ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

Cap. 37.

An Act to enlarge the Term and Powers of Two Acts passed in the Second and Twenty-fourth Years of His present Majesty, for amending the Road from the Turnpike Road at or near *Swindon* to *Marlborough*, and from *Marlborough* to *Everley*, in the County of *Wilts*. [17th *May* 1805.]

WHEREAS an Act was passed in the Second Year of the Reign of His present Majesty, intituled, *An Act for amending and widening the Road from the Turnpike Road, at or near the Town of* Swindon, *to the North End or Side of the Town of* Marlborough, *and from the said Town of* Marlborough *to the Village of* Everley, *in the County of* Wilts: And whereas another Act of Parliament was passed in the Twenty-fourth Year of the Reign of His said Majesty, for enlarging the Term and Powers of the said first mentioned Act: And whereas several Sums of Money have been borrowed, and are now due and owing, upon the Credit of the Tolls by the said Acts granted, which cannot be repaid and the said Roads kept in sufficient Repair, unless the Term and Powers of the said Acts be further enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Acts, and all the Powers, Provisions,

2 G. 3.

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Acts further continued.

visions, Matters, and Things therein contained (except such as relate to Exemptions from Stamp Duties, and as are hereby repealed or altered), shall be and continue in full Force, and shall be executed for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act; and this Act, and the additional Term hereby granted, shall be, and are hereby declared to be subject and liable to the Payment of all the respective Sums of Money now due and owing on the said Road; and of such other Sum and Sums of Money as shall or may be borrowed for the Purposes of the said Acts, or of this Act, and of all Interest now due, and to grow due for the same respectively.

General Exemptions.

II. And be it further enacted, That, from and after the passing of this Act, the Exemptions granted by the said recited Acts shall be repealed, and that no Toll shall be demanded or taken for any Waggons, Wains, Carts, Carriages, or Horses, employed in carrying or conveying only, or going empty to carry or convey only, or returning empty 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 the said Road, or any of the Roads in the Parishes or Places in which any Part of the said Road doth lie, or in any adjoining Parish, or any Hay, Straw, or Corn in the Straw, only, not sold or disposed of, or passing for the Purpose of being sold or disposed of, but passing to be laid up or placed in the Out-houses, or on the Lands of the Owners thereof or for any Waggons, Wains, Carts, Carriages, or Horses, employed in carrying or conveying only, or going empty to carry or convey only, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, for the Purpose only of using or repairing the same, or in carrying or conveying from Place to Place within the same Parish or Place, any Mould, Dung, Lime, Marl, Sullage, Compost, or other Manure employed in Husbandry for manuring or improving Land, or any Stone, Bricks, or other Materials for draining Land, or for any other Thing employed in the Management of any Farm or Land within the several Parishes or Places through which the said Road passes; or for any Horses or Cattle going to or returning from Pasture or Watering-places, or for any Horses going to be or returning from being shoed, 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 on 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 Places; 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 any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horses, Cattle, or Carriages, 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 Horses, Carts, or Waggons, attending any Soldiers upon their March or on Duty, or drawing any

any Carriage attending them with their Arms or Baggage, nor for any Horſes 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 be dreſſed 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 Horſes, Carts, Waggons, or other Carriages, employed in the Conveyance of Vagrants ſent by legal Paſſes; or for any Coach, Landau, Berlin, Chariot, Calaſh, Chair, or other Carriage, or any Horſe or other Beaſt conveying any Perſon or Perſons to or from 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 if any Perſon or Perſons ſhall, in any fraudulent or colluſive Manner whatſoever, claim and 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 to the Purpoſes of this Act.

Statute Work.

III. And be it further enacted, That ſo much of the ſaid recited Acts as relate to the Performance of Statute Labour on the ſaid Road, ſhall be, and the ſame is hereby repealed, and that all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards amending and widening the Road hereby directed to be amended and widened, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall and may be lawful to and 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 Clerk or Surveyor, or by their Order yearly, to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road doth lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh 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 their Treaſurer or Treaſurers; and in order thereunto, it ſhall and may be lawful to and for ſuch Juſtices, from Time to Time, to ſummon the Surveyor or Surveyors of the Highways, for every ſuch Pariſh 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 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 Liſt 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 publick Highways; and out of ſuch Liſts the ſaid Juſtices

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ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons, who ſhall appear to be ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Road, as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done at ſuch Days and at ſuch Times, (not being Hay Time or Harveſt), and in ſuch Parts of the ſaid Road, as the ſaid Truſtees, or their Surveyor or Surveyors, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons, who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money, in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as 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 Payment thereof, in like Manner as any Penalty is by the ſaid recited Acts 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 or Effect for the Repair of the publick 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 Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off 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 in caſe the ſaid Surveyor or Surveyors of the Highways, for any of the ſaid Pariſhes or Places, ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly and wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

No Toll to be taken at the Side Gate near Swindon, for Carriages with Lime Stone or Sand.

IV. And be it further enacted, That no Toll or Duty ſhall from henceforth be demanded or taken at the Side Gate, near to or adjoining to the Turnpike Gate already erected by virtue of the ſaid recited Acts, at the South End or Side of the Town of *Swindon*, for the Paſſage of any Cattle or Carriages belonging to any Perſon inhabiting and keeping a Houſe or Houſes within the Pariſh of *Swindon* aforeſaid, and paſſing through the ſaid Side Gate and going unladen for, or paſſing laden with, or returning unladen after having paſſed with any Lime Stone or Sand to be made uſe of within the ſaid Pariſh of *Swindon* only, and taken from any Quarry, Pit, or

or Place within One Mile from such Side Gate, any Thing in the said recited Acts, or in this Act contained to the contrary notwithstanding.

Trustees may compound for Toll between Marlborough and Swindon.

V. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, and they are hereby authorised and required, upon Application to them made for that Purpose by any Person or Persons inhabiting and keeping a House or House within the said Town of *Marlborough*, or within Half a Mile of the Town Hall of *Marlborough*, to compound with every such Person and Persons by the Year for the Payment of Tolls for the Passage of their Cattle and Carriages, except Cattle and Carriages travelling for Hire, through all and every Turnpike or Toll Gate which shall or may be erected in pursuance of this Act upon the said Road, or on the Sides thereof, between *Marlborough* and *Swindon*, within the Distance of Two Miles of the said Town of *Marlborough*, for any Sum or Sums of Money not exceeding Sixpence in every Year, to be paid by every such Inhabitant to the said Trustees, or to such Person as they shall appoint to receive the same, any Thing contained in this Act to the contrary notwithstanding:

Only One Moiety of the Tolls to be paid for Cheese Waggons going to Marlborough Market.

VI. And be it further enacted, That no more than One Moiety of the Tolls by this Act granted, shall be paid for any Waggons or Carriages passing on the South Side of a certain House, called *Totterdown House*, or for any Waggons or Carriages belonging to the Inhabitants of the Parish of *Wotton Basset*, such Waggons and Carriages not passing more than Three Miles upon the said Road, and going to *Marlborough* Market upon the Market Day, or upon any other Day, such Waggons or Carriages being laden with Cheese only, to be sold within the said Town of *Marlborough* only, nor shall any Toll whatsoever be demanded or taken for any Horses above the Number allowed by Law to be used in drawing Carriages upon Turnpike Roads, which shall have been taken off from any of the Carriages aforesaid before their Arrival upon the Turnpike Road, and shall be attending such Carriages to and from the said Market, any Thing herein contained to the contrary notwithstanding.

Application of Compensation if amounting to 200 *l.*

VII. 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 Hereditaments, purchased, taken, or used, by virtue of the Powers of the said recited Acts and this Act, for the Purposes thereof, which shall belong to any Body Politick, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Lunatic, Idiot, Feme Covert, or other *Cestuique* Trust, or to any Person whose Lands, Tenements, or Hereditaments, are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall 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 there *ex parte* the Trustees for executing the said recited Acts 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

fied 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 authoriſe to be paid, affecting the ſame 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 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, and Hereditaments, to be purchaſed by virtue of the ſaid recited Acts and this Act, in caſe ſuch Purchaſe or Settlement were made.

Application of Compenſation if leſs than 200*l.* and exceeding 20*l.*

VIII Provided always, and be it 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 or be equal to 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, 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 any Five or more of the ſaid Truſtees for executing the ſaid recited Acts 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

before directed, ſo far as the Caſe be applicable, without obtaining, or being required to obtain, the Direction and Approbation of the Court of Chancery.

Application of Compenſation if leſs than 20*l*.

IX. Provided alſo, and be it enacted, That where ſuch Money ſo agreed or awarded to be paid as next 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 Lands, Tenements, or Hereditaments, ſo purchaſed, taken, or uſed for the Purpoſes of the ſaid recited Acts 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 Perſons cannot be found, Purchaſe Money to be paid into the Bank;

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

X. 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 Acts and 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 and may be lawful to and 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 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 of Chancery, 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 or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion of the

XI. Provided always, and be it 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 Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right

Land, etc. at the Time of such Purchase shall be deemed entitled thereto according to such Possession, unless, etc.

Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said recited Acts and this Act, 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 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 of Chancery may order reasonable Expences of Purchases to be paid by the Trustees.

XII. Provided also, and be it 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 the said recited Acts and this Act, the Purchase Money for the same shall be required to be paid in to the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of the said recited Acts and this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts and this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of the said recited Acts and this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

For paying the Expences of the Act.

XIII. And be it further enacted, That the Costs, Charges, and Expences, incident to and attending the obtaining and passing of this Act, shall be paid by the Trustees for executing the said recited Acts and this Act, or any Five or more of them, out of any Monies already raised by virtue of the said Acts, or out of the first Monies which shall be collected or received by virtue of the said Acts and this Act, in Preference to all other Payments whatsoever.

Publick Act.

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

Commencement and Continuance of the Act.

XV. And be it further enacted, That this Act shall commence upon the Expiration of the Term granted by the said recited Acts, and shall from thenceforth continue for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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