



ANNO TRICESIMO NONO

# GEORGI II. REGIS.

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## Cap. 63.

An Act for more effectually repairing and improving the Road from the *Green Man*, in the Chapelry of *Seend*, in the County of *Wilts*, through *Trow-bridge*, to *Beckington*, in the County of *Somerset*, and several other Roads communicating with or lying near to the said Road; and for making and maintaining certain Pieces of new Road, in *Trow-bridge* aforesaid. [1st July 1799.]

**W**HEREAS an Act was passed in the Eighth Year of the Preamble.  
Reign of His present Majesty King George the Third, inti- 8 Geo III,  
tuled, *An Act to enlarge the Term and Powers of an Act, made recited.*  
*in the Twenty-fifth Year of the Reign of His late Majesty King George the*  
*Second, for repairing the Road from the Green Man, in the Chapelry of*  
*Seend, in the County of Wilts, to Beckington, in the County of Somerset;*  
*and for repealing so much of an Act, made in the same Year, for repairing se-*  
*veral Roads in the Counties of Wilts and Somerset, as relates to the Roads*  
*from a Place in Trowle Bridge Lane to Midford, and from Freshford to*  
*Hall's Close, in Limpley Stoke; and for amending the said Roads, and also*  
*several other Roads leading from or near the Roads included in the said Acts,*  
[Loc. & Per.] 10 T whereby

whereby the said Act, passed in the Twenty-fifth Year of the Reign of His said late Majesty, was repealed, and the said recited Act took place instead thereof: And whereas great Progress hath been made in repairing, widening, and altering, the said several Roads, for which Purpose several considerable Sums of Money have, from Time to Time, been borrowed by the Trustees having the Care thereof, on the Credit of the Tolls authorized to be taken thereon, which Monies, together with the said Tolls, have been duly applied; and the said recited Act, and the Term thereby granted, is now charged with and subject to the Payment of all such Sums of Money as have been borrowed as aforesaid, or as are become due and owing on the Credit of the said Roads, or of the said several Acts, or any of them: And whereas the said Sums of Money cannot be repaid, nor can the said Roads be effectually amended, improved, and kept in Repair, unless the Term of the said recited Act is continued; and the Powers and Provisions of the said Act having been found in many Respects defective and insufficient for the Purpose thereof, it is expedient that the said recited Acts should be repealed, and further and other Powers granted instead thereof; and it is also expedient that several of the Roads included in the said Act should be no longer continued as Turnpike Roads: And whereas a certain Piece of Road adjoining the Turnpike Road, in *Back Street*, in the Town of *Trowbridge*, at or near a certain Corner there, called *The Parsonage Corner*, leading from thence to the House of *Mary May* Widow, in the *Brick Plott*, is narrow, out of Repair, and incommodious, and cannot be effectually amended, altered, varied, widened, and kept in Repair, by the ordinary Course of Law, and it is expedient that the same be made Turnpike, and included in this Act; and it would be a great Accommodation and Convenience to the Publick if a new Road was made from the said House of the said *Mary May* Widow, to join the Turnpike Road at or near a Place called *Islington*, leading to *Hilperton's Marsh*, and also if a new Road was made from the Turnpike Road in the Market Place in the Town of *Trowbridge*, to join the same Turnpike Road at or near the New Inn in *Silver Street* in the said Town: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, passed in the Eighth Year of the Reign of His present Majesty, shall, as soon as a sufficient Number of the Trustees appointed by this Act are assembled at the First Meeting pursuant to the Directions herein-after contained, and shall have proceeded to have put this Act in Execution, be, and the same is hereby declared to be then repealed, and that instead thereof this Act shall commence and take Effect, and be put in Execution, for and during the Term herein-after mentioned, for repairing, widening, and improving, the several Roads herein-after mentioned; that is to say, the Road from the *Green Man*, in the Chapelry of *Seend*, in the County of *Wilts*, through *Trowbridge*, to a Place called *White Trough*, in the Parish of *Trowbridge* in the same County, and from thence by *Road Church* to *Beckington*, in the County of *Somerset*, and from a Place in *Trowle Bridge Lane*, through *Westwood* and *Freshford*, to *Hall's Close*, in *Limpley Stoke*, and from the Turnpike Gate at *Stallards*, in the Parish of *Trowbridge*, through a Lane called *London Bridge Lane*, to the End of the Parish of *Hungerford Farleigh*, leading to *Norton Saint Phillips*, in the County of *Somerset*,

Former Act repealed, and this Act to take place.

Recital of Roads.

*Somerset*, and from *Hungerford Farleigh* to the End of that Parish leading towards *Telsford*, and from *Hungerford Farleigh* to *Charterhouse Hinton*, in the said County of *Somerset*, and from the Road near a House in the Parish of *Wingfield*, now in the Occupation of *Elijah Forsyth*, but heretofore in the Occupation of *Daniel Danvers* Esquire, over *Wingfield* and *Road Commons*, to join the Turnpike Road leading from *Trowbridge* to *Beckington* aforesaid; and also the Road from a Publick House called *The Carpenters Arms*, in the Parish of *Keevil*, through *Hinton*, to the Turnpike Road at the Foot of *Haghill*, in the Parish of *Steeple Ashton*; and also the Road leading from *Studley Lane*, in the Parish of *Trowbridge*, to the Entrance of *Outmarsh Common*; and also the Road from the Turnpike Road at *Southwick* to *Winsbam Bridge*, and also from *Trowbridge* aforesaid to the Turnpike Road at *Hilperton's Marsh*; and also the Road from the *Parsonage Corner* in *Back Street*, in the Town of *Trowbridge*, to the House of *Mary May* Widow, in the *Brick Plot*; and for making and maintaining a new Road from thence to the Turnpike Road at or near *Islington*, and also a new Road from the Market Place in the said Town to the Turnpike Road in *Silver Street*, in the said Town of *Trowbridge*; and that the said several Roads shall from henceforth be called *The Trowbridge Roads*; and that this Act, and all the Tolls which shall be collected on the said Roads, shall be, and are hereby made subject and liable to the Payment of all Sums of Money now due and owing upon the Credit or on Account of the said recited Act, passed in the Eighth Year of the Reign of His present Majesty, and to the Payment of all Money which shall or may hereafter be borrowed and become due on the Credit of this Act, and of all Interest due and to grow due for the same respectively.

II. And be it further enacted, That Sir *Edward Bayntun* Baronet, Trustees:  
*Ambrose Goddard*, *Henry Penruddock Wyndham*, *John Awdry*, *Michael Hicks Beach*, *Henry Bythefsea*, *Andrew Bayntun*, *Philip James Gibbs*, *Isaac Webb Horlock*, *Benjamin Hobbouse*, *Joseph Houlton*, *Richard Long*, *Edward Horlock Mortimer*, the Reverend *John Lewis Bythefsea*, the Reverend *Henry Bayntun*, the Reverend *John Clark*, the Reverend *Nicholas Cross*, the Reverend *John Cooper*, the Reverend *John Ekins* Doctor in Divinity, the Reverend *Isaac Webb Horlock*, the Reverend *John Reece*, the Reverend *Edward Spencer*, *Ambrose Awdry*, *Samuel Bythefsea*, *Thomas Bythefsea*, *Charles Bythefsea*, *Edmund Bythefsea*, *Henry Frederick Bythefsea*, *John Bright*, *John Clark*, *Samuel Cook*, *Samuel Cook the younger*, *Joseph Cook*, *James Coles*, *Thomas Stratton Coles*, *Richard Casswell*, *Nicholas Cross*, *John Hawker Cross*, *John Cook*, *Thomas Drinkwater*, *Joseph Houlton Drinkwater*, *John Dowding*, *William Dunn*, *Joseph Dunn*, *Joseph Dunn the younger*, *Thomas Deacon*, *John Dodd*, *Benford Deacon*, *Nathaniel Edwards*, *John Gaisford*, *Benjamin Greenbill*, *John Goldfinch*, *Thomas Gould*, *John Houlton*, *Robert Harvey* Doctor of Phylick, *Robert Haynes*, *Thomas Whitaker Ledyard*, *John Long*, *Abraham Ludlow*, *Abraham Ludlow the younger*, *Wadham Lock*, *Edward Mortimer*, *Edward Horlock Mortimer the younger*, *Joseph Mortimer*, *Jonathan Noad*, *Francis Naisb*, *Julius Samuel Rich*, *Thomas Redfern*, *James Selse*, *John Stillman*, *Thomas Stillman*, *Thomas Stillman the younger*, *Edward Sheppard*, *John Sheppard*, *Samuel Sylvester*, *Ephraim Salter*, *Samuel Salter*, *Thomas Turner*, *Thomas Timbrell of Trowbridge*, *Thomas Timbrell the younger*, *William Whitaker*, *John Waldron*, *William Everett Waldron*, *William Waldron*, *Samuel Way*, *Henry David Way*,

Way, Thomas Walker, Charles Walker, Stephen Williams, Robert Weaver, Thomas Busb, Daniel Clutterbuck, John Jones, John Jones the younger, William Henry Jones, Joseph Smith, and John William Terbury, and their Successors, to be elected in Manner herein-after mentioned, shall be, and they are hereby appointed Trustees for putting this Act in Execution.

Appointment  
of new Trust-  
tees.

III. And be it further enacted, That when any Trustee herein-before named, or to be elected as herein-after mentioned, shall die, or by Writing under his Hand delivered to the Clerk of the said Trustees, shall refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, by Writing under their Hands, to elect and appoint One other Person to be a Trustee in the Room of the Trustee so dying or refusing to act, but Notice of the Time and Place of every such Election shall be given by the Clerk of the said Trustees, by affixing the same in Writing on all the Turnpike Gates then erected on the said Roads, at least Fourteen Days before every such Meeting; and all and every Person and Persons who shall be so elected and appointed, shall be vested with the same Powers and Authorities for putting this Act in Execution as if he or they had been a Trustee or Trustees named in this Act.

Qualifications  
of Trustees.

IV. Provided always, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless at the Time of his acting therein he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or possessed of or entitled unto a Personal Estate of the Value of Two thousand Pounds, or shall be Heir Apparent to a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds, nor (except in administering the Oath herein-after mentioned) until he shall take and subscribe the Oath following, before any Three or more of the said Trustees, who are hereby authorized and required to administer the same; (that is to say),

Trustees to  
take Oath.

‘ I A. B. do swear, That I truly and *bona fide* am in my own Right [or, in the Right of my Wife] in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes [or, possessed of or entitled unto a Personal Estate of the Value of Two thousand Pounds, or, that I am Heir Apparent of a Person who to the best of my Knowledge and Belief is possessed of an Estate in Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds.]  
So help me GOD.’

Penalty on  
acting if un-  
qualified.

And if any Person, not being qualified as aforesaid, shall presume to act, contrary to the true Intent and Meaning hereof, 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, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Impar lance shall be allowed; and such Person so sued or prosecuted shall prove that he is qualified as above, or otherwise,

otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Plaintiff or Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act.

V. And be it further enacted; That the said Trustees, or any Five or more of them, shall meet together at *The George Inn in Trowbridge*, on the Fifteenth Day of *July* One thousand seven hundred and ninety-nine, or as soon after as conveniently may be, and proceed to the Execution of this Act; and shall then and from Time to Time afterwards adjourn themselves to meet at such House or Place, near some Part of the said Roads, as the said Trustees, or any Five or more of them, shall think most convenient; and if at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, and to adjourn to another Day, (Two Trustees being deemed sufficient for the Purpose of Adjournment only), or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves; the Clerk or Clerks to the said Trustees shall from Time to Time, in either of such Cases by Notice in Writing to be affixed upon all the Turnpike Gates then erected on the said Roads, or by Advertisement in some Weekly Newspaper usually circulated in the Neighbourhood of the said Roads, at least Ten Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to be held or was held, on that Day Three Weeks upon which such last Meeting was appointed or held, as the Case may be; and the said Trustees at all their Meetings shall defray their own Expences; and that all Orders and Determinations of the said Trustees in Execution of this Act, shall be at a Meeting to be held in pursuance of this Act, and not otherwise, (except as herein-after is excepted); and that no such Order or Determination shall be made unless the Majority of the Trustees present at the Meeting, (every Trustee composing such Majority not being personally interested in the Matter or Matters in question), shall concur therein; such Meeting not consisting of less than the Number of Trustees by this Act authorized to make such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting; unless Thirteen Trustees at the least, neither of them being personally interested as aforesaid, shall be present, nor unless the Person or Persons applying to revoke or alter any such Order or Determination, shall give Notice in Writing to the Clerk of the said Trustees, to be by him fixed upon all the Turnpike Gates then erected on the said Roads, or advertised in Manner aforesaid, at least Ten Days previous to any Meeting to be held for such Purpose; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act, but all such Trustees as are Justices of the Peace may act in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested; nor shall any Meeting of Trustees, by virtue of this Act, be on any Account begun to be held before the Hour of Ten in the Forenoon, or after Two in the Afternoon, and if any Meeting shall at any Time be held contrary to this Direction, all Business which shall be done or transacted at such Meeting, shall be, and the same is hereby declared to be void: Provided nevertheless, That any Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money,

Time and Place of their Meeting.

Manner of Adjournment.

Trustees to pay their own Expences.

Orders to be made by the Majority present;

but not revoked but by 13 Trustees.

Trustees not to hold Places of Profit under this Act, except Justices.

Time limited for holding Meetings.

Mortgagees not deemed unqualified.

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upon

upon the Credit of the said Roads, or receiving Interest thereout for the same, shall not therefore be deemed unqualified.

Two Trustees  
may adjourn.

VI. Provided always, and be it further enacted, That Two Trustees shall be sufficient for the Purpose of adjourning; and if it shall at any Time happen that no Trustee shall appear at the Time and Place appointed for any of the Meetings of the Trustees to be held under this Act, then, in case the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall be by any Means prevented from giving Notice as aforesaid, it shall and may be lawful for any Two or more of the Trustees appointed to put this Act in Execution, at any Time or Times, for the Space of Ten Days after such Refusal, Neglect, or Prevention of the Clerk or Clerks having first intervened, to appoint such Trustees to meet at some House in or near the said Roads, on that Day Three Weeks mentioned in such Notice, which said Notice shall be in Writing, and shall be affixed on the Turnpikes erected by virtue of this Act across the said Roads, or advertised in some Weekly Journal or Newspaper as aforesaid, either of which Methods shall be deemed and taken as a sufficient Notice for such Meeting.

Meetings to  
be called on  
Emergencies.

VII. And be it further enacted, That if after any Adjournment of the said Trustees, it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case, the Clerk or Clerks to the said Trustees, upon an Order in Writing signed by any Five or more of the acting Trustees, (although not assembled at a Meeting), mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof, by Writing affixed on all the Turnpike Gates then erected upon the said Roads, and of the Time and Place which shall be mentioned in the Orders of the said Trustees, (such Time not being less than Fourteen Days after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournments.

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

VIII. And be it further enacted, That the said Trustees may sue and be sued, for or concerning any Thing to be done by virtue or in pursuance of this Act, in the Name of their Treasurer or Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of, or against the said Trustees, by virtue of this Act, in the Name of their Treasurer or Clerk, shall abate or be discontinued by the Death or Removal of any such Treasurer or Clerk, nor by the Act of such Treasurer or Clerk without the Consent of the Trustees, or any Five or more of them, but that the Treasurer or Clerk for the Time being of the said Trustees shall be deemed Plaintiff or Defendant, as the Case may be, in such Action or Suit.

Treasurer or  
Clerk to be re-  
imbursed Ex-  
pences.

IX: Provided That every such Treasurer or Clerk 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 in pursuance of this Act, all such Costs, Charges, Damages, and Expences, as by the Event, or in consequence of any such  
Action

Action or Proceeding, he shall pay, bear, expend, or be put unto or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid.

X. And be it further enacted, That the said Trustees, or any Five or more of them, may continue the Turnpike Gates already erected upon any of the said Roads, and may and shall cause to be erected any other Turnpike Gate or Turnpike Gates in, upon, or across any Part or Parts of the Roads by this Act directed and intended to be made and repaired, and also upon the Side or Sides of any of the said Roads, and across any Street, Lane, or Way leading into or out of the same respectively; and also to cause to be erected or provided a Toll House or Toll Houses, with suitable Outbuildings, at or near each Turnpike Gate, and also to take in and inclose from any Common or Waste near the said Roads, a Garden Spot to each Toll House suitable and convenient thereto, so as such Garden Spot does not exceed Four Poles square; and may and shall also provide and maintain a Lamp or Lamps, with proper Furniture, at or near each Turnpike Gate; and from Time to Time to remove such Turnpike Gate or Turnpike Gates, and Toll Houses, or to alter the same, or any Part or Parts thereof respectively, as they the said Trustees, or any Five or more of them, shall think meet or expedient; and that the Tolls following shall be demanded and taken at every such Turnpike, by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time appoint for that Purpose, or as shall be appointed by any Person or Persons to whom the same may be let, before any Horse or other Beast, or any Cattle or Carriage, shall be permitted to pass through the same; (that is to say),

Trustees may continue and erect Turnpike Gates.

For every Horse or other Beast drawing any Waggon, Wain, Cart, Sledge, Dray, or other such Carriage, the Sum of Four-pence Halfpenny:

Tolls.

For every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Hearse, Curricule, Chair, or other such Carriage, the Sum of Three-pence:

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, not drawing, the Sum of One Penny:

For every Drove of Neat Cattle the Sum of Ten-pence *per* Score, and so in Proportion for any greater or less Number:

And for every Drove of Calves, Sheep, Lambs, or Swine, the Sum of Five-pence *per* Score, and so in Proportion for any greater or less Number:

Which said respective Sums shall be demanded and taken in the Name of, or as a Toll, and shall be, and are hereby vested in the said Trustees, to be applied as are herein-after to be directed; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid to collect such Tolls, by himself or themselves, or taking such Assistance as he or they shall think necessary, (and which Assistance all Persons are hereby required to give if called upon), to seize and distrain any Horse or Horses, or other Cattle or Beasts, or any Carriage, upon which such Tolls are by this Act imposed, together with the Bridles, Saddles, Harness,

Tolls vested in the Trustees.

Recovery.

ness, Gears, Accoutrements, or Lading respectively, or a sufficient Part thereof, and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, or other Thing so seized or distrained, or a sufficient Part thereof, returning the Overplus of the Money (if any be) and what shall remain unfold of the Things distrained, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

Disputes concerning Tolls, etc. to be settled by a Justice.

XI. And be it further enacted, That if any Dispute or Disputes shall happen or arise between the Collector or Collectors of the said Tolls, his or their Servants, Agents, or Assistants, with any Trustee, Treasurer, Clerk, Surveyor, or other Officer employed on the said Roads, or with any Passenger or Passengers travelling on the same, relative to the Amount of the Tolls due, or the Charges of keeping any Distress or Distresses for the Non-payment thereof, or by such Collector or Collectors, or any Person or Persons by him or them employed, offering any such Trustee, Treasurer, Clerk, Surveyor, or other Officer, or Passenger or Passengers, any bad or base Coin, or any counterfeit Coin, not being the current Coin of this Kingdom, or by unnecessarily delaying or detaining any such Trustee, Treasurer, Clerk, or Surveyor, or other Officer, Passenger or Passengers, or by such Collector or Collectors, or his or their Servants, Agents, or Assistants, or other Person by them employed, making use of any indecent, scurrilous, or blasphemous Language, or breaking of any Lamp or Lamps; or doing any Injury to any Toll Gate or Toll House, or Appurtenances to the same belonging, then and in either of the said Cases, it shall and may be lawful for any of His Majesty's Justices of the Peace for the County, residing near the Place where any such Offence or Offences shall be so committed, upon Complaint of the Person or Persons so detained, delayed, or aggrieved, to cause such Collector or Collectors, his or their Servants, Agents, or Assistants, or any Person or Persons by him or them employed, and all other Persons concerned, to appear and be brought before such Justice of the Peace, by Warrant under his Hand and Seal, and to make Enquiry of and concerning such Offence or Offences in a summary Way, as well by the Confession of the Parties themselves as by the Testimony of the Person or Persons aggrieved, upon Oath (which Oath such Justice is hereby empowered and required to administer); and if such Collector or Collectors, his or their Servants or Agents, or Assistants, or any other Person or Persons by him or them employed, or any of them, shall be convicted by such Justice of any such Offence or Offences, such Person or Persons so convicted shall forfeit and pay, for every such Offence, any Sum not exceeding Forty Shillings nor less than Twenty Shillings, at the Discretion of the Justice of the Peace before whom he, she, or they shall be so convicted, together with all reasonable Costs, Charges, and Expences attending such Conviction.

Toll Collectors to be competent Witnesses.

XII. Provided always, That in case any Dispute, Suit, or Litigation, shall arise, touching or in anywise relating to the said Tolls, or in case of any Proceeding or Prosecution for the obtaining any of the Penalties imposed by this Act, the Person or Persons appointed to collect the said Tolls, or any other Person or Persons acting by or under the Authority of the said Trustees, shall be, and they are hereby declared to be competent to give Evidence in any such Dispute, Suit, or Litigation.

XIII. And



XIII. And be it further enacted, That if any Person or Persons shall have paid the Tolls by this Act granted, for the passing of any Cattle, Beast, or Carriage through any Turnpike Gate continued or erected by virtue of this Act, the same Person or Persons, upon producing a Note or Ticket of the Day denoting such Payments, shall be permitted to pass and repass through the same Gate or Turnpike, with the same Cattle or Beast, and Carriage, Toll free, at any Time or Times during the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next Night; which said Note or Ticket the Collectors or Receivers of the said Tolls are hereby required to give *gratis*, if demanded, on Payment of such Toll. Tolls to be paid but Once a Day.

XIV. 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, vary, or alter, all or any Part or Parts of the several Tolls hereby granted, at any or either of the said Gates, and to raise the same again, so as the same do not exceed the Tolls by this Act granted, and so as such Reduction be with the Consent of the several Persons who shall be entitled to Two Third Parts at the least of the Money then due on the Credit of such Tolls, but such Reduction shall not be made, unless Notice in Writing be given for that Purpose, by affixing the same upon all the Turnpike Gates then erected on the said Roads, and by advertising the same, in Manner hereinbefore mentioned, at least Fourteen Days before making such Reduction; and such Tolls, so lessened, varied, or altered, shall be collected, recovered, and applied in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied. Tolls may be lessened.

XV. And whereas some Parts of the said Roads may lead over or by the Sides of Open Fields, Commons, or Waste Grounds, whereby the Tolls may be avoided, be it therefore enacted, That the said Trustees, or any Five or more of them, may cause Fences and Ditches to be erected and made over such Parts of such Fields, Commons, or Waste Grounds as they shall think necessary, in order to prevent the Payment of Tolls being avoided; and if any Person or Persons shall pull down, or in anywise displace or carry away any such Fence, or any Part thereof, or shall in anywise fill in or spoil any such Ditch, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Ten Shillings, over and above the Expence of replacing the same. Fencing off Commons.

XVI. Provided always, and be it further enacted, That no Toll or Tolls shall be demanded or taken for the Passage of any Cattle or Carriages which shall be going unladen or empty for, or that shall be used only in conveying, or returning unladen or empty after having been used only in conveying Stones, Gravel, or other Materials for making or repairing the said Roads, or repairing any of the Highways in any Parish, Tything, or Place through or into which any Part of the said Roads shall lead or lie; or Dung, Mould, Manure, or Compost for manuring of Lands or Gardens; or Hay; Corn in the Straw, or Straw, to be laid up in the Houses, Out-houses, Barns, or Yards of the respective Inhabitants or Occupiers of Land within the Parishes, Tythings, or Places through or in which any of the said Roads shall lead or lie, if the same be not bought or sold; or for Ploughs, Harrows, or other Implements of Husbandry, or Things used therein, Exemptions.

[Loc. &amp; Per.]

therein; belonging to any such Inhabitants or Occupiers of Lands or Houses; nor shall any Toll be taken for any Horses or Cattle going to or returning from Water or Pasture within such Parishes, Tythings, or Places, or for the Horses or Cattle of any Inhabitant of the Parish, Tything, or Place wherein any such Turnpike shall be situate, going to be shod or farried, or returning therefrom; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate, going to or returning from his own Parish Church, or other Place of Divine Worship, or visiting his sick Parishioners; or from any Person or Persons going to or returning from their own Parish Church, or other Place of Divine Worship, upon *Sundays*, or any other Days on which Divine Worship is ordered by Authority to be celebrated; nor shall any Toll be demanded or taken for any Horses or Carriages of whatsoever Description, employed or to be employed in conveying any Mails of Letters and Expresses under the Authority of His Majesty's Post Master General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; nor for the Horses of any Soldiers upon their March or upon Duty, or for any Carriage attending them laden with their Arms or Baggage; or for Horses, Carts, or Waggon, travelling with Vagrants sent by legal Passes; or for any Coach, Berlin, Landau, Chariot, Calash, Curricule, Chaise, Chair, or other Carriage, or Person on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Wilts* or *Somerset*, on the Day or Days of such respective Elections, or on the Day before or Day after such respective Elections shall begin or be concluded; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds and not less than Ten Shillings.

Exemptions  
concerning the  
*Westbury Act*.

XVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to take away any Exemption or Exemptions of any Person or Persons from paying Tolls at the Gate at or near *Semington*, which Exemptions are granted and provided by an Act made in the Thirty-first Year of His late Majesty, for amending the Road leading from *Pengate*, in the Parish of *Westbury*, in the County of *Wilts*, to *Latchett Bridge*, near the East End of *Market Lavington*; and also the Road leading from *Market Lavington Down* to the Turnpike Road near *Dewey's Water*; and also the Road leading from *Bolesborough* to *Studley Lane End*; and also the Road leading from *Yarnbrook* to the Turnpike Road at *Melksham*, in the said County of *Wilts*.

Exemption  
concerning the  
*Bradford Road*.

XVIII. Provided also, and be it further enacted, That no Turnpike or Toll Gate shall be set up or erected by Order of the said Trustees, or any of them, on the Side of any Part of the Roads which lies between a certain Place called *Cockill Gate* and the Top of *Iford Hill*.

Penalty on  
Persons evad-  
ing Tolls.

XIX. And be it further enacted, That in case any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage whatsoever, for which a Toll is hereby made payable, pass through or over any Land, Ground, Passage, or private Way, or through or over any Common or Waste Ground adjoining to or lying by the Side of, or near to any Part of the said Road, (the same not being a publick Highway) or if any Person or  
Persons

Persons owning or occupying any such Land, Ground, Passage or private Way, shall knowingly permit or suffer any Person or Persons to pass with any such Horse, Cattle, Beast, or Carriage, through or over the same, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall take or cause to be taken any Horse or other Beast from any Carriage, or after having passed through any Turnpike Gate shall put on an additional Horse or Beast to any such Carriage, with an Intent to evade the Payment of the said Toll; or shall leave or cause to be left upon or near the said Roads any Cattle or Carriage, with an Intent to evade the Payment of any Part of the Tolls, or shall with such an Intent unload any Goods or other Things from or out of any Carriage; or if any Waggoner or Carrier belonging to any Stage or other Waggon, Cart, or Carriage, conveying any Goods, Wares, or Merchandize upon the said Roads, shall, upon approaching any Turnpike wherent any Crane, Engine, or Machine for weighing Waggons or Carts is or shall be erected on the said Road, loose or take off any Horse or Horses from such Stage Waggon, or other Waggon, Cart, or Carriage, in order fraudulently to prevent such Cart or Carriage from being to be weighed; or if any Person or Persons shall forge or counterfeit, or shall give to or receive from any other Person or Persons any Note or Ticket by this Act directed to be given by the Collectors of the Tolls, with an Intent to evade the said Tolls; or if any Person or Persons shall forcibly pass through any Turnpike Gate with any Horse, Cattle, or Carriage, or shall do any other Act in order or with Intent to avoid the Payment of the said Tolls or Toll, or any Part thereof, every such Person so offending in any of the Cases aforesaid shall, for each Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings, over and besides such Damages and Punishments as they shall respectively be otherwise liable to by Law, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the other Penalties and Forfeitures are herein-after directed to be applied.

XX. And be it further enacted, That the said Trustees, or any Seven or more of them, may and are hereby authorized and empowered, at any Time or Times, Twenty-one Days Notice in Writing being affixed on all the Turnpike Gates which shall be then standing on the said Roads, and also advertised in Manner aforesaid, to lease or farm by the Year all the Tolls granted by this Act, or any Part or Parts thereof, to any Person or Persons whomsoever, at or for the largest yearly Sum or Sums that can be gotten for the same, taking sufficient Security for the Payment thereof; provided that such Leases or Agreements be in Writing, and signed by the Person or Persons taking or farming the same, and by Seven or more of the said Trustees, and be not made for more than Three Years at any One Time; and that the Money which shall be so agreed to be paid for the said Tolls, shall be made payable, and shall be paid to the said Trustees, or any Five or more of them, or to such Person as they, or any Five or more of them, shall authorize or empower to receive the same, by Quarterly or other Payments; and that the Person or Persons to whom the same shall be let, shall always pay down One Quarter's or One Month's Rent in Advance, at the Option of the said Trustees; and in case any Agreement shall be made for letting or farming the said Tolls, or any Part thereof, contrary to the true Intent and Meaning of this Act,  
or

or if any Default shall be made in paying the full Money agreed to be paid for the said Tolls, or any Part or Parts thereof, contrary to the true Intent and Meaning of this Act, that then and in either of the Cases aforesaid every such Agreement shall be void, and the Person or Persons to whom the said Tolls shall have been letten or farmed as aforesaid, shall be liable to account for the same to the said Trustees, or any Five or more of them, and the same shall be levied and recovered upon and from him and them, by the same Ways and Means, and in such Manner, as the Tolls granted by this Act are herein directed to be levied and recovered by the Collectors thereof.

Toll Houses and Materials vested in Trustees.

XXI. And be it further enacted, That all the Right and Property of all the Turnpike Gates, Bars, Rails, and Fences, Toll Houses, and Buildings, which shall be continued or erected by virtue of this Act, with their Appurtenances, and the Right and Property of all the working Tools and Materials for making and repairing Buildings, or for making, altering, completing, and repairing, the said Roads, and all other Materials, Matters; and Things, provided or collected, or to be provided or collected, for any of the Purposes of this Act, shall be and are hereby vested in the said Trustees, and they, or any Five or more of them, are hereby authorized and empowered to dispose thereof as they shall think proper, and to bring or cause to be brought any Action or Actions in the Name or Names of any One or more of them, or, in the Name of their Treasurer or Clerk, or to prefer or cause to be preferred any Bill or Bills of Indictment against any Person or Persons who shall steal, take, or carry away, break, injure, or spoil the same, or any of them, or disturb the said Trustees, their Agents or Servants, in the Possession thereof.

Trustees may mortgage Tolls.

XXII. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, to borrow and take up at Interest, upon the Credit of the Tolls arising by virtue of this Act, such Sum or Sums of Money as they, or any Seven or more of them, shall think fit, and may and are hereby empowered to assign over, demise, or mortgage, the said Tolls, or any Part or Parts thereof, and the Turnpikes or Toll Houses for collecting the same, with the Appurtenances thereunto respectively belonging; (the Costs and Charges of such Mortgages to be paid out of the Tolls), as a Security to any Person or Persons, his, her, or their Executors, Administrators, and Assigns, or to his, her, or their Trustee or Trustees, who shall advance such Sum or Sums of Money, to secure the Re-payment thereof, with such legal Interest as the said Trustees shall think proper, which Money so borrowed shall be applied and disposed of in such Manner, and for such Purposes as herein after are mentioned; and that such Mortgage or Mortgages, Assignment or Assignments, may be in the Form following, or such other Form as the Trustees making the same shall think proper; (*videlicet*),

Form of Mortgage.

BY virtue and in pursuance of an Act, made in the Thirty-ninth Year of the Reign of His Majesty King George the Third, intituled; [here set forth the Title of this Act], We of the Trustees of the said Act, whose Names are hereunto subscribed and Seals affixed, in Consideration of the Sum of to A. B. the Treasurer of the Turnpike Road in the said Act mentioned, in Hand paid by C. D. of do grant

' grant, bargain, sell, demise, and transfer, unto the said C. D. his Ex-  
 ' ecutors, Administrators, and Assigns, such Proportion of the Tolls  
 ' arising upon the said Roads, and of the Turnpikes and Toll Houses  
 ' for collecting the same, as the Sum of  
 ' doth or shall bear to the whole Sum due and owing on the Credit  
 ' thereof, or charged upon the Term of the said Act, to be had and  
 ' holden by the said C. D. his Executors, Administrators, and Assigns,  
 ' from the Day of in the Year of  
 ' our Lord  
 ' for and during the Continuance of the said Act, unless the said Sum  
 ' of with Interest after the  
 ' Rate of *per Centum per Annum*, shall be  
 ' sooner paid and satisfied unto the said C. D. his Executors, Admini-  
 ' strators, or Assigns. In Witness whereof we have hereunto set our  
 ' Hands and Seals, the Day of  
 ' in the Year of our Lord

And Copies of all such Mortgages shall be entered in a Book or Books to  
 be kept for that Purpose by the Clerk or Treasurer to the said Trustees;  
 but nothing in this Act contained shall extend, or be construed to ex-  
 tend, to charge or subject the said Trustees, or any of them, or the Per-  
 sons appointed to receive the said Monies, or any Part thereof, to any  
 Payment of the same, by reason of their or any of their signing any  
 Mortgages or Assignments, or other Securities, to be made in pursuance  
 of this Act; and every Person to whom any Mortgage shall be made as  
 aforesaid, and also every Person to whom any Mortgage or Assignment  
 shall have been made upon or by virtue of the said former Acts, or either  
 of them, or who shall be entitled to the Money thereby respectively se-  
 cured, is hereby empowered, from Time to Time, by Assignment under  
 his or her Hand, to be indorsed on the Back of his or her Security, or  
 by any other Writing or Writings under his or her Hand, before Two  
 credible Witnesses, to assign over and transfer his or her Right and Title to  
 the Principal and Interest Money thereby secured, to any Person or Per-  
 sons whomsoever, in the following Words, or Words to the like Effect:

Copies to be entered.

Mortgages may be assigned.

' I Do hereby transfer and assign over this Mortgage, [*or, a certain*  
 ' Mortgage, &c. *as the Case may be*], with all my Right and Title to  
 ' the Principal Money thereby secured, and all Interest now due on the  
 ' same, unto his Executors, Administrators,  
 ' and Assigns. In Witness whereof I have hereunto set my Hand the  
 ' Day of

Form of Transfers.

' A. B.

' Witness C. D.  
 ' E. F.'

All which Transfers or Assignments shall be produced and notified to  
 the Clerk or Treasurer to the said Trustees, within Twenty-one Days  
 after the Date thereof, who shall cause an Entry or Memorial to be made  
 thereof, containing the Numbers, Dates, Names of the Parties, and the  
 Sums of Money therein mentioned to be transferred, in the Book or  
 Books to be kept for entering the said original Mortgages and Assign-  
 ments, for which the said Clerk or Treasurer shall be paid the Sum of  
 Three Shillings and Sixpence and no more, out of the Monies to arise

[*Loc. & Per.*]

10 Y

by

by virtue of this Act, which said Book and Books shall at all reasonable Times be perused and inspected without Fee or Reward; and after such Entry made, but not till then, such Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon, and every such Assignee may in like Manner assign or transfer the same, and so *toties quoties*; and that no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, or who shall have already advanced any Sum or Sums of Money on the Credit of the said Acts, or any of them, in respect of the Priority of advancing or of having advanced any such Sum or Sums of Money, but that all Persons to whom such Mortgages or Assignments have been or shall be made as aforesaid, shall be, in proportion to the Sum or Sums of Money therein mentioned, Creditors on the said Tolls in equal Degree one with another.

No Priority of Mortgages.

Old Mortgages may be called in, and new granted.

XXIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, if thereunto required, receive in and cancel all or any of the Mortgages now standing out, that were made by virtue of the said former Acts or any of them, and give and execute another Mortgage or other Mortgages instead and in lieu thereof respectively, in Manner and transferrable as herein-before mentioned.

Application of the Money.

XXIV. And be it further enacted, That out of any Monies already received by virtue of the said Acts, or out of the first Monies which shall be 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 procuring and passing this Act, and the Remainder of the Money so raised or received, shall from Time to Time be applied in putting this Act in Execution, and in repaying the Principal Money by this Act charged or borrowed, or to be borrowed, and the Interest due and to grow due thereon.

Interest to be paid in Preference.

XXV. Provided always, and be it further enacted, That the Treasurer or Treasurers to be continued or appointed by virtue of this Act, shall, and he and they is and are hereby required, Twice in every Year, to discharge, out of the Monies that shall come into his or their Hands by virtue of this Act, the Interest that shall be then due upon all Mortgages made or secured by virtue of this Act, if the same shall be demanded, in Preference to any other Payment whatsoever.

Trustees may borrow Monies on the Credit of the Tolls.

XXVI. And be it further enacted and declared, That all and every Trustee or Trustees appointed by this Act, or who shall hereafter be appointed by virtue of any Power or Authority given, shall and lawfully may, notwithstanding his or their being such Trustee or Trustees, advance and lend any Sum or Sums of Money at Interest on Security of the said Tolls, in such Manner as any other Person or Persons, not being a Trustee or Trustees, may, can, or shall do by means or by virtue of this Act; and such Trustee or Trustees so-advancing and lending such Sum or Sums of Money, shall and lawfully may accept and take a Mortgage or Mortgages, Assignment or Assignments, of the said Tolls from Seven or more of the said Trustees, as a Security or Securities for the said Sum or Sums of Money so to be by him or them advanced and lent,

which

which Mortgage or Mortgages, Assignment or Assignments, being so executed by Seven or more of them the said Trustees, shall be effectual and binding to all Intents and Purposes whatsoever; and the Trustee or Trustees so advancing and lending such Sum or Sums, and accepting and taking such Security or Securities, shall, by means and virtue thereof, have and exercise such and the like Powers and Remedies for recovering and receiving the said Sum or Sums of Money, and the Interest thereof, which any other Mortgagee or Mortgagees of the said Tolls can, may, or shall have and take by means or virtue of this Act.

XXVII. And be it further enacted, That the said Trustees, or any Seven or more of them, present at their First or any subsequent Meeting, by any Writing under their Hands, shall and may continue, or nominate and appoint One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls, and also One or more fit Person or Persons to be Surveyor or Surveyors of the said Roads, and such other Officers as the said Trustees, or any Seven or more of them, shall think proper, and from Time to Time remove such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they shall see Occasion, and appoint others in the Room of such of them as shall be so removed, or as shall die or become incapable of performing their Duty; and may and are hereby authorized and empowered, out of the Monies to arise by virtue of this Act, to allow and pay to the several Clerks, Treasurers, Surveyors, Collectors, and other Officers, and to all Persons who shall assist them or any of them in or about the Execution of this Act, such Salaries, Rewards, and Allowances, for their Attendance, Care, Labour, and Service, as to the said Trustees, or any Seven or more of them, shall seem reasonable; and all such Officers and Persons, 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 they, 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, and received, and how, and to whom, and for what Purposes, the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payments, and shall verify the Accounts upon Oath, if thereunto required by the said Trustees, or any Seven or more of them, (which Oath any One of the said Trustees is hereby empowered to administer), and also such Officers and Persons shall, and are hereby respectively required to pay all such Monies, as upon Balance of such Account or Accounts shall appear to be in their 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 the said Officers or Persons shall refuse or neglect to render and give such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof upon Oath, or to pay the Balance remaining in their Hands when thereunto required in Manner aforesaid, or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or any Seven or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint, within Ten Days

Appointing  
Officers.

Officers to ac-  
count.

Days after being thereunto required by the said Trustees, or any Seven or more of them, or by such other Person or Persons, all Books, Papers, or Writings, in their Custody or Power, relating to the Execution of this Act, then and in every such Case, Complaint being made by the said Trustees, or any Two or more of them, or by any Person or Persons on their Behalf, of any such Neglect or Refusal, 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 or reside, such Justice may, and is hereby authorized and required, by Warrant or Warrants, to cause such Officer or Officers, Person or Persons, to be brought before him, and upon his 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 the Confession of the Officer or Officers, Person or Persons, against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, 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 empowered, 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 taking and making such Distress, and of selling the same, or if such Officer or Officers, Person or Persons, shall not appear before the said Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to give and deliver to the said Justice an Account or Accounts of Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, and 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 to deliver up all such Books, Papers, or Writings, as aforesaid, 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 or House of Correction of the County where he or they shall live or reside, there to remain, without Bail or Mainprize, until he or they shall have delivered in and settled his or their Accounts, and have verified the same on Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in their respective Hands, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he or they have compounded with the said Trustees, or any Seven or more of them, for the same, and paid the Composition Money to the said Trustees, or to any Person or Persons as they shall appoint to receive the same, (and which Composition Money the said Trustees, or any Seven or more of them, are hereby empowered to make), or until he shall have delivered up such Books, Papers, and Writings, as aforesaid, or given Satisfaction in respect thereof to the said Trustees, or any Seven or more of them: Provided always, That no Person who shall be committed



ted for want of sufficient Distress, shall be detained in Prison for any longer Time than Six Calendar Months.

XXVIII. Provided always, and be it further enacted, That all Persons who shall have been employed, or who shall have received any Tolls or other Money by virtue or on account of the said Acts herein-before recited, or either of them, or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or other Things relating to the Roads included in the said Acts, which are now included in this Act; shall account for the same, and every Part thereof, to the Trustees of this Act, in like Manner, and under the like Penalties, as the several other Officers and Persons are herein-before directed to account.

Persons who have received Tolls; &c. by virtue of former Acts, to account with Trustees in like Manner.

XXIX. 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 Place or Office of Trust or Profit under this Act, by whatsoever Name he shall be described or called, unless such Trustee shall have been present at One or more Meeting or Meetings of the Trustees appointed to carry into Execution the said former Acts and this Act, within One Year preceding the Death, Resignation, or Removal of such 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 the Proceedings of the said Trustees, as being present on the Day or Days of such Meeting.

No Trustee to vote in the Appointment of any Officer, unless he has acted within a certain Time before.

XXX. And be it further enacted, That when and as often as any Collector of the Tolls shall grossly neglect or be incapable of performing his Duty, or shall abscond or absent himself, any Five or more of the said Trustees, though not assembled at a Meeting of the said Trustees appointed by virtue of this Act, shall and may lawfully discharge such Collector or Receiver so neglecting or being incapable of performing his Duty, or absconding or absenting himself; and in such Case, and also in case any such Collector or Receiver shall die, such Trustees shall and may nominate and appoint a proper Person to be a Collector of the said Tolls, to continue until the then next Meeting of the Trustees, in the Stead of such Collector or Receiver as shall die or be discharged, and such Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner, in all Respects, as the Person who shall so die or be discharged would have had or would have been subject to; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representative or Representatives of any Collector or Receiver who shall die or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House or Building continued or erected by virtue of this Act, for the Space of Four Days after Demand thereof made, and Notice in Writing given for that Purpose by any Five or more of the said Trustees, although not assembled at a Meeting, or by their Clerk or Treasurer for the Time being, then and in any of the said Cases, it shall and may be lawful for any Justice or Justices of the Peace for the County or Place, by Warrant under his or their Hand and Seal or Hands and Seals, to

Five Trustees may appoint temporary Collectors,

discharge those misbehaving, and appoint others till next Meeting.

order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House or Building in the Day Time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees, or any Two or more of them, or such new appointed Collector, into the Possession thereof.

Treasurer,  
&c. to give  
Security.

XXXI. And be it further enacted, That the said Trustees, or any Five or more of them, shall take such Security from the Treasurer or Treasurers, Clerk or Clerks, Receiver or Receivers, Collector or Collectors, for the due Execution of his or their Office or Offices, as they the said Trustees, or any Five or more of them, shall think proper.

Victuallers not  
to hold Places  
of Profit.

XXXII. And be it further enacted, That no Victualler or Retailer of Ale, Beer, Cyder, or Spirituous Liquors, shall be capable of holding any Place of Profit under this Act.

Surveyors may  
get Materials  
for amending  
the Road,

XXXIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, and all such Persons as he or they shall appoint, to search for, cut, dig, get, gather, and take away any Furze, Heath, Gravel, Stones, Sand, Flint, Chalk, and other Materials, for making and repairing the said Roads, out of or from any Common or Waste, River or Brook, in any Parish, Township, Hamlet, or Place, in which any Part of the said Roads lie, or in any neighbouring Parish, Hamlet, Township, or Place, without paying any Thing for the same, such Surveyor or Surveyors or other Persons filling up the Pits or Quarries, levelling the Ground, or sloping the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that the said Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, search for, dig, get, gather, and take away any such Materials in and out of the private Lands, Fields, or Grounds of any Person or Persons where the same may be found or had, such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, or Paddock, Walk, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees, making or tendering such Rate for such Materials to the Owner or Owners of such Ground or Grounds, and also such Satisfaction for the Damages done by getting and carrying away such Materials, to the Owners or Occupiers of the Grounds where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same, or any other Materials for making or repairing the said Roads, shall be carried, as the said Trustees, or any Five or more of them, shall adjudge reasonable; and in case of any Difference between the said Surveyor or Surveyors, or other Person or Persons appointed and employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning such Payments or Damages, the Justices of the Peace at their next Quarter Sessions, or the ensuing Quarter Sessions after at the farthest, to be holden for the County where the Cause of Complaint shall arise, on Ten Days Notice thereof being given in Writing by either Party to the other, or left at their respective last or usual Places of Abode, shall hear, settle, and determine the Matter of such Payments and Damages, and the Judgement or Order of such Justices therein shall be final and conclusive

making Satis-  
faction to the  
Owners of  
Lands.

to

to all Parties, and the Money so adjudged shall be paid on Demand by the said Trustees, or their Treasurer or Treasurers, Surveyor or Surveyors: Provided nevertheless, That nothing herein contained shall extend, or be construed to extend, to authorize the said Trustees, or any of them, or any other Person or Persons, to enter into or upon any Lands in *Seend*, *Seend Row*, or in the Chapelry of *Seend* aforesaid, not being Commons or Waste Ground, to collect, gather, pick, dig, or quar Stones in or upon any such Lands, without the Consent of the Owner or Owners of such respective Lands, unless such Owner or Owners shall refuse to sell to the said Trustees, or any other Person or Persons legally authorized to put this Act in Execution, hard Stones ready dug, at or after the Rate of Three Shillings by the Waggon Load; any Thing herein contained to the contrary notwithstanding.

XXXIV. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing the said Roads, out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Surveyor, shall have been given to the Land Owner or his Agent, or to the Occupier of the Premises from which such Materials are intended to be taken, or left at the House, or last or usual Place of Abode of such Occupier, to appear before the said Trustees, or any Five or more of them, or any One or more Justice or Justices of the Peace acting for the County or Place wherein such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Land Owner, Agent, or Occupier, shall attend pursuant to such Notice, the said Trustees, or such Justice or Justices, shall, if they think proper, authorize such Surveyor or other Persons, to dig, gather, take, and carry away such Materials, at such Time or Times as to such Trustees, or to such Justice or Justices shall seem proper; and if such Land Owner or Occupier shall neglect or refuse to appear by himself or herself, or Agent, the said Trustees, or such Justice or Justices, shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier, or his or her Agent, had attended.

Notice to be given to the Occupiers of Lands before Materials are to be taken therefrom;

XXXV. And be it further enacted, That if any Person shall take away any Materials which shall have been dug, got, or gathered, in any Lands, Fields, Wastes, or Commons, River or Brook, for the Purposes of this Act, or shall dig, get, or take away, out of any Pit or Quarry, which shall have been made for the Purpose of procuring Materials for the said Roads, before the Surveyors or their Workmen shall have discontinued working therein for the Space of One Calendar Month, (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale), every Person so offending shall forfeit and pay, for every such Offence, any Sum not exceeding Five Pounds nor less than Ten Shillings.

Penalty on taking away Materials.

XXXVI. And be it further enacted, That the said Trustees, or any Five or more of them, may, and they are hereby authorized and empowered to contract with any Person or Persons for making, widening, altering,

Trustees may contract for repairing the Road.

tering, turning, or amending, the said Roads, or any Part thereof, or for the erecting of any Building, or any Mile Stone or Stones, or Direction Post or Posts thereon, or for doing any other Work to be performed in the Execution of this Act, in such Manner, and for such Sum and Sums of Money, as the said Trustees shall think proper; and that all Contracts and Agreements in Writing entered into pursuant to any Order of the said Trustees, by their Clerk, Treasurer, Surveyor, or other Officer, with any Workmen or other Persons, relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Parties as shall so sign the same, his, her, or their Executors or Administrators, and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Party or Parties failing in the Execution of such Contract or Contracts, Agreement or Agreements; and such Sum or Sums of Money as shall or may be requisite for the Completion of any Piece of Work, or any other Matter or Thing to be done by virtue of this Act, and which, by such Contract or Contracts, Agreement or Agreements respectively, the Parties ought to have done, shall be the Measure of the Damages to be recovered in any such Action or Suit; any Law or Usage to the contrary notwithstanding.

Surveyor may  
make Cause-  
ways and  
Footpaths, and  
a Penalty to  
ride on them;

and to make  
temporary  
Roads;

erect Bridges,  
&c.

XXXVII. And be it further enacted, That it shall and may be lawful for the said Surveyor or Surveyors of the said Roads, or such Person or Persons as he or they shall appoint, such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them, to make or cause to be made Causeways, and also a Path or Footway on the Side or Sides of such Roads, and also Ditches or Drains in, upon, or on the Sides of the said Roads, and also through any Grounds lying contiguous thereto; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Roads, (such Grounds respectively not being the Ground whereon any House stands, nor any Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees), to be made use of as a publick Highway whilst the old Road is repairing and widening; and also, by Order of any Five or more of the said Trustees, to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Roads, and across any River, Stream, Brook, Water, Ditch, or Drain, therein or contiguous thereto, making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees, or any Five or more of them; and in case of any Difference concerning the same between such Owners or Occupiers, and the said Trustees, that then it shall be lawful for the Justices of the Peace at their next General Quarter Sessions, or subsequent Sessions, to be holden in the said County where the Cause of Complaint shall arise, to hear, settle, adjudge, and finally determine the Recompence to be made to such Owners or Occupiers for the Damages they shall have sustained as aforesaid, but that no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon or through any Common, Moor, or Waste Ground.

XXXVIII. And

XXXVIII. And be it further enacted, That where any particular Part of the said Roads, or any Bridge, Drain, or Sewer, being in and upon the said Roads, which hath been accustomed, or ought to be repaired and maintained by any particular Person or Persons, Body Politick or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by any County, or any Parish, Township, or Place, therein, every such Part of the said Roads, Bridge, Drain, or Sewer, shall, from Time to Time, be maintained and kept in Repair by such Person or Persons, Body Corporate or Politick, County, Parish, Township, or Place, and in such Manner as the same were respectively maintained and kept in Repair before the passing of this Act; and it shall and may be lawful for the Justices of the Peace for the County wherein such particular Part of the said Roads, Bridge, Drain, or Sewer, shall lie; and they are hereby required and empowered, at their Petty or Special Sessions, upon Application to them made by the said Trustees, or any Five or more of them, or their Clerk or Clerks for the Time being, to adjudge and determine where, how, and in what Manner the same, from Time to Time, shall be maintained and kept in Repair.

Persons liable  
to repair  
Bridges.

XXXIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, during the Continuance of this Act, to compound and agree with all or any of the said Person or Persons, Bodies Politick or Corporate, Parish, Township, Tything, or Place, who is, are, or shall be liable or chargeable for or towards repairing of any such particular Part of the said Roads, Bridges, Drain, or Sewer, (except the Bridges liable to be repaired by the County, which shall continue to be respectively repaired as aforesaid), for a certain Sum of Money, by the Year or otherwise, as the said Trustees, or any Five or more of them, shall think fit, in lieu of such particular Works or Repairs to be done by such particular Person or Persons, Bodies Politick or Corporate, Township or Townships, Tythings or Places as aforesaid.

Trustees may  
compound for  
such Work.

XL. And be it further enacted, That if any Rents, Profits, or Sum or Sums of Money, issuing out of any Lands, Tenements, or Hereditaments, now are, or hereafter shall be liable or chargeable towards the repairing or amending any Part of the said Roads, such Rents, Profits, Sum or Sums of Money, issuing as aforesaid, shall remain liable and chargeable, and the Possessors and Occupiers of such Lands, Tenements, and Hereditaments, are hereby directed and required to pay such Rents and Profits to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same; and upon Default of Payment thereof, it shall and may be lawful to and for any One or more Justice or Justices of the Peace of the County wherein such Lands, Tenements, or Hereditaments, shall be, by Warrant under his or their Hand and Seal, or Hands and Seals, to levy the same by Distress and Sale of the Goods of such Person or Persons as shall neglect or refuse to make such Payment as aforesaid, together with the Costs and Charges of such Distress and Sale; and such Rents, Profits, Sum or Sums of Money, when recovered, shall be applied, from Time to Time, for and towards amending the Road to the Repairs of which such Rents, Profits, Sum or Sums of Money, are or shall be so chargeable, and to no other Use or Purpose whatsoever.

Rents, etc.  
chargeable  
with the Re-  
pairs of High-  
ways to con-  
tinue so.

Inhabitants to  
do Statute  
Work.

Persons rent-  
ing 50*l.* per  
Annum deent-  
ed Teamhold-  
ers.

Surveyors of  
the Highways  
to deliver in  
Lists.

XLI. And be it further enacted, That all and every Person and Persons who by Law are or shall be chargeable with Statute Work, within the Parishes and Places where any Parts of the Roads hereby directed to be repaired do lie, shall yearly and every Year, (if thereto required by the said Trustees, or any Five or more of them), do and perform such Proportion of Statute Work, and on such Part or Parts of the said Roads, within their respective Townships, Parishes, Tythings, Places, and Divisions, and in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors of the said Roads by them appointed, shall appoint and require; and that every Person who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds within any of the said Townships, Parishes, Places, and Divisions, respectively, shall be deemed and taken to keep a Team therein, and for every Fifty Pounds a Year which he shall so rent, hold, or occupy, shall do Statute Work with One Team upon the said Roads for so many Days as shall be required by the said Trustees, or any Five or more of them, or their Surveyor or Surveyors aforesaid.

XLII. And, to the End that the said Trustees may know the Inhabitants of and Occupiers of Lands, Tenements, and Hereditaments, in all the Parishes, Tythings, Hamlets, and Places, wherein any Part of the said Roads do lie, who are liable to do Statute Work, and what Sort of Duty they ought respectively to do, be it further enacted, That the Surveyor or Surveyors of the Highways of and for every of the said Parishes, Tythings, Hamlets, and Places, where, or in or for which any Surveyor or Surveyors usually have been or ought to be chosen, shall, and they are hereby required, within Ten Days after Notice in Writing, signed by the Clerk, Treasurer, or Surveyor, to the said Trustees, shall be given to him or them, or left at his or their House or Houses, or last Place of Habitation, for that Purpose, to return and deliver in to the said Trustees, at any Meeting to be by them held agreeable to such Notice, true and perfect Lists in Writing upon Oath, (if thereunto required by the said Trustees, or any Five or more of them), of the Names of all the Inhabitants of and Occupiers of Lands, Tenements, and Hereditaments, in such Parishes, Tythings, Hamlets, and Places, respectively, that are liable to do their Statute Work or Duty, (which Oath the said Trustees, or any Two or more of them, are hereby empowered to administer), and shall, in such Lists, and every of them, distinguish and set forth which of such Inhabitants and Occupiers keep a Team or Teams, or are deemed by this Act to keep a Team or Teams, and which of them keep Packhorses or other Beasts of Burthen, and how many in Number, and which of them are Labourers, or liable to do their Statute Duties as Labourers only; and if the Surveyor or Surveyors of the several Parishes, Tythings, Hamlets, or Places, wherein any Part of the said Roads shall lie, shall not deliver in such Lists as aforesaid respectively, at or before such Times, and in such Manner as by this Act are required and directed to be delivered, or shall refuse to verify the same upon Oath, if thereunto required, or if the Name or Names of any Person or Persons who ought to have been inserted in such List or Lists are by Design omitted, or if such Surveyor or Surveyors shall refuse or decline to give publick Summonses or Notices to such Person or Persons who ought by Law to do and perform such Statute Labour or Duty as aforesaid, according to the Directions of the said Surveyor or Surveyors appointed by the said Trustees, such Parish Surveyor or Surveyors, and every of them, shall

shall forfeit and pay, for every such Default, any Sum not exceeding Ten Pounds nor less than Five Pounds, and if any or either of the Inhabitants of or Occupiers of Lands, Tenements, or Hereditaments, in the said several Parishes, Tythings, Hamlets, or Places, being obliged by Law to do Statute Duty in and upon the Highways, shall not do so much Statute Work in and upon the said Roads, at such Times and Places, and in such Manner as they shall, by the said Surveyor or Surveyors appointed by the said Trustees, be directed or appointed to do, such Inhabitants and Occupiers, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums hereafter mentioned; (that is to say), every such Inhabitant or Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Default, any Sum not exceeding Twelve Shillings nor less than Ten Shillings; and every Inhabitant or Person keeping a Packhorse or Packhorses, or other Beasts of Burthen, and no Team, nor by this Act deemed to keep a Team, for every Day's Default for every such Horse or Beast, and Driver, any Sum not exceeding Four Shillings nor less than Three Shillings; and every Inhabitant or Person liable to work on the said Roads as a Labourer only, for every Day's Default any Sum not exceeding Two Shillings nor less than One Shilling and Sixpence; and if any Person or Persons who shall come as a Labourer or Labourers, or be sent with any Team or Draught, Packhorse, or Beast of Burthen, to work on the said Roads, shall not attend at the Time and Place appointed, or shall be found idle or negligent by the said Turnpike Surveyor or Surveyors, such Surveyor and Surveyors is and are hereby empowered to remove and turn off such Person and Persons; and in that case the respective Forfeitures and Payments before-mentioned shall be incurred and made payable, as if such Person or Persons had refused or neglected to come, or such Team, or Draught Horse or Beast, had not been sent out.

XLIII. Provided always, and be it further enacted, That if the Surveyor or Surveyors of the Highways for the Time being of any of the Parishes, Tythings, Hamlets, or Places wherein the said Roads directed by this Act to be repaired do lie, shall think the said Trustees, or their Surveyor or Surveyors, have directed or appointed too large a Proportion of the Statute Work in any Parish, Tything, Hamlet, or Place, to be done on the said Roads, it shall and may be lawful for such Surveyor or Surveyors of the Highways to appeal to Two or more Justices of the Peace of the County or Place, who are hereby authorized to convene the Parties concerned before them, and to hear and determine the Matter in Dispute: Provided always, That in case the Parties, or either of them, shall be dissatisfied with such Determination, it shall be lawful for them, or any of them, to appeal to the Quarter Sessions, in such and the same Manner as is herein-after authorized and directed in other Cases where Persons shall think themselves aggrieved.

If Parish Surveyors think too large a Proportion of Statute Work, to appeal to a Petty Sessions.

XLIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, from Time to Time to compound and agree with the Inhabitants of all or any of the said Townships, Parishes, Tythings, Places, and Divisions, from, to, or through which the said Roads lead, (their Consent being first signified in Writing, at a Vestry or other publick Meeting of such Inhabitants summoned

Trustees may compound with Parishes for Statute Work.

moned to assemble for that Purpose), or with any of the said Inhabitants respectively, for a certain Sum of Money by the Year or otherwise, as the said Trustees, or any Five or more of them, shall think reasonable, in lieu of the Statute or other Work to be by them or any of them done on the said Roads.

Composition  
Money how to  
be recovered.

XLV. And be it further enacted, That in case any Composition Money agreed to be paid in lieu of any Statute or Days Work to be done by the Inhabitants of any Township, Parish, Tything, Place, or Division, as aforesaid, or by any of them respectively, in respect of any Lands, Tenements, or Hereditaments, liable or chargeable by Tenure or otherwise as aforesaid, shall not be paid within Three Calendar Months next after the same shall become payable, according to such Composition or Agreement, that then it shall and may be lawful to and for any One or more Justice or Justices of the Peace of the said County wherein such Township, Parish, Tything, Place, or Division, or such Lands, Tenements, or Hereditaments shall lie, by Warrant under his or their Hand and Seal, or Hands and Seals, to empower such Person or Persons as shall be authorized by the said Trustees, or any Five or more of them, to receive such Composition Money, (Oath being first made that the same has been demanded and remains unpaid, which Oath the said Justice or Justices is and are hereby empowered to administer), to levy the same by Distress and Sale of the Goods and Chattels of the Person or Persons so having compounded as aforesaid, or of the Surveyor or Surveyors of the Highways for the Time being of such Township, Parish, Tything, Place, or Division, in respect of whose Statute or Days Work such Composition shall be made, returning the Overplus (if any be) upon Demand, after the Charges of such Distress and Sale shall be thereout first deducted.

Surveyors  
paying Com-  
position Mo-  
ney how to be  
re-imbursed.

XLVI. And be it further enacted, That if any Surveyor or Surveyors of the Highways for the Time being of any Township, Parish, Tything, Place, or Division, for or in lieu of whose Statute or Days Work such Composition shall be made as aforesaid, shall pay the Composition Money, or if such Composition Money shall be recovered and levied of his and their Goods and Chattels, in Manner herein-before directed, then and in either of the said Cases, such Surveyor or Surveyors shall be repaid or reimbursed the Composition Money which shall be so paid and recovered of him or them as aforesaid, together with the Costs and Charges of such Distress and Sale, in such Manner as by the Laws now in being Surveyors of the Highways of this Kingdom are to be repaid or reimbursed the Monies by them expended in buying Materials for amending the Highways.

Surveyors may  
remove An-  
noyances.

XLVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, and such Persons as they shall appoint from Time to Time, to take down and remove any Gates or Fences (not continued or erected by virtue hereof) across any Part of the said Roads, and also to remove all Annoyances made in any Part of the said Roads, by Timber, Stone, Saw Pits, Hovels, Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and to sell or otherwise dispose of the same for the Benefit of the said Roads, and to turn any Watercourses, Sinks, or Drains, running along,  
into



into, or out of the said Roads, to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary, in case the Owners or Occupiers of the Premises shall neglect to open, scour, cleanse, widen, or deepen, such Watercourses or Ditches, or remove such other Annoyances, in such Way and Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors, shall require, for the Space of Ten Days, under the Hand or Hands of such Surveyor or Surveyors; and by and with the Consent of Two or more Justice or Justices of the Peace for the County, acting in their Petty Sessions, signified under their Hands and Seals, and not otherwise, to cut down any Timber Trees, and it shall be lawful for such Surveyor or Surveyors, from Time to Time to lop or top any other Trees, and cut down any Shrubs or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto, and to cut down or reduce all such Hedges to the Height of Three Feet, and to take, carry away, and sell the Wood so cut, and apply the Money arising therefrom in Repair of the Road whereon or near whereunto the same stood, in case the Owners or Occupiers shall neglect to lop or top, or cut down and remove such Trees, Shrubs, or Bushes, or reduce such Hedges in such Manner as the said Trustees, or any Five or more of them, shall require, for the Space of Ten Days next after Notice in Writing given for that Purpose, to be left at the Capital or Mansion House belonging to the Land on which the same shall stand, or where the Occupiers or Tenant shall reside, under the Hands of Five or more of the said Trustees; the Charges whereof, to be settled by the said Trustees, or any Five or more of them, shall be reimbursed by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein-after directed to be recovered and applied; and if after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for any subsequent Offence, forfeit any Sum not exceeding Forty Shillings nor less than Twenty Shillings.

and to cleanse  
Ditches:

To cut down  
Trees, Bushes,  
&c.:

To carry away  
and sell the  
same, the  
Owners neg-  
lecting to do it:

Surveyors to  
be reimbursed  
their Charges.

Penalty of Se-  
cond Offence.

XLVIII. And be it further enacted, That if any Person shall ride upon any Footway adjoining to the said Roads, or shall drive any Horse, Cattle, or Swine, or any Carriage thereon, or shall cause any Damage to be done to any such Footway; or if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone (Mill Stones excepted), otherwise than upon wheeled Carriages, or shall suffer any Part of any Tree or Piece of Timber, or Stone, which shall be carried upon wheeled Carriages, to drag upon any Part of the said Roads to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Roads, shall suffer the same to stop on the Roads, or to root up and damage the same, or any Part thereof, or any Hedge or Fence on either Side thereof; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Roads, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the left Side of the said Roads; or if any Person having the Care of or driving any Waggon, Cart, or other such Carriage upon the said Roads, shall suffer the Horse or Horses, or Beasts of Draught therein, to go faster than a Walk (except the Driver has a Rein to the Horse or Horses); or if any Person shall

For prevent-  
Obstructions.

[Loc. & Per.]

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in any Manner wilfully prevent any other Person or Persons from passing him or them upon the said Roads, or the Coach, Chaise, Waggon, Cart, or other Carriage, under his Care; or if any Person shall make or assist in making any Fire or Fires, commonly called *Bonfires*, or shall set fire to, or let off or throw any Squib, Rocket, Serpent, or Firework, whatsoever, on any Part or Parts of the said Roads; or if any Person shall leave any Coach, Chaise, Waggon, Wain, Cart, or other Carriage, in, upon, or on the Side of any Part of the said Roads, either with or without any Horse or Beast of Draught, harnessed or yoked thereto; or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever on any Part of the said Roads, or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice, Annoyance, or Inconvenience, of Persons travelling thereon, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Twenty Shillings.

Trustees may alter or vary any of the Roads.

XLIX. And be it further enacted, That the said Trustees, or any Five or more of them, shall be, and are hereby fully empowered, from Time to Time, as they shall think proper, to make the said new Roads, and to widen or divert, turn, shorten, vary, alter, and amend, the Course or Path of any Part or Parts of the said several Roads herein-before mentioned and included in this Act, and that any new Road, or any Variation of Road, may be made through any Common or Waste Land, without making any Satisfaction for the same, and also through any private Grounds or Hereditaments, making Satisfaction to the Owners thereof and Persons interested in the same, for the Damages they may thereby sustain; and it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, to contract and agree with the Owners of and Persons interested in any Lands, Tenements, or Hereditaments, for the Purchase or Exchange thereof, or for the Loss or Damage such Owners or Persons may sustain, by making, widening, diverting, turning, shortening, varying, or altering, the Course or Path of any Part or Parts of the said Roads through such Lands, Tenements, or Hereditaments; and it shall be lawful for all Bodies Politick and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, Executors, and Administrators, and all other Trusts whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on the Behalf of their Infant Wards, Cestuique Trusts, Lunatics, Idiots, or Persons of unsound Memory and Understanding, and to and for all Femes Covert, who are or shall be seised or possessed of, or interested in any such Lands, Tenements, or Hereditaments, to contract with the said Trustees, or any Five or more of them, for the Satisfaction to be made as aforesaid, or to exchange with, or sell and convey unto them, or any Five or more of them, all or any of such Lands, Tenements, or Hereditaments, or any Part thereof, for any of the Purposes as aforesaid; and all Contracts, Exchanges, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever, to the contrary notwithstanding; and all such Bodies Politick, Corporate, Ecclesiastical, or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, Executors, Administrators, and all other Persons, shall be, and they are hereby indemnified for what they shall do  
by

Trustees to contract for the Purchase of Lands.

by virtue of this Act; and if any such Bodies Politick, Corporate, Ecclesiastical, or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands, Tenements, or Hereditaments, upon Notice to him, her, or them, given, or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politick, Corporate, Ecclesiastical, or Civil; or at the House of the Tenant in Possession of the Lands or Hereditaments through which any such Road is intended to be made, diverted, turned, or altered, shall, for the Space of Thirty Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees, or any Five or more of them, shall cause such Damages and Recompence to be enquired into and ascertained by a Jury of indifferent Men of the County in which such Lands, Tenements, or Hereditaments, shall lie, and in order thereto, the said Trustees, or any Five or more of them, are hereby required and empowered, from Time to Time, as Occasion shall be, to summon and call before such Jury, and examine upon Oath, any Person or Persons whomsoever, (which Oath any One of the said Trustees is and are hereby empowered to administer), and such Trustees, or any Five or more of them, shall, by ordering a View or otherwise, use all Ways and Means as well for their own as the said Jury's Information in the Premises, and after the said Jury have enquired of and assessed such Damages and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners and other Persons interested in such Lands or Hereditaments, according to the Verdict and Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming or to claim, in Possession, Remainder, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons, under any Disability whatsoever, Bodies Politick, Corporate, Ecclesiastical, or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and for summoning and returning such Juries, the said Trustees, or any Five or more of them, are hereby empowered to issue their Warrant to the Sheriff of the respective County in which the said Lands, Tenements, or Hereditaments, so to be taken, shall happen to be, requiring him to impanel, summon, and return, an indifferent Jury of Twenty-four Persons, qualified to serve upon Juries, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number of Persons accordingly, and out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear upon Summons as aforesaid, the said Trustees, or any Five or more of them, shall, and they are hereby empowered and required to draw by Ballot, and to swear or cause to be sworn, Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jury Men, the said Sheriff, or his Deputy or Deputies, or any Five or more of them

Where Persons shall refuse to treat;

the Damage and Recompence to be settled by a Jury.

the

the said Trustees, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to make up the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jury Men when they come to be sworn; and the said Trustees, or any Five or more of them, acting in the Premises, shall have Power, from Time to Time, to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and who shall not appear, or appearing shall refuse to be sworn on the said Jury, or being so sworn, shall refuse to give, or for not giving a Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who shall be required to give Evidence before the said Jury, and shall refuse or neglect to appear, or appearing, shall refuse to be sworn and examined, or to give Evidence, so that no such Fine be more than Ten Pounds nor less than Forty Shillings on any One Person for One Offence.

Expences of  
Jury how to  
be borne.

L. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money, as a Recompence for the Right, Interest, or Property, of any Person or Persons in any Lands, Tenements, or Hereditaments, or for any such Loss or Damage, than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damages as aforesaid, that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses, shall be borne and paid by the said Trustees, or any Five or more of them, out of the Tolls hereby granted, or out of any Money to be borrowed upon the Credit thereof; but if any such Jury shall give and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then the Costs and Charges of summoning and maintaining the said Jury and Witnesses, shall be borne and paid by the Person or Persons with whom the Trustees shall have such Controversy or Dispute: Provided always, That in Cases where any Person or Persons shall, by reason of Absence, have been prevented from treating, One Half of such Costs and Expences shall be deducted out of the Purchase Money, and the other Half shall be borne and paid by the said Trustees in Manner aforesaid.

Houses, etc.  
to be taken  
down.

LI. Provided nevertheless, and be it further enacted, That it shall and may be lawful for the said Trustees, or any Seven or more of them, to contract and agree with the Owners and Occupiers of certain Tenements, or Dwelling Houses and Premises, One of which is now in the Tenure or Occupation of *Charles Blake* and *William Blake*, One other in the Occupation of *William Cook*, One other in the Occupation of *James Cooper*, One other in the Occupation of *Mary Beams*, One other in the Occupation of *John Carrington*, One other in the Occupation of *Sarah Hiller*, One other in the Occupation of *Sarah Prior*, One other in the Occupa-  
tion

tion of *John Ridley*, One other in the Occupation of *Thomas Vine* and *John Taunton*, One other in the Occupation of *Joseph Sexty*, One other in the Occupation of *John Hill*, One other in the Occupation of *William Rolf*, One other in the Occupation of *Thomas Sainsbury*, One other in the Occupation of *William Cuff*, One other in the Occupation of *Robert Barnes*, and One other in the Occupation of *Anthony Rogers*, being a Publick House, and commonly called or known by the Name of *The New Inn*, and which said Tenements or Dwelling Houses, and Premises, are situate and being in the Town of *Trowbridge* aforesaid, in a certain Street there called *Silver Street*, and lying adjoining to the Turnpike Road there; also of certain other Tenements or Dwelling Houses, Outhouses, Gardens, Yards, and Premises, leading from the Market Place in *Trowbridge* aforesaid, to *Silver Street* aforesaid; (*videlicet*), One Tenement or Dwelling House now in the Occupation of *Isaac Selse*, One other Tenement or Dwelling House, Outhouses, Yard, Garden, and Premises, now in the Occupation of *Henry Crabb*, also of One Outhouse, Stable, Necessary, and Premises, now in the Occupation of *James Burges*, and also of One Tenement or Dwelling House, now in the Occupation of *Thomas Jordan*, also a Tenement or Dwelling House, and Garden, now in the Occupation of *Mary May* Widow; and also One other Garden, now in the Occupation of the Reverend *John Reece*; and also of One Yard, now in the Occupation of *James Silcock*; also of One other Garden, now in the Occupation of *James Wickham*; also of One other Garden, now in the Occupation of *Morris Porter*; and also of Five other Gardens, now in the Occupations of *Thomas Redfern*, *John Edwards*, *Henry Merrit*, *Paul Whatley*, and *Henry Phillips*; and also of One Orchard, now in the Occupation of *John Hayward*; which said Tenements, or Dwelling Houses, Gardens, Stables, Yards, Orchard, and Premises, are situate also in *Trowbridge* aforesaid, and leading from the *Parsonage Corner*, in *Back Street*, to a Place there called *Issington*; also of One Tenement or Dwelling House, situate also in *Trowbridge* aforesaid, at a Place there called *Wicker Hill*, adjoining the Turnpike Road, now in the Occupation of *Jane Martin*; also of a Tenement or Dwelling House, or Workshop, situate near the Bridge in *Trowbridge* aforesaid, now in the Occupation of *Samuel Cook*, for the Purchase of the same Tenements and Premises, or for such Part or Parts thereof as shall be necessary for making the said new Roads herein before-described, and for widening and improving certain other Parts of the said Roads, and also for taking the same into the said Roads; and in case of any Difference concerning the same between such Owner or Occupier, Owners or Occupiers, and the said Trustees, such Difference shall be adjusted, settled, and determined, and such Purchase Money, Recompence, and Damages, ascertained by a Jury, in such Manner, and under the same Rules and Orders, as are by this Act prescribed for settling Recompence and Damage on account of Lands to be used for making, widening, or altering, the said Roads.

LII. Provided always, That if any of the above-mentioned Premises, or the Places wherein they are situate, or the Persons in whose Possession they are stated to be, shall happen to be improperly described or misnamed, it shall not prevent or retard the making the Road through or over any such Premises, but the same may be taken and used for the Purposes of this Act, in such and the same Manner as if properly named or described.

[*Loc. & Per.*]

II C

LIII. And

Misnomers, or wrong Description of Premises, not to prevent the Execution of this Act.

Money allow-  
ed for Lands  
how to be  
charged and  
tendered.

Lands when  
purchased to  
be made Part  
of the Road,  
and kept in  
Repair.

Old Road to  
be sold.

Owners of  
Lands near  
the old Road  
to have the  
Preference in  
Sale.

Buildings or  
Gardens not  
to be injured.

For disposing  
of Purchase  
Monies.

LIII. And be it further enacted, That every Sum of Money or Recompence to be agreed for, or assessed as aforesaid, shall be paid out of the Money to arise by virtue of this Act, according to the Directions herein-after contained, either into the Bank of *England*, or as the Case may require, to the Parties or Persons respectively entitled to the same, or to their Agents, after deducting such Proportion of Expences as aforesaid, if any be; and upon Payment, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Treasurer or Treasurers to the said Trustees, for the Use of such Parties or Persons, it shall be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to enter upon and take Possession of such Lands, Tenements, or Hereditaments, and to lay out, make, widen, divert, or turn such Road or Roads in and upon, and through or over such Lands or Hereditaments, and to do all and every Act, Matter, and Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and the said Trustees, or any Five or more of them, shall cause such Part or Parts of the said Roads as shall be made, widened, diverted, or turned through any private Grounds, to be ditched or otherwise fenced from the adjoining Lands; and all Lands and Hereditaments which shall be made a Part or Parts of the said Roads by virtue of this Act, shall be for ever thereafter a common Highway, and shall be repaired and kept in Repair as such, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new Road shall be completed, the Lands constituting the former Road, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place to which such new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Five or more of them; or that in case the Owner or Owners of any Lands adjoining to the Lands constituting the former Road, shall signify in Writing, to any Five or more of the said Trustees, before the new Road shall be completed, his, her, or their Desire to purchase so much of the said former Road as shall adjoin to his, her, or their Lands, such Owner or Owners shall be allowed to purchase the same, in preference to any other Person, but at a Price to be fixed by the said Trustees, or may be exchanged for other Lands used for the Purposes of this Act, and the Money arising by such Sale shall be applied to the Repair of that Part of the Road so diverted and turned; and all Deeds of Exchange or Conveyance executed by the said Trustees, or any Five or more of them, shall be good and effectual in the Law, to all Intents and Purposes; but this Act shall not extend to the taking down any Dwelling House, or other Buildings or to take in any Land that is a Garden or Orchard adjoining to any Dwelling House, or any Park, Paddock, planted Walk, or Avenue to any House, or any Part thereof, (except as herein-before particularly mentioned), without the Consent of the Proprietor or Proprietors thereof.

LIV. Provided also, and be it enacted, That in case any Money or Recompence shall be paid for any Lands, Tenements, or Hereditaments, which shall be purchased, taken, or used, for the Purposes of this Act, to any Corporation, Feme Covert, Infant, Lunatick, or Person under any other Disability or Incapacity as aforesaid, such Money shall,

in case the same be not less than the Sum of One hundred Pounds; with all convenient Speed be invested in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled upon, and subject to the like Uses, Trusts, and Limitations, as the said Lands, or Hereditaments, belonging to such Corporation, or other Person as aforesaid, so to be purchased, taken, or used, for the Purposes of this Act, were settled, limited, or assured; and in the mean Time, and until such Purchase can be made, such Money shall be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by the Act of the Twelfth Year of King *George* the First, Chapter the Thirty-second, and the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth of King *George* the Second, Chapter the Twenty-fourth, and shall, when so paid in, be laid out in the Purchase of Navy or Victualling Bills, or Exchequer Bills; and the Interest arising from the Money laid out in such Bills, and the Money received for the same, as they shall be respectively paid off by Government, shall be laid out, in the Name of the said Accountant General, in the Purchase of other Navy or Victualling Bills, or Exchequer Bills; all which said Navy and Victualling Bills and Exchequer Bills, shall be deposited in the Bank in the Name of the said Accountant General, and shall there remain until a proper Purchase or Purchases shall be found and approved of by the said Trustees, or any Five or more of them, and until the same shall, upon a Petition setting forth such Approbation, (to be preferred to the Court of Chancery in a summary Way, by the Person or Persons who would be entitled to the Rents and Profits of any of the Lands, Tenements, or Hereditaments to be purchased therewith, if the same were purchased and settled), be ordered to be sold by the said Accountant General for the completing such Purchase, in such Manner as the said Court shall think just and direct; and it shall and may be lawful for the said Court to make such Order or Orders, in a summary Way, touching the Payment or Application of the Monies so to be paid into the Bank, and touching such Navy, Victualling, or Exchequer Bills, and the Interest thereof, in pursuance of the Directions of this Act, as the said Court shall think fit; but in case any such Money shall be less than the Sum of One hundred Pounds, and not less than the Sum of Twenty Pounds, then such Money shall be paid to such Person or Persons as the Party or Parties entitled thereto shall respectively nominate to receive the same, in Trust with all convenient Speed to be re-invested in the Purchase of other Lands or Hereditaments, which shall be conveyed and settled to, upon, and subject to the like Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands, or Hereditaments, which shall be purchased from them respectively by the said Trustees, were respectively settled, limited, or assured to, upon, or subject to, at the Time of purchasing the same, or such of them as at the Time of making such Conveyances and Settlements shall be existing and capable of taking Effect; and in the mean Time, and until such Purchase or Purchases shall be made, the said Money shall be placed out by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Person or Persons as aforesaid, in some of the Publick Funds, or on Government or Real Securities, in the Names of Two or more Persons,

sons, to be nominated by the Party or Parties interested therein, and to be approved of by the said Trustees, or any Five or more of them; and the Dividends or Interest arising or to be produced from such Funds or Securities, shall be paid to such Person or Persons respectively as would for the Time being be entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments, so to be purchased, conveyed, and settled, by virtue of this Act.

Trustees may enter Lands to make the Roads.

LV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them; and for their Surveyor or Surveyors, and Workmen, with or without Carriages or Cattle, from Time to Time to enter upon the Grounds, Lands, and Premises, for making, widening, varying, or altering the said Roads herein-before mentioned, and to stake out the same, in such Manner as the said Trustees, or any Five or more of them, shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment, for entering or continuing upon any Part or Parts of such Lands, Grounds, or Premises respectively, for any of the Purposes of this Act, making Satisfaction to the Occupiers of such Lands, Grounds, and Premises, for such Damage as shall be done to such Lands, Grounds, or Premises, on the Sides of any of such Roads that shall be varied, turned, altered, or widened, whilst the same shall be making, in case such Damage shall exceed the Sum of One Shilling; and if any Person shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used in laying out or making any such Roads, every Person so offending shall forfeit and pay, for every such Offence, a Sum not exceeding Forty Shillings nor less than Five Shillings.

Roads to be measured and Mile Stones erected;

Penalty on defacing them.

LVI. And be it further enacted, That the said Trustees, or any Five or more of them, may, if they think fit, cause the said Roads to be measured, and Stones or Posts to be placed in or near the same, with Inscriptions thereon, denoting the Number of Miles and Distance of Places, as they shall think proper, and shall also cause to be set up such and so many Direction Posts as they shall think necessary; and if any Person or Persons shall wilfully pull up, damage, or break, any of the Stones or Posts so to be erected as aforesaid, or shall obliterate or deface any of the Letters or Marks or Figures thereon, and be convicted before any Justice of the Peace for the County wherein the Offence may be committed, by the Confession of the Party, or by the Oath of One credible Witness, such Person or Persons so offending shall forfeit and pay any Sum not exceeding Five Pounds nor less than Ten Shillings for every such Offence, One Moiety thereof shall be paid to the Informer, and the other Moiety to the said Trustees, or their Treasurer or Clerk, to be applied for the Purposes of this Act.

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

LVII. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause or promote to be assaulted, interrupted, or hindered, any Collector of the Tolls, or any Turnpike Surveyor or Surveyors, or any other Person or Persons by them, or any of them, or by the said Trustees employed in the Execution of this Act, every such Person shall, for every such Offence, forfeit any Sum not exceeding Forty Shillings nor less than Twenty Shillings.

LVIII. And



LVIII. And be it further enacted, That all Penalties and Forfeitures, and Fines hereby inflicted or authorized to be imposed, if the Manner of levying and recovering thereof is not herein otherwise directed, shall, upon Proof of the Offences respectively before any One Justice of the Peace for the Counties of *Wilt* and *Somerset*, as the Case may be, or any One Justice of the Peace for the County or Place wherein the Offender shall be and reside, either by the Confession of the Parties offending, or by the Oath of One or more Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties so offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered to grant for those Purposes), and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned, on Demand, to the Owner or Owners of such Goods and Chattels, and the Penalties, Forfeitures, and Fines, when paid or levied, if not otherwise directed to be applied by this Act, shall be, from Time to Time, paid to the Treasurer or Treasurers of the said Trustees, and applied in the Repairs of the said Roads; and in case sufficient Distress or Distresses shall not be found, or such Penalties, Forfeitures, and Fines, shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place, there to remain, without Bail or Mainprize, for any Time not exceeding Two Calendar Months nor less than Fourteen Days, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Penalties and Forfeitures how to be recovered and applied.

LIX. And it is hereby further enacted, That if any High Constable, Petty Constable, Headborough, Tything Man, or other Person whomsoever, duly authorized for that Purpose, shall willingly, knowingly, or contemptuously neglect or refuse to obey and execute any Summons or other Precept in Writing, under the Hands and Seals of any Five or more of the said Trustees for putting this Act in Execution, every such High Constable, Petty Constable, Headborough, Tything Man, or other Person so authorized, offending in the Premises, shall, for each and every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, One Moiety to the Informer, and the other Moiety thereof to the said Trustees, or to their Treasurer or Treasurers, to be applied for and towards the amending and repairing the Roads in this Act mentioned, to be levied on such Person or Persons, in the same Manner as the other Penalties and Forfeitures are by this Act directed to be levied; and the said Trustees, or any Five or more of them, may and are hereby empowered to direct the Treasurer for the Time being, to reimburse such Constable, or other Officer or Officers, for his or their Loss of Time, Trouble, or other necessary Expences in the due Execution of his or their Duty in pursuance of this Act, such Sum or Sums of Money as such Trustees shall think fit, and out of such Tolls or Duties as shall be collected by virtue of this Act.

Constable to execute Orders of the Trustees.

Trustees may reward such Constable, &c.

Form of Con-  
viction.

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

‘ BE it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_  
 ‘ A. B. is con-  
 ‘ victed before \_\_\_\_\_ of His Majesty’s Justices  
 ‘ of the Peace for the County of \_\_\_\_\_ [speci-  
 ‘ fying the Offence, and Time and Place when and where the same was  
 ‘ committed, as the Case shall be.] Given under our Hands the Day  
 ‘ and Year aforesaid.’

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

LXI. Provided always, and be it further enacted, That if any Person or Persons shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed and provided, such Person may appeal to the Justices of the Peace at a General Quarter Sessions of the Peace, to be held for the County or Place wherein the Cause of Complaint shall arise, and within Four Calendar Months next after the Cause of Complaint shall have arisen, 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 Matter thereof, to the Clerk or Treasurer of the said Trustees, and within Three Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties conditioned to try such Appeal at, and abide by the Order of, and pay such Costs as shall be awarded by the said Justices at such Quarter Sessions, and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes.

Notice of Ap-  
peal to be  
given.Proceedings  
not to be  
quashed for  
Want of  
Form.

LXII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty’s Courts of Record at *Westminster*; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed 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

other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, *ab initio*, on Account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage (if any be) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on the Behalf of the Party distraining before such Action brought.

LXIII. And be it further enacted, That all Orders and Proceedings of the said Trustees, at their several Meetings, shall be entered in a Book or Books to be kept for that Purpose, and such Orders or Proceedings so entered, and signed by a competent Number of the Trustees; as the Case shall require, or by their Clerk by their Order, shall be deemed to be Originals; and which said Book or Books, and also the Book or Books to be kept for registering the aforesaid Mortgages, shall be admitted as Evidence in all Courts whatsoever.

Proceedings  
to be entered  
in Books.

LXIV. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any Thing done in pursuance of this Act, until Twenty-one Days Notice thereof shall be given to the Clerk or Treasurer of the said Trustees, nor a sufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid, brought, and tried, in the County or Place where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit, may, at his or their Election, plead specially, or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty-one Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or shall be brought after the Time limited for bringing the same as aforesaid, or in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for the Recovery of the same as any Defendant or Defendants hath or have for his, her, or their Costs, in any other Cases by Law.

Limitation of  
Actions.

Treble Costs.

LXV. And be it further enacted, That this Act shall commence upon the Day on which the First Meeting of the said Trustees shall be held as aforesaid, and shall continue and be in Force for Twenty-one

Limiting the  
Term of the  
Act, and de-  
claring it Pub-  
lick.

one Years, and from thence to the End of the then next Session of Parliament; and this Act shall be deemed, adjudged, and taken to be a Publick Act, and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

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