



ANNO QUINQUAGESIMO OCTAVO

GEORGI II. REGIS.

Cap. xlv.

An Act for continuing and amending an Act of His late Majesty, and Two Acts of His present Majesty, for repairing several Roads leading to and from the Town of *Wincanton*, and the Roads communicating therewith, in the Counties of *Somerset, Wilts,* and *Dorset.* [8th May 1818.]

WHEREAS an Act was passed in the Twenty-ninth Year of the Reign of His late Majesty King George the Second, intituled *An Act for repairing and widening the Road from the Eighteen Milestone beyond Willoughby Hedge, through the Town of Mere in the County of Wilts, and through Wincanton to Charlton Houthorn, and from thence to Milborne Port, and from Willoughby Hedge aforesaid to the West End of Long Lane in Kilmington, and from Wincanton aforesaid to the Sherborne Turnpike Cross Gate on Cattle Hill, and from Wincanton to Sparkford, in the County of Somerset:* And whereas an Act was passed in the Seventeenth Year of the Reign of His present Majesty, intituled *An Act for continuing the Term and Powers of an Act made in the Twenty-ninth Year of the Reign of His late Majesty, for repairing and widening the Road from the Eighteen Milestone beyond Willoughby Hedge, through the Town of Mere in the County of Wilts, and through Wincanton to Charlton Houthorn, and from thence to Milborne Port, and from Willoughby Hedge aforesaid to the West End of Long Lane in Kilmington, and from Wincanton aforesaid to the Sherborne Turnpike Cross Gate on Cattle Hill, and from Wincanton*

29 G. 2. c. 49.

17 G. 3. c. 93.

[Local.]

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to Sparkford, in the County of Somerset: And whereas another Act was passed in the Thirty-eighth Year of the Reign of His present Majesty, 38G. 3. c. 50. intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and altering and enlarging the Powers of Two Acts, the one passed in the Twenty-ninth Year of the Reign of His late Majesty King George the Second, and the other in the Seventeenth Year of His present Majesty, for repairing and widening the Road from the Eighteen Milestone beyond Willoughby Hedge, through the Town of Mere in the County of Wilts, and through Wincanton to Charlton Houthorn, and from thence to Milborne Port, and from Willoughby Hedge aforesaid to the West End of Long Lane in Kilmington, and from Wincanton aforesaid to the Sherborne Turnpike Cross Gate on Cattle Hill, and from Wincanton to Sparkford, in the County of Somerset; and also for altering, improving, and keeping in Repair several other Roads communicating therewith*: And whereas considerable Sums of Money have been borrowed upon the Credit of the Tolls by the said recited Acts granted, which still remain due thereupon, and cannot be repaid, nor can the said Roads be effectually amended and kept in Repair, unless the said Acts are continued for a further Term; and it is expedient that the Tolls thereby granted, and several of the Powers and Provisions therein contained should be increased, altered, and enlarged: And whereas one of the Roads comprised in the said recited Acts, from the Foot of *Saltern Hill*, in the Parish of *Penselwood*, in the said County of *Somerset*, through the Parish of *Silton* in the County of *Dorset*, to the Foot of *Chavey Moor Hill* at *Bourton*, in the Parish of *Gillingham* in the said County of *Dorset*, is very hilly and incommodious; and it would be greatly for the Convenience of the Public if instead thereof a new Road were made from the Foot of *Saltern Hill* aforesaid through the Parishes of *Cucklington* in the County of *Somerset*, and *Silton* aforesaid, to the Foot of *Chavey Moor Hill* aforesaid, there to join the present Road from *Wincanton* to *Mere*: And whereas it would be for the Accommodation of the Public if the several Roads herein-after mentioned; that is to say, the Roads from the Market Place of *Wincanton* aforesaid, through the Parishes of *Charlton Musgrave* and *Bratton*, to a Place called *Spittern Head*, in the Parish of *Shepton Montague*, from the present Turnpike Road on *Leigh Common*, in the Parish of *Penselwood*, through the Parishes of *Wincanton* and *Charlton Musgrave*, to the old Turnpike House at *Stoney Stoke*, in the Parish of *Shepton Montague* aforesaid, and from *Jack White's Gibbet* in the Parish of *Bratton*, through the Parishes of *Maperton* and *Yarlington*, to the present Turnpike Road in *Halton Street*, in the Parish of *Halton*, all in the said County of *Somerset*, were amended, widened, and kept in proper Repair, and if the said last-mentioned Roads were placed under the Care and Management of the Trustees for executing the said recited Acts: 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 Twenty-ninth Year of the Reign of His late Majesty King *George the Second*, and in the Seventeenth and Thirty-eighth Years of the Reign of His present Majesty, and all and every the Authorities, Powers, Privileges, Provisions, Penalties, Clauses, Matters, and Things therein contained and now in force (except such of them as are hereby varied, altered, or repealed),

repealed), and also the Tolls, Powers, Authorities, Provisions, and Clauses in this Act contained, shall be and continue in full Force and Effect, and shall be executed and applied for and during the Term herein-after granted for amending, widening, turning, altering, and keeping in Repair the Roads from the Eighteen Milestone beyond *Willoughby Hedge*, through the Town of *Mere* in the County of *Wilts*, and through *Wincanton* to *Charlton Houthorn*, and therefrom to a Place called the *Seven Wells* in the Parish of *Milborne Port*, towards *Sherborne*, and from *Willoughby Hedge* aforesaid to the West End of *Long Lane* in *Kilminster*, and from *Wincanton* aforesaid to the *Sherborne* Turnpike Cross Gate on *Cattle Hill*, and from *Wincanton* to *Sparkford*, in the County of *Somerset*, and from the said Road near *Zeals Green*, in the Parish of *Mere* aforesaid, through *Stourton* in the County of *Wilts*, and *Kilminster* and *Norton Ferris* in the County of *Somerset*, to join the *Frome* Turnpike Road at *Maiden Bradley* in the said County of *Wilts*, and from the said Road opposite the Porter's Lodges at *Zeals* aforesaid, through *Mere* and *Stourton* aforesaid, to join the last-mentioned Road at the North End of *Bell's Lane*, being the Roads comprised in the said recited Acts; and also the several additional Roads herein-after mentioned; that is to say, the Road from the Foot of *Saltern Hill* aforesaid, through the Parishes of *Cucklington* and *Silton* aforesaid, to the Foot of *Chavey Moor* aforesaid, and the Roads from the Market Place of *Wincanton* aforesaid, through the Parishes of *Charlton Musgrave* and *Bratton*, to a Place called *Spittern Head*, in the Parish of *Shepton Montague*, from the present Turnpike Road on *Leigh Common*, in the Parish of *Penselwood*, through the Parishes of *Wincanton* and *Charlton Musgrave* to the Old Turnpike House at *Stoney Stoke*, in the Parish of *Shepton Montague* aforesaid, and from *Jack White's Gibbet* in the Parish of *Bratton*, through the Parishes of *Maperton* and *Tarlinton*, to the present Turnpike Road in *Halton Street*, in the Parish of *Halton*, all in the said County of *Somerset*, as fully and effectually to all Intents and Purposes as if all such Authorities, Powers, Privileges, Provisions, Penalties, Clauses, Matters, and Things therein contained were repeated and re-enacted in the Body of this Act with relation thereto; but subject to the Amendments and Alterations herein contained; and this Act, and the Tolls hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all Monies now due and owing on the Credit or on Account of the said former Acts, or that shall be borrowed or become due on the Credit of this Act, and all Interest due and to grow due for the same respectively.

II. And whereas several Maps or Plans, describing the Lines of the said additional Roads comprised in this Act, and the Lands through which the same are to be carried, together with Books of Reference, containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited in the Offices of the Clerks of the Peace for the said Counties of *Somerset* and *Dorset*; be it therefore enacted, That the said Maps or Plans, and Books of Reference, shall remain in the Custodies of the several Clerks of the Peace for the Time being of the said Counties of *Somerset* and *Dorset*, to the End that all Persons may, at all reasonable Times, have Liberty to inspect and peruse the same respectively, and to take Copies thereof, or Extracts therefrom respectively, paying to the respective Clerks of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Four-pence for every Seventy-

Plans and
Books of
Reference.

two Words of such Copies or Extracts; and the said Trustees in making the said Roads shall not deviate more than One hundred Yards from the respective Lines described in such Maps or Plans, without the Consent of the respective Owners of the Lands or Tenements through which such Deviations shall be made; whether such Owners or any of them shall be Bodies Politic, Corporate, or Collegiate, Femes Covert, Tenants in Fee Simple, Fee Tail General or Special, for Life or Lives, or for Years determinable on a Life or Lives, or for any other Estate of Freehold or Inheritance in Possession, such Consents to be respectively testified by Writing under the respective Hands of such Owners, or under the Seals of any of them being Corporations Aggregate.

Trustees may make Roads, notwithstanding Misnomers in the Book of Reference.

III. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the additional Roads comprised in this Act into, through, across, or over the several Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Land over which the same are respectively set out and described in the said Maps or Plans as aforesaid, although the Name or Names of such Person or Persons may happen to be erroneously stated or omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the County wherein such Lands are situate, and shall be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees not to alter the Roads without Consent of the Land Owners.

IV. Provided always, and it is hereby enacted, That nothing in the said recited Acts or this Act contained shall authorize the said Trustees, or any of them, to alter the Line or Direction of any of the Roads comprised in the said recited Acts and this Act, and not described or mentioned in the Maps or Plans herein-before referred to, so as to deviate more than One hundred Yards from the present Line or Direction of such Roads respectively, without the previous Consent of the respective Owners of the Lands or Tenements through which such Deviation shall be made, whether such Owners or any of them shall be Bodies Politic, Corporate, or Collegiate, Femes Covert, Tenants in Fee Simple, Fee Tail General or Special, for Life or Lives, or for Years determinable on a Life or Lives, or for any other Estate of Freehold or Inheritance in Possession, such Consents to be respectively testified by Writing under the respective Hands of such Owners, or under the Seals of any of them, being Corporations Aggregate.

For recovering Subscriptions.

V. And be it further enacted, That if any of the Persons who have become Subscribers towards the Expences of executing this Act, shall after Twenty Days previous Notice in Writing under the Hand of the Clerk of the said Trustees for that Purpose to him, her, or them given, or left at his, her, or their Dwelling House or usual Place of Abode, refuse or neglect to make Payment of the respective Sums by him, her, or them so subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required to be paid in such Notice, it shall be lawful for the said Trustees to bring or cause to be brought any Action of Debt, or on the Case, against any Person or Persons so refusing or neglecting as aforesaid, his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*; and on Proof of such Person or Persons having so subscribed or agreed to subscribe, and of such Notice having

having been given or left as aforesaid, such respective Sums so subscribed, or so much thereof as shall be required to be paid in such Notice, shall be recovered, with full Costs of Suit.

VI. And be it further enacted, That so much of the said recited Act of the Twenty-ninth Year of the Reign of His late Majesty King *George* the Second, as directs or requires that the Treasurer, Collector, Surveyor, and other Officers to be elected and appointed by the said Trustees as therein mentioned, and other Persons, shall upon their several Oaths, if thereunto required, verify the Accounts of all Monies which shall have been by them respectively collected or raised, and how and to what Uses the same shall have been paid and applied, and the particular Articles thereof, and the several Receipts and Payments which shall be therein contained, and as subjects any such Officers or other Persons to any Penalty or Punishment for refusing to verify the same upon Oath, shall be and the same is hereby repealed.

Repealing
Directions in
first Act, for
Officers to
account on
Oath.

VII. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any of them, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case any Clerk shall refuse to permit, or shall not permit any of the said Trustees or Creditors to inspect the same Book or Books, or to take such Copies or Extracts as aforesaid, the Clerk so refusing shall forfeit and pay for every such Offence any Sum of Money not exceeding Five Pounds.

Accounts to
be kept of
Receipts and
Disburse-
ments, which
shall be open
to the In-
spection of
the Trustees
and Cre-
ditors.

VIII. And be it further enacted, That all Orders and Proceedings of the said Trustees in the Execution of this Act shall be entered in a Book or Books to be kept for that Purpose, and shall be signed by the same Number of Trustees as are empowered to make or direct the same, and shall then be deemed original Orders and Proceedings; which Book or Books, and also the Book directed to be kept for registering Mortgages and Transfers, shall and may be produced and read in Evidence in all Courts, and before all Justices and other Persons having Jurisdiction in the Premises.

Books to be
kept as Evi-
dence.

IX. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the same Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Acts and this Act, or to continue or appoint the Person who has been or may be appointed to act as their Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any

Same Person
not to be
Clerk and
Treasurer.

[Local.]

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Person

Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Acts and this Act, or if any Person, being the Partner of any such Clerk, shall act as Treasurer, or being the Partner of such Treasurer, shall act as Clerk in the Execution of the said recited Acts and this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Collector to deliver Tickets, specifying the Gates freed thereby.

X. And be it further enacted, That the several Collectors of the Tolls granted by this Act shall, on Receipt of such Tolls, deliver or tender to the Person or Persons paying the same a Ticket or Tickets denoting such Payment, and specifying and naming therein the Gate or Gates to be freed or exempted from Toll by such Payment.

Regulations as to Toll Collectors.

XI. And be it further enacted, That every Toll Collector, being a Lessee or Renter of the said Tolls, or being appointed either by the said Trustees, or by any Lessee or Renter, Lessees or Renters, to collect the Tolls payable at any Turnpike Gate to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or in some other conspicuous Part of the Toll House or Toll Gate, immediately on his beginning to collect such Toll or coming on Duty, each of the Letters of such Name or Names to be at least One Inch, and of a Breadth in Proportion, and painted in Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall collect such Toll or be upon such Duty; and if any Collector of the Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall omit to keep a Lamp lighted by Night at such Gate, having engaged or agreed so to do, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer, or shall in anyway hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid or tendered the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give, when demanded, a Ticket to denote the Payment of the Tolls, and specifying the several Gates freed by such Payment, or shall unnecessarily detain any Passenger or Passengers, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger, then and in every such Case every such Toll Collector shall forfeit and pay for every such Offence such Sum, not exceeding Five Pounds, as the Justice or Justices before whom the Information shall be laid shall adjudge.

Restriction against Gate in Leigh Common repealed.

XII. And be it further enacted, That so much of the said recited Act of the Twenty-ninth Year of the Reign of His late Majesty King *George* the Second, as declares that nothing therein contained shall empower the Trustees to erect or place any Gate or Turnpike betwixt the Index or Directing Post at the Foot of *Saltern Hill* and *Leigh Common* aforesaid, shall be and the same is hereby from henceforth repealed and made void.

XIII. And be it further enacted, That so much of the said recited Act of the Twenty-ninth Year of the Reign of His said late Majesty, as declares or directs that every Person shall for every Forty Pounds a Year of Lands, Tenements, or Hereditaments which he shall rent or occupy within the respective Parishes or Places through which the said Roads do pass, send One Team to perform Statute Work upon the said Roads, each Team to consist of Three able Horses, shall be and the same is hereby from henceforth repealed and made void.

Clause declaring 40l. a Year a Plough Land repealed.

XIV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, when and as often as they shall think proper, to cause any of the Toll Gates or Turnpikes which shall have been erected in, upon, or across, or on the Sides of the said Roads, to be removed to and erected in, upon, or across, or on the Side of such other Part or Parts of the said Roads as the said Trustees or any Five or more of them shall from Time to Time order and direct; but none of the said Toll Gates or Turnpikes shall be removed as aforesaid unless Twenty Days previous Notice of the Intention of removing the same shall have been affixed in Writing upon all the Toll Gates or Turnpikes then erected across the said Roads, and inserted in One or more of the Newspapers generally circulated in the Neighbourhood of the said Roads.

Power to remove the Toll Gates.

XV. And be it further enacted, That it may and shall be lawful to and for the said Trustees, and they are hereby authorized and empowered, at any Meeting, of which Twenty-one Days Notice shall be given in the Manner directed by the said recited Act of the Twenty-ninth Year of His late Majesty, to order and direct a Toll Gate or Side Gate to be erected by the Side of the said Turnpike Road, near the present South Turnpike Gate, in the Parish of *Wincanton* aforesaid, across a certain Lane called *Moor Lane*, and one other Toll Gate or Side Gate by the Side of the said Turnpike Road at *Zeals Green*, in the Parish of *Mere* aforesaid, across a certain Lane leading from *Zeals Green* aforesaid, towards *Bonham* and *Stourton*; and one other Toll Gate or Side Gate by the Side of the said Turnpike Road, at and across *Pen Lane End*, in the Parish of *Penselwood* aforesaid; and one other Toll Gate or Side Gate by the Side of the proposed Turnpike Road between the Foot of *Saltern Hill* and *Bourton* aforesaid, across a certain Lane called *Landshare Lane*.

Power to erect Side Gates.

XVI. Provided also, and it is hereby further enacted, That if in any Part of the said Roads where it shall be necessary to erect any Toll House, the said Trustees shall not be enabled to inclose from the Sides of such Roads sufficient Ground for erecting such Toll House, with suitable Buildings and other Conveniences thereto, and a fit Garden for the same, not exceeding Half a Rood for each such Toll House, then and in such Case the said Trustees shall have the like Power of agreeing for and purchasing any House already erected, and Garden belonging thereto, or any Lands necessary for erecting such Toll House and Buildings, and making such Garden, as is by the said recited Acts and this Act, or any of them, given for purchasing Lands for the Purposes of widening, turning, or altering any Part of the said Roads.

Power to purchase Lands for erecting Toll Houses.

XVII. And

Old Tolls repealed, and new Tolls granted in lieu thereof.

XVII. And be it further enacted, That from and after the passing of this Act, the several Tolls herein-after mentioned shall be demanded and taken, in lieu of the Tolls granted by the said recited Act; that is to say,

For every Horse or Mule drawing in any Coach, Chariot, Landau, Berlin, Chaise, Gig, Tax Cart, Calash, Chair, Hearse, Waggon, Wain, Cart, or other Carriage, any Sum not exceeding One Shilling and Sixpence :

For every Ox, Steer, Gale, or Bull, drawing in any Waggon, Wain, Cart, or other Carriage, singly, and not in Pairs or abreast, any Sum not exceeding the like Sum of One Shilling and Sixpence :

For every Ox, Steer, Gale, or Bull, drawing abreast or in Pairs, any Sum not exceeding One Shilling :

For every Ass drawing, any Sum not exceeding One Shilling :

For every Horse or Mule not drawing, any Sum not exceeding Sixpence :

For every Ass not drawing, any Sum not exceeding Four-pence :

For every Drove of Oxen, Cows, or Neat Cattle, any Sum not exceeding *per* Score Two Shillings and Sixpence ; and so in proportion for any greater or less Number :

For every Drove of Hogs, Sheep, or Lambs, any Sum not exceeding *per* Score One Shilling and Three-pence ; and so in proportion for any greater or less Number :

Additional Toll on Sundays.

And for every Horse, Mule, and Ass, Ox, Steer, Gale, and Bull, drawing or not drawing ; and also for Cows and Neat Cattle, Hogs, Sheep, and Lambs, which shall pass through any of the said Toll Gates, Turnpikes, or Side Gates erected or continued by virtue of this Act, on *Sunday*, computing the Day from Twelve of the Clock on each *Saturday* Night to Twelve of the Clock on each *Sunday* Night, an additional Toll, equal to One Half the Tolls or Sums of Money herein-before mentioned, or made payable at such Gates on other Days.

All which said Tolls and Duties in and by this Act granted and made payable as aforesaid, shall be and are hereby vested in the Trustees for the Time being for carrying the said recited Acts and this Act into Execution, and shall be received and taken at the several Gates, Turnpikes, Side Gates, and Toll Bars to be continued or erected by virtue of this Act, and in such Manner as the Tolls and Duties granted by the said recited Acts are thereby authorized and directed to be received and taken.

Toll not to be taken at any one Gate more than Once a Day.

XVIII. And be it further enacted, That no Person or Persons shall be liable to pay Toll more than Once at any One Toll Gate or Turnpike erected or to be erected upon the said Roads respectively for passing or re-passing at any Time or Times in any one Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock the succeeding Night) with or driving the same Horse or Horses, Cattle, Beasts, or Carriages, except as is herein-after otherwise provided, through the same Toll Gate or Turnpike ; and no Person or Persons who shall have paid the full Tolls hereby granted shall afterwards, on passing through any of the Toll Gates or Turnpikes to be continued or erected by virtue of this Act, be liable to pay any further Toll or Tolls for passing through all or any of such Toll Gates

Gates or Turnpikes with the same Horse or Horses, Cattle, Beasts, and Carriage, on the same Day.

XIX. Provided always, and be it further enacted, That all Horses, and other Beasts drawing any Stage Coach or Diligence, or any Waggon or Cart carrying any Goods, Wares, or Merchandize for Hire or Reward, for which Toll shall have been paid at any Toll Gate or Turnpike to be continued or erected by virtue of this Act, shall on repassing such Toll Gate or Turnpike on the same Day be liable to pay Toll a Second Time; and in like Manner the Tolls hereby granted shall be paid for and in respect of all Horses and other Beasts drawing any Post Chaise or other Carriage, every Time such Post Chaise or other Carriage shall pass through any such Toll Gate or Turnpike, and a Ticket shall be produced denoting a fresh Hiring.

Stage Coaches, Chaises, Waggons, &c. to pay on returning in certain Cases.

XX. And be it further enacted, That between the First Day of *November* and the last Day of *February* in each and every Year, it shall be lawful for the Collectors of the Tolls to demand and take for each and every Horse or other Beast of Draught drawing in any Carriage employed in carrying or conveying any Timber, or Tree or Trees, a Toll equal to One Half, in addition to the Toll which otherwise might be demanded and taken for such Horse or other Beast of Draught: Provided always, that no such additional Toll shall be demanded or taken, save and except there shall be Three or more Horses or other Beasts of Draught in any such Carriage.

Additional Toll on Carriages employed in conveying Timber.

XXI. And be it further enacted, That each and every Waggon, Wain, Cart, or other Carriage, passing on the said Roads, or any Part thereof, the Wheels whereof shall not roll a flat or level Surface or Surfaces, so flat or level as not to deviate more than Half an Inch from a flat or level Surface, or the interior Diameter of the Wheels whereof shall deviate more from the exterior Diameter thereof than One Sixth Part of the Breadth of the Sole or Bottom of the Felly, shall be considered and deemed a Carriage on Wheels rolling a Surface less than Six Inches, and shall and may be weighed at any Weighing Engine to be erected on the said Roads, or any Part thereof, and the Horses drawing therein shall pay the same Tolls and the same Rates of Weighing as they would be liable to pay if drawing in any Waggon, Wain, Cart, or Carriage with Wheels rolling a Surface less than Six Inches.

Carriages on Wheels not rolling a flat Surface, to be considered as Carriages with narrow Wheels.

XXII. Provided always, and be it further enacted, That Waggons, Carts, and other such Carriages, having the Wheels and Axletrees formed as directed by an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, and the Horses and other Cattle drawing the same, shall have and enjoy the Privileges and Exemptions granted thereby.

Exemptions by 55 G. 3. not to be affected.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, at any Meeting to be holden for that Purpose, whereof at least Twenty-one Days Notice shall be given in Writing, to be affixed on all the Toll Gates then erected on the said Roads, from Time to Time, as they shall think proper, to lessen or reduce, and again to raise and advance all or any of the Tolls hereby granted, or

Tolls may be lessened.

[Local.]

any Part or Parts thereof, so that none of the respective Tolls do exceed the Tolls by this Act authorized to be taken, and so as such Reduction be made with the Consent in Writing of the several Persons who shall be entitled to Five Sixth Parts of the Money then due on the Credit of the said Tolls.

Disputes
about Tolls
to be settled
by a Justice.

XXIV. Provided always, and be it further enacted, That if any Dispute or Difference shall arise concerning the Amount of any Tolls due, or the Charges occasioned by any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof, as the Case may happen, until the Amount of the Tolls due, and the Charges of seizing, distraining, keeping, and selling the same (as the Case shall happen), shall be ascertained by One or more Justice or Justices of the Peace for the County or District where the Cause of such Dispute shall arise, who, upon Application to him or them made for that Purpose, is and are hereby authorized and required to examine the Matter, upon Oath of the Parties or other Witness or Witnesses, and to determine the Amount of the Tolls due; and it shall be lawful for such Justice or Justices to assess and award such Costs and Charges to be paid by either of the Parties to the other of them as he or they shall think reasonable; and in case of Non-payment of the Tolls, and Costs and Charges so ascertained, upon Demand, the same shall and may, by virtue of a Warrant under the Hand and Seal of such Justice or Justices, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same.

Penalty on
Collector suf-
fering Car-
riages to pass
without
weighing.

XXV. And be it further enacted, That for the better preventing Frauds and Collusions respecting Carriages carrying Overweights, if any Lessee or Lessees of the Tolls payable at any of the Toll Gates to be continued or erected by virtue of this Act, or any Collector or Collectors of the Tolls, or any Person or Persons appointed or to be appointed to the Care of any Weighing Machine or Machines erected or to be erected in or upon the said Roads, shall suffer or permit any Waggon, Wain, Cart, or other Carriage, liable to be weighed at any such Machine or Machines, to pass through the Toll Gate or Gates to be continued or erected on the said Roads, without weighing the same, or shall permit or suffer any such Waggon, Wain, Cart, or other Carriage to proceed on the said Roads or any Part thereof, without having first paid the Toll payable for such Waggon, Wain, Cart, or other Carriage, and for all such Overweight or Overweights as such Waggon, Wain, Cart, or other Carriage respectively shall or may happen to have therein or thereon, each and every such Person shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on
Collectors
compound-
ing for Over-
weight.

XXVI. And be it further enacted, That if any Lessee or Lessees of the Tolls payable at any Turnpike Gate or Gates erected or to be erected on the said Roads, or any Collector or Collectors, or Person or Persons appointed to the Care of any Weighing Machine or Machines erected or to be erected in or upon the said Roads, shall make or enter into any Bargain, Contract, Composition, or other Agreement, verbal or written, wherein or whereby any specific Sum or Sums of Money, or any Compensation or Equivalent, in gross or otherwise, is or are paid or to be paid by any Person or Persons for the Charge of Overweight, in respect of any
Waggon,

Waggon, Wain, Cart, or other Carriage liable to be weighed at such Machine or Machines, each and every such Lessee or Lessees, and Collector or Collectors, and Person or Persons appointed to the Care of any such Weighing Machine or Machines, so bargaining, contracting, compounding, or otherwise agreeing as aforelaid, shall for every such Bargain, Contract, Composition, or Agreement, forfeit and pay any Sum not exceeding Twenty Pounds for the first Offence, and double for a second and every subsequent Offence.

XXVII, And be it further enacted, That no Toll shall be demanded for any Waggons, Wains, Carts, Carriages, or Horses employed in carrying or conveying only, or going empty to carry or convey only, or returning empty from carrying or conveying, having been employed only in carrying and conveying, on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Roads, or any of the Roads in the Parishes or Townships in which any Part of the said Roads do lie, or any Hay, Straw, or Corn in the Straw only, not sold or disposed of, or passing to be sold or disposed of, but passing to be laid up or placed in the Outhouses or on the Lands of the Owners thereof, or any Corn, Grain, or Grass Seeds which shall be conveyed upon the said Roads for the Purpose of being sown, and shall not pass thereon farther than to the next adjoining Parish; or for any Waggons, Wains, Carts, Carriages, or Horses employed in carrying or conveying only, or going empty to carry or convey only, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Ploughs, Harrows, or Implements of Husbandry, for the Purpose only of using or repairing the same; or in carrying or conveying from Place to Place any Mould, Dung, Lime, Marl, Soil, Compost, or other Manure employed in Husbandry for manuring or improving Land, or for any Horses or Cattle going or returning from Pasture or Watering Places, or for any Horses going to be or returning from being shod; or from any Person going to or returning from his or her proper Parochial Church, Chapel, or other Place of Religious Worship tolerated by Law, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person that shall die and be buried in any of the said Parishes; or from any Clergyman or Minister going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty; or for any Horses, Cattle, or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, or his Deputies, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horses, Carts, or Waggons attending any Soldiers upon their March or upon Duty, or any wounded, sick, or disabled Soldiers; or drawing any Carriage attending them with their Arms or Baggage; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, 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 returning empty after having been so employed; or for any Horse 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 Day of Exercise, provided

Exemptions.

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vided that such Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemptions; or for any Horses or Carriages employed in the conveying of Vagrants sent by legal Passes; or for any Carriage or any Horse or other Beast conveying any Person to or from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Somerset*, *Dorset*, and *Wilts*, or any of them, 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 Five Pounds, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Penalty on
evading the
Tolls.

XXVIII. And be it further enacted, That if any Person or Persons whoe-
soever owning, renting, or occupying any Lands or Grounds near to the
said Roads, or any Part thereof, shall knowingly or wilfully permit or
suffer any Person or Persons, not being his, her, or their Servant or
Servants, or Part of his, her, or their Family, to pass through any
Ground, Gate, Passage, or private Way, with any Horse, Beast, Cattle, or
Carriage, on or in respect of which a Toll is by this Act imposed, in
order to evade the Payment of the said Toll; or if any Person or Persons
owning, going in, or driving any such Carriages, or owning, riding, or
driving any such Horse, Beast, or Cattle, shall therewith pass through any
such Ground, Gate, Passage, or private Way, in order to evade the Pay-
ment of the said Toll, or any Part thereof; or if any Person or Persons
shall unload or cause to be unloaded any Goods or other Thing, or shall
take off or cause to be taken off any Horse or Beast of Draught from any
Carriage, either before or after the same shall have passed through any of
the Toll Gates to be continued or erected by virtue of this Act, or having
passed through any of the said Toll Gates, shall afterwards add or put
any Horse or Beast to any Carriage, for the Purpose of drawing the same
upon any Part of the said Roads, in order to avoid or evade the Payment
of any of the Tolls hereby imposed, or shall forge, counterfeit, or alter,
or shall deliver to or receive from any other Person or Persons, except the
Person or Persons appointed to receive the Tolls hereby made payable, any
Note or Ticket, in order to avoid or evade the Payment of the said Tolls
or any Part thereof; or if any Person or Persons liable to the Payment of
any of the said Tolls shall forcibly pass, or attempt to pass any of the said
Toll Gates or Turnpikes, without Payment thereof at such Gate or Gates,
each and every Person and Persons offending in any Manner as aforesaid,
and being thereof convicted, shall respectively for every such Offence
forfeit and pay any Sum not exceeding Five Pounds: Provided always,
that nothing herein contained shall extend to subject to any Penalty any
Person for passing through any Lands or Grounds of which he or she
shall be the Owner or Occupier, notwithstanding the Tolls may be
thereby evaded, nor any of the Family or Servants of any such Owner
or Occupier.

XXIX. And

XXIX. And be it further enacted, That it shall be lawful for the Trustees of the said Roads, or any Seven or more of them, from Time to Time, as they shall see convenient and think proper, to compound and agree, for any Term not exceeding One Year at one Time, with all or any of the Inhabitants of the several Parishes, Townships, Hamlets, or Places in which the said Roads lie, for the passing of his, her, or their Horses, Cattle, or Carriages through all or any of the Toll Gates or Turnpikes on the said Roads, or on the Sides thereof; which Composition Money shall be paid in advance, and in default thereof the Composition shall be void.

Trustees may compound for Tolls.

XXX. And be it further enacted, That if upon or after any Letting, or Agreement for letting the said Tolls or any Part thereof, either with or without any Weighing Machine or Machines to be erected on the said Roads, any Default shall be made in the Payment of the Rents agreed to be paid for the same, or any Part thereof, on the Days and Times appointed for the Payment thereof, then and in such Case the said Trustees shall and may and are hereby empowered, at any Meeting to be held after Seven Days previous Notice of the holding such Meeting shall be given to the Lessee or Lessees, Renter or Renters of the said Tolls or Weighing Machine or Machines, or any Contract or Agreement for letting the same, void, and the same shall be thereupon void to all Intents and Purposes from the Time of such Declaration; but in such Case the said Lessee or Lessees, Renter or Renters, and his or their Surety or Sureties, shall nevertheless be liable for all Rent and Arrears of Rent then due and owing upon or by virtue of any such Lease, Contract, or Agreement, and for all Costs, Charges, Damages, and Expences which the said Trustees, or their Clerk or Treasurer for the Time being, shall or may pay, sustain, or be put unto by reason of the Non-performance of any Covenant or Agreement, Covenants or Agreements, to be contained in any such Lease, Contract, or Agreement, on the Part of such Lessee or Lessees.

Power to declare Leases of Tolls and Weighing Machines void, in case of Non-payment of Rent.

XXXI. And be it further enacted, That if the Lessee or Lessees, Renter or Renters of any of the Tolls hereby granted, or of any Weighing Machine or Machines to be continued or erected on the said Roads, or any Person or Persons claiming under him or them, shall at any Time after the Expiration of the Term for which such Tolls or Weighing Machine or Machines shall be leased or let, or for the Space of Four Days after the Demise of such Tolls or Weighing Machine or Machines shall be declared void as aforesaid, refuse to deliver up the Possession of the Toll House or Toll Houses, Buildings and Premises, which shall have been demised to him or them, with the Tolls so leased, or the Possession of any such Weighing Machine or Machines, and the Buildings and Appurtenances thereto belonging, it shall be lawful for any Justice of the Peace for the County, Liberty, or Place where such Toll House or Toll Houses, Weighing Machine or Machines, Buildings and Premises, shall be situate respectively, by Warrant under his Hand and Seal, to order the Constable, or the Peace Officer of the Parish or Place where such Toll House or Toll Houses, Weighing Machine or Machines, Buildings and Premises, shall be so situate, or any other Person or Persons to whom such Warrant shall be specially directed, with proper Assistants, to enter such Toll House or Toll Houses, Buildings and Premises respectively, in the Day-time, and

For recovering Possession of Toll Houses.

[Local.]

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to

to remove the Person who shall be found therein, together with his, her, or their Goods, out of such Toll House or Toll Houses, Buildings and Premises, and to put any Person or Persons whom the said Trustees, or any Five or more of them shall appoint, in Possession of the said Toll House or Toll Houses, Weighing Machine or Machines, Buildings and Premises, so that the Tolls payable thereat may from thenceforth be received and taken for the Use of the said Trustees, to be applied as by this Act is directed.

Penalty on taking any Materials got by Surveyor.

XXXII. And be it further enacted, That if any Person or Persons shall take or carry away any Materials which shall have been dug or gathered for the Purpose of making or amending the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Roads, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Thirty Days (except the Owners or Occupiers of any private Lands or Grounds, and the Person or Persons authorized by such Owners or Occupiers), who may get any Materials therein (such Materials not being already dug or gathered for the Use of such Owners or Occupiers only, and not for the Use of any other Highway, or for Sale), or shall remove or carry away any Earth, Soil, or Scrapings lying upon or by the Sides of the said Roads, without Leave of the Surveyor, every Person so offending, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

For getting Materials to make and repair the Roads.

XXXIII. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, or their Surveyor or Surveyors, and such other Person or Persons as he or they shall appoint, to search for, cut, dig, get, gather, and take away any Furze, Heath, Stones, Gravel, Sand, or other Materials for making and repairing the said Roads out of and from any Commons and Waste Grounds, common River, Brook, or Pit, in any Parish, Hamlet, Tithing, or Place in which any Part of the Roads hereby directed to be repaired shall lie, or in any adjoining Parish, Tithing, Hamlet, or Place, without paying any Thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, and railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and it shall also be lawful for the said Trustees or their Surveyor or Surveyors, and such other Person or Persons as aforesaid, by Order of any Two or more Justices of the Peace for the County or District in which the Lands shall be situated, to search for, cut, dig, gather, and take away any such Materials as aforesaid, in, off, from, and out of the private or inclosed Lands or Grounds of any Person or Persons where the same may be had or found (such Lands or Grounds not being a Garden, Orchard, Yard, Paddock, Walk, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the same, and for any Damages done thereby to the Owners and Occupiers of the Grounds and Premises where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for repairing the said Roads shall be carried, according to their respective

Rights and Interests in the Premises, as the said Trustees shall deem reasonable; and in case of any Difference between the said Trustees and the said Owners or Occupiers or any of them, concerning the Value of such Materials and Damages, it shall be lawful for any Two Justices of the Peace for the County or District in which the Lands shall be situated, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Matters of such Satisfaction and Damages, and the Judgment or Order of the said Justices therein shall be final and conclusive to all Parties.

XXXIV. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any other Person or Persons under the Authority of this Act, to dig, gather, take, and carry away any Stone or other Materials for making or repairing the said Roads, or any Bridges, Culverts, Walls, and Fences, out of and from any inclosed Lands or Grounds, until Six Days previous Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before Two or more Justices of the Peace acting for the County 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 Occupier shall attend pursuant to such Notice, such Justices shall, if they think proper, authorize such Surveyor or other Person or Persons to dig, gather, take, and carry away such Stone and Materials at such Time or Times as to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent before such Justices as aforesaid, then and in such Case such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if the Occupier or his Agent had attended.

Notice to be given to Occupiers of Lands before Materials taken.

XXXV. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the said recited Acts and this Act, or any of them, which shall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, Trustees, Femes Covert, or other incapacitated Person or Persons, such Money shall, if the same 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 *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be paid, 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 in 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 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 Messuages,

Application of Compensation for Lands, to be purchased when amounting to 200l.

Lands,

Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, and Purposes, and in the same Manner as the 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 said Court of Chancery, upon Application thereto, be invested by the Accountant General in his Name in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities; and in the meantime 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 hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation is less than 200l. and exceeds 20l.

XXXVI. Provided always, and be it further enacted, That if any Money so agreed or assessed to be paid for Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Body Politic, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed 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 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 Five or more of the said Trustees for executing 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.

Application where the Money is less than 20l.

XXXVII. Provided also, and be it further enacted, That when such Money so agreed or assessed to be paid as herein-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 Hereditaments so purchased, taken, or used for the Purposes of the said recited Acts or 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 or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

XXXVIII. And

XXXVIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, or Hereditaments to be purchased, taken, or used 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 any Five or more of them; or in case the Person or Persons to whom such Sum or Sums of Money shall be awarded or assessed 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 to order the Sum or Sums of Money so awarded or assessed 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 also 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 Public Funds, and to make 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.

How Purchase Monies shall be paid in case of not making out Titles.

XXXIX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons 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 thereof, or to any Bank Annuities to be purchased with any such Sum, or to 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 be 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.

Respecting disputed Titles.

For prevent-
ing Acci-
dents by
Carts, &c.

XL. And be it further enacted, That if the Driver or any other Person or Persons having the Care of any Wain, Waggon, Cart, Car, Dray, or other Carriage, shall by Negligence or wilful Misbehaviour cause any Hurt, Damage, or Injury to any Person or Persons, or to any Coach, Chaise, or other Carriage travelling on the said Roads, or shall quit the said Roads and go on the other Side of the Hedge or Fence inclosing the said Roads, or wilfully be at such a Distance from such Wain, Waggon, Cart, Car, Dray, or other Carriage, or be in such a Situation whilst the same shall be passing on the said Roads that he or they cannot have the Direction, Care, and Management of the Horses drawing the same; or shall by Negligence or wilful Misbehaviour prevent, hinder, or interrupt the free Passage of any other Carriage whatever, or of any of His Majesty's Subjects; or if the Driver of any empty and unloaded Wain, Waggon, Cart, Car, Dray, or other Carriage, shall refuse or neglect to turn aside and make way for any Coach, Chariot, Chaise, loaded Waggon, Cart, or other loaded Carriage; or if any Person shall drive or act as the Driver of any such Coach, Chaise, Post Chaise, or other Carriage let to hire, or any Waggon, Wain, or Cart not having the Name or Names of the Owner or Owners thereof painted thereon, as by Law required, or shall cover over and conceal such Name or Names from being seen and read, or shall refuse to discover the real and true Christian and Surname, and Place or Places of Abode of the Owner or Owners of such Carts or other Carriages, or shall be found riding in any such Waggon, Wain, or Cart, not authorized by Law so to do, every Person or Persons so offending in any of the Cases aforesaid, and being lawfully convicted of any such Offence, shall forfeit and pay any Sum of Money not exceeding Three Pounds, in case such Driver be not the Owner of such Cart or other Carriage, and in case the Offender or Offenders be the Owner or Owners of such Cart or other Carriage, then any Sum not exceeding Five Pounds; and it shall be lawful for any Person or Persons who shall see any of the said Offences to apprehend the Offender or Offenders by Authority of this Act, with or without any other Warrant or Authority than this Act, and immediately to convey and deliver over any such Offender or Offenders to a Constable or other Peace Officer, in order to his or their being conveyed before some Justice of the Peace, to be dealt with according to Law; and if any such Offender shall refuse to discover his Name and Place of Abode, it shall be lawful for the Justice before whom he shall be taken or any such Complaint shall be made, to commit such Offender to the Common Gaol or House of Correction for the County or District where the Offence shall be committed, there to remain for any Time not exceeding Three Calendar Months, or otherwise to proceed against him for such Penalty as aforesaid, in such Manner as such Justice shall think proper, for the Recovery thereof; and the Owner or Owners of every such Cart, Car, Dray, Wain, Waggon, or other Carriage, shall be answerable for any Penalty or Penalties incurred by the Driver or Drivers thereof.

For prevent-
ing Annoy-
ances.

XLI. And be it further enacted, That it shall not be lawful for any Person or Persons hereafter to make, cause, occasion, or suffer any Encroachment, Obstruction, Impediment, Annoyance, or Nuisance in or upon the said Roads, or any Part thereof, or in any Street through which any Part of the said Roads pass, by any Waggons, Wains, Carts, or other Carriages, Timber, Trees, or Wood, Hovels, Sawpits, Holes, or Quarries, Manure, Dung, Ashes, Soil, Clay, or Compost, or by Water or Filth to be
thrown

thrown or proceeding from any House, Outhouse, Yard, or Premises, or by any Gutters, Drains, or Ditches running or leading therefrom, or by exposing Goods, Wares, or Merchandizes, in Packages or otherwise, beyond a reasonable Time for unloading and warehousing the same, or by setting or placing any Stalls, Standings, Stools, Tressels, or other Things, in any Street through which any Part of the said Roads pass, except on Market and Fair Days, and then leaving sufficient Way for Passengers, or by playing at Bowls, Skittles, or other Games, or by neglecting or omitting to cut or remove any Trees, Pollards, Hedges, or Underwood which shall be standing, growing, or being in, upon, or by the Sides of the said Roads, and overshadowing or otherwise prejudicing the same; and any Person or Persons who shall offend in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and above all other Charges in respect thereof.

XLII. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, from Time to Time to cause to be taken down and removed any Outhouse, Penthouse, Porch, Bow Window, Projection, Bulk, or Wall, erected or built within Fifteen Feet of the Centre of any Part of the said Roads; and any Outhouse, Penthouse, Porch, Bow Window, Projection, Bulk, Wall, or other Building, which may hereafter be erected or built within Twenty Feet of the Centre thereof; and also to cause all such Posts on the said Roads as they shall think useless and inconvenient, and all Steps, Signs, Sign Posts, Rails, and Waterspouts, or Shoots, encroaching upon and projecting into and over any of the said Roads, to be taken down and removed; and the Charges attending the taking down and removing the same shall be paid and defrayed out of the Monies which shall arise by virtue of the said recited Acts and this Act.

Power to take down and remove Obstructions.

XLIII. And be it further enacted, That no Dung, Ashes, Compost, Manure, or other Thing shall be laid down or placed nearer to the Sides of the said Road than the Distance of Twenty Feet, upon pain that every Person so offending, and being lawfully convicted thereof, shall forfeit and pay any Sum not exceeding Forty Shillings.

For preventing Obstructions on the Sides of the Roads.

XLIV. And be it further enacted, That all Gates hereafter to be made and placed in any Field or Ground adjoining to the said Roads, shall be made and hung to open and swing inwards towards such Field or Ground, and not outwards towards the said Road; and that it shall be lawful for the said Trustees or any Five or more of them to order all such Gates as are now erected or may hereafter be erected and open and swing outwards towards the said Roads, to be altered and made to open and swing inwards; and if any Occupier or Occupiers of the Lands or Grounds upon which any Gate or Gates shall be constructed so as to open outwards towards the said Roads, shall, after Fourteen Days Notice from the Surveyor of the said Roads, requiring him or them to alter any such Gate or Gates, so as to make the same to open and swing inwards, refuse or neglect to make such Alterations, every such Occupier or Occupiers shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings; and moreover it shall be lawful to and for the said Trustees, or any Five or more of them, if they shall think fit, to order such Alterations as aforesaid to be made and executed by and under the Direction of the said

Gates not to swing into the Roads.

faid Surveyor, and the Costs and Charges of executing the same to levy by Distress and Sale of the Goods and Chattels of the Occupier or Occupiers so making Default as aforesaid.

For shearing
the Hedges.

XLV. Provided always, and be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, and such Person or Persons as he or they shall appoint, at proper Seasons of the Year to shear and cut, as often as Occasion shall require, the Tops and Sides of all the Hedges, Banks, or Fences standing or growing within Fifteen Feet of the Centre of the said Roads, in such Manner as such Surveyor or Surveyors shall think proper, and to fill up Ditches within Twelve Feet from the Centre of the said Road, without any previous Notice to the Occupiers or Owners of such Hedges, Banks, or Fences; and all Charges and Expences attending the same shall in such Case from Time to Time be paid and defrayed out of the Tolls to be collected by virtue of this Act.

Penalty on
hauling
Timber or
Stones on the
Roads.

XLVI. And be it further enacted, That if any Person shall haul or draw or cause to be hauled or drawn upon any Part of the said Roads, excepting only across the same, 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, which shall be conveyed upon Wheeled Carriages, to drag upon any Part of the said Roads to the Prejudice thereof, every Person so offending, and being lawfully convicted thereof, shall forfeit and pay any Sum not exceeding Twenty Shillings, One Half whereof shall go to the Informer.

Statute
Duty.

XLVII. And be it further enacted, That so much of the said recited Act as relates to the Performance of Statute Labour on the said Roads, shall be and the same is hereby repealed, and that all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the Roads 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 within their Jurisdiction, and they are hereby required and empowered, upon Application made to him or them by the said Trustees or any One or more of them, or by their Treasurer, 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 Roads by the Inhabitants of the respective Parishes or Places in which the said Roads 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 to 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 of every such Parish or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons, within Fourteen 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, Draughts, or otherwise, and also the Amount of the respective Sums to be paid; which Lists
of

of Names shall be made in such Manner, and under such Regulations and Restrictions, as are or may be directed by any Law or Statute in force for the Repairs of the public Highways, and shall be verified on Oath by such Surveyor or Surveyors; 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 Roads 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 Roads, as the said Trustees or any Five or more of them, 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 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 Surveyor or Surveyors of every such Parish, Township, or Place, to be by him or them paid over to the said Trustees or their Treasurer at such Time or Times as the 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 hereby authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them at his, her, or their usual Place or Places of Abode for that Purpose, by any Surveyor 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 for the Repair of the public Highways; and if any Person who shall come or be sent to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid; and in that Case every Person on sending such Labourer so removed or dismissed, shall be subject and liable to the respective Forfeitures and Payments aforesaid as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

XLVIII. And be it further enacted, That it shall and may be lawful for any one or more of the said Trustees, or for the Clerk or Treasurer, Collectors, Surveyors, or other Officers respectively, and for such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority, to seize, apprehend, and detain any Person or Persons (being unknown to any such Trustee, Clerk, Treasurer, Collector,

For securing
transient
Offenders.

[Local.]

12 M

lectors,

lectors, Surveyors, or other Officers), who shall commit any Offence or Offences against this Act, and to take him, her, or them before any Justice or Justices of the Peace for the County or Place where the Offence or Offences shall be committed, or such Offender or Offenders be apprehended or seized, and such Justice or Justices is and are hereby authorized and required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

How Penalties and Forfeitures are to be recovered and applied.

XLIX. And be it further enacted, That all Penalties, Forfeitures, and Fines by the said recited Acts and this Act imposed or authorized to be imposed (the Manner of levying and recovering of which is not herein otherwise particularly directed), shall, upon Proof of the Offences and Conviction of the Offenders respectively before any one or more Justice or Justices of the Peace for the County, Riding, or District wherein such Offences shall be committed, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witnesses or Witnessess, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by virtue of a Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices (which Warrant or Warrants such Justice or Justices is and are hereby authorized and required to grant, and to administer such Oath *gratis*); and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned on Demand to the Owner or Owners of such Goods and Chattels; and all such Penalties, Forfeitures, and Fines (if not otherwise directed), shall be paid to the said Trustees or their Treasurer, and applied for the Purposes of this Act; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines shall not be forthwith paid, such Justice or Justices is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for such County, Riding, or District, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Conviction of Offenders.

L. And for the more easy Conviction of Offenders against this Act, be it further enacted, That the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, may cause the Conviction to be drawn up in the Form or in Words to the Effect following, *mutatis mutandis*, as the Case shall happen to be:

Form of Conviction.

‘ Somerset, [Wilts, } BE it remembered, That on [Time of Conviction] at
 ‘ or, Dorset,] (as [Place of Conviction] A. B. [Name of Offender] of
 ‘ the Case may be.) } [Addition of Offender] was duly convicted before me,
 ‘ [or, us] [Name and Style of convicting Justice or Justices] for that the said
 ‘ A. B. [Name of Offender] on [Time of committing Offence] at [Place of
 ‘ committing Offence] did [here state the Offence against the Act, according to
 ‘ the Fact] contrary to the Form of the Statute made in the Fifty-eighth
 ‘ Year of the Reign of His Majesty King George the Third, intituled
 ‘ [here set forth the Title of the Act] and I [or, we] do therefore declare
 ‘ and adjudge that the said A. B. [Name of Offender] has forfeited for the
 ‘ said Offence the Sum of [Fine] or shall be committed to [Place of Im-
 ‘ prisonment]

‘*prisonment*] for the Space of [*Time of Imprisonment*]. Given under my
 ‘Hand and Seal [*or, our Hands and Seals*] the Day and Year first above
 ‘written.’

LI. And be it further enacted, That all the Charges and Expences at- Paying the
Expences of
this Act.
 tending the obtaining and passing of this Act, with lawful Interest upon
 any Sum or Sums of Money which shall be borrowed or advanced for the
 Payment thereof, shall be paid out of the Money already raised by virtue
 of the said recited Acts, or out of the first Money to be raised by virtue of
 this Act, in preference to any other Payment whatsoever.

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

LIII. And be it further enacted, That this Act shall commence upon the Continuance
of the Act.
 First Day of *June* One thousand eight hundred and eighteen; and shall
 continue in force 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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