



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 46.

An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Road from *Abingdon* to *Swinford*, in the County of *Berks*. [6th May 1811.]

WHEREAS an Act was passed in the Eighth Year of the Reign of His present Majesty, intituled, *An Act for repairing and widening the Road from the Mayor's Stone in Abingdon, in the County of Berks, through Cumner, to the ancient Horse Road at Swinford in the said County*: And whereas another Act was passed in the Thirtieth Year of the Reign of His present Majesty, intituled, *An Act for enlarging the Term and Powers of an Act passed in the Eighth Year of the Reign of His present Majesty King George the Third, for repairing and widening the Road from the Mayor's Stone in Abingdon, in the County of Berks, through Cumner, to the ancient Horse Road at Swinford in the said County*: And whereas the Trustees appointed in and by virtue of the said Acts have made great Progress in the Execution of the same, and have borrowed a considerable Sum of Money on the Credit of the Tolls thereby granted, which still remains due and owing, and cannot be paid off, and the said Road be effectually amended and kept in Repair, unless the Term and Powers of the said Acts be further continued 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, and all the Clauses, Provisoos, Powers, Exemptions, Penalties, Forfeitures, Matters, and Things therein contained, (except such as relate

Acts further continued.

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relate to Exemptions from Stamp Duties, and such as are hereby varied or altered,) shall be and continue and the same are hereby declared to be and continue in full Force and Effect, and shall have Continuance for and during the Term hereafter mentioned, as fully and effectually to all Intents and Purposes, as if the same and every Part thereof were herein particularly repeated and re-enacted, but subject nevertheless to the Alterations and Additions herein contained, and which shall commence and take Effect on the passing of this Act; and that this Act, and the additional Term hereby granted, shall be and are hereby made subject and liable to the Payment of all Money now due and owing on the Credit or on Account of the said recited Acts, or either of them, or which shall hereafter be borrowed or become due on Account of the said Road, and all Interest due and to become due for the same respectively.

New Trustees.

II. And be it further enacted, That the surviving and remaining Trustees appointed by or by virtue of the said recited Acts, together with the Representative in Parliament for the Borough of *Abingdon* for the Time being, the Recorder and Town Clerk of the said Borough for the Time being, *Michael Anthony, William Allder, Sir George Bowyer* Baronet, *Henry Bowyer, Thomas Bowles, Adam Blandy, William Bowles, John Bunce of Sheepsted, Edward Child, Samuel Cripps, James Co'e, Thomas Duffield, George Elwes, Thomas Fletcher, Joseph Fletcher the younger, Thomas Goodall, James Williams Hoskins D. D. Henry Harding, Henry Knapp, Thomas Knight, John Ingram Lockhart, Benjamin Morland, Thomas Prince, John Phillips, Sir Charles Saxton* Baronet, *Samuel Sellwood, Samuel Sellwood the younger, John Francis Spenlove, William Tomkins, John Tomkins, and John Tomkins Mercer*, (being qualified according to the Directions of the said first recited Act,) and their Successors to be elected or appointed and qualified in Manner directed by the said first recited Act, shall be and are hereby appointed Trustees for putting this and the said recited Acts in Execution, and shall be and are hereby declared to be invested with the same Powers and Authorities for that Purpose, as fully and effectually in all Respects and to all Intents and Purposes, as if they had been nominated or appointed by or by virtue of the said first recited Act.

Exemptions from Toll.

III. And be it further enacted, That no Toll shall be demanded or taken for any Carriage, Horse, or other Cattle going unladen for or being laden with, or returning after having gone laden only with, any Materials for repairing the said Road, or any other Highway or Road; or for any Carriage or Cattle carrying any Hay, Straw, or Corn in the Straw, not sold or disposed of, but passing to be laid up in the Houses, Outhouses, Barns, Yards, or Closets of the Owner or Owners thereof, or returning empty therefrom; or for any Horses, Cattle, or Carriages going with or for any Ploughs, Harrows, or other Implements of Husbandry belonging to any of the Inhabitants of the Parishes, Townships, Hamlets, or Places wherein any Part of the said Road lieth; or for any Cattle going to or from plough or harrow; or for any Carriage or Cattle carrying any Lime, Marl, Dung, Mould, or Compost of any Kind whatsoever to be employed in Husbandry, or for manuring or stocking of Land, but for no other Purpose; or for any Horses or other Cattle or Carriages employed in the conveying of any Person or Persons going to or returning from an Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Berks* on the Day of such Election,

Election, or on the Day before or Day after such Election shall begin or be concluded; or going to or returning on *Sundays*, or any other Days on which Divine Worship is ordered by Authority to be celebrated, from any Church, Chapel, or other Place of Religious Worship, which shall be situate within the same Parish in which any Turnpike or Toll Gate shall be erected, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the Parishes, Townships, Hamlets, or Places in which the said Road lies; or from any Clergyman going to perform or returning from his Duty at any Church or Chapel, or to or from visiting his sick Parishioners; or for any Cattle or Carriage employed only in carrying Corn to or Grist from the nearest or such other Mill as shall be used by the Owners of such Corn respectively; or for any Carriages or Horses employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or in returning from conveying or guarding the same; or for any Horse, Ox, Cow, Sheep, or other Cattle going to or returning from any Pasture or Watering Place, or from being shod or farried; or for any Horses belonging to Officers or Soldiers upon their March or upon Duty, or for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or any sick, wounded, or disabled Officers or Soldiers, or 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 Horses, Carts, or Waggons travelling with Vagrants sent by legal Passes; and that no Toll shall be demanded or taken for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemptions as aforesaid; and if any Person shall by any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, 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; and every such Forfeiture shall be recovered in like Manner as any Forfeiture is recoverable by the said first recited Act.

IV. 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 publick Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall on passing the said Road be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horses or Cattle drawing the same, 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

Owners or Drivers of Waggons in the Service of His Majesty, not subject to Penalties for Overweight, &c.

Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act or the said recited Acts contained, to the contrary notwithstanding.

Application
of Compensation, if
amounting
to 200l.

V. 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 or 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 Trustees, for and on Behalf of any Infant, Lunatick, Idiot, Feme Covert, or other *Cestuique* Trust, or to any Person or Persons 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 or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing the said 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 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 in Discharge of any Debt or Debts, or such other Incumbrances 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 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, and 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 200l.
and exceeding
20l.

VI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or

or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, 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 Five of the 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 directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

VII. 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, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of the said recited Acts and this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy, Idiocy, 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.

Application of Compensation, if less than 20l.

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 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 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 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 said 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

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.

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 Lands, &c. at the Time of such Purchase, shall be deemed entitled thereunto, unless, &c.

IX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the 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 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.

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 the said recited Acts and this Act, the Purchase Money for the same shall be required to be paid into 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 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 Acts and this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Persons chargeable to Statute Work to continue so. Justices to determine Differences.

XI. And be it further enacted, That all Persons who by Law are liable to do Statute Work on any Part of the Roads within the Parishes, Townships, or Places through which the said Road or any Part thereof passeth, shall be liable to do the same on the said Road; and it shall be lawful for any Two or more Justices of the Peace for the said County of *Berks*, and they are hereby required and empowered, on Application made to them by the said Trustees, or by their Clerk or Surveyor,

veyor, 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 be lawful 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 so paid; which Lists of Names shall be made in Manner, and under such Regulations and Restrictions, as is 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 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 on 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 this Act or the said first recited 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 last or usual Place or Places of Abode for that Purpose, by any Surveyor of the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the 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 or Surveyors to the said Trustees, such Surveyor or Surveyors is and are hereby empowered to remove and turn off the Person who shall be found idle and negligent as aforesaid; and in that Case every such Person sending such Labourer, Team, or Draught, shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if such

touching
Statute
Work.

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 Roads; 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 or wilfully give in false or imperfect Lists, every such Surveyor or Surveyors so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may compound for Statute Work.

XII. And be it further enacted, That it shall be lawful to and for the said Trustees, or any Five or more of them, to compound and agree with any Person or Persons, Bodies Politick or Corporate, for the Repairs or Statute Work to be by them done on the said Road, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Parishes or Places in which the said Road shall lie and be situate, or with the Surveyor of the Highways for such Parishes or Places, duly authorized for that Purpose at a publick Vestry, for a certain Sum of Money, by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or any Part of the Statute or other Work to be by all or any of the said Inhabitants done on the said Road; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer or Treasurers of the said Trustees in Advance, on or before the First Day of *October* in each and every Year, or otherwise the Inhabitants in and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

Expences of this Act.

XIII. And be it further enacted, That all the Charges and Expences incident to or attending the obtaining and passing of this Act shall be paid by the said Trustees, or any Five or more of them, out of any Money already collected and received under or by virtue of the said recited Acts or either of them, or out of the first Monies which shall be collected, raised, or received under or by virtue of the said Acts and this Act, or any of them, 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 this Act.

XV. And be it further enacted, That the Term granted and continued by the said recited Acts shall, upon the passing hereof, cease and determine; and that the said recited Acts, and all and every the Powers, Authorities, Directions, Provisions, Matters, and Things therein, (subject to the Alterations and Additions herein contained,) and this Act, shall from thenceforth continue, commence, and be in Force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.