment of new Truſtees.

II. And be it further enacted, That the Repreſentative in Parliament for the Borough of *Abingdon* for the Time being, *Adam Blandy*, *John Richard Barrett*, *William Butler*, *William Collins Badcock*, *Richard Cox*, *James Cole*, *Samuel Cripps*, *William Codrington*, *Thomas Duffield*, *George Elwes*, *Daniel Field*, *George Greaves*, *William Graham*, *Richard Hopkins*, *Henry Hopkins*, *Robert Hopkins* the younger, *James Williams Hoſkins* Doctor in Divinity, *Thomas Knight*, *Henry Knapp*, *Henry Knapp* the younger, *John Lindſey*, *John Ingram Lockhart*, *William John Lenthall*, *Benjamin Morland*, *William Morland* junior, *Robert Mutrie*, *Thomas Prince*, *Robert Symonds* Clerk, *John Francis Spenlove* the younger, *Jelinger Symonds* Clerk, Sir *George Courtenay Throckmorton* Baronet, *Charles Tawney* Eſquire, *Edward Tull*, *Edward Tull* the younger, *Charles Tomkins*, *Bartholomew Wroughton*,

Wroughton, *Thomas Whitfield* Clerk, *Thomas Wintle* Clerk, and *Thomas West*, ſhall be and are hereby joined with and added to the Truſtees appointed in or by virtue of the ſaid recited Acts, or either of them, for the ſaid Road called *The Abingdon Diſtrict*, to be Truſtees for carrying this Act and the ſaid recited Acts, ſo far as reſpects the ſaid Road called *The Abingdon Diſtrict*, into Execution; and the ſaid Truſtees herein nominated, being reſpectively qualified according to the Proviſions of the ſaid recited Acts, and their Succeſſors reſpectively to be elected, and being reſpectively qualified according to the Proviſions of the ſaid recited Acts, ſhall in all Reſpects whatſoever have the like Powers and Authorities to act in the Execution of the ſaid recited Acts, ſo far as the ſame relate to the ſaid Road called *The Abingdon Diſtrict*, and of this Act, as if they had been appointed Truſtees in or by virtue of the ſaid recited Acts or either of them.

Power to appoint additional Truſtees.

III. And be it further enacted, That it ſhall be lawful for the Truſtees for carrying this Act and the ſaid recited Acts, with reſpect to the ſaid Road called *The Abingdon Diſtrict*, into Execution, or any Five or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in purſuance of the ſaid recited Acts or this Act, to elect any Number of Perſons, not exceeding Ten in the whole, to be Truſtees for carrying this Act and the ſaid recited Acts, with reſpect to the ſaid Road called *The Abingdon Diſtrict*, into Execution, in addition to the Truſtees hereby appointed; and ſuch Truſtees ſo elected, and being duly qualified, ſhall be and are hereby inveſted with the ſame Powers and Authorities for executing this Act and the ſaid recited Acts as if they had been herein named and appointed.

Offices of Clerk and Treaſurer not to be held by one Perſon.

IV. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to continue or appoint the Perſon who has been, or who by virtue of the ſaid recited Acts, or any of them, or of this Act, may be appointed to act as their Clerk, or the Partner of any ſuch Clerk, the Treaſurer for the Purpoſes of this Act and the ſaid recited Acts, or any of them, or to continue or appoint the Perſon who has been or may be appointed their Treaſurer by virtue of the ſaid recited Acts, or any of them, or of this Act, or the Partner of any ſuch Treaſurer, the Clerk to the ſaid Truſtees; and if any Perſon ſhall act in both the Capacities of Clerk and Treaſurer for the Purpoſes of the ſaid recited Acts or this Act, or any of them, or if any Perſon being the Partner of any ſuch Clerk ſhall act as Treaſurer, or being the Partner of any ſuch Treaſurer ſhall act as Clerk in the Execution of the ſaid recited Acts or this Act, or any of them, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance, ſhall be allowed.

Repealing ſo much of former Act as requires Officers to verify their

V. And be it further enacted, That ſo much of the ſaid recited Act of the Twenty-ninth Year of the Reign of King *George* the Second, as enacts, that all Officers and Perſons accounting as therein mentioned ſhall verify their Accounts upon Oath before the ſaid Truſtees if thereunto required, and

Accounts on Oath.

and alſo ſo much thereof as empowers any Two of the Truſtees to adminiſter ſuch Oath; and alſo ſo much thereof as enacts, that if any ſuch Officer or Perſon ſhall refuſe to verify their Accounts in Manner aforeſaid he ſhall be ſubject to the Puniſhment therein mentioned, ſhall be and the ſame is hereby repealed.

Books to be kept of Accounts of Receipts and Diſburſements.

VI. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books ſuch Clerk ſhall enter or cauſe to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the ſaid Road called *The Abingdon Diſtrict*, and of the ſeveral Articles, Matters, and Things for which ſuch Sums of Money ſhall have been diſburſed, laid out, and paid; which Books ſhall at all ſeaſonable Times be open to the Inſpection of the ſaid Truſtees, and any Creditor or Creditors of the Tolls, without Fee or Reward; and the ſaid Truſtees and Creditors, and any of them, ſhall and may take Copies of or Extracts from the ſaid Book or Books, or any Part or Parts thereof reſpectively, without paying any Thing for the ſame; and in caſe the ſaid Clerk ſhall refuſe to permit the ſaid Truſtees or ſuch Creditors, or any of them, to inſpect the ſame, or to take ſuch Copies or Extracts as aforeſaid, ſuch Clerk ſhall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered, apportioned and applied, in Manner provided by the ſaid recited Act of the Twenty-ninth Year of the Reign of King *George* the Second.

Deviation not to exceed One hundred Yards from the preſent Road without Conſent.

VII. Provided always, and be it further enacted, That the ſaid Truſtees, in diverting, altering, or improving any Part of the ſaid Road called *The Abingdon Diſtrict*, under the Powers of the ſaid recited Acts and this Act, or any of them, ſhall not deviate more than One hundred Yards of Three Feet each from the preſent Line, without the Conſent and Approbation in Writing of the Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, through whoſe Lands or Grounds ſuch Deviation ſhall be made.

Perſons on paying Toll to receive a printed Ticket.

VIII. And be it further enacted, That upon Payment of any of the Tolls by the ſaid recited Acts or this Act authorized to be taken on the ſaid Road called *The Abingdon Diſtrict*, the Collector or Receiver ſhall and he is hereby required to deliver *gratis* to the Perſon paying ſuch Toll, a Note or Ticket denoting ſuch Payment, which Notes or Tickets ſhall be provided by the ſaid Truſtees, and there ſhall be printed and ſpecified thereon the Name of the Gate at which the Toll is received, and of the Gate or Gates which ſuch Ticket ſhall free.

Exempting the Royal Family from Toll.

IX. Provided always, and be it further enacted, That the ſaid recited Acts or this Act, or any of them, ſhall not extend or be conſtrued to extend to charge with Toll any Horſes or Carriages belonging to His Majeſty or any of the Royal Family, or any Horſes or Carriages attending His Majeſty or any of the Royal Family.

X. And

Exemptions from Toll.

X. And be it further enacted, That no Toll ſhall be demanded or taken for any Horſes, Cattle, 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; nor for the Horſes belonging to any Officers or Soldiers, or Militia or Local Militiamen, on their March or on Duty; nor for any Horſes, Cattle, or Carriages employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or any ſick, wounded, or diſabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes, or other Cattle drawing the ſame, 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 returning empty from having been ſo employed; nor for any Horſe, Mare, or Gelding furniſhed by or for any Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry reſpectively, and rode by them; nor for any Carriage conveying Volunteer Infantry, in going to or returning from the Place appointed for and on the Days of Exerciſe, Inſpection, or Review (provided that ſuch Perſons be dreſſed 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); nor from any Rector, Vicar, or Curate going to or returning from his own Pariſh Church, or other Place of Divine Worſhip, or on other his Parochial or Miniſterial Duty, or viſiting his ſick Pariſhioners; nor from any Perſon or Perſons going to or returning from his, her, or their proper Parochial Church or Chapel, or other uſual Place of Religious Worſhip tolerated by Law, on *Sundays*, or on any other Day on which Divine Worſhip is or ſhall be ordered by Authority to be celebrated; or going to or returning from the Funeral of any Perſon who ſhall die and be buried in any of the Pariſhes, Hamlets, Townſhips, or Places in which the ſaid Road called *The Abingdon Diſtrict* lies; nor for any Horſes, Beaſts, Cattle, or Carriages uſed or employed for the Purpoſe only of carrying or conveying Perſons to or from any Election of any Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Berks*, or Borough of *Abingdon*, during the Time of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; or of carrying or conveying Vagrants ſent by legal Paſſes; or of carrying or conveying Hay or Straw, or Corn in the Straw only, not ſold or diſpoſed of, or going to be ſold or diſpoſed of, but paſſing to be laid up in the Houſes, Barns, Outhouſes, or Yards, or on the Lands of the Owners thereof; nor for any Horſe, Beaſt, Cattle, or Carriage employed in carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day, any Plough, Harrow, or other Implement of Huſbandry, or any Mould, Dung, Compoſt, or Manure employed in Huſbandry for manuring or improving Land; nor for any Horſe, Beaſt, or Cattle going to or returning from ploughing or harrowing, or to or from Water or Paſture, or going to be or returning from being ſhoed or farried; or for any Horſe, Beaſt, or Cattle, or for any Waggon, Wain, Cart, or other Carriage uſed or employed for the Purpoſe only of carrying or conveying, or going empty to fetch, carry, or convey,

convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day, any Gravel, Furze, Heath, Sand, Stones, or other Materials for making and repairing the ſaid Road called *The Abingdon Diſtrict*, or any other Highway or public Road, within any Pariſh, Hamlet, Townſhip, or Place in which any Part of the ſaid Road called *The Abingdon Diſtrict* lies; or for building or rebuilding, enlarging or repairing any preſent or future Bridge or Bridges on the ſaid Road; and if any Perſon ſhall, by any fraudulent or colluſive Means whatſoever, claim or take the Benefit of any of the Exemptions aforeſaid, 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, levied, apportioned, and applied in Manner by the ſaid recited Act of the Twenty-ninth Year of the Reign of King *George* the Second, provided for the Recovery and Application of Penalties and Forfeitures; and in all Caſes the Proof of Exemption ſhall be upon the Perſon claiming the ſame.

Carriages for His Majeſty's Service not to be weighed.

XI. Provided always, 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, 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 Overweight, nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage, or the Horſe or Horſes, or other Cattle drawing the ſame, while ſo employed, be ſtopped or detained by reaſon of any Weight in or upon any ſuch Waggon, Wain, Cart, or other Carriage, or of its 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, for drawing the ſame; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads or in this Act contained to the contrary notwithſtanding.

Limiting the Number of Tolls payable for paſſing and repaſſing through all the Gates on the Road.

XII. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to demand or take more than One Toll in the whole, for or in reſpect of the ſame Coach, Berlin, Chariot, Landau, Calaſh, Chaiſe, Chair, Hearſe, Litter, Waggon, Wain, Cart, or other Carriage, Horſe, Mule, or Aſs, Drove of Oxen, or other Neat Cattle, Calves, Sheep, Lambs, or Swine, for paſſing and repaſſing on the ſame Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night) through all or any of the Turnpike Gates which are or ſhall be erected on the ſaid Road called *The Abingdon Diſtrict*, or on the Sides thereof, nor more than Once in one Day (to be computed as aforeſaid) for paſſing or repaſſing with the ſame Coach, Berlin, Chariot, Landau, Calaſh, Chaiſe, Chair, Hearſe, Litter, Waggon, Wain, Cart, or other Carriage, Horſe, Mule, or Aſs, Drove of Oxen, or other Neat Cattle, Calves, Sheep, Lambs, or Swine, through all or any of the Turnpikes erected or to be erected on the ſaid Diſtrict, or on the Sides thereof, ſuch Perſon or Perſons producing a Ticket that the ſaid Toll hath been paid on ſuch Diſtrict; which Ticket the Collector or Collectors, or Keeper or Keepers of the Gate or Gates on the ſaid Diſtrict, is and are hereby required to give *gratis* on the Receipt of ſuch Toll.

Diſputes concerning Tolls to be ſettled by a Juſtice.

XIII. And be it further enacted, That in caſe any Diſpute or Diſputes ſhall happen reſpecting the demanding or taking, or the Payment of Toll, or about the Amount of Toll due or the Charges of keeping or ſelling any Diſtreſs, ſuch Diſpute or Diſputes ſhall be heard and determined by ſome Juſtice of the Peace for the County or Place where the Cauſe of Diſpute ſhall ariſe, who, upon Application to him made for that Purpoſe, ſhall examine the Matter upon Oath of the Parties, or other Witneſs or Witneſſes (which Oath every ſuch Juſtice is hereby authorized and empowered to adminiſter), and ſhall determine the Amount of the Toll due, and other Matters in Diſpute between the Parties, and alſo aſſeſs the Charges of ſuch Diſtreſs, Keeping, and Sale, and alſo of the Attendance of any Perſon or Perſons for that Purpoſe on ſuch Juſtice, and may alſo award ſuch Coſts to be paid by either Party to the other as to ſuch Juſtice ſhall ſeem juſt and reaſonable; all which Coſts, in caſe the ſame ſhall not be forthwith paid, ſhall and may be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo awarded or directed to pay the ſame, by Warrant under the Hand and Seal of ſuch Juſtice (which Warrant every ſuch Juſtice is hereby empowered to iſſue); and the Overplus (if any) after Payment of ſuch Coſts, and the Coſts of ſuch Diſtreſs and Sale, ſhall be returned upon Demand to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained.

For taking Poſſeſſion of Toll Houſes when Leſſees of Tolls neglect to fulfil their Contract.

XIV. And be it further enacted, That in caſe all or any of the Tolls ariſing by virtue of the ſaid recited Acts and of this preſent Act, upon the ſaid Road called *The Abingdon Diſtrict*, ſhall be demiſed or let to farm to any Perſon or Perſons in any Manner whatſoever, 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 Fourteen Days next after any of the Days on which the ſame ought to be paid, purſuant to the Agreement for demiſing or letting thereof; or in caſe ſuch Leaſe or Agreement ſhall in any other Manner become void, then and in either of ſuch Caſes it ſhall be lawful for any Juſtice of the Peace for the County or Place where the Toll Houſe and Premiſes ſhall be ſituate, upon Application made to him by the ſaid Truſtees or any Five or more of them, or their Clerk or Treaſurer, or any other Perſon authorized by Writing under the Hands of any Five or more of them, by Warrant under his Hand and Seal, to order any Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter upon and take Poſſeſſion of any Toll Houſe or Toll Houſes, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers of the Tolls ariſing thereat reſpectively, or other Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods out of the ſame, and from the Poſſeſſion thereof, and from the Collection of ſuch Tolls, and to give to the ſaid Truſtees, or other Perſons or Perſon acting by or under their Authority, Poſſeſſion thereof, 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 demiſing 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 Obligations, Covenants, or Agreements for Payment of the

Rent

Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part, as if such Demise or Agreement had never been made; and in that Case, or in case the Lease or Agreement shall otherwise become void, 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 Person or Persons, or cause them to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

Action of Ejectment may be supported by One Mortgagee.

XV. And be it further enacted, That if any Mortgagee or Mortgagees of the Tolls by the said recited Acts or this Act authorized to be taken on the said *Abingdon* District of Road, or the Toll Gates, Bars, Chains, Toll Houses, and Buildings thereon, shall seek to obtain the Possession of the said Toll Gates, Bars, Chains, Toll Houses, and Buildings, in order to pay himself, herself, or themselves the principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof shall not apply the Tolls which may consequently be received by him, her, or them to his, her, or their own exclusive Use and Benefit, but for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

For preventing Toll Collectors from misbehaving, &c.

XVI. And be it further enacted, That all and every Toll Collector or Collectors, being Lessee or Lessees of the Tolls on the said Road called *The Abingdon District*, or appointed or to be appointed, either under the said recited Acts or this Act, or by the said Trustees, or by any such Lessee or Lessees, to collect the Tolls or Duties payable at any Turnpike or Toll Gate on the said Road called *The Abingdon District*, shall and he is hereby required on each and every Day, previous to his entering on Duty for the Collection of the said Tolls, to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a printed Note or Ticket denoting the Payment of such Tolls, and having named and specified thereon the Gate or Gates freed by such Payment, or shall unnecessarily detain, or upon the legal Toll being paid or tendered shall wilfully obstruct, hinder, or prevent any Passenger, Horse, Beast, Carriage, or Cattle from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language

Language to any Paſſenger or Paſſengers, then and in every ſuch Caſe every ſuch Toll Collector ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge; and ſuch Penalty ſhall be recovered, levied, apportioned, and applied in Manner by the ſaid recited Act of the Twenty-ninth Year of the Reign of King *George* the Second, provided for the Recovery and Application of Forfeitures and Penalties: Provided alſo, that if any Perſon or Perſons ſhall at any Time aſſault, obſtruct, hinder, or moleſt any Collector, who ſhall or may be employed by virtue of or in the Execution of this Act, in the Performance of his Duty, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied in the ſame Manner as ſuch laſt-mentioned Penalty.

For ſecuring tranſient Offenders.

XVII. And whereas Perſons guilty of Offences againſt this Act may be tranſient Perſons unknown to the Collectors, Surveyors, or other Officers employed under this Act; be it therefore enacted, That it ſhall be lawful for the ſaid Collectors, Surveyors, or other Officers reſpectively, to ſeize and detain any ſuch unknown Perſon or Perſons guilty of any ſuch Offence againſt this Act, and forthwith convey him, her, or them before any Juſtice or Juſtices of the Peace for the County, Town, or Place where any ſuch Offence or Offences ſhall be committed, without any other Warrant or Authority than this Act for ſo doing.

Gates to open Inwards.

XVIII. And be it further enacted, That no Gate of any Park, Paddock, Field, or Incloſure whatſoever, ſhall be made to open into or towards any Part of the ſaid Road called *The Abingdon Diſtrict*, or be ſuffered to continue ſo to open, except the Hanging Poſt thereof ſhall be Thirty Feet at leaſt from the Centre of any ſuch Part of the ſaid Road, and the Occupier or Occupiers of every Park, Paddock, Field, or Incloſure having any Gate opening outwards contrary to the Meaning of this Act, ſhall within Fourteen Days after Notice to him, her, or them given, either perſonally or in Writing from the Surveyor of the ſaid Road, cauſe ſuch Gate to be hung ſo that the ſame ſhall not open outward or ſwing towards the ſaid Road, whenever the ſame ſhall be practicable, but in every Caſe in ſuch a Manner as that no Part of the Gate when open ſhall project over any Part of the ſaid Road, or any Footpath belonging thereto; and in default thereof, the Surveyor of the ſaid Road is hereby authorized to cauſe the Gate to be hung according to the Intention of this Act; and the Perſon or Perſons guilty of ſuch Neglect or Default ſhall, upon Complaint made to any Juſtice or Juſtices of the Peace acting in and for the County or Place where the Gate ſhall be ſituate, and upon Conviction upon the Oath of One credible Witneſs, pay to ſuch Surveyor ſuch Sum as the ſaid Juſtice or Juſtices ſhall direct to defray the Expence of making the Alteration and hanging ſuch Gate, and ſhall alſo forfeit and pay a further Sum not exceeding Forty Shillings for his, her, or their Neglect therein, to be fixed by and at the Diſcretion of the Juſtice or Juſtices before whom ſuch Conviction ſhall be made; and ſuch Penalty ſhall be recovered, levied, apportioned, and applied in Manner by the ſaid recited Act of the Twenty-ninth Year of the Reign of King *George* the Second provided for the Recovery and Application of Penalties.

For preventing Nuisances.

XIX. And be it further enacted, That if any Person or Persons shall drive any Horse or other Cattle, or any Cart or other Carriage, or hale, draw, carry, pass, or wheel any Hurry, Truck, or Wheelbarrow on any Footway or Causeway adjoining to the said Road called *The Abingdon District;* or shall cause any Damage to be done to the Footway or Causeway adjoining to the said Road; or shall cause any Damage to be done to the Hedges, Fences, Breast-walls, Posts, Rails, or Paling set up along the Side of or upon such Footway; or shall in or upon any Part of the same Road, or by the Side or Sides thereof, kill, slaughter, singe, scald, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or cause or permit any Blood to run from any Slaughter House, House, Building, Butcher's Shop or Shambles, into the said Road; or burn, dress, or sweep any Piece or Pieces of Cork; or hoop, fire, cleanse, wash, or scald any Cask or Casks in any Part or Parts of the said Road, or in any exposed Situations near thereto; or shall hew, saw or cut, or cause to be hewn, sawn or cut, any Stone, Wood, or Timber; or shall shoe, farry, or bleed any Horse, Mule, or Ass, except in the Case of Accidents; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage used for the carrying of Goods and Merchandize, shall ride on the Shafts, or on any other Part of such Waggon, Cart, Dray, Sledge, or other Carriage, or on any of the Horses drawing the same, upon any Part of the said Road; or if any Person shall hale or draw, or cause to be haled or drawn upon any Part of the said Road, any Tree or Piece of Timber, or any Stone, otherwise than wholly upon wheeled Carriages, or shall suffer any Part of any Tree or Piece of Timber or Stone, which shall be carried upon wheeled Carriages, to drag on any Part of the said Road to the Prejudice thereof respectively; or if any Person driving any Pigs or Swine upon the said Road shall suffer the same to root up and damage the same, or any Part thereof, or the Fences, Hedges, Banks, or Copse on either Side thereof; or if any Person shall turn, or suffer any Horse, Ass, Beast, or Swine to be turned, or to be or remain upon the said Road to graze or depasture on the Sides thereof; 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 or near Side of the 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 such Carriage under his Care; or if any Person shall make or assist to make any Fire or Fires, commonly called Bonfires, or shall set fire to or let off, or throw any Squib, Rocket, Serpent, or Firework whatsoever, or play at Football on any Part or Parts of the said Road; or if any Person shall leave any Waggon, Wain, Cart, or other such like Carriage, in, upon, or on the Side of any Part of the said Road longer than may be necessary for loading or unloading the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case the same shall not, during such Time, be drawn up or placed as near to the Side of the Road as conveniently may be; or shall lay any Piece of Timber or any Stones, Hay, Straw, Dung, Manure, Soil, Ashes, Filth, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Road, or on the Side or Sides thereof, or upon the Footpaths or Causeways adjoining to such Road, to the Prejudice, Annoyance, or Interruption of Persons travelling and passing thereon, every Person so offending shall for each and every such Offence forfeit and pay any Sum not

not exceeding Five Pounds; and such Penalty shall be recovered, levied, apportioned, and applied in Manner by the said recited Act of the Twenty-ninth Year of the Reign of King *George* the Second provided for the Recovery and Application of Penalties.

Empowering Justices for the Borough of Abingdon to act in their Jurisdiction.

XX. Provided always, and be it further enacted, That if any Dispute shall happen within the Borough of *Abingdon*, Part of the *Abingdon* District, and where the Toll Gate now stands, respecting the demanding or taking or the Payment of Toll, or the Amount of Toll due, or the Charges of keeping or selling any Distress, or the committing of any Nuisance or Nuisances, or the Misbehaviour of any Toll Keeper, or any other Matter or Thing within the said Borough contained in this Act, such Dispute or Disputes, Matter or other Thing, shall and may be heard and determined before One or more Justice or Justices of the Peace for the said Borough, who shall have as full and ample Power to hear and determine the same as any Justice of the Peace for the County of *Berks* might have had or done; and all Penalties and Forfeitures against this Act shall be recovered, levied, apportioned, and applied in Manner by the said recited Act of the Twenty-ninth Year of the Reign of King *George* the Second provided for the Recovery and Application of Penalties.

Surveyors to impound Cattle found straying on the Roads.

XXI. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind, shall at any Time be found wandering, straying, or lying about the said *Abingdon* District of Road, or any Part thereof, or by the Sides thereof, it shall and may be lawful to and for the Surveyor of the said Trustees for the Time being, or some other Person or Persons employed by him or by the said Trustees, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, in the common Pound of the Parish, Township, Tithing, or Place where the same shall be, or in such other Place as the said Trustees or any Five or more of them shall appoint, and the same there to detain until the Owner or Owners thereof shall for every and each Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of One Shilling to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Four Days after such impounding, it shall and may be lawful to and for the said Trustees or any Five or more of them to sell or cause to be sold every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, and the Money arising from such Sale, after deducting the said Penalty, and the Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, or Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

Repealing Powers of former Acts respecting the getting of Materials.

XXII. And be it further enacted, That so much of the said recited Act of the Twenty-ninth Year of the Reign of King *George* the Second as empowers the Surveyor or Surveyors of the said Road, and such Person or Persons as he or they shall appoint, to search for, dig, gather, take, and carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials in and out of any River or Brook, or out of any Waste or Common, of or in any Parish, Town, Village, or Hamlet, in or near which any Part of the said Roads doth lie, without paying any Thing for such Materials;

and

and alſo ſo much of the ſaid Act as empowers the Surveyor or Surveyors, or other Perſon or Perſons as aforeſaid, by Order of any Five or more of the Truſtees, to ſearch for, dig, gather, take, and carry away ſuch Materials, in and out of the ſeveral Grounds of any Perſon or Perſons, and alſo ſo much of the ſaid Act as relates to ſettling the Amount of the Sum to be paid for Damages in getting ſuch Materials, ſhall be and is hereby repealed, ſo far as relates to the ſaid Road called *The Abingdon Diſtrict*.

For getting Materials to repair the Road.

XXIII. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the ſaid Road called *The Abingdon Diſtrict*, and all ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, gather, get, and take away any Gravel, Furze, Heath, Sand, Stones, or other Materials for making, amending, altering, improving, or repairing the ſaid Road, out of any Waſte or Common, or out of any common River or Brook, in any Pariſh, Hamlet, Townſhip, or Place in which any Part of the ſaid Road ſhall lie or be ſituate, or in any adjoining Pariſh, Hamlet, Townſhip, or Place, without paying any Thing for the ſame, they the ſaid Surveyor or Surveyors, or other Perſon or Perſons filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and if a ſufficient Quantity of ſuch Materials cannot be had or found in or upon any ſuch Waſte or Common, or in any ſuch common River or Brook, then and in ſuch Caſe the Surveyor or Surveyors, or other Perſons as aforeſaid, may by Order of any Juſtice or Juſtices of the Peace for the County or Place in which ſuch Lands, Tenements, or Hereditaments ſhall lie or be ſituate (as the Caſe may be), to be made upon the Application of the ſaid Truſtees or any Five or more of them, ſearch for, dig, gather, get, and take away any ſuch Materials in and out of the Lands, Fields, or Grounds of any Perſon or Perſons, in any Pariſh, Hamlet, Townſhip, or Place in which any Part of the ſaid Road ſhall lie or be ſituate, where the ſame may be had or found (ſuch Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees), making or tendering ſuch Satisfaction for the Value of ſuch Materials, and alſo for the Damage done to the Owners and Occupiers of any ſuch Lands, Fields, or Grounds where and from whence the ſame ſhall be dug, gathered, and carried away, or over which the ſame or any other Materials for amending, altering, improving, or repairing the ſaid Road ſhall be carried, as ſhall be agreed upon between them and ſuch Owner or Occupier; or in caſe of their not agreeing, then as any One or more Juſtice or Juſtices of the Peace acting in and for ſuch County or Place as aforeſaid (as the Caſe may be) ſhall and may adjudge and determine to be reaſonable: Provided alſo, that no ſuch Gravel or other Materials as aforeſaid ſhall be gotten, dug for or taken away within the Diſtance of One hundred Yards of any Bridge, Mill, Mill Weir or Dam, on any Account or Pretence whatſoever.

Notice to be given before Materials taken.

XXIV. And be it further enacted, That it ſhall not be lawful for any Surveyor, or any Perſon or Perſons acting under the Authority of the ſaid recited Acts or this Act, to dig, gather, get, take, or carry away any Materials for repairing the ſaid Road called *The Abingdon Diſtrict*, out

of or from any incloſed Land or Ground, until Notice in Writing, ſigned by the Surveyor, ſhall have been given to the Owner or Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left at the Houſe or laſt or uſual Place of Abode of ſuch Owner or Occupier, to appear before any Juſtice or Juſtices of the Peace acting in and for the County or Place in which ſuch Lands, Tenements, or Hereditaments ſhall lie or be ſituate, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Land or Ground; and in caſe ſuch Owner or Occupier or his Agent ſhall attend purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, ſuch Juſtice or Juſtices ſhall, if he or they think proper, authorize ſuch Surveyor, or other Perſon or Perſons, to dig, gather, get, take, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Juſtice or Juſtices ſhall ſeem proper; and if ſuch Owner or Occupier ſhall neglect or refuſe to appear by himſelf or Agent, ſuch Juſtice or Juſtices may (upon Proof on Oath of the Service of ſuch Notice, and which Oath he, they, or any of them is and are hereby empowered to adminiſter) make ſuch Order therein as he or they ſhall think fit, as fully and effectually to all Intents and Purpoſes as if ſuch Owner or Occupier or his Agent had attended.

Statute Labour.

XXV. 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 called *The Abingdon Diſtrict*, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall and may be lawful for any Two or more Juſtices of the Peace for the County or Place in which the ſaid Road, or any Part thereof lies, and they are hereby empowered and required (upon Application made to them for that Purpoſe by the ſaid Truſtees, or by their Clerk or Surveyor, 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, Townſhips, or Places in which the ſaid Road lies; and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Townſhip, or Place, in lieu of or as a Compoſition for ſuch Statute Work, ſhall be by him or them paid to the ſaid Truſtees, or to their Treaſurer; 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, Townſhip, 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, Townſhip, 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 is, are, or may be directed by any Law or Statute in force and effect for the Repair of the public Highways; and out of ſuch Liſts ſuch Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons, who ſhall appear to be ſubject or liable to do 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 on ſuch

Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Road, as the said Trustees or their Surveyor or Surveyors, by their Order, 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 Surveyor or Surveyors of every such Parish, Township, or Place for the Time being, to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct, and in default of Payment thereof by any such Surveyor or Surveyors, 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 or any of them, 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 last or usual Place or Places of Abode, for that Purpose by the Surveyor or Surveyors to 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 and effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who 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 discharge 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 Highways for any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in such Lists 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 Five Pounds.

Application of Compensation if amounting to 200l.

XXVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of the said recited Acts or of this Act, for the Purposes of the said Road called *The Abingdon District*, which shall belong to any Body Politic, Corporate or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any Disability or Incapacity whatsoever, 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 General of the High Court of Chancery, to be placed to his Account there *ex parte* the Truſtees for executing this Act and the ſaid recited Acts, 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 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 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 and with 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, 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 or capable of taking Effect; and in the meantime, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid High 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 meantime, 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 to be purchaſed, in caſe ſuch Purchaſe or Settlement was made.

Where leſs than 200l. and above 20l.

XXVII. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be 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, 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 of *England*, 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 this Act and the ſaid recited Acts (ſuch Nomination and Approbation to be ſignified

signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising therefrom, may be applied in 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 High Court of Chancery.

Where under 20l.

XXVIII. Provided always, 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, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act or the said recited Acts, in such Manner as the said Trustees or any Five or more of them shall think fit; or in case of Lunacy or Infancy, 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 a good Title, the Purchase Money to be paid into the Bank.

XXIX. 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 this Act or the said recited Acts for the Purposes aforesaid, 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 any Five or more of them; or in case the Person or Persons to whom 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 be lawful 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 Privity of the Accountant General of the High 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 High Court of Chancery; which said Court, 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 said 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 thereto, 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 Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching

XXX. 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 Privity of the Accountant

Accountant General of the High Court of Chancery, in purſuance of the ſaid recited Acts or this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, Title, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance of the ſaid recited Acts or this Act, for the Purpoſes aforeſaid, or to any Bank Annuities to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon and 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 High 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, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

Title to any Money paid into the Bank, the Perſon in Poſſeſſion to be deemed entitled.

XXXI. 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, Tenements, or Hereditaments to be purchaſed under the Authority of the ſaid recited Acts or this Act, for the Purpoſes aforeſaid, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid High Court of Chancery, and be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid High 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 to the ſaid Court ſhall ſeem reaſonable, to be paid by the ſaid Truſtees or any Five or more of them out of the Monies to be received by virtue of the ſaid recited Acts or this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Court may order reaſonable Expences to be paid by the Truſtees.

XXXII. And be it further enacted, That the Coſts, Charges, and Expences incident to and attending the procuring and obtaining this Act, together with lawful Intereſt from the Time of advancing the ſame until the Time of Payment, 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 required, to order and direct the Payment of the ſaid Charges and Expences, with Intereſt as aforeſaid, out of any Monies in their Hands, and the firſt Monies that ſhall be collected, borrowed, or received by virtue of the ſaid recited Acts and this Act, in preference to all other Payments and Diſburſements whatſoever.

Expences of Act how paid.

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

Public Act.

Commencement and Continuance of the Act.

XXXIV. And be it further enacted, That the Term granted by the said recited Acts shall on the passing of this Act cease and determine, and the said Acts (subject to the Alterations Variations, and Additions hereinbefore contained) and this Act shall from thenceforth commence, 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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