ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. xlviii.

An Act for enlarging the Term and Powers of several Acts of His late and present Majesty, for repairing the Roads from the Top of *Harnham Hill*, near the City of *New Sarum*, through *Blandford* and *Dorchester*, to *Askerwell Hill*; and from *Harnham Hill* aforesaid, to a House called *Master Baker's Farmhouse*, in the Counties of *Wilts* and *Dorset*.

[19th *May* 1819.]

WHEREAS an Act was passed in the Twenty-ninth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing and widening the Road from the Top of* Harnham Hill, *near the City of* New Sarum, *in the County of* Wilts, *through the Towns of* Blandford Forum *and* Dorchester, *to a certain Intrenchment on* Askerswell Hill, *in the County of* Dorset: And whereas another Act was passed in the Second Year of the Reign of His present Majesty, intituled *An Act for repairing the Road from the Turnpike Roads on the Top of* Whitesheet Hill, *to a Place called* The Hare Warren, *and from thence to the Index Post standing near the* Blandford *Turnpike Road on the Side of* Harnham Hill; *and also for repairing and widening the Road from the said Index Post to a House called* Master Baker's Farmhouse, *in the County of* Wilts; which said last-mentioned Piece of Road, from the Index Post on the Side of *Harnham Hill* to a House called *Master Baker's Farmhouse*, was by the said Act put under the Care and Management of the Trustees for executing the said first-recited Act, and directed to be kept in Repair by them, and to be subject to the Powers and Provisions contained in the said first-recited Act: And whereas another Act was passed in the Seventeenth Year of His present Majesty's Reign, intituled

29 G. 2. c. 54.

2 G. 3. c. 66.

17 G. 3. c. 83. intituled *An Act for continuing the Term of an Act, made in the Twenty-ninth Year of the Reign of His late Majesty, for repairing and widening the Road from the Top of* Harnham Hill, *near the City of* New Sarum, *in the County of* Wilts, *through the Towns of* Blandford Forum *and* Dorchester, *to a certain Intrenchment on* Askerswell Hill, *in the County of* Dorset, *and from the Index Post on the Side of* Harnham Hill *aforesaid, to a House called* Master Baker's Farmhouse, *in the County of* Wilts: And whereas another Act was passed in the Thirty-eighth Year of His present Majesty, 38 G. 3. c. 27. intituled *An Act to continue for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, Two Acts severally passed in the Twenty-ninth Year of the Reign of King* George *the Second, and in the Seventeenth Year of the Reign of His present Majesty, for repairing the Roads from* Harnham Hill, *near the City of* New Sarum, *in the County of* Wilts, *to an Intrenchment on* Askerswell Hill, *in the County of* Dorset, *and from the Index Post on the Side of* Harnham Hill *aforesaid, to a House called* Master Baker's Farmhouse, *in the County of* Wilts: And whereas the Trustees appointed by or in pursuance of the said recited Acts, have proceeded to put the same into Execution, and for that Purpose several considerable Sums of Money have been borrowed upon the Credit of the Tolls thereby authorized to be taken, which Money still remains due, and cannot be repaid, nor the said Roads properly amended, widened, improved, and kept in Repair, unless the Term granted by the said recited Acts be further continued, and some of the Powers and Provisions thereof altered and enlarged, and the present Tolls increased: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts of the Twenty-ninth Year of His late Majesty, and the Second, Seventeenth, and Thirty-eighth Years of the Reign of His present Majesty, and all and every the Clauses, Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Matters, and Things therein respectively contained (except such Parts thereof as are varied or altered, and also such as relate to Exemption from Stamp Duties), shall be and remain in full force and effect, and be executed, for and during the Term herein-after mentioned, in as full, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as if the same were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Amendments, Alterations, and Additions herein contained; and the additional Term and Powers hereby granted, shall be subject and liable to the Payment of all Money now due and owing, or which shall hereafter be borrowed on account of the said Roads, and all Interest now due and to become due for the same respectively.

Recited Act continued.

Additional Trustees.

II. And be it further enacted, That Sir *Richard Carr Glyn* Baronet, the Reverend Sir *James Hanham* Baronet, *Glyn, James John Farquharson, Henry Seymer,* General *Monro, William Churchill, Edward Berkley Portman* junior, *Henry William Berkley Portman, John Smith, Richard Erle Drax Grosvenor, Henry Bankes, George Bankes, Henry Charles Sturt, Robert Williams,* Sir *Edward Baker Littlehales, George Purling, Robert Radcliffe, Mark Davis,* the very Reverend *Charles Talbot,* Reverend *William Vaux,* Reverend *George Seymour,* Reverend *Robert Grosvenor,* and the several Justices acting in the Commission of the Peace for

for the ſeveral Counties of *Dorſet* and *Wilts*, together with Ten other Perſons to be named as Truſtees at the firſt or any other Meeting to be held under this Act, and their Succeſſors (being qualified according to the Directions of this Act), ſhall be and are hereby added and joined with the ſurviving and remaining Truſtees appointed by or in purſuance of the ſaid recited Acts for putting this Act and the ſaid recited Acts into Execution, and ſhall have the like Powers for that Purpoſe, as if they had been named and appointed Truſtees in or by virtue of the ſaid recited Acts, or any of them.

Power to elect new Truſtees.

III. And be it further enacted, That in caſe any of the ſaid Truſtees ſhall die, or refuſe or become incapable to act, it ſhall and may be lawful for the ſurviving or remaining Truſtees, or any Five or more of them, as often as they ſhall think proper, by Writing or Writings under their Hands, at the firſt Meeting to be held in purſuance of this or the ſaid recited Acts next after the Fourth Day of *June* in each Year, to elect, nominate, and appoint One fit Perſon to be a Truſtee, in the room of every Truſtee ſo dying, or refuſing or becoming incapable to act; but Notice of the Time and Place of the Meeting for the Election of ſuch new Truſtee or Truſtees, ſhall be given by the Clerk to the ſaid Truſtees, by affixing the ſame in Writing at all the Turnpike Gates then erected upon the ſaid Roads, and by Advertiſements in One of the *Saliſbury* or *Sherborne* Journals printed or uſually circulated in the County of *Dorſet*, at leaſt Ten Days before the Meeting for ſuch Election; and all and every Perſon or Perſons as ſhall be ſo choſen or appointed ſhall and may, and he and they is and are hereby authorized and empowered to act in the Execution of this and the ſaid recited Acts, to all Intents and Purpoſes, in as full, large, and ample a Manner as the Truſtees hereby appointed are authorized and empowered to do.

Qualification of Truſtees.

IV. Provided always, and be it further enacted, That no Perſon already elected a Truſtee under any of the ſaid recited Acts, or to be elected under this Act, ſhall be capable of acting as a Truſtee in any Caſe in the Execution of this Act or of the ſaid recited Acts, unleſs he ſhall be ſeiſed in his own Right, or in the Right of his Wife, and be in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, being Freehold or Copyhold, of the clear yearly Value of One hundred Pounds above Reprizes, or poſſeſſed of a Perſonal Eſtate of the Value of Four thouſand Pounds, or ſhall be Heir Apparent of a Perſon ſo ſeiſed as aforeſaid, of the clear yearly Value of One hundred and fifty Pounds; and if any Perſon, not having ſuch Qualification as aforeſaid, ſhall preſume to act in the Execution of the ſaid recited Acts and this Act, or any of them, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall inform and 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, Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe pay the ſaid Penalty, without any Proof or Evidence on the Part of the Proſecutor or Plaintiff, than that ſuch Perſon hath acted as ſuch Truſtee: Provided alſo, that every Truſtee before he ſhall act as ſuch, ſhall take and ſubſcribe an Oath or Affirmation, before Two or more of

the

the ſaid Truſtees, who are hereby empowered to adminiſter the ſame, in the Form or to the Effect following:

'I do ſwear, (*or, being One of the People called Quakers,* 'I do ſolemnly declare and affirm), That I truly and *bona fide* am ſeiſed 'in my own Right, or in the Right of my Wife, and am in the actual 'Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Free-'hold or Copyhold Lands, Tenements, or Hereditaments, lying within 'the County (*or* Counties) of of the clear yearly 'Value of One hundred Pounds above all Reprizes, (*or*, that I am poſ-'ſeſſed of a Perſonal Eſtate of the Value of Four thouſand Pounds, after 'Payment of all my juſt Debts,) or (*in caſe of an Heir Apparent*) that I 'am Heir Apparent to who to the beſt of my 'Knowledge, Information and Belief, is truly and *bona fide* ſeiſed of or 'entitled to Freehold or Copyhold Lands, Tenements, or Hereditaments, 'lying and being in the ſaid County (*or* Counties) of 'of the clear yearly Value of One hundred and fifty Pounds, above Re-'prizes and Incumbrances, (*as the Caſe may be*); and that I will faithfully 'and impartially, according to the beſt of my Judgment, act in the Ex-'ecution and Performance of the ſeveral Truſts, Powers, and Authorities 'repoſed in me as a Truſtee, under and by virtue of an Act paſſed in the 'Fifty-ninth Year of the Reign of King *George* the Third, intituled [*here* '*inſert the Title of this Act.*] So help me GOD.'

Five Truſtees to be a Quorum.

V. And be it further enacted, That all Acts to be done relative to the Execution of the ſaid recited Acts or of this Act, ſhall and may be done and executed by the Majority of the Truſtees who ſhall be preſent at ſuch of the reſpective Meetings to be holden in purſuance thereof, the whole Number preſent of ſuch Truſtees not being leſs than Five; and all Acts, Proceedings, Matters, and Things ſo done, ſhall be as good, valid, and effectual as if the ſame had been done by all the Truſtees named or appointed by virtue of the ſaid recited Acts or this Act.

Acts of Truſtees before Conviction to be valid.

Truſtees may act as Juſtices.

VI. Provided always, and be it further enacted, That all Acts and Proceedings of any Perſon or Perſons who hath or have acted as a Truſtee or Truſtees in the Execution of the ſaid recited Acts, or who ſhall act as a Truſtee or Truſtees of the ſaid recited Acts or of this Act, without being duly qualified, ſhall (if done previouſly to his or their being convicted of ſuch Offence) be as valid and effectual as if ſuch Perſon or Perſons had been duly qualified: Provided always, that ſuch of the ſaid Truſtees that are or ſhall be in the Commiſſion of the Peace for the reſpective Counties of *Wilts* and *Dorſet* aforeſaid, or who ſhall be Creditor for any Money borrowed or to be borrowed by virtue of this or the ſaid recited Acts, may nevertheleſs act as Juſtices of the Peace in the Execution of this or the ſaid recited Acts, notwithſtanding their being Truſtees or Creditors, except in Caſes where they ſhall be immediately intereſted otherwiſe than as a Truſtee.

Meetings of Truſtees to be held alternately.

VII. Provided always, and be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby required to hold their Meetings, in purſuance of the ſaid recited Acts and this Act, alternately at *Dorcheſter*, *Blandford*, and *Woodyate Inn*, any Thing in the ſaid recited Acts or in this Act contained to the contrary notwithſtanding (ſave and except all ſuch Meetings as may be neceſſary

neceſſary for letting the Tolls ariſing or to ariſe at the ſeveral Toll Gates already erected or to be erected under and by virtue of the Powers in the ſaid recited Acts or this Act), which Meetings ſhall and may be holden at ſuch of the above-mentioned Places as they the ſaid Truſtees ſhall judge moſt convenient for that Purpoſe.

Diſcontinuing the preſent Tolls, and granting new ones.

VIII. And be it further enacted, That from and after the paſſing of this Act, the Tolls and Duties payable in and by the ſaid recited Acts of the Twenty-ninth Year of the Reign of His late Majeſty, and the Seventeenth and Thirty-eighth Years of the Reign of His preſent Majeſty, ſhall ceaſe, determine, and be no longer paid or payable; and in lieu thereof the following Tolls ſhall be demanded and taken, before any Horſe, Mule, Aſs, Beaſt, or other Cattle, Coach, Waggon, Cart, or other Carriage whatſoever, ſhall be permitted to paſs through any Turnpike or Toll Gate, Side Bar, or Side Gate, erected or to be erected by virtue of the ſaid Acts or this Act upon and acroſs the ſaid Roads, or upon and acroſs any Lane or Way leading into the ſame; (that is to ſay),

Tolls.

For every Horſe or other Beaſt of Draught, drawing any Coach, Sociable, Berlin, Landau, Chariot, Barouche, Vis-a-vis, Chaiſe, Chaiſe Marine, Calaſh, Curricle, Chair, Gig, Whiſkey, Caravan, Hearſe, Litter, or ſuch like Carriage; if Six or more, the Sum of Four-pence Three-farthings; if Four or Five, the Sum of Four-pence Halfpenny; if Three, the Sum of Four-pence; if Two, the Sum of Four-pence Halfpenny; if One, the Sum of Four-pence Halfpenny, for each Horſe reſpectively:

For every Four-wheeled Carriage, fixed in any Manner to any Waggon, Wain, Drug, Cart, or other Carriage, the Sum of Sixpence; for every Two-wheeled Carriage ſo fixed, the Sum of Three-pence; for every Horſe or other Beaſt of Draught drawing any Waggon, Wain, Cart, Dray or Drug, or other Carriage, if more than Four, the Sum of Three-pence; if by Four, Three, Two, or One, the Sum of Four-pence for each Horſe reſpectively:

For every Horſe, Mule, Aſs, or Beaſt of Burden, laden or unladen, and not drawing, the Sum of Three Halfpence:

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

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

Which ſaid reſpective Tolls ſhall be and are hereby declared to be veſted in the ſaid Truſtees; and it ſhall and may be lawful for the ſaid Truſtees to demand and take, or cauſe to be demanded and taken, the ſaid Tolls at the reſpective Gates erected or to be erected acroſs or near the ſaid Roads.

Toll Houſes and Gates veſted in Truſtees.

IX. And be it further enacted, That the ſaid ſeveral Toll Houſes and Toll Gates erected and ſet up by virtue of the ſaid recited Acts, or to be erected and ſet up by virtue of this Act, and the Rights and Properties of and in the ſame, and the Materials of which the ſame ſhall conſiſt, ſhall be and are hereby veſted in the Truſtees nominated and appointed under and by virtue of the ſaid recited Acts, or who ſhall be appointed under and by virtue of this Act, and they or any Five or more of them are hereby authorized and empowered to bring, or cauſe to be brought, any

Action or Actions in the Name of their Clerk or Treaſurer, or to prefer or order and direct to be preferred any Indictment or Indictments againſt any Perſon or Perſons who ſhall break or pull down, ſteal, take, or carry away, ſpoil, injure or deſtroy, any Toll Gate or Gates, Turnpike or Turnpikes, Toll Houſe or Toll Houſes, which have been erected and ſet up by virtue of the ſaid recited Acts, or which ſhall by virtue hereof be erected upon, or acroſs, or on the Sides of the ſaid Roads, or any of them, or any Part thereof, or any Materials of which the ſame ſhall be built or conſiſt; and that it ſhall be ſufficient in any ſuch Indictment or Indictments to ſtate the Property of and in the ſaid Toll Houſes and Toll Gates, and the Materials of which the ſame ſhall conſiſt, to be the Property of the Truſtees of the *Harnham*, *Blandford*, and *Dorcheſter* Turnpike Road, without naming the ſaid Truſtees, or any of them.

Power for Truſtees to continue ſome Gates, to remove others, and erect new ones.

X. And be it further enacted, That the Toll Houſes and Toll Gates now ſituate upon, acroſs, or on the Side of the ſaid Roads at *Caſhmore* and *Longbredy Inn*, ſhall continue and remain as now placed and ſituated, and it ſhall and may be lawful to and for the ſaid Truſtees to take down and remove, or cauſe to be taken down and removed, the Toll Houſe and Toll Gate at *Combe Water*, and to erect and ſet up, or cauſe to be erected and ſet up, another Toll Gate and Toll Houſe in lieu thereof, with proper Conveniences thereto, at a certain other Place upon, acroſs, or on the Side of the ſaid Roads, where the ſame commences at the Foot of *Harnham Hill*, in the Pariſh of *Harnham*, in the County of *Wilts*; and it ſhall and may be lawful to and for the ſaid Truſtees to take down and remove, or cauſe to be taken down and removed, the Toll Gate and Toll Houſe now ſituate upon, acroſs, or on the Side of the ſaid Roads at *Dewliſh*, in the County of *Dorſet*, and to erect and ſet up, or cauſe to be erected and ſet up, another Toll Houſe and Toll Gate in lieu thereof, with proper Conveniences thereto, upon, acroſs, or on the Side of the ſaid Roads, at ſuch other Place or Part thereof as they the ſaid Truſtees, or any Five or more of them, ſhall think proper, betwixt the Weſternmoſt End of the Village of *Milborne Saint Andrew*, in the ſaid County of *Dorſet*, and the Town of *Dorcheſter*, ſo that ſuch Toll Gate and Toll Houſe be not placed within One Quarter of a Mile of the ſaid Town; and it ſhall be lawful to and for the ſaid Truſtees, and they are hereby empowered, to erect and ſet up, or cauſe to be erected and ſet up, One additional Toll Gate and Toll Houſe, with proper Conveniences thereto, upon, acroſs, or on the Side of the ſaid Roads, at ſuch Place or Part thereof as they ſhall judge proper, betwixt the Toll Gate now ſituate at *Caſhmore* aforeſaid, and the Town of *Blandford Forum*; provided that ſuch additional Toll Gate and Toll Houſe be not placed within One Quarter of a Mile of the Town of *Blandford Forum* aforeſaid; and it ſhall be lawful to and for the ſaid Truſtees, and they are hereby empowered to erect and ſet up, or cauſe to be erected and ſet up, upon, acroſs, or on the Side of the ſaid Roads, One other additional Toll Gate and Toll Houſe, with proper Conveniences thereto, at ſuch other Place or Part thereof as they the ſaid Truſtees or any Five or more of them ſhall judge proper, betwixt the Weſternmoſt Entrance into the ſaid Town of *Blandford Forum*, and the Second Mile Stone Weſt of the ſaid Town, provided that the ſame be not placed within One Quarter of a Mile of the ſaid Town of *Blandford Forum*.

The same Tolls to be taken.

XI. And be it further enacted, That it shall and may be lawful to and for the said Trustees to demand and take, or cause to be demanded and taken, at each and every such additional Toll Gate, when the same shall be erected and set up, the like Tolls as are by this Act granted and made payable at the other Toll Gates erected or to be erected upon the said Roads; provided that the same do not extend to a Double Charge upon any Person or Persons for or in respect of every Horse, Cattle, and other Beast, and every Carriage whatsoever, passing through any other Turnpike or Toll Gate upon the said Roads; and provided that no such additional Toll Gate be erected within Six Miles of any other Toll Gate already erected, or to be removed and again erected by virtue of the said recited Acts or this Act, or any of them.

Except on certain Days.

XII. Provided always, and be it enacted, That in case the said Trustees shall remove or cause to be removed the said Toll Gate at *Combe Water*, and erect and set up, or cause to be erected and set up, another in lieu thereof at the Foot of *Harnham Hill* aforesaid, under and by virtue of the Power to them in this Act for that Purpose given, no Toll shall be demanded and taken at the said Turnpike or Toll Gate when so removed, erected, and set up, for any Horse, Cattle, or other Beast passing through the same on *Sundays*, or on the Race Days mentioned in a certain Act passed in the Fifty-fifth Year of His present Majesty, intituled *An Act to alter, extend, and amend the Powers of Two Acts passed in the Twelfth Year of His said Majesty, for better paving, lighting, and watching the City of* New Sarum *in the County of* Wilts, on the Production of a Ticket from the Toll Collector at the *Sunday* or Race Day Toll Bar erected and set up at the Westernmost Avenue or Entrance into the said City, under and by virtue of the said last recited Acts, denoting the Payment of such *Sunday* or Race Day Toll on the same Day: Provided also, that none of the said Toll Gates or Toll Houses already erected and set up, or to be erected and set up by virtue of this Act, upon, across, or on the Side of the said Roads, shall be removed, erected, and set up as aforesaid, unless by Order of a Majority of the said Trustees at a Meeting to be held for that Purpose, at which Meeting not less than Nine Trustees shall be present, and of which Meeting Notice in Writing of the Intention to remove or erect and set up the same, shall have been given and affixed to all the Toll Gates upon the said Roads, and also advertised once in One of the *Salisbury* and *Sherborne* Newspapers, at least Fourteen Days previous to the said Meeting.

55 G. 3. c. xxiii.

Toll Gates not to be removed, unless by an Order of Nine Trustees at a Meeting.

To erect Hedges and Fences to prevent Evasion of Tolls.

XIII. And for the Purpose of preventing the Evasion of the Tolls hereby granted, or any Part thereof, be it further enacted, That it shall and may be lawful to and for the said Trustees to erect or cause to be erected any Hedge, Ditch, or Fence, as they shall judge right and proper, on each Side of each and every Gate erected or to be erected on or across the said Roads; but no such Hedge, Ditch, or Fence shall extend on either Side of such Gate more than One Quarter of a Mile from the same.

Exemptions by 55 G. 3. c. 119, not to be affected.

XIV. Provided always, and be it further enacted, That all Waggons, Carts, and other such Carriages, having the Wheels and Axletrees formed as directed by an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their conveying extra Weights*

Weights in certain Caſes, and the Horſes and other Cattle drawing the ſame, ſhall have and enjoy the Privileges and Exemptions thereby granted.

Tickets to be delivered.

XV. And be it further enacted, That upon Payment of any of the ſaid Tolls granted or made payable by virtue of this Act, 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, and which Note or Ticket ſhall be provided by the ſaid Truſtees; and there ſhall be printed and ſpecified thereon the Names of the ſeveral or reſpective Gates which ſuch Ticket ſhall free, or which ought, under the Proviſions of this Act, to be paſſed free for One Payment of Toll.

Stage Coaches and Poſt Chaiſes.

XVI. Provided always, and be it further enacted, That the Tolls hereby granted ſhall be paid for and in reſpect of all Horſes or Mules drawing any Stage Coach, every Time they ſhall paſs through any Toll Gate or Turnpike already erected or hereafter to be erected by virtue of the ſaid recited Acts or this Act upon the ſaid Road, and for and in reſpect of all Poſt Horſes or Mules drawing any Poſt Chaiſe or other Carriage, every Time they ſhall paſs through any ſuch Gate or Turnpike, and the Driver thereof ſhall deliver a Ticket denoting a freſh Hiring; any Thing in the ſaid recited Acts or this Act contained to the contrary notwithſtanding.

Exemptions from Tolls.

XVII. And be it further enacted, That no Toll ſhall be demanded or taken for or in reſpect of any Horſes or Carriage belonging to His Majeſty or any of the Royal Family, or any Horſe or Carriage attending His Majeſty or any of the Royal Family; or any Horſe, Cattle, or Beaſt laden only with, or going unladen for, or returning unladen having been laden only with, on the ſame Day, Stone, Brick, Lime, Timber, Wood, Gravel, or other Materials for repairing of the ſaid Roads, or any of the Roads in the Townſhips or Pariſhes in which any Part of the ſaid Roads lie; or in the Carriage of any Lime, Chalk, Dung, Mould, Soil, or Compoſt of any Nature or Kind whatſoever, for manuring of any Garden or other Land or Ground; or Hay, Straw, or Corn in the Straw only, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Outhouſes, or in the Lands of the Owners thereof; or for any Ploughs, Harrows, or Implements of Huſbandry, employed in Huſbandry for manuring or improving of Lands; or for the Horſes of any Perſon or Perſons reſiding in any Townſhip or Pariſh in which the ſaid Roads lie, going to or returning from Paſture or Watering Places, or from being ſhoed or farried; or from any Perſon or Perſons going to or from their proper Parochial Church or Chapel; or from any Perſon or Perſons going to or returning from his, her, or their uſual Place of Religious Worſhip tolerated by Law, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Perſon that ſhall die and be buried in any of the ſaid Townſhips or Pariſhes; or from any Clergyman going to or returning from viſiting any ſick Perſon, or upon other his Parochial or Miniſterial Duty, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horſes, Cattle, or Carriages, 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, fetching, or guarding ſuch Mails or Expreſſes,

Expreſſes, or in returning back from conveying the ſame; or for the Horſes of any Soldiers upon their March or on Duty; or for any Horſe, Cattle, or Carriage which ſhall be employed in the Carriage or Conveyance of the Arms or Baggage of any ſuch Officers or Soldiers, or any ſick, wounded, or diſabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; or for any Cattle or Carriages employed in the Conveyance of Vagrants ſent by legal Paſſes; or for any Coach, Landau, Berlin, Chariot, Calaſh, Chair, or the Horſes drawing the ſame, or Paſſenger on Horſeback, going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the Counties of *Dorſet* or *Wilts*, during the Time of ſuch Election or Elections, or on the Day before or Day after ſuch Election or Elections ſhall begin or be concluded; and that no Toll ſhall be demanded or taken for any Horſe furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exerciſe, provided that ſuch Perſons ſhall 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 as aforeſaid; 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 Act.

Penalty on illegally claiming Exemptions.

XVIII. 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; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage, be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes or Oxen, but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this or the ſaid recited Acts, contained to the contrary notwithſtanding.

Carriages conveying Military Stores not to be ſubject to Penalties for Overweight, &c.

XIX. And be it further enacted, That in caſe all or any of the Tolls ariſing by virtue of the ſaid recited Acts or this Act 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 for the Space of Fourteen Days next after any of the Days on which the ſame ought to be paid,

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

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 ſaid County, upon Application made to him by the ſaid Truſtees, or any Five or more of them, or their Clerk and 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 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 Perſon or Perſons 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 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 ever been made relative thereto.

For preventing Toll Collectors from taking undue Tolls.

XX. And be it further enacted, That all and every Toll Collector, being Leſſee of the Tolls authorized to be collected upon the ſaid Roads, or appointed or continued either by the ſaid Truſtees or by any ſuch Leſſee or Leſſees, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the ſaid recited Acts or this Act, ſhall, and he or ſhe is hereby required to place his or her 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 on his or her coming on Duty, each of the Letters of ſuch Name or Names to be at leaſt Two Inches at 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 or ſhe ſhall be upon 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 than he or ſhe ſhall be authorized to do by virtue of the Powers of this Act or the ſaid recited Acts, or of the Orders and Reſolutions of the Truſtees made in purſuance thereof, 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 or her 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 Ticket denoting the Payment of the Toll, and naming and ſpecifying the ſeveral Gates freed by ſuch Payment (all which Tickets the Collectors of the Tolls are hereby required to deliver *gratis* on the Receipt of ſuch Toll), or ſhall unneceſſarily detain any Paſſenger or Paſſengers, or ſhall make uſe of abuſive Language to any Traveller or Travellers, 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 and applied as other Penalties are by the ſaid recited Acts or this Act directed to be recovered and applied.

For ſettling Diſputes concerning Tolls.

XXI. And be it further enacted, That if any Diſpute ſhall happen about the Amount of the Tolls due, or the Charges of keeping any Diſtreſs, it ſhall be lawful for the Collector or Perſon diſtraining to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof (as the Caſe may happen), till the Amount of the Tolls due, and the Charges of the Diſtreſs and Sale, and of keeping the Diſtreſs (as the Caſe may happen), be aſcertained by One or more Juſtice or Juſtices of the Peace for the County, Town, or Place in which the Cauſe of Diſpute ſhall ariſe, who, upon Application made to him or them for that Purpoſe, ſhall examine the Matter on the Oath of the Parties or other Witneſs or Witneſſes, and ſhall determine the Amount of the Tolls due, and ſhall award ſuch Coſts and Charges to either Party, as to the ſaid Juſtice or Juſtices ſhall appear right and proper; all which Coſts and Charges ſhall and may be levied and recovered, in caſe of Nonpayment thereof forthwith, by Warrant under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices, rendering the Overplus (if any) on Demand, after deducting ſuch Coſts and Charges, and the Coſts and Charges of making ſuch Diſtreſs and Sale, to the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold.

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

XXII. 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 produced and kept by their Clerk or Clerks for the Time being; in which Book or Books ſuch Clerk or Clerks 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 Roads, 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, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the ſaid Truſtees and Creditors, or any of them, ſhall or 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 or Clerks ſhall refuſe to permit the ſaid Truſtees or ſuch Creditors to inſpect the ſame, or take ſuch Copies or Extracts as aforeſaid, ſuch Clerk or Clerks ſhall forfeit and pay any Sum of Money not exceeding Five Pounds.

XXIII. Pro-

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

XXIII. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to continue or to appoint the Perſon or Perſons who has or have been, or may be appointed to act as their Clerk or Clerks in the Execution of the ſaid recited Acts and this Act, or any of them, or the Partner of any ſuch Clerk or Clerks, the Treaſurer for the Purpoſes of the ſaid recited Acts or this Act, or any of them; or to continue or to 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 recited Acts or this Act, or any of them; and if any Perſon ſhall act in both the Capacities of Clerk and Treaſurer for the Purpoſes aforeſaid, 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.

Clauſe in Old Act for Officers to account on Oath, repealed.

XXIV. And be it further enacted, That ſo much of the ſaid recited Act of the Twenty-ninth of His late Majeſty, as directs or requires that the Collectors or Receivers of the ſaid Tolls, and all and every the Clerks, Treaſurers, Surveyors, and other Officers to be appointed by the ſaid Truſtees as therein mentioned, and other Perſon or Perſons, ſhall upon their ſeveral Oaths, if required by the ſaid Truſtees or any Five or more of them, verify the Accounts of all Monies which ſhall have been reſpectively collected and raiſed, and how and to what Uſes the ſame ſhall have been paid and applied, and the ſeveral Items and Particulars thereof, and the ſeveral Receipts and Payments which ſhall be herein contained, and as ſubjects any ſuch Officers or other Perſons to any Penalty or Puniſhment for refuſing to verify the ſame upon Oath, ſhall be and the ſame is hereby repealed.

Collectors of Tolls not to be deemed incompetent Witneſſes.

XXV. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe touching or in anywiſe relating to the ſaid Tolls or any of them, or the Recovery of any of the Penalties by the ſaid recited Acts or this Act to be levied, or to the Execution of any of the Powers of the ſaid recited Acts or this Act, no Perſon or Perſons appointed to collect the ſaid Tolls, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall be deemed incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his or their being appointed to collect the ſaid Tolls.

No Alteration of the preſent Road to deviate more than 100 Yards, without Conſent.

XXVI. Provided always, and be it further enacted, That the ſaid Truſtees, in altering or improving any Part of the ſaid Roads under the Powers of the ſaid recited Acts, ſhall not deviate more than One hundred Yards from the preſent Line, without the Conſent and Approbation in Writing of ſuch Perſon or Perſons, Body Politic, Corporate or Collegiate, through whoſe Lands or Grounds ſuch Deviation ſhall be made.

Gates to Fields to open inward.

XXVII. And be it further enacted, That all Gates to be hereafter made and placed in any Hedge or other Fence of any Field, Ground, Yard, or other

other Place adjoining to any Part of the ſaid Roads, ſhall be ſo made, hung, and conſtructed as to open Inward towards ſuch Field or Ground, and not Outward towards the ſaid Roads; and in caſe any Perſon or Perſons ſhall hang or conſtruct any Gate or Gates contrary to the Directions of this Act, or ſhall, after the ſame ſhall have been hung ſo as to open Inward towards ſuch Field, again alter the ſame ſo as to open Outward towards the ſaid Roads, every ſuch Perſon or Perſons ſhall forfeit and pay any Sum not exceeding Forty Shillings; and that it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to cauſe all or any of ſuch Gates as are now erected and open Outward towards the ſaid Roads, to be altered and made to open Inward towards ſuch Field or Ground, Yard, or other Place, as they the ſaid Truſtees ſhall think proper.

An Action or Ejectment may be ſupported by One Mortgagee.

XXVIII. And be it further enacted, That if any Mortgagee or Mortgagees of the ſaid Tolls, Toll Gates, Bars, Chains, Toll Houſes and Buildings, 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 to and 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.

Application of Compenſation Money, when amounting to 200l.

XXIX. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed by virtue of the Powers of the ſaid recited Acts 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 as in the ſaid firſt-recited Act particularly mentioned, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing the ſaid recited Acts or 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 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 the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled

to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, or Hereditaments, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making 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 thereunto, 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, or Hereditaments by the ſaid recited Acts or this Act directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Where leſs than 200l. and amounting to 20l.

XXX. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall 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, to be placed to his Account as aforeſaid, in order to be applied in Manner before directed; or otherwiſe the ſame ſhall be paid at the like Option to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees for executing the ſaid recited Acts and this Act (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch principal Money and the Dividends ariſing thereon may be applied in Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

Where leſs than 20l.

XXXI. 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 Acts and this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think fit; and in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committes, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

XXXII. And

Directions in Cases of not making out Titles.

XXXII. 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 Acts or this Act, shall refuse to accept the same, or shall not be able to make out a good Title to the Premises, to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case, it shall and may be lawful to and for the said Trustees, or any Five or more of them, to order the 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 said Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum 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 Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Respecting disputed Titles.

XXXIII. 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 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, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said recited Acts or this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court, that such Possession was a wrongful Possession, and that some other Person or Persons was or were

lawfully

lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court of Chancery may order Trustees to pay Expences.

XXXIV. 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, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of the said recited Acts or 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 Acts or this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Penalty on pulling up or damaging Mile Stones, and on Persons injuring the Road, or committing Nuisances thereon.

XXXV. And be it further enacted, That if any Person or Persons shall wilfully pull up or damage any Direction or Mile Post or Stone erected or fixed, or to be erected or fixed, in or near the Side or Sides of the said Turnpike Roads, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person shall suffer any Horse or other Beast or Cattle, Pig or Swine, to graze or stray upon the said Roads, or on the Footpath, or on the Side or Sides thereof, or shall ride upon any Footway or Causeway formed upon or on the Side of or adjoining to the said Turnpike Roads, or shall drive any Horse, Beast, or Swine, or any Carriage upon, or cause any Damage to be done to any Footway or Causeway; or if any Person shall cause to be hauled or drawn upon any Part of the said Turnpike Roads any Timber or Stone or other Thing (otherwise than upon Wheeled Carriages), or shall suffer any Timber, Stone, or other Thing, which shall be carried upon Wheeled Carriages, to drag upon the said Turnpike Roads to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Turnpike Roads, shall suffer them to root up or damage the same, or the Fences on either Side thereof; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage used for the Carriage of Goods or Merchandize, shall ride on the Shafts, or 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 Turnpike Roads; or if any Person driving any Coach, Chaise, or other such Carriage upon the said Turnpike Roads, shall drive the same without holding the Reins; and if any such Person meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the Left or near Side of the said Turnpike Roads, and also keep on the same Side himself or herself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Coach, Chaise, Waggon, Cart, or other Carriage under his or her Care, upon the said Turnpike Roads; or if any Person shall make or assist in making any Fire or Fires, or set Fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, or play at Football, or any other Game, to the Annoyance of any Passenger or Passengers, on any Part of the said Turnpike Roads; or if any Person shall

ſhall leave any Carriage (except in Caſes of Accident) upon or on the Side of the ſaid Turnpike Roads, longer than may be neceſſary to load or unload the ſame, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto, or in caſe ſuch Carriage ſhall not during ſuch Time be drawn up as near to the Side of the ſaid Roads as conveniently may be, or ſhall wilfully or negligently lay or ſcatter any Timber, Stones, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever upon the ſaid Turnpike Roads, or on the Side or Sides thereof, between the ſaid Turnpike Roads and the Fences now ſtanding or hereafter to be erected on the Sides thereof; or if any Perſon after having blocked any Carriage whatſoever in going up any Hill or riſing Ground, ſhall leave on the ſaid Roads the Stone or other Thing uſed in ſuch blocking; or if any Perſon ſhall plough, dig, or break up any of the Soil between any Part of the ſaid Turnpike Roads and ſuch Fences as aforeſaid, for the Purpoſe of making Compoſt or Manure, or otherwiſe ſhall ſcrape off any Soil or other Thing from the ſaid Turnpike Roads or the Sides thereof, or ſhall take up and carry away any Scrapings thereof, without Leave of the ſaid Truſtees or their Surveyor or Surveyors; or if the Occupier or Occupiers of any Pen Lands adjoining to the ſaid Turnpike Roads, or any Part thereof, or any other Perſon or Perſons, ſhall plough up ſuch Lands to the Extremity thereof, adjoining to the ſaid Turnpike Roads, in a tranſverſe Direction with the ſaid Turnpike Roads, without leaving a ſufficient Headland to turn his, her, or their Plough or Ploughs, and the Horſes or other Beaſts drawing the ſame thereon, without coming upon the ſaid Turnpike Roads or any Part thereof for that Purpoſe, and which Headland ſhall afterwards be ploughed only in a Direction parallel with the ſaid Turnpike Roads; every Perſon ſo offending in any of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied in Manner hereinafter mentioned.

Reſpecting Statute Work.

XXXVI. Provided always, 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 and may be lawful to and for any Two or more Juſtices of the Peace for the ſaid Counties of *Dorſet* or *Wilts*, and they are hereby empowered and required (upon Application made to them for that Purpoſe by the ſaid Truſtees, or by their Clerk, Treaſurer, 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 their Treaſurer; and in order thereunto, it ſhall and may be lawful to and for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons), of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year,

or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner and under ſuch Regulations and Reſtrictions as 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 and liable to the Statute Work as aforeſaid, to do ſuch Number of Days 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 on ſuch Times (not being Hay-time or Harveſt), and on ſuch Parts of the ſaid Roads, as the ſaid Truſtees or their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to the Surveyor or Surveyors of ſuch Pariſh or Place, 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 the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by the ſaid recited Acts authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid (after Notice in Writing given to or left for him, her, or them, at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe, ſigned 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 ſhall be ſent with any Team or Draught to work upon the ſaid Roads, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid, and in that caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Roads; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Roads; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places, ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or to collect or pay over ſuch Compoſition in Manner aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

For compounding for Statute Work.

XXXVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees to compound and agree with any Perſon or Perſons, Bodies Politic or Corporate, for the Statute Work to be by them

them done on the ſaid Roads, or any Part thereof, and alſo with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Pariſhes or Places in which the ſaid Roads are ſituate, for a certain Sum of Money, by the Year or otherwiſe, as the ſaid Truſtees ſhall think reaſonable, in lieu of the whole or of any Part of the Statute or other Work to be by all or any of the ſaid Inhabitants and Occupiers done on the ſaid Roads; which Compoſition Money ſhall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Pariſh, or by the Perſon or Perſons ſo compounding, to the Treaſurer to the ſaid Truſtees in Advance on or before the Tenth Day of *October* in each and every Year, or otherwiſe the Inhabitants and Occupiers of ſuch Pariſh or Place ſhall not be permitted to compound for that Year.

Notice to be given to the Owners and Occupiers of Lands befor Materials are taken for repairing the Roads.

XXXVIII. Provided always, and be it further enacted, That it ſhall not be lawful for any Surveyor or Surveyors, or other Perſon or Perſons, 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 Roads, or any Part thereof, out of or from any incloſed Lands or Grounds, until Notice in Writing, ſigned by the Surveyor or Surveyors for the Time being, ſhall have been given to the reputed Owner or Agents of ſuch Owner and Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Owner or Agents and Occupier at their reſpective uſual Places of Reſidence, to appear before Two or more Juſtices of the Peace acting in and for the ſaid reſpective Counties of *Dorſet* or *Wilts*, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Owners and Occupiers, or any of them, or their or his Agent or Agents, ſhall not attend, or ſhall attend in purſuance to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, then and in either of the ſaid Caſes the ſaid Juſtices ſhall or may authorize ſuch Surveyor or Surveyors, or other Perſon or Perſons, to dig, get, gather, and carry away ſuch Materials, at ſuch Time or Times as to the ſaid Juſtices ſhall ſeem proper; and if ſuch Owner or Occupier ſhall refuſe or neglect to appear by himſelf or herſelf, or his or her Agent, ſuch Juſtices ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually, to all Intents and Purpoſes, as if ſuch Owner or Occupier had attended, any Thing in the ſaid recited Acts contained to the contrary hereof notwithſtanding.

Satisfaction for Materials and Damages.

XXXIX. Provided always, and be it further enacted, That ſuch Surveyor or Surveyors, or other Perſon or Perſons as aforeſaid, ſhall make or tender Satisfaction for the Materials ſo taken away, and for the Damages done thereby to the Owners and Occupiers of ſuch Lands, Fields, or Grounds where and from whence the ſame ſhall be cut, dug, gotten, gathered, and carried away, or over which the ſame or any other Materials for making and repairing the ſaid Roads ſhall be carried, according to their reſpective Rights and Intereſts in ſuch Lands, Fields, or Grounds, as the ſaid Truſtees ſhall judge reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyor or Surveyors, or other Perſon or Perſons employed as aforeſaid, and the ſaid Owners or Occupiers reſpectively, or any of them, concerning ſuch Damages, it ſhall be lawful for any Two or more Juſtices of the Peace for the ſaid Counties of *Dorſet* or *Wilts*, on Application made to them for that Purpoſe, and Ten Days Notice thereof

thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine such Payment and Damages.

For paying the Expences of the Act.

XL. And be it further enacted, That all Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, together with lawful Interest for the same from and after the passing thereof, shall be paid, and it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby required to pay the same, out of any Money now remaining in the Hand or Hands of the Treasurer or Treasurers to the said Trustees, or out of any Money borrowed or collected or raised by virtue of the said recited Acts or this Act, in preference to all other Payments whatsoever.

Public Act.

XLI. 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 the Act.

XLII. And be it further enacted, That the Term granted by the said recited Acts of the Twenty-ninth Year of His late Majesty, and the Seventeenth and Thirty-eighth Years of His present Majesty, shall, from and after the passing of this Act, cease and determine; and the said recited Acts (subject to the Alterations, Additions, and Amendments herein-before 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.

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1819.