ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

Cap. lxxix.

An Act for continuing the Term, and altering and enlarging the Powers, of an Act of the Thirty-fifth Year of His present Majesty, for repairing the Road from *Horsely Upright Gate*, leading down *Bowden Hill*, in the County of *Wilts*, to the Top of *Kingsdown Hill*, in the Parish of *Box*, in the said County, and several other Roads near or adjoining thereto.

[26th *June* 1816.]

WHEREAS an Act was passed in the Thirty-fifth Year of the Reign of His present Majesty, intituled, *An Act for repairing and widening the Road from* Horseley Upright Gate, *leading down* Bowden Hill, *in the County of* Wilts, *to the Top of* Kingsdown Hill, *in the Parish of* Box, *in the said County, and several other Roads near or adjoining thereto:* And whereas a considerable Sum of Money hath been borrowed upon the Credit of the Tolls authorized to be collected upon the said several Roads, by virtue of the said recited Act and the several Acts therein mentioned, which Money still remains due and owing, and the same cannot be paid off and discharged, and the said several Roads effectually amended, widened, improved, and kept in Repair, unless the Term of the said Act be further continued, and the Powers and Provisions thereof amended, altered and enlarged; but the same cannot be effected without further Aid and Authority of Parliament: May it therefore please Your Majesty, that it may be enacted; and be it enacted by the

35 G. 3. c. 136.

the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Act of the Thirty-fifth Year of the Reign of His preſent Majeſty, and the ſeveral Powers, Proviſions, Matters, and Things therein contained, (except ſuch as relate to Exemptions from Stamp Duties, and ſuch as are varied, altered, or repealed,) ſhall be and continue in full Force and Effect, and be executed for and during the Term hereafter mentioned, in like Manner, and as fully and effectually to all Intents and Purpoſes, as if the ſame were repeated and re-enacted in the Body of this Act; but ſubject nevertheleſs to the Amendments, Variations, Alterations and Additions in this Act contained, and which ſhall commence and take effect 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, and of the ſeveral Acts therein mentioned, or which may hereafter be borrowed or become due and owing on the Credit of the ſaid recited Act, and of this Act, and of all Intereſt due and to grow due for the ſame reſpectively.

35 Geo. 3. further continued.

Appointing additional Truſtees.

II. And be it further enacted, That Sir *Andrew Bayntun*, Baronet, *James Gent*, *Thomas Hulbert*, of *Corſham*, Brewer, *Peter Hooper*, *William Hancock*, *Ezekiel Harman*, *William Hughes*, *John Tylee*, *Thomas Tylee*, *Charles Tylee*, *Wadham Locke*, *Edward Michell*, *John Methuen*, *Charles Lewis Phipps*, *Frederick Rooke*, *William Salmon*, *William Wroughton Salmon*, *Thomas Townſend*, the Reverend *Edward Vincent*, the Reverend *John Kedington Whiſh*, and their Succeſſors, being qualified according to the Directions of the ſaid recited Act of the Thirty-fifth Year of His preſent Majeſty, ſhall be, and are hereby appointed Truſtees, and ſhall be joined with the Truſtees appointed by or in purſuance of the ſaid recited Act for putting the ſaid Act and this Act in execution, as fully and effectually, to all Intents and Purpoſes, as if they had been named and appointed Truſtees in and by the ſaid recited Act.

Power to appoint Truſtees.

III. And be it further enacted, That it ſhall be lawful for the Truſtees hereby nominated, or any Five or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in purſuance of the ſaid recited Act or this Act, to elect any Number of Perſons, not exceeding Ten in the Whole, to be Truſtees for the Purpoſes of the ſaid recited Act and this Act, in addition to the Truſtees hereby appointed; and ſuch Truſtees ſo elected, and being duly qualified, ſhall be, and are hereby inveſted with the ſame Powers and Authorities for executing this and the ſaid recited Act as if they had been therein named and appointed.

Truſtees may let the Tolls.

IV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, upon Ten Days Notice to be given in Writing, to be affixed upon all the Turnpike Gates then erected on the ſaid Roads, from Time to Time by Writing under their Hands, to let and demiſe, or agree to let and demiſe, the Tolls ariſing at all or any of the Turnpikes or Toll-Gates erected or to be erected by virtue of the ſaid recited Act and this Act, or either of them, together with the Toll-Houſes and Appurtenances for collecting the ſame, or any Part or Parts thereof reſpectively, to any Perſon or Perſons who ſhall be willing to take or farm the

the ſame from Year to Year, or for any Part of the Term hereby granted, not exceeding Three Years at one Letting, upon public Bidding, to the beſt Bidder, and for the beſt Price that ſhall be offered for the ſame, payable at ſuch Times, to ſuch Perſon or Perſons, under ſuch Conditions and Agreements, and with ſuch Sureties for the Payment thereof, as the ſaid Truſtees or any Five or more of them ſhall think fit; and which Money ſo to be paid ſhall be applied and diſpoſed of in ſuch Manner as the Tolls ſo leaſed are hereby or by the ſaid recited Act directed to be applied; any Thing in any other Law or Statute to the contrary thereof notwithſtanding.

For letting Weighing Engines.

V. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, at a Public Meeting to be held in purſuance of this Act, to let to farm, either together with or without the Tolls by the ſaid recited Act authorized to be taken, the additional Toll or Duty granted and made payable by virtue of an Act, paſſed in the Fourteenth Year of the Reign of His preſent Majeſty, intituled, *An Act for explaining and altering an Act made in the Thirteenth Year of His preſent Majeſty, intituled,* ‘ *An Act to explain, amend, and reduce into One Act of Parliament, the General Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purpoſes;*’ ſo far as the ſame relates to the Payment of additional Tolls at Weighing Engines, and the Number of Horſes to be uſed in Carriages drawn on Turnpike Roads, and for allowing certain Exemptions with reſpect to Weight and Payment of Toll in particular Caſes; for every Hundred Weight, of One Hundred and Twelve Pounds to the Hundred, which any Waggon, Cart, or Carriage, together with the Loading thereof, ſhall weigh at any of the Weighing-Engines now erected, or which may be erected by the ſaid Truſtees on the ſaid Roads, over and above the Weights allowed by Law; provided that the ſaid additional Tolls or Duties be letten and applied in the ſame Manner as the Tolls ariſing at the ſaid Gates or Turnpikes are by the ſaid recited Act or this Act directed or preſcribed to be letten and applied.

No more Toll to be taken between Melkſham & Kingſdown Hill than is now taken on the Road between Chippenham and Box.

VI. And be it further enacted, That no further or greater Toll ſhall be demanded or taken on any Part of the ſaid Road which lies between *Melkſham* and *Kingsdown Hill* aforeſaid, than ſhall be demanded or taken on that Part of the ſaid Road which lies between *Chippenham* and *Box*, in the ſaid County of *Wilts*, or any other the Roads in the ſaid recited Act mentioned, lying near or adjoining thereto.

For preventing Toll Collectors from taking undue Tolls.

VII. And be it further enacted, That all and every Perſon 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 or Toll-Gate to be 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 ſome other conſpicuous Part of the Toll-Houſe or Toll-Gate, immediately on his coming on Duty, and ſhall continue the ſame ſo placed during the whole Time he ſhall 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 or take a greater or leſs Toll from any Perſon than he ſhall be authorized to do by virtue of the Powers of the ſaid Act, or of the Orders and Reſolutions of the Truſtees made in purſuance thereof, or ſhall demand and take a Toll from any Perſon or Perſons who

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ſhall be exempt from the Payment thereof, and claim ſuch Exemption, or ſhall refuſe to permit or ſuffer, or ſhall in any way 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 Tolls, or any of them, or ſhall, in anſwer to ſuch Demand give a falſe Name or Names, or ſhall refuſe or neglect to give a Ticket denoting the Payment of the Toll, which Ticket ſhall name and ſpecify the Gate or Gates freed by ſuch Payment; or upon the legal Toll being paid or tendered, ſhall unneceſſarily detain or wilfully obſtruct, hinder or prevent any Paſſenger or Paſſengers from paſſing through any Turnpike or Toll-gate, or ſhall make uſe of any ſcurrilous or abuſive Language to any Truſtee, Treaſurer, Clerk, Surveyor, or other Officer, or any Paſſenger or Paſſengers, then, and in every ſuch Caſe, every ſuch Toll-Collector ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge; and ſuch Penalty ſhall be recovered and applied as other Penalties are by the ſaid recited Act directed to be recovered and applied.

In caſe of diſpute concerning Tolls the Matter to be ſettled by a Juſtice of the Peace.

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

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

IX. And be it further enacted, That the ſaid Truſtees ſhall, and they are hereby required, from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk or Treaſurer for the Time being, in which Book or Books ſuch Clerk or Treaſurer ſhall enter, or cauſe to be entered, true and regular Accounts of all Sums of Money received, paid, laid out, and expended, for or on account of the ſaid Road, and of the ſeveral Articles, Matters, and Things for which ſuch Sums of Money ſhall have been diſburſed, laid out, and paid; which Book or Books ſhall, at all ſeaſonable Times, be open to the Inſpection of the ſaid Truſtees, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the ſaid Truſtees and Creditors ſhall and may take Copies of or Extracts from the ſaid Book or Books, or any Part or Parts thereof, without paying any Thing for the ſame; and in caſe the ſaid Clerk or Treaſurer, or the Perſon or Perſons who ſhall have the Care and Cuſtody of the ſaid

Book

Book or Books, ſhall refuſe to permit the ſaid Truſtees or ſuch Creditors to inſpect the ſame, or take ſuch Copies or Extracts as aforeſaid, ſuch Clerk or Treaſurer, or Perſon or Perſons, ſhall forfeit and pay any Sum of Money not exceeding Five Pounds.

Collectors of Tolls not incompetent Witneſſes.

X. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe, touching or in anywiſe relating to the ſaid Tolls, or any of them, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not be diſqualified or incompetent from giving Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his, her, or their being appointed to collect ſuch Tolls, or in any Manner acting under the Authority of the ſaid Truſtees.

Exemptions from Toll.

XI. And be it further enacted, That no Toll ſhall be demanded or taken for any Horſe, Cattle, Beaſt, or Carriage employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the ſame Day any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing of the ſaid Roads, or any of the Roads in the Townſhips, Pariſhes, or Hamlets in which any Part of ſuch Roads lie; or Hay, Straw, or Corn in the Straw, or Fodder or other Food for Cattle, or Faggots or Fire-Wood, being the Produce of and cut from Lands in the actual Occupation of the Owner or Owners of ſuch Articles reſpectively, and carried or conveyed for the proper Uſe and Conſumption of ſuch Owner or Owners thereof; or for any Horſe, Cattle, Beaſt, or Carriage employed in carrying or conveying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Huſbandry, or any White Earth, Mould, Dung, Compoſt, or Manure, Lime excepted, employed in Huſbandry for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands, or for any Horſes or Cattle going to or returning from Paſture or Watering-Places, or going to be or returning from being ſhoed or farried, or employed in the ploughing, ſowing, tilling, cultivating, or ſtocking any Land or Ground, or for or in reſpect of any Horſe or Horſes drawing any Waggon, Cart, or other Carriage, going to or returning from being repaired; or from any Perſon going to or returning from his or her proper Parochial Church, Chapel, or other Place of Religious Worſhip tolerated by Law on a *Sunday*, or upon any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Perſon that ſhall die and be buried in any of the ſaid Pariſhes, or from any Clergyman going to or returning from viſiting Sick Perſons, or upon other his Parochial or Miniſterial Duty on a *Sunday*, or on any Day on which Divine Service is ordered by Authority to be celebrated; or for any Horſe, Cattle, or Carriage of whatever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter-General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame; or for any Horſe, Cattle, or Beaſt attending any Soldiers upon their March, or on Duty, or drawing any Carriage attending them with their Arms or Baggage; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or

Materials for repair of Roads, &c. Hay, Straw, &c.

Ploughs, Harrows, and Implements of Huſbandry, Manure, &c.

Cattle going, &c. to or from Paſture, &c.

Perſons going to or returning from Church, &c. Funerals, &c.

Clergyman, &c. on Sundays and other Days of Divine Service.

Mail Coaches, &c.

Soldiers on their March, &c.

the Horſe or Horſes, or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; or for any Horſe, Cart, Carriage, or Beaſt employed in the Conveyance of Vagrants ſent by legal Paſſes, or returning therefrom; or for any Horſe, Cattle, or Beaſt carrying or conveying any Perſon or Perſons going to vote, or returning from voting at any Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of *Wilts* on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and that no Toll ſhall be demanded or taken for any Horſe, Mare, or Gelding furniſhed by or for any Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exerciſe, provided that ſuch Perſons ſhall be dreſſed in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations for ſuch Corps reſpectively at the Time of claiming ſuch Exemptions as aforeſaid; and if any Perſon or Perſons ſhall, in any fraudulent or colluſive Manner whatſoever, claim or take the Benefit of any of the Exemptions by this Act granted, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Forty Shillings, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied for the Purpoſes of this Act.

Vagrants, &c.

County Elections, &c.

Yeomanry or Volunteer Corps, &c.

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

XII. And be it further enacted, That no Perſon owning or driving, or cauſing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack, or Commiſſariat or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage, be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this or the ſaid ſeveral recited Acts contained to the contrary notwithſtanding.

If any Parties whoſe Land is to be taken are abſent, Truſtees to pay Expences of aſcertaining Recompence.

XIII. And be it further enacted, That in caſe any Owner or Owners of, or other Perſon or Perſons intereſted in any Lands or Premiſes to be taken or uſed for the Purpoſes of the ſaid recited Act or this Act, ſhall by reaſon of Abſence be prevented from treating with the ſaid Truſtees for any Recompence or Satisfaction to be made for any ſuch Land or Premiſes, or for any Damages, all the Coſts and Expences of aſcertaining ſuch Recompence or Satisfaction for Damages ſhall be borne, paid, and defrayed by the ſaid Truſtees, out of the Monies to ariſe by virtue of this or the ſaid recited Act; any Thing in this or the ſaid recited Act contained to the contrary notwithſtanding.

Application of Compenſation if

XIV. And be it further enacted, That if any Money ſhall be paid or agreed or awarded to be paid for the Purchaſe of any Lands, Tenements, or

or Hereditaments, purchaſed, taken, or uſed by virtue of the Powers of the ſaid recited Act or of this Act, for the Purpoſes thereof, which ſhall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee, or other Truſtee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other *Ceſtui que* Truſt, or to any Perſon whoſe Lands, Tenements, or Hereditaments are limited in ſtrict or other Settlement or to any Perſon under any Diſability or Incapacity whatſoever, 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 there, *ex parte* the Truſtees for executing the ſaid recited Act and this Act, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements or Hereditaments, in the Purchaſe or Redemption of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Part thereof, as the ſaid Court ſhall authorize the ſame to be paid affecting the ſaid Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under and with the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, or Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance 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, 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 ſaid Lands, Tenements, or Hereditaments, in caſe ſuch Purchaſe or Settlement were made. amounting to 200l.

XV. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy, Idiotcy, or Lunacy, to be ſignified in Writing under their reſpective Hands, Application of Compenſation if leſs than 200l., and not leſs than 20l.

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to be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant-General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner hereinbefore directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees for executing the ſaid recited 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 Manner hereinbefore directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid High Court of Chancery.

Application of Compenſation if leſs than 20l.

XVI. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned ſhall be leſs than the Sum of Twenty Pounds, then, and in all ſuch Caſes, the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of the ſaid recited Act or this Act, in ſuch Manner as the ſaid Truſtees ſhall think fit; or in caſe of Infancy, Idiotcy, or Lunacy, then ſuch Money ſhall be paid 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 a Perſon cannot be found, the Purchaſe Money to be paid into the Bank.

Subject to the Order of the Court of Chancery on Petition.

XVII. 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 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 ſame 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 High Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the Lands, Tenements, or Hereditaments [*deſcribing them*], ſubject to the Order, Controul, and Diſpoſition of the ſaid High Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding, or otherwiſe, as to the 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 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

ſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Where any Queſtions ſhall ariſe, touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion of the Lands, &c. at the Time of ſuch Purchaſe, ſhall be entitled thereto, according to ſuch Poſſeſſion only, &c.

XVIII. 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 High Court of Chancery, in purſuance of the ſaid recited Act or of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments, at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid High Court of Chancery; and the Dividends and 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 of Chancery may order reaſonable Expences to be paid by Truſtees.

XIX. Provided alſo, and be it further enacted, That when by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchaſed under the Authority of the ſaid recited Act or this Act, the Purchaſe-Money for the ſame ſhall be required to be paid into the High Court of Chancery, and be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall and may be lawful to and for the ſaid High Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of the ſaid recited Act or this Act, or ſo much of ſuch Expences as to the ſaid Court ſhall ſeem reaſonable, to be paid by the ſaid Truſtees out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

For getting Materials.

XX. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the ſaid Roads, and for all ſuch Perſons as he or they reſpectively ſhall appoint, to ſearch for, cut, dig, get, gather, and take away any Furze, Heath, Stones, Gravel, Sand, or other Materials for repairing the ſaid Roads, and for doing any of the Works by the ſaid recited Act and this Act directed, out of or from any Common or Waſte Ground, Common River or Brook, in any Pariſh, Townſhip, Hamlet, Diviſion, Diſtrict, or Place in which any Part of the ſaid Roads ſhall lie, or in any adjoining Townſhip, Hamlet, Diviſion, Diſtrict, or Place, without paying any Thing for the ſame, the ſaid Surveyor or Surveyors, or other Perſon or Perſons acting by his or their Appointment, 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 ſuch Surveyor

Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the said Trustees (such Order to be made at some Meeting of the said Trustees to be holden in pursuance of the said recited Act and this Act, and a Copy thereof to be given to such Surveyor or Surveyors, signed by the Clerk to the said Trustees,) search for, cut, dig, get, gather, and take away any such Materials as aforesaid, in, off, from, or out of the private 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 Damages done thereby to the Owners and Occupiers of such Lands, Fields, or Grounds, where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for repairing the said Roads shall be carried, according to their respective Rights and Interests in such Lands, Fields, or Grounds, as the said Trustees shall judge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons employed as aforesaid, and the said Owners or Occupiers respectively, or any of them, concerning such Damages, it shall be lawful for any Two or more Justices of the Peace for the County, City, or Place where or from whence such Materials shall be so cut, dug, gotten, gathered, taken, and carried away, on Application made to them for that Purpose, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Matters of such Payment and Damages; and the Judgment or Order of the said Justices therein shall be final and conclusive to and upon all Parties; any Thing in the said recited Act contained to the contrary notwithstanding.

Notice to be given to the Occupier of inclosed Lands, before Materials are to be taken.

XXI. Provided nevertheless, and be it enacted, That it shall not be lawful for any Surveyor or Surveyors, or other Person or Persons acting under the Authority of this Act, to dig, gather, take, get, or carry away any Materials whatever out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Surveyor or Surveyors of the said Roads, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at his usual Place of Residence, to appear before the said Trustees, or any Two or more Justices of the Peace acting for the County, City, or Place where such Premises shall lie or be situate, to shew cause why such Materials should not be had from such Lands or Grounds; and in case such Owner or Occupier or his Agent shall attend pursuant to such Notice, and shall not shew sufficient cause to the contrary, then, and in such Case, such Justices may authorize such Surveyor or Surveyors, or other Person or Persons, to dig, get, gather, and carry away such Materials, at such Time and Times as to the said Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, pursuant to such Notice, such Justice shall and may, upon Proof of such Notice to the Satisfaction of such Justices, make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes, as if such Owner or Occupier, or his or her Agent had attended.

XXII. And

Penalty on taking away Materials belonging to the Road.

XXII. And be it further enacted, That if any Perſon whomſoever ſhall take away any Materials which ſhall have been dug, got, or gathered in any Lands, Fields, Waſtes, Commons, River, or Brook, for the Purpoſe of making or amending any of the ſaid Roads, or ſhall get or take away any Materials out of any Pit or Quarry which ſhall have been made or opened for the Purpoſe of raiſing or procuring Materials for the ſaid Roads, before the Surveyors or their Workmen ſhall have diſcontinued working therein for the Space of Thirty Days, (except the Owner or Occupier of any Private Ground, and Perſons authorized by ſuch Owner or Occupier to get Materials therein for his own private Uſe only, and not for Sale,) every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds.

Statute Labour.

XXIII. And be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Roads, or any Part thereof, ſhall ſtill remain liable thereto; and it ſhall be lawful for any Two or more Juſtices of the Peace for the ſaid County of *Wilts*, and they are hereby required and empowered, (upon Application made to them by the ſaid Truſtees, or by their Treaſurer, Clerk, or Surveyor by their Order,) yearly to adjudge and determine what Part or Portion of the Statute Work ſhall every Year be done upon the ſaid Roads, by the Inhabitants of the reſpective Pariſhes, Hamlets, or Places in which the ſame lie; 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 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 or Reſtrictions, as are or may be directed by any Law or Statute in force or effect for the Repair of the Public Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to do Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Roads as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done on ſuch Days, and at ſuch Times, (not being Hay Time or Harveſt,) and in ſuch Parts of the ſaid Roads, as the ſaid Truſtees, or their Surveyor or Surveyors, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper, to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as they 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 Pay-

ment thereof, in like Manner as any Penalty is by the ſaid recited Act or this 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 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; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Roads, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and 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 Roads; all which Forfeitures ſhall be paid to the Treaſurer or Treaſurers of the ſaid Truſtees, and applied towards amending the ſaid Roads; 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 or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

For paying the Expences of the Act.

XXIV. And be it further enacted, That the Coſts, Charges, and Expences of obtaining and paſſing of this Act ſhall be paid and diſcharged by the ſaid Truſtees, out of any Money already collected or received, or out of the firſt Money which ſhall hereafter ariſe by virtue of the ſaid recited Act or this Act, together with lawful Intereſt for the ſame from the Time of advancing or diſburſing the ſame.

Public Act.

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

Continuance.

XXVI. And be it further enacted, That this Act ſhall commence upon the paſſing thereof, and that the ſaid recited Act of the Thirty-fifth Year of the Reign of His ſaid preſent Majeſty (ſubject to the Alterations and Amendments in this Act contained), and this Act ſhall continue and be in force, and be executed thenceforth for and during the Reſidue now to come of the Term granted and continued 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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