ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. xi.

An Act for enlarging the Term and Powers of an Act of His preſent Majeſty, for repairing the Road from *Dunchurch* to *Southam*, in the County of *Warwick*.

[23d *March* 1815.]

WHEREAS an Act was paſſed in the Thirty-fourth Year of the Reign of His preſent Majeſty, intituled *An Act for amending, widening, altering, and keeping in Repair, the Road from* Dunchurch *to* Southam, *in the County of* Warwick: And whereas the Truſtees, appointed in or by virtue of the ſaid Act, 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, and kept in Repair, unleſs the Term of the ſaid Act be continued, and ſome of the Powers and Proviſions of the ſaid Act be altered and enlarged, and the 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 Act paſſed in the Thirty-fourth Year of the Reign of His preſent Majeſty, and all and every the Authorities, Powers, Privileges, Proviſions, Penalties, and 34 G. 3. c. 128.

and Clauſes therein contained, (except ſuch as are varied, altered, or repealed), ſhall be and continue in full force, and be executed for and during the Term herein-after mentioned, as fully and effectually to all Intents and Purpoſes, as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 Act, or which may hereafter be borrowed or become due and owing on the Credit of the ſaid Act and this Act, and of all Intereſt due and to grow due for the ſame reſpectively.

Additional Truſtees.

II. And be it further enacted, That *Robert Auger*, *Arnold*, *Richard Barnwell*, *Richard Barnwell*, *Richard Barnwell* of Henſbro', *John Barnwell*, *John Barnwell* the younger, *William Barnwell*, *Thomas Bagshaw*, *William Bagshaw* the younger, *Thomas Benn*, *John Brierly*, *Harry Brierly*, *Jeremiah Brierly*, *Samuel Bucknall*, *Charles Bucknall*, *John Burbury*, *Richard Burman*, *Thomas Congreve*, *Thomas Congreve* the younger, *James Croſts*, *James Downing*, *Dugdale Stratford Dugdale*, *Thomas Garner*, *George Garlick*, *Charles Handley*, *Henry Hands*, *Abraham Herbert*, *Aaron Herne*, *John Herne*, *John Hincks*, *Edmund Ivens*, *John Ivens*, *William Ivens*, the Reverend *Clarke Jenkins*, *Jenkin Jenkins*, *Thomas Johnſon*, *William Laurence*, *Henry Lee*, *John Liekoriſh*, *William Mann*, *William Maſon* the younger, *Matthias Maſon*, *James Maſon*, *Thomas Maſon*, *Robert Maſters*, *Abraham Over*, *Thomas Pridmore*, *James Richardſon*, *William Sutton* the younger, *William Lucas Sutton*, *Edward Tomes*, *Thomas Townſend* the younger, *James Troughton* the younger, *Thomas Ball Troughton*, *Bryan Troughton*, *William Truſlove*, *William Truſlove* of Hardwick, *John Truſlove*, *George Wall*, *William Warner*, *Walter Watſon*, *George Watſon*, *Thomas Webb*, *William Webb*, *John Worth*, *John Worth* the younger, *George Wyatt*, and *William Ferdinand Wyatt*, 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 Act, for putting the ſame and this Act in Execution; and the Truſtees hereby appointed, and their Succeſſors, being qualified according to the Directions of the ſaid recited Act, are hereby empowered to put the ſaid recited Act 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 Act.

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 held for that Purpoſe (of which Meeting, and of the Purpoſe thereof, ſuch Notice ſhall be given as is directed by the ſaid recited Act reſpecting the Appointment of future Truſtees on Vacancies), to elect, nominate, and appoint any Number of fit and proper Perſons, not exceeding Ten, to be Truſtees for the Purpoſes of the ſaid recited Act and this Act, in Addition to the Truſtees hereby nominated and appointed.

Former Tolls repealed.

IV. And be it further enacted, That from and after the paſſing of this Act, all and every the Tolls by the ſaid recited Act authorized to be taken, ſhall ceaſe and be no longer payable, and thenceforth it ſhall be lawful for the

the ſaid Truſtees, or any Perſon appointed or to be appointed Collector or Collectors by virtue of the ſaid recited Act or this Act, to demand and take the ſeveral Tolls and Duties, herein-after particularly mentioned, at each and every of the Turnpikes or Toll Gates already erected, or which ſhall at any Time hereafter be erected, in, upon, acroſs or on the Sides of any Part or Parts of the ſaid Road, and acroſs any Way or Lane leading into or out of the ſame, except as herein-after is expreſsly directed or provided to the contrary; and on every Day (ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night; (that is to ſay),

Tolls.

For every Coach, Berlin, Landau, Chariot, Calaſh, Chair, Chaiſe, Hearſe, Caravan or Litter, drawn by Six or more Horſes, Mares, Geldings or Mules, the Sum of Two Shillings; and drawn by Four or Five Horſes, Mares, Geldings, or Mules, the Sum of One Shilling and Sixpence; and drawn by Two or Three Horſes, Mares, Geldings or Mules, the Sum of One Shilling:

For every Calaſh, Chaiſe, or Chair, drawn by One Horſe, Mare, Gelding or Mule, the Sum of Sixpence:

For every Waggon, Wain, Cart or other like Carriage, drawn by One Horſe, Mare, Gelding, Ox, Mule or Aſs, the Sum of Sixpence; and for every Waggon, Wain, Cart or other Carriage, drawn by Two or more Horſes, the Sum of Five-pence for every ſuch Horſe, Mare, Gelding, Ox, Mule or Aſs, drawing the ſame:

For every Horſe, Mare, Gelding, Ox, Mule or Aſs, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

For every Drove of Oxen or Neat Cattle, the Sum of Ten-pence *per* Score; and ſo in Proportion for any greater or leſs Number:

For every Drove of Calves, Hogs, Sheep or Lambs, the Sum of Five-pence *per* Score; and ſo in Proportion for any greater or leſs Number:

Tolls veſted in Truſtees.

And the ſaid reſpective Tolls ſhall be demanded and taken, before any Carriage whatſoever, or Horſe or Horſes, or other Beaſt or Cattle be permitted to paſs through any ſuch Turnpike or Toll Gates; and all and every Sum and Sums of Money which ſhall ariſe and be produced therefrom, ſhall be veſted in the ſaid Truſtees for the Time being; and the ſaid Tolls and every Part thereof, ſhall and may be demanded and collected, and be recovered and recoverable in the ſame Manner, and be applied and diſpoſed of, for ſuch Uſes, Intents, and Purpoſes, as the Tolls granted by the ſaid recited Act are authorized and directed to be taken, recovered, applied and diſpoſed of; but ſubject nevertheleſs to the Proviſions and Directions of this Act.

Tolls to be paid but once a Day.

V. And be it further enacted, That no Perſon or Perſons having paid the Tolls authorized to be taken by virtue of this Act, or paſſing with any Horſes, Cattle, Sheep, Beaſts, or Carriage whatſoever, through any Turnpike Gate erected or to be erected, by virtue of the ſaid recited Act or this Act, ſhall be ſubject to pay any further or other Toll for returning or repaſſing, with the ſame Horſes, Cattle, Sheep, Beaſts, or Carriage, as often as he, ſhe, or they ſhall have Occaſion, on the ſame Day, (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night,) through the ſame Gate where ſuch Toll ſhall have been ſo paid, ſuch Perſon or Perſons producing a Ticket of the Day denoting ſuch Payment;

ment; which Ticket the Collectors of the ſaid Tolls are hereby required to give *gratis* on Receipt of the Toll.

Not more than Two Tolls to be taken on the whole Line of Road.

VI. Provided always, and be it enacted, That no more than Two Tolls ſhall be demanded or taken from any Perſon or Perſons, for paſſing and repaſſing the ſame Day with or driving the ſame Horſes, Cattle, Sheep or Beaſts, or with the ſame Carriages through all the Turnpikes or Toll Gates erected or to be erected by virtue of the ſaid recited Act or this Act; but all and every Perſon and Perſons, having paid the ſaid Two Tolls, and producing a Note or Ticket, Notes or Tickets, (which Notes or Tickets the Collectors of the ſaid Tolls are hereby required to give *gratis* on the Receipt of ſuch Tolls, and on which Tickets ſhall be printed or written the Names of the Gates through which the Carriage, Horſes or Cattle, for which Tolls may have been paid as aforeſaid, are to paſs Toll-free) ſhall paſs and repaſs during the ſame Day with or drive the ſame Horſes, Cattle, Sheep or Beaſts, or the ſame Carriages Toll-free through all the Turnpikes or Toll Gates erected or to be erected upon the ſaid Road.

Truſtees may reduce the Tolls.

VII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time, when they ſhall think proper, to leſſen or reduce all or any of the Tolls by this Act granted or made payable, and to cauſe the ſame to be collected in ſuch Manner, Parts, and Proportions, as they ſhall think fit, and to raiſe the ſame again, ſo as they do not at any Time exceed the Tolls by this Act granted and made payable, and ſo as every ſuch Reduction thereof be made with the Conſent of the Perſon or Perſons for the Time being entitled to Four-fifth Parts at the leaſt of the Money then due on the Credit or Security of the Tolls: Provided alſo, that no Reduction ſhall be made in any of the ſaid Tolls, unleſs Notice of the Intention to make ſuch Reduction, and of the Meeting to be holden for that Purpoſe, ſhall be given by Writing to be affixed upon all the Turnpikes and Toll Gates which ſhall be then ſtanding in, upon, acroſs, or on the Sides of the ſaid Road, and inſerted in ſome Newſpaper publiſhed or circulated in the ſaid County of *Warwick*, at leaſt Fourteen Days before ſuch Meeting.

Regulations as to Toll Collectors.

VIII. And be it further enacted, That all and every the Toll Collectors, being Leſſee of the ſaid Tolls, or appointed either by the ſaid Truſtees or by any ſuch Leſſee or Leſſees to collect the Tolls payable at any Turnpike Gate to be continued or erected by virtue of the ſaid recited Act or this Act, ſhall and he is hereby required to place his Chriſtian and Surname painted on a Board in legible Characters, in the Front or in ſome other conſpicuous Part of the Toll Houſe or Toll Gate, immediately on his beginning to collect ſuch Toll or coming on Duty; each of the Letters of ſuch Name or Names to be at leaſt One Inch in Length, and of a Breadth in Proportion, and painted in Black Letters on a White Ground, and ſhall continue the ſame ſo placed during the whole Time he ſhall collect ſuch Toll or be upon ſuch Duty; and if any Collector of the ſame Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall 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 any ways hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame, on having paid the ſaid Tolls or any of them, or ſhall

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in anſwer to ſuch Demand, give a falſe Name or Names, or ſhall refuſe or neglect to give a Ticket to denote the Payment of the Tolls when demanded, or ſhall unneceſſarily detain any Paſſenger or Paſſengers, or ſhall make uſe of any ſcurrilous or abuſive Language to any Traveller or Paſſenger; then and in every ſuch Caſe, every ſuch Toll Collector ſhall forfeit and pay any Sum not exceeding Forty Shillings for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid, ſhall adjudge.

Toll Collectors not to make uſe of any ſcurrilous Language to Travellers.

IX. And be it further enacted, That no Farmer or Farmers, Renter or Renters of the Tolls of any Turnpike Gate now erected or hereafter to be erected upon the ſaid Road, or his or their Deputy or Deputies, Agent or Agents, ſhall, without the Conſent in Writing of the ſaid Truſtees, for that ſpecial Purpoſe given, make any Compoſition, by the Year or otherwiſe, with the Inhabitants of any Town or Place, or with any Perſon or Perſons whomſoever, for or in lieu of the Tolls of any Waggon, Wain, Cart, or other Carriage liable to be weighed at the Engine or Engines erected or to be erected upon the ſaid Road, for or in reſpect of the Overweight thereof; and in caſe any Farmer or Renter, or Perſon or Perſons ſhall offend herein, every ſuch Farmer or Renter, Deputy or Agent, ſhall on Conviction thereof, by Confeſſion, or upon the Oath of One Witneſs, before any One of His Majeſty's Juſtices of the Peace for the County of *Warwick*, forfeit and pay, beſides the Coſts and Charges attending the Conviction, any Sum not exceeding Five Pounds, and ſhall alſo forfeit his or their Contract or Leaſe for renting the Tolls, if the Truſtees, or any Five or more of them, ſhall think proper to order that the ſame ſhall be thereupon vacated and made void; and every ſuch Compoſition ſhall be and the ſame is hereby declared to be null and void; and One Moiety of every ſuch Penalty as aforeſaid ſhall be paid to the Informer, and the other Moiety to the Surveyor or Treaſurer of the ſaid Road, to be applied towards the Repairs thereof, the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo convicted, by Warrant under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices as aforeſaid.

Penalty on Renters of Tolls compounding for Overweight.

X. 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 Turnpikes or Toll Gates erected or to be erected or continued in, upon, acroſs, or on the Side of any Part of 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 from 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 Place of Religious Worſhip within the Pariſh or Place where he, ſhe, or they may reſide, on *Sundays*, or on any other

General Exemptions.

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 the County of *Warwick*, 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 Owners, and not for Sale or purchaſed, or of carrying or conveying any Dung, Mould, Manure, or Compoſt (other than Lime), to be uſed only for manuring the Land, or going or returning empty in that Employment; nor for any Horſes, Beaſts, or Cattle 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, or Cattle uſed or employed for the Purpoſe only of carrying or conveying Materials for 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 Five 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.

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

XI. 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 the ſaid recited Act or this Act contained to the contrary notwithſtanding.

XII. And

Application of Compensation Money if amounting to 200l.

XII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken or uſed, by virtue of the Powers of the ſaid recited Act and 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 Act 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 Act and this Act, purſuant to the Method preſcribed by the Act of the Twelfth Year of King *George* the Firſt, Chapter Thirty-two, and the General Orders of the ſaid Court, without Fee or Reward, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances or Part thereof, as the ſaid Court ſhall authorize to be paid affecting the ſame Lands, Tenements, or Hereditaments, or affecting any 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 Meſſuages, 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 the Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name in the Purchaſe of Three Pounds *per Centum* Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time 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 Lands, Tenements, and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Where leſs than 200l. and exceeding 20l.

XIII. 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 any Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall 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

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 with the Privity and in the Name of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed, or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the Truſtees for executing the ſaid recited Act and this Act, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid Court of Chancery.

Application where not more than 20l.

XIV. Provided alſo, and be it further enacted, That when ſuch Money ſo agreed or awarded to be paid as laſt before mentioned ſhall not exceed Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

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

XV. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed by virtue of the ſaid recited Act or this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees, or any Five or more of them; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments be not known or diſcovered; then and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the ſaid High Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments [deſcribing them] ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum and 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 ſame 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

ſubject to the Order of the Court of Chancery on Motion or Petition.

Money

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.

In case of a disputed Title.

XVI. 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 said Court of Chancery, in pursuance of this Act, for the Purchase of any Lands or Hereditaments, or of any Estate, Right, or Interest in any Lands or Hereditaments to be purchased in pursuance thereof, 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 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 appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XVII. 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 or Hereditaments to be purchased under the Authority of the said recited Act or of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance thereof, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Act or of 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.

Statute Labour.

XVIII. And be it further enacted, That so much of the said recited Act as relates to the Performance of Statute Labour on the said Road, shall be and the same is hereby repealed; and 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 County of *Warwick*, and they are hereby required and empowered, upon Application made to them by the said Trustees or by their Clerk or Surveyor, or 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 Sur-

veyors 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 thereunto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Hamlet, 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, 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 Repairs of the public Highways; and out of such Lists the said Justices shall and may appoint and order such and so many of the Persons as 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 to 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 Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor 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 or Effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said 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

or ſhall knowingly and wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

For getting Materials to repair the Road.

XIX. And be it further enacted, That ſo much and ſuch Parts of the ſaid recited Act as authorizes the ſaid Surveyors, by order of the ſaid Truſtees, to get Materials for repairing the ſaid Road, ſhall be and the ſame is and are hereby repealed, and it ſhall and may be lawful for the Surveyor or Surveyors of the ſaid Road, and all ſuch Perſon or Perſons as he or they ſhall appoint, to ſearch for, dig, gather and take away any Stones, Gravel, Sand, or other Materials for making or repairing the ſaid Road, out of any Waſte or Common Ground, Common River or Brook, in any Pariſh, Town or Place, in, adjoining to, or lying near the ſaid Road, or in any neighbouring Pariſh, Town or Place, without paying any Thing for the ſame, they the ſaid Surveyor or Surveyors or other Perſon or Perſons filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and if ſufficient Quantities of Materials cannot be had or found in or upon any ſuch Waſte or Common Ground, Common River or Brook, then and in ſuch Caſe the Surveyor or Surveyors or other Perſons as aforeſaid, may by Order of any Two Juſtices of the Peace, ſearch for, dig, gather, and take away any ſuch Materials in and out of the Lands, Fields, or Grounds of any Perſon or Perſons where the ſame may be had or found (ſuch Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Walks, or Avenue to a Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees) making or tendering ſuch Satisfaction for the Value of the Materials, and for the Damage done to the Owners and Occupiers of ſuch Grounds, where and from whence the ſame ſhall be dug, gathered, and carried away, or over which the ſame or any other Marerials for making or repairing the ſaid Road ſhall be carried, as the ſaid Juſtices ſhall adjudge reaſonable.

Notice to be given before Materials taken.

XX. And be it further enacted, That it ſhall not be lawful for any Surveyor or Surveyors, 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 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 Act, 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.

For securing transient Offenders.

XXI. And whereas Offences may be committed against the said recited Act and this Act, by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put the same in Execution; be it therefore further enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors, or other Officers respectively, and such Person or Persons as they or he shall call to their or his Assistance, without any Warrant or other Authority than this Act to seize and detain any such unknown Person or Persons as shall commit any such Offence or Offences, and to take him, her, or them before any Justice of the Peace of the County or Place where the Offence or Offences shall be committed.

For paying the Expences of the Act.

XXII. 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 Act, or out of the first Monies which shall be raised or borrowed upon the Credit of the said recited Act and this Act, in Preference to all other Payments whatsoever.

Public Act.

XXIII. 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.

Commencement and Continuance of this Act.

XXIV. And be it further enacted, That the said recited Act (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 Act, 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.

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