

Recited Act
repealed.

Proviso as
to Bridle
Ways.

This Act to
be put in
force for
making and
repairing the
Roads herein
mentioned.

Appointment
of Trustees.

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Sixth Day of *August* next after the passing of this Act the said recited Act of the Forty-ninth Year of the Reign of His said late Majesty King *George* the Third shall be and the same is hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever: Provided always, that nothing herein contained shall extend or be construed to extend to open, or cause to be opened, the several Lanes and Bridle or Drift Ways stopped up by or under the Authority of the said recited Act, but the same and each and every of them are hereby declared to be stopped up and discontinued as such Lanes and Bridle or Drift Ways, in such and the same Manner as if the said recited Act had not been repealed.

II. And be it further enacted, That this Act shall from thenceforth commence and take effect, and be put in execution, for and during the Term herein-after mentioned, for the Purpose of more effectually making, maintaining, repairing, widening, altering, diverting, and from Time to Time improving and keeping in repair the Road commencing from the Turnpike Road leading from *Malmesbury* to *Chippenham*, from or near the present Turnpike Gates at *Burton Hill* in the Parish of *Malmesbury*, called *Cowbridge Lane Gates*, to or near a certain Gate called *Copped Hall Turnpike*, in the Parish of *Wootton Bassett*, passing in or through the several Parishes or Places of *Saint Paul Malmesbury*, *Burton Hill*, *Lea*, and *Cleverton*, *Little Somersford*, *Brinkworth*, *Lydiard Tregooze*, *Midgehall*, and *Wootton Bassett*; also the Branch of Road from the said first-described Road on *Little Somersford Down* to the Turnpike Road leading from *Christian Malford Bridge* to *Draycot Cerne*, at or near the Parish Church of *Sutton Benger*, passing in or through the Parishes or Places of *Little Somersford*, *Great Somersford* otherwise *Broad Somersford*, *Seagry*, and *Sutton Benger*; and also another Branch of Road leading out of the last-mentioned Branch of Road from or nearly opposite the House of *Thomas Gilmore*, in the Village of *Little Somersford*, to the Turnpike Road leading from *Swindon* to *Christian Malford Bridge*, at or near a certain Place where formerly stood a Gate called *Dauntsey Gate*, passing in or through the Parishes or Places of *Little Somersford*, *Dauntsey*, and *Christian Malford*, all in the County of *Wilts*.

III. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Wilts* for the Time being, together with the Right honourable *Charles John Howard* commonly called Viscount *Andover*, *John Andros* Clerk, *Thomas Angell*, *William Austin* Clerk, *Henry Bayliffe*, *Maurice Maskelyne Bennet*, *John William Biedermann*, *George Augustus Biedermann* Clerk, *Samuel Brooke*, *Samuel Brooke* the younger, *John Brooks*, *John Buckland*, *John Seager Buckland*, *William Buckland* the younger, *Thomas Calley*, *Giles Canter*, *Joseph Canter*, *Richard Carter*, *William Carter* Clerk, *Walter Coleman*, *William Cripps*, *William Crowdy*, *Thomas Cresswell*, *George Cresswell*, *Thomas Chubb*, *Stephen Demainbray* Clerk, *Francis Demainbray* Clerk, *Stephen Demainbray* the younger, *Thomas Dewell*, *Thomas Grimstone Bucknall Estcourt*, *Thomas Henry Sutton Bucknall Estcourt*,

Estcourt, Edmund William Estcourt Clerk, Robert Gordon, Richard Handy, John Troughear Handy, Charles Henry Handy, the Honourable Henry Howard, the Honourable Richard Howard, the Honourable James Howard, Josiah Hanks, Francis Hill, Giles Hill, George Holford, Henry Hulbert, Henry Hulbert the younger, Alfred Francis William Jeston, Thomas Jones, Thomas Keene, Richard Kinnier, Peter Harvey Lovell, John Lovell Clerk, Audley Lovell, John Lovell the younger, Robert Cove Lloyd, Thomas Luce, William Maskelyne of Oaksey, William Maskelyne of Tetbury, Maurice Maskelyne, William Maskelyne the younger, of Oaksey, Jacob Matthews, John Neate, John Neate the younger, Samuel Neate, John Nicholas Doctor of Laws, Benjamin Nuth, William Ody, Samwell Ody, Daniel Ody, John Ody, William Ody the younger, Daniel Ody the younger, — Ogle Clerk, John Parsloe, Joseph Pitt, Joseph Pitt the younger, Charles Pitt Clerk, Walter Paul, Robert Clark Paul, Robert Peacey, Richard Peers Player, Richard Pollen, Henry Richards, Thomas Ripley Clerk, Thomas Roberts, Richard Robins, Edward Ryder Clerk, Thomas Seale, William Smith, William Skey Clerk, Robert Stratton, Undecimus Stratton, Charles Strong, Benjamin Coffin Thomas, Joseph Priestley Thomas, William Tugwell, James Wiggett Clerk, Henry Wightwick Clerk, Charles Wightwick Clerk, Henry Wightwick the younger, Daniel Young, Nathaniel Young, Henry Abraham Young, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in England, shall be and they are hereby appointed Trustees for putting this Act into execution.

IV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time at any of their Meetings to elect, nominate, and appoint any Number of Persons, not exceeding Three in the whole in addition to the Trustees herein named and appointed, to be Trustees for the Purposes of this Act; and such Persons so elected and appointed, and being duly qualified to act as Trustees of Turnpike Roads in England, shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named and appointed.

Power to appoint additional Trustees.

V. And be it further enacted, That the said Trustees shall hold their First Meeting at the House known by the Sign of the *White Lion*, in the Town of *Malmesbury* aforesaid, or at some other convenient House or Place in the said Town, on the Seventh Day of *August* next after the passing of this Act, or as soon after as conveniently may be, and shall and may then and from Time to Time afterwards adjourn to and meet at such Time and Times, and at such Place and Places in the Neighbourhood of the said Roads, as they shall think proper.

First Meeting of Trustees.

VI. And be it further enacted, That it shall be lawful for the said Trustees, or any Person being a Lessee or Farmer, or appointed or continued to be appointed Collector of the Tolls to be taken by virtue of this Act, to demand and take every Day (such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night) the several and respective Tolls

Power to take Tolls.

Tolls herein-after mentioned ; and the Tolls or Sums of Money to be levied and collected by virtue of this Act shall be and the same are hereby vested in the said Trustees, to be applied by them in the Manner herein-after directed :

Tolls.

For every Horse, Mule, Ass, Ox, or other Beast drawing any Waggon, Wain, Cart, (except a Cart upon Springs, or any Cart drawn by One Horse or Two Oxen only,) or other such Carriage, having the Fellies of the Wheels thereof of less Breadth or Gauge than Four and a Half Inches from Side to Side at the Bottoms or Soles thereof, the Sum of Sixpence :

For every Horse, Mule, Ass, Ox, or other Beast drawing any Waggon, Wain, Cart, (except any Cart drawn by One Horse or Two Oxen only,) or other such Carriage, having the Fellies of the Wheels thereof of the Breadth or Gauge of Four and a Half Inches, and less than Six Inches, at the Bottoms or Soles thereof, the Sum of Five-pence :

For every Horse, Mule, Ass, Ox, or other Beast drawing any Waggon, Wain, Cart, (except any Cart drawn by One Horse or Two Oxen only,) or other such Carriage, having the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches or upwards at the Bottoms or Soles thereof, the Sum of Four-pence :

For every Horse or other Beast drawing in Pairs any Waggon, Wain, Cart, or other Carriage, with Goods, Wares, Timber, Stone, or other heavy Burdens, having the Soles or Bottoms of the Fellies of the Wheels thereof of less Breadth or Gauge than Nine Inches, (Carriages drawn by Two Horses or Beasts only excepted,) over and above and along with the Tolls before mentioned, an additional Toll of One Penny :

For every Horse, Mule, Ass, Ox, or other Beast drawing any Coach, Stage Coach, Diligence, Van, Caravan, Chaise Marine, Landau, Berlin, Barouche, Phaeton, Sociable, Chariot, Calash, Hearse, Break, Chaise, Curricule, Gig, Chair, Cart upon Springs, or any Cart not drawn by more than One Horse or Two Oxen, or other Carriage not falling within the Description aforesaid, the Sum of Sixpence :

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

For every Drove of Oxen, Cows, or Neat Cattle, *per* Score, and so in proportion for any less Number, the Sum of One Shilling and Eight-pence :

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

For every Four-wheeled Carriage, not drawn by any Horse or Beast of Draught, but propelled or moved by Machinery, the Sum of One Shilling :

And for every Two-wheeled Carriage, not drawn by any Horse or Beast of Draught, but propelled or moved by Machinery, the Sum of Sixpence.

Tolls to be paid but once a Day.

VII. And be it further enacted, That after the respective Tolls shall have been paid for or in respect of any Horse, Beast, Cattle, or Carriage, for passing through any of the Turnpikes, Toll Gates,

Side Bars, or Chains now erected or hereafter to be erected or continued by virtue of this Act, such Horse, Beast, Cattle, or Carriage shall, upon a Note or Ticket being produced denoting such Payment, be permitted to pass and repass Toll-free through the same Turnpike, Toll Gate, Side Bar, or Chain, during the same Day (except as herein-after mentioned).

VIII. And be it further enacted, That no more than Two full Tolls shall be demanded or taken on the same Day for or in respect of the passing and repassing of the same Horse, Beast, Cattle, or Carriage through all or any of the Turnpikes or Toll Gates erected or to be erected upon the said Road between the Town of *Malmesbury* and *Copped Hall* Turnpike, nor more than One full Toll upon each or either of the said Branches of Road (except as herein-after mentioned).

Limiting the Number of Tolls to be taken on the same Day on the whole Line.

IX. And be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van or Caravan, or other Carriage, carrying Passengers or Goods for Pay, Hire, or Reward, or any Stage Coach, Diligence, Van or Caravan, or other Carriage, propelled or moved by Machinery, conveying Passengers or Goods for Pay, Hire, or Reward, shall be payable and paid every Time of passing or repassing through any of the said Turnpikes, Toll Gates, Side Bars, or Chains; and the Tolls hereby made payable for or in respect of any Horses or Beasts which shall be let out to Hire, or any Horses or Beasts drawing any Post Chaise or other Carriage which shall be let out to Hire, or any Carriage propelled or moved by Machinery which shall be let out to Hire, shall be payable and paid every Time of passing or repassing through any of the said Turnpikes, Toll Gates, Side Bars, and Chains, whenever any new or fresh Hiring thereof shall take place.

Stage Coaches, &c. to pay every Time of passing;

Post Chaises on every new Hiring.

X. And be it further enacted, That none of the Tolls authorized to be taken by virtue of this Act, or any of the Money to be borrowed upon the Credit thereof, shall be laid out or expended in the Amendment, Repair, or Improvement of any of the said Roads directed to be amended, repaired, or improved by virtue of this Act, if there be no Toll Gate erected thereupon respectively, and Tolls taken thereat; nor shall any greater Sum of Money be expended in the Repair of any of such Roads than shall be collected at the Toll Gates or Turnpikes to be erected thereon, or received as Composition for Statute Duty thereon.

Tolls to be collected on each of the Roads to be repaired by this Act.

XI. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the said recited Act hereby repealed, which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall have been or shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first

Application of the Tolls and other Monies.

[*Local.*]

6 F

place,

place, in the Payment of all Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relative thereto respectively, with lawful Interest for the same from the Time of advancing or disbursing the same; secondly, in paying the necessary Expences of maintaining and keeping in repair the said Roads, and in paying and keeping down the Interest of all such Sums of Money as are or shall be borrowed and taken up at Interest upon the Credit of the Tolls of the said Roads; thirdly, in defraying the Expences of diverting, altering, widening, improving, repairing, and keeping in repair the said Roads herein-before described, and of erecting and providing, altering and repairing Turnpikes, Toll Gates, Toll Bars, and Toll Houses, with suitable Outbuildings, upon, across, and by the Sides of the said Roads, and otherwise in executing the Powers of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money already borrowed or raised under and by virtue of the said former Act hereby repealed, or to be by them the said Trustees hereafter borrowed or raised under or by virtue of this Act, and all other Debts and Sums of Money now owing, and which may hereafter become due and owing, by or on account of the said Roads.

Entrances to
Fields, &c. to
be made with
hard Mate-
rials.

XII. And be it further enacted, That in all Places throughout the said Roads hereby directed to be repaired, where any Entrance shall be from the said Roads to any Field, Garden, Yard, or other Land or Ground, or to any Buildings, from the said Roads or any Part thereof, such Entrance shall be properly covered with Stone, Gravel, or other hard Materials, and a proper Culvert or Drain made by or at the Expence of the Proprietor or Occupier of such Field, Garden, Yard, Land, Ground, or Buildings, so that such Roads may not be injured by Carriages or Horses passing to or from the same by such Entrance; and in case such Proprietor or Occupier shall neglect to cover with proper Materials such Entrance, or to make such Culvert or Drain, or to keep the same respectively in proper Order, for the Space of One Calendar Month after Notice in Writing given to such Proprietor or Occupier, or left for him or her at his or her usual or last Place of Residence, by the Surveyor to the said Trustees, or other Person appointed by them, requiring such Proprietor or Occupier so to make or repair the same, then it shall be lawful for the said Trustees or their Surveyor, or any other Person acting by or under their Authority, to cover such Entrance with Stone, Gravel, or other hard Materials, and to make such Culvert or Drain, or to repair the same respectively, (as the Case may be,) and the Expences thereof shall be reimbursed and paid to the said Trustees by such Proprietor or Occupier (as the Case may be); and in case of Non-payment of such Expences within Fourteen Days after the same shall have been demanded by or on behalf of the said Trustees, then such Expences shall and may be recovered, together with the Costs and Charges attending the same, by Distress and Sale of the Goods and Chattels of such Proprietor or Occupier, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace of the said County of *Wilts*, and which Warrant of Distress any such Justice or Justices is or are hereby authorized and empowered to grant,

grant, on Proof made before him or them on Oath of such Expence having been incurred, and of such Notice having been given as aforesaid; and the Overplus (if any) shall be returned, on Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

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

XIV. And be it further enacted, That this Act shall commence Term of Act. and take effect from and after the Sixth Day of *August* next after the passing thereof, and shall thenceforth continue and be in force and be executed for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1830.

