



ANNO QUINQUAGESIMO SECUNDO

# GEORGI III. REGIS.

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## Cap. 56.

An Act for repairing the Roads from *Warminster*, and from *Frome*, to the *Bath* Road; and from *Woolverton* to the *Trowbridge* Road; in the Counties of *Wilts* and *Somerset*. [20th April 1812.]

WHEREAS an Act was passed in the Seventeenth Year of 17 G. 3. the Reign of His present Majesty King *George* the Third, intituled, *An Act for amending and keeping in Repair the Road from the Town of Warminster in the County of Wilts, to a Place where the Roads to Bath and Bristol divide, and from the Town of Frome to the Town of Beckington in the County of Somerset; and for repealing an Act made in the Twenty-fifth Year of the Reign of His late Majesty, relating to the said Roads, and for repairing the Road from or near the Red Lion, in the Parish of Woolverton in the said County of Somerset, to Rode Bridge, and from the said Bridge to the Turnpike Road leading from Trowbridge by White Trough to Beckington aforesaid*: And whereas another Act <sup>39 & 40</sup> was passed in the Thirty-ninth and Fortieth Years of the Reign of His <sup>G. 3.</sup> present Majesty, intituled, *An Act for enlarging the Term and Powers of an Act, made in the Seventeenth Year of His present Majesty's Reign, for amending and keeping in Repair the Road from the Town of Warminster in the County of Wilts, to a Place where the Roads to Bath and Bristol divide, and from the Town of Frome to the Town of Beckington in the County of Somerset, and other Roads therein mentioned*: And whereas the Trustees appointed in or by virtue of the said recited Acts, have

[Loc. & Per.]

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proceeded to put the same in Execution, and have for that Purpose, in pursuance of the Powers to them thereby given, borrowed considerable Sums of Money on the Credit of the Tolls thereby granted, which Sums of Money remain undischarged, and cannot be paid off, nor can the Road by the said recited Acts directed to be repaired, be properly widened, altered, improved, or preserved in a proper state of Repair, unless the Tolls are increased: And whereas the Powers and Provisions granted and contained by and in the said recited Acts have been found in many respects defective and insufficient, and it would be more convenient to the Trustees and beneficial to the said Road, if the said recited Acts were to be repealed, and further and more effectual Powers granted in lieu thereof: And whereas the Road included or described in or by the said recited Acts; that is to say, the Road from the Gate of the Churchyard in the Town of *Warminster* aforesaid, to a Place called *Thoulston*, and from thence to a Place called *Brokers Gate* in the said County, and from *Brokers Gate* over *Standerwick Common* through *Beckington* in the County of *Somerset*, and from the Town of *Beckington* through *Woolverton*, *Norton Saint Philips*, and *Hinton*, to *Midford*, and from thence to a Place in the Parish of *Southstoke* in the said County of *Somerset*, where the Roads to *Bath* and *Bristol* lately divided, and also the Road from the Town of *Frome* in the said County of *Somerset*, to the said Town of *Beckington*, to join the Turnpike Road in the same Town, leading from *Warminster* to *Bath*, and also the Road branching out of the same Road round the *Red Lion*, in the Parish of *Woolverton*, and leading to *Rode Bridge*, and from the said Bridge to the present Turnpike Road, which leads from *Trowbridge* by *White Trough*, to *Beckington*, in the said County of *Somerset*, is in many Parts narrow, steep, circuitous, and incommodious; and it would be of much Convenience and Advantage to the Public, if the said Road was widened and diverted or turned; and that it would also be a great Accommodation to the Neighbourhood and to the Public, if the present Highway leading from the said Road at *North Hill* Turnpike Gate, in the Parish of *Frome* in the County of *Somerset*, to *Clink Cross Ways*, and from thence to *Fromesfield*, in the said Parish, and there joining the said Road, was made a Turnpike Road; and if a new Road was made to branch from the said Road near the Canal Bridge, in the Parish of *Southstoke*, in the said County of *Somerset*, to join the said Road, in a Field called *Great Nibbles*, in the said Parish: And whereas it would be of great Advantage to the several Persons who have lent Money on Security of the Tolls, collected by the Authority of the said Acts, and of such Persons who may hereafter advance or lend any Money on Security of the Tolls to be collected on the said Road, if a Fund were to be established for the gradual Redemption of such Debts: 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 on the Twelfth Day of *May* next after the passing of this Act, the said recited Acts passed in the Seventeenth and Thirty-ninth and Fortieth Years of the Reign of His present Majesty, shall be and the same are hereby declared to be repealed; and that instead thereof, this Act shall from thenceforth commence and take effect, and be put in Execution, for and during the Term hereinafter mentioned, for the Purpose of more effectually

The Roads described.

17, 39 &  
40 G. 3.  
Repealed.

This act to  
be executed  
instead there-  
of.

effectually amending, widening, altering, improving, and keeping in Repair the said Road; and that this Act, and the Tolls hereby granted, shall be and are hereby made subject and liable to the Payment of all Monies which have been borrowed, or are now due and owing on the Credit of the Tolls authorized by the said recited Acts to be taken on the said Road, and of all Monies which may hereafter be borrowed on the Credit of the Tolls hereby granted, and all Interest due and to grow due thereon respectively.

II. And be it further enacted, That the Members in Parliament for the Time being for the County of *Wilts*, the Right Honourable *George Thynne*, commonly called Lord *George Thynne*, the Right Honourable *John Thynne*, commonly called Lord *John Thynne*, Sir *William Pierce Ashe* A Court Baronet, the Reverend *Charles Daubeny*, Archdeacon of *Sarum*, *Francis Dugdale Astley*, *Nathaniel Barton*, *James Bayly*, *John Bush*, *John Cockell*, *James Cockell*, *James Coles*, *Daniel Clutterbuck*, *John Gale Everett*, *James Eyre* Doctor in Divinity, *Charles Gaisford* Clerk, *Henry Goddard* Clerk, *John Griffith* Doctor in Divinity, *Robert Haynes*, *Robert Herbert* Clerk, *William Hinton*, *John Jones*, *Thomas Whittaker Ledyard*, *Richard Leng*, *Abraham Ludlow*, *Paul Cobb Methuen*, *Edward Horlock Mortimer*, *John McConnell*, *John Newton*, *Thomas Henry Hele Phipps*, *Charles Lewis Phipps*, *Michael Rowlandson* Clerk, *Edward Frowd Seagram* Doctor of Physic, *John Seagram*, *Francis Skurray* Clerk, *William Slade* Clerk, *George Smith* Clerk, *William Temple*, *Brouncker Thring* Doctor in Divinity, *Thomas Timbrell*, *Thomas Tugwell*, *Mawbey Tugwell*, *John Waldron*, *Henry Wansley the Younger*, *George Wansley*, *Peter Warren*, *George Warren*, *Benjamin Webb*, *John Whittaker*, *William Williams* Clerk, *Robert Wilson*, *Henry Penruddocke Wyndham*, and *John William Yerbury*, all residing in the County of *Wilts*; and the Members in Parliament for the Time being for the County of *Somerset*, *Admiral Mark Robinson*, *Edward Andrews*, *Charles William Baker*, *George Baker*, *John Bishop* Doctor in Divinity, *Robert Blackeney* Clerk, *Thomas Bunn*, *Thomas Swynmer Champneys*, *Charles Conolley*, *Samuel Skurray Day*, *William Dickinson*, *James Edgell*, *Joseph Frowd*, *Charles Gordon Gray*, *George George*, *George Mawhood George*, *Philip James Gibbs*, *Giles Hill* Clerk, *Thomas Strangeways Horner*, *John Houlton*, *William Ireland* Clerk, *Thomas Samuel Jolliffe*, *Twysford Jolliffe*, *Thomas Joyce*, *William Burland Keate* Clerk, *William Kelson*, *Samuel Kelson*, *Charles Knatchbull*, *John Knapp*, *Thomas Buckler Lethbridge*, *Thomas Meade*, *John Meares*, *Francis Minshull* Clerk, *Henry Mogg* Clerk, *John Morris*, *Joseph Mortimer*, *Abel Moysey*, *Benjamin Newton* Clerk, *Jonathan Noad*, *John Methuen Rogers* Clerk, *Thomas Rogers*, *Henry Sainsbury* Clerk, *William Savage*, *William Sheppard*, *Henry Sheppard*, *George Sheppard*, *Thomas Harmer Sheppard*, *John Sheppard*, *George Clark Symonds*, *John Thring*, *George Hayward Tugwell*, *William Vaughan*, *James Anthony Wickham*, *Thomas Williams*, Clerk, and *Basil Wood*, Clerk, all residing in the County of *Somerset*, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for widening, altering, turning, making, and repairing the said Roads, and for putting this Act in Execution.

III. And be it further enacted, That in case any of the said Trustees herein-before named or to be elected as herein-after mentioned, shall die, On death, &c. of Trustees, others remove to be chosen.

remove from the Counties of *Wilts* and *Somerset* respectively, or become unqualified to act, it shall be lawful for the surviving or remaining Trustees, or any Nine or more of them, at a Meeting to be held for that Purpose, to appoint one other Person, being resident within one of the Counties of *Wilts* or *Somerset*, to be a Trustee in the Room of every Trustee so dying, removing, or becoming unqualified to act; provided, that such Person so to be elected a Trustee, shall be resident within the same County of *Wilts* or *Somerset* respectively in which the Person in whose Room or Stead he shall be so elected did reside before such Death, Removal, or Incapacity; but Trustees removing from the Counties of *Wilts* or *Somerset* respectively, and returning to reside there again, shall, notwithstanding such Removal, be and continue competent to act as Trustees under this Act, until some other Person shall have been chosen in their Places respectively, Notice of the Time and Place of Meeting for every Appointment of Trustees being fixed on all the Turnpike Gates erected or continued by virtue of this Act, and also advertized in Two provincial Papers circulated in the Counties of *Wilts* and *Somerset*, at least Ten Days before every such Meeting; and all and every Persons and Person being qualified as herein-after mentioned, who shall be so appointed, shall be, and are and is hereby vested with the same Powers and Authorities for putting this Act in Execution as if they or he had been named Trustees or a Trustee in this Act.

Qualification  
of Trustees.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless at the Time of acting he shall in his own Right, or in the Right of his Wife, be in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds over and above Mortgages, Debts, and all other Incumbrances whatsoever anywise affecting the same, or be possessed of or entitled to a Personal Estate, or of a Real and Personal Estate together, to the Amount or Value of Four thousand Pounds over and above all such Incumbrances as aforesaid, or be Heir Apparent of a Person possessed of an Estate in Lands of the yearly Value of Six hundred Pounds above Reprises; and that the Person having an Estate of the yearly Value of One hundred and fifty Pounds, or a Personal Estate alone, or Real and Personal Estate together, of the Value of Four thousand Pounds as aforesaid, shall not be capable of acting as a Trustee in the Execution of this Act (except in administering the Oath herein-after mentioned at the first Meeting after passing this Act), until he shall have taken at some Meeting of the said Trustees to be held pursuant to this Act (at which Meeting not less than Five Trustees duly qualified shall be present), and also subscribed in a Book to be kept for that Purpose, an Oath or Affirmation in the Words or to the Effect following; (that is to say)

Oath of  
Trustees.

‘ 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 Messuages, Lands, Tenements,  
‘ or Hereditaments, of the clear yearly Value of One hundred and  
‘ fifty Pounds above all Mortgages, Debts, or other Incumbrances any-  
‘ wife

‘ wife affecting the same, or possessed of, or entitled to a Personal Estate,  
 ‘ or to a Real and Personal Estate together, of the Amount or Value of  
 ‘ Four thousand Pounds clear of all Debts and Incumbrances.’

‘ So help me GOD.’

Which Oath or Affirmation any One of the said Trustees, or their Clerk in their Presence at any such Meeting, is hereby empowered to administer; and if any Person shall presume to act as a Trustee in the Execution of this Act not being qualified as aforesaid, or (not being such Heir Apparent) without having taken and subscribed such Oath or Affirmation in Manner aforesaid, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall 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, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance, shall be allowed, in which Action it shall be sufficient for the Plaintiff to prove that such Person hath acted as a Trustee in the Execution of this Act, which Proof shall entitle the Plaintiff to a Verdict, unless the Defendant shall prove that he was at the Time of so acting duly qualified: Provided nevertheless, that all Acts and Proceedings which shall have been done and performed touching the Execution of this Act, by any such Person previous to his being convicted of the Offence before mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Acts of Trustees not qualified valid before Conviction.

V. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, during the Time he shall hold, either in his own Name or in the Name of any other Person for his Benefit, any Place of Profit, or shall be directly or indirectly the Farmer or Renter of the Tolls hereby granted, or Contractor, or concerned in any Bargain or Agreement for the repairing the Roads comprized in this Act, or who shall become Surety for such Farmer or Renter of the Tolls or Roads respectively, nor act or vote in any Case wherein he shall be personally interested (otherwise than as a Creditor), nor act as a Trustee at any Meeting which he shall attend, to transact Business as Agent for any other Person.

Trustees not to act when interested.

VI. And be it further enacted, That any Trustee or Trustees appointed in or by virtue of this Act, who shall be a Justice or Justices of the Peace, may and is, and are hereby authorized and empowered to act as a Justice or Justices of the Peace in the Execution of the Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding his or their being a Trustee or Trustees, provided that such Justice or Justices be not personally interested in the Matters to be adjudged by him or them, otherwise than as a Trustee or Trustees.

Persons in Commission of the Peace may Act both as Trustees and Justices.

VII. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the Hou'e known by the Name or Sign of the *Black Dog*, at *Standerwick* in the County of *Wilts*, on the Twelfth Day of *May* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall at such Meeting proceed to the Execution of this Act, and shall from

First Meeting of Trustees.

[*Loc. & Per.*]

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Time

Time to Time afterwards meet at the same or any other Place near the said Road, as often as they shall think fit, and shall and may from Time to Time, when they think proper, adjourn any such Meeting to a future Time at the same Place, or at some other convenient Place near to the said Road, as they shall think proper, for putting this Act in Execution; and if it shall happen that there shall not appear at any such Meeting, a sufficient Number of Trustees to act or to adjourn to any other Time and Place, then the Clerk to the said Trustees shall adjourn the said Meeting to, and appoint the Trustees to meet at, the Place where the last Meeting was appointed to be held, on that Day Month next after the Day on which such last Meeting was appointed to be held, and shall cause Notice thereof to be affixed on all the Toll-gates then erected or continued by virtue of this Act, at least Ten Days before such Meeting; and that the said Trustees at all their Meetings shall defray their own Charges and Expences, except in paying for the Use of the Room or Rooms where their Meetings shall from Time to Time be held for the Purposes of this Act, which shall be paid for out of the Monies to arise by virtue of this Act, so that the same shall not exceed the Sum of Twenty Shillings at each Meeting: Provided always, that Two Trustees shall be sufficient to adjourn any such Meeting.

Power to call  
intermediate  
Meetings.

VIII. And be it further enacted, That if, after any adjourned Meeting of the said Trustees made either by themselves or their Clerk, it shall be thought necessary by Five or more of the Trustees, upon some Emergency, that there shall be an earlier Day of Meeting than the Day appointed by such Adjournment, in that case the Clerk of the said Trustees on an Order in Writing to be delivered to him, signed by any Five or more of the acting Trustees, although not assembled at a Meeting, shall forthwith give Notice of such Meeting, by Writing to be affixed on all the Turnpike Gates then erected upon the said Road, at least Five Days before such Meeting, mentioning the Time, Place, and Purpose of such Meeting, as specified in the said Order; and the Proceedings of the Trustees at all such Meetings, respecting the Matters contained in such Notice, shall be as valid and effectual to all Intents and Purposes as if such Meeting had been held in pursuance of Adjournment: Provided always, that no further, or other Business shall be entered upon or taken into Consideration at any such Meetings so to be called upon any such Emergency as aforesaid, than such as shall have been set forth in the Order and Notice for calling such Meetings.

No Order to  
be repealed  
unless the  
Trustees ex-  
ceed the  
Number who  
made it.

IX. And be it further enacted, That no Order made by the said Trustees, or any Five or more of them, and entered in the Book in which their Orders are usually entered, Notice of the Intention of making such Order, and the Purport thereof, having been given at a previous Meeting of the said Trustees, and also entered in their said Book, for or concerning the executing of the Trusts, Powers, and Authorities of this Act, or any of them, shall be revoked, repealed, or set aside at any subsequent Meeting of the Trustees, unless a greater Number of Trustees than were present when such Order was made, shall be present at such subsequent Meeting and consent to such Revocation or Alteration, and no Order made at any Meeting of the said Trustees shall be repealed or altered, unless Ten Days Notice of the Intention of repealing or altering such Order, and of a Meeting to be held

held for that Purpose, shall have been given at the Meeting held previous to the Repeal or Alteration being made, and also by affixing the same on all the Turnpike Gates then standing on the said Road, and by inserting such Notice in some Newspaper circulated in the Counties of *Wilts* and *Somerset*.

X. And be it further enacted, That all Orders, Resolutions, and Proceedings of the said Trustees, made and entered into at their several Meetings, and the Names of the Trustees present at each Meeting, shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered shall be signed by a competent Number of the Trustees, such as the Case shall require, or signed by the Chairman of the Meeting, and by the Clerk of the Trustees by their Order; and such Orders and Proceedings so entered and signed shall be deemed to be original Orders and Proceedings of the Trustees, and which said Book or Books, and also the Book or Books as hereinafter directed to be kept for the registering the Mortgages and Transfers thereof, shall be deemed to be Originals, and shall be admitted as Evidence in all Courts whatsoever.

XI. And be it further enacted, That the Treasurer, Surveyor, and other Officers, already appointed by virtue of the said recited Acts, shall continue in Office until they shall die, resign, or be removed by the said Trustees, or any Nine or more of them, and shall have the like Power in all respects as if they had been appointed by the said Trustees, or any Seven or more of them, by virtue of this Act; and that the said Trustees, or any Seven or more of them, by any Writing or Writings under their Hands, may appoint such Treasurer, Surveyors, Toll-Collectors, and other Officers, as they shall think necessary to employ in the Execution of this Act, and may remove any such Officers or other Persons, or any or either of them, from Time to Time; and upon the Death, Resignation, or Removal of such Officers or other Persons, or any or either of them, the said Trustees, or any Seven or more of them, may in like Manner appoint others in their Stead, and out of the Monies to arise by virtue of this Act, may allow and pay such Salaries, and make such Allowances to such Officers and other Persons for their Services, as to the said Trustees, or any Seven or more of them, shall seem reasonable; and all and every such Treasurer, Surveyor, Toll-Collector, and other Officer of the said Road, shall from Time to Time, when thereunto required by the said Trustees, or any Seven or more of them, deliver to such Trustees, or to such Person or Persons as the said Trustees, or any Seven or more of them, 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, when, and to whom, and for what Purposes, the same and every Part thereof have or hath been applied or disposed of, together with proper Vouchers and Receipts for such Payments, and shall verify the Accounts upon Oath if thereunto required (which Oath the said Trustees, or any One or more of them, are and is hereby empowered to administer), and all such Officers and Persons shall and they are required to pay all such Monies as, upon Balance of such Account, shall appear to be in their respective Hands, to such Person or Persons as the said Trustees, or any Seven or more of them, shall

appoint to receive the same; and if any such Officers or Persons shall refuse or neglect to render or 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 on Oath, or to pay the Balance remaining in his or their Hands, when thereunto required in Manner aforesaid, or if any such Officers or Persons shall refuse or neglect to deliver up to the Trustees, or any Seven or more of them, or to any such Person or Persons as they, or any Seven or more of them, shall appoint, within Ten Days next after being thereunto required by the said Trustees, or any Seven or more of them, all Books, Accounts, Papers, and Writings, in their respective Custody or Power, anyways relating to the Execution of this Act or to the said Roads, and Complaint shall be made of any such Refusal or Neglect to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons so neglecting or refusing, shall live and reside, such Justice may and he is hereby authorized and required by Warrant or Warrants under his Hand and Seal, to cause such Officer or Officers, Person or Persons, to be brought before him, and upon his, her, or their 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, or any Seven or more of them, might have done; and if upon 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 Witness or Witnesses (which Oath such Justice is hereby empowered and required to administer without Fee or Reward), or upon Inspection of the said Accounts if produced, it shall appear to such Justice that any of the Monies which shall have been collected or received, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and he is hereby authorized and required, upon Non-payment 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 Charges of distraining and selling the same, or if such Officer or Officers, or other Person or Person, shall not appear before the said Justice unless for some sufficient Excuse, at the Time and Place by him appointed for that Purpose, or if appearing shall refuse or neglect to give and deliver to such Justice an Account or Accounts of all Receipts and Payments as aforesaid, or to verify the Truth of such Accounts or of the Articles thereof, on Oath as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and 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 or Place where he or they shall live or reside, there to remain without Bail or Mainprize, until he or they shall have delivered and settled his, her, 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 all the Money which shall appear to be in his, her, or their respective Hands,  
and



and the reasonable Charges of such Distress and Sale, as shall in that respect have been made, or until he, she, or they shall have compounded with the said Trustees, or any Seven or more of them, for the same, and shall have paid the Composition Money to the said Trustees, or any Seven or more of them, or to such Person or Persons as they shall appoint to receive the same, (and which Composition the said Trustees, or any Seven or more of them, are hereby empowered to make and receive, provided that such Composition shall be approved at the next subsequent Meeting of the said Trustees,) or until he, she, 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, or any Seven or more of them; but no Person who shall be committed for want of sufficient Distress, shall be detained in Prison upon any such Commitment for any Time longer than Six Calendar Months.

XII. Provided always, and be it further enacted, That no Person keeping an Inn, Alehouse, or other House of Public Entertainment, or who shall sell Ale, Wine, Brandy, or other Spirituous Liquors by Retail, shall be capable of holding any Place of Trust or Profit under this Act, or of being appointed a Trustee or acting as such, nor shall be capable of farming or renting the Tolls, unless he shall employ some Person to collect such Tolls, who shall not be under any such Incapacity.

No Victualler to hold a Place of Profit under this Act.

XIII. And be it further enacted, That no Trustee shall have any Voice in the Election or Appointment of any Officer or Person to hold any Office or Place of Trust or Profit under the said Trustees, by whatsoever Name he shall be described or called, unless such Trustee shall have been present at One or more Meeting or Meetings held in pursuance of the said recited Acts, or of this Act, and have acted as a Trustee within Two Years preceding the Death, Resignation, or Removal of the last Officer, or in case the Office shall be of new Appointment, then preceding the Meeting at which such new Appointment shall have been determined upon, and the Presence of such Trustee, at such Meeting or Meetings as aforesaid, shall be ascertained by his Name appearing in the Book or Books kept for the Purpose of entering all Proceedings of the Trustees.

No Trustee to vote in the Election of any Officer unless he shall have acted within a certain Period.

XIV. And be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby authorized and required to take sufficient Security from the Treasurer or Receiver, or Treasurers or Receivers, to be appointed for the Purposes of this Act, for the due and faithful Execution of his and their said Office or Offices: Provided nevertheless, and it is hereby declared, that the Security which hath been given by the present Treasurer under the Authority of the said recited Acts, shall remain and continue in full Force and Effect notwithstanding the passing of this Act, and the same shall be deemed, taken, and considered as a Security under the Authority of this Act to all Intents and Purposes, as if the said Security had been given and executed in pursuance of this Act, and the said Trustees may, if they think fit, also take such Security from any other Officer appointed or to be appointed under or by virtue of this Act.

Treasurer to give Security.

Security of present Treasurer to remain in Force.

XV. And be it further enacted, That in all Actions, Causes, Suits, Bills, Complaints, Indictments, Prosecutions, Trials, or Proceedings at Law, [Loc. & Per.] 12 Y

Actions to be brought in the Name of to

the Treasurer or Clerk, or one of the Trustees; but neither of them to be liable to the Payment.

to be had, brought, prosecuted, or defended in pursuance of this Act, the said Trustees may sue and be sued in the Name or Names of their Treasurer or Clerk, or in the Name or Names of any Five or more of the said Trustees, on Behalf of the said Trustees, and no such Action or Proceeding shall abate or be discontinued by the Death or Removal of the Person in whose Name or against whom the same shall be brought or defended, or by the Act of such Treasurer or Clerk, without the Consent of the said Trustees, or any Five or more of them, but that the Treasurer or Clerk to the said Trustees for the Time being, or Five Trustees, shall always be deemed the Plaintiff or Defendant in every such Action or Suit: Provided always, that the Treasurer or Clerk, or the Trustees or any of them, in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action or Proceeding he shall be put unto or become chargeable with, by reason of his being so made Plaintiff or Defendant.

Turnpikes to be continued and erected.

XVI. And be it further enacted, That the said Trustees, or any Seven or more of them, may and they are hereby authorized and empowered to continue all or any of the Turnpikes now standing upon or across the said Road, or on the Sides thereof, and may also cause to be erected any other or additional Turnpikes upon or across any Part of the said Road, or at or near the Sides thereof, or across any Lane or Way leading into the same, as they shall think fit; and may also erect a Toll-house at each Turnpike, or at such of them as they shall think necessary, with suitable Outbuildings thereto, and may also take in and inclose on the Sides of the said Road convenient Garden Spots to each Toll-house, not exceeding One Quarter of an Acre; and may also take down and remove all or any or either of such Turnpikes, Toll-houses, and Sidegates which have been erected, or shall be erected, by virtue of the said recited Acts and this Act, as they the said Trustees shall see occasion, and erect others in the Place thereof, or at such other Place or Places as they shall think proper.

Property of Turnpikes vested in Trustees.

XVII. And be it further enacted, That the Right and Property of all the Turnpikes, Toll-houses, Buildings, Lamps, Toll-gates, Bars, Toll-boards, Direction-Boards, Posts, Rails, and Fences, already erected by virtue of the said recited Acts, or hereafter to be erected by virtue of this Act, and the Materials of which the same do or shall consist, and the Materials which have been or shall be provided for repairing the said Road, and also all the Tools and other Requisites already or hereafter to be provided for the Purposes of the said recited Acts, or this Act, and all Books, Deeds, Writings, Maps, and Papers relating to the said Roads, shall be, and they are hereby vested in the said Trustees, and they, or any Five or more of them, are hereby empowered to dispose thereof as they shall think proper, and to bring or cause to be brought any Action or Actions, or to prefer and prosecute, or order the preferring and prosecuting of any Indictment, or to proceed in a summary Way, before a Magistrate of the County in which the Offence shall be committed, against any Person or Persons who shall steal and carry away, break down, injure, or spoil the same or any Part thereof, or disturb  
the

the said Trustees, their Agents or Servants, in the Possession thereof, and lay the Property thereof in the Name of their Treasurer or Clerk.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, absolutely to sell and dispose of any Toll-house or Toll-houses now or hereafter to be erected, and the Ground whereon the same shall stand, with the Outhouses, Gardens, and Appurtenances thereto belonging, (when they shall be considered by the said Trustees, or any Seven or more of them, to be useless and unnecessary for the Purposes of this Act) to any Person or Persons whomsoever, either by Public Auction or Private Sale, at or for such Price or Prices as they the said Trustees, or any Seven or more of them, can obtain for the same; and in case of Sale, to convey the said Toll-houses, Gardens, and Appurtenances to the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee-Simple and the Person or Persons who shall purchase the same, his, her, or, their Heirs or Assigns, shall, upon Payment of his, her, or their Purchase-Money to the said Trustees, or to any Seven or more of them, or to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trusts and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase-Money, nor be answerable for the Misapplication or Non-application thereof; or it shall be lawful for the said Trustees, or any Seven or more of them, to demise and lease the same for any Number of Years not exceeding Seven Years, for such Price or Prices, Rent or Rents, as can be gotten for the same, payable at such Times, and under and subject to such Covenants, Clauses, and Agreements, as the said Trustees, or any Seven or more of them, shall think fit, the said Trustees having a Counterpart of such Lease, and taking such other Security from the Person or Persons to whom such Lease shall be made, for the Payment of the Rent and Performance of the Covenants to be contained in such Lease, as the said Trustees, or any Seven or more of them, shall think fit.

XIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons appointed or to be appointed by virtue of this Act, Collector or Collectors as aforesaid, to demand and take the several Tolls and Duties following at each and every of the respective Turnpikes or Toll-gates, or Turnpike or Toll-gate, or Side-bar or Side-gate, already erected or which shall be erected in, upon, across, or on the Side of the said Road by virtue of this Act, and on every Day, (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night); that is to say,

For every Horse, Mare, Gelding, Mule, or other Beast, drawing every Coach, Berlin, Landau, Phaeton, Chariot, Chaise, Chair, Curricule, Hearse, Calash, or Chaise Marine, or any other such like Carriage, the Sum of Sixpence:

For every Horse, Mare, Gelding, Mule, Ass, Ox, or other Beast, drawing every Waggon, Wain, Cart, or any other such like Carriage, the Sum of Sixpence:

For every Horse, Mare, Gelding, Mule, or Ass, loaden or unloaden and not drawing, the Sum of Twopence:

For

For every Score of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Eight Pence, and so in Proportion for any greater or less Number :

For every Score of Calves, Swine, Sheep, or Lambs, the Sum of Ten Pence, and so in Proportion for any greater or less Number :

And the said respective Tolls shall be demanded and taken before any Horse, Mare, Gelding, Mule, Ass, Ox, Beast, or other Cattle whatsoever, or any Coach, Landau, Chariot, Phaeton, Chaise, Chair, Waggon, Cart, or other Carriage whatsoever, be permitted to pass through any such Turnpike or Toll-gate, Side-bar or Side-gate.

Limiting the  
Number of  
Tolls.

XX. Provided always, and be it further enacted, That the Tolls to be collected in pursuance of the Authority of this Act, shall not be payable for the same Horse or other Beast, in one Day, at more than three Gates between the Town of *Warminster* and the Place where the Roads to *Bath* and *Bristol* lately divided in the said Parish of *Southstoke*, nor at more than Three Gates between the Town of *Frome* and the said Place where the Roads to *Bath* and *Bristol* lately divided, nor at more than one Gate on the Road leading from the *Red Lion Inn*, in the said Parish of *Woolverton*, by the Village of *Road* to the *Trowbridge* Turnpike Road ; nor shall any Person, having paid such Toll for any Horse or other Beast at any Gate on the said Road, be liable to pay Toll again, on the same Day, for the same Horse or other Beast at any other Gate on the same Road which shall be less than Three Miles from the Gate at which such Payment was made.

Additional  
Toll.

XXI. And be it further enacted, That between the First Day of *November* and the last Day of *February* in every Year, there shall be demanded and taken at each and every Gate or Turnpike erected or to be erected on the said Road, an additional Toll equal to One-Half of the Toll hereinbefore authorized to be taken and made liable to be paid, for every Horse or other Beast of Draught drawing any Carriage which shall be laden with One Block of Stone, One Piece of Marble, One Piece of Metal, or One Piece of Timber ; and that every Horse or other Beast passing more than twice, and repassing more than such Number of Times in the same Day, through any Gate erected or to be erected on the said Road, shall be liable to the Payment of a further or Second Toll, in addition to the Toll first paid in that Day, at each and every Gate which such Horse or other Beast shall so pass through.

Power of  
Distress.

XXII. And be it further enacted, That the said respective Tolls or Sums of Money, and also the additional Tolls herein mentioned, shall be vested in the said Trustees, and applied as hereinafter directed ; and if any Person or Persons subject to the Payment of any or either of the said Tolls, shall after Demand thereof made, either at the Turnpike where such Toll should be collected or immediately after passing through the same, neglect or refuse to pay the said Tolls or any Part thereof, it shall be lawful for the Person or Persons appointed 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, in respect whereof such Tolls are payable together with their Bridles, Saddles, Gears, Harness, or Accoutrements, (except the Bridle or Reins of such Horse or other Beast, apart from such Horse or other Beast),

Beast), or their Loading, or any Carriage with its Loading, 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 Three Days next after the Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, or Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money (if any be), and what shall remain unfold, on Demand, to the Owner thereof, after such Tolls and the reasonable Charges occasioned by such Seizure, Distress, and Sale shall be deducted; and if any Dispute shall happen about the Amount of the Tolls due, or about the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Tolls due, and of the Charges of the Distress and Sale, and of keeping the Distress (as the Case shall happen), shall be ascertained by some Justice of the Peace for the County, Liberty, or Place where such Dispute shall arise, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties, or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall also assess the Charges of such Distress, and keeping, and Sale, and of the Collector's Attendance for that Purpose on the said Justice, all which Sums so determined or assessed, shall be paid to the said Collector before he shall be obliged to return the Distress or the Overplus after the Sale thereof, or of any Part thereof.

Dispute concerning Tolls to be settled by a Justice.

XXIII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, or any of them, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be disqualified from giving Evidence in any such Dispute, Suit, or Litigation, by reason of his, her, or their being appointed to collect such Tolls, or acting under such Authority as aforesaid.

Collectors of Tolls to be competent Witnesses.

XXIV. And be it further enacted, That all and every Toll Collector being Lessee of the said Tolls, or appointed either by the said Trustees, or any Seven or more of them, or by any such Lessee or Lessees, to collect the Tolls payable at any Turnpike or Tollgate to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname painted on a Board in legible Characters in the Front or on some other conspicuous Part of the Toll-house or Tollgate immediately upon his coming on Duty, and shall continue the same so placed during the whole Time he shall be upon such duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance of the same Powers, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in any ways hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Sur-

For preventing Toll Collectors from taking undue Tolls.

name to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket to denote the Payment of the Toll when demanded, or shall unnecessarily detain any Passenger or Passengers; or shall make use of any scurrilous or abusive Language to any Trustee, Treasurer, Clerk, Surveyor, or other Officer, or any Passenger or Passengers; or if any Person shall molest or insult such Toll Collector whilst in the due Execution of the Powers of this Act, then and in every such Case every such Toll Collector, or Person or Persons as aforesaid, shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Carts drawn  
by one Horse  
liable to be  
weighed.

XXV. And whereas no Cart or other Carriage drawn by one Horse or Two Oxen, at present is subject to be weighed, and great Injury is done to the said Road from the heavy Loads carried thereby; be it therefore enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to order or cause any such Cart or other Carriage, although the same shall be drawn only by one Horse or Two Oxen, to be weighed at any Weighing Engine now or hereafter to be erected upon any Part of the said Road; and in case any such Cart or other Carriage, with the Lading thereof, shall exceed One Ton Weight in Summer, or Eighteen Hundred Weight in Winter, the same to be computed as in the Act of the Thirteenth Year of the Reign of His present Majesty is specified, to cause to be demanded and taken such Sum of Money for Overweight, as would have been payable by virtue of the said Act of the Thirteenth Year of the Reign of His said Majesty, or any subsequent Act made for altering or amending the same Act, in case such Cart or other Carriage had been drawn by more than one Horse or Two Oxen, and which Sum of Money shall be recovered in like Manner as by the said Act is directed with respect to the Sums thereby made payable for Overweight of Lading.

Penalty on  
suffering Car-  
riages liable  
to pass with-  
out being  
weighed.

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

XXVII. Pro-

XXVII. Provided always, and be it further enacted, That no Toll Exemptions  
from Toll. shall be demanded or taken for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Road, or any of the Roads in the Townships or Parishes in which any Part of the said Road lies; or with Seed for seedling the Ground in the said Parishes; or Hay, Turnips, Straw, or Corn in the Straw only, not bought, sold, or disposed of, but passing to be laid up or placed in the Houses, Barns, Outhouses, or Yards, or on the Lands of the Owners thereof; or for any Horse, Beast, or other Cattle, or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, or Manure (Chalk and Lime excepted,) employed in Husbandry or for manuring or improving Lands; or for any Horses or other Beasts going to or returning from Pasture or Watering Place, or going to be or returning from being shod or farried; or from any Person or Persons going to or returning from his, her, or their proper Parochial Church, Chapel, or other Place of Religious Worship on *Sundays*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or going to or returning from attending the Funeral of any Person, who shall die and be buried in any of the Parishes, in which the said Road lies; or from any Clergyman going to visit or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty; or for any Horses or Carriages, of whatever Description, employed or to be employed in conveying or guarding the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying or guarding the same; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty or for any Horse or Horses, or other Beast, or any Cart, Carriage, or Waggon, employed in carrying or conveying, or returning therefrom, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying or conveying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, or Barrack or Commissariat, or other public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from having been so employed; or for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry, or Volunteer Cavalry, or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements, according to the Regulations of such Corps at the Time of claiming the Exemption; or for Horses, Carts, or Waggon travelling with Vagrants sent by legal Passes, or returning after having been so employed; or for any Horses, Coaches, or other Carriages, going to  
or

or returning from any Election of a Knight or Knights of the Shire, to serve in Parliament for the said County of *Wilts*, or County of *Somerset*, on the Day or Days of such Election, or the Day before or Day after such Election shall begin or be concluded; and if any Person shall, by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, one Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Exempting  
Carriages  
conveying  
King's  
Stores, &c.  
from Penal-  
ties for Over-  
weight.

XXVIII. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, or Barrack, or Commissariat, or other public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall, while so employed, be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses drawing the same, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament, relating to Highways or Turnpike Roads, or in this Act, contained to the contrary notwithstanding.

Power to  
lessen Tolls.

XXIX. And be it further enacted, That the said Trustees, or any Seven or more of them, may and they are hereby authorized and empowered, from Time to Time as they shall think proper, to lessen or reduce all or any Part or Parts of the several Tolls hereby granted, at all, any, or either of the said Gates, and to raise them again to any Sum not exceeding the Tolls respectively hereby granted, and also wholly to suspend and discontinue the Payment of all or any Part or Parts of the several Tolls hereby granted at any or either of the said Gates, and to renew and collect them again, so that the same do not exceed the Tolls by this Act granted, and so that such Reduction be with the Consent of the Persons who shall be entitled to Five-sixth Parts at least of the Money then due on the Credit of such Tolls; but such Reduction or Suspension shall not be made, unless Notice in Writing be given of a Meeting to be held for that Purpose, by affixing the same upon all the Turnpike Gates then erected on the said Road, and by advertising the same in some Newspaper usually circulated in the Neighbourhood of the said Road, at least Ten Days before the Meeting for making such Reduction or Suspension, except in the first Year after the Commencement of this Act, when such Tolls may be lessened or reduced without such Consent and Notice; and such Tolls so lessened, varied, or reduced, or raised again, shall be vested in the said Trustees, and shall be collected, recovered, levied, paid, and applied, in the Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

XXX. And



XXX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, if they shall think proper, to mitigate any additional Toll or Tolls that shall or may at any Time or Times become due and payable, for or in respect of any Waggon, Wain, Cart, or Carriage, passing or being drawn on the said Road, or any Part thereof, and being of a greater Weight, with the Loading thereof, than by Law is allowed, provided that no such additional Toll at any one Time shall be mitigaged to any Sum less than One-third Part thereof.

Mitigating  
Tolls on  
Overweight.

XXXI. And be it further enacted, That the said Trustees, or any Seven or more of them, may, and they are hereby empowered, after giving Fourteen Days Notice in two Provincial Newspapers circulated in the Counties of *Wilts* and *Somerset*, and also by Writing to be affixed upon all the Turnpike Gates erected on the said Road, the Tolls whereof are intended to be leased, from Time to Time to lease and demise the Tolls granted by this Act, or any Part or Parts of such Tolls, and also the additional Tolls for Overweight to be collected or received at such Gates, and the Penalties payable for the Evasion of Tolls, by public Auction, for a Term not exceeding Two Years at one Time, for the best Price that can be gotten for the same, and to put up and offer the said Tolls to be let from the First Day of *October* next after the passing of this Act, and to put up and offer the same to be let in future Years at such Annual Sum or Sums of Money, and under such Conditions, and to direct the same Tolls to be paid by the respective Lessee or Lessees thereof, at such Times and under such Covenants as the said Trustees, or any Seven or more of them, shall think fit, the said Trustees having a Counterpart of such Lease or Leases, and taking such other sufficient Security from the Person or Persons to whom any such Tolls shall be leased and demised, for Payment of such Rents, and Performance of the Covenants to be reserved and comprized in such Lease or Leases, as the said Trustees shall think fit: Provided always, that no Lease shall be valid if granted to any Person or Persons who shall be or become Trustees under this Act, or in which any of the said Trustees shall have any Interest or Concern, unless such Trustee shall, previous to any Offer made by him, or on his Account, declare in Writing, to be delivered to the said Clerk, that he intends to make such Offer: Provided further, that no Lessee of the said Tolls shall assign the said Lease, or let or demise the same Tolls or any Part thereof, to any Person or Persons whomsoever, without the previous Consent of the said Trustees, or any Seven or more of them, obtained at a Meeting, and entered in their Book; and that any Assignment, Lease, or Demise, made without such Consent, is hereby declared to be null and void; and that any Person in Possession of any Tollhouse by virtue of any such Assignment, Lease, or Demise, made by such Lessee of the Tolls as aforesaid, shall and may be removed by the said Trustees, in such and the same Manner as is hereinafter declared concerning the Removal of Lessees at the Expiration of their Leases.

Trustees may  
lease Tolls.

XXXII. Provided also, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to prejudice, determine, or make void the Lease of the Tolls made and entered into by the said Trustees, under and by virtue of the Powers contained in the

Lease under  
former acts  
to remain  
valid.

[*Loc. & Per.*]

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said

said recited Acts, nor any of the Powers, Provisoos, Covenants, Clauses, Matters, or Things, contained in the said Lease, nor any Bond or Obligation made and entered into by the Lessees of such Tolls, or other Person or Persons in respect thereof; but the same and every Part thereof shall be of Force, Effect, and as valid in every Respect as if such Lease, Bond, or Obligation, were made and entered into under and by virtue of the Powers contained in this Act; and the Tolls as are now payable and received at the Gates erected on and by the Side of the said Road, shall continue to be paid and received until the Expiration of the said Lease.

Lessees, or Persons appointed by them, may collect the Tolls.

XXXIII. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof shall be leased, demised, or in farm to any Person or Persons whomsoever, it shall be lawful for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall by Writing or Writings under his, her, or their Hand or Hands authorize or appoint, to demand and take the said Tolls, and to use all such Means and Methods for the Recovery thereof, in case of Non-payment or Evasion, as the Collectors to be appointed under or by virtue of this Act, are by this Act empowered to use.

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

XXXIV. And be it further enacted, That if upon or after any letting or Agreement for letting the said Tolls or any Part thereof, or any Weighing Machine or Machines to be erected on the said Road, any Default shall be made in Payment of the Rent agreed to be paid for the same, or any Part thereof, on the Days and Times appointed for the Payment thereof, then and in such Case the said Trustees, or any Five or more of them, shall, and may and are hereby empowered, at any Meeting to be held after Seven Days previous Notice of the holding of such Meeting shall be given to the Lessee or Lessees of the said Tolls, or Weighing Machine, or Machines, and also affixed Seven Days before such Meeting at or upon all the Turnpike Gates then erected, or standing upon, or across the said Road, to declare any Lease of the said Tolls, or Weighing Machine, or Machines, or any Contract or Agreement for letting the same, void, and the same shall be thereupon void, to all Intents and Purposes, from the Time of such Declaration; but in such Case the said Lessee or Lessees, or his or their Surety or Sureties, shall nevertheless be liable for all Rents and Arrears of Rent then due and owing upon or by virtue of any such Lease, Contract, or Agreement, and for all Costs, Charges, Damages, and Expences, which the said Trustees or their Treasurer, for the Time being, shall or may pay, sustain, or be put unto, by reason of the Non-performance of any Covenant or Agreement, Covenants or Agreements, to be contained in any such Lease, Contract, or Agreement, on the Part of such Lessee or Lessees.

For expelling Lessees of Tolls at Expiration of Leases, or on the same Leases being declared void.

XXXV. And be it further enacted, That if the Lessee or Lessees of any of the Tolls hereby granted, or of any Weighing Machine or Machines to be erected on the said Road, or any Person or Persons claiming under him or them, shall at or at any Time after the Expiration of the Term for which such Tolls, or Weighing Machine, or Machines, shall be leased, or for the Space of Two Days after the demise of such Tolls,

Tolls, or Weighing Machine or Machines, shall be declared void as aforesaid, refuse to deliver up the Possession of the Tollhouse or Tollhouses, Buildings, and Premises, which shall have been demised to him or them; with the Tolls so leased, or the Possession of any such Weighing Machine or Machines, with the Buildings and Appurtenances thereto belonging, it shall be lawful for any Justice of the Peace for the County, Liberty, or Place, where such Tollhouse or Tollhouses, Weighing Machine, or Machines, Buildings, and Premises, shall be situate respectively, by Warrant under his Hand and Seal, to order the Constables or other Peace Officers of the Parish or Place where such Tollhouse or Tollhouses, Weighing Machine or Machines, Buildings, and Premises, shall be so situate, or any other Person or Persons to whom such Warrant shall be specially directed, with proper Assistants, to enter such Tollhouse or Tollhouses, Buildings, and Premises respectively, 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 such Tollhouse or Tollhouses, Buildings, and Premises, and to put any Person or Persons whom the said Trustees, or any Five or more of them, shall appoint, in Possession of the said Tollhouse or Tollhouses, Weighing Machine, or Machines, Buildings, and Premises, so that the Tolls payable thereat may from thenceforth be received and taken for the Use of the said Trustees, to be applied as by this Act is directed.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, at any Meeting or Meetings to be held for that Purpose, to borrow and take up at Interest; (such Interest not to exceed Five Pounds *per Centum per Annum*) on the Credit of the Tolls arising by virtue of this Act, such Sum or Sums of Money as they shall from Time to Time think fit, so as the Monies already borrowed under the said recited Acts, and which may be borrowed under and by virtue of this Act, do not exceed in the whole the Sum of Ten thousand Pounds; and the said Trustees may and they are hereby empowered 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 of such Mortgages to be paid out of such Tolls) as a Security to any Person or Persons, or their Trustees, who shall advance such Sum or Sums of Money, which Mortgages shall be signed and sealed by the said Trustees, or any Seven or more of them, and be in the Words or to the Effect following; (that is to say)

Power to borrow Money and mortgage Tolls.

BY virtue of an Act, passed in the Fifty-second Year of the Reign of His present Majesty King George the Third, intituled, *An Act* [here set forth the Title of this Act] We whose Hands and Seals are hereunto subscribed and set, being Seven of the Trustees for executing the said Act, in Consideration of the Sum of \_\_\_\_\_ to the Treasurer of the said Road in hand, paid by \_\_\_\_\_ do grant, bargain, sell, and demise, unto the said \_\_\_\_\_ Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, and of the Turnpikes and Tollhouses for collecting the same, as the said Sum of \_\_\_\_\_ doth or shall bear to the whole Sum now due and owing, or hereafter to be advanced on the Credit thereof, to be had and holden from this \_\_\_\_\_ Day of \_\_\_\_\_ for and during the Continuance of the said Act, unless the said \_\_\_\_\_ Sum

Form of Mortgage.

‘ Sum of \_\_\_\_\_ with Interest at the Rate of \_\_\_\_\_  
 ‘ *per Centum per Annum*, to commence and be computed from the  
 ‘ Day of \_\_\_\_\_ shall be sooner paid and satisfied.  
 ‘ Given under our Hands and Seals, this \_\_\_\_\_ Day of \_\_\_\_\_  
 ‘ in the Year of our Lord \_\_\_\_\_

Mortgages  
to be entered  
in Books.

And Copies of all such Mortgages shall be entered and numbered progressively in a Book or Books to be kept and provided for that Purpose by the Clerk or Treasurer to the said Trustees; and all Persons to whom any Mortgage shall be made as aforesaid, or who shall be possessed of any such Mortgage, or of any Mortgage, Warrant, Order, or other Security, heretofore made or given under the Authority of the said recited Acts, or who shall be entitled to any Money thereby respectively secured, may, from Time to Time, transfer his, her, or their Right, Title, Interest, or Benefit, in and to the said Mortgages, Warrants, Orders, or other Securities respectively, and the Principal Monies and Interest thereby secured to any Person or Persons whomsoever, by Indorsement on such Mortgages, Warrants, Orders, or other Securities, in the Words or to the Effect following; (that is to say)

Form of  
Transfer.

‘ I Do transfer this Mortgage, [*or, this Warrant, &c, as the Case*  
 ‘ *may be*] with all my Right and Title to the Principal Monies  
 ‘ thereby secured, and all the Interest now due, or hereafter to grow due,  
 ‘ upon, or in respect, thereof unto  
 ‘ Executors, Administrators, and Assigns. Dated this \_\_\_\_\_ Day of \_\_\_\_\_  
 ‘ in the Year of our Lord \_\_\_\_\_

‘ Witness C. D.’

‘ A. B.’

Memorial of  
Transfer to  
be registered.

Which said Transfer shall be produced and notified to the said Clerk or Treasurer, who shall cause an Entry and Memorial to be made thereof, in the beforementioned Book or Books containing the Number, Date, Name of the Parties, and Sum of Money therein transferred, for which the said Clerk or Treasurer shall be paid the Sum of Five Shillings and no more; which said Book or Books shall and may, at all seasonable Times, be perused and inspected without Fee or Reward; and after such Entry made, every such Transfer shall entitle such Assignee, his, her, or 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*; and it shall not be in the Power of any Person or Persons making such Transfer, to make void, release, or discharge the original Security, or any Monies due thereon, or any Part thereof; and all Persons who shall be possessed of or entitled to any such Mortgage, Warrant, Order, or other Security as aforesaid, shall, in Proportion to the Sum or Sums thereby secured respectively, be Creditors on the Tolls by this Act granted, and on the said Turnpikes and Tollhouses, in equal Degree one with another, and shall have no preference in respect to the Priority of advancing their Money or of the Dates of the Securities.

Creditors to  
have no Pre-  
ference.

Trustees not  
personally  
liable for  
Money bor-  
rowed.

XXXVII. Provided always, That the Trustees appointed or to be appointed by virtue of this Act, or the Trustees who acted in the Execution of any of the former Acts relating to the said Road, shall not be subject to or charged with the Payment of any Sum or Sums of Money, by

by reason of their having signed or executed any Mortgage, Warrant, Order, or other Security, made or to be made as aforesaid.

XXXVIII. And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may, if thereunto required, receive in and cancel all or any Mortgages, Warrants, Orders, or other Securities, now standing out, that were made by virtue of the said former Acts, or any or either of them, and give and execute a Mortgage or Mortgages in lieu thereof respectively, in the Form hereinbefore directed, or as near thereto as the Case will admit, the Person or Persons requiring such new Mortgage or Mortgages, paying the Expences thereof; and the said Trustees are hereby authorized and empowered to order and direct, that the present Mortgagees of the said Road shall produce, by themselves or their Agents, at a Meeting of the said Trustees, their respective Securities, and deliver in Writing the Name and Residence of the Person or Persons then entitled to the Money respectively due thereon.

Old Mortgages, if required, to be cancelled, and new ones granted.

XXXIX. And be it further enacted and declared, That as well the Tolls already collected or levied by virtue of the said former Acts, as also the several and respective Tolls hereby granted and made payable, and which have been or shall be collected at any of the said Gates already erected, or which shall be erected or continued by virtue of this Act upon or on the Sides of the said Road, shall be subject and liable to the Payment of all Monies now due and owing on Mortgage, Deeds Poll, or otherwise howsoever, and all Interest due and to grow due for the same, in such Manner as if such Monies were borrowed on the Credit of this Act; and the said Trustees, or any Seven or more of them, are hereby authorized and required to pay and discharge the said Monies due on Mortgage, Deed Poll, or otherwise, and Interest due and to grow due for the same, out of the Tolls which have been or shall be collected or received at the Gates already erected, or which shall be erected or continued by virtue of this present Act.

Tolls liable to payment of Money now due on Mortgage.

XL. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, as and when their Funds will admit, and they shall deem it expedient, to allow and pay, and to order and direct, that as well all and every Sum and Sums of Money heretofore due and owing on the Credit of the said Tolls, as also all and every Sum and Sums of Money to be borrowed in pursuance of this Act, shall bear an Interest not exceeding the Rate of Five Pounds *per Centum per Annum*.

Power to raise the Interest.

XLI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, or any Number of them, to give, execute, or deliver, to any Person or Persons, any Mortgage under the Authority of this Act, for a greater Principal Sum than Two hundred Pounds, notwithstanding the said Trustees shall borrow and take up at Interest of the same Person or Persons, at one and the same Time, a greater Sum of Money than Two hundred Pounds, and notwithstanding they shall be required to exchange and give a new Mortgage or Mortgages in lieu of any Security or Securities now standing out and remaining unsatisfied, which were granted by virtue of the said recited Acts, or

No Mortgage to be for a greater Sum than 200l.

[*Loc. & Per.*]

either of them; but that the Monies to be advanced or secured as aforesaid, shall be secured by separate Mortgages for Two hundred Pounds each, or for any less Sum or Sums of Money, as the said Trustees, or any Seven or more of them, and the Person or Persons to receive such Security or Securities shall agree upon.

Application  
of Tolls and  
Money bor-  
rowed.

XLII. And be it further enacted, That out of the Monies already received by virtue of the said recited Acts, or out of the Monies which shall be collected, raised, or received, by virtue of this Act, the said Trustees, or any Five or more of them, shall, in the First Place, pay and discharge all the Costs and Expences relative to the obtaining and passing of this Act, together with legal Interest for Money advanced by any Person or Persons for that Purpose, and the Remainder of such Money shall from Time to Time be applied in repaying all Principal Monies by this Act charged upon the said Tolls, with legal Interest for the same, and all Principal Money hereafter to be borrowed by virtue of this Act, and the Interest to grow due thereon, and all Monies due at the passing of this Act for repairing and improving the said Road, and the annual Sum of Money to be invested, as is hereinafter directed, for the Purpose of redeeming the Debt due for Money borrowed and to be borrowed on the Security of the said Tolls, and in repairing, improving, and rendering commodious the said Road, and in putting this Act in all other Respects in Execution, but without Prejudice to the Payment of the Yearly Sum of Fifteen Pounds, now payable to the Trustees for putting in Execution an Act, made in the Thirty-second Year of the Reign of His present Majesty, intituled, *An Act for enlarging the Term and Powers of an Act of the Fifth Year of His present Majesty, for repairing several Roads leading from the Town of Warminster in the County of Wilts, and for amending several other Roads in or near the said Town; for repairing several Roads in and leading through the Town of Warminster; for paving and repairing the Footways, and regulating the Market, within the said Town of Warminster.*

Clause for  
Diminution  
of Debt.

XLIII. And be it further enacted, That the Sum of One hundred and Fifty Pounds shall Yearly and every Year, from and immediately after the First Day of *February* next after the commencement of this Act, be taken by the said Trustees from the said Tolls, and shall be laid out by Four equal Quarterly Sums, on the First Day of *May*, the First Day of *August*, the First Day of *November*, and the First Day of *February*, in every Year, the First Quarterly Investment to be made on the First Day of *May* One thousand eight hundred and thirteen, in the Names of any Four of the said Trustees, who shall be chosen for that Purpose at a Public Meeting, at which Nine Trustees shall be present, in the Purchase of Three Pounds *per Centum* Consolidated Annuities, or such other Stock or Government Securities as the said Trustees, or any Nine or more of them, in their Discretion shall think fit; and also that all Dividends which shall arise and become payable for and on Account of such Stock or Government Securities as shall be so purchased as aforesaid, and also all Dividends which shall arise and be payable from such Accumulation of the said Stock, as is next hereinafter directed to be made, shall half yearly, or as soon as any such Dividends shall, from Time to Time, accrue and become payable, be laid out in the Names of the same Trustees, or their Successors, in the Purchase of Three Pounds

Pounds *per Centum* Consolidated Annuities, or such other Stock or Government Securities as aforesaid, and so on from Time to Time during the Continuance of this Act, until such Stock or Government Securities, so to be purchased as aforesaid, shall be worth to be sold the Sum of Seven thousand Pounds Sterling, or such other Sum of Money as shall be sufficient to reduce the Debt then due on the Security of the said Tolls, to the Sum of Three thousand Pounds Sterling; and then, and not before, the said Three Pounds *per Centum* Consolidated Annuities, or other Stock or Government Securities so to be purchased as aforesaid, shall be sold, and the Money arising therefrom shall be immediately applied in the Discharge of the Debts which shall be then due on the Credit of the said Tolls, as far as the same will extend, in exact Proportion to the several Debts, so that the same Sum *per Centum*, according to an equal Rate, shall be paid or tendered to every Creditor: Provided always, that if any Creditor or Creditors shall refuse to accept the Part of his or their Debt which shall be so tendered to him or them as aforesaid, or to sign a proper Receipt for the same, then the Money so to be tendered to him or them as aforesaid, may be forthwith applied in Payment or Part-payment of any other Mortgage Debt or Debts which shall be due on the Credit of the said Tolls, in such Manner as the said Trustees, or any Nine or more of them, shall think proper: Provided also, that if any Trustee or Trustees shall sell out, or cause to be sold out, the Money to be invested in the Public Funds, or Government Securities, as aforesaid, or any Part thereof, before the same shall amount in Value to, and shall produce the Sum of Seven thousand Pounds Sterling, or such other Sum of Money as shall be sufficient to reduce the Debt to Three thousand Pounds as aforesaid, at the least, except by way of Transfer to any new Trustee or Trustees to be appointed pursuant to this Act, in the Manner hereinafter mentioned, and also except a Sale for the Purpose of vesting the same on Mortgage Security as hereinafter is mentioned; or if any Trustee or Trustees shall sign an Order for that Purpose, except as aforesaid; or if any Trustee or Trustees, or their Treasurer, shall misapply the Monies so directed to be laid out in the Public Funds as aforesaid, or any Part thereof, or the Stock or Government Securities, in which the same shall be so invested as aforesaid, or any Part thereof, or the Monies which shall be produced by the Sale of such Stock or Government Securities, or any Part thereof, then every such Trustee and Treasurer so offending shall severally forfeit double the Sum which shall be so prematurely sold, ordered to be sold, or misapplied as aforesaid, to be recovered, with full Costs of Suit, by any Four other Trustees, in any of His Majesty's Courts of Record at *Westminster*, by action of Debt, Bill, Plaint, or Information, wherein no Essoign, Privilege, or Wager of Law, or any more than One Imparlance, shall be granted or allowed; and the Money so to be recovered, to be immediately laid out and applied in the Purchase of Three Pounds *per Centum* Consolidated Annuities, or other Stock or Government Securities as aforesaid, in the Names of the said Trustees, to be chosen in Manner aforesaid, upon the Trusts and for the Purposes for which the Money so prematurely sold, or ordered to be sold, or misapplied as aforesaid, was held.

Penalty on Trustees for Misapplication of the Fund for the Redemption of the Debt.

XLIV. Provided always, and be it further enacted, That if the Treasurer of the said Trustees for the Time being, shall neglect or omit to lay out the quarterly Sum of Thirty-seven Pounds Ten Shillings, together with such Dividends as shall be then due, or any Part thereof,

Treasurer to forfeit 5l. for every Neglect of purchasing

Government Securities.

in the Public Funds, in Manner aforesaid, for the Space of Six Calendar Months next after any or either of the Days hereinbefore appointed for that Purpose, then, and in every such Case, such Treasurer so offending shall forfeit and pay the Sum of Five Pounds, to be added to the Fund for Redemption of the said Debt, unless he shall prove, to the Satisfaction of the said Trustees, or any Nine or more of them, that he had not in his Hands during such Period of Time, any Monies sufficient and applicable to the Purpose aforesaid, arising from the Tolls, Dividends, and other Monies to be collected and raised by virtue of this Act, nor any other Means for procuring the same.

Redemption of Debt to cease when it shall be reduced to 30000l.

XLV. Provided also, and be it further enacted, That if, when the said Sum of Seven thousand Pounds, Part of the Monies borrowed and to be borrowed on the Credit of the said Turnpike Tolls, shall be paid off and discharged, there shall remain due on the Credit of the said Tolls, by Means of any future Loan or otherwise, any larger Sum than Three thousand Pounds, then the said yearly Sum of One hundred and Fifty Pounds shall continue to be laid out and to accumulate in the Public Funds in Manner aforesaid, and shall be applied in Discharge of all Sums then due on the Credit of the said Tolls, over and above the Sum of Three thousand Pounds; and when and as soon as the whole of the Debt due on the Credit of the said Tolls shall be reduced to Three thousand Pounds, the investing of the said yearly Sum of One hundred and Fifty Pounds in the Public Funds, and the Accumulation thereof, shall cease and be discontinued, during the Time the Debt due on the Security of the said Tolls shall amount only to Three thousand Pounds; but such Investment shall again commence in case of any future Loan, whereby the said Debt shall be increased to more than Three thousand Pounds, and shall be continued at all Times when the Debt amounts to more than that Sum.

Power to lay out further Sums in redeeming the Debt.

XLVI. Provided also, and be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, if they shall deem it expedient, to lay out any further Sum or Sums of Money arising from the said Turnpike Tolls, or from the lawful Gift, Grant, Lease, or Subscription of any Person or Persons for that Purpose, and actually received by the Trustees or their Treasurer, in the Purchase of Three Pounds *per Centum* Consolidated Annuities, or other Stock in the Public Funds as aforesaid, in the Names of the Persons in whose Names the said Stock to be purchased with the said yearly Sum of One hundred and Fifty Pounds, and the Accumulations thereof, shall, for the Time being, be invested, in order for the more speedy raising of the said Sum of Seven thousand Pounds, or such other Sum as aforesaid, to be applied in Discharge of the Debts due and to become due on the Security of the said Turnpike Tolls in Manner aforesaid.

Power to lend Money for Redemption of Debt on Mortgage.

XLVII. And it is hereby further enacted, That it shall be lawful for the said Four Persons in whose Names the said Yearly Sum of One hundred and Fifty Pounds, and the said Dividends, shall be invested as aforesaid, or the Survivors or the Survivor of them, or the Executors or Administrators of such Survivor, or the Person or Persons who shall be appointed in their or any of their stead, by virtue of the Power for that Purpose hereinafter contained, pursuant and in Obedience to an Order to be



be previously made and signed by the said Trustees, or any Twelve or more of them, from Time to Time, to call in the Monies which shall be laid out in the Purchase of Stock in the Public Funds in Manner aforesaid, or any Part thereof, or make sale and dispose of the Securities or Funds whereon the same or any Part thereof shall be invested, and to Place out the Money arising by such Sale, and which shall be so called in, upon Real or Mortgage or other Government Securities, or Parliamentary Funds, and from Time to Time, pursuant and in obedience to such Order as aforesaid, signed as aforesaid, to alter and transpose such Securities or Funds; and that such new Securities or Funds so taken, and the Money placed thereon, shall be and remain vested in the said Four Persons who shall be chosen in Manner aforesaid, and the Survivors and Survivor of them, and the Executors and Administrators of such Survivor, and in such other Person or Persons as shall be appointed in their or any of their stead, pursuant to the Powers herein-after contained, upon such and the same Trusts, and to and for such and the same Intents and Purposes, as are herein-before declared or expressed of and concerning the same yearly Sum of One hundred and fifty Pounds, and the said Dividends and the said Stock to be purchased therewith, or such of them as shall be then subsisting or capable of taking effect; and that no Person shall be liable to any Penalty for acting in pursuance of the Power hereby given.

XLVIII. And be it further enacted, That it shall be lawful for the said Four Persons who shall be chosen as aforesaid, and such other Person or Persons as shall be appointed a Trustee or Trustees of the said annual Sum of One hundred and fifty Pounds and the said Dividends, for the Purposes aforesaid, by virtue of the Powers for that Purpose herein-after contained, their respective Executors and Administrators, by and out of all or any of the Monies which by virtue of this Act, or any Trust herein declared, shall come to their Hands, to deduct, retain to, and reimburse themselves all such reasonable Costs, Charges, and Expences as they respectively shall or may sustain or be put unto in or about the Execution of all or any of the Trusts hereby in them reposed; and also that they the said Four Persons to be chosen in Manner aforesaid, and such other Person or Persons who shall be appointed a Trustee or Trustees as aforesaid, their respective Executors and Administrators; shall be charged and chargeable only, each and every of them, for and with his own respective Receipts, Payments, Acts, and wilful Defaults, and not otherwise, and shall not be charged or chargeable with or for any Sum or Sums of Money, other than such as shall actually and respectively come to his or their Hands by virtue of this Act, nor with any Loss or Damage which may happen in placing out all or any of the Trust Monies aforesaid, on Real or Government Securities, or in Parliamentary Funds, or depositing the same in any Bank or Banker's Hands or elsewhere, for safe Custody, or by Defect of any Security or Securities to be taken in pursuance of this Act, so as the same be done with the Consent and Approbation of the Trustees appointed or to be appointed by virtue of this Act, or of any Twelve or more of them, to be testified by an Order in Writing under their Hands, nor with any other Loss or Damage which may happen in or about the Execution of the several Trusts aforesaid, without his or their respective wilful Default.

Trustees for Redemption of Debt to be reimbursed Expences.

Not answerable for Losses.

Power to  
change  
Trustees of  
the Diminu-  
tion Fund.

XLIX. Provided also, and it is hereby further enacted, That in case the said Trustees in whose Names the said Three Pounds *per Centum* Consolidated Annuities, or other Stock, or Government, or Mortgage Securities, shall for the Time being be purchased, or any or either of them, shall die, or refuse to act, or be desirous to be released and be discharged of and from the Trusts hereby in them reposed as aforesaid, or become insolvent or incapable of acting as a Trustee before the same Trusts shall be fully performed and are executed, then and in any such Case, when and so soon and as often as the same shall happen, it shall and may be lawful to and for any Nine or more of the said Trustees, at a public Meeting assembled, by any Writing or Writings, to be signed by any Nine or more of them in the Book in which their Orders are entered, to nominate, substitute, or appoint any other Person or Persons to be a Trustee or Trustees for the Purposes aforesaid, or any of them, in the Place and Stead of the said first appointed, or any succeeding or other Trustee or Trustees who shall so die or refuse to act, or be desirous to be discharged of and from the said Trusts as aforesaid, or become insolvent or incapable of transacting the same; and so from Time to Time, and as often as there shall be occasion, to nominate, substitute, and appoint any other Person or Persons to be a Trustee or Trustees for the Purposes aforesaid, or any of them, in the Place and Stead of the said first appointed or any succeeding or other Trustee or Trustees who shall so die or refuse to act, or be desirous to be released, and to be discharged of and from the said Trusts, or become insolvent or incapable of transacting the same; and that when and so often as any new Trustee or Trustees shall be nominated or appointed as aforesaid, the same Three Pounds *per Centum* Consolidated Annuities, or other Stock in the Public Funds, or Government, or Mortgage Securities, shall be thereupon forthwith transferred, in such Manner as that the same shall be legally and effectually vested in the surviving or continuing former Trustee or Trustees, (if any such there be) and such new Trustee or Trustees, or in such new Trustee or Trustees only, as the Case shall happen, upon the Trusts aforesaid, or such of them as shall be then subsisting; and that all and every such new Trustee or Trustees shall and may in all Things act and assist in the managing, carrying on, and Execution of the Trusts aforesaid, every or any of them, either alone, if there be no surviving or continuing Trustee or Trustees, or in conjunction with the others, or other of them, who shall survive or continue (if any such there be) as fully and effectually, in all Respects and to all Intents and Purposes, and with the like Indemnification, as if he or they had been originally nominated or appointed a Trustee or Trustees for the Purposes aforesaid, or such of them for which he or they shall be so nominated and appointed a Trustee or Trustees.

After the  
Mortgage  
Debt shall be  
reduced to  
Three thou-  
sand Pounds,  
Power to  
borrow  
Five thou-  
sand Pounds.

L. Provided also, and be it further enacted, That when and as soon as the Monies due on Security of the said Tolls shall be reduced to the Sum of Three thousand Pounds, then it shall and may be lawful for the said Trustees, or any Seven or more of them, at any Meeting to be held for that Purpose, of which Fourteen Days Notice shall be given in two Newspapers to be circulated in the Counties of *Wilts* and *Somerset*, and also affixed on all the Turnpike Gates then erected on the said Roads, by any Writing or Writings under their Hands and Seals, to borrow and take up at Interest, upon the Credit of the Tolls arising by virtue of this Act, such further Sum or Sums of Money as they shall think fit,  
to

so as the Monies which shall be then due and which may be so borrowed, shall not exceed, in the whole, the Sum of Eight thousand Pounds; and they may and are hereby empowered, by such Writing or Writings as herein-before specified and set forth, to demise or mortgage the said Tolls, or any Part or Parts thereof, and the Turnpikes or Toll-houses, for collecting the same in Manner aforesaid, as a Security to any Person or Persons, or their Trustee or Trustees, for such Sum or Sums of Money so to be borrowed, and the Interest thereof.

LI. And be it further enacted, That the Account of the new Loan, and of all Expences incurred by Alterations and Improvements, shall be kept in a Book to be opened for that Purpose, entirely separate and distinct from the Account of Tolls and Expences for Repairs of Roads, Interest of the Mortgage Debt, and other usual current Receipts and Expences.

Account of Tolls and Repairs, and the Account of Loans and Improvements, kept separate.

LII. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, and they are hereby authorized and empowered to widen, turn, vary, alter, improve, repair, and make the Course or Path of any Part or Parts of the said Road, in, upon, through, across, or over any private Lands, Gardens, Messuages, Buildings, Tenements, or Hereditaments, and also to take any Piece of Ground for the Purpose of a Garden, Spot, or Yard to any Toll-house as herein-before mentioned, not exceeding, One Quarter of an Acre for every such Toll-house, first making Satisfaction to the Owners of the Lands and Premises so taken or used, and Persons interested therein, for the Damage they may sustain thereby; and for that Purpose it shall be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Premises through which or whereupon the said Roads or Alterations hereby authorized to be made, is or are intended to pass, and also upon any adjoining Lands or Grounds, and to stake out the said Alterations or new Roads, and also to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the said Roads; and also to make a temporary Way or Ways through or over any such adjoining Lands or Grounds, to be made Use of as a public Highway, whilst the narrow or ruinous Parts of the Road are widening or repairing, and until the said Road shall be made safe and convenient for the Passage of Travellers and Carriages, and to put or place any Materials thereon, in such Manner as the said Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment, for entering or continuing upon any Part or Parts of such Lands or Grounds respectively for any of the Purposes of this Act, making Satisfaction to the Owners and Occupiers of such Lands and Grounds for the Damages that shall be thereby occasioned; such Damages to be ascertained and settled, in case of Dispute concerning the same, in the same Manner as disputed Value of Lands, to be purchased or used by virtue of this Act, is herein-after directed to be ascertained and settled; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out such Roads or Alterations, every Person so offending shall forfeit

Power to widen or alter the Course of the Road, and to enter Lands.

forfeit and pay for every such Offence a Sum not exceeding Ten Pounds.

Road to be made according to the Map or Plan deposited at the Office of the Clerk of the Peace.

LIII. And whereas Maps or Plans describing the Line of the said Roads, and the Lands, Gardens, Orchards, Messuages, and other Buildings, Hereditaments, and Premises, through which the proposed Alterations or new Roads are to be made or carried, together with Books of Reference containing Lists of the Names of the Owners and Occupiers of such Messuages, Buildings, Lands, and Premises, have been deposited at the Office of the Clerks of the Peace for the said Counties of *Wilts and Somerset*; be it therefore enacted, That the said Maps or Plans, and the Books of Reference, shall remain in the Custody of the Clerks of the Peace for the said Counties, to the end that all Persons may at any reasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts of the said Maps or Plans, and Books of Reference; and that the said Trustees, in making the said Roads, shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Coporate, or Collegiate, through whose Lands or Premises such Deviation shall be made.

Lands marked in the Plan may be used, notwithstanding Errors in the Book of Reference.

LIV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said proposed Alterations or new Road into, through, across, or over the several Messuages, Buildings, Lands, Hereditaments, or Premises, of any Person or Persons, who is, or are, or may be Owner or Owners of Messuages, Buildings, Land, or Premises, over which the same is or are set out and described in the said Maps or Plans as aforesaid, or in the Schedule hereunto annexed, although the Name or Names of such Person or Persons, or the Description of the said Messuages, Buildings, Lands, or Hereditaments, or any of them, or the Names of the Occupiers thereof, may happen to be omitted, or mistated, or inaccurately described in the said Books of Reference, or in the said Schedule, in case it shall appear to any Two or more Justices of the Peace for the said County, in which such Messuages, Lands, or Premises respectively lie, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake, and such Certificate shall be annexed to and remain deposited with the said Books of Reference, in the Custody of the Clerk or Clerks of the Peace for the said Counties.

Trustees restrained from pulling down Dwelling-houses, &c. without the Consent of the Owners.

LV. Provided always, and be it further enacted, That the Powers and Authorities hereby given shall not extend, or be construed to extend, to empower or authorize the said Trustees to take, damage, or pull down any Dwelling-house or other Building, or to take in, enter upon, or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained,

obtained, other than and except such as are marked or described in the said Plans and Books of Reference, and also except such as are mentioned in the Schedule hereunto annexed, except in case of such Mistake as aforesaid, certified as aforesaid, and also except in case any Building shall be hereafter erected within Fifteen Feet of the said Road; any Thing in this Act contained to the contrary in anywise notwithstanding.

LVI. And be it further enacted, That the Improvement delineated in the said Maps deposited with the Clerk of the Peace of the County of *Somerset*, which comprizes Part of a Messuage, Court, and Land, with the Appurtenances, belonging to *Joseph Wheeler*, and in the Possession of *John Bourne*, Part of a Garden, with the Appurtenances, belonging to and in the Possession of *Samuel Kelson*; and Part of Four Messuages and Gardens, with the Appurtenances, belonging to *William Joyce* and *John Joyce*, and in the Possession of *Ann Rose*, *James Bird*, *Samuel Timbury*, and *Richard Clare*, all situate in the Parish of *Beckington*, in the County of *Somerset*, shall not be partially executed, but when the said Improvement shall be commenced, the same shall be completed wholly in conformity to the Delineation thereof in the said Maps, and also that the said Part of a Garden belonging to and, in the Possession of *Samuel Kelson*, shall not be hereafter purchased by the said Trustees or any of them, pursuant to the Powers in this Act contained, until after the said Parts of the last-mentioned Messuage, Court, and Land, and Four Messuages, and Gardens, shall be purchased; and further, that the said Part of a Garden belonging to the said *Samuel Kelson*, shall not be used for widening the said Road, until after the said Parts of the said Messuage, Court, and Land, and Four Messuages and Gardens, shall be used for that Purpose; but nothing hereinbefore contained shall prevent the due Execution of this Act in any Respect, except in the Case aforesaid.

LVII. Provided also, and be it further enacted, That no new Road, or any Alteration of the present Road, shall be made or commenced, except an Order shall be made for such Purpose at a Meeting at which Nine Trustees shall be present, and consent thereto, nor unless Notice of the Intention of making such Order shall have been given at a previous Meeting, and the said Order and Notice shall have been entered in the Book in which the Orders of the Trustees are usually inserted.

LVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, and they are hereby authorized and empowered to purchase, and become seised and possessed of the Messuages, Buildings, Lands, Tenements, and Hereditaments, mentioned and described in the Schedule to this Act annexed, or any Part or Parts thereof, and of the Fee-simple and Inheritance thereof, and also of all Fee-farm or other Rents issuing out of any such Hereditaments and Premises respectively, and of all Lands and Premises marked or described in the said Plans and Books of Reference; and for that Purpose it shall be lawful for the said Trustees, or any Seven or more of them, or for any Person by them duly authorized, to treat with and make Compensation to the Owners and Occupiers of any other Messuages, Buildings, or Lands, which shall be prejudiced by any Thing to be done by virtue of the Powers given to the said Trustees, or any of them, by this Act; and it shall be lawful for all Bodies

Incapacitated Persons empowered to sell and convey.

Politic or Ecclesiastical, Corporations Aggregate or Sole, and all Feoffees in Trust, Trustees, Guardians, Committees for Lunatics, or Idiots, Executors, and Administrators, and other Trustees, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons whomsoever, and to and for all Infants, Femes Covert, and every other Person and Persons whomsoever, who are or shall be seized, possessed of, or interested in any Messuages, Buildings, Land, Fee-farm or other Rents and Hereditaments, to treat, contract, and agree with, and absolutely sell, convey, assign, or surrender to the said Trustees, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall nominate or appoint in Trust for them, for the Purpose in this Act mentioned, all or any such Messuages, Buildings, Land, Fee-farm or other Rents, Hereditaments and Premises, or any Part or Parts thereof, or any Estate, Term of Years, or other Interest therein, and also for all Persons in like Manner interested or concerned in such other Messuages, Buildings, or Lands as aforesaid, to contract with the said Trustees, or any Seven or more of them, for such Compensation to be made as aforesaid; and that all such Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall, without any Fine or Fines, Recovery or Recoveries, be good and valid in Law, to all Intents and Purposes, to convey the said Premises, and all the Right, Title, Property, Claim, and Demand whatsoever, of such Person or Persons, Body or Bodies Politic, or Ecclesiastical, or Corporations, as aforesaid, of, in, and to the same, any Law, Statute, Usage, or other Matter or Thing to the contrary thereof in anywise notwithstanding; and that all such Bodies Politic, or Ecclesiastical, Corporations Aggregate or Sole, Feoffees in Trust, Trustees, Guardians, Committees, Executors, and Administrators, and other Trustees, and all other Persons, shall be and are hereby indemnified for what they shall do therein by virtue or in pursuance of this Act.

The old Road may be widened.

LIX. And whereas, by the said recited Act of the Seventeenth Year of the Reign of His present Majesty, the Trustees for executing the same were authorized to purchase, take, and use, Lands adjoining to the Road comprized in the said Act, for the Purpose of widening the same: And whereas the said Road is still in many Parts narrow and inconvenient for the Passage of Travellers and Carriages, be it therefore further enacted, that in case the said Trustees hereby appointed, or any Seven or more of them, at any Time or Times hereafter, during the Continuance of this Act, shall think proper to widen any Part or Parts of the Road, comprized in the said recited Act, for the better Accomodation of Coaches, Carriages, and Passengers, that then it shall be lawful for the said Trustees, or any Seven or more of them, and they are hereby authorized and empowered to contract with the Owner or Owners of the Lands lying on either Side of the said Road, comprized in the said recited Act, for the absolute Purchase of so much and such Part or Parts of such Lands, not exceeding in Width Ten Feet from the Side or Sides of the said Road, and not being a Garden, Yard, Park, Paddock, Planted Walk, or Avenue to a House, or Nursery of Trees, as they the said Trustees, or any Seven or more of them, shall

shall think proper and necessary for the widening the said Road, or any Part thereof; and if the said Trustees, and any Owner or Owners of the said Land, cannot agree as to the Price or Prices, or Value of the Lands so intended to be purchased, then and in such case the Value of, and Recompence to be made for the same Land, shall be ascertained and assessed by a Jury in Manner by this Act directed.

LX. And be it further enacted, That in case any Bodies Politic or Ecclesiastical, Corporations Aggregate or Sole, or any Feoffees in Trust, Trustees, Guardians, Committees for Lunatics or Idiots, Executors, or Administrators, or any other Person or Persons whomsoever, interested in the said Messuages, Dwelling-houses, Cottages, Shops, Yards, Bartons, Lands, Gardens, Tenements, or Hereditaments, comprized in the said Schedule, or in any Fee-farm or other Rents payable out of the same Premises, or any Part thereof, or who shall be interested in any Land hereafter to be purchased for the Purposes of this Act, upon Six Weeks Notice in Writing given to him, her, or them, or left at the Dwelling-house or Dwelling-houses, or other Place or Places of Abode, of such Person or Persons, or given to or left with the principal Officer or Officers of any such Body Politic, Corporate, Ecclesiastical, or Civil, or at the House of the Tenant in Possession of any such Messuages, Buildings, Lands, Tenements, or Hereditaments, shall, for the Space of Six Weeks next after such Notice given or left as aforesaid, neglect or refuse to treat, contract, and agree, or shall not contract and agree in the Premises, or by reason of Absence shall be prevented from treating and agreeing, then and in every or any such Case the said Trustees, or any Seven or more of them, shall cause it to be enquired into and ascertained by and on the Oaths of a Jury of Twelve indifferent Men of the County, Liberty, or Place, where the said Messuages, Buildings, Lands, Tenements, or Hereditaments, shall lie or be situate, (which Oath any One or more of the said Trustees are hereby empowered and required to administer) what Damage will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Proprietors, Occupiers, or other Person or Persons interested, for or upon account of the taking of such Messuages, Buildings, Lands, Tenements, or Hereditaments, for the Purposes of this Act; and in order thereto the said Trustees, or any Five or more of them, are hereby empowered and required, from Time to Time as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premises, (which Oath any One or more of the said Trustees are hereby empowered to administer), and they shall also order and cause the said Jury to view the said Places in question if there be Occasion, and use all such lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises, as they the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have had, enquired of, ascertained, and settled such Damages and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the said Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, Proprietors, or Occupiers of, or other Persons interested in, the said Messuages, Buildings, Lands, Tenements, or Hereditaments, according

Sheriff to im-  
pannel a  
Jury.

ing to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, Judgment, Order, or Determination, so had and made, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whatsoever claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, and all Infants, Females Covert, and Persons under any other Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever; and for the summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby empowered to issue out their Warrant or Warrants to the Sheriff of the County or Place where such Messuages, Buildings, Lands, Tenements, or Hereditaments shall lie or be situate, thereby commanding and requiring him to impanel, summon, and return an indifferent Jury of Twenty-four Persons, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any One or more of them, shall swear, or cause to be sworn, Twelve Persons, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen then appearing, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to 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, or any Five or more of them, acting in the Premises, shall have full 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 and shall not appear, without some reasonable or sufficient Excuse, or who shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give or shall not give their Verdict, or in any other Manner shall 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, without some reasonable or sufficient Excuse, or appearing shall refuse to be sworn and give Evidence, and from Time to Time lay such Fine or Fines, in the same Manner as any other Forfeiture or Penalty hereinbefore mentioned is hereby directed to be levied, so that no such Fine shall exceed the Sum of Twenty Pounds upon any such Sheriff or Deputy, or the Sum of Ten Pounds upon any other Person, for one Offence; and all such Fines shall be applied for such Uses and in such Manner as the Tolls granted by this Act are to be applied.

Expences of  
Jury how to  
be defrayed.

LXI. 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 or Satisfaction for the Right, Interest, or Property of any Person or Persons in any Lands, Tenements or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than shall have been agreed



agreed to and offered by or on Behalf of the said Trustees, 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, then, and in such Case, 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 said Trustees out of the Money to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or less Money than shall have been agreed to and offered by or on Behalf of the said Trustees, before the summoning and returning of the said Jury, as a Recompence and Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then the full 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 paid and borne by the Person or Persons with whom the said 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, not interested in the Matter in Question, (who is hereby authorized and required to settle the same) shall be deducted out of the Money so assessed and adjudged, as so much Money advanced for the Use of such Person or Persons; and the Payment or Tender of the remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the said Trustees by such Ways and Means as are hereinafter provided for the Recovery of Penalties and Forfeitures: Provided always, that in case any Person shall, by reason of Absence, have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees out of any Money to be raised or received under or by virtue of this Act.

LXII. 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 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 Five or more of them, or any Person authorized by them, or any Five or more of them, of paying off the Principal and Interest Money which shall be due on such Mortgages respectively, shall, at the End of the Six Calendar Months after such Notice, on Payment or Tender of the Principal Money and Interest which shall be then due, convey and assign his, her, and their respective Estates and Interests in and to the said mortgaged Premises to the said Trustees, or any Seven 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, and 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 and determine: Provided always, that no Mortgagee shall be entitled to receive

[*Loc. & Per.*]

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of

of the said Trustees more than the Premises in Mortgage to him or her respectively shall be really and *bonâ fide* worth.

Power to  
eject Te-  
nants, &c.  
after Notice  
to quit.

LXIII. And be it further enacted, That in case the said Trustees, or any Five or more of them, or any Person authorized by them, or any Five or more of them, shall, after any Messuages, Buildings, Lands, Tenements, or Hereditaments, or Part or Parts thereof respectively, be purchased, or valued and assessed by a Jury in pursuance of this Act, give Six Calendar Months Notice in Writing to all and every the Tenants and Occupiers of any such Messuages, Buildings, Lands, Tenements, or Hereditaments, or Part or Parts of the same, which shall be so purchased, or valued and assessed, to quit or deliver up the Possession of such Messuages, Buildings, Ground, Hereditaments, or Premises, or Part or Parts thereof, at the Expiration of such Six Calendar Months, then all and every such Tenants or Occupiers shall, at the End of such Six Calendar Months after every such Notice, peaceably and quietly deliver up the Possession of the Premises so by him, her, or them respectively occupied, to the Person or Persons who shall be appointed by the said Trustees to take Possession thereof; and if any Person or Persons so in Possession, shall refuse to give up such Possessions at the Expiration of such Six Calendar Months after every such Notice as aforesaid, it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to issue a Precept or Precepts to the Constable or Tything-man of the Parish in which the said Messuages, Buildings, Lands, Tenements, and Hereditaments, shall be, to cause Possession thereof to be delivered to such Person or Persons as shall be in such Precept or Precepts nominated to receive the same, and the said Constable or Tything-man, or his Deputy or Deputies, are and is hereby authorized and required to deliver Possession, according to such Precept or Precepts, of the Premises therein mentioned, and to levy such Costs as shall accrue for and by Means of the issuing and Execution of every such Precept or Precepts, by Distress and Sale of the Goods and Chattels of any Person or Persons who shall have refused to give up such Possession as aforesaid, and shall refuse or neglect to pay the same Costs, and which Costs shall be ascertained by any Two Justices of the Peace for the County in which the said Messuages, Buildings, Lands, Tenements, or Hereditaments, shall be situated.

Compen-  
sation to Te-  
nants for  
quitting be-  
fore their  
Term.

LXIV. Provided always, and be it further enacted, That in case any Tenant, Lessee, or other Person in Possession as aforesaid, shall be compelled to quit Possession of any such Lands, Tenements, or Hereditaments, before the Expiration of their respective Terms therein, the said Trustees shall make Satisfaction to such Tenants, Lessees, or other Persons in Possession, for the Determination of their said respective Terms; and in case any Difference or Dispute shall arise concerning the Amount of such Satisfaction, the same shall be determined and settled in such and the like Manner as the Satisfaction to be made for the Purchase of Lands or Hereditaments, to be taken or made use of for the Purposes of this Act, is herein directed to be determined and settled.

On Payment  
of Purchase  
Money Land

LXV. And be it further enacted, That all Sums of Money or Re-compence to be agreed for or assessed as aforesaid, shall be and the same

are hereby charged upon the Monies which shall be collected or raised <sup>may be made</sup> by virtue of this Act, and shall be paid thereout accordingly by the said <sup>use of.</sup> Trustees, or by their Treasurer or Treasurers, to the Persons respectively entitled thereto, or to their Agents; and upon Payment thereof to such Persons or their Agents, or in case of Refusal to accept the same after Tender thereof, on depositing the same in the Bank of *England*, in Manner by this Act directed, as the Case shall be, the said Lands, Tenements, Hereditaments, and Premises, shall be by virtue of this Act vested in the said Trustees, and after such Notice as aforesaid, it shall be lawful for the said Trustees, their Surveyors, Workmen, or Agents, to enter into the Possession of such Lands, Tenements, Hereditaments, and Premises, and to take down and remove all such Messuages and other Buildings and Premises so purchased, and to sell and dispose of the Materials thereof, and to cause the same Messuages, Lands, and Premises, to be laid into and made Part of the said Road; and the said Lands and Premises shall from thenceforth, to all Intents and Purposes whatsoever, become, and be deemed, and taken to be a Public and Common Highway, and Part of the said Road for ever; and shall be fenced and repaired, and kept in Repair, by the said Trustees, and also by such Ways, Means, and Methods as the said Roads hereby directed to be widened, altered, or turned, was or ought to have been kept in Repair; and all Parties and Persons shall for ever thereafter be divested of all Right and Title to such Lands, Hereditaments, and Premises; and after such Road shall be completed, the Ground constituting the former Road (unless leading to some Village, Town, or Place, to which such new Road doth not lead), shall be vested in the said Trustees.

LXVI. And be it further enacted, That in all Cases where the Course <sup>Trustees to</sup> of the said Road shall be diverted from the old Line of Road, or a new <sup>fence off new</sup> Road shall be made, or where the old Road shall be widened, the said <sup>Road.</sup> Trustees, or any Five or more of them, shall, and they are hereby required, to cause good and sufficient Mounds, Rails, or Fences, to be made and provided, and Quicksets to be planted in an husbandlike Manner, or Walls built on both Sides of such new Roads where the same shall be necessary, and shall support such Mounds, Rails, Walls, and Fences, for and during so long Time as they shall chuse to retain the Property of the same; but if the said Trustees, or any Five of them, shall, by Notice in Writing under their Hands, or signed by their Clerk, resign the Property in any such Fences to the Owner or Occupier of the adjoining Land, then and from thenceforth such Owner, his Heirs and Assigns, or the said Occupier, shall keep such adjoining Fence in good Repair, and the Owners or Occupiers of all Lands adjoining the present Road shall put and keep the Fences of their Land against the said Road in good and proper Repair, and if the same shall be a Wall or dead Fence, then to make and keep the same at the Height of Four Feet; and if the Owner or Owners, Occupier or Occupiers, of the Land against such new or present Road shall refuse or neglect so to do for the Space of Ten Days next after receiving Notice in Writing under the Hand of the Surveyor of the said Road, such Fence shall be repaired by the Surveyor of the said Road, and the Expence of such Repairs shall be proved on Oath before One or more Justices of the County in which such Fence shall be, and the Amount of such Expence shall be levied by Distress on the Goods and Chattels of the Owner or Occupier of the Land

Land adjoining the said new or present Road, who shall have refused or neglected to repair the said Fence.

Power to sell  
surplus  
Ground.

LXVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, to sell and dispose of any Building, Land, and Hereditaments, now vested or to become vested in them, as shall not be necessary for any of the said Purposes of this Act, together or in Parcels, either at public Auction or by private Sale, as the said Trustees shall adjudge advantageous and convenient, and for the best Price that can be reasonably gotten for the same; and after any new Road shall be made to sell and dispose of the old or former Road, unless the same shall lead to some Village, Town, or Place, to which such new Road may not lead; and the Money arising by such Sales shall be applied and disposed of in amending and improving the Road by this Act directed to be repaired, and the Sale and Conveyance or Conveyances to be made by the said Trustees, which shall comprize the said old Road or other Land, or any Buildings when executed by the said Trustees, or any Seven or more of them, and enrolled amongst the Records of the Sessions of the Peace for the County, Liberty, or Place where such Lands and Buildings shall be situate, shall vest the Property of the same Lands and Buildings in the Person or Persons to whom the same shall be sold, to all Intents and Purposes whatsoever.

First Offer, to  
whom to be  
made.

LXVIII. Provided always, and be it further enacted, That in case the said Trustees shall think proper to sell or dispose of any Piece or Pieces of Ground, not wanted for the Purposes of this Act, they shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or (in case such Ground shall be a Piece or Pieces of old Road) to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to, or on account of the Price thereof) to purchase the same respectively, an 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 Piece or Pieces of Ground shall be situate, (who are hereby respectively empowered to take such Affidavit) by some Person or Persons no Way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused or not agreed to 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 such Piece or Pieces of Ground, and he, she, or they, and the said Trustees, shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury, in Manner by 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 by this Act directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*, and the Money to arise by the Sale or Sales which may be made by the said Trustees

of

of such Piece or Pieces of Road or Ground 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 Nonapplication of such Money.

LXIX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Messuages, Buildings, Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons, under any other Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the High Court of Chancery, to be placed to his Account *ex parte* the said Trustees, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Messuages, Buildings, Lands, Tenements, or Hereditaments, in the Purchase of the Land-Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Messuages, Buildings, Lands, Tenements, or Hereditaments, or affecting other Messuages, Buildings, Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Buildings, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Buildings, 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 or Settlement shall be existing undetermined or capable of taking Effect; and in the Meantime, and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery, upon Application thereto, be invested by the said Accountant-General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the Meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities, shall, from Time to Time, be paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Messuages, Buildings, Lands, Tenements, and Hereditaments, so to be purchased under the Authority of this Act, in case such Purchase or Settlement was made.

Application  
of Money  
awarded  
above 200l.

LXX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Messuages, Buildings, Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than

Where less  
than 200l.  
and above  
20l.

the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Messuages, Buildings, Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option; and approved of by Five or more of the said Trustees for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the said High Court of Chancery.

Where under  
201.

LXXI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before-mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the Messuages, Buildings, Lands, Tenements, or Hereditaments so purchased, taken, or used, for the Purposes of this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not  
making out a  
good Title, or  
Persons cannot  
be found, the  
Purchase Money  
to be paid into  
the Bank, subject  
to the Order  
of Chancery  
on Petition.

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

seem meet, to order the same to be laid out and invested in the public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises, as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what Purpose; 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.

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

In case of  
disputed  
Titles.

LXXIV. 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 Messuages, Buildings, Lands, Tenements, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said High Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said High Court of Chancery, to order the Expences of all Purchases from Time to Time to be made in pursuance of 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.

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

LXXV. And

Power to  
Surveyors to  
procure Ma-  
terials.

LXXV. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Trustees, or such Person or Persons as they the said Trustees, or any Five or more of them, or as such Surveyor or Surveyors shall employ or appoint, to search for, cut, dig, get, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Sand, or other Materials, for the Purposes of this Act, out of and from any Common or Waste Ground, Common, River, or Brook, in any Parish, Township, Hamlet, or Place, in which any Part of the said Road is situate, or in any adjacent Parish, Township, Hamlet, or Place, without paying any Thing for the same; and the said Trustees, or such Surveyor or Surveyors, or other Person or Persons as aforesaid, are hereby also authorized and empowered to search for, cut, dig, gather, take, and carry away, any such Materials as aforesaid, in, off, from, and out of the private Lands, Fields, or Grounds, of any Person or Persons where the same may be had or found, within any Parish, Township, Hamlet, or Place in which such Road is situate, or within any adjoining Parish, Township, Hamlet, or Place (such Lands, Fields, or Grounds, not being a Yard, Garden, Orchard, Park, Planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Plantation or Nursery for Trees), such Surveyor or Surveyors, or other Person or Persons as aforesaid, being thereto empowered by an Order of the said Trustees, or any Five or more of them, such Order to be entered in the Book in which the Orders of the said Trustees are usually entered, and a Copy of such Order, signed by Five or more of the said Trustees, or by their Clerk, having previously been delivered for a Space of Ten Days, to the Land Owner, or his known Agent, or to the Occupier of the Premises from which such Materials are intended to be taken, or left at the usual Place of Residence of such Occupier; and such Surveyors or Surveyor, or other Person or Persons as aforesaid, filling up the Pits and levelling the Ground, or sloping down the Banks where or from whence such Materials shall be had or taken, or railing or fencing off such Pits, so that the same may not be dangerous for Passengers or Cattle, and the said Surveyor or Surveyors, or other Person or Persons aforesaid, paying or tendering to the Owner or Occupier, Owners or Occupiers, of such private Lands or Grounds, such Rate for such Materials, and for the Damage done to such Lands from or over which any such Materials shall be carried, such Equivalent in Money as the said Trustees, or any Five or more of them, shall order or adjudge to be reasonable, according to their respective Rights and Interests in the same; and in case of any Difference touching the same, the Justices of the Peace for the County, Liberty, or Place, wherein such Lands or Grounds shall lie, at their General Quarter Sessions of the Peace to be holden next after such Difference shall arise, and on Ten clear Days previous Notice thereof to be given by the said Surveyor or Surveyors, to such Owner or Owners, Occupier or Occupiers, or to be left at his, her, or their respective Places of Abode, or *vice versa*, shall hear the Matter in Dispute, and settle and determine the Recompence to be made for such Materials and Damage, and for the Costs attending such Hearing and Determination, and the Judgment or Order of the said Justices therein shall be final and conclusive to all Parties: Provided nevertheless, that nothing in this Act contained shall invalidate or make void, or be construed to invalidate or made void, any Order or Orders heretofore made or given



to the Surveyor of the said Road, or to any Person or Persons by him employed for the Purpose of procuring Gravel or other Materials for the Repair of the said Road, or any Part thereof, out of, from, or over the private Lands or Grounds of any Person or Persons, under the Authority of the said recited Acts, or of the General Turnpike and Highway Acts, or any or either of them; but that such Order or Orders respectively shall remain in full Force and Effect, and shall and may be acted upon, and carried into Execution, as fully and effectually, to all Intents and Purposes, as if the same had been made or given under the Authority of this Act.

LXXVI. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to remove all Dirt, Filth, Manure, Stone, Timber, and Annoyances, from the said Road, to the Distance of Thirty Feet from the Centre thereof, and to remove any Gate or Gates erected across the said Road, and at proper Seasons of the Year to cut down, lop, top, or shroud any Trees or Bushes growing in the said Road, or in the Hedges or Banks adjacent thereto, or so near the same as to be prejudicial to the said Road, the Owners or Occupiers neglecting to cut down, lop, top, or shroud such Trees or Bushes, or to remove such Dirt, Filth, Manure, Stone, Timber, Annoyances, and Gates, for the Space of Fourteen Days after Notice in Writing given for that Purpose, to such Owners or Occupiers, or left at their last or usual Place of Residence, under the Hand or Hands of the said Surveyor or Surveyors; and the Charges of such Removal, lopping or topping, shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to cut down, lop, top, or shroud any such Trees or Bushes, or to remove such Annoyances as aforesaid; and in case any such Owners or Occupiers shall not, on Demand made by such Surveyor or Surveyors, pay and reimburse to the Surveyor or Surveyors such Charges as aforesaid, it shall be lawful for such Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of any Justice or Justices of the Peace for the County in which the Offence shall be committed, and which Warrant or Warrants the said Justice is and are hereby authorized and directed to grant, to levy the Charges thereof on such Owners or Occupiers, by Distress and Sale of his and their Goods and Chattels, rendering the Overplus, if any, to such Owners or Occupiers, on Demand, after all Charges paid; and if after the Removal of any of the said Annoyances, any Person or Persons shall again offend in like Manner, every such Person shall for every such Offence forfeit any Sum, not exceeding Five Pounds, as the Justice or Justices before whom any Information shall be laid, shall adjudge to be paid, to be levied in Manner aforesaid.

Surveyors  
may remove  
Annoyances.

LXXVII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, and such Person or Persons as he or they shall appoint, (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) at proper Seasons of the Year to cut and shear, once at least in every Year, the Tops and Sides of all or any Part of the Hedges, and to lop or shroud any Tree or Trees standing or growing by or near the Side or Sides of the said Roads, or any of them, in such Manner as the Sur-

Power to  
Surveyors to  
cut and shear  
Hedges and  
shroud Trees.

[Loc. & Per.]

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veyor

veyor or Surveyors shall think proper; and in such Cases all Charges and Expences attending the same, shall from Time to Time be paid and defrayed out of the Tolls to be collected by virtue of this Act.

Power to take down and remove Obstructions.

LXXVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, from Time to Time, to cause to be taken down and removed any Penthouse, Porch, Bulk, or other Projection obstructing the said Road, Pavement, or Wall, erected, built, or being within Fifteen Feet of the Centre of any Part of the said Road, and any Penthouse, Porch, Bulk, Wall, Projection, Pavement, or other Building, which may hereafter be erected or built within Fifteen Feet of the Centre thereof; and also to cause all such Posts on the said Road, as they shall think useless and inconvenient, and all Pitching Pavements, Steps, Signs, Sign-posts, Rails, Fences, and Water Spouts or Shoots encroaching upon and projecting into and over the said Road, or within Fifteen Feet of the Centre thereof, to be taken down and removed, and the Charges attending the taking down and removing the same shall be paid and defrayed out of the Monies which shall arise by virtue of this Act.

No Building to be erected nearer than Fifteen Feet from the Centre of the New Road, &c. without Consent.

LXXIX. Provided always, and be it further enacted, That from and after the passing of this Act, no Building shall be erected nearer than Fifteen Feet from the Centre of the said Road, nor shall any Gate hereafter to be erected against the said Road, be made to open into the same Road, nor shall any young Tree or Trees hereafter be planted or permitted to grow up within Twenty Feet of the Centre of the said Road; and if any Building or Buildings shall be erected nearer than Fifteen Feet from the Centre of the said Road, or any Gate or Gates shall hereafter be made to open into the said Road, or any young Tree or Trees shall be planted or grow up within Twenty Feet of the Centre of the said Road, it shall be lawful for the said Trustees, or any Five or more of them, or for any Person or Persons authorized by the said Trustees, or any Five or more of them, to take down, or cause to be taken down, any such Building or Buildings, Gate or Gates, Tree or Trees, as a public Nuisance, and to remove the same, and the Materials thereof, without making any Compensation for Damages, Trespasses, or otherwise.

Surveyors may make Causeways, &c.

LXXX. And be it further enacted, That the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, or any Person or Persons by them or either of them appointed or employed, may and they are hereby authorized and empowered to make or cause to be made Causeways, Paths, or Footways in or along the Sides of any Part or Parts of the said Road, and to build or cause to be built any Bridge or Bridges upon, in, or across the said Road or any Part thereof, and to cut or cause to be cut any Watercourses in, through, or across any Lands or Grounds, to prevent the said Road or any Part thereof, from being overflowed, and to erect Bridges or Arches over such Drains or Watercourses if necessary, and also to make or cause to be made a Road or Way, by, through, or over the Grounds adjoining to any narrow or ruinous Part of the said Road, hereby directed to be repaired (not being a Yard, Garden, Orchard, Park, Planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Planta-

tion or Nursery for Trees to be made use of by all Passengers, with Carriages and Cattle or otherwise, as a public Highway, while the narrow or ruinous Part of the said Road is repairing or widening, and until the same shall be convenient and safe for Carriages and Cattle to pass the same, making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds for the Damage they shall thereby sustain, as to the said Trustees, or any Five or more of them, shall seem reasonable; and in case of any Difference concerning the Amount or Value of such Damages, the same shall be settled and finally determined in like Manner as hereinbefore directed with respect to the Damages to be occasioned in getting Materials for repairing the said Road; and that the said Trustees, may, at a Public Meeting, authorize and empower their Surveyor, or any Person or Persons to be employed by him for such Purpose, to take down and remove any Hedge, Bank, or Wall which now is or shall hereafter be placed as a Fence against any Part of the said Road, and to erect and place any Pales, Rails, or other open Fence instead thereof, and the Expences thereof shall be defrayed by the said Trustees out of the Money to be received under this Act, and which Pales, Rails, or other Fences so to be erected, shall be kept in Repair by the said Trustees, and also authorize and empower their Surveyor to alter and turn any Gate which now opens into the said Road.

LXXXI. And be it further enacted, That if any Person or Persons being Owner or Owners, or Occupier or Occupiers, of any Lands, Tenements, or other Premises near the said Road, and who of Right ought to cleanse or scour any Ditch, Drain, or Watercourse, which shall lead into, or out of, or on the Sides of any Part or Parts of the said Road, shall not in a proper Manner cause the same to be scoured and cleansed within the Space of Fourteen Days next after Notice in Writing shall for that Purpose be given to him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode, under the Hand of the said Surveyor or Surveyors, then the said Surveyor or Surveyors may cause such Ditches, Drains, and Watercourses to be scoured and cleaned, and pay for the scouring and cleansing thereof; and if the said Person or Persons shall not repay the Money paid by such Surveyor or Surveyors, on Demand thereof made on him, her, or them respectively, either in Person or by Writing, to be left at his, her, or their respective Place or Places of abode, then the said Money and every Part thereof, on Proof of the cleansing and scouring of the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Non Payment thereof as aforesaid, by the Oath of One or more Witness or Witnesses before any Justice of the Peace of the County, Liberty, or Place where such Person or Persons respectively shall live, shall and may, by Warrant or Warrants under the Hand and Seal of such Justice, be levied by Distress and Sale of the Goods and Chattels of such Person or Persons, rendering the Overplus (if any), on Demand, to the Owner or Owners thereof after all Charges paid.

LXXXII. And be it further enacted, That where any Bridge, Drain, or Sewer, being in and upon any Part or Parts of the said Road by this Act directed to be repaired, hath been accustomed or ought to be repaired and maintained by any particular Person or Persons, Body Politic or

Owners or  
Occupiers of  
Land ne-  
glecting to  
scour Water-  
courses.

County  
Bridges, &c.  
to be main-  
tained as  
heretofore.

Cor-

Corporate, by reason of the Tenure of any of the Lands, Tenements, or Hereditaments, or by any County, Township, or Place, every such Bridge, Drain, or Sewer, shall from Time to Time be maintained and kept in Repair by such Person or Persons, Body Politic or Corporate, County, Township, or Place, 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.

Penalty for  
damaging  
Milestones,  
&c.

LXXXIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall or may cause Direction Posts and Boards to be erected on the principal Side Openings of the said Road, with proper Inscriptions thereon, denoting to what Place or Places such Side Roads respectively lead; and also shall and may order and direct other Posts and Boards, with suitable Inscriptions thereon, to be erected by the Side or Sides of the said Road, in order to promote the Detection and Apprehension of any Person or Persons who shall be guilty of any Offence or Offences against this Act; and the said Trustees, or any Five or more of them, are hereby required to cause Stones or Boards, with proper Inscriptions thereon, to be erected and maintained on the said Road, at the Distance of One Mile from each other, and from Time to Time to cause the same to be cleansed and kept legible; and also to cause proper Tables of the Tolls by this Act granted and made payable to be affixed and put up at the several Tollhouses continued or to be erected by virtue of this Act; and if any Person or Persons whomsoever shall wilfully pull up, injure, or damage any of the said Posts, Boards, Milestones, or Tables of Tolls, or wilfully or designedly deface or obliterate any of the Inscriptions thereon, or shall wilfully break, throw down, or otherwise damage any Lamp, Lamp-post, or Lamp-iron, set up or affixed at or near to any of the said Turnpike Gates; or if any Person or Persons shall wilfully pull up, injure, or damage any of the Posts, Rails, or Fences now placed or put up, or at any Time hereafter to be placed or put up by Order of the said Trustees, or their Surveyor or Surveyors, either by the Side or Sides of the said Road or at or near to any Pit or Quarry which shall be used, opened or made for the getting of Stones, Gravel, or other Materials for the Purpose of this Act, in order to prevent Accidents or to protect and preserve any Hedge or Quickset which the said Trustees, by virtue of this Act, are authorized to plant and keep in good Order; or if any Person or Persons shall wilfully root up, cut, destroy, or damage any such Hedge or Quickset, or any Part or Parts thereof, whilst the same shall be under the Care of the said Trustees, or their Surveyor or Surveyors; or shall wilfully damage or injure any of the Bridges or Arches now erected or hereafter to be erected across the said Road, or shall rake or carry away any of the Materials, Dirt, Mire, Drift, or Sand by the Side or Sides of the said Road, or on the Surface thereof, without the Permission of the said Trustees, or any Five or more of them, or of the said Surveyor or Surveyors, every Person so offending shall for every such Offence forfeit and pay any Sum, not exceeding Five Pounds, as the Justice or Justices, before whom the Information shall be laid shall adjudge; one Moiety whereof shall go and be paid to the Informer, and the other Moiety thereof shall be applied for the Purposes of this Act; and such Offender shall also pay to the said Trustees, or their Treasurer or Treasurers, or one of them, such Sum of Money as shall be a full Satisfaction for the Damage so done, which

Damage

Damage shall be settled and ascertained by the Justice or Justices of the Peace by or before whom such Offender shall be convicted of any of the Offences aforesaid, and shall and may be levied and recovered in like Manner as any Penalty or Penalties is or are hereinafter directed to be levied and recovered, and shall be applied for the Purposes of this Act.

LXXXIV. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said County of *Wilts* or County of *Somerset*, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor, by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road, by the Inhabitants of the respective Parishes or Places in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees or their Treasurer; and in order thereunto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways 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, 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 such Justices shall or may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable, and the same shall be done on such Days, and at such Times (not being Haytime or Harvest) and on such Parts of the said Road, as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Sum of Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized 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

Statute  
Labour.

Justices to  
determine  
Differences  
touching  
Statute  
Work.

[Loc. & Per.]

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them,

them, at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees) shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the public Highways, and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that case every such Person shall be subject and liable to the respective Forfeitures and 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 Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards the amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Justices may require Production of Rates.

LXXXV. And be it further enacted, That for the better ascertaining the Correctness of the Lists to be delivered, it shall be lawful for the said Justice or Justices to summon any Officer or Officers of the Parish or Place in which the Lands contained in such List shall lie, and to require such Officer to produce before him or them Books of all Rates of Assessments in the Possession of such Officer or Officers, concerning the said Lands, and any Officer or Officers neglecting or refusing to attend with such Rates or Assessments, or Books, as directed by such Summons, shall forfeit for each Offence a Sum not exceeding Five Pounds.

Parish Surveyors may appeal to Proportion of Statute Work.

LXXXVI. And be it further enacted, That if the Surveyor or Surveyors of the Highways for the Time being, of any of the Parishes or Places therein, or where any Part of the said Road doth lie, shall think the said Justices have directed or appointed too large a Proportion of the Statute Work in any Parish or Place to be done on the said Road, it shall be lawful for such Surveyor or Surveyors of the Highways to appeal to the Quarter Sessions of the Peace next after such Direction or Appointment, unless the same shall be made within Ten Days preceding such Quarter Session, and then to the second Quarter Session next after such Direction or Appointment, and the Justices in their said Quarter Session are hereby authorized and empowered finally to adjust and determine what Proportion of the Statute Work in any Parish or Place shall be done on the Road by this Act directed to be repaired, such Surveyor or Surveyors of the Highways having first given Ten clear Days Notice of such Appeal to the Surveyor, or Surveyors appointed by the said Trustees.

LXXXVII. And

LXXXVII. And be it further enacted, That the said Trustees, or any Five or more of them, may and are hereby authorized and empowered to compound with any Person or Persons, Bodies Politic or Corporate, for the Repairs to be by him or them done upon the said Road, or any Part thereof, and also with the several Inhabitants of or Occupiers of Lands, Tenements, or Hereditaments, in the several Towns, Parishes, and Places in which the Road hereby intended to be repaired doth lie, for the several Days Statute Work to be by them respectively done upon the said Road, at and for such Sum or Sums of Money by the Year or otherwise, as they the said Trustees, or any Five or more of them, and such Person or Persons, Bodies Politic or Corporate, or Inhabitants or Occupiers respectively shall agree upon; which said Money shall be forthwith paid to the said Trustees, or any Five or more of them, or to their Appointment.

Trustees may  
compound for  
Statute Duty.

LXXXVIII. And be it further enacted, That if any Person or Persons shall wilfully drive, set, place, or leave any Waggon, Cart, or other Carriage, or any Plough or other Instrument of Husbandry, or any Timber, Stones, or other Things whatsoever, or any Colliers, or other Horse or Horses, or other Cattle (other than and except such Carriage or Horse which may stand for the loading or unloading thereof, and then being drawn up and standing as near the Side of the said Road as conveniently may be, and save and except in case of Accident) in or upon any Part or Parts of the said Road respectively, so as to interrupt or hinder the free Passage along the said Road of any Carriage, or of any of His Majesty's Subjects; or if any Horse or Horses, or any Waggon, Cart, or other Carriage, which may stand for the loading or unloading thereof, shall be suffered to remain longer, than is absolutely necessary for such Purposes respectively; or if any Person or Persons shall permit his or her Horse, Mule, Ass, Beast, Swine, or other Cattle, to feed on the Side of the said Road, (except on *Standerwick Common* while the same Common is uninclosed), every Person so offending as aforesaid shall for every such Offence forfeit any Sum, not exceeding the Sum of Forty Shillings, to the Person laying an Information before a Justice of the County in which the said Offence shall be committed; or it shall be lawful for the Surveyor of the said Road, or any Person appointed by him for such Purpose, to seize or cause to be seized any Horse or Horses, or other Cattle, or any Waggon, Wain, Cart, or other Carriage, or other Thing as aforesaid, causing such Interruption, Nuisance, or Obstruction, and to drive or remove, or cause the same to be driven and removed to some secure Place, there to be kept and detained until the Offender or Offenders shall pay to the Person in whose Custody the same shall be, the said Penalty, together with the Costs and Charges of removing the same, and of keeping such Horse or Horses, or other Cattle (if any); and in case the same shall not be claimed, and the Penalty and Charge paid within the Space of Five Days next after such Seizure thereof respectively, then it shall be lawful for any Justice of the County in which such Offence shall be committed, to order and cause the same to be sold, and to apply the Money arising by such Sale in Payment of the Penalty hereby imposed or inflicted, and the Costs attending the taking and detaining the same; and if any Overplus shall remain, after paying the said Penalty and the Costs of recovering the same, such Overplus shall be returned (on Demand) to the Persons or Person to whom such

Penalty for  
leaving Ob-  
structions on  
the Road.

Horse.

Horse or other Cattle, or Waggon, Wain, Cart, or other Carriage, or Thing to be sold or disposed of, shall belong.

Penalty for Persons permitting or using private Passage, or evading Tolls.

LXXXIX. And be it further enacted, That if any Person or Persons whomsoever, owning, renting, or occupying any Tenements, Lands, or Grounds near to the said Road, shall knowingly or willingly permit or suffer any Person or Persons to pass through any Ground, Gate, Passage, or Way, with any Carriage, Horse, Mare, Gelding, Mule, or any Sor of Cattle on which a Toll is by this Act imposed, whereby the Payment of the Tolls by this Act granted shall be evaded; or if any Person or Persons owning, riding in, or driving any such Carriage, or owning, riding, or driving any such Horse, Mare, Gelding, Mule, or other Cattle, shall therewith pass through any such Ground, Gate, Passage, or private Way, whereby the Payment of the said Toll or Duty shall be evaded; or if any Person or Persons shall take off or cause to be taken off any Horse, Mare, Gelding, Mule, Ass, or other Beast, from any Chariot, Chaise, or Carriage, travelling on the said Road, whereby the full Payment of any of the Tolls hereby imposed, or any Part thereof, shall be evaded or lessened; or if any Person or Persons liable to the Payment of any of the said Tolls shall forcibly pass or attempt to pass any of the said Gates or Turnpikes without Payment thereof at such Gate or Gates; or if any Person or Persons shall give to or receive from any other Person or Persons (except the Person or Persons appointed to receive the Tolls hereby made payable) any Note or Ticket of the Day by this Act directed to be given by the Collector or Receiver of the said Tolls whereby or by reason whereof the Payment of any or either of the said Tolls may be evaded or lessened, or shall forge, counterfeit, or alter any such Note or Ticket, or make use of any such forged, counterfeited, or altered Note or Ticket, knowing the same to have been forged, counterfeited, or altered, whereby the Payment of the said Tolls, or any Part thereof, shall be evaded, every Person offending in any or either of the Cases aforesaid, shall for every such Offence forfeit and pay such Sum not exceeding Five Pounds, as the Justice or Justices before whom the Information shall be laid shall adjudge; One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

Penalties and Forfeitures how recovered and applied.

XC. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, (the Manner of levying and recovering whereof is not hereinbefore otherwise directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the County, Liberty, or Place wherein the Offence shall be committed, which Warrant the said Justice or Justices is and are hereby empowered and required to grant upon the Information of any credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby empowered and required to administer without Fee or Reward), and the Penalties and Forfeitures when recovered, after rendering the Overplus, (if any be) when demanded, to the Party or Parties whose Goods and Chattels shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be paid to the said Trustees, or any Five or more of them, or their Treasurer or Treasurers, and shall be applied (if not otherwise directed to be



be applied by this Act) for and towards the amending of the said Road, and other the Purposes of this Act; and in case sufficient Distress cannot be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and required by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender or Offenders to the Common Gaol of the said County, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

XCI. And for the more easy Detection of Offenders against this Act, For detection  
of Offenders. be it further enacted, That it shall be lawful for any Surveyor or Surveyors of the said Road, or any Collector or Collectors of the Tolls, or other Persons engaged in the Execution of this Act, and for any other Person or Persons in Aid of such Surveyor or other Person, to apprehend any Person or Persons who shall be seen by the said Surveyors or others respectively, committing any Offence against this Act, without any Warrant for that Purpose, and to cause him, her, or them to be taken before some Justice of the Peace for the County, Liberty, or Place wherein such Offence shall be committed, for the Purpose of Conviction and Punishment according to Law.

XCII. And be it further enacted, That all and every Justice and Jus- Form of  
Conviction. tices 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, or to the like Effect; that is to say,

To wit. } **BE** it remembered, That on the Day of  
in the Year of our Lord  
A. B. is convicted before me [or, us]  
of His Majesty's Justices of the Peace for the  
by virtue of an Act passed in the Fifty-second Year of  
the Reign of His Majesty King George the Third, intituled [*here set*  
*forth the Title of this Act, and specify the Offence, and Time, and Place,*  
*when and where the same was committed, as the Case may be*] and I the  
said Justice [or, we] the said Justices, do adjudge him [her, or them]  
to forfeit and pay for the same the Sum of  
Given under my [or, our] Hand and Seal, or Hands and Seals, the Day  
and Year first above written.

XCIII. And be it further enacted, That no Order made touching or Proceedings  
not to be  
quashed for  
Want of  
Form. concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction or Convictions 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 when any Distress shall be made for any Sum or Sums of Money to be levied by this Act, the Distress itself shall not be deemed to be 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  
[Loc. & Per.] 13 I Trespasser

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 or may recover full Satisfaction for the Special Damage (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in an Action for such Irregularity as aforesaid, if Tender of sufficient Amends shall have been made by or on the Behalf of the Party distraining before such Action brought.

Persons aggrieved may appeal to the Quarter Sessions.

XCIV. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief is hereinbefore provided, (except in such Cases where any Judgment, Order, or Determination is hereby mentioned or declared to be final, binding, or conclusive) such Person may, within the Space of Three Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at any General Quarter Session of the Peace to be holden for the County, Liberty, or Place wherein the Cause of Appeal shall arise, every such Appellant first giving or causing to be given Ten Days Notice at least in Writing of his or her Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Three Days next after such Notice, entering into a Recognizance before some Justice of the Peace for such County, Liberty, or Place, with two sufficient Sureties conditioned to try such Appeal, and to abide by the Order of, and pay such Costs as shall be awarded by the Justices at such Session; and the said Justices at such Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of every such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against, as the said Justices shall think proper; and the Determination of such Session shall be binding and conclusive to all Intents and Purposes.

Limitation of Actions.

XCV. And be it further enacted, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons for any thing done in pursuance of this Act, or in relation to the Matters herein contained, such Actions and Suits and every of them shall be commenced within Six Months next after the doing of the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, and not afterwards, and shall be brought, laid, and tried in the County or Place where such Matters or Things shall be committed or done, and not in any other County or Place; and that the Defendant or Defendants in such Action or Suits, and every of them, may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall so be brought, was done in pursuance and by Authority of this Act; and if the said Matter or Thing shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action

or

or Actions, Suit or Suits, shall become Nonsuit, or suffer a Discontinuance of such Action or Actions, Suit or Suits, or if upon any Demurrer or Demurrers, in such Action or Actions, Suit or Suits, Judgment shall be given for the Defendant or Defendants therein, then and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the Recovery thereof as any Defendant or Defendants hath or have for his, her, or their Costs, in any other Cases by Law.

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

XCVII. And be it further enacted, That this Act shall commence and take place upon the Twelfth Day of *May* next after the passing thereof, and shall continue and be in Force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Commence-  
ment and  
Continuance  
of this Act;

## The SCHEDULE to which this Act refers.

A MESSUAGE, Court, Workshop, and Land, with the Appurtenances, belonging to and in the Possession of *Stephen Exton* :

Part of a Close of Pasture Land, with the Appurtenances, belonging to the Marquess of *Bath*, held on Lease by *Robert Edwards*, and in the Possession of *Stephen Exton* :

Part of a Garden, with the Appurtenances, belonging to the Reverend *John Methuen Rogers* Clerk, held on Lease by *William Gifford*, and in the Possession of *William Osborne* :

A Cottage and Garden, with the Appurtenances, belonging to the said *John Methuen Rogers*, and in Possession of *Mary Webley* :

Part of a Close of Pasture Land, with the Appurtenances, belonging to the said *John Methuen Rogers*, and in the Possession of *John Pickford* :

A Piece of Waste Land, with the Appurtenances, lying open with the Road, and belonging to the said *John Methuen Rogers* :

A Messuage, Garden, and Land, with the Appurtenances, belonging to the said *John Methuen Rogers*, and in the Possession of *Mary Webley* :

A Messuage, Garden, and Part of a Close of Land, with the Appurtenances, belonging to the Marquess of *Bath*, held on Lease by *Robert Edwards*, and in the Possession of *William Moss* :

Part of a Close of Land, with the Appurtenances, belonging to *Mrs. Frances Edgell*, and in the Possession of *Edward Brewer* :

Part of a Close of Land, with the Appurtenances, belonging to the said *John Methuen Rogers*, and in the Possession of *John Pickford* :

All which said Messuages, Gardens, Orchards, Land, and Premises, are situate and lying at a Place called *Oldford*, in the Parishes of *Berkley*, *Standerwick*, and *Rodden*, or one of them, in the County of *Somerset*.

Messuages, Gardens, and Land, with the Appurtenances, belonging to *Arundel Bunn*, held on Lease by *Samuel Kelson*, and in the Possession of *William Chivers* and others :

A Messuage, Court, and Land, with the Appurtenances, belonging to *Joseph Wheeler*, and in the Possession of *John Bourne* :

Part of a Garden and Land, with the Appurtenances, belonging to and in the Possession of *Samuel Kelson* :

Four Messuages or Cottages, Gardens, and Land, with the Appurtenances, belonging to *William Joyce* and *John Joyce*, and in the Possession of *Anne Rose*, *James Bird*, *Samuel Timbury*, and *Richard Clare* :

Two Cottages, Buildings, Yard, and Land, with the Appurtenances, belonging to *Edward Cromwell*, and in the Possession of himself and *William Wheeler* :

Part of a Garden and Land, with the Appurtenances, belonging to and in the Possession of *William Hudden* :

Two Messuages or Cottages and Land, with the Appurtenances, belonging to *Samuel Kelson*, and in the Possession of *Joseph Davis* and *John Abbott* :

A Messuage and Land, with the Appurtenances, belonging to and in the Possession of *John Mitten* :

A Mes-

A Messuage, Garden and Land, with the Appurtenances, belonging to *Jeremiah Reed*, in the Possession of himself and others :

Workshops and Land, with the Appurtenances, belonging to the Parish Officers of *Beckington*, and in the Possession of *William Ford* :

Stable and Land, with the Appurtenances, belonging to and in the Possession of *Sarah Mitten* :

A Messuage, Shop, and Land, with the Appurtenances belonging to the Reverend *Henry Sainsbury* Clerk, held on Lease by *Joseph Abbott*, and in the Possession of *John Kemp* :

Two Courts, Gardens, and Land, with the Appurtenances, belonging to the said *Henry Sainsbury*, held on Lease by and in the Possession of *Joseph Abbott* :

Part of a Garden or Pleasure Ground, with the Appurtenances, belonging to and in the Possession of the said *Henry Sainsbury* :

Three Messuages or Cottages, Gardens, and Land, with the Appurtenances, belonging to *William Tranter*, and in the Possession of *Samuel Naish*, *Catharine Moss*, and *Samuel Powell* :

Part of a Messuage and Land, with the Appurtenances, belonging to and in the Possession of *Stephen Cuzner* :

A Messuage and Land, with the Appurtenances, belonging to and in the Possession of *Richard Chislett* :

A Messuage and Land, with the Appurtenances, belonging to *John Carpenter*, and in the Possession of *Samuel Alford* :

A Messuage and Land, with the Appurtenances, belonging to *Charity Short*, and in the Possession of *James Puxton* :

A Messuage, Court, Yard, and Land, with the Appurtenances belonging to *William Tranter*, and in the Possession of *Jesse Reed* :

A Messuage and Land, with the Appurtenances, belonging to *William Tranter*, and in the Possession of *William Gibbs* :

A Messuage and Land, with the Appurtenances, belonging to *William Baily*, and in the Possession of *James Abbott* :

A Messuage and Land, with the Appurtenances, belonging to *John Edwards*, and in the Possession of *William Deacon* :

A Messuage, Workshops, Buildings, Court, Yard, Gardens, and Land, with the Appurtenances, belonging to and in the Possession of Mrs. *Hayward* and *Joseph Hayward*, or one of them :

All which said Messuages, Cottages, Shops, Buildings, Gardens, Land, and Premises, with their Appurtenances, are situate and lying in the Parish of *Beckington*, in the County of *Somerset*.

A Messuage and Land, with the Appurtenances, belonging to Mrs. *Holloway* and *Hayward*, and in the Possession of *James Clement* :

A Court and Land, with the Appurtenances, belonging to *Samuel Fricker*, and in the Possession of *Rheuben Grist* :

A Messuage and Land, with the Appurtenances, belonging to *John Webb*, and in the Possession of *James Tilley* :

A Messuage, Garden, and Land, with the Appurtenances, belonging to *Charles James*, and in the Possession of *William Carter* :

A Messuage and Land, with the Appurtenances, belonging to and in the Possession of *Jonathan Puxton* :

A Messuage and Land, with the Appurtenances, belonging to *Thomas Pearce*, and in the Possession of *John Rose* :

A Building used as a Guard-house, and Land, with the Appurtenances, belonging to *Joseph Frowd* and *George Clarke Symonds*, or the Parish Officers of *Norton Saint Philip* :

A Court and Land, with the Appurtenances, belonging to and in the Possession of *Thomas Holdway* :

All which said last-mentioned Messuages, Cottages, Buildings, Gardens, Land, and Premises, with their Appurtenances, are situate and lying in the Parish of *Norton Saint Philip*, in the County of *Somerset*.

Part of a Close of Land, with the Appurtenances, belonging to *Abel Moysey*, and in the Possession of *George Wilton* :

A Messuage, Court, and Land, with the Appurtenances, belonging to *Joseph Harrold*, and in the Possession of *Benjamin Bolwell* :

A Messuage, Court, and Land, with the Appurtenances, belonging to *Edith West*, and in the Possession of *William Frapwell* :

A Messuage, Garden, and Land, with the Appurtenances, belonging to and in the Possession of *James Morgan* :

A Garden, with the Appurtenances, belonging to the Representatives of the late *Jonah Webb*, and in the Possession of *John Serjeant* :

Part of a Garden and Land, with the Appurtenances, belonging to and in the Possession of *James Morgan* :

Part of a Close of Land and Plantation, with the Appurtenances, belonging to and in the Possession of *Samuel Day* Esquire :

A Messuage, Outhouses, Buildings, Garden, Yard, and Land, with the Appurtenances, belonging to the said *Samuel Day*, and in the Possession of *Frederick Isdell* :

Part of an Orchard, with the Appurtenances, belonging to and in the Possession of *James Morgan* :

All which said last-mentioned Messuages, Cottages, Buildings, Gardens, Land, and Premises, with their Appurtenances, are situate and lying in the Parish of *Charterhouse Hinton*, in the County of *Somerset*.

A Messuage, Building, Waggon-house, and part of a Close of Land, with the Appurtenances, belonging to *Elizabeth Smith*, and in the Possession of *George Gauntlett* :

A Messuage, Stable, Cellar, Court, and Land, with the Appurtenances, belonging to and in the Possession of *Thomas Skone* :

Part of a Garden and Land, with the Appurtenances, belonging to *Robert Langley*, and in the Possession of *Robert Smith* :

Part of a Messuage, Cottage, Court, and Garden, with the Appurtenances, belonging to the said *Robert Langley*, and in the Possession of *Robert Smith* :

A Garden and Land, with the Appurtenances, belonging to the Proprietors of the *Somerset* Coal Canal, and in the Possession of *James Murphie* :

Part of a Close or Piece of Land, with the Appurtenances, belonging to and in the Possession of the Proprietors of the *Somerset* Coal Canal :

Part of a Close of Land, with the Appurtenances, belonging to the Proprietors of the *Somerset* Coal Canal, and in the Possession of *John Bowles* :

Part of a Close of Land, with the Appurtenances, belonging to *Cooper*, and in the Possession of *Isaac Beak* :

Part of a Close of Land, with the Appurtenances, belonging to *Charles Conolly* Esquire, and in the Possession of *Joseph Lockyear* :

All which said last-mentioned Messuages, Cottages, Buildings, Gardens, Land, and Premises, with their Appurtenances, are situate  
and

and lying in the Parishes of *Charterhouse Hinton, Limpley Stoke, Bradford, and South Stoke*, in the Counties of *Wilts and Somerset*, or one of them.

Part of a Garden, with the Appurtenances, belonging to and in the Possession of *James Anthony Wickham*, Esquire :

Part of a Garden, with the Appurtenances, belonging to *Thomas Bunn*, and in the Possession of *William Millard* and others :

Part of a Close of Land, with the Appurtenances, belonging to *Robert Meares* Esquire, held on Lease by *James Clement*, and in the Possession of *Stephen Goddard* :

Part of a Garden, with the Appurtenances, belonging to *Francis Busb*, and in the Possession of *George Bifs* :

Part of a Garden, Court, and Land, with the Appurtenances, belonging to *Edward Colledge Pitt*, and in the Possession of *Jane Payne* :

Part of a Close of Land, with the Appurtenances, belonging to Mrs. *Mary Barnard*, and in the Possession of *James Frampton* :

Part of a Garden, with the Appurtenances, belonging to *George Sheppard* Esquire, and in the Possession of *James Saxty* :

Part of a Close of Land, with the Appurtenances, belonging to and in the Possession of *Joseph Mussell* :

Part of a Garden, with the Appurtenances, belonging to and in the Possession of *Stephen Goddard* :

A Messuage, Garden, and Land, with the Appurtenances, belonging to the said *George Sheppard*, and in the Possession of *Noble and Taylor* :

Part of a Garden and Building thereon, with the Appurtenances, belonging to and in the Possession of *Joseph Mussell* :

Part of a Close of Land, with the Appurtenances, belonging to and in the Possession of the said *George Sheppard* :

A Garden, Court, and Land, with the Appurtenances, belonging to the said *George Sheppard*, and in the Possession of *Hill* :

A Messuage and Land, with the Appurtenances, belonging to *Wise*, and in the Possession of *Draper* :

A Court or Yard, and Land, with the Appurtenances, belonging to and in the Possession of the said *George Sheppard* :

A Messuage, Garden, and Land, with the Appurtenances, belonging to *Sarah Millet*, and in the Possession of *Thomas Wise* :

A Messuage, Garden, Rope Walk, and Land, with the Appurtenances, belonging to the said *Mary Barnard*, and held on Lease by and in the Possession of *James Baker* :

Part of a Close of Land, with the Appurtenances, belonging to *John Clevey Middleton*, and in the Possession of *Stephen Goddard* :

Part of a Close of Land, with the Appurtenances, belonging to *Henry Sheppard* Esquire, and in the Possession of *Stephen Goddard* :

Part of a Close of Land, with the Appurtenances, belonging to the Reverend *William Ireland* Clerk, and in the Possession of *Job White* :

Part of a Close of Land, with the Appurtenances, belonging to the said *Thomas Bunn*, and in the Possession of *Charles Bishop* :

Part of a Close of Land, with the Appurtenances, belonging to the said *Thomas Bunn*, and in the Possession of *Joseph Mussell* :

Part of a Close of Land, with the Appurtenances, belonging to the said *Thomas Bunn*, and in the Possession of *William Finall* :

Part

Part of a Garden, with the Appurtenances, belonging to the said *William Ireland*, held on Lease by *Job White*, and in the Possession of *Isaac Harper*:

Part of a Close of Land, with the Appurtenances, belonging to the Marquess of *Bath*, held on Lease by and in the Possession of *Timothy Lacy*:

Part of a Close of Land, with the Appurtenances, belonging to *James Ayres*, and in the Possession of the said *James Anthony Wickam*:

All which said last-mentioned Messuages, Cottages, Buildings, Gardens, Land, and Premises, with the Appurtenances, are situate and lying in the Parish of *Frome*, in the County of *Somerset*.

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1812.