ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 85.

An Act for enlarging the Term and Powers of Two Acts of His preſent Majeſty, for repairing the Road from the End of the Turnpike Road from *Beſſelſleigh*, to *Hungerford* in the County of *Berks*, to *Leckford* otherwiſe *Souſley Water*, in the County of *Wilts*. [27th *May* 1814.]

WHEREAS an Act was paſſed in the Twelfth Year of the Reign of His preſent Majeſty, intituled *An Act for repairing and widening the Road from the End of the preſent Turnpike Road from* Beſſelſleigh *to* Hungerford, *in the County of* Berks, *to* Leckford, *otherwiſe* Souſley Water, *in the County of* Wilts: And whereas another Act was paſſed in the Thirty-third Year of the Reign of His preſent Majeſty, intituled *An Act for enlarging the Term and Powers of an Act, paſſed in the Twelfth Year of the Reign of His preſent Majeſty, for repairing and widening the Road from the End of the preſent Turnpike Road from* Beſſelſleigh *to* Hungerford, *in the County of* Berks, *to* Leckford, *otherwiſe* Souſley Water, *in the County of* Wilts: And whereas the Truſtees appointed in or by virtue of the ſaid Acts have proceeded to put the ſame in Execution, for which Purpoſe they have borrowed conſiderable Sums of Money on the Credit of the Tolls thereby granted, which ſtill remain due, and cannot be repaid, nor can the ſaid Road be properly amended, improved

12 G. 3. c. 85.

33 G. 3. c. 168.

improved and kept in Repair, unleſs the Term of the ſaid Acts be continued, and ſome of the Powers and Proviſions of the ſaid Acts be altered and enlarged: 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 Acts paſſed in the Twelfth and Thirty-third Years of the Reign of His preſent Majeſty, and all and every the Authorities, Powers, Privileges, Proviſions, Penalties and Clauſes therein contained (except ſuch as are varied, altered or repealed), ſhall be and continue in full force, and be executed for and during the Term herein-after mentioned, as fully and effectually to all Intents and Purpoſes as if the ſame were herein particularly repeated and re-enacted; but ſubject nevertheleſs to the Amendments, Variations, Alterations, and Additions herein contained, and which ſhall commence and take effect upon the paſſing of this Act; and this Act, and the additional Term hereby granted, ſhall be ſubject and liable to the Payment of all Money now due and owing upon the Credit or on Account of the ſaid Acts, or which may hereafter be borrowed or become due and owing on the Credit of the ſaid Acts and this Act, and of all Intereſt due and to grow due for the ſame reſpectively.

Recited Acts further continued.

Additional Truſtees.

II. And be it further enacted, That *Nathan Atherton* the younger, Sir *Charles Blunt* Baronet, *Harry Blunt*, *Walter Blunt*, *Silvanus Bevan*, *John Bradford* Clerk, *Richard Barker*, *George Bulpit*, *Francis Bear*, *George Cundell*, *Joſeph Cundell*, *John Coxhead*, *John Church*, *John Finch*, *William Hallett*, *William Hallett* the younger, *Robert Hall*, *James Hall* the younger, *James Jelfs*, *Anthony Kingston*, *Thomas Lanfear*, *Richard Lye*, *Robert Lye*, *John Mackaneſs*, *Thomas Major*, *Henry Newton* Clerk, *John Newton* Clerk, *George Nelſon*, *William Brockway Newberry*, *Edward Newman*, *John Hungerford Penruddocke*, *John Pearce* the younger, *Charles Henry Rendall*, *Thomas Reeves*, *Benjamin Saliſbury*, *Charles Saliſbury*, *John Willes*, *John Williams* the younger, *John Weſtall*, and the Juſtices of the Peace acting in and for the Diviſion of the County through which the ſaid Road paſſes, ſhall, from and immediately after the paſſing of this Act, be added to and joined with the Truſtees appointed by or in purſuance of the ſaid recited Acts for putting the ſame and this Act into Execution; and the Truſtees hereby appointed, and their Succeſſors (being qualified according to the Directions of the ſaid firſt recited Act), are hereby empowered to put the ſaid recited Acts and this Act in Execution, as fully and effectually to all Intents and Purpoſes as if they had been named in and appointed by the ſaid recited Acts.

Power to appoint additional Truſtees.

III. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, at a Meeting to be holden for that Purpoſe (of which Meeting and of the Purpoſe thereof, ſuch Notice ſhall be given as is directed by the firſt-recited Act reſpecting the Appointment of future Truſtees on Vacancies,) to elect, nominate, and appoint any Number of other fit and proper Perſons, not exceeding Ten, to be Truſtees for the Purpoſes of the ſaid recited Acts and this Act, in Addition to the Truſtees by or in purſuance of the ſaid recited Acts nominated and appointed.

IV. And

Truſtees may ſue and be ſued in the Name of their Clerk or Treaſurer.

IV. And be it further enacted, That the ſaid Truſtees may ſue or be ſued for or concerning any Thing to be done by virtue or in purſuance of the ſaid recited Acts and this Act, either in the Name of the Truſtees, who may be Parties to any Deed or Inſtrument in Writing, upon which any Action ſhall or may be brought, or in the Name of their Clerk or Treaſurer for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid Truſtees in their Names, or in the Name of their Clerk or Treaſurer, ſhall abate or be diſcontinued by the Death, Incapacity, or Removal of any Truſtee or Truſtees, or Clerk or Treaſurer, or by the Act of ſuch Clerk or Treaſurer, without the Conſent of the ſaid Truſtees, or any Five or more of them, but that the Clerk or Treaſurer for the Time being to the ſaid Truſtees, in caſe ſuch Action ſhall be brought by or againſt or defended in the Name of ſuch Clerk or Treaſurer, ſhall be deemed to be Plaintiff or Defendant (as the Caſe may be) in every ſuch Action or Suit: Provided always, that every ſuch Truſtee, or Clerk or Treaſurer, in whoſe Name or Names any Action or Suit ſhall be commenced, proſecuted or defended, in purſuance of the ſaid recited Acts or this Act, ſhall be fully reimburſed and paid, out of the Monies ariſing by virtue of the ſaid recited Acts and this Act, all the Coſts, Charges, Damages, and Expences, which by the Event, or in conſequence of any ſuch Action or Proceeding he ſhall bear, pay, expend, or be put unto or become chargeable with, by reaſon of his being made Plaintiff or Defendant as aforeſaid.

General Exemption from Toll.

V. And be it further enacted, That none of the Tolls hereby authorized to be taken ſhall be demanded, taken, or received at any of the Toll Gates erected or to be erected, or continued upon the ſaid Road, for any Horſes, Cattle, or Carriages of whatſoever Deſcription employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning therefrom, nor for the Horſes belonging to any Officers or Soldiers on their March or on Duty; nor for any Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers, nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes 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; nor for any Rector, Vicar, or Curate going to or returning from his own Pariſh Church, or other Place of Divine Worſhip, or viſiting his ſick Pariſhioners; nor from any Perſon or Perſons going to or returning from Church, Chapel, or other uſual Place of Religious Worſhip within the Pariſh or Place where he, ſhe, or they may reſide, on *Sundays*, or on any other Day on which Divine Worſhip is or ſhall be ordered by Authority to be celebrated, or attending the Funeral of any Perſon or Perſons who ſhall die and be buried in any Pariſh, Hamlet, or Place through which any Part of the ſaid Road lies; nor for any Horſes, Beaſts, Cattle, or Carriages, uſed or employed for the Purpoſe only of carrying or conveying Perſons to or from any Election of a Knight or Knights of the Shire to ſerve in Parliament for either of the Counties of *Berks* or *Wilts*; or of carrying or conveying Vagrants ſent by legal Paſſes; or of carrying or conveying Hay, Straw,

or Corn in the Straw, for the Uſe of the Owner, and not for Sale, or purchaſed, or returning empty having been ſo employed, or of carrying or conveying any Dung, Lime, Mould, Manure or Compoſt to be uſed only for manuring the Land, or going or returning empty in that Employment; nor for any Horſes, Beaſts, Cattle, or Carriages of any Deſcription 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 any Plough, Harrow, or other Implement of Huſbandry, unleſs the Carriage bearing any ſuch Plough, Harrow, or other Implement of Huſbandry, be alſo laden with any other Thing not hereby intended to be exempted from Payment of Toll; nor for any Horſe, Beaſt, or Cattle paſſing to or repaſſing from Water or Paſture; nor for any Horſe, Beaſt, or other Cattle when going to or returning from being ſhod or farried; nor for any Horſe, Beaſt, Cattle or Carriages, uſed or employed for the Purpoſe only of carrying or conveying Materials for the making or repairing any Highway or public Road within any ſuch Pariſh, Hamlet, or Place as aforeſaid, or for rebuilding, building, or repairing any preſent or future Bridge or Bridges on the ſaid Road, under this Truſt; nor for any Horſe, Beaſt, Cattle, or Carriage, which ſhall croſs the ſaid Road only, or ſhall not paſs more than One hundred Yards thereon; nor 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 any Place appointed for Exerciſe, Inſpection or Review; provided that ſuch Perſon is in the Uniform of his Corps, and has his Arms, Furniture and Accoutrements according to the Regulations appointed for ſuch Corps at the Time of claiming the Exemption; and if any Perſon ſhall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; and in all Caſes the Proof of Exemption ſhall lie upon the Perſon claiming the ſame.

Penalty on fraudulently taking Benefit of Exemptions.

Owners or Drivers of Waggons conveying Military Stores, not ſubject to Penalties for Overweight.

VI. 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 Act contained, to the contrary notwithſtanding.

Notice to be given before Materials taken.

VII. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor, or any Perſon or Perſons acting under the Authority of this or the ſaid recited Act, to dig, gather, get, take or carry away any Materials for repairing ſuch Road, out of or from any incloſed Lands or Grounds, without the Conſent in Writing of the Owners thereof firſt had and obtained for that Purpoſe, and until Ten

Days

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

Statute Work.

VIII. And be it further enacted, That ſo much of the ſaid recited Acts as relates to the Performance of Statute Labour, under the Direction of the ſaid Truſtees, ſhall be and the ſame is hereby repealed; and that all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Road, 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 Counties of *Berks* or *Wilts* within their reſpective Juriſdictions, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees, or by their Clerk or Surveyor, by their Order, yearly to adjudge and determine what Part or Proportion of Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective Pariſhes, Hamlets, or Places in which the ſaid Road lies; and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Hamlet, 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 or Treaſurers; and in order thereto, it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh, Hamlet or Place, within their reſpective Juriſdictions, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Five Days after the ſerving of ſuch Summons), of the Names of the ſeveral Perſons who within ſuch Pariſh, Hamlet 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 and effect for the Repair of the public Highways in *England*; and out of ſuch Liſts the ſaid Juſtices ſhall and may appoint and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to Statute Work as aforeſaid, to do ſuch Number

of Days Statute Work in every Year upon the ſaid Road as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days, and at ſuch Times (not being Hay-time or Harveſt) and in ſuch Parts of the ſaid Road, 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 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 or either of them authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her, or them, at his, her or their laſt or uſual Place or Places of Abode for that Purpoſe, by any Surveyor of 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 in *England*; and if any Perſon who ſhall come to work as a Labourer, or who ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and diſcharge the Perſon who ſhall be found idle or negligent as aforeſaid; and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Road, all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Road; and if any Surveyor of the Highways for any of the ſaid Pariſhes, Hamlets, or Places, ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly and wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

For paying the Expences of this Act.

IX. And be it further enacted, That the Charges and Expences incurred in and about the obtaining and paſſing of this Act, together with lawful Intereſt for the Money which ſhall be advanced from Time to Time for that Purpoſe, ſhall be paid out of any Money already raiſed by virtue of the ſaid recited Acts, or out of the Firſt Monies which ſhall be raiſed or borrowed upon the Credit of the ſaid recited Acts, and this Act, or out of any Money to be collected by virtue thereof, in preference to all other Payments whatſoever.

Public Act.

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

XI. And

Commencement and Continuance of this Act.

XI. And be it further enacted, That the ſaid recited Acts (ſubject to the Alterations, Additions, and Amendments in this Act contained) and this Act ſhall be put in Force and be executed for and during the Reſidue now to come of the Term granted by the ſaid recited Acts, and from the Expiration thereof for and during the further 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. 1814.