ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 97.

An Act to continue the Term, and enlarge the Powers of Two Acts of His present Majesty, for repairing the Road leading from *Reading*, in the County of *Berks*, through *Henley*, in the County of *Oxford*, and *Great Marlow*, to *Hatfield*, in the County of *Hertford*; and also the Road leading out of the said Road at *Marlow*, over *Great Marlow Bridge*, through *Bysham*, to or near the Thirty Milestone in the Road leading from *Maidenhead* to *Reading* aforesaid. [20th *May* 1809.]

WHEREAS an Act was passed in the Eighth Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act for repairing, widening, turning, and altering the Road leading from* Reading, *in the County of* Berks, *through* Henley, *in the County of* Oxford, *and* Great Marlow, Chipping Wycombe, Agmondesham, *and* Cheynes, *in the County of* Bucks, *and* Rickmansworth, Watford, *and* Saint Alban's, *to* Hatfield, *in the County of* Hertford; *and also the Road at* Marlow, *over* Great Marlow Bridge, *through* Bysham, *to or near the Thirty Milestone in the Turnpike Road leading from* Maidenhead *to* Reading: And whereas another Act was passed in the Twenty-seventh Year of His said present 8 G. 3. c. 50.

27 G. 3. c. 81. present Majesty's Reign, for continuing the Term and varying the Powers of the said Act: And whereas the Trustees for the Care and Management of the said Roads have proceeded in the Execution of the said Acts, and have borrowed several considerable Sums of Money on the Credit of the Tolls authorized to be collected upon the said Roads, which Money cannot be paid off, nor can the said Roads be kept in good Repair, unless the Term and Powers of the said Acts be further continued, and some of the Powers thereof altered, amended, and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts passed in the Eighth and Twenty-seventh Years of the Reign of His said present Majesty, and all the Authorities, Tolls, Powers, Privileges, Exemptions, Provisions, Penalties, and Clauses therein contained and now in force (except such of them as are repugnant to any of the Provisions contained in this Act, and as relate to Exemptions from Stamp Duties), shall be and the same are hereby further continued for and during the Term herein-after mentioned, as fully and effectually to all Intents and Purposes as if the same were herein particularly inserted, repeated, and re-enacted, but subject nevertheless to the Amendments, Variations, Alterations, and Additions herein contained, and which shall commence upon the passing of this Act; and this Act and the additional Term hereby granted shall be and the same are hereby made subject and liable to the Payment of all Monies due and owing upon the Credit of the said Acts, or that may hereafter be borrowed upon the Credit thereof and of this Act, and all Interest now due thereon and hereafter to grow due thereon respectively.

Former Acts continued.

Exemptions from Tolls.

II. And be it further enacted, That from and after the passing of this Act, no Toll shall be demanded or received for any Horse, Mare, Gelding, Mule, or other Cattle drawing any Carriage, going for or returning laden or unladen, having been laden only with Stones, Gravel, or other Materials for repairing the said Roads, or any of the Roads in the Parishes or Places in which the said Roads hereby intended to be repaired or any Part thereof do or doth lie; or any Dung, Mould, Soil, or Compost of any Kind (Chalk and Lime excepted), for the manuring of any Garden or other Land or Ground; nor shall any Toll be taken, demanded, or received for any Carriage or Cattle going for the Purpose of or returning from ploughing, sowing, tilling, or cultivating any Land or Ground, or going for or returning unladen, or only laden with Hay, Straw, Corn in the Straw, or Wood, not sold or disposed of, but to be laid up in the Houses, Outhouses, Yards, or on the Premises of the Owner or Owners thereof; or for any Plough, Harrow, Dray, Sheep Trays or Nets, or other Implement of Husbandry; or for any Horse or other Beast or Cattle drawing or carrying the same in order for the repairing thereof, or using the same in Husbandry; or for any Horse or other Beast or Cattle going to or returning from Water or Pasture, or going to be or returning from being shoed or farried; or 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 the same, or in returning back from conveying the same; or for the Horses of Soldiers on their March or on Duty, or Carriages or Horses, or other Beasts employed

ployed in carrying the Arms or Baggage of such Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or for any 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 the Place appointed for and on the Days of Exercise, provided such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption; or for any Carriage, Horse, or other Beast employed in the Conveyance of Vagrants travelling with legal Passes; nor shall any Toll be demanded or taken from any Inhabitant of any Parish through which any Part of the said Roads doth lie, who shall pass through any of the said Turnpikes to or from his, her, or their respective Parish Church, Chapel, or other Place of Religious Worship tolerated by Law, on *Sundays*, or on *Christmas Day*, *Good Friday*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person dying and to be buried in any of the said Parishes; or from any Clergyman going to or returning from visiting any Sick Person, or upon other his Parochial or Ministerial Duty on a *Sunday*, or on *Christmas Day*, *Good Friday*, or any other Day on which Divine Service is ordered by Authority to be celebrated; nor shall any Toll be demanded or taken for or in respect of any Horse, Cattle, or Beast, carrying any Passenger, or drawing any Coach, Landau, Berlin, Chariot, Calash, or Chair, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said Counties of *Berks*, *Oxford*, *Buckingham*, or *Hertford*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, or shall make use of any Fraud whatsoever, whereby the Payment of the Tolls granted and continued by the said recited Acts and this Act, or any Part thereof, shall be evaded, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, whereof One Moiety shall be applied to the Purposes of the said Acts and of this Act, and the other Moiety to the Informer or Informers.

Owners or Drivers of Waggons employed in the Service of His Majesty's Forces not to be subject to Penalties for Over-weight.

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

IV. And

Statute Labour.

IV. 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, or any Diviſion 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 in which ſuch Roads ſhall be ſituate, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees or any Three or more of them, or by their Treaſurer, Clerk, or Surveyor, yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Roads by the Inhabitants of the reſpective Pariſhes, Townſhips, or Places in which the ſaid Roads do lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Townſhip, 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, Townſhip, 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, Townſhip, 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 allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear ſubject and liable to 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 at 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 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 Acts 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 to the ſaid Truſtees, ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures, as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in Force or 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 dismiss 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 as aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false and imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Application of Compensation when amounting to 200*l.*

V. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Acts or this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, Trustees, Femes Covert, or other incapacitated Person or Persons, such Money shall, if the same amount to 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 this Act, to the Intent that such Money shall be paid, 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 Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled 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 the like Direction and Approbation of the said Court, in the Purchase of other Messuages, 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 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 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 said Lands,

Tenements, and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application when the Compensation is less than 200l. and exceeds 20l.

VI. Provided always, and be it further enacted, That if any Money so agreed or assessed to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Body Politic, 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 Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the High Court of Chancery, 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 Three or more of the said Trustees for executing 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 shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application when the Money is less than 20l.

VII. Provided also, and be it further enacted, That when such Money so agreed or assessed to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees or any Three 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;

VIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, or Hereditaments to be purchased by virtue of 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 the Person or Persons to whom such Sum or Sums of Money shall be so awarded or assessed 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 to order the Sum or Sums of Money so awarded or assessed as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the 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

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

Perſons in Poſſeſſion ſhall be deemed well entitled, unleſs the contrary be ſhewn.

IX. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon or Perſons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance 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 to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, and 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 be lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made 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 Truſtees.

X. Provided alſo, and be it further enacted, That where, by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchaſed under the Authority of 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 or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, 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 this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

How Expences of the Act to be paid,

XI. And be it further enacted, That the Expences, Coſts, and Charges which ſhall attend the ſoliciting, obtaining, and paſſing of this Act, and be incurred preparatory thereto, ſhall be paid and defrayed out of the firſt Monies which ſhall ariſe or be received from the Tolls to be taken upon the

the said Roads or otherwise by virtue of the said recited Acts and this Act, or any of them, in preference to all other Payments whatsoever.

Public Act.

XII. 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.

Term of the Act.

XIII. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force and be executed for and during the Residue now to come and unexpired of the Term granted and continued by the said recited Acts, and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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