ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. lxxvi.

An Act to renew the Term and continue the Powers and Provisions of an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and improving several Districts of* Malmesbury *Turnpike Roads, and other Roads connected therewith, in the Counties of* Wilts, Berks, *and* Gloucester, so far as relates to the First and Second Districts.

[24th *July* 1851.]

WHEREAS an Act was passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and improving several Districts of* Malmesbury *Turnpike Roads, and other Roads connected therewith, in the Counties of* Wilts, Berks, *and* Gloucester: 1 G. 4. c. 32.
And whereas the said Roads were divided into Three separate Districts, as therein particularly described, and all the Tolls authorized to be collected upon the said several Roads comprised in the said Three several Districts were declared to be charged (amongst other things) with all Money which should thereafter be borrowed and become due upon the Credit of the said Act and of the Tolls arising within the same Three Districts severally and respectively, and the Interest due and to grow due for the same Monies within each of such separate Districts: And whereas certain Persons therein named, and their Suc-

cessors, to be elected in manner therein-after mentioned, were appointed Trustees for the Purpose of putting the said Act into execution within and for the said respective Districts: And whereas Power was given to the said Trustees to take Tolls within their respective Districts, and to borrow Money upon the Credit of the said Tolls, and to demise or mortgage the same; and which said Act was authorized to commence and take effect from the passing thereof, and should continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas the Trustees appointed under and by virtue of the said Act for the said First and Second Districts of Road respectively have proceeded to put the said Act into execution, and have from Time to Time borrowed considerable Sums of Money upon the Credit of the Tolls thereby authorized to be taken upon the Roads within the said respective Districts, whereof the Sum of Three thousand Pounds is now owing upon the Credit of the Tolls of the said First District, and the Sum of Nine thousand one hundred and five Pounds and Seven Shillings upon the Credit of the Tolls of the said Second District, together with an Arrear of Interest upon Part of the said last-mentioned Sum: And whereas by the Annual Turnpike Acts Continuance Act, One thousand eight hundred and fifty, the Acts mentioned in the Schedule thereto were continued until the First Day of *November* One thousand eight hundred and fifty-one, and no longer, unless Parliament should in the meantime continue the same, and the recited Act was mentioned in the said Schedule: And whereas it is expedient that the said recited Act should be repealed, and that other and more effectual Powers should be granted in lieu thereof; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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,

Recited Act repealed, and this Act to be put in force for repairing Roads herein mentioned.

I. That upon the Fourth *Monday* next after the passing of this Act the recited Act of the First Year of the Reign of His Majesty King *George* the Fourth shall be and the same is hereby repealed, except as herein-after provided, and that this Act shall thereafter be put in execution for and during the Term herein-after mentioned, for the Purpose of maintaining, amending, diverting, varying, altering, widening, straightening, improving, and keeping in repair the several Roads herein-after described; (that is to say,)

First District.

The present Turnpike Road leading from the Town of *Tetbury* in the County of *Gloucester* to and through the Borough of *Malmesbury* to the Site of Ground whereon a Cottage formerly stood, adjoining to the Churchway in *Lower Stanton Field* in the County of *Wilts*, there joining the Turnpike Road leading from *Chippenham*

Chippenham Bridge to *Lower Stanton* aforesaid, and the Road leading from the *High Cross* in the Borough of *Malmesbury* to the Turnpike Road leading from *Cirencester* in the County of *Gloucester* to *Tetbury* aforesaid at or near a Place called *Jackament's Bottom* in the said County, and the Road (by the recited Act intended to be made turnpike) leading from and out of the said present Turnpike Road from *Malmesbury* to *Chippenham* at or near the aforesaid Place called *Kingway* to and through the Village of *Hullavington* unto the Turnpike Road leading from *Upper Stanton* to *Grittleton*, or else from the said present Turnpike Road from *Malmesbury* to *Chippenham* at or near to *Corston Bridge* by the *Downs* and *Topsails* to and through the said Village of *Hullavington* to the said *Stanton and Grittleton* Road, which several Roads aforesaid do pass through or lie in the Parishes, Tythings, or Places of *Malmesbury*, *Saint Paul Malmesbury*, the *Abbey Malmesbury*, *Saint Mary Westport*, *Newnton*, *Brockenborough*, *Milborne*, *Whychurch*, *Charlton*, *Hankerton*, *Crudwell*, *Kemble*, *Burton Hill*, *Corston*, *Hullavington*, *Stanton Saint Quintin*, and *Grittleton*, in the said County of *Wilts*, and shall continue to be and be called the First District of Roads:

Second District.

The present Turnpike Road leading from the Town of *Faringdon* in the County of *Berks* (commencing at the Turnpike Gate, inclusive, erected and now standing at the West End of the said Town,) to and through the several Towns and Boroughs of *Highworth*, *Cricklade*, and *Malmesbury*, unto the Turnpike Road at *Acton Turville*, and also the present Turnpike Road from *Sherstone Magna* to the Turnpike Road leading from *Tetbury to Bath*, and also the present Turnpike Road leading out of the said Turnpike Road from *Malmesbury* to *Sherstone* at the End of a Lane in the Parish of *Brockenborough* near to a certain Field called *Hyem Park* to the Turnpike Road leading from the City of *Gloucester* to *Bath* at or near the Place where the Roads from *Frocester* to *Bath* and *Rodborough* to *Bath* unite in the Parish of *Lasborough*, and from the upper End of *Shipton Moyne Street* unto a Place called *Underbridge* in the Parish of *Shipton Moyne*, and also the Road leading from the aforesaid present Turnpike Road and Gates at *Charlton* aforesaid to the said Turnpike Road leading from *Malmesbury* to *Jackament's Bottom* at or near a certain Place called the *Five Lanes* in the Parish of *Hankerton*, and from thence joining the Turnpike Road leading from *Tetbury* to *Malmesbury* aforesaid at the Village of *Newnton*, and also the Variation of Road by the recited Act intended to be made turnpike leading from and out of the present Turnpike Road from *Cricklade* to *Malmesbury*, from *Charlton Moor* or *Heath*, or *Noah's Ark*, by *Garsden* and *Milborne Common*, to *Holloway Bridge*, and the Variations of Road from

Seven

Seven Bridges by *Golden Rose Lane*, and after extending through Part of *Hannington Lawn* passing in nearly a straight Line to *Stanton Water* between the Towns of *Cricklade* and *Highworth*, and the Diversion of Road, also by the said recited Act made turnpike, through or near the *Parsonage Yard*, and Land on the East Side of the Town of *Highworth*, in a straight Line therefrom, to join the said Turnpike Road from *Faringdon* to *Highworth* by the Messuage of *Randle Pedley* in *Eastrop*, in the Occupation of *Thomas Hopper*, which said last-mentioned Roads, Variations, and Diversions do pass through or lie in the several Parishes, Tythings, or Places of *Faringdon*, *Great Coxwell*, and *Coleshill*, in the County of *Berks*, and *Fresden*, *Eastrop*, *Highworth*, *Westrop*, *Hampton Turville*, *Stanton Fitzwarren*, *Hannington*, *Bury*, *Blunsden*, *Broad Blunsden*, *Widhill*, *Water Eaton*, *Cricklade Saint Sampson*, *Chelworth*, *Cricklade*, the *Leigh*, *Ashton Keynes*, *Minety*, *Hankerton*, *Charlton*, *Garsden*, *Whychurch*, *Milborne*, *Malmesbury*, *Saint Paul Malmesbury*, the *Abbey Malmesbury*, *Saint Mary Westport*, *Bremilham*, *Brockenborough*, *Newnton*, *Easton Grey*, *Pinkney*, *Sherstone Parva*, *Sherstone Magna*, *Luckington*, and *Sopworth*, in the County of *Wilts*, and the several Parishes, Tythings, or Places of *Minety*, *Shipton Moyne*, *Westonbirt*, *Doughton*, *Elmstree*, *Charlton*, *Tetbury*, *Lasborough*, and *Acton Turville*, in the County of *Gloucester*, and shall continue to be and be called the Second District of Roads.

Short Title.

II. That in citing this Act for any Purpose it shall be sufficient to use the Expression "The *Malmesbury* Turnpike Roads Act, 1851."

Trustees.

III. That all Her Majesty's Justices of the Peace for the Time being acting for the Counties of *Wilts*, *Berks*, and *Gloucester*, together with the Right Honourable *Charles John Howard* commonly called Viscount *Andover*, *Thomas Angell*, *John Archer*, *David Archer*, *David Archer* the younger, *Edward Bouverie* Clerk, the Honourable *Edward Bouverie*, the Honourable *Percy Barrington*, *Edward Berens* Clerk, *Samuel Bendry Brooke*, *George Augustus Biedermann* Clerk, *John Daniel Garlick Bennett*, *Joseph Buckland*, *William Baker*, *Francis Baker*, *Richard Blackford*, *Richard Brooke*, *Richard Brooke* Clerk, *John Boote*, *Thomas Bennett*, *Daniel Bennett*, *Joseph Canter*, *Charles Gray Cotes* Clerk, *William Henry Cresswell*, Sir *William Bethell Codrington* Baronet, *William Carter* Clerk, *James Crowdy*, *Charles Crowdy*, *James William Crowdy*, *William Slater Crowdy* Clerk, *Henry Crowdy Crowdy*, *Henry Calley*, *Charles Calley* Clerk, *Richard Wheeler Crowdy*, *William Morse Crowdy*, *Stephen Demainbray* Clerk, *James Hartley Dunsford* Clerk, *Francis Dyson* Clerk, *Thomas Grimstone Bucknall Estcourt*, *Edmund William Estcourt* Clerk, *Arthur Evans* Clerk, the Honourable *William Eliott*, *Edward*

John Ewer, the Right Honourable *Jacob Pleydell Bouverie* commonly called Viscount *Folkestone*, *Maurice George Fenwick* Clerk, *Mordaunt Fenwick*, *Ambrose Goddard*, *Ambrose Lethbridge Goddard*, *John Hesketh Goddard*, *Robert Gordon*, *Thomas Frazer Grove*, *Henry Gale* Clerk, *Frederick Gauntlett* Clerk, the Honourable *James Howard*, *Robert Steyner Holford*, *John Alexander Handy*, *George Henry Hely Hutchinson* Clerk, *William Hallett*, *Edward Harenc* Clerk, *Richard Berens Bradford Hawkins*, *Alfred Francis William Jeston*, *John Samuel Willes Johnson*, *William Thomas Keene Perry Keene*, *Thomas Pacey Keene*, *Richard Kinnier*, *Richard Kinnier* the younger, *Robert Kilmister*, *Peter Audley Lovell*, *Francis Lovell*, *John Lovell*, *Thomas Luce*, *William Luce*, *Robert Cove Lloyd*, *Edward Freke Lewis* Clerk, *John Ling*, *Charles William Miles*, *Charles Avery Moore* Clerk, *George Thomas Marsh* Clerk, *William Maskelyne* Clerk, *Walter Matthews*, *Charles Milman Mount* Clerk, *Joseph Randolph Mullings*, *John Nash*, *Richard Hungerford Pollen*, *Charles Pitt* Clerk, *John Parsloe Poole*, *Robert Peacey*, *Robert Peacey* the younger, *William Peacey*, *Emanuel Pritchard*, *John Mervin Prower* Clerk, *John Elton Mervin Prower*, *Mervin Prower*, *Richard Perrott*, *John Phipps*, *William Randell*, *Joseph Reynolds*, *Edward Rowden* Clerk, *Edward Wetherell Rowden*, *Francis Rowden* the younger, Clerk, *George Augustus Robbins*, *Henry John Smith*, *Robert Stratton*, *Simon Uncles Salter*, *Isaac Salter*, *Thomas Stronge*, *James Burns Smeaton* Clerk, *Richard John Sharps*, *Thomas Sharps* the younger, *John Ashfordby Trenchard*, the Most Honourable *Henry Somerset* commonly called the Marquis of *Worcester*, *Charles Wightwick* Clerk, *Henry Wightwick* Clerk, *Benjamin Wood*, *George White*, *William Walker*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

For appointing additional Trustees.

IV. That it shall be lawful for the said Trustees at any Meeting under this Act to elect any Number of Persons, being duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Seven in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated; and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

First Meeting of Trustees.

V. That the said Trustees shall hold their First Meeting at the House of *Thomas Leonard* known by the Name or Sign of the *White Lion* Inn in the Town of *Malmesbury* aforesaid, or at some other convenient Place in the Neighbourhood of the said Roads, on the Fourth *Monday* next after the passing of this Act, and shall then and from Time to Time thereafter adjourn to and meet at such Times, and at such Places in the Neighbourhood of the said Roads, as they shall think proper.

Power to appoint Committees.

VI. That the said Trustees may appoint Committees out of their own Number to take the Care and Management of any particular Part of the said Roads, or to execute any of the other Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the said Trustees at any General Meeting; and the said Committees and their Surveyors may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Power to take Tolls.

VII. That upon and after the Fourth *Monday* next after the passing of this Act it shall be lawful for the said Trustees to demand and take, at the several and respective Toll Gates or Toll Bars which shall by virtue of this Act be upon or on the Sides of the said Roads (except at the Gate at the Entrance to the Town of *Faringdon* aforesaid, called the *Faringdon Gate*, as herein-after mentioned), such Tolls as the said Trustees at any of their Meetings shall direct; that is to say,

For every Horse, Mule, Ass, Ox, or other Beast drawing any Carriage, any Sum not exceeding the Sum of Sixpence;

For every Horse, Mule, or Ass, laden or unladen, and not drawing, any Sum not exceeding the Sum of Twopence;

For every Dog drawing any Wain, Truck, Cart, or other Carriage, One Penny;

For every Drove of Oxen, Cows, or Neat Cattle, any Sum not exceeding One Shilling and Eightpence *per* Score, and so in proportion for any greater or less Number; and

For every Drove of Calves, Hogs, Sheep, or Lambs, any Sum not exceeding Tenpence *per* Score, and so in proportion for any greater or less Number:

And at the said *Faringdon Gate*, from and after the First Day of *November* next ensuing, so long as the same shall continue upon any Part of the said Turnpike Road within the Distance of Four hundred and twenty-three Yards of the Town of *Faringdon*, the reduced Tolls herein-after mentioned; (that is to say,)

For every Horse, Mule, Ass, Ox, or other Beast drawing any Waggon, Wain, Cart (except a Taxed Cart, or any Cart drawn by One Horse or Two Oxen only), or other such Carriage having the Fellies of the Wheels thereof of less Breadth or Gauge than Four and a Half Inches, Threepence;

For every Horse, Mule, Ass, Ox, or other Beast drawing any Waggon, Wain, Cart (except any Cart drawn by One Horse or Two Oxen only), or other such Carriage having the Fellies of the Wheels thereof of the Breadth or Gauge of Four and a Half Inches and less than Six Inches, Twopence;

For every Horse, Mule, Ass, Ox, or other Beast drawing any Waggon, Wain, Cart (except any Cart drawn by One Horse or Two Oxen only), or other such Carriage having the Fellies of

the Wheels thereof of the Breadth of Six Inches or upwards, Threepence;

For every Dog drawing any Wain, Truck, Cart, or other Carriage, One Penny;

For every Horse, Mule, Ass, Ox, or other Beast drawing any Chaise Marine, Coach, Landau, Berlin, Barouche, Phaeton, Sociable, Chariot, Calash, Hearse, Break, Chaise, Curricle, Gig, Chair, Taxed Cart, or any Cart not drawn by more than One Horse or Two Oxen, or other Carriage not falling within the above Description, Twopence;

For every Horse, Mule, or Ass, laden or unladen, and not drawing, One Penny;

For every Drove of Oxen, Cows, or Neat Cattle, *per* Score, and so in proportion for any greater or less Number, Tenpence; and

For every Drove of Calves, Hogs, Sheep, or Lambs, *per* Score, and so in proportion for any greater or less Number, Fivepence:

Which said Tolls respectively shall be paid before any Horse, Mule, Ass, Beast, or other Cattle or Carriage whatsoever shall be permitted to pass through any Toll Gate, Bar, or Chain which shall be by virtue of this Act upon or across such Road or on the Sides thereof.

Existing Toll at Faringdon Gate to be continued until 1st Nov. 1851.

VIII. That, notwithstanding the Repeal of the said herein-before recited Act, the several Tolls thereby respectively granted and made payable shall continue to be paid at the Toll Gate now standing at the Entrance of the Town of *Faringdon* between that Town and the Village of *Shrivenham* until the First Day of *November* now next ensuing.

Persons having paid Toll to return Toll-free.

IX. That all Horses and Cattle (except Horses or Cattle drawing any Stage Coach, Waggon, or other Stage Carriage as herein-after mentioned,) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar on any of the said Roads or on the Sides thereof, shall, upon a Ticket denoting such Payment being produced, be permitted, in returning through the same Toll Gate or Toll Bar, and in going and returning through such other Gate or Bar, if any, as the Ticket for such Payment shall free, to pass Toll-free the same Day.

Postchaises to pay on every new Hiring.

X. That the Tolls hereby made payable shall be paid for all Horses or Cattle drawing any Postchaise or other Carriage travelling for Hire as often as a new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses or Cattle had been made on the same Day.

XI. That

Regulations as to Stage Coaches, &c.

XI. That all Horses and Cattle drawing any Stage Coach, Waggon, or other Stage Carriage carrying Passengers or Goods for Hire or Reward, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Gate or Bar which such Ticket would free in the Case of Horses or Cattle drawing any other Carriage, and no further or additional Toll shall be payable in respect of any Stage Coach or other such Carriage as aforesaid at any Toll Gate or Bar the Payment at which shall be freed by such Ticket as aforesaid, on account only of their conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

Limiting the Number of Tolls to be taken on each Road.

XII. That no more than the respective Numbers of Tolls in the whole herein-after mentioned shall be taken for passing and repassing once only in the same Day, with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll or Duty, through the Toll Gates erected or to be erected or continued in the several Divisions of the said Districts of Road as herein-after set forth; (that is to say,) on the First District of Road, not more than Two full Tolls between the Town of *Tetbury* and *Churchway* in *Lower Stanton Field*, nor more than One full Toll on the Branch of Road from *Kingway* or *Corston Bridge* through *Hullavington* to the *Stanton and Grittleton* Road, nor more than Two full Tolls between the Town of *Malmesbury* and *Jackament's Bottom*; and on the Second District of Road, not more than Two full Tolls between the Towns of *Faringdon* and *Cricklade*, Two full Tolls between the Towns of *Cricklade* and *Malmesbury*, Two full Tolls between the Towns of *Malmesbury* and *Acton Turville*, Two full Tolls on the Branch of Road leading through *Shipton Moyne* to *Lasborough* or to *Underbridge*, One full Toll on the Branch of Road from *Charlton* towards *Newnton*, and One full Toll on the Branch of Road leading from *Sherstone* to the Turnpike Road leading from *Tetbury* to *Bath*.

Exemption from Toll in favour of the Inhabitants of Coleshill and Buscot.

XIII. That no Inhabitant or Inhabitants of the Parishes of *Coleshill* or *Buscot* in the County of *Berks* for the Time being shall pay any Toll for going or passing through any Gate or Turnpike already erected or to be at any Time hereafter erected in, upon, or across the said Road in the said Parish of *Coleshill*, or in, upon, or across any Road or Way leading into the same from *Buscot* aforesaid, with any Sort of Coach, Hearse, Waggon, Wain, Cart, or other Carriage, Horse or other Cattle whatsoever, belonging to any or either of the Inhabitants of *Buscot* or *Coleshill* respectively, in going from *Coleshill* to *Buscot* aforesaid, or elsewhere on the Road leading from *Coleshill* to *Buscot* aforesaid, or from *Buscot* to *Coleshill* only.

XIV. That

Separate Accounts to be kept for each District.

XIV. That separate Accounts shall be kept of the Income and Expenditure which shall arise and be made by virtue of this Act within the Two respective Districts of Road, including in the Account of the Second District the Branch of Road called the *Shipton Moyne* Branch.

Debts confined to each District.

XV. That all the existing Securities or Debts affecting the said First District of Road or any Part thereof shall not extend beyond but shall be confined to or within the same District herein-before described, and that all the existing Securities or Debts affecting the said Second District of Road or any Part thereof shall not be deemed or construed to extend beyond but shall be confined to or within the same Second District herein-before described, and hereby made to terminate at *Acton Turville* as aforesaid, anything herein contained to the contrary in anywise notwithstanding.

Application of the Tolls and Monies on the First and Second Districts.

XVI. That all Monies which shall be received by virtue of this Act within the said respective Districts of Road shall be paid, applied, and disposed of therein respectively as herein-after mentioned; (that is to say,)

First, in defraying One equal Moiety or Half Part of all the Costs, Charges, and Expenses incident to and attending the obtaining and passing of this Act;

Secondly, in paying the Expenses of providing and keeping in repair the Toll Gates, Toll Bars, Toll Houses, Chains, and Bars, and their Appurtenances, and in paying the Officers to be employed in the Execution of this Act, the Amount so applied not exceeding the Sum of Two hundred and thirty Pounds *per Annum*;

Thirdly, in paying the Interest upon the Principal Debt due and owing upon the Tolls of the said Roads, as to the First District, at the Rate of Three Pounds and Ten Shillings *per Centum per Annum*, and as to the Second District, at the Rate of Three Pounds *per Centum per Annum*;

Fourthly, in maintaining, repairing, and improving the Roads within the said Districts respectively; and,

Fifthly, in reducing, paying off, and discharging the Principal Debt upon the said Districts in manner herein-after provided.

For appropriating the Sum of 100*l.* in discharging Securities on the Tolls.

XVII. That when any Sum of Money amounting to the Sum of One hundred Pounds shall be in the Hands of the respective Treasurers to the Trustees applicable to the Discharge of the Principal Monies due and owing upon the Credit of the respective Tolls, it shall be lawful for the Trustees and they are hereby required to pay such Sums of Money as shall or may be agreed to be accepted by any Person being a Creditor on the respective Tolls as a Composition on and in satisfaction of his Security to the Amount of One hundred

Pounds, according to the Stipulation herein-after mentioned; (that is to say,) the Trustees shall, Twenty-eight Days at least before the next general or other Meeting, cause Notice in Writing to be sent by Post to each Mortgagee, directed to his last known Place of Abode, that a Composition will be paid to such Creditor on the said Tolls as shall be willing to accept the smallest Composition for his Security, and requiring such Creditors to transmit Proposals in Writing, sealed up, to the Trustees at the said Meeting, specifying therein the lowest Rate *per Centum* which such Creditor will accept and take for each and every such Security of which he may be possessed, due and owing on such Tolls (which said Proposals shall as soon after the Hour of One of the Clock in the Afternoon of the Day of the said Meeting as convenient be publicly opened by the respective Clerk or Clerks to the Trustees at the said Meeting); and the Creditor whose Proposal shall specify the lowest Rate *per Centum* which he will accept and take for all or any of the said Securities, or for any Portion of any Securities, shall have the Preference, and be paid such Sum of Money as he may be willing to accept for the same (if the Amount due upon such Security shall not exceed the Amount of the Sinking Fund to be disposed of, or if the Amount due thereon shall exceed the Amount of such disposable Sinking Fund, then such Portion of the same as that Sum shall extend to satisfy,) by the Treasurer to the said Trustees, at the Expiration of One Calendar Month next after such Meeting, with all Interest then due for the same; and if Two or more of the said Creditors shall deliver in Proposals at the same Meeting for accepting a Composition for any Security at an equal Rate *per Centum*, then and in such Case it shall be forthwith determined by Lot, to be fairly drawn by the said Clerk or Clerks to the said Trustees, to which of the said Creditors Preference shall be given in Payment of such Composition, and the Creditor having the Casting Vote shall be paid his Composition, or such Part of the same as the Sum to be disposed of will extend to satisfy, at the Time and in the Manner herein-before mentioned; but if there shall not be any Proposals delivered in at any such Meeting by any of the Creditors for accepting any such Composition as aforesaid to the Amount to be disposed of, or any Part of that Sum, at a less Rate than the full Amount of the Principal Monies due to him on the said Tolls, then and in such Case, but not otherwise, the said Trustees shall and may and they are hereby required to cause the Numbers of the respective Securities, with the several Sums for which they are given, to be separately set down in Writing, and put together in a Box or Wheel, and out of such Box or Wheel immediately afterwards cause to be drawn the Number of so many of the said Securities as shall be equal in Value or Amount to the Sum so set apart and intended to be paid off; and in One Calendar Month next after such Numbers shall be respectively drawn the Treasurer to the said Trustees shall pay to the Person or Persons who shall be entitled to the respective Securities

rities the Numbers of which shall be drawn as aforesaid, or to the Trustee or Trustees, Guardian or Guardians of such of the Persons so entitled as shall be under Age, such Sum or Sums of Money as shall be due by virtue thereof, which they are hereby required to accept and take accordingly in discharge of such Securities, or of such Part of the same as shall be thereby satisfied and paid.

Mortgagees to take possession for Payment of Interest only.

XVIII. That whenever and so long as the Interest upon all existing Mortgages made under the Powers of the said recited Act shall be duly paid at the Rate herein-before mentioned within One Calendar Month next after the same shall become due, no Holder of any Mortgage of the Tolls collected upon the said Roads shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Roads, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any Letting of such Tolls; and every Mortgagee entering into possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, shall pay the Interest from Time to Time due and becoming due at the Rate herein-before mentioned upon all the said existing Mortgages, without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every such Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest on such existing Mortgages shall be payable, render to the Clerk to the said Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due at the Rate herein-before mentioned on such Mortgages up to the last of such half-yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the said Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of the said Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls and of any such Rent as aforesaid, to the said Trustees, or any Person appointed by them to receive the same, anything in this Act or in any Statute or Law in force relating to Turnpike Roads in *England* to the contrary notwithstanding.

Certain Lanes stopped up under a former Act to continue so.

XIX. And whereas the Trustees of the Second District of Road, in pursuance of the Power and Authority for that Purpose given them by or under an Act of Parliament of the Thirty-eighth Year of the Reign of His Majesty King *George* the Third, since repealed, and the said former Act hereby repealed, have stopped up and discontinued as Roads or Highways certain Lanes therein particularly described, and commonly called or known by the several Names of the

the *Green Lane*, *Quabwell Lane*, *Backbridge Lane*, the *Foss Lane*, or *Way*, *Newnton Lane*, and *Underbridge Lane*: And whereas for the Purposes of this Act it is expedient that the said Lanes should continue to be stopped up: Be it therefore enacted, That the several Lanes or Ways herein-before last-mentioned to have been so as aforesaid stopped up by or under the Authority of the said former Acts shall from Time to Time and at all Times for ever hereafter be and remain stopped up and discontinued as public Highways.

No Tolls to be taken or Money laid out in Towns.

XX. That no Money shall be laid out on any Road comprised in this Act within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any be collected therein.

No more Money to be borrowed upon the Tolls.

XXI. That it shall not be lawful for the respective Trustees to borrow any further Sum or Sums of Money on the Credit of the Tolls by this Act authorized to be taken.

Trustees or Clerks not to be deemed incompetent Witnesses.

XXII. That no Trustee or Clerk acting under the Authority of this Act shall be deemed incompetent to give Evidence, or be disqualified from giving Evidence, in any Action, Suit, or other Proceeding brought by or against him in such his Capacity of Trustee or Clerk, by reason of his being Plaintiff or Defendant in such Action, Suit, or other Proceeding.

Roads not exempt from Provisions of future General Acts.

XXIII. That nothing herein contained shall be deemed or construed to exempt the Roads comprised in this Act from the Provisions of any General Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Term of Act.

XXIV. That this Act shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

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