ANNO QUINQUAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. lxxxii.

An Act to continue the Term and enlarge the Powers of an Act of His present Majesty, for repairing the Road at or near *Beckhampton*, and other Roads in the said Act mentioned, in the County of *Wilts*. [3d *June* 1818.]

WHEREAS an Act was passed in the Thirty-ninth Year of the Reign of His present Majesty, intituled *An Act for more effectually repairing, widening, altering, and improving the Road at or near* Beckhampton, *and from the North Side of* Swindon *to the* Carpenters Arms *in* Blunsden, *and several other Roads therein mentioned, in the County of* Wilts: And whereas considerable Sums of Money have been borrowed on the Credit of the Tolls authorized to be collected upon the said several Roads by virtue of the said recited Act, and the several Acts therein mentioned, which Money still remains due, and the same cannot be paid off, and the said several Roads effectually widened, improved, and kept in Repair, unless the Term of the said Act be further continued, and the Powers and Provisions thereof amended, altered, and enlarged; and it is expedient that the Tolls granted by the said recited Act should be increased; but the Purposes aforesaid cannot be effected without the further Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent 39 G. 3. c. 49.

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 of the Thirty-ninth Year of the Reign of His preſent Majeſty, and the ſeveral Powers, Proviſions, Matters, and Things therein contained (except ſuch as are varied, altered, or repealed), ſhall be and continue in full Force and Effect, and be executed for and during the Term herein-after mentioned, in like Manner, and as fully and effectually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, Alterations, and Additions in this Act contained, and which ſhall commence and take effect as herein-after is mentioned; and this Act, and the additional Term hereby granted, ſhall be ſubject and liable to the Payment of all Money now due upon the Credit or on Account of the ſaid Act, and of the ſeveral Acts therein mentioned, or which may hereafter be borrowed or become due on the Credit of the ſaid recited Act and of this Act, and of all Intereſt due and to grow due for the ſame reſpectively.

The ſaid Act further continued.

II. And be it further enacted, That *John James Calley*, *William Codrington*, *John Lewſby Codrington*, *Ambroſe Goddard*, *Richard Goddard* Clerk, *Robert Hughes*, *Henry Alworth Merewether*, *Joſeph Pitt*, *Thomas Poynder*, *Thomas Poynder* the Younger, and their Succeſſors, to be elected in Manner in the ſaid recited Act mentioned, and being qualified according to the Directions of the ſaid recited Act, ſhall be and are hereby appointed Truſtees, and ſhall be joined with the Truſtees appointed by or in purſuance of the ſaid recited Act, for putting this and the ſaid Act in Execution, with reſpect to the Firſt Diſtrict of Road, as fully and effectually to all Intents and Purpoſes as if they had been named and appointed Truſtees in and by the ſaid recited Act; and that *James Bradford*, *James Bradford* the Younger, *Henry Potter Burt*, *Thomas Calley*, *John James Calley*, *William Codrington*, *John Lewſby Codrington*, *Charles Cripps*, *Arthur Evans* Clerk, *William Farmer*, *Ambroſe Goddard*, *Richard Goddard* Clerk, *John Goſling*, *William Harding*, *Robert Hughes*, *William Jones* Clerk, *Roger Montgomery*, *Joſeph Pitt*, *John Prower* Clerk, *John Mervin Prower* Clerk, *Thomas Hyde Ripley* Clerk, *Richard Strange*, *James Strange*, *John Aſhfordby Trenchard* Doctor of Civil Law, *Thomas Vilett*, *John Wayte Vilett* Clerk, *Francis Warneford*, *Robert Wilſon*, *James Wylde* Clerk, and their Succeſſors, to be elected and qualified as aforeſaid, ſhall be and are hereby appointed Truſtees, and ſhall be joined with the Truſtees appointed by or in purſuance of the ſaid recited Act, for putting this and the ſaid recited Act in Execution, with reſpect to the Second Diſtrict of Road, as fully and effectually to all Intents and Purpoſes as if they had been named and appointed Truſtees in the ſaid recited Act.

Truſtees of the Firſt Diſtrict.

Truſtees of the Second Diſtrict.

III. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, at their Firſt Meeting to be holden in purſuance of the ſaid recited Act or this Act, to elect any additional Number of fit and proper Perſons, not exceeding Ten in the whole, to be Truſtees for the Purpoſes of the ſaid recited Act and this Act; and ſuch Truſtees ſo elected ſhall be and are hereby veſted with the

Power to appoint additional Truſtees

the same Powers and Authorities for executing the said Act and this Act, as if they had been named and appointed Trustees in or by virtue of this Act.

Former Tolls repealed, and others granted.

IV. And whereas the Tolls granted by the said recited Act have been found insufficient for the Purposes therein mentioned; be it therefore enacted, That from and after the Thirteenth Day of *December* next, the said Tolls shall be and the same are hereby repealed; and that instead thereof there shall be demanded and taken such Tolls as the said Trustees, or any Five or more of them, at any Public Meeting to be held for that Purpose, shall from Time to Time direct or appoint, not exceeding the several and respective Sums herein-after mentioned; that is to say,

Tolls.

For every Horse or other Beast drawing any Waggon, Wain, Cart, Sledge, Dray, or other such Carriage, the Sum of Sixpence:

For every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Hearse, Curricle, Chair, or other Carriage of whatever Description, the Sum of Four-pence Halfpenny:

For every Horse or other Beast laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Three-pence *per* Score; and so in proportion for any greater or less Number; And,

For every Drove of Calves, Sheep, Lambs, or Swine, the Sum of Seven-pence Halfpenny *per* Score; and so in proportion for any greater or less Number.

Tolls vested in the Trustees, &c.

Which said several and respective Tolls hereby granted, shall be and the same are hereby vested in the said several and respective Trustees for executing this and the said recited Act; and the same and every Part thereof shall be collected, recovered, levied, paid, applied, assigned, lessened, varied, and disposed of in such and the same Manner, and by such and the same Ways and Means, and with such Powers, Provisions, Remedies, and Restrictions as are contained in the said recited Act and this Act, respecting the Tolls thereby and hereby authorized to be taken: Provided always, that in Cases where any Waggon, Cart, or other such Carriage shall be drawn by Oxen or other Neat Cattle, Two such Oxen or Neat Cattle shall be considered as One Horse.

Two Oxen considered as One Horse.

Tolls to be paid but Once a Day.

V. Provided always, and be it further enacted, That the said Tolls shall not be demanded or taken at more than One Toll Gate in any One Day from any Person or Persons, for the same Horses or other Cattle, upon the said respective Districts of Roads; such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night.

Tickets to be provided denoting Payment of Tolls.

VI. And be it further enacted, That upon Payment of the Tolls by this Act granted, the Collector or Receiver thereof shall and he is hereby required to deliver *gratis*, to the Person paying such Toll, a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the said Trustees; and there shall be printed and specified thereon the Name or Names of the Gate or Gates freed by such Payment.

VII. And

Truſtees may let the Tolls.

VII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, within their reſpective Diſtricts, upon Ten Days Notice to be given in Writing, to be affixed upon all the Turnpike Gates then erected on the ſaid Roads, from Time to Time by Writing under their Hands to let and demiſe or agree to let and demiſe the Tolls ariſing at all or any of the Turnpikes or Toll Gates erected or to be erected by virtue of the ſaid recited Act and this Act, or either of them, together with the Toll Houſes and Appurtenances for collecting the ſame, or any Part or Parts thereof reſpectively, to any Perſon or Perſons who ſhall be willing to take or farm the ſame from Year to Year, or for any Part of the Term hereby granted, not exceeding Three Years at one Letting, upon public Bidding, to the beſt Bidder and for the beſt Price that ſhall be offered for the ſame, payable at ſuch Times, to ſuch Perſon or Perſons, under ſuch Conditions and Agreements, and with ſuch Sureties for the Payment thereof, as the ſaid reſpective Truſtees or any Five or more of them ſhall think fit; and which Money ſo to be paid ſhall be applied and diſpoſed of in ſuch Manner as the Tolls ſo leaſed are hereby or by the ſaid recited Act directed to be applied, any Thing in any other Law or Statute to the contrary thereof notwithſtanding.

Exemptions.

VIII. Provided always, and be it further enacted and declared, That none of the Tolls by this Act granted ſhall be demanded or taken for or in reſpect of any Carriage, 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, Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials for repairing of the ſaid Roads or any other Roads in the ſeveral Townſhips, Pariſhes, Hamlets, or Places in which any Part of the ſaid Roads are ſituate; or Hay, Graſs, Turnips, Potatoes, or other Fodder, Straw, or Corn in or out of the Straw, not ſold or diſpoſed of or paſſing for that Purpoſe, but paſſing to be placed or laid up in the Buildings or on the Premiſes of the Owners thereof, or for ſowing therein, or for Faggots or Fire Wood being the Produce of and cut from Lands in the actual Occupation of the Owner or Owners of ſuch Articles reſpectively, and carried or conveyed for the proper Uſe and Conſumption of ſuch Owner or Owners; or for or in reſpect of any Carriage, Horſe, Cattle, or Beaſt employed only in carrying or conveying, or going empty or unladen to carry or convey, or returning empty or unladen from carrying or conveying, having been employed only in conveying any Ploughs, Harrows, or Implements of Huſbandry, or any Mould, Dung, Compoſt, Aſhes, or other Manures to be employed only in Huſbandry, for manuring or improving Lands, and not for printing, dyeing, or other Purpoſes of Trade; or for any Horſes or Cattle going to or returning from Paſture or Watering Place, or going to be or returning from being ſhoed or farried, or employed in the ploughing, ſowing, tilling, cultivating, or ſtocking any Land or Ground; or for or in reſpect of any Horſe or Horſes drawing any Waggon, Cart, or other Carriage going to or returning from being repaired; or from any Occupier of Lands going to or returning from his or her Farm or Farms; or from any Perſon going to or returning from his or her parochial Church or 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

Authority to be celebrated, or attending the Funeral of any Perſon who ſhall die and be buried in any or either of the ſaid Pariſhes; or from any Clergyman going to or returning from viſiting ſick Perſons, or upon other his parochial or miniſterial Duty, on a *Sunday*, or on any Day on which Divine Service is ordered by Authority to be celebrated; or for any Horſe, Beaſt, Cattle, or Carriage, of whatever 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, or returning back from conveying the ſame; or for any Horſe, Beaſt, Cattle, or Carriage attending any Soldiers on their March, or on Duty, or attending them with their Arms or Baggage; or for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, Commiſſariat, or other public Stores of, for, or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, or returning from attending them on ſuch Occaſions; or for any Horſe, Mare, or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exerciſe or Review, provided that ſuch Perſons are in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for ſuch Corps reſpectively, at the Time of claiming ſuch Exemptions as aforeſaid; or for any Horſe, Cart, Waggon, or other Carriage employed in the Conveyance of Vagrants ſent by legal Paſſes, or returning from ſuch Employment; or for any Horſe, Cattle, Beaſt, or Carriage carrying or conveying any Perſon or Perſons going to or returning from any Election for a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Wilts*, 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 Five Pounds, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied for the Purpoſes of this and the ſaid recited Act.

Owners or Drivers of Waggons in the King's Service, not ſubject to Penalties for Overweight.

IX. And be it further enacted, That no Perſon owning or driving or cauſing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack, or Commiſſariat, or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight in any ſuch Waggon, Wain, Cart, or other Carriage, or for being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithſtanding.

Toll Collectors to put up their Names.

X. And be it further enacted, That all and every Toll Collector, appointed either by the ſaid reſpective Truſtees or by any Leſſee or Leſſees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the ſaid recited Act and this Act, or either of them, upon the ſaid Roads, ſhall and he is hereby required 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, immediately upon coming on Duty, each of the Letters of ſuch Name to be at leaſt One Inch 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 ſaid Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall demand or take a greater or leſs Toll from any Perſon or Perſons than he ſhall be authorized to do by virtue of the Powers of the ſaid recited Act and this Act, or any or either of them, or ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof, and claim ſuch Exemption; 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 been paid the ſaid Tolls or any of them, or ſhall give a falſe Name or Names on ſuch Demand, or ſhall refuſe or neglect to deliver a Ticket *gratis* denoting the Payment of the Tolls, and naming and ſpecifying the ſeveral Gates freed by ſuch Payment, or ſhall make uſe of any ſcurrilous or blaſphemous Language to any Perſon or Perſons travelling upon the ſaid Roads, or ſhall without ſufficient Cauſe detain or delay any Perſon or Perſons travelling thereon; then and in every ſuch Caſe every ſuch 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 levied, recovered, and applied in ſuch and the ſame Manner as other Penalties are by the ſaid recited Act or this Act, or either of them, directed to be levied, recovered, and applied.

To enable the Truſtees to take Poſſeſſion of Toll Houſes.

XI. And be it further enacted, That in caſe all or any of the Tolls ariſing by virtue of this Act at the ſaid Turnpike Gates, or any of them, ſhall be demiſed or let to farm to any Perſon or Perſons in purſuance of the ſaid recited Act or this Act, and ſuch Perſon or Perſons ſhall neglect or refuſe to perform the Terms and Conditions of the Demiſe or Contract by which the ſame are let to him, her, or them, either by taking a greater or leſs Toll in reſpect of any Kind of Carriage, Waggon, Cart, Horſe, Beaſt, or Cattle, than thoſe demiſed or let to him, her or them, or in any other Way or Manner; or in caſe the Rent for which ſuch Tolls ſhall be demiſed or let, or any Inſtalment thereof, ſhall be in arrear and unpaid for the Space of Fourteen Days next after any of the Days or Times whereon the ſame ſhall become due and ought to be paid purſuant to ſuch Demiſe or Contract, and the Toll Houſe or Toll Houſes appertaining to ſuch Turnpike Gate or Gates ſhall be in Poſſeſſion of any ſuch Leſſee or Leſſees, Farmer or Farmers, or any Perſon or Perſons by him, her,

her, or them appointed to collect the Tolls thereat; then and in any of the ſaid Caſes it ſhall be lawful for the ſaid reſpective Truſtees or any Five or more of them (if they ſhall think proper), to vacate and determine ſuch Demiſe and Contract, giving a Notice in Writing of ſuch their Determination to ſuch Leſſee or Leſſees, Farmer or Farmers, by leaving the ſame at the Toll Houſe or Toll Houſes at ſuch reſpective Turnpike or Turnpikes; and ſuch Leaſe or Contract ſhall from that Time be utterly void to all Intents and Purpoſes (ſave as to the Covenants for Payment of the Rent to the Day of ſuch Notice being delivered) as if the ſame had not been made; and in caſe any ſuch Leſſee or Leſſees, Farmer or Farmers ſhall not, on Service of ſuch Notice as aforeſaid, deliver the Poſſeſſion of the Toll Houſe or Toll Houſes and the Turnpike Gate or Gates, with the Appurtenances, ſo demiſed or let to him, her, or them, it ſhall be lawful for any Juſtice of the Peace for the County in which ſuch Toll Houſe or Toll Houſes, Turnpike Gate or Gates, with the Appurtenances, ſhall be ſituate, by Warrant under his Hand and Seal, to order any Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Toll Houſe or Toll Houſes and Premiſes in the Day-time, and to remove the Perſon or Perſons who ſhall be found therein, together with their Goods, out of ſuch Houſe or Houſes, and to put ſuch Perſon or Perſons into the Poſſeſſion thereof, as the ſaid Truſtees or any Five or more of them ſhall appoint.

For ſettling Diſputes concerning Tolls.

XII. And be it further enacted, That if any Diſpute ſhall happen about the Amount of the Tolls, or the Charges of making, keeping, or ſelling any Diſtreſs, it ſhall and may be lawful for the Collector, or the Perſon ſo diſtraining, to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof (as the Caſe may happen), until the Amount of the Tolls due, and the Charges of the Diſtreſs and Sale, and of keeping the Diſtreſs, be aſcertained by ſome Juſtice of the Peace for the County or Place wherein ſuch Diſpute ſhall happen to ariſe, who upon Application made to him for that Purpoſe, ſhall examine the Matter on the Oath of the Parties or other Witneſs or Witneſſes (which Oath ſuch Juſtice is hereby authorized to adminiſter), and ſhall determine the Amount of the Tolls due, and ſhall award ſuch Coſts and Charges to either Party as to the ſaid Juſtice ſhall appear right and proper; all which Coſts and Charges ſhall and may be levied and recovered, in caſe of Non-payment thereof forthwith, by Warrant under the Hand and Seal of ſuch Juſtice, rendering the Overplus (if any) upon Demand, after deducting the Coſts and Charges of making ſuch Diſtreſs and Sale, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been diſtrained and ſold.

Truſtees not to adminiſter Oaths on verifying Officers Accounts.

XIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to authorize or empower the ſaid Truſtees or any of them to adminiſter any Oath or Oaths to any Clerk, Treaſurer, Collector of the Tolls, Surveyor, or other Officer or Officers now appointed or hereafter to be appointed under or by virtue of the ſaid recited Act and this Act or either of them, for the Purpoſe of verifying his or their Accounts.

XIV. And

Accounts to be kept of Receipts and Diſburſements, which ſhall be open to the Inſpection of the Truſtees and Creditors.

XIV. And be it further enacted, That the ſaid Truſtees, within their reſpective Diſtricts, 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 reſpective 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, and of the ſeveral Articles, Matters, and Things for which ſuch Sums of Money ſhall have been diſburſed, laid out, and paid; which Book or Books ſhall, at all ſeaſonable Times, be open to the Inſpection of the ſaid Truſtees of their reſpective Diſtricts, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the ſaid Truſtees and Creditors ſhall and may take Copies of or Extracts from the ſaid Book or Books, or any Part or Parts thereof, without paying any Thing for the ſame; and in caſe the ſaid Clerk ſhall refuſe to permit, or ſhall not permit, the ſaid Truſtees or ſuch Creditors to inſpect ſuch Book or Books, or take ſuch Copies or Extracts as aforeſaid, ſuch Clerk ſhall forfeit and pay any Sum of Money not exceeding Five Pounds.

Clerk reſtrained from acting as Treaſurer, and vice verſa.

XV. 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 may be appointed to act as their Clerk in the Execution of this Act or the ſaid recited Act, or the Partner of any ſuch Clerk, the Treaſurer for the Purpoſes of the ſaid Act and this Act, or to continue or appoint the Perſon who has been or may be appointed Treaſurer, or the Partner of any ſuch Treaſurer, the Clerk to the ſaid Truſtees for executing the ſaid Act and this Act; and if any Perſon ſhall act in both the Capacities of Clerk and Treaſurer for the Purpoſes of the ſaid Act and this Act, 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 Act and this Act, 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, or more than One Imparlance, ſhall be allowed.

Reſtraining the Truſtees fromdeviating more than One hundred Yards from the Line of the old Road without Conſent, &c.

XVI. And be it further enacted, That it ſhall not be lawful for the ſaid reſpective Truſtees, in diverting, turning, varying or altering the Courſe or Path of any Part of the Road comprized in the ſaid recited Act, to deviate more than One hundred Yards from the preſent Line or Courſe thereof, without the Conſent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands and Grounds which may be affected by any ſuch Diverſion or Alteration; any Thing in the ſaid recited Act contained to the contrary thereof in anywiſe notwithſtanding.

Gates not to open or ſwing into the Roads.

XVII. And be it further enacted, That all Gates to be hereafter placed in any Field or Ground adjoining any Part of the ſaid Roads, ſhall be made and hung to open and ſwing inwards towards ſuch

Field or Ground, and not towards the ſaid Roads; and it ſhall be lawful for the ſaid Truſtees or any Three or more of them, to order all ſuch Gates as are now erected, or may hereafter be erected, and open to ſwing outwards towards the ſaid Roads, to be altered and made to open and ſwing inwards, as they the ſaid reſpective Truſtees ſhall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is or are or ſhall be conſtructed ſo as to open and ſwing outwards towards the ſaid Roads, ſhall (after Ten Days Notice from the Surveyor of the ſaid Roads, requiring him, her, or them to alter any ſuch Gate or Gates, and make the ſame to open and ſwing inwards) refuſe or neglect to make ſuch Alteration, or after ſuch Alteration ſhall have been once made ſhall again alter the ſame, every ſuch Occupier or Occupiers ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Application of Compenſation Money when amounting to or exceeding 200l.

XVIII. 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, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, 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 *ex parte* the reſpective Truſtees for executing the ſaid recited 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 Incumbrances, or Parts 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 to 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 Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, or Hereditaments, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance or Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the meantime, 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 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 the Order of the ſaid Court, to the

Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application when the Compenſation is leſs than 200*l.* and not leſs than 20*l.*

XIX. 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, 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, 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 Three or more of the ſaid reſpective Truſtees for executing the ſaid recited Act 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 and Intereſt ariſing thereon 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 Court of Chancery.

Application where the Money is leſs than 20*l.*

XX. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as laſt before mentioned ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of the ſaid recited Act and this Act, in ſuch Manner as the ſaid reſpective Truſtees, or any Three 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 or for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles, or if Perſons cannot be found, Purchaſe Money to be paid into the Bank;

XXI. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed by virtue of the ſaid recited Act or 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 reſpective Truſtees, or any Three or more of them; or in caſe ſuch 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 and may be lawful to and for the ſaid reſpective Truſtees, or any Three

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 Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the Lands, Tenements, and 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 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 thereunto, and to make ſuch other Order in the Premiſes as to the 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 hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

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

XXII. 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 General of the Court of Chancery, in purſuance of the ſaid recited Act or this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance of the ſaid recited Act 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, Tenements, or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be 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.

Perſons in Poſſeſſion to be deemed preſumptively entitled, &c.

XXIII. Provided always, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchaſed under the Authority of the ſaid recited Act 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 any other Lands, Tenements, or

Court of Chancery to direct Payment of Expences.

or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful 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 Act or this Act, or so much of the said Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Three or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Statute Work.

XXIV. 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 Roads, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the County or Place in which the said Roads do lie, and they are hereby required and empowered, upon Application made to them by the said Trustees or any Five or more of them, or by their Treasurer, 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 Roads by the Inhabitants of the respective Parishes or Places in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or 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 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 Name of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute in force or effect for the Repairs of the Public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work in every Year upon the said Roads as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Haytime or Harvest), and in such Parts of the said Roads, as the said Trustees or any Five or more of them, or their Surveyor or Surveyors shall from Time to Time order, direct, or appoint; and the said Justices shall and may order and direct the Persons who by such Lists shall 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 any such Parish, Township, or Place, to be by him or them paid to the said Trustees or their Treasurer, at such Time or Times as the said Justice shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like

like Manner as any Penalty is by the ſaid Act 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 any Surveyor 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 Fines, Penalties, and Forfeitures as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute now in force or 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 Roads, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and diſmiſs 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 as aforeſaid, in ſuch and the ſame Manner 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 Roads; all which Forfeitures ſhall be paid to the Treaſurer of the ſaid Truſtees, and applied towards amending the ſaid Roads; and in caſe the Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe or wilfully neglect to give in any ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe and imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, to be levied, recovered, paid, and applied in ſuch and the ſame Manner as Penalties are by the ſaid recited Act directed to be levied, recovered, paid, and applied.

For paying Expences of this Act.

XXV. And be it further enacted, That all the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing this Act, ſhall be paid and diſcharged by the Truſtees of the ſaid Firſt Diſtrict of Road, or any Five or more of them, out of the Money which hath ariſen by virtue of the ſaid recited Act, or out of the Firſt Money which ſhall ariſe by virtue thereof, and of this Act, together with lawful Intereſt from the Time of advancing or diſburſing the ſame, in preference to any other Payments whatſoever; and that the Truſtees of the ſaid Second Diſtrict of Road ſhall, within Twelve Calendar Months next after the paſſing of this Act, pay or cauſe to be paid unto the Truſtees of the ſaid Firſt Diſtrict of Road, or to their Treaſurer, the Sum of Fifty Pounds, as and for a Reimburſement for their Proportion of the ſaid Expences of obtaining and paſſing this Act; and in caſe of Nonpayment thereof within the Time aforeſaid, then the ſame ſhall and may be recovered in the Name or Names of the Clerk or Clerks to the ſaid Truſtees of the ſaid Firſt Diſtrict, by an Action at Law in any of His Majeſty's Courts of Record at *Weſtminſter*; and the Money then remaining, and afterwards to be raiſed on the ſaid Firſt Diſtrict of Road, as alſo the Money raiſed or to be raiſed on the ſaid Second Diſtrict of Road, ſhall from Time to Time be applied by the Truſtees of each reſpective Diſtrict in putting this and the ſaid recited Act into Execution, and repaying the principal Monies already borrowed or to be borrowed on each reſpective Diſtrict, and the Intereſt thereof reſpectively.

Public Act.

XXVI. 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.

Commencement and Continuance of this Act.

XXVII. And be it further enacted, That the Term granted by the said recited Act shall upon the said Thirteenth Day of *December* next cease and determine, and that the said recited Act of the Thirty-ninth Year of the Reign of His present Majesty (subject to the Alterations and Amendments in this Act contained), and this Act, shall from thenceforth continue, and be in full Force and Effect, 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.

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1818.