



ANNO QUADRAGESIMO NONO

GEORGH III. REGIS.

Cap. 89.

An Act for making and maintaining Turnpike Roads from the Town of *Malmesbury* to or near to the Town of *Wootton Bassett*, *Sutton Benger Church*, and *Dauntsey Gate*, in the County of *Wilts*.

[20th May 1809.]

WHEREAS the making and maintaining of a Turnpike Road from the present Turnpike Road leading from *Malmesbury* to *Chippenham*, from or near the Side Gates at *Burtonhill* in the Parish of *Malmesbury*, at the End of a certain Lane called *Cowbridge Lane*, to or near a certain Gate called the *Folly Gate* in a Lane called *Braydon Lane*, in the Parishes of *Lydiard Tregooze* and *Wootton Bassett*, or one of them, and from thence to the Turnpike Road leading from *Swindon* to *Christian Malford Bridge*, at the End of a certain Street called *Wood Street* at or near the Centre of the Town of *Wootton Bassett*, and to join the said last-mentioned Road at or near a certain Gate called *Copped Hall Turnpike*, in the Parish of *Wootton Bassett* aforesaid, passing in or through the several Parishes or Places of *Saint Paul Malmesbury*, *Burtonhill*, *Lea* and *Cleaverton*, *Little Somersford*, *Brinkworth*, *Lydiard Tregooze*, *Midgeball* and *Wootton Bassett*, and the making and maintaining of a Branch of Road from the said first described Road on *Little Somersford Down* to the Turnpike Road leading from *Christian Malford Bridge* to *Draycote Cerne*, at or near the Parish Church of *Sutton Benger*, passing in or through the Parishes

[Loc. & Per.]

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of

or Places of *Little Somersford*, *Great Somersford* otherwise *Broad Somersford*, *Seagry*, and *Sutton Benger*; and also another Branch of Road to lead out of the last-mentioned Branch of Road, from or nearly opposite the House of *Thomas Gilmore* in the Village of *Little Somersford* to the aforesaid Turnpike Road leading from *Swindon* to *Christian Malsford Bridge*, at or near a certain Gate called *Dauntsey Gate*, passing in or through the Parishes or Places of *Little Somersford*, *Dauntsey*, and *Christian Malsford*, all in the County of *Wilts*; will not only be a great Benefit and Accommodation to the several Owners of Estates and Inhabitants within or near the said Parishes and Places, but will also open shorter and better Communications than there are at present between the Market Towns of *Tetbury* and *Malmesbury*, and the Market Towns of *Wootton Bassett*, *Swindon*, *Marlborough*, and *Calne*, with the *Wilts* and *Berks* Canal, and between several other Places, and will be of great public Utility: And whereas great Parts of the said proposed Roads are at present public Highways, but are in a very ruinous Condition, in many Places narrow, incommodious, and dangerous to Travellers, and the same cannot be effectually amended, widened, improved, and kept in Repair by the ordinary Methods prescribed by Law: And whereas that Part of the said first described Road which leads from the aforesaid *Polly Gate* to *Wood Street* in the Town of *Wootton Bassett*, is, for the Purpose of making the same shorter or nearer and better to the Public, intended to pass through and over certain Lands and Grounds of the Right Honourable *Thomas Earl of Clarendon*, in the said Parish of *Wootton Bassett*, in the several Occupations of *William Warman*, *John Hunt*, *John Leighfield*, and *John Sheldon*; and Part of the said Branch of Road from the Village of *Little Somersford* to the Turnpike Road leading from *Swindon* to *Christian Malsford Bridge* near *Dauntsey Gate*, is at present only a Bridleway and Drift way, and for the widening and improving the same it will be necessary to break in upon and pass over or through certain Lands and Grounds belonging to the Right Honourable the Earl of *Peterborough* and *Monmouth*, in the Occupation of *John Reeks*, in the said Parish of *Dauntsey*, and to *Lucy Heath* in the Occupation of *Thomas Gilmore*, in the said Parish of *Little Somersford*; but the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament; 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 Right Honourable *Thomas Howard* commonly called Viscount *Andover*, *Jonas Ady*, *George Searle Bayliffe*, *William Powell Bendry*, *Giles Bailey Bennet*, *John Beak*, *John William Biedermann*, *Henry Julius Biedermann*, *George Bisset*, Clerk, *John Brooks*, *John Buckland*, *Giles Canter*, *Richard Carter*, *Walter Coleman*, *William Edward Coleman*, *William Cripps*, *Stephen Demainbray*, Clerk, *Charles Dewell*, Clerk, *Thomas Estcourt*, *Thomas Grimstone Estcourt*, *Edmund William Estcourt*, Clerk, *George Garlick*, *Robert Griffiths the younger*, *John Handy the elder*, *John Handy the younger*, *Thomas Handy*, *Francis Hill*, *William Jnd*, *Joseph Large*, *Peter Harvey Lovell*, *Matthew Marsh*, Clerk, *Robert Maskelyne*, *William Maskelyne the younger*, *Jasper Maskelyne*, *Jacob Matthews*, *Robert Millington*, *John Nicholas* Doctor of Laws, *Samwell Ody*, *Daniel Ody*, *John Parsloe*, *Jacob Pinnegar*, *Richard Peers* Player, *John Plummer*, *Thomas Pyke*, *Thomas Ripley*, Clerk, *Thomas Roberts*, *Matthew Robertson*, *Richard Robins*, *Thomas Seale*, *Thomas Seymour*, *Bouchier Smith*, *Abrabam Smith*, *Daniel Smith*, *William Smith*, *Samuel Starkey*,

Starkey, Clerk, William Stiatto, Benjamin Coffin Thomas, Isaac Underwood, William Warman, Richard Welford, Thomas White, Henry Wightwick, Clerk, Charles Wightwick, Clerk, the Honourable and Reverend Andrews Windsor, Thomas Wyatt, Daniel Young, and Nathaniel Young, and their Successors to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for putting this Act in Execution, and for making or causing to be made the said Turnpike Road and Branches, and for amending, widening, altering, improving, and keeping the same in Repair, and the doing and performing all Matters and Things in any-wise relating thereunto.

II. And be it enacted, That when and so often as any of the said Trustees herein-before named or to be elected as here-in-after mentioned shall die, or by Writing under his or their Hand or Hands delivered to the Clerk to the said Trustees for the Time being, decline or refuse to act, it shall be lawful for the surviving or remaining Trustees, by Writing under their Hands, to elect and appoint one other Person to be a Trustee in the room of every Trustee so dying or refusing to act; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the said Trustees for the Time being, by affixing the same in Writing upon all the Turnpike Gates to be erected upon or across the said Roads, at least Ten Days before every such Meeting, and all and every Person and Persons who shall be so elected and appointed shall be, and is and are hereby vested with the same Powers and Authorities for putting this Act in Execution as if he or they had been named a Trustee or Trustees in this Act.

For electing others on Vacancies.

III. Provided nevertheless, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act whilst he holds any Place of Profit under the same, nor in any Case wherein he shall be personally interested (except as a Mortgagee or Creditor), nor unless he shall at the Time of his acting be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments situate in the said County of *Wilts*, of the clear yearly Value of Fifty Pounds above Reprizes, or shall be Heir Apparent of a Person having such Estate of the clear yearly Value of One hundred Pounds, or be possessed of or entitled to a Personal Estate to the Amount or Value of One thousand Pounds, nor (if not such Heir Apparent as aforesaid, and except in administering the Oath herein-after mentioned) until he shall have taken and subscribed before some One or more of the said Trustees an Oath or Affirmation in the Words or to the Effect following; (that is to say),

Qualification of Trustees.

Trustees to take an Oath.

‘ I *A. B.* do swear [*or, being one of the People called Quakers, do solemnly affirm*] That I truly and *bonâ fide* am in my own Right [*or, in the Right of my Wife*] in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments situate in the County of *Wilts*, of the clear yearly Value of Fifty Pounds above Reprizes [*or, possessed of or entitled to a Personal Estate of the Amount or Value of One thousand Pounds*]. ‘ So help me GOD.’

Oath.

And if any Person unqualified by any of the Causes aforesaid, or not being qualified as before mentioned, shall nevertheless presume to act contrary to the true Intent and Meaning of this Act, every Person shall for every such

Penalty on acting if unqualified.

such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act: Provided always, that any Mortgagee, or any Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall not on that Account be deemed unequalled or defeated from acting as a Trustee in the Execution of this Act: Provided also, that all such Trustees as are Justices of the Peace may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Mortgagees
may act.

Trustees
being Justices,
may act as
such.

Trustees
may sue or
be sued in the
Name of their
Clerk.

IV. And be it further enacted, That the said Trustees shall and may in all Cases sue or be sued in the Name of their Clerk or Treasurer; and that no Action which may be brought or commenced, or Indictment which may be preferred or prosecuted by or against the said Trustees, or any of them, by virtue or on account of this Act, in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death, Removal, or Act of such Clerk or Treasurer, without the Consent of the said Trustees, but the Clerk or Treasurer to the said Trustees for the Time being shall always be deemed the Plaintiff, Prosecutor, or Defendant in such Action or Indictment, as the Case may be; and that every such Clerk or Treasurer, in whose Name any Action, Indictment, or Suit, shall be commenced, preferred, prosecuted, or defended in pursuance of this Act, shall be reimbursed and paid out of the Monies to be raised by virtue of this Act, all such Costs, Charges, and Expences as he shall be put unto or become chargeable with by reason of his being so made Plaintiff, Prosecutor, or Defendant as aforesaid.

Trustees first
and other
Meetings.

V. And be it further enacted, That the said Trustees shall meet together at the House of *Isaac Spencer*, known by the Sign of the *White Lion Inn* in the Town of *Malmesbury* aforesaid, on the Fourth *Saturday* next after the passing of this Act, or as soon after as conveniently may be, and proceed in the Execution hereof, and shall then, and from Time to Time afterwards, adjourn themselves to meet at the same or at such other Place or Places upon or near the Side or Sides of the said Roads or Branches, and not exceeding the Distance of One Mile from some Part thereof, and at such Time or Times as the said Trustees, or the major Part of them present at such Meeting shall appoint; and if there shall not appear at any Meeting a sufficient Number of Trustees to act, or to adjourn to another Day, Two Trustees being deemed sufficient for the Purpose of Adjournment only, or in case the Trustees at any Time assembled shall not adjourn themselves, then and in every such Case the Clerk or Clerks to the said Trustees shall by Notice in Writing, to be affixed on all the Turnpike Gates then erected on the said Roads, at least Seven Days before the next proposed Meeting, appoint the Trustees to meet at the House where their then last Meeting was held, or was appointed to have been held, on that Day Three Weeks next after the Day for which such last Meeting was appointed

appointed or was held; and in case the said Clerk shall by any Means neglect or omit giving such Notice as aforesaid, then it shall and may be lawful for any Three or more of the said Trustees (although not assembled at a Meeting), at any Time or Times after the Space of Seven Days from such Neglect or Omission, by Notice in Writing under their Hands, to be affixed in Manner aforesaid, to appoint the said Trustees to meet at such Time or Place in or near the said Roads as they shall think proper, not later than Twenty-one Days from the Time of the last Default; and the said Trustees shall at all their Meetings defray their own Expences; and all Orders and Determinations of the Trustees in the Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise (except in Cases hereby particularly provided for); and that no Order or Determination shall be made unless the major Part of the Trustees present shall concur therein; and that all Acts, Orders, and Proceedings relating to this Act, which are directed to be had, made, or done by or before the said Trustees, and all the Powers and Authorities hereby in them vested, shall and may be had, made, done and exercised by or before any Five or more of the said Trustees (except in such Cases where any other Number is herein named); and that all Acts, Orders, or Proceedings had, made, or done by or before such Five Trustees, shall have the same Force and Effect, and be binding and conclusive to all Intents and Purposes whatsoever, as fully and effectually as if the same were had, made, done, or executed by or before all the said Trustees; and that a Chairman shall and may in the first Place be appointed at every such Meeting; and in case of an equal Number of Votes upon any Occasion (including the Chairman's Vote), the Chairman shall have the casting or decisive Vote.

VI. And be it further enacted, That if after any Adjournment of the Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than that to which such Meeting shall have been adjourned, the Clerk or Clerks, by an Order in Writing, signed by Three or more of the said Trustees (although not assembled at a Meeting), mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice of such earlier Meeting, by affixing the same upon all the Turnpike Gates then erected upon the said Roads, at least Six Days before such Meeting; and all Proceedings of the Trustees at such Meetings shall be as valid as they would have been in case the Trustees had met in pursuance of such Adjournment, but no other Business shall be proceeded upon but what shall have been specified in such Notice.

Meetings on Emergencies.

VII. And be it further enacted, That no Order or Determination made by or before any Five or more of the said Trustees shall be revoked or altered, unless Nine Trustees at the least shall be present and concur therein, at a Meeting to be held for that Purpose, of which intended Revocation or Alteration Twenty-one Days Notice at least shall be given at a previous Meeting of the Trustees, and entered in their Book of Proceedings, and such Notice, specifying the Revocation or Alteration intended to be made, shall likewise be affixed on all the Turnpike Gates then erected on the said Roads, Fourteen Days at least before such Meeting.

No Order to be revoked unless by Nine Trustees.

Orders and Proceedings to be entered in Books.

VIII. And be it further enacted, That all Orders and Proceedings of the Trustees at their several Meetings shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings, so entered and signed by a competent Number of the said Trustees (as the Case shall require), or by their Clerk, by their Order, shall be deemed to be Originals, and such Book or Books and also the Book or Books herein-after directed to be kept for registering or entering Mortgages, Assignments, or Transfers thereof, shall be admitted as Evidence in all Courts whatsoever, touching any Thing done in pursuance of this Act.

Trustees may appoint Officers, and remove them.

IX. And be it further enacted, That the said Trustees shall and may at their first or at any other subsequent Meeting, by Writing under their Hands in the Book of Proceedings, appoint One or more Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors, and such other Officer or Officers as they shall think necessary, and from Time to Time afterwards, when they shall think fit, remove them, or any of them, or any other their Clerks, Treasurers, Collectors, Surveyors, or other Officers, and upon such Removal, or when any of them shall die, misbehave, or resign their Office, or be incapable of performing it, may by Writing under their Hands appoint One or more fit Person or Persons to be their Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and Surveyor or Surveyors, or other Officers in the Room of the Person or Persons so removed, or that shall die, misbehave, or resign his or their Office, or be incapable of performing it.

Trustees to take Security from their Treasurer, &c.

X. And be it further enacted, That the said Trustees shall and they are hereby authorized and required to take such Security from the said Treasurer or Treasurers, and Collectors or Receivers of the Tolls, and other Officers to be appointed for the Purposes of this Act, for the due Execution of his or their Office or Offices, as to the said Trustees shall seem meet, and may by and out of the Tolls arising by virtue of this Act allow and pay to such Clerks, Treasurers, Collectors, and Surveyors, and such other Persons as shall be aiding or assisting them in their respective Offices, or that shall be anyways employed in the Execution of this Act, such Salaries, Rewards, and Allowances for their respective Attendance, Care, and Service, as to the said Trustees shall seem reasonable: Provided always, that no Person shall be capable of acting as a Trustee, or of holding any Place of Profit under this Act during the Time he shall sell any Wine, Cyder, Perry, Ale, Beer, or Spirituous Liquors, by Retail.

For appointing Collectors temporarily in case of Death or Removal.

XI. And be it further enacted, That as often as any Collector of the Tolls shall die, become insolvent, misbehave himself, neglect his Duty, or be incapable of performing it, it shall be lawful for any Three or more of the said Trustees (although not assembled at a Meeting to be held pursuant to this Act), by Writing under their Hands to displace such Collectors, and appoint others in the stead of such Persons so dying or displaced; and all such Collectors so appointed shall have the same Authority to act in the Execution of their respective Offices as the Persons they shall succeed was or were vested with, and shall continue in such Office until the Trustees shall (at a Meeting to be held in pursuance of this Act) appoint a Collector

tor of such Tolls; any Thing herein contained to the contrary notwithstanding.

XII. And be it further enacted, That if any Collector or Receiver of the Tolls appointed under the Authority of this Act, shall, for any of the Causes aforesaid be discharged from his said Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged as aforesaid, or any other Person or Persons being in Possession thereof, shall refuse to deliver up the Possession of any Toll-house, Building, Turnpike Gate, or Premises erected, set up, or made by virtue of this Act, for the Space of Three Days after Demand thereof made, and Notice in Writing given for that Purpose by any Three or more of the said Trustees, or by their Clerk, Treasurer, or Surveyor, then and in either of the said Cases it shall be lawful for any One or more Justice or Justices of the Peace for the said County of *Wills*, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer for the same County, with such Assistance as shall be necessary, to enter into and upon such House, Building, Turnpikes, and Premises, with their Appurtenances, in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees, or their new appointed Officer, into the Possession thereof.

Any Justice by Warrant may remove any Gate-keeper or his Family refusing to quit after Notice.

XIII. And be it further enacted, That all such Officers and other Persons shall from Time to Time, when thereunto required by the said Trustees, or within Six Days after Notice in Writing, signed by them, or their Clerk, by their Order, to them respectively given or left at their usual Place of Abode for that Purpose, deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under their respective Hands, of all Monies which shall have been by them respectively had, collected, or received, and how and to whom, and for what Purpose the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments, and shall verify all such Accounts upon Oath, if thereunto required by the said Trustees; and all such Officers and Persons shall and they are hereby respectively required to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in their Hands, to such Person or Persons as the said Trustees shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof upon Oath, or to pay the Balance remaining in their Hands when thereunto required in Manner aforesaid, or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after such Notice given as aforesaid, all Books, Accounts, Papers and Writings in their Custody or Power, in anywise relating to the Execution of this Act, or to the said Roads, and Complaint shall be made of any such Neglect or Refusal to any Justice of the Peace for the County, Borough, City, or Place where the Officer or Officers, Person or Persons so neglecting or refusing shall be or reside, by or on behalf of the said Trustees, such Justice may and is hereby authorized and required, by a Warrant or

Officer to account, &c.

Warrants under his Hand and Seal, to cause such Officer or Officers, Person or Persons to be brought before him, and upon his or their appearing, or not appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees might have done; and if upon the Confession of the Officer or Officers, Person or Persons against whom any such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been collected or received be in the Hands of such Officer or Officers, Person or Persons, such Justice may and he is hereby authorized and required upon Nonpayment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Money and the Charge of distraining and levying the same, or if such Officer or Officers, Person or Persons, shall not appear before the said Justice at the Time and Place by him appointed for that Purpose, or if appearing shall refuse or neglect to give and deliver to the said Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to verify the Truth of such Account or Accounts, or of the Articles thereof, upon Oath as aforesaid, or to produce and deliver up to the said Justice (to be by him delivered to the said Trustees), the several Vouchers or Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, or to the said Road, then and in either of the Cases aforesaid the said Justice may and he is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons to the common Gaol of the County, City, Borough, or Place, where he or they shall be or reside, there to remain without Bail or Mainprize until he or they shall have delivered in and settled his or their Accounts, and have verified the same on Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his or their Hands respectively, and the reasonable Charges of such Distress and Sale, as shall in that respect have been made, or until he or they shall have compounded with the said Trustees for the same, and paid the Sum compounded for to the said Trustees, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees are hereby empowered to make), or until he or they shall have delivered up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees; but no Person who shall be committed for want of sufficient Distress only shall be detained in Prison for any longer Space of Time than Six Calendar Months.

Trustees to
erect Turn-
pike, Toll-
Houses, and
Side Gates.

XIV. And be it further enacted, That the said Trustees shall and may erect, set up, and build, or cause to be erected, set up, and built upon or across the said Roads by this Act intended to be made, amended, widened, diverted, altered, improved, and kept in Repair, or any Part or Parts thereof, and at or near the Side or Sides of the said Roads, in; upon or across any Lane or Lanes, Bye-Way or Ways leading into or out of the same, such and so many Gates and Turnpikes, and a Toll-house to each Gate or Turnpike, with Out-buildings suitable thereto, in such Situations

as

as they the said Trustees shall think proper, and direct or appoint, and may afterwards cause any such Gates, Turnpikes, Toll-houses, or other Buildings respectively, from Time to Time to be taken down, removed, rebuilt, altered or discontinued as they shall judge expedient: Provided always, that no Gate or Turnpike, when once erected by virtue of this Act shall be afterwards removed or discontinued without the Consent in Writing of the Persons entitled to at least Five Sixth Parts of the Principal Money then due and owing upon the Credit of the Tolls payable at such Gate or Turnpike respectively.

XV. And be it further enacted, That the respective Tolls following shall be demanded and taken at every such Gate or Turnpike of the Person or Persons attending any Horse, Beast, Cattle or Carriage, by such Collector or Collectors, or Person or Persons, as the said Trustees or their Lessees shall from Time to Time appoint for that Purpose, before any such Horse, Beast, Cattle, or Carriage shall be permitted to pass through the same; (that is to say),

For every Horse, Mare, Gelding, Mule, Ass, Ox, or other Beast of Draught, drawing any Carriage, the Sum of Sixpence:

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 One Shilling and Eight-pence *per* Score, and so in proportion for any greater or less Number:

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

XVI. And be it further enacted, That, notwithstanding any Thing herein contained to the contrary, no Horses, Cattle, or Carriages shall be permitted to pass through any Turnpike or Toll-gate to be erected upon the said Roads, or any Part thereof, upon the Lord's Day, commonly called *Sunday*, without the Payment of double the Tolls by this Act directed to be demanded and taken at such respective Gates, or of such other Tolls as the said Trustees shall direct to be collected thereat, in case the same shall be reduced in the Manner herein-after prescribed; which said respective Sums shall be demanded and taken in the Name of or as a Toll, and shall be and are hereby vested in the said Trustees, and shall be applied as herein-after is directed; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid to collect such Tolls, by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain any Horse or Horses, or other Cattle, Beasts, or Goods, or any Carriages whatsoever, upon or in respect of which such Tolls are by this Act imposed, together with their Bridles, Saddles, Gears, Harness, or Accoutrements respectively, or a sufficient Part thereof; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Five Days after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may immediately, or at any Time thereafter, sell and dispose of the Horse or Horses, Cattle, Carriage, Goods, Chattels, or other Things so seized

[*Loc. & Per.*]

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and

Power to
take Tolls.

Tolls.

Double Toll
on Sundays.

Tolls vested in
Trustees.

and distrained, or a sufficient Part thereof, returning the Overplus of the Money (if any be) upon Demand, and what shall remain unfold, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress and Sale, shall be deducted; and in case no such Seizure and Distress can or shall be effected and secured by such Collector or Person appointed to receive the said Tolls, then the same may be recovered by Action or Suit in any of His Majesty's Courts of Record at *Westminster*, or in the County Court of *Wilts*, to be brought in the Name of any Clerk to the said Trustees, or the Collector of the said Tolls where due.

Additional
Tolls on
Carriages
with narrow
Wheels, if
drawn by
Horses in
Pairs.

XVII. And be it further enacted, That if any Waggon, Wain, Cart, or other Carriage for Goods, Wares, Timber, or Stone, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth or Gauge than Nine Inches, shall be drawn upon any of the said Roads by Horses or other Beasts of Draught in Pairs (Carriages drawn by Two Horses or Beasts of Draught only excepted), then and so often as the Case shall happen there shall be paid for every Horse or other Beast of Draught drawing such Waggon, Wain, Cart, or other Carriage (except as aforesaid), an additional Toll of One Penny for each Horse or other Beast of Draught, over and above and along with the other Tolls granted by this Act; all which said additional Tolls hereby granted 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, let, 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, Exemptions, and Restrictions as are in this Act contained with respect to the other Tolls hereby granted and made payable.

Tolls to be
paid but Once
a Day.

XVIII. Provided always, and be it further enacted, That no Person or Persons who shall have paid the Toll for passing through any Turnpike or Gate to be erected across or on the Side or Sides of the said Roads, shall be liable to the Payment of any further or other Toll for passing or repassing at any Time or Times through the same Turnpike or Gate, with the same Horses, Beasts, Cattle, or Carriage, before Twelve of the Clock of the Night of the same Day; nor shall any Person or Persons who shall have paid the Toll for passing through any Turnpike or Gate to be erected on the Side of the said Roads across any Lane or Way leading into the same, be liable to the Payment of another Toll for afterwards passing on the same Day with the same Horses, Beasts, Cattle, or Carriage, through the next Gate or Turnpike to be erected across or on the Side of the said Roads; nor shall any Person be liable to the Payment of Toll at any of the Gates to be erected across or on the Side of any of the said Roads more than Twice a Day between the said Town of *Malmesbury* and the Town of *Wootton Bassett* or *Copped Hall* Turnpike, and Once a Day upon each or either of the said Branches of Road, such Person or Persons producing a Note or Ticket to the Collector of the Tolls at such respective Turnpike or Gate denoting Payment of such Toll having been before made at such principal Turnpike or Side-Gate, and which Note or Ticket the Collector of the said Tolls, to whom the said Toll shall have been so paid, is hereby required to deliver *gratis* on Receipt of the Toll if demanded.

XIX. Provided

XIX. Provided also, and be it further enacted, That if any Dispute shall arise about the Quantity of the Tolls due, or the Charges of taking and keeping any Distress, it shall be lawful for the Collector or Person distraining to retain the same, or the Money arising from the Sale thereof, as the Case may happen, until the Quantity of the Tolls due, and the Charges of seizing, distraining, keeping and selling the same (as the Case may be), shall be ascertained by some Justice of the Peace for the County of *Wilts*, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath of the Parties, or other Witness or Witnesses, and determine the Quantity of the Toll due, and also assess the Charges of such Seizure, Distress, Keeping, and Sale, and also for the Collector's and his Witnesses Attendance for that Purpose on the said Justice; all which Sums so determined or assessed shall be paid to the said Collector or other Person before he shall be obliged to return the Distress, or the Overplus after the Sale thereof, or of any Part thereof.

Disputes concerning Tolls to be settled by a Justice.

XX. And be it further enacted, That in case any Dispute, Suit or Litigation shall arise touching or in anywise concerning the Tolls to be taken at any of the Turnpikes or Gates to be erected as aforesaid, or any Seizure or Distress made for the Non-payment thereof, the Person or Persons appointed to collect the same, or having made such Seizure and Distress, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not on that Account be incompetent to give Evidence in or upon any such Dispute, Suit, or Litigation.

Collectors not incompetent Witnesses.

XXI. And be it further enacted, That no Toll shall be demanded or taken for the Passage of any Cattle or Carriage which shall be going unladen or empty for, or that shall be used only in conveying or returning unladen or empty, after having been used only in conveying Stones, Bricks, Timber, Wood, Lime, Gravel, or other Materials for repairing the said Roads, or for repairing any public Road or Highway within any of the Parishes, Hamlets, Tythings, or Places wherein any Part of the said Roads doth lie, or Dung, Marl, Soil, Mould, Ashes, Filth, Rubbish, Compost, or other Manure of what Nature or Kind soever, for manuring or improving of Lands or Gardens, or for any Furze, Heath, Turf, Wood, Fuel, Hay, Grass, Sainfoin, Potatoes, Turnips, Fodder, Corn in the Straw, or Straw to be laid up in the Houses, Outhouses, Barns, Yards, or Lands of the respective Owners thereof, and carried for their own proper and private Use or Consumption, and not for Sale; or for any Ploughs, Harrows, Drags, or other Implements of Husbandry, or Things used therein, or employed in the Management of any Farm or Lands; nor shall any Toll be taken for any Horses or Cattle going to or returning from Plough, Water, or Pasture, or for any Horse or Cattle going to be shod or farried, or returning therefrom, or for any Horses or Carriages of whatsoever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back therefrom, or for the Horses of any Officers or Soldiers upon their March or on Duty, or for any Carriages attending them, laden with their Arms, Ammunition, or Baggage, or in carrying any sick, wounded, or disabled

General Exemptions from Toll.

abled Officers or Soldiers, or returning empty after having been so used or employed; 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, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry, or Volunteer Cavalry, and rode by him in going to or returning from the Place of Exercise, provided such Persons are 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 Exemption as aforesaid; or for any Horses, Carts, or Waggons employed in the Conveyance of Vagrants, sent by legal Passes; or for any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Horse, Mare, Gelding, Mule or Afs, for conveying any Person possessing a Vote going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Wilts*, or of a Burgess or Burgesses to serve in Parliament for the Borough and Hundreds of *Cricklade*, *Highbworth*, *Staple*, *Kingbridge* and *Malmesbury* in the said County, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded; or from any Rector, Vicar, or Curate going to or returning from his own proper Parochial Church, Chapel, or other Place of Divine Worship, or visiting his sick Parishoners, or attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Roads lie; or from any Person or Persons going to or returning from his, her, or their own Parish Church, Chapel, or other Place of Worship tolerated by Law on a *Sunday*, or on any other Day on which Divine Service is or shall be ordained by Authority to be celebrated; and if any Person shall take or claim the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Owners or Drivers of Waggons conveying Military Stores not subject to Penalties for Overweight.

XXII. 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 Act contained to the contrary notwithstanding.

Penalty on Persons going through or Permitting private Passages.

XXIII. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast, or Carriage whatsoever, go or pass through or over any Land, Ground, Passage or Private Way, or through or over any Common, Waste Ground, or Place adjoining to or lying by the Side of or near to any Part of the said Roads (the same not being a public Highway), or if any Person or Persons owning or occupying any such Land, Ground, Passage, Private Way or Place, shall knowingly permit or suffer any

any Person or Persons to go, pass, or repass with any Horse, Cattle, Beast, or Carriage through or over the same; or if any Person or Persons shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons (except the Person or Persons appointed to collect and receive the Tolls hereby made payable), any Note or Ticket of the Day by this Act directed to be given by the Collectors or Receivers of the said Tolls, or any Note or Writing purporting to be such, or shall forcibly pass through any Turnpike or Gate with any Horse, Cattle, Carriage, or Beast, or shall take off or cause to be taken off any Horse or other Cattle or Beast from any Carriage, or after having passed through any Turnpike or Gate shall put on an additional Horse or Beast to any such Carriage, or shall leave or cause to be left upon or near to the said Roads, any Horse, Cattle, Beast, or Carriage, or shall unload or cause to be unladen any Goods, Merchandize, or other Things from or out of any Carriage, or shall do or cause to be done any other Act, Matter, or Thing whatsoever, thereby avoiding Payment of any of the Tolls or any Part thereof by this Act granted, or whereby the same or any of them shall or may be evaded or lessened, or in order or with the Intent to avoid or evade paying the same or any of them or any Part thereof, such Persons and every of them so offending in any of the Cases aforesaid, shall for each Offence forfeit and pay any Sum not exceeding Forty Shillings, over and besides such Damages or Punishments as he or they shall be otherwise liable to by Law.

XXIV. And be it further enacted, That in case any Part or Parts of the Roads by this Act directed to be made Turnpike, shall lead over or by the Side of any Common or Waste Land by which the Tolls hereby granted may be evaded, it shall and may be lawful for the said Trustees and they are hereby authorized and empowered to erect and make, or cause to be erected and made, any and such Fences and Ditches, in, upon, or over such Part or Parts of such Commons or Waste Grounds as they shall think necessary, in order to prevent Payment of Toll being evaded or avoided; and if any Person or Persons shall pull down, displace, damage, take, or carry away any such Fence or any Part thereof, or shall fill up or spoil any such Ditch, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

To prevent
Evasion of
Tolls on
Commons.

XXV. And be it further enacted, That it shall be lawful for the said Trustees to take in and inclose (where the same can be done), from any Common or Waste Land lying near to, or whereon any Turnpike House shall be built by virtue of this Act, a Garden Plot to each such Turnpike House suitable and convenient thereto, and to continue the same and every of them for the Use of the Gatekeeper or Collector there, without paying any Thing for the same (except a Rent not exceeding One Shilling *per Annum* to the Lord of the Soil thereof for every such Garden Plot so taken in and inclosed), so as such Garden Plot shall not exceed Five Poles square; and also to provide and maintain a Lamp or Lamps with proper Furniture at or near each Turnpike for the better lighting the same; and if any Person or Persons shall break, throw down, or damage any of such Lamps or the Posts or Irons thereof, or wilfully or maliciously extinguish any such Lamps, he, she, or they shall for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, over and above the Costs and Charges of replacing or repairing and amending such Lamps, Posts,

Power to
inclose a
Garden Plot,
and provide
a Lamp at
each Turn-
pike House.

[*Loc. & Per.*]

19 M.

Irons,

Irons, Furniture, or Work so broken, thrown down, or damaged as aforesaid.

Turnpikes,
&c. vested in
the Trustees.

XXVI. And be it further enacted, That the Right and Property of and in all the Turnpikes, Gates, Bars, Rails, Fences, Toll-houses, and Buildings with their Appurtenances, which shall be erected or provided by virtue of this Act, and also of and in the Timber, Wood, Stone, and other Materials which shall be provided for erecting, building, or repairing the same, and for making, completing, and repairing the said Roads or any of them respectively, and also of and in the Lamps, Lamp Posts, Lamp Irons, Cotton, Oil, and Furniture, for lighting the said Turnpikes, and of and in all Working Tools, Implements, Materials, and other Things which shall be got, collected, or provided for any of the Purposes of this Act, shall be and every of them and every Part and Parcel thereof respectively is and are hereby vested in the said Trustees, and they are hereby authorized and empowered to dispose thereof as they shall think proper, and to bring or cause to be brought any Action or Actions in the Name of their Clerk or Treasurer, or to prefer or order the preferring of any Bill or Bills of Indictment against any Person or Persons who shall dig up, break, or pull down, steal, take, carry away, spoil, damage, injure, or destroy the same, or any of them or any Part or Parts thereof, or disturb them the said Trustees or any of their Agents or Servants in the Possession thereof.

Trustees may
reduce the
Tolls, with
Consent of the
Mortgagees.

XXVII. 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 assembled at any Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls hereby granted for such Time or Times as they the said Trustees or any Seven or more of them shall think proper, and may afterwards from Time to Time again advance or raise all or any of the Tolls so lessened to any Sum or Sums of Money not exceeding the respective Rates herein-before granted, and to order and direct such Tolls so lessened, reduced, or advanced, to be collected, received, taken, laid out, and applied for the Purposes of this Act, in such Manner as the said Tolls are herein-after directed to be collected, levied, and applied; but no such Reduction shall be made unless the Person or Persons who shall be entitled to Five-sixth Parts of the Money which shall have been lent on the Credit of the Tolls intended to be reduced, shall be consenting thereto.

Trustees may
compound
for Tolls.

XXVIII. And be it further enacted, That the said Trustees may and are hereby empowered, from Time to Time as they shall think convenient, to compound and agree for any Term not exceeding One Year at any One Time with any Person or Persons for any Carriages, Horses, Beasts, or Cattle travelling on the said Roads or any Part thereof, for all or any of the Tolls to be paid for and in respect of such Carriages, Horses, Beasts, or Cattle; but all such Composition Money shall be paid in advance, and in default thereof the Composition or Agreement with the Person or Persons making such Default, shall from thenceforth be void, and all such Composition Money shall be applied in the same Manner as the Tolls in respect whereof such Composition is made are directed to be applied.

XXIX. And

XXIX. And be it further enacted, That it shall be lawful for the said Trustees, upon Ten Days Notice to be given thereof in Writing to be affixed upon all the Turnpikes then erected on the said Roads, from Time to Time by Writing under their Hands, to let and demise or agree to let and demise the Tolls arising at all or any of the Turnpikes or Gates erected by virtue of this Act, together with the Toll Houses and Appurtenances for collecting the same or any Part or Parts thereof respectively, to any Person or Persons who shall be willing to take or farm the same from Year to Year, or for any Part of the Term hereby granted not exceeding Three Years at any One Letting, upon Public Bidding to the best Bidder, and for the best Price that shall be offered for the same, payable at such Times to such Person or Persons, under such Conditions and Agreements and with such Sureties for the Payment thereof as the said Trustees shall think fit, and which Money so to be paid shall be applied and disposed of in such Manner as the Tolls so leased are hereby directed to be applied; any Thing in any other Law or Statute to the contrary thereof notwithstanding.

Trustees may let the Tolls.

XXX. And be it further enacted, That it shall be lawful for the said Trustees, at a public Meeting to be held in pursuance of this Act, to let to farm, either together with, or without the Tolls by this Act authorized to be taken, the additional Toll or Duty granted and made payable by virtue of an Act passed in the Thirteenth Year of the Reign of His present Majesty, intituled, *An Act to explain, amend, and reduce into One Act of Parliament the general Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England, and for other Purposes*, for every One hundred Weight, of One hundred and twelve Pounds to the Hundred, which any Waggon, Carr, or Carriage, together with the Loading thereof, shall weigh at any of the Weighing Engines which may be erected by the said Trustees on the said Roads, over and above the Weights allowed by Law, provided that the said additional Tolls or Duties be letten and applied in the same Manner as the Tolls arising at the said Gates or Turnpikes are by this Act directed or prescribed to be letten and applied.

For letting Weighing Engines.

XXXI. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to borrow and take up at Interest, upon the Credit of the Tolls arising by virtue of this Act, at all or any of the Gates or Turnpikes to be erected, such Sum or Sums of Money as they shall think necessary for carrying this Act, and the Powers and Authorities hereby in them vested, into full and complete Execution and Effect; and for that Purpose they may and are hereby empowered, by Writing under their Hands, to demise or mortgage the said Tolls, or any Part or Parts thereof, and the Turnpikes and Tollhouses for collecting the same (the Costs and Charges whereof to be paid out of such Tolls), as a Security or Securities to any Person or Persons, or their Trustee or Trustees, who shall advance any such Sum or Sums of Money, by the following Form, or by any other Form of Words to the like Effect, as the Trustees making the same shall think proper; (that is to say),

For borrowing Money

BY virtue of an Act passed in the Forty-ninth Year of the Reign of His Majesty King George the Third, intituled, *An Act [here insert the Title of this Act]* We

Form of Mortgage.

of the Trustees

for

for executing the said Act, whose Names are hereunto subscribed, in
 Consideration of the Sum of _____ to the Treasurer of the
 said Roads in Hand, paid by *A. B.* of _____ do grant,
 bargain, sell, and demise unto the said *A. B.* his Executors, Adminis-
 trators, and Assigns, such Proportion of the Tolls arising at the several
 Turnpikes or Gates erected upon or on the Sides of the Roads in the said
 Act mentioned, and of the Turnpikes and Toll-houses for collecting the
 same, as the said Sum of _____ doth or shall bear to the
 whole Sum due and owing on the Credit thereof, or charged upon the
 Term of the said Act; to be had and holden from the
 Day of _____ for and during the Continuance of the said Act,
 unless the said Sum of _____ with Interest at the Rate
 of Five Pounds *per Centum per Annum*, shall be sooner paid and satis-
 fied. In Witness whereof we have hereunto subscribed our Hands this
 Day of _____ in the Year of our Lord

Copies of all which Mortgages shall be entered in a Book or Books to be
 kept for that Purpose by the Clerk or Treasurer to the said Trustees; but
 no Money shall be borrowed upon the Credit of the said Tolls after the
 first Meeting of the said Trustees, unless Notice be for that Purpose affixed
 in Writing upon all the Turnpikes across the said Roads, at least Twenty-
 one Days before the borrowing thereof, but Securities for such Monies
 then borrowed or agreed to be advanced, or any of them, may be executed
 by the said Trustees at any subsequent or future Meeting than the Meeting
 or Meetings at which the same shall be so borrowed or agreed to be lent,
 if it shall be found requisite or convenient; provided nevertheless, that no
 Interest thereon shall commence except only from the Time or respective
 Times of Advancement thereof, and actual Payment of such Principal
 Money to the Treasurer, or other Person or Persons appointed by the said
 Trustees to receive the same; and all Persons to whom any Mortgage
 shall be made as aforesaid, or who shall be entitled to the Money thereby
 secured, may from Time to Time transfer his, her, or their Right, Title,
 Interest, or Benefit in or to such Mortgage, and the Principal and Interest
 Money, thereby secured, to any Person or Persons whomsoever, either by
 a separate Instrument, or by Indorsement on such Security, in the Form or
 to the Effect following; (that is to say),

Mortgages
may be
assigned.

Form of
Transfer,
where the
Sum exceeds
100l.

I *A. B.* do hereby transfer the within Mortgage [*if by Indorsement*] [*or,*
if by a separate Instrument] a certain Mortgage, bearing Date the
 Day of _____ of the Tolls arising at the several Turn-
 pikes or Gates erected upon or at the Sides of the Roads directed to be
 made, amended, widened, and kept in Repair by virtue of an Act of
 Parliament, passed in the Forty-ninth Year of the Reign of His Ma-
 jesty King *George* the Third, intituled [*insert the Title of this Act*] to
 made, and all my Right and Title to the Principal Money
 thereby secured, and all Interest now due and henceforth to grow due
 upon the same, unto _____ of _____ his Executors,
 Administrators, and Assigns. As Witness my Hand this
 Day of _____

Which Transfer shall be produced and notified to the Clerk or Clerks to
 the said Trustees, within Thirty Days after the Date thereof; who shall
 cause an Entry or Memorial thereof, containing the Numbers of the
 Securities, and the Dates, Names, and Additions of the Parties, and the
 Sums

Sums of Money therein mentioned to be assigned or transferred, to be made in the Book or Books to be kept for entering the said original Mortgages, for which the Clerk or Clerks shall be paid such Sum as the said Trustees shall appoint, not exceeding Five Shillings, by the Person or Persons to whom such respective Transfer shall be made, which said Book and Books shall and may at all reasonable Times be perused and inspected by any of the said Trustees, or their Treasurer, or any Mortgagee or Assignee, or other Person interested or claiming to be interested therein, without Fee or Reward; and after such Entry made (but not till then) every such Transfer shall entitle such Assignee or Assignees, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon, and such Assignee may in like Manner transfer the same again, and so *toties quoties*; but in case any Sum or Sums so to be transferred shall not exceed the Sum of One hundred Pounds, it shall be lawful for the respective Persons entitled thereto, by an Indorsement of his, her, or their Name or Names only on the Back of such Security, and without the aforesaid Form of Words, or any Witness to the signing the same, to transfer his, her, or their Right, Interest, or Property therein to any other Person or Persons who, as the Indorsée and Bearer thereof, shall be thenceforth entitled thereto; and on every such last-mentioned Transfer being made, or within Thirty Days thereafter, the same shall be produced and shown to the Clerk or Clerks to the said Trustees, to be notified in the said Book or Books, before the Holder thereof shall be entitled to receive from the Treasurer the Principal Money thereby secured, or any Interest for the same; and it shall not be in the Power of any Person or Persons, except the Person or Persons to whom the same shall be last transferred, to make void, cancel, release, or discharge the original Security, or any Money thereby due, or any Part thereof; and all Persons to whom any Mortgage or Transfer shall be made as aforesaid, shall be, in proportion to the Sum or Sums therein mentioned, Creditors on the Tolls by this Act granted in equal Degree one with another, and shall have no Preference in respect to the Priority of any Monies advanced.

Tool or under
may be trans-
ferred by In-
dorsements
only.

No Priority
of Mortgages.

XXXII. And be it further enacted, That all the Costs, Charges, and Expences relating to the applying for, obtaining, and passing this Act, shall be paid out of the Tolls arising on the said Roads, or out of the Money to be first borrowed on the Credit thereof; and that after Payment thereof the said Trustees shall from Time to Time apply the Tolls arising on the said Roads, and the Money to be borrowed on the Credit thereof, and all other Monies which shall come to their Hands by virtue of this Act, in defraying the Expences of erecting Turnpikes and Toll-houses, and making, repairing, widening, turning, altering, and improving the said Roads and Branches of Road, and in paying the Interest and Principal of the Money borrowed, and in defraying all other necessary Costs, Charges, and Expences attending the same, and carrying the Purposes of this Act into Execution, in such Manner as the said Trustees shall from Time to Time direct or appoint; but no Part of the said Monies shall be laid out in, or applied to the paving or repairing any Pavement or Causeway in any Town or Street through which any Part of the Roads by this Act directed to be made, amended, and kept in Repair, doth lead, except where any shall have been before, which shall be taken up, removed, or altered for the Purpose of widening the said Roads

Application
of the Money
raised.

[Loc. & Per.]

19 N

or

or any Part thereof, and in the Stead and Place of such old Pavement or Causeway.

To compel
Payment of
subscriptions.

XXXIII. And be it further enacted, That all Persons who have signed a Subscription Paper, or Agreement in Writing, to pay any Money for or towards the making and repairing the said Roads and Branches, or any of them, or any Part thereof, are and shall be severally and respectively liable, subject, and compellable to pay such Sum and Sums of Money so by them respectively subscribed or mentioned, according to the Purport of such Subscription or Writing, at such Time or Times, and either by one Payment, or in such Parts, Shares, or Proportions, and to such Person or Persons as the said Trustees shall for that Purpose appoint, and in Default of Payment thereof it shall be lawful for the said Trustees to sue for and recover the same in the Name of their Clerk or Treasurer in any of His Majesty's Courts of Record, by Action of Debt, or upon the Case, Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance shall be allowed.

Trustees may
widen or alter
the Roads,
&c.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby fully empowered, from Time to Time as they shall think proper, to make, widen, divert, turn, shorten, vary, or alter, within the Distance herein-after mentioned, the Course or Path of any Part or Parts of the Roads comprised in this Act, and by this Act intended to be made and kept in Repair; and that the said Roads by this Act intended to be made or amended, and kept in Repair, and any new Road or Variation of Road, may be made of any Width not exceeding Forty Feet, through any Common or Waste Ground, without making any Satisfaction for the same, and through any private or inclosed Ground or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein for the Damage they may sustain thereby; and for that Purpose it shall and may be lawful for the said Trustees, or for their Clerk or Treasurer, or any other Person or Persons by them duly authorized and deputed in their stead, to treat, contract and agree with the Owners of and Persons interested in any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons interested may sustain by the making, widening, diverting, turning, shortening, varying, or altering the Course or Path of any Part or Parts of the said Roads through such Lands and Hereditaments; and it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians and Committees, not only for and on behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Infant Wards, Femes Covert, *Cestuique* Trusts, Lunatics, Idiots or Persons of unsound Memory and Understanding, and to and for any Tenants in Fee Tail General or Special, for Life or Lives, or for Terms of Years, and all other Persons whomsoever, being respectively seised, possessed of, or interested in any such Lands or Hereditaments, to contract and agree with the said Trustees, or any Person or Persons by them authorized as aforesaid, for the Satisfaction to be made for such Damages as aforesaid, or to exchange with, sell, and convey unto them all or any of such Lands or Hereditaments, or any Part thereof, or for their Interests therein, for any the Purposes of this Act; and all Contracts, Exchanges, Sales, and Conveyances which shall be so made, shall be

valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, and other Persons respectively, shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act; and if any such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice in Writing that the said Trustees or some Person by them duly authorized and therein named, are willing to treat for the same, to him, her, or them given, or left in Writing at the Dwelling-house or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Body Politic, Corporate, Ecclesiastical or Civil, or at the House of the Tenant or Tenants in Possession of the Lands or Hereditaments through or over which any Part of such Roads are to be made, widened, diverted, turned, or altered, shall for the Space of Thirty Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or any such Case, the said Trustees shall cause such Damage and Recompence to be inquired into and ascertained by and upon the Oath of a Jury of Twelve indifferent Men of the said County of *Wilts*, who shall fix, assess, and determine what Damage will be sustained by, and what Recompence and Satisfaction shall be made to such Owners or other Persons interested, for or on account of the taking of such Lands or Hereditaments into the said Roads, or of the making, widening, diverting, turning, or altering such Roads or any Part thereof through or over the same; and in order thereto the said Trustees are hereby empowered and required from Time to Time, as Occasion shall be, to summon and call before such Jury and examine upon Oath any Person or Persons whomsoever, who shall be thought necessary to be examined concerning the Premises; and they the said Trustees shall by ordering a View, or otherwise, use all lawful Ways and Means as well for their own as for the said Jury's better Information in the Premises; and after the said Jury shall have inquired of and assessed such Damage and Recompence, the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners and other Persons interested in the Lands or Hereditaments, according to the Verdict and Inquisition of the said Jury, which said Verdict or Inquisition and Judgement, Order or Determination thereupon, shall be final, binding and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim in Possession, Remainder, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any Disability whatsoever, Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and for summoning and returning such Juries the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the said County of *Wilts*, requiring him to empanel, summon, and return Twenty-four Persons qualified to serve upon Juries, to appear before the said Trustees, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to summon and return such Number of Persons accordingly, and out of the Persons so empanelled, summoned, and returned, or out of such of them

as

as shall appear upon such Summons, the said Trustees shall and are hereby empowered and required to draw by Ballot, and to swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid, and in Default of a sufficient Number of Jurymen so returned, the said Sheriff, or his Deputy or Deputies, or the said Trustees, shall return such other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to make up the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, who shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give a Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, or appearing shall refuse to be sworn and examined, or to give Evidence, and from Time to Time to levy and apply such Fine or Fines in such Manner as other Penalties and Forfeitures are herein-after directed to be levied and applied, so that no such Fine be more than Ten Pounds upon any One Person for One Offence.

Expences of
the Jury and
Witnesses
to be paid.

XXXV. And be it further enacted, That in case any Jury shall give in, and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands, or Hereditaments, or for any Loss or Damage to be by him, her, or them, sustained, than what shall have been agreed to and offered by the said Trustees, or other Person or Persons by them authorized as aforesaid, before the summoning and returning of the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the said Trustees, or their Treasurer, out of any Money in his Hands, or to arise by virtue of this Act; but if such Jury shall give and deliver a Verdict or Assessment for the same, or a less Sum of Money than shall have been agreed to and offered by or on behalf of the said Trustees, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest or Property, or Loss or Damage as aforesaid, that then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person or Persons with whom the Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the said County of *Wilts*, not interested in the Matter in question (who is hereby required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Money shall be deemed and taken to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums of Money so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid upon Demand, after having been so ascertained and settled as aforesaid, may be levied and recovered by the like Ways and Means as herein-after provided for

for the levying and recovering of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence out of the Kingdom have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

XXXVI. And be it further enacted, That all and every such Sum or Sums of Money for Purchase, Recompence or Satisfaction to be agreed for or ascertained or assessed as aforesaid, shall be paid out of the Tolls or other Money arising as aforesaid, to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents; and upon Payment or Tender thereof to such Persons or their Agents, or in case of Refusal to accept the same, or the Parties not being to be met with, then upon leaving the same in the Hands of the Treasurer to the said Trustees, or paying the same into the Bank of *England* in manner herein-after mentioned, for the Use of such Parties or Persons, and after Ten Days Notice thereof given to such Parties or Persons, or his, her, or their Agent or Agents, or left at his, her, or their usual Place or Places of Abode, or with the Tenant in Possession of such Lands or Hereditaments, to receive such Money for Purchase, Recompence, or Satisfaction, or that the same is so paid into the Bank, as the Case may require, it shall be lawful for the said Trustees, their Surveyors, Workmen, and Agents, or any of them, to enter into and upon such Lands or Hereditaments, and to make, widen, divert, turn, or alter such Road through or over the same, in such Manner as the said Trustees shall think proper; and after the Purchase of the said Lands or Hereditaments, or Adjudication of the Value of such Lands or Hereditaments made, and Tender of Payment or Payments into the Bank, and Notice given as aforesaid, the said Trustees shall cause such Parts of the said Roads as shall be made, widened, diverted, turned, or altered through or over any private and inclosed Ground, to be well and sufficiently ditched and quick-setted, or otherwise fenced from the adjoining Lands, which said Fences shall be made immediately upon the Land or Ground being taken for the Use of the Road, at the Expence of the said Trustees, and shall for ever afterwards be supported and kept in Repair by the Occupiers of the respective Lands from whence taken; and all Lands or Hereditaments which shall be made a Part or Parts of any Road by virtue of this Act shall for ever thereafter, to all Intents and Purposes, become and be deemed a public Highway, and as such shall be amended and kept in Repair; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Interest to or in such Lands and Hereditaments.

On Payment or Tender of Money assessed, the Trustees may enter, &c.

XXXVII. And whereas by reason of the Purchases which the said Trustees are empowered and required to make by virtue of this Act, or by reason of the diverting of some Part or Parts of the said Roads, they may happen to be seized of some Piece or Pieces of Ground, over and above what shall be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees to sell and dispose of such Pieces or Parcels of Ground, either together or in Parcels, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees, before they shall sell and dispose of any Piece or Pieces of Ground as aforesaid, shall offer the same to the Person

Trustees empowered to sell Overplus Grounds, etc.

or Persons from whom the same shall have been purchased, or where the same shall arise by reason of diverting any Part or Parts of the said Roads, then to the Person or Persons whose Lands shall adjoin thereto; and in case such Person or Persons respectively shall not then and thereupon agree (except with respect to and on account of the Price thereof as hereinafter mentioned), or shall refuse (except with respect to and on account of the Price thereof) to purchase or re-purchase the same respectively, any Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County in which such Land or Ground shall be situate (who are hereby empowered and required to take the same), by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was then 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 in all Courts whatsoever 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, then the Price or Prices thereof shall be ascertained by a Jury in manner in this Act directed with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchases made by the said Trustees *mutatis mutandis*; and the Money to arise by the Sale or Sales of such Piece or Parcel of Roads or Grounds as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Trustees not
to take down
Buildings, etc.
without Con-
sent of
Owners.

XXXVIII. Provided always, and be it further enacted, That nothing herein-before contained shall extend or be deemed or taken to extend to authorize or empower the said Trustees to take down or remove any Dwelling-house or other Building, or to the taking in of any Land that is a Garden or Orchard adjoining to any Dwelling-house, or any Yard, Park, Paddock, planted Walk, inclosed Nursery for Trees, or Avenue to a House, or any Part thereof, without the Consent of the Owners or Proprietors thereof respectively, nor shall it be lawful for the said Trustees to open or cause to be opened any new Road, or any Part or Parts thereof, which they shall have made or begun to make through any private Lands or Grounds, to be travelled upon and made use of as a Road for Carriages (except only in hauling Stone or other Materials for the making the same and the Fences), nor shall it be lawful for any Person or Persons with Carriages of any kind to travel upon and use the same as a Road until the same shall be properly fenced from the adjoining Lands as herein-before directed; and the Owners or Proprietors of such adjoining Lands respectively may and are hereby empowered to obstruct and stop up such Road by such Ways and Means as they may think proper, and to continue and keep the same stopped up until the same be fenced in manner aforesaid,

XXXIX. Provided

XXXIX. Provided also, and be it further enacted, That the Map or Plan describing the Line of the said Roads and Branches, and the Lands through or over which any new Part or Parts thereof is or are to be carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, which have been deposited at the Office of the Clerk of the Peace for the said County of *Wills*, shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at any seasonable Times have Liberty to inspect and peruse the same, and take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words or Figures of such Copies or Extracts of the said Map or Reference; and that the said Trustees in making such new Roads shall not deviate more than One Hundred Yards of Three Feet each 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.

Trustees not to deviate beyond a certain Distance of the Line described in the Plan.

XL. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees to make the said new Roads into, through, across, or over the several Lands or Grounds of any Person or Persons who is or are or may be Owners or Occupiers of any Land over which the same is set out and described in the said Map or Plan as aforesaid, notwithstanding any future Change in the Owners or Occupiers thereof, or although such Person or Persons respectively shall happen to be misnamed or inaccurately described, or the Name or Names of such Person or Persons may happen to be 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 Misnomer, Error, or Omission proceeded from Mistake or Misinformation.

Trustees may make Roads although Owners or Occupiers may be misdescribed or omitted in the Reference.

XLI. And be it further enacted, That if any Money shall be agreed or adjudged to be paid for any Lands or Hereditaments purchased, taken or used by virtue of the Powers of this Act, for the Purposes thereof, shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as herein-before mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *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, or Hereditaments), in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, and Hereditaments, which shall

Application of Compensation Money when it exceeds 200l.

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 Messuages, Lands, Tenements, and Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking effect; and in the mean Time, and until such Purchase shall be made, the said Money, by Order of the said Court of Chancery, upon Application thereto, shall 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 thereof shall from Time to Time be paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

If under 200l.
and exceeding
20l.

XLII. Provided always, and be it further enacted, That if any Money so agreed or adjudged to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under 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 Lands or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under his or their respective Hands) be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by the 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 therefrom, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application
where the
Money is less
than 20l.

XLIII. Provided also, and be it further enacted, That where such Money so agreed or adjudged to be paid as before mentioned, shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy, Idiocy, or Lunacy, then to his, her, or their Guardian or Guardians Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

XLIV. And

XLIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be assessed and adjudged for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used as aforesaid, shall for the Space of Thirty Days after Notice thereof, neglect or 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 be not known or discovered, or cannot be found, then and in every such Case, it shall be lawful for the said Trustees to order the said Sum or Sums of Money so adjudged 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 Court on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, 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 any of the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to such 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, specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of not making out Titles, &c.

XLV. 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, 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 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 them respectively or under their Possession, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities, to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court, that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession at the Time of Purchase, shall be deemed entitled, unless, &c.

XLVI. 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

[*Loc. & Per.*]

19 P

under

The Court may order reasonable Expenses to be paid by the Trustees.

under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Mortgagee to convey.

XLVII. And be it further enacted, That every Mortgagee of any Messuages, Buildings, Lands, and Hereditaments which shall be purchased or acquired by the said Trustees or any of them in pursuance of this Act, his, her, or their Heirs, Executors, Administrators, and Assigns respectively, on having Six Calendar Months Notice in Writing given to him, her, or them from the said Trustees, or any Person authorized by them, of paying the Sum or Sums of Money which shall have been agreed on, or assessed and adjudged to be paid by the said Trustees for the Purchase or in Recompence for the Lands, Tenements, or Hereditaments by them purchased, taken, or used for the Purposes of this Act as aforesaid, either in full Discharge or in Part and on Account (as the Case may be) of the Principal and Interest Money which shall be due on such Mortgages respectively, shall at the End of the said Six Calendar Months next after such Notice, on Payment or Tender of the said Money assign and convey his, her, and their respective Estates and Interests in and to the said Lands, Tenements, or Hereditaments so mortgaged and purchased, or taken and used as aforesaid, to the said Trustees or any Five or more of them, or to such Person or Persons as they shall nominate and appoint, in Trust for the Uses and Purposes of this Act; and if any such Mortgagee, his, her, or their Heirs, Executors, Administrators, or Assigns, shall refuse so to do, then all Interest on every such Mortgage, from the Expiration of the said Six Calendar Months after any such Notice, shall cease, determine, and be irrecoverable either at Law or in Equity.

Trustees, &c. may enter Lands to make the Roads.

XLVIII. And be it further enacted, That it shall be lawful for the said Trustees, their Surveyor and Workmen respectively, with or without Carriages and Cattle, from Time to Time to enter upon the Lands, Grounds, and Premises, for making, widening, varying, or altering, in Manner by this Act directed, the said Roads herein-before mentioned, or any of them, and to stake out the same in such Manner as the said Trustees shall think necessary or proper, without being subject or liable to be deemed a Trespasser or Trespassers, or to any Action, Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands, Grounds, and Premises respectively, for any of the Purposes of this Act, making Satisfaction to the Occupiers of such Lands, Grounds, and Premises for the Damage that shall be done to the Land, Ground, or Premises on the Sides of any such Road that shall be made, widened, turned, varied, or altered, whilst the same shall be making, in case such Damage shall exceed the Sum of One Shilling; and if any Person shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used in laying out or marking any such Road, every Person so offending shall

shall forfeit and pay for every such Offence a Sum not exceeding Forty Shillings.

XLIX. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, and such Persons as shall be employed by him or them, or by the said Trustees, to search for, cut, dig, get, gather, take, and carry away Furze, Heath, Gravel, Stones, Sand, Mould, and other Materials requisite or proper for the making, repairing, widening, or altering of the said Roads, out of or from any Common or Waste Ground, River or Brook, without paying any Thing for the same, they the said Surveyors or other Persons filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall have been taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and where there is not sufficient of any such Materials to be procured in any Common or Waste Ground, River or Brook near to such respective Part or Parts of the Road so to be made or amended, and so that the same may be had cheaper therefrom than from inclosed Grounds, the said Surveyors or other Persons aforesaid, may by Order of the said Trustees, search for, cut, dig, get, gather, take, and carry away all or any of such Materials as aforesaid in, upon, out of, or from and over the Lands or Grounds of any Person or Persons where the same may be found or had, (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees), paying or tendering Payment for the Damage done thereby to the Owners and Occupiers respectively of the Lands or Grounds where or from whence the same shall be cut, dug, gotten, gathered, taken, or carried away, or upon over or through which the same or any other Materials so cut, dug, and gathered as aforesaid shall be conveyed, such Equivalent in Money as the said Trustees shall adjudge reasonable, and they the said Surveyors or other Persons filling up the Pits or Quarries and levelling the Ground from which such Materials shall be so taken, or causing the same to be done forthwith on discontinuing such Pits or Quarries or any Part or Parts thereof, or from Time to Time as the longer keeping open the same shall become useless or unnecessary; and in case of any Difference between the Trustees or Surveyors, and the Owners or Occupiers of private Lands or any of them, concerning such Payments or Damages as aforesaid, any Justice or Justices of the Peace for the said County of *Wilts*, shall and may, on Ten Days Notice thereof being given in Writing by either Party to the other, or to be left at their respective Places of Abode with some or one of their respective Families, hear, settle, and determine the Matter of such Payments and Damages; and the Judgement or Order of the said Justice or Justices shall be final and conclusive to all Parties, and the Money so adjudged shall be paid by the said Trustees, their Treasurer or Surveyor, on Demand.

L. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or other Person or Persons under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing the said Roads, out of or from any inclosed Lands or Grounds until Notice in Writing signed by the Surveyor shall have been given to the Land Owner or his known Agent, or to the Occupier of the Premises from which such Materials are intended to be taken,

Surveyor to get Materials to make and repair the Roads from Waste Grounds, etc.

Occupiers of Lands to have Notice before Materials are taken.

taken, or left at such Occupier's usual Place of Residence, to appear before the said Trustees or any Two or more Justices of the Peace acting for the said County of *Wilts* to shew cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier or any Agent of them respectively shall attend pursuant to such Notice, the said Trustees or such Justices shall if they think it right so to do, authorize such Surveyor or other Person or Persons to dig, get, gather, take, and carry away such Materials, at such Time or Times as to such Trustees or Justices shall seem proper, or they may order him and them to desist therefrom, and if such Owner or Occupier shall neglect or refuse to appear by himself or his Agent, the said Trustees or 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 such Owner or Occupier, or his Agent, had attended.

Penalty on taking away Materials belonging to the Road.

LL. And be it further enacted, That if any Person whomsoever shall take away any Materials which shall have been dug, got, or gathered in any Lands, Fields, Wastes, Commons, River or Brook, for the Purpose of making or amending any of the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made or opened for the Purpose of raising or procuring Materials for the said Roads, before the Surveyors or their Workmen shall have discontinued working therein for the Space of Thirty Days, (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only and not for Sale), every Person so offending shall forfeit for every such Offence any Sum not exceeding Ten Pounds.

Trustees may contract for making and repairing the Roads.

LII. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, is and are hereby empowered to contract or agree with any Person or Persons for making, widening, altering, or repairing the said Roads, or any Part or Parts thereof, and for erecting any Turnpikes, Gats, Toll-houses, Mile Stones, or Direction Posts thereon, or on the Side or Sides thereof, or for doing any other Work to be performed in the Execution of this Act, in such Manner, and for such Sum or Sums of Money as the said Trustees shall think proper; and that all Contracts and Agreements in Writing entered into in pursuance of any Order of the said Trustees shall be binding upon all Parties signing the same, his, her, or their Executors or Administrators, and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Party or Parties failing in the Execution of such Contract or Agreement.

Trustees may compound for Penalties on Breach of Contracts.

LIII. Provided always, and be it further enacted, That in all Cases where any Action or Actions, Suit or Suits, shall be brought, commenced, or prosecuted against any Person or Persons for any Penalty or Penalties contained in this Act, or for Breach or Non-performance of any Contract or Contracts entered into, it shall and may be lawful for the said Trustees from Time to Time to compound and agree for the same, for such Sum or Sums of Money as they shall think proper, instead of receiving the whole of such Penalty or Penalties, so as the Sums so compounded or agreed for shall not be less than the Injury or Damage sustained by the

Breach

Breach or Non-performance of any such Contract, and all the Costs, Charges, and Expences which shall be occasioned thereby.

LIV. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to be appointed under the Authority of this Act, or such Person or Persons as he or they shall employ from Time to Time (by Order of the said Trustees), to make or cause to be made Causeways, Drains, and Ditches, and to erect or build Arches and Bridges of Stone, Brick, or Timber, in and upon or on the Sides of the said Roads, or in any Ground lying contiguous thereto, and to scour, cleanse, and keep in Repair such Ditches, Drains, Causeways, Arches, and Bridges, and also to make or cause to be made a Road through the Ground adjoining to any narrow or ruinous Part of the said Roads (not being the Ground whereon any House or Houses or other Buildings stand, or a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House or an inclosed Ground planted and set apart as a Nursery for Trees) to be made use of as a Public Highway whilst the old Road is repairing or widening, and until such Time as it shall be fit for Passengers and Carriages to pass along the same, making such reasonable Satisfaction to the Owners and Occupiers of any private Grounds respectively through which any such Drain or Ditch shall be cut or made, or on which any such Arch or Bridge shall be built or erected, or through which any such temporary Road shall be made, for the Damages which such Owners and Occupiers respectively shall thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case of any Difference concerning the same between such Owners or Occupiers, and the said Trustees, that then it shall be lawful for the Justices of the Peace, or the major Part of them, assembled at their next General Quarter Sessions of the Peace for the said County of *Wills*, or at their Second Quarter Sessions of the Peace at farthest, (on Twenty-one Days previous Notice by either Party given to the other) to hear, settle, adjudge, and finally determine the Recompence which shall be made to such Owners or Occupiers for the Damages they shall have sustained as aforesaid.

Surveyor
may make
Causeways,
Drains, &c.

making Satisfaction to the
Owners of
Grounds.

Justices to determine Differences.

LV. And be it further enacted, That it shall be lawful for the said Trustees, or their Surveyor or Surveyors, and such Persons as they or he shall appoint (such Surveyor or Surveyors having an Order from the said Trustees for that Purpose) from Time to Time to remove and prevent all Annoyances, Nuisances, and Obstructions which are or shall be made of or to any Part or Parts of the said Roads by Timber, Stones, Carriages, Saw-pits, Hovels, Filth, Dung, Ashes, Rubbish, Straw, or of any other Kind or Thing whatsoever erected, set up, laid down, put or placed thereon, or on the Side or Sides thereof, and to dispose of the same for the Benefit of the said Roads, and to turn any Watercourses, Sinks, or Drains running into or along the said Roads to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper the same or any of them, or any other Watercourses or Ditches adjoining or lying near the said Roads, in such Manner as he or they shall think necessary; and to cut down, lop or top, at proper Seasons of the Year, any Trees, Branches, Shrubs or Bushes growing in the said Roads, or in the Hedges or Banks adjoining thereto, and being within Fifteen Feet of the Centre of the said Road (not growing in a Park, Avenue, Plantation, or Garden), and to take and carry away the same respectively (except Timber Trees), and to dispose thereof

For removing Annoyances.

thereof for the Benefit of the said Roads; and to cut down and reduce all Hedges adjoining the said Roads to the Height of Five Feet, in case the Persons occasioning such Annoyances shall neglect to remove the same, or the Owners or Occupiers of the Lands shall neglect to open, scour, cleanse, widen or deepen such Watercourses, Ditches, Sinks, or Drains, or to cut down, lop or top and remove such Trees, Branches, Shrubs, or Bushes, or reduce such Hedges in such Manner as the said Surveyor or Surveyors shall require, for the Space of Twenty-one Days next after Notice in Writing given for any the respective Purposes aforesaid, under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof to be ascertained and settled by the said Trustees, shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered in such Manner as Penalties and Forfeitures are hereinafter directed to be recovered; and such Owners or Occupiers so neglecting to open, scour, cleanse, and deepen such Watercourses, Ditches, Sinks, or Drains, or to cut and reduce such Hedges at the proper Season of the Year, within the Time aforesaid, after such Notice given, shall likewise forfeit for every Foot in Length of the same the Sum of Two-pence over and besides the Charges to be settled as aforesaid; and if after Removal of any of the said Annoyances, Nuisances, or Obstructions, any Person shall in the like Kind again offend, every such Person shall for every such subsequent Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to cut Hedges on Sides of the Roads.

LVI. 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 the Purpose from the said Trustees), to shear, clip, and cut, once or oftener in every Year, the Tops and Sides of all or any of 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; but 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.

Penalty for drawing Timber on Roads except on Wheel-Carriages.

LVII. And be it further enacted, That if any Person or Persons shall draw or cause to be drawn upon any Part of the said Roads any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon any Wheel Carriage to drag or trail upon any Part of the said Roads, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

County Bridges, etc. to be maintained as heretofore.

LVIII. And be it further enacted, That where any particular Part or Parts of the said Roads, or any Bridge, Causeway, Arch, Drain, or Sewer being in, upon, across, or over the same, have or hath been accustomed, or ought to be repaired and maintained by the County, or by any Hundred, Town, Parish, Hamlet, Tything, or Place, or by any particular Person or Persons, Body Politic or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or otherwise howsoever, every such Part of the said Roads, and every such Bridge, Causeway, Arch, Drain, or Sewer shall from Time to Time be maintained and kept in Repair by such County, District, Town, Parish, Hamlet, Tything or Place,

Place, Person or Persons, Body Politic or Corporate, and in such Manner as the same were or ought to have been respectively maintained and kept in Repair before the passing of this Act.

LIX. Provided always, and be it further enacted, That in case any Dispute or Difference shall arise of or concerning the Repair of any such Bridge, Causeway, Arch, Drain, or Sewer, as last herein-before mentioned, it shall be lawful for the Justices of the Peace for the said County of *Wilts*, or any Two or more of them, and they are hereby required and empowered at their Petty or Special Sessions, upon Application made to them by the said Trustees, their Clerk, or Surveyor for the Time being, to adjudge and determine where, how, and in what Manner such particular Part or Parts of the said Roads, and the said Bridges, Causeways, Arches, Drains, and Sewers, shall from Time to Time be respectively maintained and kept in Repair by such County, District, Town, Hamlet, Tything, Place, Persons, Body Politic or Corporate, who are or shall be chargeable with or liable to repair the same, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by Means of any Trust or otherwise howsoever.

In case of Dispute concerning them, Justices to determine the same.

LX. And be it further enacted, That all Persons who by Law are or shall be obliged to do Statute Work, or are or shall be chargeable towards the repairing and amending of any Highway in the several Parishes, Townships, Hamlets, Tythings, or Places through which the Roads by this Act directed to be made, amended, widened, diverted, altered, improved, and kept in Repair, do or shall pass, shall be liable to the Repair of the said Roads so to be made, amended, widened, diverted, altered, improved, and kept in Repair, and to perform their respective Work thereon, in such and the like Manner in every Respect as they are liable to the Repair of any other common Highway within such Parish, Township, Hamlet, Tything, or Place respectively.

Persons liable to do Statute Labour so to remain.

LXI. And be it further enacted, That it shall be lawful to and for any Two or more Justices of the Peace for the said County of *Wilts*, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Treasurer, Clerk, Surveyor, or 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 Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner

Statute Labour.

and under such Regulations and Restrictions as are or may be directed by any Law or Statute in Force and 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 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 Acts or either of them authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode, for that Purpose, by any Surveyor 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 or Effect for the Repair of the public 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 dismiss 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 to the said Trustees, and applied towards the amending of the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false and imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Trustees may
compound for
Statute Work.

LXII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to compound and agree by the Year or otherwise with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to or chargeable with the Repair of any Part of the said Roads, or of any Bridge, Arch, or Sewer, or with any Person or Persons, for the Performance of his, her, or their Statute Work thereon; and also that it shall be

be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships, or Places, or the Churchwardens or Overseers of the Poor respectively as aforesaid, by and with the Consent of the Majority of the Inhabitants of such Parishes, Townships, or Places, first had at any Vestry or other Public Meeting of such Inhabitants, to compound and agree by the Year or otherwise with the said Trustees, or any Five or more of them, for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part or Parts of the said Roads, and which Composition Monies shall be from Time to Time paid in advance and shall be applied in Repair of the said Roads, and all such Surveyors, Churchwardens, and Overseers of the Poor, shall be reimbursed the Money so by them paid, in such Manner as Surveyors of the Highways are by Law to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

LXIII. And be it further enacted, That the said Trustees at a Meeting to be held pursuant to this Act, whereof Twenty-one Days Notice in Writing, specifying the Time and Place and the Purpose for which such Meeting is intended to be held, shall be affixed upon the Turnpike Gates then erected on the said Roads, may and they are hereby authorized and empowered, when and so often as they shall think fit and necessary, to direct an Indictment or Indictments to be preferred and prosecuted at the Expence of the Revenues arising from the Turnpike Gates of the said Roads, against the Inhabitants of the County, or of all or any of the Parishes or Places through which the said Roads do or shall pass, or against every or any Person or Persons liable by reason of his, her, or their Tenure, or otherwise, to repair or amend any Part of the said Roads, or any Bridge, Causeway, Arch, Drain or Sewer, in, over, across or upon the same or any Part thereof, who shall have neglected or refused to repair or amend the same.

Trustees may order Indictments for not repairing Roads to be preferred at the Trust Expence.

LXIV. And whereas the making of the said Branch of Road from the Village of *Little Somersford* to the Turnpike Road leading from *Swindon* to *Christian Malford Bridge*, at or near the Place called *Dauntsey Gate*, by a short Deviation from the Line marked in the aforesaid Map or Plan, as the same is now proposed, with the Consent of the aforesaid Earl of *Peterborough* and *Monmouth*, to be made or done, and to pass by *Smithcot Green*, and a certain Tenement called *The School* in the Parish of *Dauntsey*, will by being more commodious, and running near to and nearly parallel with such Part of the Bridleway and Drift Road as extends from a certain Lane called *Larkmarsh Lane*, through and over Three several Inclosures of Ground in the Occupation of *Thomas Wyatt*, to the Road leading from *Dauntsey Bridge* to the aforesaid *Dauntsey Gate*, and also a certain Lane leading from nearly opposite a Messuage or Tenement in the Occupation of *Thomas Newman*, by a Messuage and Lands in the Occupation of *Jasper Sly*, to the same last mentioned Road, render such Bridleway and Lane wholly unnecessary; be it therefore further enacted, That so soon as the said Trustees shall have made and completed the said intended Turnpike Road or Branch of Road through the said Parish of *Dauntsey* fit for the Passage and Convenience of Travellers, Carriages, Horses and other Cattle, the aforesaid Bridleway leading from *Larkmarsh Lane* over the said Inclosures, and also the said Lane by *Jasper Sly's*, shall from thenceforth

For stopping certain Bridleways in *Dauntsey*.

[Loc. & Per.]

19 R

cease

cease, be discontinued, and no longer used as public Highways, and shall be vested in and become the Property of the said Earl of *Peterborough* and *Monmouth*, his Heirs and Assigns for ever, any Law, Usage, or Custom to the contrary thereof in anywise notwithstanding; and it shall be lawful for the said Earl, his Heirs or Assigns, to stop up and inclose the same, and to throw the same into his or their adjoining Lands, or otherwise convert the same to his and their own Use, and by all lawful Ways or Means to obstruct, hinder, and prevent all Manner of Persons, Carriages and Cattle from going or passing along the said Bridleway and Lane or either of them, or any Part thereof respectively.

For stopping
up certain
other Bye-
ways.

LXV. And be it further enacted, That when and so soon as the said Turnpike Roads shall be made and completed, or sooner if the said Trustees shall deem it necessary, it shall be lawful for the said Trustees, and they are hereby authorized and empowered by Writing under their Hands to order the following Bridleways and Driftways to be stopped up and discontinued as Public Roads or Highways (that is to say), a certain Bridleway and Driftway leading from and out of the first herein described Road near *Cowbridge*, through and over certain Lands belonging to the Reverend *Charles Dewell* Clerk, and *Peter Harvey Lovell* Esquire, in the several Occupations of *Joanna Beak*, *Joseph Hanks*, and *John Kayns*, to a Lane called the *Grange Lane*; and a certain Bridleway leading out of the same first described Road through and over certain Lands belonging to *Francis Thomas Egerton* Esquire, in the Occupation of *Matthew Robertson*, to an ancient Lane in the Parish of *Little Somersford*, leading to a Mill of the said *Francis Thomas Egerton*, in the Occupation of *Thomas Heath*.

Mile Stones
and Direction
Posts to be
erected.

LXVI. And be it further enacted, That the said Trustees shall cause the Roads and Branches by this Act directed to be made, amended, and kept in Repair, to be measured, and Stones or Posts to be set up or placed in or near the Sides thereof, at the Distance of One Mile from each other, denoting the Distance of any such Stone or Post from any Town or Place, and also such Direction Posts at the several Roads leading out of the said Roads hereby made Turnpike, with Inscriptions thereon denoting to what Place or Places the said Roads respectively lead, of such Height or Size, and to be erected in such Situations as they the said Trustees shall think proper; and if any Person or Persons shall wilfully break, cut down, pull up, or damage any such Post or Stone, or shall obliterate, deface, or spoil any of the Letters, Figures or Marks which shall be inscribed thereon, and be thereof convicted before any Justice of the Peace of the said County of *Wills*, by the Confession of the Party, or by the Oath of One credible Witness, such Person or Persons so offending shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Penalty on
damaging
them.

Penalty on
assaulting any
Person in the
Execution of
this Act.

LXVII. And be it further enacted, That if any Person or Persons shall assault, interrupt, hinder, or disturb, or cause, promote, or encourage to be assaulted, interrupted, hindered, or disturbed, or shall aid or assist any other Person or Persons in assaulting, interrupting, hindering, or disturbing the Collectors of the Tolls, or any or either of them, or the Turnpike Surveyor or Surveyors, or any Person or Persons employed by him or them, or by the said Trustees, in the Execution of any Part of this Act; every

Person

Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXVIII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (the Manner of levying and Recovery whereof is not herein otherwise directed), shall, upon Proof of the Offences respectively before any One Justice of the Peace for the said County of *Wilts*, or where the Offender shall be or reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witnesses or Witnesses, be recovered by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, and the Overplus, after such Penalties, Forfeitures and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Money arising by or from such Penalties, Forfeitures, and Fines when levied or paid, if not by this Act otherwise directed to be applied, shall be from Time to Time paid to the Treasurer or Treasurers to the said Trustees, and applied for the Purposes of the said Roads and of this Act; and in case sufficient Distress cannot be found, and such Penalties, Forfeitures, or Fines shall not be forthwith paid, with the Costs and Charges attending the same, it shall be lawful for any such Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place where the Offender shall be or reside, 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 same, shall be sooner paid and satisfied.

Penalties and Forfeitures how to be recovered and applied.

LXIX. And be it further enacted, That in all Cases where any Notice or Notices of Meeting of the said Trustees, or for any other the Purposes of this Act, shall be requisite to be given, affixed, or published, pursuant to the Directions of this Act, it shall and may be lawful to and for any Clerk to the said Trustees for the Time being to sign any such Notice or Notices, and every such Notice, so signed by the said Clerk, shall be as good and effectual, to all Intents and Purposes, as if the same had been signed by the said Trustees or any Number of them.

Clerk to sign Summonses and Notices for Trustees.

LXX. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; (that is to say),

For convicting Offenders.

BE it remembered, That on the _____ Day of _____ in the Year of our Lord One thousand eight hundred and _____
 A. B. is convicted before me C. D. one of His Majesty's Justices of the Peace for the County [or, Borough of _____ as the Case may be],

Form of Conviction.

in _____

‘ in the Sum of _____ for _____ [specifying the Sum, the
 ‘ Nature of the Offence, and the Time and Place when and where the same
 ‘ was committed, as the Case shall be]. Given under my Hand and Seal,
 ‘ the Day and Year first above mentioned.’

Justices may
 mitigate Pe-
 nalties to One-
 fourth, &c.

LXXI. And be it further enacted, That it shall be lawful for any Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence or Offences against this Act, (if he or they shall so think proper, but not otherwise), to mitigate, lessen, and reduce the Penalty, Forfeiture, or Fine, by this Act inflicted, incurred, or authorized to be levied or paid, to any Sum not being less than One-fourth Part of such Penalty, Forfeiture, or Fine, as he or they the said Justice or Justices shall in his or their Discretion think fit; and it shall also be lawful for any such Justice or Justices, or for the said Trustees, to reward any Informer or Informers as he or they shall think proper, so as such Reward does not exceed a Moiety of the Penalty, Fine, or Forfeiture arising from the Information of such Informer or Informers; and likewise to reimburse and allow any Constable or other Officer or Officers, or any Witness or Witnesses, for his or their loss of Time, Trouble, or necessary Expences incidental to the due Execution of his or their Duty or Attendance in Obedience to any Warrant, Summons, or Precept issued in pursuance of this Act, such Sum or Sums of Money as such Justices or Trustees respectively shall think reasonable.

Persons ag-
 grieved may
 appeal to the
 Quarter Ses-
 sions.

LXXII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, save and except the Verdict of a Jury, and any Determination, Proceeding, Matter, or Thing herein-before directed to be final, it shall be lawful for such Person or Persons to appeal to the Justices of the Peace at the next General Quarter Sessions of the Peace to be holden for the said County of *Wills*, or if the said Cause of Complaint shall arise within Fourteen Days next before such General Quarter Sessions, then such Appeal may be made to such Justices at the Second General Quarter Sessions of the Peace to be holden for the said County next after such Cause of Complaint shall have arisen, such Appellant or Appellants first giving or causing to be given Twelve Days Notice at the least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk to the said Trustees, and within Four Days after such Notice entering into a Recognizance in the Sum of Twenty Pounds before some Justice of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal, and abide the Orders of and pay such Costs as shall be awarded by the Justices at such Sessions; and the said Justices at such Quarter Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party, or Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Justices shall be final, binding, and conclusive unto and upon all Parties, to all Intents and Purposes whatsoever.

LXXIII. And

LXXIII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on the Behalf of the Party distraining before such Action brought.

Proceedings
not to be
quashed for
Want of
Form.

LXXIV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Ten Days Notice of an Intention of bringing the same shall be given to the Clerk to the said Trustees, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after the Expiration of Six Calendar Months next after the Fact committed; and every such Action shall be laid, brought, and tried in the County of *Wilts*, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may at his, her, or their Election, plead specially or the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done by the Authority and in pursuance of this Act; and if the same shall appear to have been so done, or that such Action or Suit hath been brought before Ten Days Notice thereof shall have been so given, or after a sufficient Satisfaction made or tendered, or after the Time herein-before limited for bringing the same, or shall be brought or laid in any other County or Place, than in the said County of *Wilts*, as aforesaid, then the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if such Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared or filed Common Bail therein, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs upon Affidavit made, or Certificate of the Judge before whom such Cause shall be tried, whereby it shall appear that such Suit was prosecuted against such Defendant or Defendants for any Matter contained in this Act, and shall have such Remedy for recovering the same as any other Defendant or Defendants hath or have, or may have by Law in any other Case.

Limitation of
Actions.

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

Publick Act.

1726

49° GEORGII III. *Cap.* 89.

Commence-
ment and Du-
ration of this
Act.

LXXVI, And be it further enacted, That this Act shall commence upon the Fourth *Saturday* next after the passing hereof, and shall continue and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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