



ANNO QUINQUAGESIMO SECUNDO

GEORGI III. REGIS.

Cap. 27.

An Act to continue the Term, and alter and enlarge the Powers of an Act passed in the Twenty-third Year of His present Majesty, for completing the Road from Cirencester, in the County of Gloucester, through Tetbury to Woefield Corner, and a Road from thence to or near Lambridge, near the City of Bath, and for other Purposes relating thereto; and also to repair a certain Road from Duffton to Underbridge, in the Parish of Shipton Moigne, in the said County. [20th March 1812.]

WHEREAS an Act was passed in the Twenty-third Year of the 23 G. 3. Reign of His present Majesty, intituled, *An Act for completing and keeping in repair the Road from the Ram Inn, in the Town of Cirencester, in the County of Gloucester, through the Town of Tetbury to Oldfield, otherwise Woefield Corner, near the Sixteenth Milestone in the Bath Road, and a Road from thence through the Parishes of Cold Ashton and Swanswick, to or near Lambridge, in the Parish of Bath Easton, near the City of Bath; and for continuing the present Road from the said Corner to or near the Monument upon Landdown, until the intended Road from the said Corner to or near Lambridge be made fit for travelling*: And whereas, in pursuance of the Powers contained in the said Act, the Trustees thereby nominated and appointed, have proceeded in putting
[Loc. & Per.] 6 X ting

Additional
Road from
Duffton to
Underbridge.

Act con-
tinued

ting the same into Execution, and have borrowed several considerable Sums of Money upon the Credit of the Toll granted by the said Act, and have applied the same, together with the Tolls arising upon the said Road, towards completing and repairing the same, and the said Debt so incurred, cannot be paid off, nor the said Roads effectually amended, and kept in Repair, unless the Term and Powers of the said Act be continued and enlarged, and further Powers granted: And whereas it would be a public Benefit and Convenience if the following Road was added to the Roads mentioned and described in the said Act, and the Powers thereof extended thereto, for widening and keeping the same in Repair, (that is to say) the Road which joins the said Road at *Duffton*, in the Parish of *Tetbury*, in the County of *Gloucester*, and leads from thence to a certain Place called *Underbridge*, in the Parish of *Shipton Moigne*, in the said County, the same being in a ruinous Condition, in many Places narrow and incommodious, and cannot be effectually amended, widened, and kept in Repair by the ordinary Course of Law: 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 Act, and all and every the Powers, Provisions, Directions, Penalties, Forfeitures, Clauses, Matters, and Things therein contained (except such as relate to the Exemption from Stamp Duties, and such as are by this Act repealed, varied, or altered) shall be and continue in full Force and Effect, and be executed for and during the Term hereinafter mentioned, not only for the Purposes of the said Act, but also for the Purpose of making, amending, widening, turning, altering, diverting, improving, and keeping in Repair the Road which joins the said Road at *Duffton* aforesaid, and leads from thence to a certain Place called *Underbridge*, in the Parish of *Shipton Moigne*, herein-before mentioned and described; and that all and every Powers, Provisions, Directions, Penalties, Forfeitures, Clauses, Matters, and Things, (except as aforesaid) which in the said recited Act are mentioned, shall be construed to extend to the said Road leading from *Duffton*, in the same Manner, and as fully and effectually to all Intents and Purposes, as if the last mentioned Road had been originally included in the said recited Act, and as if the same Clauses, Powers, Provisions, Matters, and Things, were repeated and re-enacted in the Body of this Act, but subject, nevertheless, to the Amendments and Alterations herein contained; and this Act, and the additional Term hereby granted, shall be, and are hereby declared to be, subject and liable to the Payment of all the respective Sums of Money now due and owing on the Credit or on account of the said recited Act, and also of such other Sum or Sums of Money as may be borrowed for the Purposes of the said recited Act, and of this Act, and of all Interest now due and to grow due for the same respectively.

Additional
Trustees.

II. And be it further enacted, That the Right Honourable *Henry Somerset*, commonly called Marquis of *Worcester*; the Right Honourable *Robert Edward Henry Somerset*, commonly called Lord *Robert Edward Henry Somerset*; the Right Honourable *Arthur John Henry Somerset*, commonly called Lord *Arthur John Henry Somerset*; the Right Honourable *William George Henry Somerset*, commonly called Lord *William George Henry*

Henry Somerset; the Right Honourable John Thomas Henry Somerset, commonly called Lord John Thomas Henry Somerset; the Right Honourable Fitzroy James Henry Somerset, commonly called Lord Fitzroy James Henry Somerset; the Right Honourable Granville Charles Henry Somerset, commonly called Lord Granville Charles Henry Somerset; the Right Honourable Edward Henry Somerset, commonly called Lord Edward Henry Somerset; the Right Honourable Henry George Bathurst, commonly called Lord Viscount Apsley; the Right Honourable William Viscount Coleraine, the Honourable William Lenox Bathurst, the Honourable John Dutton, the Honourable Augustus Moreton, the Honourable Henry Moreton, the Honourable Henry Augustus Moreton, the Honourable Joseph Banks Jenkinson, Clerk; Sir William Hicks, Baronet; Sir Hugh Smith, Baronet; Sir John Bridger, Knight; the Provost of Oriel College, Oxford, for the Time being; the Two Treasurers of Oriel College, Oxford, for the Time being; Daniel Adey, junior, Michael Hicks Beach, Michael Beach Hicks Beach, William Beach, Thomas Bryan, John Browne, Robert Bush, of Aston Lodge; Robert Bush, of Tracy Park; John Bradshaw, George Cooke, D. D. Christopher Codrington, Christopher William Codrington, Lewis Clutterbuck, Clerk; Lewis Clutterbuck, junior, John Cripps, Joseph Cripps, Edward Cripps, John Adey Curtis, Clerk; Robert Trotman Coates, Clerk; Crane, Edward Clarke, Morgan Deere, Clerk; Richard Davies, Clerk; Thomas Grimstone Estcourt, Edmund William Estcourt, Clerk; Thomas Henry Sutton Estcourt, Peter Gunning, D. D. William Stephen Goodenough, Clerk; Robert Gordon, John George, Richard Webster Huntley, James Webster Huntley, Henry Veel Huntley, William Warburton Huntley, George Peter Holford, Robert Hale, Blagden Hale, Robert Hale, John Hale, junior; John Blagden Hale, Hartley, James Hardwicke, LL.D.; Henry Horace Hayes, Clerk; Hill, Thomas Jones, Clerk; Richard Jones, Clerk; Richard Prankard Jones, Thomas Le Quesne Jones, Robert King scote, Nigel King scote, Daniel Lysons, Clerk; Timothy Larton, John Larton, William Lewis, Joseph Daniel Matthews, William Master, Naper, Charles Neeve, Clerk; Charles Norford, Clerk; John Paul Paul, Walter Mathews Paul, Robert Clark Paul, Henry Anthony Pye, Clerk; Thomas Estbury Partridge, Clerk; Joseph Pitt, Cornelius Pitt, Peregrine Powell, Thomas Pike, Thomas Richardson, Henry Jones Randolph, Clerk; John Savage, George Shiffner, John Smith, Samuel Albion Saunders, Robert Sherbourne, Henry Stands, Willis Stephens, Swayne, Clerk; Fiennes Trotman, Fiennes Trotman, junior; David Taylor, John Taylor, Clerk; Henry Daniel Lee Warner, Clerk; John Wood, John Woolcombe, Clerk; Basil Wood, Clerk; John Whittington, Clerk; John Wiltshire, junior; Michael Wyatt, Clerk; Edward Wilbraham, junior; William Wilbraham, Samuel Yeates, and Osborne Yeates, shall be, and they are hereby added to, and joined with, the Trustees appointed or elected, in, or by virtue of, the said former Act, for putting the same and this Act into Execution; and the Trustees hereby nominated, together with those nominated and appointed, or elected Trustees, in, or by virtue of, the said former Act, and their Successors to be hereafter elected, being duly qualified according to the Directions therein contained, are hereby empowered to act in the Execution of the said former Act, and this Act, with respect to the Road comprised in the said Act of the Twenty-third Year of the Reign of His present Majesty, and the said additional Road hereinbefore described, as fully and effectually as if they had been appointed Trustees by the said former Act.

III. And

Tolls granted
by the former
Act repealed,
and other
Tolls grant-
ed.

III. And whereas the Tolls authorized to be taken by the said recited Act have been found inadequate to the Purpose of sufficiently amending the Roads comprised in the said Act, and keeping the same in Repair; and of repaying the Money borrowed thereon; be it therefore enacted, that from and after the passing of this Act, the said Tolls shall be, and the same are hereby repealed; and that in lieu and instead thereof the respective Tolls following shall be demanded and taken; (that is to say)

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

For every Drove of Oxen, Cows, or neat Cattle, the Sum of Twenty-pence *per* Score, and so in proportion for any greater or less Number:

For every Drove of Calves, Swine, Hogs, Sheep, or Lambs, the Sum of Ten-pence *per* Score, and so in proportion for any greater or less Number:

For all Carriages, or any other Thing whatsoever, which shall be drawn by no greater Number of Horses or other Beasts of Draught than Two, the Sum of Sixpence, for each and every such Horse or other Beast of Draught so drawing; and if drawn by any greater Number of Horses or other Beasts of Draught than Two, then the Sum of Eight-pence, for each and every Horse or other Beast of Draught so drawing:

Provided always, nevertheless, That between the Thirtieth Day of *September*, and the Thirty-first Day of *March*, in every Year, during the Continuance of this Act, there shall be paid for every Horse, or other Beast of Draught, which shall draw any Waggon, Wain, Cart, or other such like Carriage, the Sum of Seven-pence Halfpenny, for each and every Horse, or other Beast of Draught drawing the same: Which said several Tolls shall be, and the same are hereby vested in the said Trustees, and the same, and every Part thereof, shall be collected, recovered, levied, paid, applied, assigned, varied, and disposed of, in such and the same Manner, and by such Ways and Means, and with such Remedies for Non-payment or Evasion thereof, and with such Powers, Provisions, and Restrictions, as are contained in the said recited Act, with respect to the Tolls thereby made payable.

Double Tolls
to be paid on
Sundays.

IV. And be it further enacted, That on each and every *Sunday* after the Commencement of this Act, there shall be demanded and taken, before any Cattle or Carriage shall be permitted to pass through any Turnpike erected on the said Roads, Double the Tolls by this Act directed to be paid on any other Day of the Week; which said Tolls shall be collected, levied, recovered, and applied in such and the same Manner as the Tolls granted and made payable by the said recited Act, or any of them, are directed to be recovered and applied.

Stage
Coaches to
pay each
Time of
passing.

V. Provided always, and be it further enacted, That every Stage Coach, Long Coach, or Diligence, carrying Passengers for Hire, shall be chargeable to the Tolls hereby granted, each Time they shall so pass on the same Day, through any Turnpike or Toll-gate, where Toll is payable by virtue of this and the said recited Acts.

VI. And

VI. And be it further enacted, That in case any Post Chaise, or other Carriage, travelling for Hire from Post to Post, shall, on the same Day, (to be computed as directed by the said Act,) return through any Gate or Turnpike, erected by virtue of this, or the said recited Acts, at which any Toll shall be payable, and shall deliver to the Gate-keeper, the Stamp Office Ticket, as required by Law, then such Post Chaise, or other Carriage as aforesaid, shall be liable to pay Toll, in such and the like Manner as if such Chaise or Carriage had not before passed through any Gate or Turnpike erected on the said Road.

VII. And whereas it is by the said recited Act enacted, That it should be lawful for any Thirteen or more of the Trustees, thereby nominated or appointed, from Time to Time, to reduce all or any of the Tolls thereby granted, and to raise the same again so as not to exceed the Tolls thereby granted; and whereas it has been found, in many Cases, impracticable to obtain the Attendance of a sufficient Number of Trustees to carry the said Provision into Effect, when it has been necessary and proper so to do, be it therefore enacted, that the said Provision shall be, and the same is hereby repealed.

VIII. And be it further enacted, That the said Trustees, or any Seven or more of them, at any Meeting to be held for that Purpose, whereof Ten Days' Notice shall be given by Advertisement in the *Gloucester Journal*, or in some other public Newspaper circulated in the Neighbourhood of the said Roads, and by Notice in Writing, affixed upon all the Turnpikes then erected across the said Roads, may, and they are hereby empowered, from Time to Time, as they shall think proper, to lessen, vary, or alter all or any Part or Parts of the Tolls hereby granted, at all or any or either of the Turnpikes erected, or to be erected as aforesaid, and to raise the same again, or any Part thereof, so as the same do not exceed the respective Tolls herein-before granted: Provided always, that every Reduction or Alteration of the said Tolls shall be equal at all the Turnpikes upon the said Roads, and that no greater or less Tolls shall at any Time be demanded or taken at any one of the said Turnpikes, than shall be demanded or taken at any other of the said Turnpikes, any Thing in this or the said recited Act contained to the contrary hereof notwithstanding.

IX. And be it further enacted, That from and after the passing of this Act, the Exemptions granted by the said Act (except the Exemption from Toll allowed the Inhabitants of *Great and Little Badminton*) shall be, and the same are hereby repealed.

X. And be it enacted, That no Toll shall be demanded or taken for any Horse, Cattle, Beast, or Carriage employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing of the said Roads, or any of the Roads in the Townships, Parishes, or Hamlets, in which any Part of such Roads lie, or any Mud, Slush, Mould, Rubbish, or Soil of any Part of the same Roads, or Hay, Straw, or Corn in the Straw only, not sold or disposed of, or conveying to be sold, but passing to be laid up or placed in the Out-houses, or on

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the Lands of the Owners, or for any Horse, Cattle, Beast, or Carriage; employed in carrying or conveying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying, any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, or Manure, employed in Husbandry, for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands; or for any Horses or Cattle going to or returning from Pasture or Watering-Places, or going to be, or returning from being shod and farried, or for any Horses or Carriages carrying or fetching Shrouds for Fire-wood, from any Lands belonging to the Inhabitants of either of the Parishes, through which the said Roads shall pass, for their own private Use only; 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 upon 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 going to or returning from visiting any sick Person, or upon his other Parochial or Ministerial Duty, on a *Sunday* or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horse, Cattle, or Carriage of whatever Description employed, or to be employed, in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Post-Master-General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horse, Cattle, or Beast attending any Soldiers upon their March, or on Duty, or drawing any Carriage attending them, with their Arms or Baggage; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Horse, Cart, Carriage, or Beast employed in the Conveyance of Vagrants sent by legal Passes, or returning therefrom; or for any Horse, Cattle, or Beast carrying or conveying any Person or Persons going to vote, or returning from voting at any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Gloucester*, *Wilts*, and *Somerset*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and that no Toll shall be demanded or taken for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed, for and on the Days of Exercise, provided that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemptions as aforesaid; and in case any Person shall have paid the Tolls hereby granted for any Horses or other Cattle, drawing Carts or other Carriages, which shall be going empty for, or laden only with Pit-Coal, all such Carts or Carriages shall, upon their Return, being either empty or laden with Pit-Coal only, be permitted to pass Toll-free through the Turnpikes where such Toll shall have been paid, provided they return within the Space of Twenty-four Hours from the Time such Toll was so paid; and if any Person or Persons

sons shall, in any fraudulent or collusive Manner whatsoever, claim or take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

XI. And be it further enacted, That no Person owning or driving, or causing to be driven any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other 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 Over-weight; nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage; or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament, relating to Highways or Turnpike Roads, or in this or the said recited Act contained, to the contrary notwithstanding.

Carriages,
conveying
Military
Stores, not
to be subject
to Penalties
for over-
weight, &c.

XII. And whereas a Map or Plan describing the Line of the said Road from *Duffton* to *Underbridge*, and the Lands through which the same are to be carried, together with a Book of Reference, containing Lists of the Names of the Owners or reputed Owners or Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the County of *Gloucester*: Be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the end that all Persons may, at any reasonable Times, have liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of Two Shillings and Sixpence for every such Inspection, and at the Rate of Eightpence for every One hundred Words of such Copies or Extracts of the said Map or Plan, and Book of Reference; and that the said Trustees in making, widening, or repairing the said Road or Branch, shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Road to be
made accord-
ing to Plan
and Book of
Reference.

XIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Branch of Road 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 is set out and described in the said Map or Plan, although the Name or Names of such Person or Persons may happen to be erroneously described, or omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Notwith-
standing
Misnomers
in the Plan.

XIV. And

Trustees empowered to sell Ground not wanted for the Purposes of the former and this Act.

XIV. And whereas, by reason of the Purchases the said Trustees, by the said Act and this Act; are empowered to make, it may happen that they may become seised of some Piece or Pieces of Ground over and above what may be necessary for effecting the Purposes of the said recited Act, and of this Act: be it therefore enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, to sell and dispose of such Piece or Pieces of Ground, either together, or in Parcels, as they shall find most advantageous and convenient, to such Person or Persons as shall be willing to contract for, and purchase the same; and the Money arising by such Sale shall be applied to the Repair of the Roads hereinbefore described; and all Deeds of Conveyance executed by the said Trustees, or any Five or more of them, and enrolled with the Clerk of the Peace of the County, wherein the said Piece or Pieces of Ground are situate, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Directing Pieces of old Roads to be offered for Sale to the Proprietors of the adjoining Lands.

XV. Provided always, and be it further enacted, That the said Trustees, before they shall sell and dispose of any Piece or Pieces of Old Roads or Ground, shall first offer the same to the Person or Persons whose Land shall adjoin thereto; and in case such Person or Persons respectively shall not then and thereupon agree, or shall refuse to purchase the same respectively, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Piece or Pieces of Old Road or Ground shall lie, by some Person or Persons no ways interested in the said Piece or Pieces of Old Road or Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall be sufficient Evidence and Proof that such Offer was made, and was not agreed to, or was refused by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they, and the said Trustees, shall differ, and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury, in Manner directed with respect to disputed Value of Lands to be purchased by the said Trustees, in pursuance of the said recited Act or this Act; and the Expences of hearing and determining such Difference shall be borne and paid in like Manner as herein directed with respect to Purchases made by the said Trustees, *mutatis mutandis*; and the Money to arise, by the Sale or Sales which may be made by the said Trustees, of such Piece or Parcel of Old Road or Ground as aforesaid, shall be applied to the Purposes of the said Act and this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money: Provided also, that no Person shall act as a Trustee in any Case relating to the contracting for or purchasing of any Lands, Grounds, or Hereditaments wherein he shall be personally interested.

Expences of Jury in case of Absence, to be borne by the Trustees.

XVI. And whereas it is by the said Act enacted, That in Cases where any Person or Persons shall, by reason of Absence, be prevented from treating for the Sale of their Right, Interest, or Property, or for any Loss or Damage to be by them sustained, One Half of the Costs and Expences

Expences of summoning and maintaining the Jury and Witnesses shall be deducted out of the Purchase Money, and the other Half shall be paid and borne by the said Trustees, in Manher directed by the said Act: And whereas it is expedient, that in such Case, the whole of the said Expences should be paid by the said Trustees: be it therefore enacted, That in all Cases where any Person or Persons interested in any Lands, Tenements, or Hereditaments, which shall be purchased by the said Trustees for the Purposes of the said Act and this Act, shall, by reason of Absence, be prevented from treating with the said Trustees for the Sale thereof; the whole of the Expences of summoning and maintaining the Jury and Witnesses, shall be paid and borne by the said Trustees, any Thing in the said recited Act to the contrary notwithstanding.

XVII. 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 (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them), to shear and cut, once at least in every Year, at the proper Season of the Year, the Tops and Sides of all the Hedges, standing or growing by or near the Side or Sides of the said Roads, in such Manner as such Surveyor or Surveyors shall think proper; and all Charges and Expences attending the same shall, from Time to Time, be paid and defrayed out of the Tolls to be collected by virtue of this Act.

Power to cut Hedges on the Sides of the Roads.

XVIII. And whereas it is enacted by the said recited Act, That if any Person shall haul or draw, or cause to be hauled or drawn, on any Part of the said Roads, any Tree or Piece of Timber, otherwise than upon Wheel Carriages, or should suffer any Part of any Tree or Piece of Timber which should be conveyed upon Wheel Carriages, to drag upon any Part of such Roads, to the Prejudice thereof, every such Person should, for every such Offence, forfeit and pay the Sum of Forty Shillings, over and above the Charges of Prosecution; and whereas such Provision has been found inadequate to the Purpose thereby intended: be it therefore enacted, That the said Provision shall be, and the same is hereby repealed.

Penalty, in former Act, on drawing Timber otherwise than on Wheel Carriages, repealed.

XIX. And be it further enacted, That if any Person shall cause to be hauled or drawn upon any Part of the Roads included in the said recited Act or this Act, any Tree or Piece of Timber, or any Stone or other heavy Substance (Mill-stones excepted), otherwise than upon Wheel-Carriages, or shall suffer any Part of any Tree or Piece of Timber, Stone, Flag, or heavy Substance, which shall be conveyed on Wheel Carriages, to drag upon any Part of the said Roads, to the Prejudice thereof, or if any Person shall wilfully obstruct the Passage along the said Roads, or any Part thereof, by leaving any Waggon, Cart, or other like Carriage, Timber, Manure, or other Obstruction in the said Roads, or within Fifteen Yards of the Centre thereof, longer than shall be necessary for the loading or unloading thereof, and standing as near the Side of the said Roads as conveniently may be, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

New Penalty imposed on dragging Timber, &c.

XX. 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 Roads, or any Part thereof, shall still remain liable thereto; and it shall be lawful for any Two or more Justices of the Peace for the said Counties of *Gloucester*, *Somerset*, and *Wilts*, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Treasurer, Clerk, or Surveyor, or by their Order, yearly to adjudge and determine what Part or Portion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Hamlets, or Places in which the same lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Hamlet, 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 for every such Parish, Hamlet, 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, Hamlet, 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 or Restrictions as are or may be directed by any Law or Statute in Force or Effect for the Repairs of the Public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said 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 in such Parts of the said Roads as the said Trustees, or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Act or this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their usual Place or Places of Abode for that Purpose, by any Surveyor of the said Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in Force or Effect for the Repair of the Public Highways;

Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and discharge 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 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 or Treasurers of the said Trustees, and applied towards amending the said Roads; and if any Surveyor of the Highways for the said Parishes, Hamlets, or Places, shall refuse or wilfully 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.

XXI. And whereas it is by the said recited Act enacted, That nothing therein contained should extend, or be construed to extend, to make the Parishes of *Marshfield* and *Cold Ashton* liable to do or perform any Statute Duty on the Road, made by virtue of the said recited Act, from *Woelfield Corner* to *Lambridge*, but such Parishes should be and were thereby declared to be exempted therefrom: be it therefore enacted, that the said Parishes shall still continue exempt from performing Statute Duty on the Road from *Woelfield Corner* to *Lambridge*, any Thing herein contained to the contrary notwithstanding.

XXII. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this or the said recited Act for the Purposes thereof, which shall belong to any Bodies Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other *Cestui que Trust*, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to the Sum of Two Hundred Pounds, with all convenient Speed, be paid into the Bank of *England* in the Name and with the Privity of the Accountant-General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land-Tax, or 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 the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments,

ments, 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, or Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as, at the Time of making such Conveyance and Settlement, shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant-General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall, from Time to Time, be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so directed to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

Application
of Money, if
less than
200l. and
above 20l.

XXIII. 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 exceed or be equal to 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, Idiotcy, 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 Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore 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 the said recited Act, and this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner hereinbefore 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
of Compen-
sation, if less
than 20l.

XXIV. 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 Act, in such Manner as the said Trustees shall think fit; or in case of Infancy, Idiotcy, or Lunacy, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees,

to

to and for the Use and Benefit of such Person or Persons so entitled respectively.

XXV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded, for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of the said recited Act, or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees; or in case 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 Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, [*describing them*], subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of proceeding, or otherwise, as to the same 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 Interests, 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.

XXVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this or the said recited Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest, in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of this, or the said recited Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities, to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that

[*Loc. & Per.*]

7 A

some

some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court of
Chancery
may order
Expences of
Purchases to
be paid.

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

For paying
the Expences
of this Act.

XXVIII. And be it further enacted, That all the Charges and Expences of obtaining this Act shall be paid out of any Monies already received by virtue of the said former Act, or out of the first Monies which shall be received by virtue of the said recited Act, and this Act, in preference to all other Payments whatsoever.

Public Act.

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

Continuance
of the Act.

XXX. And be it further enacted, That the said recited Act, (subject to the Alterations, Additions, and Amendments in this Act contained,) and this Act, shall continue and be in force, and be executed for and during the Residue now to come and unexpired of the Term granted by the said recited Act, and from the Expiration thereof, 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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