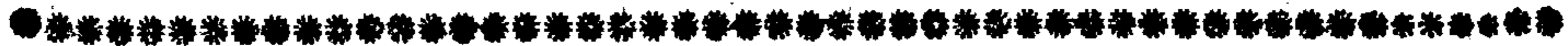


ANNO QUINQUAGESIMO SECUNDO

# GEORGII III. REGIS.



## Cap. 61.

An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Road from *Upton* in *Ratley*, to *Great Kington* and *Wellesbourne Hastings*, in the County of *Warwick*.  
[20th April 1812.]

**W**HEREAS an Act was passed in the Tenth Year of the Reign of His present Majesty, intituled *An Act for repairing and widening the Road from Upton in the Parish of Ratley, to the North End of Bridge Street, in the Town of Great Kington, and from thence to the Guide Post at the Town of Wellesbourne Hastings, in the County of Warwick*: And whereas an Act was passed in the Thirty-second Year of the Reign of His present Majesty, intituled *An Act for enlarging the Term of an Act of the Tenth Year of His present Majesty, for repairing and widening the Road from Upton, in the Parish of Ratley, to the North End of Bridge Street, in the Town of Great Kington, and from thence to the Guide Post at the Town of Wellesbourne Hastings, in the County of Warwick*: And whereas the Trustees appointed in or by virtue of the said Acts have proceeded to put the same in Execution, for which Purpose they have borrowed considerable Sums of Money on the Credit of the Tolls authorized to be taken on the said Road; which Money still remains due and owing, and cannot be paid off, nor can the said Road be properly amended, improved, and kept in Repair, unless the Term of the said Acts be further continued, and the Powers thereof altered, amended and enlarged, and the Tolls increased: May it therefore please Your Majesty

[*Loc. & Per.*] 10 G. 3. c. 63.  
32 G. 3. c. 16.

14 M

Acts further  
continued.

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 and every the Authorities, Powers, Privileges, Provisoos, Exceptions, Penalties, Forfeitures, Matters and Things therein contained, (except so much thereof respectively as relate to Exemptions from Stamp Duties, and except so much thereof as are by this Act varied, altered or repealed), shall be and remain in full Force and Effect, and shall be executed for and during the Term herein-after mentioned, as fully and effectually, to all Intents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; but subject nevertheless to the Alterations and Amendments herein contained; and that this Act, and the Tolls hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all Money now due and owing upon the Credit or on Account of the said recited Acts or either of them, or which shall hereafter be borrowed or become due on the Credit of the said recited Acts and this Act, for the use and on account of the said Road, and all Interest due and to grow due for the same respectively.

Trustees for  
executing the  
former Acts  
to execute  
this.

II. And be it further enacted, That the Trustees named in or appointed by virtue of the said recited Acts, and their Successors, to be chosen and appointed in pursuance of the said Acts, together with the several Persons herein-after named, shall be and they are hereby appointed Trustees for putting this Act in Execution, and shall continue to meet and adjourn from Time to Time pursuant to the Directions of the said Acts: And that *Joseph Birch, Walter Henry Bracebridge, Henry Thomas Bayley, Thomas Cattell Clerk, John Clavering Clerk, Thomas Collins, William Collins the younger, Bernard Dewes, Charles Elliott Clerk, John Edwards, Robert Fellows, Thomas Hancox Clerk, Henry Holbeck, Charles Handley, Thomas Handley, I. L. Hawkes, Thomas Hiron the younger, Sir James Lake Baronet, George Lucy, John Lucy the younger, Henry Eyres Landor, Sir Charles Mordaunt Baronet, Charles Mills, Amos Middleton, Edward Proby Clerk, William Parkes, John Parkes, Henry Robbins, William Russell, John Russell, Sir Grey Skipwith, William Stanton, Thomas Clark Smart, Benjamin Smart the younger, Richard Smith the younger, Thomas Townsend, Henry Townsend Clerk, John Tomes, Richard Tomes, Edward Willes the younger, William Whateley, Charles Gregory Wade Clerk, Arthur Savage Wade Clerk, John Eatdley Wilmot, and Henry Wise Clerk*, shall be and are hereby added to and joined with the Trustees appointed by or in pursuance of the said recited Acts; and the said Trustees herein nominated, and their Successors (being qualified according to the Directions of the said recited Act, passed in the Tenth Year of His present Majesty's Reign) shall be Trustees, and shall have the like Powers and Authorities to act in the Execution of the said recited Acts and this Act, as fully and effectually, to all Intents and Purposes, as if they had been appointed by the said recited Acts or either of them.

For reducing  
the Quorum  
of Trustees  
under the  
said Acts.

III: And be it further enacted, That all Acts, Matters and Things, authorized and required by the said recited Acts and this Act, or either of them, to be done and executed by the Trustees for carrying the same

into Execution, may be done and executed by any Three or more of the said Trustees present at any Meeting, or by the Majority of such Three or more of them as shall be then present, and the same when so done and executed shall be as good, valid and effectual, and shall have the same Force and Effect as if such Acts, Matters and Things, had been done and executed by all the said Trustees or any greater Number than Three of the said Trustees; any Thing in the said recited Acts or either of them contained to the contrary notwithstanding.

IV. And whereas the Amount of Tolls authorized by the said recited Acts to be taken on the said Road, have been found insufficient for the Purposes of the said recited Acts; be it therefore enacted, That from and after the First Day of *June* now next ensuing, the said Tolls granted or authorized by the said recited Acts to be taken, shall be and the same are hereby declared to be repealed, and shall from that Time cease, determine, and be no longer paid or payable; and that upon and from and after the said First Day of *June* it shall be lawful for the said Trustees, or any Person or Persons appointed or to be appointed Collector or Collectors by virtue of the said recited Acts or this Act, to demand and take the several Tolls and Duties following, at each and every of the several and respective Turnpikes or Toll Gates or Toll Houses, or Turnpike or Toll Gate or Toll House, which is or shall be erected upon, across, or on the Sides of the said Road, by virtue of the said recited Acts or this Act, and on every Day, (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night); that is to say:

Repealing  
former Tolls  
and granting  
new ones.

For every Horse, Mare, Gelding, Mule, Ass or other Beast, drawing any Coach, Sociable, Chariot, Berlin, Landau, Vis-a-vis, Barouche, Phaeton, Curricule, Calash, Chaise, Chair, Gig, Whisky, Caravan, Hearse, Litter, or other such Carriage, the Sum of Five-pence: Tolls.

For every Four-wheeled Carriage fixed in any Manner to any Waggon, Wain, Cart, or other Carriage, the Sum of Ten-pence:

For every Two-wheeled Carriage, so fixed, the Sum of Five-pence:

For every Horse, Mare, Gelding, Mule, Ass, Ox, Bullock or other Beast, drawing any Waggon, Wain, Drag, Cart, or other such Carriage, the Sum of Five-pence:

For every Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels of less Breadth or Gauge than Nine Inches from Side to Side, drawn by Four or more Horses or other Beasts, going all or any Two of them abreast, or in a Pair or Pairs, the Sum of One Pound Fifteen Shillings and Sixpence; and drawn by Three Horses or other Beasts, any Two of them going abreast, or in a Pair, the Sum of Fifteen Shillings; and drawn by Two Horses or other Beasts, going abreast or in a Pair, the Sum of Two Shillings:

For every Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels of less Breadth or Gauge than Six Inches from Side to Side, drawn by Four or more Horses, or other Beasts going at length, and quartering upon the said Road, One Pound; and drawn by Three Horses or other Beasts going at length, and quartering as aforesaid, Ten Shillings; and drawn by Two Horses or other Beasts going at length, and quartering as aforesaid, Five Shillings:

For every Horse, Mare, Gelding, Mule or Ass, laden or unladen, and not drawing, the Sum of Two-pence:

For

For every Drove of Oxen, Beasts or Neat Cattle, the Sum of One Shilling and Sixpence *per* Score, and so in Proportion for any less Number: And,

For every Drove of Calves, Swine, Sheep or Lambs, the Sum of Sixpence *per* Score, and so Proportion for any less Number.

Tolls vested  
in Trustees.

And the said respective Tolls shall be demanded and taken before any Horse or Horses or other Beasts or Cattle, or any Carriage whatsoever, be permitted to pass through any such Turnpike or Toll Gate; and which said respective Tolls, as well as the Toll Houses and Toll Gates now or hereafter to be erected for collecting the same, shall be and the same are hereby vested in the said Trustees for executing the said recited Acts and this Act, and they or any Three or more of them shall have such and the same Powers and Authorities for mortgaging, transferring, leasing and compounding for the said Tolls, and the same shall be collected, levied, recovered, applied and disposed of in such and the same Manner, and by such and the same Ways and Means, and with such and the same Remedies in case of Non-payment or Evasion thereof, as are contained in the said recited Acts or either of them respecting the Tolls thereby granted and made payable, except so far as such Powers, Provisions and Restrictions, are by this Act varied or altered.

Double Tolls.  
on Sundays.

V. And be it further enacted, That on every *Sunday* after the First Day of *June* next ensuing, there shall be demanded and taken at the Toll Gates already or hereafter to be erected on the said Road, by the Collector or Collectors at such Gate, before any Horse, Beast, Cattle, or Carriage of any Description, shall be permitted to pass through the same, Double the Tolls by this Act authorized and directed to be taken; which said Tolls shall be and the same are hereby vested in the said Trustees, and shall be collected and recovered in the same Manner, and with such Remedies for Non-payment or Evasion thereof, as are contained in the said recited Acts for Non-payment or Evasion of Tolls thereby granted.

For limiting  
the Number  
of Tolls.

VI. Provided always, and be it further enacted, That no Person or Persons who shall have paid Toll for passing through any Turnpike erected or to be erected by virtue of the said recited Acts or this Act, shall be subject to the Payment of Toll for afterwards passing or repassing through the same Turnpike on the same Day, (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night), with the same Horses, Cattle, Coach, Chaise, Waggon, or other Carriage; and that no more than One Toll shall be demanded or taken for or in respect of any Horses, Beast, Cattle or Carriage; passing or repassing any Number of Times in One Day, to be computed as aforesaid, through all the Turnpikes or Toll Gates between *Upton* and the North End of *Bridge Street*, in the Town of *Great Kington* aforesaid, nor more than One Toll between the North End of *Bridge Street*, in the Town of *Great Kington* aforesaid, and the Guide Post at the Town of *Wellesbourne Hastings* aforesaid.

Bar-keepers  
competent  
Witnesses.

VII. And be it further enacted, That in case any Dispute, Suit or Litigation shall arise, touching or in anywise concerning the said Tolls or the Recovery thereof, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said

said Trustees, shall not be deemed to be incompetent to give Evidence in any such Dispute, Suit or Litigation, by reason of his, her or their being appointed to collect such Tolls, or any of them.

VIII. And whereas the several Exemptions from Tolls granted by the said recited Acts, have been found inconvenient and detrimental: Be it therefore enacted, That the said Exemptions, and every of them, shall be and are hereby declared to be repealed.

Exemption  
from Tolls  
under former  
Acts re-  
pealed.

IX. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart or other Carriage, employed in carrying or conveying, or going empty to fetch, carry or convey, 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 making or repairing the said Road, or any of the Roads in the Townships or Parishes in which any Part of the said Road lies; or Hay, Turnips, Straw, or Corn in the Straw only, and being the Produce of the Lands of the Owners thereof, and not sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Outhouses or Yards, or on the Lands of the Owners thereof in any of the said Townships or Parishes; or for any Horse, Beast or other Cattle, or Carriage, employed in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost or Manure (Lime only excepted) employed in Husbandry, or for manuring or improving any Farm or Lands, in any of the said Townships or Parishes; or for any Horses or other Beasts going to or returning from Pasture or Watering-place, or going to be or returning from being shod or farried; or from any Person or Persons going to or returning from his, her, or their proper Parochial Church, Chapel, or other Place of Religious Worship on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or going to or returning from attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Road lies, or from any Clergyman going to visit or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty; or for any Horses 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 or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty, or for any Horse or Horses or other Beast, or any Cart, Carriage or Waggon employed in carrying or conveying or returning therefrom, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying or conveying 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, or Barrack or Commissariat or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from having been so

Exemptions  
from Toll.

[*Loc. & Per.*]

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employed;

Passengers  
on Election  
Days for  
Knights of  
the Shire for  
the County of  
Warwick,  
exempted.

employed; or for any Horse, Mare or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture and Accoutrements, according to the Regulations of such Corps at the Time of claiming the Exemption; or for Horses, Carts, or Waggons, travelling with Vagrants sent by legal Passes, or returning after having been so employed; or for any Horses, Coaches or other Carriages, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Warwick* on the Day or Days of such Election, or the Day before or Day after such Election shall begin or be concluded; and if any Person shall by any fraudulent or collusive Means whatsoever, claim, or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Exempting  
Carriages  
conveying  
King's  
Stores, &c.  
from Penalties for  
Overweight.

X. 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, or Barrack or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart or other Carriage, or the Horse or Horses 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 the Owner or Driver of any such Waggon, Wain, Cart or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this or the said recited Acts contained to the contrary notwithstanding.

Trustees may  
reduce the  
Tolls and  
raise them  
again, to any  
Sum not ex-  
ceeding the  
Rates before  
granted, pro-  
vided no Re-  
duction be  
made with-  
out the Con-  
sent of  
Creditors.

XI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, and they are hereby empowered at a Meeting to be holden for that Purpose, of which Meeting One Calendar Month's Notice shall be given in the *Warwick and Warwickshire Advertiser*, or some other Newspaper published and circulated in the County of *Warwick*, and also affixed on all and every the Turnpike Gates that shall be then standing on the said Road, from Time to Time to lessen or reduce all or any of the said Tolls hereby granted, and also any additional Tolls payable by any Act or Acts of Parliament now in force for Overweight, in such Manner as to them shall seem fit and convenient, for and during such Time as the said Trustees, or any Three or more of them shall think proper, and afterwards at a Meeting to be holden as aforesaid, from Time to Time as they shall see Occasion, again to advance all or any of the Tolls so lessened or reduced to any Sum or Sums of Money, not exceeding the several Rates granted by this Act, or made payable by any Act or Acts of Parliament in force or Effect with respect to Overweight, and to order the

the same to be taken in such Manner, Parts and Proportions, as they shall think fit: Provided nevertheless, that until the whole Money borrowed on the Credit of the Tolls granted by the said recited Acts or either of them, or by this Act, shall have been paid off or discharged, the said Tolls hereby granted shall not be lessened or reduced without the Consent of the Person or Persons entitled to One Half of the Money remaining due upon the Credit of the said Tolls; and such Tolls so varied, and every of them, shall be collected, recovered, vested and applied, in the same Manner as the Tolls hereby authorized to be taken are directed to be collected, recovered, vested and applied.

XII. And be it further enacted, That in case the Tolls arising from all or any of the Toll Gates erected or to be erected upon the said Road, shall at any Time or Times during the Continuance of this Act be demised or let to Farm to any Person or Persons whomsoever, and the Lessee or Lessees, Farmer or Farmers thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear by the Space of Twenty-one Days next after any of the Days on which the same ought to be paid, pursuant to the Agreement for letting the same, then and in either of those Cases it shall be lawful for the said Trustees, or any Three or more of them, or their Clerk, Treasurer or Surveyor, or other Person authorized by Writing under the Hands of any Three or more of them, and they are hereby authorized to enter into and take Possession of the Toll House or Toll Houses, with the Buildings, Gates, and Appurtenances thereto belonging, so let as aforesaid, and to remove and put out such Lessee or Lessees, Farmer or Farmers, from the Possession thereof, and from the Collection of the Tolls there payable; and that thereupon it shall be lawful for the said Trustees, or any Three or more of them (if they shall think fit) to vacate and determine the Contract or Agreement for leasing or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall in that Case be and is hereby declared to be utterly void to all Intents and Purposes (save as to the Covenants or Agreements for Payment of the Rent or Rents thereby reserved), as if such Demise or Agreement had never been made; and it shall be lawful for the said Trustees, or any Three or more of them, in every such Case to demise and let to Farm the said Tolls again to any Person or Persons, or cause them to be taken and collected as if no former Contract or Agreement had been entered into relative thereto.

Trustees may take Possession of Toll Houses when let to Farm, in case of Non-payment of the Rent, &c.

XIII. And be it further enacted, That during such Time as the said Tolls or any Part or Parts thereof shall be leased, demised, or in Farm to any Person or Persons whomsoever, it shall be lawful for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he, she, or they shall by Writing or Writings under his, her, or their Hand or Hands authorize or appoint, to demand and take the said Tolls so leased, demised, or farmed, and to use all such Means and Methods for the Recovery thereof, in case of Nonpayment or Evasion, as any Collector of the said Tolls appointed under or by virtue of the said recited Acts or this Act, is by the said recited Acts or this Act authorized and empowered to use; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid, so demanding and taking

Lessees of Tolls may appoint Persons to receive the same.

taking the said Tolls, shall be subject to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls appointed by the said Trustees is subject or liable to.

Expences of  
this Act.

XIV. 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 Three or more of them, out of any Money already collected and received by virtue of the said Acts, or out of the first Monies which shall be collected and received by virtue of this Act, in preference to any other Payment whatsoever.

Application  
of Money  
when amount-  
ing to 200l.

XV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements or Hereditaments purchased, taken or used, by virtue of the Powers of this or the said recited Acts, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any other Disability or Incapacity, 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 *ex parte* the said Trustees, 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 of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements or Hereditaments, or affecting other Lands, Tenements or Hereditaments, standing settled 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 and with 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 or 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 High Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements and Hereditaments, so to be purchased under the Authority of this or the said recited Acts, in case such Purchase or Settlement was made.

XVI. Provided



XVI. 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 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 or Lunacy, to be signified in Writing, under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Trustees for executing this and the said recited 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 Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Where less than 200l. and above 20l.

XVII. 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 this or the said recited Acts, in such Manner as the said Trustees or any Three or more of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Where under 20l.

XVIII. 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 or the said recited Acts, 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 any Three or more of them; or in case the 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 be lawful for the said Trustees, or any Three 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 High 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 High Court of Chancery; which said Court on the Application of any Person or Persons making

Where any Question shall arise, touching the Title to the Money to be paid into the Bank subject to the Order of the Court of Chancery, in case Persons cannot make a good Title, or cannot be found.

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 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.

In case of  
disputed  
Titles, &c.

XIX. 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 High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements or Hereditaments, to be purchased in pursuance of this or the said recited Acts, 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 High 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.

Court may  
order reason-  
able Ex-  
pences to be  
paid by the  
Trustees.

XX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements or Hereditaments, to be purchased under the Authority of this or the said recited Acts, the Purchase Money for the same shall be required to be paid into the High 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 this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts or 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 this or the said recited Acts, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Power given  
to Surveyors  
to dig Gravel,  
&c. in Waste  
Grounds, &c.

XXI. And be it further enacted, That the Surveyor or Surveyors of the said Road, or any of them, and such other Person and Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, or  
any

any Three or more of them, is and are hereby empowered to cut, dig, gather, take and carry away, any Furze, Heath, Stones, Gravel, Sand, or other Materials, proper for the Purpose of repairing Roads, in, upon, out of, or from any Waste or Common Ground or Grounds, River or Brook, in any Parish, Town or Place, in, adjoining to, or lying near to the said Road, or in any adjoining Parish, Town or Place, to be used, disposed of, and applied in repairing the said Road, without paying any Thing for the same, such Surveyors or other Persons filling up the Pits, and levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle, and so that no such Stone, Gravel, Sand or other Materials, are got or sought for within Thirty Feet of the Centre of the said Road; and also, that it shall be lawful for the said Surveyor or Surveyors, or other Persons as aforesaid, by an Order made at a Meeting of the said Trustees, or any Three or more of them, to cut, dig, gather, take, and carry away any such Materials as aforesaid, in, upon, out of, or from and over the Lands, Fields or Grounds, of any Person or Persons where the same may be had or found, (such Lands, Fields or Grounds, or either of them, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery or Inclosed Ground, or planted with any Trees for a Walk or Walks or Avenue to any House), paying or tendering to the respective Owners or Occupiers of such Lands, Fields or Grounds, such Damages for the cutting, digging, gathering, taking and carrying away the said Furze, Heath, Stones, Gravel, Sand and Materials, and for carrying the same over any Grounds, as the said Trustees or any Three or more of them shall think reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, and the said Owner or Occupier, or any or either of them, concerning the said Damages, the Justices of the Peace of the County or Place wherein such Difference shall arise, at their General Quarter Sessions of the Peace to be held in and for the same County or Place next after such Differences shall arise, after Six clear Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Place of Abode, shall hear, settle and determine the Matter of the said Damages, whose Judgment or Order therein shall be final and conclusive to all Parties.

XXII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons under the Authority of this Act, to dig, get, gather, take or carry away any Materials for making or repairing any Part of the said Road, out of or from any inclosed Lands or Grounds, until Notice in Writing signed by such Surveyor, shall have been given to the Land Owner or his known Agent, or to the Occupier of the Premises from which such Materials are intended to be taken, or shall have been left at the usual Place of Residence of such Occupier, to appear before the said Trustees, or any Three or more of them, or any One or more Justices of the Peace acting for the County, Liberty, or Place, wherein such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Land Owner, Agent or Occupier, shall attend, pursuant to such Notice, the said Trustees or such Justices shall, upon hearing the

Notice to be given to Owners and Occupiers of Lands before Materials are taken.

Objections,

Objections, if they think proper, authorize such Surveyor or other Persons to dig, get, gather, take and carry away such Materials, for the Purposes aforesaid; and if such Land Owner or Occupier shall neglect or refuse to appear without sufficient Excuse by himself or herself, or his or her Agent, the said Trustees or such Justices may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier, or his or her Agent, had attended; and the Order of such Trustees or Justices respectively shall be final and conclusive to all Parties.

Statute  
Labour.

Justices to  
determine  
Differences  
touching  
Statute  
Labour.

XXIII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said County of *Warwick*, and they are hereby empowered and required, (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor 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 lies, 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, shall be by him or them paid to the said Trustees or their Treasurer; 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 paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in force or Effect for the Repair of the public Highways; and out of such Lists such Justices shall or may allot, appoint and order, such and so many of the Persons who shall appear to be subject and liable to do 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 on 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 may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of, or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in Default of Payment thereof, the same shall or 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 recited Acts authorized to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid

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, signed by the Surveyor or Surveyors to the said Trustees), shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who 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 Penalties as aforesaid as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said 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 knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXIV. Provided always, and be it further enacted, That the said Trustees or any Three or more of them, and the Surveyor and Surveyors of the said Road, by an Order under the Hands of the said Trustees, or any Three or more of them, may and they are hereby empowered, at the Option of the said Trustees, or any Three or more of them, to compound with the several Inhabitants and Occupiers of Lands in the several Parishes, Hamlets, Townships and Places, through which the said Road doth lead, for the Statute Work and Labour or any Part thereof by them respectively by virtue of this Act to be done by each respective Person on the said Road in every Year, and to take and receive as a Composition for and in lieu of each or any Day's Work with a Team, any Sum or Sums of Money not exceeding the Sum of Twenty Shillings nor less than Ten Shillings, as the said Trustees or any Three or more of them shall think reasonable and proper; which Sum and Sums of Money shall be paid by the Person or Persons liable to do Statute Duty on the said Road to the Treasurer of the said Trustees, in Advance, on or before the Thirtieth Day of *October* in each and every Year, and shall and may be collected; recovered, paid, applied and disposed of in such and the same Manner, and by such and the same Ways and Means, and with such Remedies for Recovery in case of Non-payment or Evasion thereof, as is or are respectively mentioned and contained in the said recited Acts or either of them, respecting the Tolls thereby or by this Act authorized to be taken.

Trustees may compound for Statute Work.

XXV. And be it further enacted, That if any Person or Persons shall ride upon any Footway adjoining to the said Road, or shall drive any Horse or other Cattle, or any Swine, or any Cart or other Carriage thereon, or shall cause any Damage to be done to such Footway; or if any Person shall haul or draw, or cause to be hauled or drawn upon any

Penalty on Persons injuring the Road.

[*Loc. & Per.*]

14 P

Part

Part of the said Road, any Tree or Piece of Timber, or any Stone, otherwise than upon wheeled Carriages, or shall suffer any Part of any Tree or Piece of Timber or Stone, which shall be carried upon any wheeled Carriage, to drag upon any Part of the said Road to the Injury thereof; or if any Person shall leave any Waggon, Wain, Cart or other Carriage, longer than may be necessary for loading and unloading the same, in, upon, or on the Side of any Part of the said Road, or with or without any Horse or Beast of Draught, harnessed or yoked thereto; or if any Person or Persons driving any Plgs or Swine upon the said Road or any Part thereof, shall suffer the same to stop upon the said Road or any Part thereof, or to rout up and damage the same or any Part thereof, or the Fences, Hedges, Backings or Copsle on either Side thereof; or if any Person driving or riding upon any Horse, Mare, or Gelding, Mule or Ass, carrying Cans, Crates, or Panniers, shall not keep the said Horse, Mare or Gelding, Mule or Ass, on the Left-hand Side of the said Road; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him upon the said Road, or the Coach, Chaise, Waggon, Cart or other Carriage under his Care; or if any Person shall make or assist in making any Fire or Fires, or any Bonfire or Bonfires, or shall set fire to or let off or throw any Squib, Rocket, or Fireworks whatever, on any Part or Parts of the said Road or within Forty Yards from the same; or shall wheel any Wheelbarrow or Wheelbarrows upon any Footway adjoining the said Road or any Part thereof; or shall lay any Hay, Straw, or other Matter or Thing upon any Part or Parts of the said Road to be made into Manure; or shall lay any Stones, Timber, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Road or on the Sides thereof, or on the Footpath or Causeway now made or hereafter to be made on the Sides thereof, to the Prejudice thereof, or to the Prejudice or Annoyance of Persons travelling thereon, or shall otherwise obstruct or impede the Passage upon the said Road or any Part thereof; or shall scrape off the said Road any Mud, Soil, Matter or Thing which shall be or lie upon any Parts of the said Road with an Iron Rake or other Instrument; or shall turn out any Horses, Cows, or other Cattle, Mules, Asses, or Swine, upon the said Road hereby and by the said Acts directed to be repaired or any Part thereof, or into the Lanes or Ditches adjoining the same; every Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, and applied in such Manner as other Penalties, Forfeitures and Fines, are by the said recited Acts or this Act directed to be recovered, levied, and applied.

For-secur-  
ing  
transient  
Offenders.

XXVI. And whereas Offences may be committed against the said recited Acts and this Act, by Persons unknown to the Trustees, Collectors, Surveyors or other Officers, appointed to put the same into Execution, be it therefore further enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace for the County or District near the Place where the Offence or Offences shall be committed.

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XXVII. And

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

XXVIII. And be it further enacted, That the Term granted and continued by the said recited Acts shall upon the First Day of *June* One thousand eight hundred and twelve cease and determine; and that the said Acts (subject to the Alterations, Additions, and Amendments in this Act contained) and this Act, shall from thenceforth continue 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. Commence-  
ment and  
Continuance  
of this Act.

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