

ANNO TERTIO

VICTORIÆ REGINÆ.

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and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Day of the Commencement of this Act the said recited Act shall be and the same is hereby repealed.

Recited Act repealed.

Purposes of this Act.

II. And be it further enacted, That this Act shall thereafter be put in execution, for and during the Term herein-after mentioned, for the Purpose of making, amending, widening, repairing, and maintaining the Roads herein-after mentioned; (that is to say,) the present Turnpike Road commencing at the End of *Small Brook Lane* through the Tithing of *Boreham*, and onward through the Parishes of *Bishopstrow* and *Norton Bavant*, to and through the Town and Parish of *Heytesbury*, till it reaches the *Amesbury* and *Fisherton* Roads; the Road branching Southward from *Boreham* at the Direction Post there, through the Village of *Bishopstrow*, over *Sutton Veny Common*, through the Parish of *Sutton Veny*, to the Chapel at *Tytherington* in the Parish of *Heytesbury*; from the Turnpike Gate at the East End of the Town of *Warminster* aforesaid to the Quarries on the Top of *Sackhill* in the Parish of *Warminster*; from the Turnpike Gate at the North End of the Town of *Warminster* to the Stone Quarries on *Summers Down* in the Parish of *Warminster*; from the Foot of *Elm Hill* in the Parish of *Warminster*, through the Parish of *Upton Scudamore*, to *Madbrook* in the Parish of *Westbury*; the Road from the East End of *Prince Croft Lane* to the Toll Bar at *Warminster Common*; from the East End of *Back Street* in the Town of *Warminster*, Southward, to the *Bath Arms* Inn at *Crockerton*, and from thence through *Longbridge Deverill*, over *Lord's Hill*, to the Direction Post at *East Knoyle* where the *Shaftesbury* Turnpike Road begins; from the *Bath Arms* Inn at *Crockerton* to the Direction Post at the End of *Shute Lane* in the Parish of *Horningsham*; and also for making, amending, repairing, and maintaining the Highways and new Line of Road herein-after mentioned; (that is to say,) the present Highway or Road leading from the present Toll Bar at the End of *Pound Street*, and extending thence South-eastwardly through *Warminster Common* to the Cross Roads at *Henfords Marsh*, the same being of the Length of about One Mile; the present Highway or Road commencing at the East End of the Town Hall in *Warminster*, and extending Southwards by the Churchyard of the new Church called *Christ* Church, in *Warminster*, where it joins the present Turnpike Road on *Sambourn Hill*, the same being of the Length of Three Furlongs and Seventeen Poles; a new Road branching from the *Heytesbury* Road at the Junction of the old *Bruton* Turnpike Road with the *Heytesbury* Road, diverging South-eastwardly over Lands in the Parishes of *Norton Bavant* and *Heytesbury* until it joins the present Turnpike Road at the West End of the Town of *Heytesbury*, the same being of the Length of Three Furlongs and Thirty-two Poles.

Trustees.

III. And be it further enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the said County of *Wilts*, together with Sir *John Dugdale Astley* Baronet, *Francis Dugdale Astley*,

Astley, *Charles Aldridge*, *Thomas Aldridge*, *James Allies*, *Stephen Brown*, *John Bleeck*, *Harry Biggs*, *Thomas Bunn*, *Henry Barry* Clerk, *Nathaniel Barton*, *Francis Wilson Bayly*, *William Bennett*, *James Dudden Brodribb*, *Thomas Chandler*, *Thomas Cusse*, *John Davis*, *John Davis* the younger, *Matthew Davies*, *William Dalby* Clerk, *Joseph Everett*, *Harry Foulkes Edmund Edgell*, *Isaac Flower*, *Thomas Flower*, *Henry Austin Fussell*, *Robert Clavey Griffith* Clerk, *Charles Tapp Griffith* Doctor of Divinity, *Timothy Goodman*, *John Edmund Halliday*, the Honourable *William a'Court Holmes*, *John Hughes*, *William Hilliar*, *Stephen Hunt*, *George Hume* Clerk, *Benjamin Leigh Lye*, *Aylmer Bourke Lambert*, *Francis Stephen Long*, *Robert Long*, *John Lush*, *Uriah Messiter*, *Thomas Luke Meech*, *William Mundy*, *Stephen Neale*, *John Neate*, *Thomas Henry Hele Phipps*, *Charles Pressly*, *Ambrose Patient*, *John Ravenhill*, *James Raxworthy*, *Robert Robertson*, *Thomas Seagram*, *Edward Frowd Seagram*, *William Frowd Seagram*, *William Slade* Clerk, *Francis Skurray* Clerk, *Henry Sheppard*, *George Sheppard*, *William Hulbert Sheppard*, *Frederick Frowd Seagram*, *John Seagram* Clerk, *William Temple*, *William Davison Thring* Doctor of Divinity, the Honourable and Reverend Lord *Charles Thynne*, *Peter Warren*, *James Anthony Wickham*, *Henry Wansey*, *George Wansey*, *George Ridout Ward*, *Alfred Whitaker*, *Stephen White*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying this Act into execution.

Power to appoint additional Trustees.

IV. And be it further enacted, That it shall be lawful for the Trustees appointed by this Act, at a Meeting to be held for that Purpose, (of which Meeting and of the Purposes thereof Fourteen Days Notice shall be given as is directed by the Acts in force relating to Turnpike Roads in *England* respecting the Appointment of new Trustees on Vacancies,) to elect, nominate, and appoint any Number of fit Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees so elected and appointed, being duly qualified as aforesaid, shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been hereby nominated and appointed.

First Meeting of Trustees.

V. And be it further enacted, That the Trustees acting in the Execution of this Act shall hold their First Meeting at the Town Hall in the Town of *Warminster* aforesaid, or at some other convenient Place in or near to the said Roads, on the Fourth *Monday* after the passing of this Act, or as soon after as conveniently may be.

Power to make the new Line of Road.

VI. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby fully authorized and empowered to set out, make, and complete the said new Line of Road herein-before particularly mentioned and described, and every Part thereof, and to make the same in such Manner and Form and of such Width as the said Trustees may think proper, not exceeding the Width of Forty Feet nor less than Twenty-five Feet, and from and after the making and executing thereof the same shall be and be deemed to be a public Highway to all Intents and Purposes, and for which several

Purposes

Purposes the said Trustees are hereby authorized and empowered to make the same in, upon, through, over, or along any Lands, Grounds, Tenements, and Hereditaments described in the Map or Plan and Book of Reference herein-after mentioned, together with such Foot-paths, Causeways, Bridges, Arches, Culverts, Ditches, Drains, and Fences as they shall think necessary or expedient, upon making Satisfaction for the same to the Owners of the said Hereditaments and Premises, and other Persons interested therein, or for the Damage which such Owners or other Persons may respectively sustain thereby.

Plans deposited with Clerk of the Peace to remain for Inspection.

VII. And whereas a Map or Plan and Section, describing the new Line of Road herein-before mentioned, and the Lands, Tenements, and Hereditaments through or over which the same is intended to be made or carried, together with a Book of Reference thereto, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers, of such Lands, Tenements, and Hereditaments, have been deposited in the Office of the Clerk of the Peace for the County of *Wilts*; be it therefore enacted, That the said Map or Plan, Section, and Book of Reference shall remain in the Custody of the said Clerk of the Peace, to the end that all Persons may, at all seasonable Times, have Liberty to inspect and peruse the same, and take Copies thereof or Extracts therefrom, at their Will and Pleasure, paying such Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Map or Plan, Section, and Book of Reference, or any Copy thereof, or of any Part thereof, certified by the Clerk of the Peace for the Time being to be a true Copy, shall be good Evidence in all Courts of Law and elsewhere: Provided always, that the Trustees acting in the Execution of this Act, in making the said new Line of Road or any Part thereof, and in converting the said Highways into Turnpike, shall not deviate from the Line described in the said Map or Plan without the Consent in Writing of the Person, or Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such new Line of Road shall be made.

Lands may be taken notwithstanding Errors in Plan or in Book of Reference.

VIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said new Line of Road through, across, or over the Lands of any Person or Persons who is or are or may be Owner or Owners of the Lands, Tenements, and Hereditaments through or over which the same is set out in the said Map or Plan, and described in the said Book of Reference, although such Lands, Tenements, or Hereditaments, or the Name or Names of such Person or Persons, may be erroneously described or mis-stated in the said Map or Plan and Book of Reference, or partly omitted therefrom, in case it shall be made to appear to any Two or more Justices of the Peace for the County of *Wilts*, and be certified in Writing under their Hands, that such erroneous Description, Mis-statement, or Omission happened by Mistake.

Houses, Buildings, &c. not to be

IX. Provided also, and be it further enacted, That the Powers and Authorities hereby given for making the new Line of Road herein-before

before described shall not extend or be construed to extend to authorize the said Trustees to take or pull down any Dwelling House, or to take in or make use of any Curtilage, Garden, Yard, Paddock, Lawn, Shrubbery, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without having first obtained the Consent in Writing of the Owners, Lessees, and Occupiers thereof respectively. taken without Consent.

X. And be it further enacted, That in case any Land shall, in pursuance of this Act, or the Acts for regulating Turnpike Roads in *England*, be purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the Lands so purchased, in case the same shall be of Freehold Tenure, or in case the same shall be of any other Tenure, the Estate and Interest in the same, shall not (notwithstanding any Provisions in the said Acts or any of them to the contrary) by means of any such Purchase, or any Conveyance made in pursuance thereof, be vested in the said Trustees, but the Freehold and Inheritance of and in the Lands so purchased, in case the same shall be of Freehold Tenure, or in case such Lands shall be of any other Tenure, the Estate or Interest in the same, shall, notwithstanding such Purchase and Conveyance, remain and be vested in the Persons in whom the same were vested immediately prior to such Purchase by the said Trustees; and the said Trustees shall, by means of such Purchase and Conveyance or either of them, be entitled to a perpetual Right of Way in, over, or upon the Lands purchased by them in pursuance of this Act and the said Acts, or any of them. The Freehold and Inheritance of the Lands to remain and be vested in the Persons of whom they are purchased.

XI. Provided always, and be it further enacted, That if at any Time any Land purchased by the said Trustees for the Purposes of the Roads mentioned in this Act, or any of them, shall not be wanted for the same, then and in such Case the Right of Way in, over, or upon the Lands vested in the said Trustees shall cease, determined, and be extinguished, and the Freehold and Inheritance of such Lands, in case the same shall be of Freehold Tenure, and the Estate and Interest in such Lands, in case the same shall be of any other Tenure, shall be and remain in the Person or Persons then entitled to the same, freed and discharged of and from such Right of Way. Right of Way to cease when Lands are not wanted.

XII. Provided also, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging and otherwise using the Lands and Hereditaments taken by them for the Purposes of this Act, and of building any Toll House or any Bridge or any other Erections thereon, as fully and effectually, to all Intents and Purposes, as the said Trustees would have had in case they had purchased the Fee Simple of or other Estate and Interest in the said Lands and Hereditaments under and by virtue of the Powers contained in any of the Acts now in force for regulating Turnpike Roads in *England*. The Trustees to have the same Powers of using the Lands taken by them as if they had purchased the Fee Simple.

XIII. And be it further enacted, That it shall be lawful for the said Trustees to continue all or any of the Toll Gates or Turnpikes, Toll Power to continue and erect Toll Gates.

Toll Bars, Toll Houses, Side Bars, and Chains now erected upon the said Roads or upon the Sides thereof, and also to erect or build others in lieu thereof or in addition thereto, when and where and as they shall judge proper, and from Time to Time to alter or take down, and re-erect or reconstruct, or to discontinue and remove, the same or any of them, as they the said Trustees shall think proper.

Tolls to be taken.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, or their Lessee or Lessees, or any Person or Persons appointed or continued or to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take, every Day, at the several and respective Toll Gates and Turnpikes, and Side Bars and Chains, which are or shall be continued or erected, by virtue of this Act, in, upon, across, or on the Sides of the said Roads by this Act authorized or directed to be made, amended, widened, repaired, improved, and maintained, the respective Tolls or Sums of Money hereafter mentioned; (that is to say,)

For every Horse or other Beast (except an Ass), drawing any Coach, Barouche, Berlin, Landau, Sociable, Phaeton, Chariot, Chaise, Curricle, Gig, Caravan, Cart upon Springs, Hearse, Litter, or any other such like Carriage, any Sum not exceeding Sixpence:

For every Horse, Mule, Ox, or other Beast, (except an Ass,) drawing any Waggon, Wain, Cart, or other such like Carriage, any Sum not exceeding Sixpence:

For every Horse, Mule, or other Beast of Burden, (except an Ass,) laden or unladen, and not drawing, any Sum not exceeding Twopence:

For every Ass, laden or unladen, or drawing as aforesaid, One Half of the said Tolls respectively:

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

For every Score of Calves, Swine, Sheep, or Lambs any Sum not exceeding Ten-pence, and so in proportion for any greater or less Number:

For every Dog drawing any Truck or other Carriage, any Sum not exceeding Sixpence:

For every Carriage impelled or drawn by Machinery or Steam, and not by any Animal or Animals, any Sum not exceeding Two Shillings:

And for every Carriage attached to and drawn by a Machinery or Steam Carriage, any Sum not exceeding Two Shillings:

And in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or gross Amount of the Tolls hereby granted or authorized to be taken, or in the Apportionment of such Tolls or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Tolls to be paid but once a Day.

XV. And be it further enacted, That when the Tolls hereby authorized to be taken shall have been paid for the passing of any Horse, Beast, or Cattle through any One of such Toll Gates, Turnpikes, Side Bars, or Chains, such Horse, Beast, or Cattle shall, upon a Ticket

Ticket being produced denoting the Payment thereof on the same Day, be permitted to pass Toll-free through the same Toll Gate, Turnpike, Side Bar, or Chain, and also through every other Toll Gate, Turnpike, Side Bar, or Chain erected or to be erected upon the said Roads, at any Time or Times during the same Day.

Stage Coaches, &c. to pay every Time of passing.

XVI. And be it further enacted, That for and in respect of all Horses or other Beasts drawing any Stage Coach, Stage Waggon, Cart, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Tolls shall have been paid at any such Toll Gate, Turnpike, Side Bar, or Chain as aforesaid, and which shall return or repass through the same on the same Day, the respective Tolls herein-before mentioned and made payable shall be paid for every Time of passing and repassing on the same Day through every such Toll Gate or Turnpike, Side Bar or Chain, in like Manner as if no Toll had before been paid thereat: Provided always, that no further or additional Toll shall be payable in respect of the Horses or other Beasts drawing any Stage Coach, Stage Waggon, Cart, Van, Caravan, or other such Carriage, on account only of the Horses or Beasts drawing the same having been changed.

Post Chaises to pay on every fresh Hiring.

XVII. And be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage, and travelling for Hire, for every Time of passing and repassing on the same Day through every such Toll Gate or Turnpike, Side Bar or Chain, as often as a new or fresh Hiring shall take place.

Application of Tolls.

XVIII. And be it further enacted, That out of the Funds or Monies already received by virtue of the said recited Act hereby repealed, and now remaining unappropriated or undisposed of, or out of the first Money which shall arise and be produced by or from the Tolls by this Act granted and made payable, or otherwise, the said Trustees shall, in the first place, pay and discharge all the Costs, Charges, and Expences which have been incurred in or about applying for, preparing, obtaining, and passing this Act, and otherwise relating thereto, and the Remainder of all such Monies shall (after Payment of the necessary Expences of erecting or repairing Toll Houses, Toll Gates, Turnpikes, Side Bars, Chains, Milestones, Posts, and Fences, and for Books, Advertisements, Salaries of Officers, and other Expences incidental to the Execution of this Act,) be applied in keeping down the Interest of the Principal Monies advanced and due and owing on the Credit of the Tolls arising on the said Roads by virtue of the said Act hereby repealed, in Priority and Preference to the Interest of any Monies to be borrowed on the Credit of this Act, and in making, amending, widening, repairing, improving, and maintaining the several Roads, as well old as new, by this Act directed to be made, amended, widened, repaired, improved, and maintained, and otherwise in putting this Act into execution, and in keeping down the Interest of the Principal Monies which may hereafter be borrowed on the Credit of this Act, and in repaying the Principal Monies already borrowed and due and owing on the Credit

of

of the Tolls arising on the said Roads by virtue of the said Act hereby repealed, and afterwards in repaying all Principal Monies that may be borrowed on the said Tolls by virtue of this Act.

No Money to be laid out in repairing Streets.

XIX. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to apply, expend, or appropriate any of the Tolls hereby granted, or any of the Monies raised by virtue of the said recited Act hereby repealed, or to be raised by virtue of this Act, in repairing, paving, lighting, cleansing, or otherwise improving any Street, Road, or Highway in the Towns of *Warminster* and *Heytesbury*, or in any other Town through or into which the said Roads shall pass, or to erect or construct or maintain any Gate or Bar within such Towns or either of them.

No Money to be laid out on any Road unless Tolls are taken thereon.

XX. And be it further enacted, That no Money arising from any of the Tolls hereby authorized to be collected and taken shall be applied in or towards the Repair of any Road authorized to be repaired by virtue of this Act, unless some Turnpike, Toll Gate, or Bar shall be erected or placed and continued upon such Road, or on the Side thereof, nor unless the Tolls hereby granted shall be demanded and taken thereat, pursuant to the Powers and Provisions of this Act: Provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of any such Road than shall be collected thereat or borrowed on the Credit of the Tolls collected thereon.

Trustees may immediately apply a Portion of Sinking Fund to the Payment of the Debts.

XXI. And whereas in and by the said recited Act of the Fifty-fifth Year of His late Majesty King *George* the Third it was enacted, that the Sum of One hundred Pounds should yearly and every Year be taken by the said Trustees from the Tolls thereby granted, and should be from Time to Time invested in Government Securities until the same should amount to the Sum of Five thousand Pounds, or such other Sum of Money as should be sufficient to reduce the Debt then due on the Security of the said Tolls to the Sum of Two thousand Pounds: And whereas, in pursuance and in execution of the Powers by the said Act given, the said Trustees have from Time to Time invested in the Names of Four of such Trustees several Sums of Money, and there is now standing in their Names the Sum of Four thousand two hundred and fifty Pounds Three Pounds *per Centum* Consolidated Bank Annuities: And whereas there is now due and owing to the Mortgagees of the said Tolls the Sum of Seven thousand Pounds Sterling for Principal Monies advanced by them on the Security of the said Tolls: And whereas it is expedient that the said Trustees may be enabled, if they think fit, to sell out and dispose of so much of the said Capital Stock of Four thousand two hundred and fifty Pounds Three Pounds *per Centum* Consolidated Bank Annuities so invested as aforesaid as will produce the Sum of Three thousand and five hundred Pounds Sterling, and therewith pay off to each and every of the said Mortgage Creditors One Half of his or her respective Debt; be it therefore enacted, That it shall be lawful for the said Trustees and they are hereby empowered to sell out so much of the said Capital Stock or Government Security so invested as aforesaid as will produce the Sum of Three thousand and five

hundred Pounds Sterling, and to apply the same in discharge of the said Mortgage Debt of Seven thousand Pounds so due and owing on the Credit of the said Tolls, so far as the same will extend, in exact Proportion to the entire Debt, so that the same Sum *per Centum* according to an equal Rate shall be paid or tendered to every Creditor: Provided always, that if any Creditor shall refuse to accept the Part of his or her Debt which shall be so tendered to him or her, or to sign a proper Receipt for the same, the Money so to be tendered to him or her as aforesaid may be forthwith applied in Payment or in part Payment of any other Mortgage Debt or Debts which shall be due on the Credit of the said Tolls, in such Manner as the said Trustees or any Nine or more of them shall think proper.

Debt hereafter not to exceed 5,000*l.*

XXII. Provided always, and be it further enacted, That after Payment of the said Sum of Three thousand five hundred Pounds it shall not be lawful for the said Trustees to borrow or take up at Interest on the Tolls hereby granted any further Sum of Money which, together with the Sums then due and owing on the Credit of the said Tolls, shall exceed the Sum of Five thousand Pounds.

Sinking Fund.

XXIII. And be it further enacted, That the Sum of Two hundred Pounds shall yearly and every Year be applied by the said Trustees out of the said Tolls by Two half-yearly Sums on the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March* in every Year, and shall be from Time to Time invested, in the Names of the Trustees in whose Names the said Sum of Four thousand two hundred and fifty Pounds is now invested, or their Successors, in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities, or such other Stock or Government Securities as the Trustees acting in the Execution of this Act, or any Nine of them, shall think fit, in the Purchase of so much Capital Stock of such Funds as may amount to One hundred or Two hundred Pounds Stock; and all Dividends which shall arise and be payable and be received for and in respect of such Stock shall from Time to Time be again laid out and invested in the same Stock, in the Names of the said Trustees or their Successors, and so on from Time to Time during the Continuance of this Act, until such Stock or Government Securities so to be purchased as aforesaid, together with the Stock which shall remain standing in their Names after paying off the said Sum of Three thousand five hundred Pounds Sterling, as herein-before provided for, shall be sufficient to pay off and discharge the whole Debt then due on the Security of the said Tolls.

Penalty on Trustees for Misapplication of the Fund for the Redemption of the Debt.

XXIV. Provided also, and be it further enacted, That if any Trustee or their Treasurer shall misapply the Monies so directed to be laid out in the Public Funds as aforesaid, or any Part thereof, or the Stock or Government Securities in which the same shall be invested as aforesaid, or any Part thereof, or the Monies which shall be produced by the Sale of such Stock or Government Securities, or any Part thereof, then every Trustee or Treasurer so offending shall severally forfeit Double the Sum which shall be so misapplied as aforesaid, to be recovered, with full Costs of Suit, by any Four other Trustees, in any of Her Majesty's Courts of Record at *Westminster*, by

by Action of Debt, and the Money so to be recovered shall be immediately laid out and applied to the Purchase of like Stock or Government Securities as aforesaid, in the Names of the said Trustees, upon the Trusts and for the Purposes upon which the Money so misapplied as aforesaid was held.

Treasurer to forfeit 5*l.* for every Neglect to purchase Government Securities.

XXV. Provided always, and be it further enacted, That if the Treasurer of the said Trustees for the Time being shall neglect or omit to lay out the Monies, Dividends, and Accumulations in the Public Funds, as far or as near as the same may be invested, in the Purchase of One hundred or Two hundred Pounds Stock in manner aforesaid for the Space of Six Calendar Months next after any or either of the Days herein-before mentioned, then and in every such Case such Treasurer so offending shall forfeit and pay the Sum of Five Pounds, to be added to the Fund for the Redemption of the said Debt, unless he shall prove, to the Satisfaction of the said Trustees, or any Nine or more of them, that he had not in his Hands during such Period of Time any Monies sufficient and applicable to the Purpose aforesaid arising from the Tolls, Dividends, or other Monies to be collected and raised by virtue of this Act, or any other Means for procuring the same.

Trustees for Redemption of Debt to be reimbursed Expences.

Not answerable for Losses.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees in whose Name such Sums shall stand as aforesaid, and their Successors, by and out of the Monies which by virtue of the said recited Act or this Act, or any Trust herein or therein declared, shall come to their Hands, to deduct, retain to, and reimburse themselves all such reasonable Costs, Charges, and Expences as they respectively shall or may sustain or be put unto in or about the Execution of all or any of the Trusts by the said recited Act or this Act reposed in them for the Reduction of the said Debt; and also that they shall be charged and chargeable only with their own respective Receipts, Payments, Acts, and wilful Defaults, and not otherwise, and shall not be charged or chargeable with or for any Sums of Money other than such as shall actually and respectively come to their Hands by virtue of the said recited Act or this Act, nor with any Loss or Damage which may happen in placing out all or any of the Trust Monies aforesaid on Government Securities or in Parliamentary Funds, or depositing the same in any Bank or Bankers Hands or elsewhere for safe Custody or otherwise, except by their own wilful Default.

Power to change the Trustees.

XXVII. Provided also, and be it further enacted, That in case the said Trustees in whose Names the said Three Pounds *per Centum* Consolidated Annuities or other Stock or Government Securities shall for the Time being be purchased, or any or either of them, shall die, or refuse to act, or be desirous to be released or discharged of and from the Trusts in them reposed as aforesaid, or become insolvent, or incapable of acting as a Trustee, before the same Trusts shall be fully performed and executed, then and in any such Case, when and so soon and as often as the same shall happen, it shall be lawful for any Nine or more of the said Trustees at a public Meeting assembled, by any Order to be signed by any Nine or more of them,

them, to nominate, substitute, and appoint any other Person or Persons to be a Trustee or Trustees for the Purposes aforesaid, or any of them, in the Place and Stead of the present or any succeeding Trustee or Trustees, and so from Time to Time and as often as there shall be Occasion to nominate, substitute, and appoint any other Person or Persons to be a Trustee or Trustees for the Purposes aforesaid, or any of them, in their Place or Stead; and thereupon the said Capital Stock or other Securities shall be forthwith transferred in such Manner as that the same shall be legally and effectually vested in the surviving or continuing former Trustee or Trustees (if any such there be) and such new Trustee or Trustees, or in such new Trustees only, as the Case shall happen, upon the Trusts aforesaid, or such of them as shall be then subsisting; and that every such new Trustee shall and may act and assist in all things in the managing, carrying on, and Execution of the Trusts aforesaid, as fully and effectually, in all respects, and to all Intents and Purposes, and with the like Indemnification, as if he had been originally nominated or appointed a Trustee for the Purposes aforesaid.

Act subject to Provisions of any general Act.

XXVIII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Turnpike Roads by this Act or the said herein-before recited Act authorized to be made from the Provisions of any general Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Public Act.

XXIX. 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.

Commencement and Duration of Act.

XXX. And be it further enacted, That this Act shall commence and take effect upon the passing thereof, and shall thenceforth continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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