ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 61.

An Act for reviving, continuing, and enlarging, the Powers of Two Acts, passed for amending the Road leading from *Pengate*, in the Parish of *Westbury*, to *Latchett's Bridge*, near the East End of *Market Lavington*, and other Roads in the said Acts described, all in the County of *Wilts*, so far as the said Acts relate to the Roads comprized in the Second District therein mentioned.

[29th *June* 1804.]

WHEREAS an Act was passed in the Thirty-first Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for amending the Road leading from* Pengate, *in the Parish* 31 G. 2.
of Westbury, *in the County of* Wilts, *to* Latchett's Bridge, *near the East End of* Market Lavington; *and also the Road leading from* Market Lavington Down *to the Turnpike Road near* Dewey's Water; *and also the Road leading from* Bolesborough *to* Studley Lane End; *and also the Road leading from* Yarnbrook *to the Turnpike Road at* Melksham, *in the said County of* Wilts; whereby the several Roads therein particularly mentioned and described were divided into Two Districts, and certain Trustees

were thereby appointed for putting the same in Execution, as to each
9 G. 3. District: And whereas an Act was passed in the Ninth Year of the Reign of His present Majesty King *George* the Third, to enlarge the Term and Powers of the said Act, whereby the Powers and Provisions thereof, and of the said recited Act, were extended to other Roads in the said Act particularly mentioned and described: And whereas the Trustees appointed in or by virtue of the said Acts for the said Second District of Roads, have proceeded to put the same in Execution, and have for that Purpose borrowed several considerable Sums of Money on the Credit thereof, with respect to the said Second District, which Money still remains due and owing, and cannot be paid off, nor can the Roads comprizing the said Second District be effectually amended, widened, improved, and kept in Repair, unless the Term and Powers of the said Acts, so far as the same respectively relate to the said Second District of Roads, are revived, continued, and enlarged: And whereas the said last-mentioned Act purports to give a Continuation of the Term of the first-mentioned Act for Twenty-one Years in Addition to Five Years presumed to have been granted by an Act passed in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Second, commonly called *The Publick Turnpike Act*; but Doubts have arisen whether such Term of Five Years was so given; and it is conceived that the Term of the said Two Acts (which otherwise would have had Continuance till some Time in the Year One thousand eight hundred and eight) is expired: 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 Thirty-first Year of the Reign of His said late Majesty King *George* the Second, and the Ninth Year of His present Majesty's Reign, and all the Authorities, Powers, Privileges, Penalties, Forfeitures, Clauses, Matters, and Things, therein contained, and which were in Force immediately before the Expiration of the said Term (except so much thereof as are by this Act varied, altered, or repealed, and except so much thereof as relates to Exemptions from Stamp Duties), so far as the same relate ro the several Roads declared by the said Acts to comprize the said Second District, shall be and are hereby declared to be revived; and the same, and also this present Act, shall be in full Force and Effect, and be executed for and during the Term herein-after mentioned, in as full and ample Manner, to all Intents and Purposes whatsoever, 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 subject and liable as well to the Payment of all Money now due and owing in respect of the Roads, or the Tolls of the Roads comprized in the aforesaid Second District, upon the Credit of the said recited Acts, or either of them, as to the Payment of all Sums of Money which shall hereafter be borrowed on Account of the said Roads last mentioned, for the Purposes of the said recited Acts, or either of them, as relating to those Roads, or for the Purposes of this Act, and for the Interest of such Sums respectively.

The said Acts revived and further continued.

Proceedings since the former Acts to be valid, and indemnifying the Trustees for having acted.

II. And be it further enacted and declared, That all Acts, Matters, and Things, which, since the Expiration of the Term of the said last recited Act, have been done by the said Trustees for the Care of the said Roads, or any of them, or by any Collector of the Tolls, or other Officer or Person acting

acting under them, touching or in anywiſe relating to the amending, widening, or repairing the ſaid Roads, or in the Exerciſe or ſuppoſed Exerciſe of any of the Powers or Proviſions contained in the ſaid Acts, ſo far as relates to the ſaid Roads, ſhall be as good, valid, and effectual, to all Intents and Purpoſes, as if the Term of the ſaid laſt recited Act had not expired; and that the ſaid Truſtees, and alſo the ſeveral Collectors of the Tolls, and other Officers and Perſons employed by them, are hereby indemnified for having acted in the Collection or Receipt of the ſaid Tolls, or otherwiſe, relating to the ſaid Roads, in as full and ample a Manner, to all Intents and Purpoſes, as they would have been if the ſaid Acts had remained in full Force and Effect.

General Exemptions.

III. And be it further enacted, That none of the Tolls granted by the ſaid recited Acts, or either of them, ſhall be demanded or taken at any Gate within the Limits of the ſaid Second Diſtrict, for any Horſe, Cattle, or Beaſt employed only in drawing any Cart or Carriage from one Part of ſuch Diſtrict to another Part thereof, laden with any Dung, Soil, or Compoſt of any Kind, for the manuring of any Garden or other Land or Ground ſituate within the ſame, not bought, ſold, or diſpoſed of, or carried for the Purpoſe of being bought, ſold, or diſpoſed of, but paſſing to be laid up or placed in the Outhouſes or on the Lands of the Owners thereof who ſhall not have bought the ſame; nor ſhall any Toll be demanded or taken for any Horſe, Cattle, or Beaſt, employed in drawing any Cart or Carriage laden with Dung, Soil, or Compoſt from any Parts lying without the ſaid Diſtrict, ſo as ſuch Horſe, Cattle, or Beaſt be then returning, and have on the Day preceding been ſubjected to the Payment of the ſaid Tolls; nor ſhall any Toll be demanded or taken for any Waggons, Wains, Carts, Carriages, or Horſes, 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 or Pariſhes in which any Part of ſuch Roads doth lie; or Hay, Straw, or Corn in the Straw only, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Outhouſes or on the Lands of the Owners thereof; nor for any Waggons, Wains, Carts, Carriages, or Horſes, 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 for any other Thing employed in the Management of any Farm or Lands; nor for any Horſes or Cattle going to or returning from Paſture or Watering Places, or going to be or returning from being ſhoed; nor 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; nor 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; nor 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,

ing, or guarding such Mails or Expresses, or in returning back from conveying the same; nor for any Horses, Carts, or Waggons, attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; nor for any Horses, Carts, or Waggons, employed in the Conveyance of Vagrants sent by legal Passes; nor for any Horse, Cattle, or Beast drawing any Coach, Landau, Berlin, Chariot, Calash, Chair, or Passenger on Horseback, going to or returning 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 the said Acts and this Act; any Thing in the said Acts contained to the contrary hereof notwithstanding.

Application of Compensation Money when amounting to 200*l.*

IV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used, by virtue of the Powers of the said recited Acts and of this Act, or either of them, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, or Person or Persons under any other Disability or Incapacity, as in the said first-recited Act particularly mentioned, 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 last-recited Act of the Ninth Year of His present Majesty's Reign, and this Act, so far as the same relate to the Second District, 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 or Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Parts thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands 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 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 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 meantime, 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 meantime and until the said Bank Annuities shall be ordered by the said Court,

Court; to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation Money is leſs than 200*l.* and more than 20*l.*

V. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands 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 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 or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands) be paid into the Bank 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 Five or more of the ſaid Truſtees (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties) in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is leſs than 20*l.*

VI. 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 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 or Hereditaments ſo purchaſed, taken, or uſed, for the Purpoſes of the ſaid Acts and this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think fit, or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

For paying the Expences of the Act.

VII. And be it further enacted, That all the Coſts, Charges, and Expences of procuring and paſſing this Act, ſhall be paid out of any Monies ariſen or to ariſe by virtue of the ſaid recited Acts or either of them or of this Act, in preference to all other Payments whatſoever.

In caſe of not making out Titles;

or if Perſons cannot be found;

VIII. 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 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

Purchaſe Money to be paid into the Bank;

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, 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 Publick 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.

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

Where any Queſtion 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 deemed entitled thereto according to ſuch Poſſeſſion.

IX. 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 Court of Chancery, in purſuance of the ſaid recited Acts or this Act, for the Purchaſe of any Meſſuages, Buildings, Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt, in any Meſſuages, Buildings, Lands, Tenements, or Hereditaments, to be purchaſed in purſuance thereof, or to any Bank Annuities 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 Meſſuages, Buildings, 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 Meſſuages, Buildings, 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 Intereſts 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 Meſſuages, Buildings, Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

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

X. Provided always, and be it further enacted, That where, by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Houſes, Buildings, Lands, Tenements, or Hereditaments, to be purchaſed under the Authority of the ſaid Acts or this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and

and to be applied in the Purchaſe of other Houſes, Buildings, Lands, Tenements, 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 or the ſaid Acts, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Truſtees empowered to compound for Tolls.

XI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may and they are hereby empowered from Time to Time as they ſhall ſee convenient, to compound and agree, for any Term not exceeding One Year at any one Time, with any Perſon or Perſons for any Horſes, Cattle, Beaſts, or Carriages, paſſing through any of the Turnpikes or Toll Gates erected or to be erected by virtue of the ſaid Acts or this Act, ſo that no ſuch Compoſition ſhall be made for any Cattle or Carriage travelling for Hire; and all ſuch Compoſition Money ſhall be paid One Year in Advance, otherwiſe ſuch Compoſition ſhall be void.

Requiring the Truſtees to lay out of the Surplus of the Tolls annually a certain Sum for purchaſing Materials to repair the Roads.

XII. And be it further enacted, That after the Payment of Intereſt on the ſeveral Sums of Money which ſhall be due on the Credit of the ſaid Roads within ſuch Diſtrict, and incidental Expences, the ſaid Truſtees ſhall and they are hereby required to lay out and expend annually out of the Surplus Money ariſing from the Tolls within the ſaid Second Diſtrict, ſuch Sum as ſhall be neceſſary for the purchaſing and procuring of Two Hundred Loads at the leaſt of Flints, Stones, or other Materials, for the Reparation of the ſeveral Roads lying within the Pariſhes of *Eaſt Lavington*, *Great Cheveril*, and *Little Cheveril*, in the ſaid County.

Publick Act.

XIII. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

Term and Continuance of this Act.

XIV. And be it further enacted, That the ſaid Acts, ſo far as the ſame reſpectively relate to the ſaid Second Diſtrict of Roads, ſhall be and are hereby declared to be revived; and the ſaid Acts, ſo far as the ſame relate reſpectively to the ſaid Second Diſtrict of Roads and this Act, ſhall continue and be in Force, and be executed for the Purpoſe of amending, widening, improving, and keeping in Repair, the ſeveral Roads comprizing the ſaid Second Diſtrict, 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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