



ANNO TRICESIMO OCTAVO.

# GEORGII III. REGIS.

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## *Cap. 66.*

An Act for more effectually repairing, widening, and improving the Road from *Tetbury*, in the County of *Gloucester*, to and through *Malmesbury*, to the Churchway in *Lower Stanton Field*, in the County of *Wilts*, there to join the Turnpike Road leading from *Chippenham Bridge* to *Lower Stanton* afore-said; and from *Malmesbury* to the Turnpike Road at or near *Jackament's Bottom*, in the said County of *Gloucester*; and also the Road from *Farringdon* to *Cricklade*, from thence to *Malmesbury*, and to the Turnpike Road at *Acton Turville*; and also from *Sherstone* to the Turnpike Road leading from *Tetbury* to *Bath*; and for making, maintaining, widening, and improving several other Roads communicating therewith. [21st June 1798.]

[*Loc. & Per.*]

10 L

WHEREAS

Preamble.  
18 Geo. III,  
recited.

New Road  
described.

WHEREAS an Act was passed in the Eighteenth Year of the Reign of His present Majesty King *George* the Third, for repairing and widening the Road from *Tetbury* in the County of *Gloucester*, to and through *Malmesbury* to *Chippenham Bridge*, in the County of *Wilts*; and from *Malmesbury* to the Turnpike Road at or near *Jackament's Bottom*, in the said County of *Gloucester*, and also the Road from *Farringdon* to *Cricklade*, from thence to *Malmesbury*, and to the Turnpike Road at *Acton Turville*, and also from *Sherstone* to the Turnpike Road leading from *Tetbury* to *Bath*, which Roads were, by the said Act, divided into Two Districts, as therein particularly described: And whereas the said Act hath been put in Execution, and the said Roads have been repaired, widened, and improved in consequence thereof, and several Debts have been by that Means contracted on the Credit of the Tolls authorized to be collected by the said Act within each District, and the said Term granted by the said Act is near expiring, and the said Roads cannot be sufficiently kept in Repair, nor the Money due as aforesaid be paid off, without the further Aid of Parliament; and it would tend very much to the Improvement of the said Roads, and be a great Publick Benefit and Convenience, if the following Roads, communicating therewith, were added thereto; (that is to say), the Road leading from the End of the said Road at *Acton Turville* aforesaid, at or near the Turnpike Gates there erected, into or through the several Parishes or Places of *Acton Turville*, *Tormarton*, *Codrington*, *Wapley*, *Westerleigh*, *Henfield*, *Mangotsfield*, and *Downend*, in the said County of *Gloucester*, unto the Turnpike Road leading from *Sodbury* to *Bristol*, at or near a certain Inn, called by the Name of *The Horse Shoe*, at *Downend*, in the Parish of *Mangotsfield* aforesaid; also the Road from the present Turnpike Road leading from *Malmesbury* aforesaid to *Sherstone* aforesaid, at the End of a Lane in the Parish of *Brokenborough*, near to a certain Field called *Hyem Park*, in the said County of *Wilts*, into or through the Parish of *Brokenborough* aforesaid, and the several Parishes or Places of *Shipton Moyne*, *Westonbirt*, *Doughton*, *Elmstree*, *Charlton*, *Tetbury*, and *Lasbrough*, in the said County of *Gloucester*, joining the Turnpike Road leading from the City of *Gloucester* to *Bath*, at or near the Place where the Roads from *Frocester* to *Bath* and *Rodborough* to *Bath* unite, in the Parish of *Lasbrough* aforesaid, and also from the upper End of *Shipton Moyne Street* unto a certain Place called *Underbridge*, in the Parish of *Shipton Moyne*, which separates the said Parish of *Shipton Moyne* from the Parish of *Tetbury*; also the Road from the present Turnpike Road and Gates at *Charlton*, in the said County of *Wilts*, leading through the same Parish of *Charlton*, and the several Parishes or Places of *Hankerton*, *Brokenborough*, and *Newnton*, in the said County of *Wilts*, joining the Turnpike Road leading from *Malmesbury* to *Jackament's Bottom* aforesaid, at a certain Place called *The Five Lanes*, in the said Parish of *Hankerton*, and from thence joining the Turnpike Road leading from *Malmesbury* to *Tetbury*, at the Village of *Newnton*; and also an Extension of the said Turnpike Road, leading from *Farringdon* to *Sherstone* aforesaid, through the Town and Borough of *Cricklade*, in the Parish of *Cricklade Saint Sampson*, and also through the Town and Borough of *Malmesbury*, in the Parishes of *Saint Paul Malmesbury*, the *Abbey Malmesbury*, and *Saint Mary Westport*, in the said County of *Wilts*; which said several last mentioned Roads are publick Highways, in a ruinous Condition, in  
many

many Places narrow and incommodious, and cannot be properly amended, altered, and kept in Repair, by the ordinary Course of Law: And whereas the Powers and Authorities requisite for the Improvement, Repair, and Maintenance, of the said several Roads, might be more conveniently executed if the said recited Act of the Eighteenth Year of His present Majesty were repealed, and further and other Powers granted instead thereof: 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, from and after the Fourth Day of *August* One thousand seven hundred and ninety-eight, the said recited Act, made in the Eighteenth Year of the Reign of His present Majesty King *George* the Third, be, and the same is hereby declared to be repealed, and instead thereof, on the same Day, this present Act shall commence and take Effect, and shall continue in Force, and be put in Execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, widening, altering, keeping in Repair, and improving the said Road, leading from the Town of *Tetbury*, in the County of *Gloucester*, to and through the Borough of *Malmesbury*, to the Scite of Ground whereon a Cottage lately stood, adjoining to the Churchway, in *Lower Stanton Field*, in the County of *Wilts*, there to join the Turnpike Road leading from *Chippenham Bridge* to *Lower Stanton* aforesaid; and the Road leading from the High Cross, in the Borough of *Malmesbury*, to join the Turnpike Road leading from *Cirencester*, in the County of *Gloucester*, to *Tetbury* aforesaid, at or near a Place called *Jackament's Bottom*, in the said County, leaving the Publick House in the said Bottom, called *Four Mile House*, on the Left Hand; which several Roads shall continue to be, and be called, *The First District of Road*; and also for the more effectually repairing, widening, altering, keeping in Repair, and improving the Road leading from the Town of *Farringdon*, in the County of *Berks*, to and through the Town and Borough of *Cricklade*, in the Parish of *Cricklade Saint Sampson*, in the County of *Wilts*, commencing at the Turnpike Gate erected and now standing at the End of the said Town of *Farringdon*, and from thence to and through the Town and Borough of *Malmesbury* aforesaid, in the Parishes of *Saint Paul Malmesbury*, the *Abbey Malmesbury*, and *Saint Mary Westport*, and from thence to join the Turnpike Road at *Aeton Turville*, in the said County of *Gloucester*, and also the Road from *Sherstone Magna*, to the Turnpike Road leading from *Tetbury* aforesaid to *Bath*, and for altering, amending, widening, and keeping in Repair, the said Road leading from the End of the said Road at *Aeton Turville* aforesaid, at or near the Turnpike Gates there erected, unto the said Turnpike Road leading from *Sodbury* to *Bristol*, at or near the said Inn called by the Name of *The Horse Shoe*, at *Downend*, in the said Parish of *Mangotsfield* and County of *Gloucester*; and also the said Road leading from the said present Turnpike Road, leading from *Malmesbury* aforesaid to *Sherstone* aforesaid, at the End of the said Lane, in the said Parish of *Brokenborough*, near to the said Field called *Hyem Park*, in the said County of *Wilts*, and joining the said Turnpike Road leading from the City of *Gloucester* to *Bath*, at or near the said Place where the Roads from *Frocester* to *Bath* and *Rodborough* to *Bath* unite, in the said Parish of *Lalsbrough* and County of *Gloucester*, and from the upper End of *Shipton Moyne Street* aforesaid, unto the said Place called

Former Act repealed.

Commencement of this Act.

The Districts set out and described.

First District.

Second  
District.

called *Underbridge*, in the said Parish of *Skipton Moyné*; and also the said Road, leading from the said present Turnpike Road and Gates at *Charlton* aforesaid, in the said County of *Wilts*, to the said Turnpike Road leading from *Malmesbury* to *Jackament's Bottom* aforesaid, at or near the said Place called *The Five Lanes*, in the said Parish of *Hankerton*, and from thence joining the said Turnpike Road leading from *Malmesbury* to *Tetbury*, at the Village of *Newnton* aforesaid; which several present and additional Roads last mentioned shall be, and be called, *The Second District of Road*; and this Act, and the Term hereby granted, and all the Tolls hereby authorized to be collected upon the said several Roads, shall be and are hereby declared to be charged with and subject to the Payment of all Money now due and owing upon the Credit of the said Act, passed in the Eighteenth Year of His present Majesty, and hereby repealed, and of all Money which shall or may, from Time to Time hereafter, be borrowed and become due upon the Credit of this Act, and of the said Tolls, within the said respective Districts, and the Interest due, and to grow due, for the same respectively.

Trustees for  
the First  
District.

II. And be it further enacted, That the Right Honourable *Henry Charles Somerset* commonly called *Marquis of Worcester*, the Right Honourable *Charles Nevinston Howard* commonly called *Lord Viscount Andover*, the Right Honourable *Herbert* commonly called *Lord Viscount Porchester*, the Honourable *Bartholomew Bouverie*, the Honourable *Thomas Howard*, the Honourable *Charles Herbert*, *George Adams*, *William Adams*, *Robert Ashe*, *Samuel Ashe* Clerk, *John Awdry*, *George Searle Bayliffe*, *Robert John Buxton*, *Richard Brooke*, *Maurice Maskelyne Bennet*, *Henry Augustus Biedermann*, *John William Biedermann*, *Thomas Brooke*, *Richard Brooke* Clerk, *John Brown*, *John Buckland*, *John Beak*, *Morgan Byrt*, *George Bisset* Clerk, *George Brown*, *Christopher Codrington*, *Charles Westley Coxe*, *James Crowdy*, *Giles Canter*, *Robert Carter*, *Richard Carter*, *Estcourt Cresswell*, *Thomas Weeks Dalby* Clerk, *Edward Deane*, *Giles Earle*, *Thomas Estcourt*, *Edmund Estcourt*, *Edward Estcourt* Doctor of Laws, *Thomas Grimstone Estcourt*, *William Fisher*, *Ralph Hale Gaby*, *John Hartley Green* Clerk, *Ambrose Goddard*, *George Garlick*, *John Gingell* the younger, *Peter Holford*, *Richard Hillier*, *Thomas Hinton*, *John Handy* the younger, *Thomas Handy*, *John Heath*, *James Hardwick* Doctor of Laws, *Francis Hill*, *Matthew Humphreys*, *Walter Parry Hodges*, *William Hufsey*, *John Jefferis*, *Henry Jones*, *Shipway Jones*, *William Keene*, *Joseph Keene*, *Richard Kenneir*, *John Large*, *William Large*, *Edmund Lyne*, *Thomas Leonard*, *Peter Harvey Lovell*, *John Lovell* Clerk, *Nevil Maskelyne* Doctor in Divinity, *William Maskelyne*, *William Maskelyne* the younger, *Robert Maskelyne*, *Henry Merewether*, *John Merewether*, *Robert Nicholas*, *John Nicholas* Clerk, *Nathaniel Osborne*, *John Samwell Ody*, *Samwell Ody*, *John Ogle*, *Thomas Pyke*, *Nathaniel Paine*, *John Paul Paul*, *Thomas Pollock* Doctor of Laws, *William Peek*, *Richard Purdy* Clerk, *John Prower* Clerk, *Charles Poulton*, *Robert Penny* Doctor in Divinity, *Thomas Powell*, *John Pinnegar*, *Richard Perrott*, *Matthew Robertson*, *Matthew Robertson* the younger, *William Robertson* the younger, *George Reeves*, *Richard Bunter Robins*, *Richard Robins*, *Thomas Roberts*, *Samuel Smith* Clerk, *Ralph Smith* Clerk, *John Smith* of *Malmesbury*, *Daniel Smith*, *Richard Singer*, *Richard Selse*, *John Savage* Clerk, *William Skey*, *William Stratton*, *John Tilling*, *Robert Tanner*, *Thomas Turner* Clerk, *George White*, *Francis Marius West*, *James Wigget* Clerk, *William Wood*,

Wood, Benjamin Webb, Francis Warneford, Samuel Warneford Clerk, Edmund Wilkins, Thomas White, Thomas Wight, Robert Wight, William Wells, Daniel Young, and their Successors, to be elected in Manner herein-after mentioned, shall be, and they are hereby appointed Trustees for putting this Act in Execution, for the Purposes of widening, altering, keeping in Repair, and improving the said First District of Road; and that the Right Honourable Henry Charles Somerset commonly called Marquis of Worcester, the Right Honourable Charles Nevinson Howard commonly called Lord Viscount Andover, the Right Honourable Herbert commonly called Lord Viscount Porchester, the Honourable Bartholomew Bouverie, the Honourable John Eliot, the Honourable Thomas Howard, the Honourable Charles Herbert, the Honourable Philip Pusey, Sir John Throckmorton Baronet, George Adams, William Adams, Thomas Anns, John Awdry, Edwin Martin Atkins, George Searle Bayliffe, Richard Brooke, Robert John Buxton, Maurice Maskelyne Bennet, Henry Augustus Biedermann, John William Biedermann, Thomas Brooke, Richard Brooke Clerk, John Boote, Charles Blagrawe, John Buckland, John Beak, Robert Bennett, Morgan Byrt, George Bisset Clerk, Thomas Bryan, George Brown, Slade Baker Clerk, Christopher Codrington, Charles Westley Coxe, Giles Canter, Robert Carter, Richard Carter, John Creed, Estcourt Creffwell, Lawrence Chamberlain, Barfoot Colton Clerk, William Champenowne, Henry Coleman, James Crowdy, Thomas Cooper, William Cooper, John Cooper, Edward Deane, Thomas Edoe, Giles Earle, Thomas Estcourt, Edmund Estcourt, Thomas Grimstone Estcourt, Edward Estcourt Doctor of Laws, John Freke Clerk, William Fisher, George Foxton Clerk, Ralph Hale Gaby, John Hartley Green Clerk, Ambrose Goddard, George Garlick, John Gingell the younger, Robert Gerring, Robert Gray Clerk, Peter Holford, Richard Hillier, Thomas Hinton, John Handy the younger, Thomas Handy, James Hardwick Doctor of Laws, Francis Hill, Matthew Humphreys, John Hitchman, Thomas Hillier, Walter Parry Hodges, William Hufsey, William Hallett, William Harding, Thomas Herbert, John Jefferis, Henry Jones, Shipway Jones, William Jones Clerk, Thomas Jenner, Robert Jenner, John Jenner, Richard Jones, William Keene, Joseph Keene, Edward Loveden Loveden, Pryse Loveden, Richard Kenneir, Henry Kenneir, John Kenneir Clerk, John Large, William Large, Edmund Lyne, Thomas Leonard, Peter Harvey Lowell, John Lovell Clerk, Edward Lewis Clerk, Richard Lawrence Doctor of Laws, William Morse, Nevil Maskelyne Doctor in Divinity, William Maskelyne, William Maskelyne the younger, Robert Maskelyne, Harry Mathews, Daniel Mathews, Thomas Messenger, Thomas Mattingly, Robert Nicholas, John Nicholas Clerk, James Norman Clerk, Nathaniel Osborne, John Samwell Ody, Samwell Ody, John Ogle, Barrington Price, Thomas Pye, Nathaniel Paine, John Paul Paul, Thomas Pollock Doctor of Laws, Richard Purdy Clerk, John Prower Clerk, William Peek, Charles Poulton, Thomas Powell, Thomas Pitt, Robert Penny Doctor in Divinity, Newdigate Pointz Clerk, John Pinnegar, Richard Perrott, Matthew Robertson, Matthew Robertson the younger, William Robertson the younger, George Reeves, Richard Bunter Robins, Richard Robins, Thomas Roberts, Richard Rice Clerk, Bryan Reynolds, Samuel Smith Clerk, Ralph Smith Clerk, John Smith of Malmesbury, Daniel Smith, John Smith of Great Coxwell, Richard Sharps, John Savage Clerk, William Skey, William Stratton, Henry Sawbridge Clerk, John Tilling, Robert Tanner, David Thomson, Edward Thornhill, Richard Tuckey, Thomas Turner Clerk, Thomas Goddard Vilett

Trustees for  
the Second  
District.

Doctor of Laws, *George White, James Wiggett Clerk, William Wood, Francis Warnesford, Samuel Warnesford Clerk, William Wells, Edmund Wilkins, George Watts Clerk, Thomas Ware, Robert Wilson, Thomas White, Thomas Wight, Robert Wight, William Ward the younger, Henry Ward, Joseph Whitfield, Richard Wells, Daniel Young*, and their Successors, to be elected in Manner herein-after mentioned, shall be, and they are hereby appointed Trustees for putting this Act in Execution, for the Purposes of repairing, widening, altering, keeping in Repair, and improving the said present Roads, and of amending, widening, and keeping in Repair the said additional Roads in the Second District aforesaid.

Choice of  
new Trustees

III. And be it enacted, That when any Trustee within either of the respective Districts shall die, remove, or by Writing under his Hand, delivered to the Clerk of the said Trustees within that District, shall refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, within the same District, by Writing under their Hands, to elect One other Person, living in the County wherein such Roads do lie, to be a Trustee in the Room of the Trustee so dying, removing, or refusing to act; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk, by affixing the same in Writing upon all the Turnpike Gates across the said respective Districts of Road for which such Trustee is to be elected, at least Ten Days before the Meeting for such Election; and every Person so elected shall be a Trustee for putting this Act in Execution within that District.

Qualification  
of Trustees.

IV. Provided nevertheless, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, whilst he holds any Place of Profit under the Act, nor in any Case wherein he shall be personally interested, except as a Mortgagee, nor unless he shall (at the Time of his acting) be seised or possessed, in his own Right or in the Right of his Wife, and be in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Forty Pounds above Reprizes, or shall have a Personal Estate of the Value of Eight hundred Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds; and if any Person, not being so qualified, shall presume to act in the Trust aforesaid, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Effoin, Protection, or Wager of Law, or more than One Imparance shall be allowed; and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof being given of his having acted as a Trustee in the Execution of this Act.

First Meeting.

V. And be it further enacted, That the Trustees appointed for the said respective Districts of Road, or any Five or more of them, shall meet together at the House of *Isaac Spencer*, known by the Sign of the *White Lyon Inn*, in *Malmesbury*, in the said County of *Wilts*, on the Fourth Day of *August* One thousand seven hundred and ninety-eight, and shall at such Meeting proceed to the Execution of this Act for their respective

pective Districts, and shall then, and from Time to Time afterwards respectively, adjourn themselves to meet at such Time and Place, in or near the Road within their respective Districts, as the said Trustees, or any Five or more of them, shall think proper; and if there shall not appear at any Meeting a sufficient Number of Trustees to act, or to adjourn to another Day, Two Trustees being deemed sufficient for the Purpose of Adjournment only, or in case the Trustees, at any Time assembled, shall not adjourn themselves, the Clerk to the said Trustees shall adjourn the Meeting to such Time and Place, in or near the Road within the respective District, as he shall think fit, not exceeding as to the Time the Distance of Twenty-one Days from the Time of the last Default, and shall give Notice thereof in Writing, affixed on all the Turnpike Gates within such District; and in case no Adjournment, Notice, or Appointment for Meeting shall be made or given by the Clerk, then it shall be lawful for any Five of the Trustees for the same District of Road to cause Notice in Writing to be affixed upon all the Turnpike Gates within such District, appointing the said Trustees to meet at such Time and Place, in or near the respective District, as they the said Five Trustees shall think proper, not exceeding the Time of Thirty Days, nor being less than Ten Days from the Time of affixing such Notice; and the Trustees shall at all their Meetings defray their own Charges; and all Orders and Determinations of the Trustees, in the Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise, except as is herein otherwise particularly provided; and that no Order or Determination shall be made, unless the major Part of the Trustees present shall concur therein; and that all such Trustees as are Justices of the Peace, may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases wherein they shall be personally interested: Provided nevertheless, That any Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by the said recited Act or this Act, or receiving Interest thereout for the same, shall not therefore be deemed unqualified.

Manner of  
adjourning.

Trustees to  
pay their  
own Charges.  
Orders, &c.  
to be made  
at Meetings  
only.

Trustees being  
Justices of the  
Peace may act  
as such.

VI. And be it further enacted, That if after any Adjournment of the Trustees of either of the said Districts, it shall at any Time be thought necessary that an earlier Day of Meeting for such District should be appointed than the Day to which such Meeting shall be adjourned, the Clerk or Clerks to the Trustees of such District, upon an Order in Writing signed by Five or more of the Trustees of such District, mentioning the Time and Place of such Meeting, shall forthwith give Notice in Writing, to be affixed upon all the Turnpike Gates then erected within the District in respect of which such Meeting shall be held, at the Time and Place which shall be mentioned in the Order of the said Trustees, expressing therein the Purpose for which such Meeting is intended to be held (such Time not being less than Ten Days after such Notice); and all Proceedings of the Trustees at such Meeting shall be as valid as they would have been in case the said Trustees of the said District had met in pursuance of any Adjournment, but no other Business shall be proceeded upon, but what shall have been specified in such Notice.

Meetings on  
emergent Oc-  
casions.

VII. And be it further enacted, That no Order made by Five or more Trustees of either of the said Districts shall be revoked or altered, unless

No Order to  
be revoked,  
unless by Nine  
Trustees.

Nine Trustees at the least of the same District shall be present and concur therein, at a Meeting to be held for that Purpose for the particular District respecting which such Order shall have been made, of which Alteration Ten Days Notice shall be given, by an Entry thereof to be made in their Book of Proceedings at a previous Meeting.

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

VIII. And be it further enacted, That the Trustees acting for the said First and Second Districts of Roads may in all Cases sue or be sued in the Name of their respective Clerk or Clerks; and that no Action which may be brought or commenced, or Indictment which may be preferred or prosecuted by or against the said Trustees, or any of them, by virtue or on account of this Act, in the Name of their Clerk or Clerks, shall abate or be discontinued by the Death, Removal, or Act of such Clerk or Clerks, without the Consent of the said Trustees, or any Five or more of them, but the Clerk to the Trustees for each respective District for the Time being shall always be deemed Plaintiff, Prosecutor, or Defendant in such Action or Indictment, as the Case may be; and that every such Clerk, in whose Name any Action, Indictment, or Suit shall be commenced, preferred, prosecuted, or defended, in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to be raised by virtue of this Act, all such Costs and Charges as by the Event of any such Proceedings he shall be put to or become chargeable with, by reason of his being made Plaintiff or Defendant therein.

For uniting the Districts. Notice.

Consent of Mortgagees.

IX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, within their respective Districts, upon giving Two Calendar Months Notice at least in Writing, signed by their Clerk, by affixing the same upon all the Turnpike Gates then erected on the Roads within both the Districts, and by and with the Consent in Writing of all the Mortgagees who shall have at that Time advanced and lent, or subscribed their Names to lend any Sum or Sums of Money on the Credit of the Tolls arising from the said respective Districts, or who shall then be entitled to any such Mortgage Money, to form, consolidate, and unite, the said Two separate Districts into One common District of Road; and that, from and after the Expiration of such Notice, all and every Sum and Sums of Money which have been lent, or subscribed to be lent, upon the Credit of the Tolls arising on the Roads in such respective Districts separately, shall be considered by the Trustees, and are hereby declared to be lent, and subscribed to be lent, upon the Credit of the Tolls arising on the Roads in those respective Districts conjointly, as formed, consolidated, and united, into One common District, and not otherwise; and then and from thenceforth also all the Clauses, Provisoos, and Powers, hereby given and granted to the Trustees of each District severally, are declared to be given and granted to the Trustees in common of such united Districts, after which all Distinctions of the different Districts thus united shall cease; any Thing herein contained to the contrary notwithstanding.

Power of Consolidation vested in Trustees of Second District, if

X. Provided always, and be it further enacted, That it shall be lawful for the Trustees of the said Second District of Road, or any Five or more of them, at any Time after the passing of this Act, to give Two Calendar Months Notice, in Writing, (signed by their Clerk), to the Trustees,



Trustees, of the said First District of Road, or to their Clerk, at any of their Meetings, by and with the Consent in Writing of the several Persons, who shall then have advanced and lent, or subscribed their Names to advance and lend, any Sum or Sums of Money upon the Credit of the Tolls arising on the said Second District of Road, or who shall then be entitled to any Mortgage thereon, of the Mind and Desire of them the Trustees of the said Second District, to make such Union and Consolidation of the said Districts as aforesaid; and in case the Trustees of the said First District of Road, or any Five or more of them, and the Persons who shall have at that Time advanced and lent Money, or subscribed their Names to lend any Sum or Sums of Money on the Credit of the Tolls arising from the said First District of Road, or who shall be then entitled to any Mortgage thereon, shall not, within the said Two Calendar Months, give their Consent, in Writing, to join and concur in such Union and Consolidation of the said Two Districts of Road, it shall and may be lawful for the said Trustees of the said Second District, or any Five or more of them, by and with such Consent as aforesaid, to pay off and discharge all and every Sum and Sums of Money, with the Interest thereof, which shall be then due and owing upon the Credit of the Tolls of the said First District of Road, and for that Purpose it shall be lawful for the Trustees of the said Second District of Road, or any Five or more of them, to borrow and take up at Interest any and such Sum or Sums of Money as shall be necessary on the Credit of all the said Roads, or to pay off the same, or any Part thereof, by and out of the Monies then in their Treasurer's Hands, and from and after Payment thereof, to demand and receive of the Trustees of the said First District of Road the Balance then in their Hands, or in the Hands of their Treasurer, or other Officer or Officers, of all the Money which shall have been received from the Tolls arising on the said First District of Road, and which hath not been then applied in repairing thereof, and in the other Purposes of this Act, which Money, and the Tolls from that Time, and at all Times thereafter arising from the said First District, during the Continuance of this Act, shall be applied in executing this Act with respect to all the said several Roads; and both the said Districts shall, from and after the Expiration of the said Two Calendar Months, and such Payment as aforesaid, be and be called One common District of Road; and all and every Sum and Sums of Money which have been lent, or subscribed to be lent, upon the Credit of the Tolls arising upon the Roads in such respective Districts separately, or on the said Second District of Road, for the Purposes of this Act, or for the Purposes of paying off such Principal and Interest Money to the Mortgagees of the said First District of Road, shall be considered by the Trustees, and are hereby declared to be lent, and subscribed to be lent, upon the Credit of the Tolls arising on the Whole of the Roads comprized in the said respective Districts conjointly, as formed, consolidated, and united, into One such common District as aforesaid, and not otherwise; and from thenceforth also all the Clauses, Provisoos, and Powers, hereby given and granted to the Trustees of each District severally, are hereby declared to be given and granted to the Trustees of such united Districts in common, in the same Manner in every Respect, and to all Intents and Purposes, as if the said Districts had been united and consolidated by the joint Consent and Concurrence of the Trustees and Mortgagees

Trustees of  
First District  
refuse to join.

Trustees of  
Second District  
may demand  
from the Treas-  
urer of the  
First District  
all Money in  
his Hands.

Consolida-  
tion.

of both Districts, by virtue of the Authority herein-before for that Purpose contained; any Thing herein contained to the contrary notwithstanding,

Trustees to erect Turn-pikes and Toll Houses;

XI. And be it further enacted, That the said Trustees, or any Five or more of them, within their respective Districts, shall and may continue or erect, or cause to be continued or erected, or set up, One or more Gate or Gates, Turnpike or Turnpikes, in, upon, and across, any Part or Parts of the said several and respective Roads by this Act directed to be amended, widened, altered, and repaired, within their respective Districts, and in, upon, and across, any Part or Parts of the said several and respective intended new Roads and Branches to be added to, and to be made, amended, widened, and kept in Repair, by the Trustees of the said Second District of Road as aforesaid; and also shall and may erect, continue, or provide, a Toll House or Toll Houses, with suitable Out Buildings and Conveniencies, at or near each Turnpike Gate, and may, from Time to Time, afterwards remove, alter, or discontinue, the Turnpike Gates or Toll Houses, or any of them, as they the said Trustees, or any Five or more of them, within their respective Districts, shall think expedient; and that the respective Tolls following shall be demanded and taken at every such Gate or Turnpike, of the Person or Persons attending any Cattle, Beast, or Carriage, 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, before any such Cattle, Beast, or Carriage, shall be permitted to pass through the same; (that is to say),

and take Tolls thereat.

The Tolls.

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

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

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

For every Drove of Calves, Hogs, Sheep, or Lambs, Ten-pence *per* Score; and so in Proportion for any greater or less Number.

Tolls vested in Trustees.

Which respective Sums of Money shall be demanded and taken in the Name of and as a Toll, and shall be vested in the Trustees for the said respective Districts of Roads whereon they shall be respectively taken, and applied as herein-after is directed; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid to collect such Tolls, by himself or themselves, or taking such Assistance as they shall think necessary, to seize and distrain any Horse or Horses, or other Cattle, together with their Bridles, Saddles, Gears, Harness, or Accoutrements, or their Loading, or any Carriage with its Loading, upon which such Toll is by this Act imposed, or a sufficient Part thereof; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Five Days after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, Goods, Chattels, or Things so

In Default of Payment of Toll, Manner of Recovery.

seized

seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money, (if any be), and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

XII. And be it further enacted, That if any Waggon, Wain, or Cart, or any other Carriage for Goods, Wares, Timber, or Stone, having the Sole or Bottom of the Fellics of the Wheels thereof of less Breadth or Gauge than Nine Inches, shall be drawn upon any of the said Roads by Horses or other Beasts of Draught in Pairs, (Carriages drawn by Two Horses or Beasts of Draught only excepted), then and so often as the Case shall happen there shall be paid for every Horse or other Beast of Draught drawing such Waggon, Wain, Cart, or Carriage, (except as aforesaid), an additional Toll of One Penny for each Horse or other Beast of Draught, over and above and along with the Tolls granted by this Act; all which said additional Tolls hereby granted shall be, and the same are hereby vested in the Trustees for executing this Act, within their respective Districts, and the same, and every Part thereof, shall be collected, recovered, levied, paid, applied, let, assigned, varied, and disposed of, in such and the same Manner, and by such Ways and Means, and with such Remedies for Nonpayment or Evasion thereof, and with such Powers, Provisions, Exemptions, and Restrictions, as are in this Act before contained with respect to the other Tolls hereby granted and made payable.

Additional Tolls on Carriages with Wheels of less Gauge than Nine Inches, if drawn by Horses in Pairs.

XIII. Provided always, and be it enacted, That no Gate or Turnpike already erected or to be erected upon any Part of the said Roads, by virtue of this Act, shall be removed without the Consent in Writing of the Persons entitled to at least Three Fifth Parts of the Principal Money then due and owing upon the Credit of the Tolls payable at such Gate or Turnpike respectively.

No Gate to be removed but by Consent of Mortgagees.

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

In case of Dispute concerning Tolls and Charges, the Matter to be settled by a Justice.

XV. And be it further enacted, That in case any Dispute, Suit, or Litigation, shall arise, touching or in anywise relating to the Tolls, to be taken on the respective Districts of Road, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the Trustees of the said respective Districts, shall be,

Collectors to be competent Witnesses.

and

and is and are hereby declared to be competent to give Evidence in any such Dispute, Suit, or Litigation.

Trustees may erect Side Gates.

XVI. And be it further enacted, That it shall be lawful for the said Trustees; or any Five or more of them, within their respective Districts, to erect or cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, with sufficient Toll Houses, on the Side or Sides of the Roads hereby directed to be made and amended, and upon, in, or across any Lane or Bye Way leading into the same, and at such Gate or Gates, Turnpike or Turnpikes, to demand, receive, and take or recover, in Manner aforesaid, such Tolls as are by this Act granted and made payable at any Turnpike to be erected, by virtue thereof, upon or across the said Roads, so as the same do not extend to a double Charge upon any Person or Persons passing with any Cattle, Beast, or Carriage, through any other of the Gates or Turnpikes erected by virtue of this Act within the same District of Road.

Toll at Side Gates not to extend to a Double Charge on passing through any other Gate.

Exemption of the Inhabitants of *Acton Turville* and *Tormarton* from Tolls.

XVII. Provided also, and it is hereby further declared, That nothing herein contained shall extend, or be construed to extend, to charge any of the Inhabitants of the Parishes or Places of *Tormarton* and *Acton Turville* aforesaid, or either of them, with any of the Tolls or Duties hereby imposed, or intended to be collected at any Gate or Gates to be erected within the said Parishes or Places, or either of them, in respect to their passing and travelling on Horseback, or with Waggon, Wains, Carts, or other Carriages, or any of their Cattle, upon the said Road from *Acton Turville* to *Downend* aforesaid, but that the said Inhabitants shall be exempt, within the said Parishes or Places of *Tormarton* and *Acton Turville* respectively, from the said Tolls and Duties, and every of them; any Thing herein-before contained to the contrary in anywise notwithstanding.

Toll House at *Whitchurch Marsh* and united Road through *Malmesbury* to be repaired at Expence of both Districts.

XVIII. Provided further, and it is hereby declared, That the Expence of making, maintaining, and keeping in Repair the Turnpike House and Gates now erected at *Whitchurch Marsh*, in the Parish of *Malmesbury* aforesaid, as also such Part of the First and Second Districts of Road as there unite in one, and extend from thence unto the Separation of the said Districts in the Parish of *Saint Mary Westport*, in the Borough of *Malmesbury* aforesaid, at the Direction Post there, shall be defrayed and discharged by and out of the Tolls arising from both of the said Districts of Road, in equal Shares and Proportions.

Power to inclose a Garden Spot, and provide a Lamp at each Turnpike House.

XIX. And be it further enacted, That it shall and may be lawful for the Trustees for the respective Districts, or any Five or more of them, to take in and inclose from the Common or Waste near or whereon any Turnpike House hath been, by virtue of the said former Act, or in virtue of this Act shall be provided, a Garden Spot to each such Turnpike House, suitable and convenient thereto, and where the same hath already been done, to continue the same and every of them, so as such Garden Spot do not exceed Five Poles square, and also to provide and maintain a Lamp or Lamps, with proper Furniture, at or near each Turnpike.

Tolls to be paid but Once a Day.

XX. Provided always, and it is hereby declared and enacted, That no Person or Persons having Occasion to pass through any Turnpike or Turnpikes,

Turnpikes, where the Tolls are or shall be taken, and who shall return the same Day through the same Turnpike or Turnpikes, before Twelve of the Clock of the Night of that Day, with the same Carriage, Horse or Horses, Cattle or Beasts, for which Toll shall have been paid, shall be liable or compelled the same Day to pay the said Tolls more than once for such Carriage, Horse or Horses, Cattle or Beasts, such Person or Persons producing a Ticket that such Toll has been paid as aforesaid, and which Ticket the Collectors are required to deliver *gratis*, on Receipt of the Toll.

XXI. And be it further enacted, That the said Trustees, or any Five or more of them, within the respective Districts, may direct the Tolls hereby granted and made payable to be divided into Two or more Parts, and such Parts thereof to be received and taken at such Turnpikes or Toll Gates as the said Trustees, or any Five or more of them, within such their respective Districts, shall order and appoint.

Tolls may be divided.

XXII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, within their respective Districts, with the Consent of the Mortgagee or Mortgagees, to lessen and alter all or any, or either of the Tolls by this Act granted and made payable, at any Time, and for such Time as they shall think proper and see Occasion, and to raise the same again, or any Part thereof, so as the same do not exceed the several and respective Rates herein-before granted; and such Tolls so reduced, or raised again, shall be collected, recovered, and applied, in the same Manner as the Tolls hereby before granted are directed to be collected, recovered, and applied.

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

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

Trustees may compound.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, within their said Districts respectively, (upon Ten Days Notice to be given thereof in Writing, to be affixed upon all the Turnpikes), from Time to Time, by Writing under their Hands, to let and demise, or agree to let and demise, the Tolls arising by virtue of this Act, within the said Districts respectively, or any Part or Parts thereof, for any Term not exceeding Three Years, upon publick Bidding, to the highest Bidder, and for the best Price that can be gotten for the same, payable at such Times, and to such Person or Persons, and under such Conditions and Agreements, and with such Sureties for the Payment thereof, as the said Trustees, or any Five or

Trustees may let the Tolls.

more of them, within their respective Districts, shall think fit; and the Money arising thereby shall be applied in such Manner as the Tolls fo- leased are directed to be applied; any Thing in any other Law or Statute to the contrary hereof notwithstanding.

For letting  
Weighing  
Engines.

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

To prevent  
evading Pay-  
ment of Toll  
on Commons.

XXVI. And whereas some Parts of the Roads included in this Act may lead over or by the Sides of Commons or Waste Grounds, whereby the Tolls may be evaded; be it therefore further enacted, That the said Trustees, or any Five or more of them, within their respective Districts, shall and may cause Fences and Ditches to be erected and made over such Parts of such Commons or Waste Grounds as they shall think necessary, in order to prevent Payment of Toll being avoided; and if any Person or Persons shall pull down, or in any wise displace or carry away any such Fence, or any Part thereof, or shall fill up or spoil any such Ditch, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding the Sum of Five Pounds.

For inclosing  
certain Lanes.

XXVII. And be it further enacted, That the Trustees of the said Se- cond District of Road, or any Five or more of them, shall and may, and they are hereby authorized and empowered, by Writing under their Hands, to order the following Lanes and Highways to be stopped up, and be discontinued as Roads or Highways; (that is to say), Two cer- tain Lanes or Pieces of Waste Land, called *The Green Lane* and *Quabwell Lane*, the First whereof leads from the intended new Turnpike Road from *Newnton* to *Charlton*, in the said County of *Wilts*, near to a certain Farm called *Bushiper Farm*, unto a certain Field called *Wallow Marsh*, and from thence to the Turnpike Road from *Tetbury* to *Malmesbury*; and the said other Lane called *Quabwell Lane*, branches from the said Lane called *The Green Lane*, and leads into the same Turnpike Road from *Tetbury* to *Malmesbury*, near a Place there called *Sunday's Elm Hill*; also a cer- tain other Lane leading from and out of the said Turnpike Road from *Tetbury* to *Malmesbury*, unto a Place called *Backbridge*, and unto the Vil- lage of *Brokenborough*, commencing about One Mile and a Quarter dis- tant from the Town of *Malmesbury*, and having Lands belonging to the Right Honourable the Earl of *Suffolk*, in the Occupation of *Richard Brooke*, on the North, and Lands belonging to and in the Occupation of  
*Giles*

*Giles Bailey Bennet*, his Undertenants or Assigns, on the West Sides thereof; all which said Lanes or Pieces of Waste Land are situate, lying, and being in the several Parishes or Places of *Brokenborough*, *Hankerton*, and *Milborne* otherwise *Whychurch cum Milborne*, in the said County of *Wilts*; also a certain other Lane called *The Foss Lane* or *Foss Way*, in the Parish of *Newnton* aforesaid, at or near the Place where the said additional Turnpike Road from *Newnton* to *Charlton* crosses the said *Foss Lane* or *Foss Way*; also a certain other Lane or Road, in the said Parish of *Newnton*, leading from the said Turnpike Road from *Newnton* to *Charlton*, from or near the East Corner of an Orchard in the Occupation of *Thomas White*, unto a certain Farm House in the Occupation of *William Andrews*, leading into the said Turnpike Road from *Tetbury* to *Malmesbury*; and likewise a certain Lane leading from the herein-before-mentioned Place, called *Underbridge*, in the Parish of *Skipton Moyne*, unto the cross Roads in the said Parish, which lead to the Parishes of *Westonbirt* aforesaid, and to *Easton Grey*, in the said County of *Wilts*: Provided, That no Person or Persons, who of accustomed Right usually hath or have, or have had the Use of the said several and respective Lanes, or any or either of them, so intended to be stopped up as a Way or Ways to and from their Grounds or Fields, shall be prevented from using the same Way or Ways to and from such their Grounds and Fields, in such Manner as they have heretofore: Provided further, That the said Trustees, or any Five or more of them, may fully and entirely stop up and enclose all or any or either of the said Way or Ways, upon making some other Way or Ways in lieu thereof, with the Consent of such Person or Persons as are the Proprietors or Owners of the Grounds or Fields to which such Way or Ways respectively lead.

XXVIII. And be it further enacted, That the Right and Property of all the Turnpikes, Gates, Bars, Rails, and Fences, Toll Houses and Buildings, now belonging to the said Roads, or that shall be erected or provided by virtue of this Act, and the Right and Property of the Materials provided for erecting, building, or repairing the same, or any of them respectively, and also of all the Tools, Materials, and other Requisites, got, provided, or collected for any the Purposes of this Act, shall be and are hereby vested in the said Trustees within each respective District, and they, or any Five or more of them, are hereby empowered to dispose thereof as they shall think proper, and to bring or cause to be brought any Action or Actions in the Name of their respective Clerks, or to prefer or order the preferring of Indictments against any Person or Persons who shall dig up, break or pull down, steal, take, carry away, spoil, injure, or destroy the same, or any Part or Parts thereof, or disturb the respective Trustees, their Agents or Servants, in the Possession thereof.

XXIX. And be it further enacted, That if any Person or Persons shall go or pass with any Cattle, Beast, or Carriage, through or over any Ground, Parcel of Land, or other Place, adjoining to or lying near any or either of the Gates or Turnpikes already erected, or to be by virtue of this Act erected and set up, the same not being a common Road, in order or with Intent to avoid the Payment of the Tolls by this Act granted, or any Part thereof; or if any Person or Persons owning or occupying any Ground, Land, or Hereditaments, (not being a publick Highway),

Turnpikes,  
&c. vested in  
Trustees.

Penalty on  
Persons going  
through or  
permitting  
private Pas-  
sages, &c.;

Highway), which shall adjoin or lie near to any or either of the said Gates or Turnpikes, shall knowingly and wittingly permit or suffer any Person or Persons, with any Cattle, Beast, or Carriage, to go, pass, or repass through or over such Ground, Land, or Hereditaments, in order or with Intent that the Payment of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons, (except the Person or Persons appointed to collect and receive the Tolls hereby made payable), any Note or Ticket of the Day, by this Act directed to be given by the Collectors or Receivers of the said Tolls, with Intent to avoid the Payment of the same, or any Part thereof; or if any Person or Persons shall unload, or cause to be unladen, any Goods or Merchandize, or shall forcibly pass through any such Turnpike, with any Horse, Carriage, Cattle, or Beast, or shall take off, or cause to be taken off, any Horse or other Cattle from any Carriage, with Intent to avoid, or thereby avoiding the Payment of any of the said Tolls, or shall leave, or cause to be left, upon or near the said Roads, any Cattle or Carriage, or conceal any Goods or other Things with Intent as aforesaid; or if any Person or Persons shall do any other Act, in order or with Intent to avoid the Payment of the said Tolls, or any Part thereof, such Persons, and every of them, shall for each Offence forfeit and pay any Sum not exceeding Forty Shillings, nor less than Ten Shillings, over and besides such Damages and Punishments as they shall be otherwise liable to by Law, to be recovered in such Manner as is herein-after mentioned and provided for the Recovery of Penalties and Forfeitures, One Moiety whereof, when raised, shall be paid to the Informer, and the other Moiety thereof shall be applied in such Manner as the other Penalties and Forfeitures are herein-after directed to be applied, within the District wherein they are incurred.

and on giving  
or receiving  
Tickets;

or taking off  
Cattle from  
any Carriage  
to avoid Pay-  
ment of Toll.

Exemptions  
from Toll.

XXX. Provided always, and be it further enacted, That no Toll shall be demanded or taken for the Passage of any Cattle or Carriage which shall be going unladen or empty for, or that shall be used only in conveying, or returning unladen or empty after having been used only in conveying Stones, Gravel, or other Materials for repairing any of the said Roads, or Dung, Mould, Manure, Lime for Manure, or Compost for manuring of Lands or Gardens, or Hay, Corn in the Straw, Straw, Potatoes, or Turnips, to be laid up in the Houses, Outhouses, Barns, or Yards, of the respective Inhabitants or Occupiers of Land, within the Parishes, Townships, or Places, through which the said respective Roads lead, being the Growth and Produce of Land held and occupied by the respective Inhabitants or Occupiers within some such respective Parish, Township, or Place, and carried for their own proper Use and Consumption, and not for Sale, or for any Ploughs, Harrows, Drags, or other Implements of Husbandry, or Things used therein, belonging to any such Inhabitants or Occupiers; nor shall any Toll be taken for any Horses or Cattle going to or returning from Plough, Water, or Pasture, within such Parishes, Townships, or Places, or for the Horses or Cattle of any Inhabitants of the Parish, Township, or Place, wherein any Turnpike shall be situate, going to be shed or carried, or returning therefrom, or for any Horses or Carriages of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Post-master General, either

when



when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back therefrom, or for the Horses of any Soldiers upon their March or on Duty, or for any Carriages attending them, laden with their Arms or Baggage, or returning empty after having been so employed, or for Horses, Carts, or Waggon, travelling with Vagrants sent by legal Passes, or for any Coach, Berlin, Landau, Chariot, Calash, Chaise, or Chair, 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*, *Berks*, and *Gloucester*, and Borough of *Cricklade*, on the Day or Days of every such Election, or on the Day before or Day after such respective Election shall begin or be concluded; 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 *Sunday*, or any other Day on which Divine Worship is ordered by Authority to be celebrated; 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 any Sum not exceeding Forty Shillings, nor less than Ten Shillings.

Penalty on Persons making illegal Claims.

XXXI. Provided also, and be it further enacted, That no Inhabitant or Inhabitants of the Parish of *Colehill* or *Buscot*, in the County of *Berks*, for the Time being, shall pay any Toll for going or passing through any Gate or Turnpike already erected, or to be at any Time hereafter erected, in, upon, or across the said Road, in the said Parish of *Colehill*, or in, upon, or across any Road or Way leading into the same from *Buscot* aforesaid, with any Sort of Coach, Hearse, Waggon, Wain, Cart, or other Carriage, Horse, Gelding, Mare, or Cattle, whatsoever, belonging to any or either of the Inhabitants of *Buscot* or *Colehill* respectively, in going from *Colehill* to *Buscot* aforesaid, or elsewhere, on the Road leading from *Colehill* to *Buscot* aforesaid, or from *Buscot* to *Colehill* only.

Exemption from Toll in Favour of the Inhabitants of *Colehill* or *Buscot*.

XXXII. And whereas it frequently happens that the Inhabitants, being Occupiers of Lands in the Parishes, Townships, and Places, through which the several Roads comprized in this Act do pass, are also Occupiers of Farms and Lands in adjoining Parishes, Townships, and Places, and have Occasion to remove Dung and other Manure, and also Hay, Corn in the Straw, Fuel, and other Things, the Growth and Produce of such Farms and Lands in such adjoining Parishes, Townships, or Places, from those Farms and Lands to the Farms and Lands which they hold and occupy in the Parishes, Townships, and Places, through which the said Roads do or shall pass, by the Way of the said Roads, for their own Use and Consumption, and not for Sale: And whereas it is conceived that it would be an Advantage to Agriculture, and tend to the Improvement thereof, in case the said Inhabitants and Occupiers of Lands in the said Parishes, Townships, and Places, through which the said Roads do pass, were to be exempt in certain Instances from the Tolls and Duties imposed by this Act, in respect of such Removals as aforesaid; be it therefore enacted, That it shall and may be lawful for the Trustees of the said respective Districts, or any Five or more of them, at any of their

Power to Trustees to exempt Occupiers of Lands from Tolls on Removal of Manure, &c. in certain Cases.

publick Meetings to be held by virtue of this Act, on Application to them at any such Meeting for that Purpose, made by any of such Inhabitants or Occupiers of Land within the Parishes, Townships, or Places, through which the said Roads do pass, to make an Order for exempting the Inhabitant or Occupier making such Application from the said Tolls and Duties, for and in respect only of such Removals as aforesaid, or any of them, in such Manner and for such Time or Times as such Trustees shall at such Meeting think proper, and for the said Trustees, or Seven or more of them, afterwards at any subsequent Meeting to annul and make void such Order before the Expiration of the Time for which the same was first granted, in case they shall for any Cause think it necessary so to do; any Thing herein-before contained to the contrary notwithstanding.

Proposal by the Earl of *Suffolk* to make Part of the new Branch from *Charlton* to the Village of *Newnton*.

XXXIII. And whereas the Right Honourable the Earl of *Suffolk* and *Berkshire* hath proposed, at his own Expence, to vary and alter the Course of Part of the said Branch of Road from the said Turnpike Gates at *Charlton* aforesaid, joining the said Turnpike Road leading from *Malmesbury* to *Jackament's Bottom* aforesaid, at the said Place called *The Five Lanes*, and from thence joining the said Turnpike Road leading from *Malmesbury* to *Tetbury*, at the Village of *Newnton*, in such Manner as the same is now staked out, and will pass through the Lands and Grounds belonging to the said Earl, from the said Gates in *Charlton*, to or near the said *Five Lanes* aforesaid; and the said Earl hath further proposed, that in case and when he shall have made and completed such Variation and Alteration as aforesaid, the Part of the old Road which lies in the Parish of *Charlton* aforesaid, beginning from *Charlton Gates* aforesaid, and ending at the said Place called *The Five Lanes*, shall be stopped up, and that the said Part of the old Road shall from thenceforth be laid into, and held and enjoyed, with the Grounds and Lands on each Side thereof, which are the Property of him the said Earl; be it therefore further enacted, That when the said Earl, his Heirs or Assigns, shall have completed and finished such Variation and Alteration as aforesaid, and made the same fit for the Passage and Convenience of Travelers, Carriages, Horses, and other Cattle, and shall signify the same by a Statement in Writing to the Justices at the then next General Quarter Sessions of the Peace for the said County of *Wilts*, and shall transmit a Copy of such Statement, with Notice of his Intention of signifying the same to the said Justices, to the said Trustees, or any Five or more of them, or to their Clerk for the Time being, at least Twenty-one Days previously to such Quarter Sessions, that then and in such Case it shall be lawful for the Justices present at such Sessions, and they are hereby required, upon Proof of the said Statement made to them by the said Earl, his Heirs or Assigns, Owners as aforesaid, to adjudge that such new Part of the said Road is properly made and completed equal to the old Road, and upon a Certificate of the said Judgement, signed by the Clerk of the Peace for the said County, being delivered to the said Earl, his Heirs or Assigns, Owners as aforesaid, (which Certificate the said Clerk of the Peace is required to deliver to the said Earl, his Heirs or Assigns, Owners as aforesaid, upon being paid Ten Shillings for the same), the said Part of the said old Road shall be discontinued and cease to be a Turnpike Road and publick Highway, and it shall be lawful for the said Earl, his Heirs and Assigns, Owners as aforesaid, to stop up the same, and

When Lord *Suffolk* has made and completed the new Road, the Justices at the Quarter Sessions may give Judgement thereon, and grant a Certificate thereof, and thereupon the old Road to be stopped, and vested in his Lordship.

and all Foot Paths and Rights of Way, in, over, from, or on the Side of the said old Road, shall be extinguished and stopped up, and the said old Road shall from thenceforth be laid into the said Lands and Grounds on each Side thereof, and be for ever held and enjoyed therewith by the said Earl, or such Person or Persons as shall for the Time being be entitled to the same Lands and Grounds on each Side, and then also and from thenceforth such new Part of the said Road so to be made by the said Earl, his Heirs or Assigns as aforesaid, shall be deemed and taken to be Part of the said Turnpike Road leading from *Charlton* to *Tetbury*, and shall from thenceforth be supported and kept in Repair by the said Trustees of the said Second District of Road, in the same Manner as they were authorized to repair the old Road before the Alteration of the Course thereof.

XXXIV. Provided always, and be it further enacted, That the said Judgement so to be made by the said Justices shall be final and conclusive, and that the same, or any Proceedings to be had relating thereto, shall not be quashed for Want of Form, or be removed or removeable by *Certiorari*, or any Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*.

Judgement of the Justices not removeable.

XXXV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, within their respective Districts, to borrow and take up at Interest, upon the Credit of the Tolls arising by virtue of this Act, at all or any of the Gates within such respective Districts, such Sum or Sums of Money as they, or any Five or more of them, shall think fit; and they may and are hereby empowered to demise or mortgage the said Tolls, or any Part or Parts thereof, and the Turnpikes and Toll Houses for collecting the same, (the Costs and Charges of such Mortgages to be paid out of such Tolls), as a Security or Securities to any Person or Persons, or their Trustees, who shall advance such Sum or Sums of Money, by the following Words, under their Hands, or by any other Words to the like Effect; *videlicet*,

For borrowing Money.

‘ BY virtue of an Act, made in the Thirty-eighth Year of the Reign of His Majesty King *George* the Third, intituled, [*Here insert the Title of this Act*], We, Five of the Trustees acting in and for the District of Road comprized in the said Act, in Consideration of the Sum of to the Treasurer of the said Roads, in Hand paid, do grant, bargain, sell, and demise unto *A. B.* his Executors, Administrators, and Assigns, such Proportion of the Tolls arising within the said District, and of the Turnpikes and Toll Houses for collecting the same, as the said Sum of doth or shall bear to the whole Sum due and owing on the Credit thereof, or charged upon the Term of this Act, to be had and holden from this Day of in the Year of our Lord One thousand seven hundred and for and during the Continuance of the said Act, unless the said Sum of with Interest at the Rate of Five Pounds *per Centum per Annum*, shall be sooner repaid and satisfied.’

Form of the Mortgage.

And Copies of all such Mortgages shall be entered in a Book or Books kept for that Purpose by the Clerk or Treasurer to the said Trustees; but no Money shall be borrowed upon the Credit of the said Tolls after their  
First

First Meeting, unless Notice be for that Purpose affixed in Writing upon all the Turnpikes across the Road within the respective District on which the same is to be borrowed, at least Twenty-one Days before the borrowing thereof, and the Intention thereof be also advertised Twice at the least in some Weekly Journal or Newspaper usually circulated in the Neighbourhood of the said Road; and all Persons to whom any Mortgage shall be made as aforesaid, or who shall be possessed of any Mortgage made by virtue of the said former Act, or who shall be entitled to the Money thereby respectively secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit, to the said Mortgage, and the Principal and Interest thereby secured, to any Person or Persons whomsoever, indorsing on the Back of such Security, before One credible Witness, the following Words, or Words to the like Effect:

Form of the  
Transfer.

‘ I Do transfer this Mortgage, with all my Right and Title to the  
 ‘ Principal thereby secured, and to all the Interest now due upon the  
 ‘ same, unto his Executors, Ad-  
 ‘ ministrators, and Assigns. Dated this Day of  
 ‘ One thousand seven hundred and

‘ A. B.’

Which Transfer shall be produced and notified to the said Clerk or Treasurer, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, containing the Numbers, Dates, Names of the Parties, and Sums of Money therein transferred, for which the said Clerk or Treasurer shall be paid such Sum as the said Trustees, or any Five or more of them, shall appoint, not exceeding the Sum of Five Shillings, and such Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee may in like Manner transfer the same again, and so *toties quoties*; but in case any Sum or Sums so to be transferred shall not exceed the Sum of One hundred Pounds, it shall be lawful for the respective Persons entitled thereto, by an Indorsement of his, her, her, or their Name or Names, without any Witness to transfer his, her, or their Property therein, to any other Person or Persons, without any Entry being made thereof in Manner aforesaid; and it shall not be in the Power of any Person or Persons, except the Person or Persons to whom the same shall be last transferred, to make void, release, or discharge, the original Security, or any Monies thereby due, or any Part thereof; and all Persons to whom any Mortgage or Transfer shall have been made, or that shall be made as aforesaid, shall be, in Proportion to the Sum or Sums therein mentioned, Creditors on the Tolls by this Act granted, within the respective District, in equal Degree one with another, and shall have no Preference in respect to the Priority of any Monies advanced; and the said Trustees, or any Five or more of them, within their respective Districts, may and shall, if thereunto required, receive in and cancel all or any Mortgages or Assignments now standing out, that were made by virtue of the said former Act, and give or execute another or others for the respective Sums, in Manner and transferrable as above mentioned, instead and in lieu thereof respectively.

No Money to  
be borrowed  
on the Credit

XXXVI. Provided always, and it is hereby declared, That nothing herein contained shall extend, or be construed to extend, to authorize  
and

and empower the Trustees of the said Second District of Road, or any of them, to borrow and take up at Interest any Sum or Sums of Money upon the Credit of the Tolls arising within the said Second District of Road, for the Purpose of repairing and improving the said several additional Roads, or any of them, without the Consent in Writing of the several Persons at that Time entitled to the whole Sum then due and owing on Mortgage of the Tolls of the said Second District of Road.

of the Tolls arising within the Second District, without the Consent of the Persons entitled to the whole Sum due on Mortgage.

XXXVII. And be it further enacted, That Two Parts in Three of all the Expences and Costs relating to procuring and passing this Act, shall be paid out of the Monies now in the Treasurer's Hands for the First District of Road, raised by virtue of the said former Act, or which shall be raised and collected by virtue of this present Act, and the remaining One Third Part of all such Expences and Costs relating to procuring and passing this Act, shall be paid out of the Monies now in the Treasurer's Hands for the Second District of Road, raised by virtue of the said former Act, or which shall be raised and collected by virtue of this present Act; and that the said Trustees, or any Five or more of them, within their respective Districts, do and shall (after paying the Expences of this Act in Manner aforesaid) in the next Place apply the Remainder of the Money in their Treasurer's Hands, and also the Monies to be raised and collected by virtue of this Act, in repaying the Principal Monies by this or the former Act charged or borrowed, and to be charged or borrowed on the Credit thereof respectively, without any Preference, and also the Interest now due, or hereafter to grow due thereupon within each respective District; and in defraying the Expence of erecting Gates, Turnpikes, and Toll Houses, and repairing, widening, altering, and amending the said respective Districts of Roads, and defraying the necessary Costs, Charges, and Expences attending the same, and other Purposes of this Act, in such Manner as the said Trustees, or any Five or more of them, shall from Time to Time direct or appoint.

Expences of the Act to be paid.

Application of Tolls.

XXXVIII. Provided always, That a separate Account shall be kept of the Tolls to be collected on each of the respective Districts of Road, and of the Money borrowed on the Credit thereof, which shall be paid and applied to the repairing and amending of such respective Districts of Road only, and for executing the other necessary Purposes of this Act relating thereto, except as is herein-before mentioned.

Separate Accounts to be kept of the Tolls to be collected on District.

XXXIX. And be it further enacted, That the said Trustees, or any Five or more of them, within their respective Districts, may and are hereby empowered to continue the present Clerks and Treasurers, Collectors, Surveyors, and other Officers, or to remove them, any or either of them, and from Time to Time afterwards, when they shall think fit, to remove any other of their Clerks, Treasurers, Collectors, Surveyors, or other Officers, and upon such Removal, or when any of them shall die, misbehave, or resign their Office, or be incapable of performing it, they the said Trustees, or any Five or more of them, within their respective Districts, may, by Writing under their Hands, appoint One or more fit Person or Persons to be their Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and Surveyor or Surveyors of the District of Road, in the Room of such of the said Officers as they shall think proper to remove, or that shall die, misbehave, or resign their

Trustees may appoint Officers;

and may remove them, and appoint others in case of Removal or Death.

Trustees to  
allow Officers  
Salaries.

Justices  
not to hold  
Offices of  
Profit,  
Officers to  
account,

or to be pu-  
nished.

Justices may  
grant War-  
rants for le-  
vying the  
Balance in  
the Officer's  
Hands by  
Distress;

Office, or be incapable of performing it, and shall take such Security for the due Execution of their respective Offices as they the said Trustees, or any Five or more of them, within their respective Districts, shall think proper; and may, by and out of the Tolls, allow and pay to such Clerks, Treasurers, Collectors, and Surveyors, and to such other Persons as shall be aiding or assisting them in their respective Offices, or that shall be any Ways employed in the Execution of this Act, such Salaries, Rewards, and Allowances, for their respective Attendance, Care, and Service, as to the said Trustees, or any Five or more of them, shall seem reasonable; but no Person shall be capable of holding any Place of Profit under this Act, who shall sell Wine, Cyder, Ale, Beer, or Spirituous Liquors by Retail; and all such Officers and Persons shall from Time to Time, when thereunto required by the said Trustees, or any Five or more of them, within their respective Districts, deliver to such Trustees, or to such Person or Persons as the said Trustees, or any Five or more of them, shall for that Purpose appoint, a true and perfect Account in Writing under their respective Hands, of all Monies which shall have been by them respectively had, collected, or received, and how, and to whom, and for what Purposes the same, and every Part thereof, hath been disposed of, together with proper Vouchers and Receipts for such Payments, and shall verify the Accounts upon Oath, if thereunto required by the said Trustees, or any Five or more of them, (which Oath any One or more of the said Trustees is or are hereby empowered to administer); and all such Officers and Persons shall, and they are hereby respectively required to pay all such Monies as, upon the Balance of such Account or Accounts, shall appear to be in their Hands, to such Person or Persons as the said Trustees, or any Five or more of them, within their respective Districts, shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof upon Oath, or to pay the Balance remaining in their Hands, when thereunto required in Manner aforesaid, and Complaint shall be made 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 and reside, such Justice may and is hereby authorized and required, by a 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 Five or more of them, might have done; and if, upon the Confession of the Officer or Officers, Person or Persons, against whom any such Complaint shall be made, or by the Oath or Oaths of any 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 required, upon Nonpayment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods and Chattels can be found to answer and satisfy the said Money, and the Charges of distraining and selling the same, or if such Officer or Officers, Person

or Persons, shall not appear before the said Justice at the Time and Place by him appointed for that Purpose, or if appearing, shall refuse or neglect to give and deliver to the said Justice an Account or Accounts of 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, then and in either of the Cases aforesaid the said Justice may and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Common Gaol of the County, Division, or District, where he or they shall live and 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 shall have compounded with the said Trustees, or any Five or more of them, for the same, and paid the Composition Money to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same, and which Composition the said Trustees, or any Five or more of them, within their respective Districts, are hereby empowered to make: Provided always, That no Person who shall be committed for Want of sufficient Distress only, shall be detained in Prison for any longer Space of Time than Three Calendar Months.

and for Want of Distress Offender to be committed.

Trustees may compound for Debts with their Officers.

XL. And be it further enacted, That as often as any Collector of the Tolls shall die, or shall be negligent, or be incapable of performing his Duty, or shall misbehave himself therein, it shall be lawful for any Three or more of the said Trustees, within their respective Districts, though not assembled at a Meeting pursuant to this Act, by any Writing under their Hands, to displace such Collectors, and appoint others in the Stead of such Persons so dying or displaced; and all such Collectors so appointed shall have the same Authority to act in the Execution of their respective Offices, as the Persons they shall succeed was or were vested with, until the said Trustees, or any Five or more of them, in such respective District, shall, at a Meeting to be held in pursuance of this Act, appoint a Collector of such Tolls as aforesaid, any Thing herein contained to the contrary notwithstanding; and if any Collector or Receiver of the said Tolls, who shall be discharged from his said Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged as aforesaid, or any other Person, shall refuse to deliver up the Possession of any Toll House, Buildings, or Premises already erected and made, or to be erected and made, by virtue of this Act, for the Space of Three Days after Demand thereof made, and Notice in Writing given for that Purpose by any Five or more of the said Trustees, or by their Clerk or Treasurer, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County in which such Toll House, Buildings, and Premises, shall be situate, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the same County, with such Assistance as shall be necessary, to enter such House, Buildings, and Premises, in the Day Time, and to remove the Person or Persons who shall be found therein, together with his, her, or their

For appointing Officers in certain Cases, though not at Meetings.

their Goods, out of the same, and to put the said Trustees, or any Five or more of them, or their new appointed Officer, into the Possession thereof.

Persons who have received Tolls, &c. by virtue of former Acts, to account with these Trustees.

XLI. 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 recited Act, made in the Eighteenth Year of the Reign of His present Majesty, or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or other Things relating to the Roads included in the said Act, which are now included in this Act, shall account for the same, and every Part thereof, to the Trustees in this Act named and appointed, within their respective Districts, in like Manner and under the like Penalties as the several Collectors and others receiving any Money by virtue of this Act, are herein-before directed to account.

Surveyors to get Materials, &c. in Waste Grounds.

without paying for the same;

and for Want thereof they may be taken from private Grounds,

making Satisfaction for the same.

Justices to determine Differences.

XLII. And be it further enacted, That the Surveyors of the said respective Districts of Roads, and such Persons as shall be employed by them, or by the said Trustees, or by any Five or more of them, within their respective Districts, are hereby empowered to cut, dig, gather, take, and carry away any Furze, Heath, Stones, Gravel, Sand, or other Materials proper for the making, repairing, altering, and amending, of the said respective Districts of Roads, out of or from any Common or Waste Ground, River or Brook, without paying any Thing for the same, they the said Surveyors or other Persons filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so as that the same may not be dangerous to Passengers or Cattle; and where there is not sufficient of any such Materials to be procured in any Common or Waste Ground, River or Brook, near to such respective Part or Parts of the Road which want amending, and so that the same may be had cheaper therefrom than from inclosed Grounds, the said Surveyors, or other Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, search for, cut, dig, gather, take, and carry away all such Materials as aforesaid, in, upon, or out of, from and over the Lands of any Person or Persons, (not being a Yard, Garden, Park, Paddock, Orchard, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees), paying or tendering Payment for the Damage done to the Owners and Occupiers respectively of the Grounds where or from whence the same shall be cut, digged, gathered, taken, or carried away, or upon, over, or through which the same, or any other Materials so cut, dug, and gathered as aforesaid, shall be conveyed, such Equivalent in Money as the said Trustees, or any Five or more of them, shall adjudge reasonable, and they the said Surveyors or other Persons filling up the Pits or Quarries, and levelling the Ground from which such Materials shall be so taken, or causing the same to be done; and in case of any Difference between the Trustees or Surveyors, or other Persons appointed and employed as aforesaid, and the Owners or Occupiers of private Lands, or any of them, concerning such Payments and Damages as aforesaid, the justices of the Peace of the County or Place where such Materials shall be had, taken, and carried away, at their next General Quarter Sessions, or at the Second General Quarter Sessions at the farthest, to be holden in and for the same County, on Ten Days Notice thereof being



being given in Writing by either Party to the other, or to be left at their respective Places of Abode, with some or One of their respective Families, shall hear, settle, and determine the Matters of such Payments and Damages; and the Judgement or Order of the said Justices therein shall be final and conclusive to all Parties.

XLIII. Provided nevertheless, 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, take, and carry away Materials for making or repairing the said Roads, out of or from any inclosed Lands or Grounds, until Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his or her usual Place of Residence, to appear before the said Trustees, or any Five or more of them, or any Two or more 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 Occupier shall attend pursuant to such Notice, the said Trustees, or any Five or more of them, or such Justices, shall (if they think proper) authorize such Surveyor, or other Person or Persons, to dig, gather, take, and carry away such Materials, at such Time or Times as to such Trustees or to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, the said Trustees, or such Justices, shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier, or his or her Agent, had attended.

Notice to be given to Occupiers of Lands before Materials are taken for repairing Roads.

XLIV. And be it further enacted, That if any Person whatsoever, shall take away any Materials which have been digged or gathered in any Lands, Fields, Wastes, or Grounds, River or Brook, for the Purpose of making or amending any of the said Roads, or shall get or take away any Materials out of any Pit or Quarry, which shall have been made for the Purpose of getting Materials for the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Thirty Days, (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale), every Person so offending shall forfeit for every such Offence any Sum not exceeding Ten Pounds, nor less than Twenty Shillings.

Penalty on taking away Materials.

XLV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, within their respective Districts, or their respective Surveyors, and such Persons as they shall appoint, from Time to Time, (such Surveyor or Surveyors having an Order from the said Trustees, or any Five or more of them, for that Purpose), to remove and prevent all Annoyances, Nuisances, and Obstructions, which are or shall be made on any Parts of the said Roads within their respective Districts, by Timber, Stone, Carriages, Saw Pits, Hovels, Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and dispose of the same for the Benefit of the said Roads; and to turn any Watercourses, Sinks, or Drains, running along, into, or out of, the said Roads, to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper, any such Watercourses, Sinks, or Drains, or any Watercourses or Ditches adjoining or lying near to the said Roads, and make the same as deep and

Surveyors may remove Annoyances,

turn Water-courses,

and cut down  
Trees, &c.

large as they shall think necessary, and to cut down, lop, and top any Trees, Shrubs, Wood, or Bushes, growing in the said Roads, or in the Hedges or Banks adjoining thereto, or being within Fifteen Feet of the Center of the said Roads, (not growing in a Park, Avenue, Plantation, or Garden), and to take and carry away such Trees (not being Timber Trees) and Bushes as aforesaid, and dispose thereof for the Benefit of the Road, in case the Persons occasioning such Annoyances shall neglect to remove the same, or the Owners or Occupiers of the Lands shall neglect to open, scour, cleanse, widen, or deepen such Watercourses, Ditches, Sinks, or Drains, or to cut down, lop or top and remove such Trees, Shrubs, or Bushes, in such Manner as the said respective Surveyors shall require, for the Space of Twenty-one Days next after Notice in Writing given for those respective Purposes, under the Hand of such respective Surveyor, the Charges whereof to be settled by the said respective Trustees, or any Five or more of them, shall be reimbursed to such Surveyor by such Owners or Occupiers, the same to be recovered in such Manner as Penalties and Forfeitures are herein-after directed to be recovered; and such Owners or Occupiers so neglecting to open, scour, cleanse, and deepen such Watercourses, Ditches, Sinks, or Drains, within the Time aforesaid, after such Notice given, shall likewise forfeit, for every Foot in Length, the Sum of One Penny over and besides the Charges, to be settled as aforesaid; and if, after Removal of any of the said Annoyances, Nuisances, or Obstructions, any Person shall again offend in the like Kind, every such Person shall, for every such subsequent Offence, forfeit any Sum not exceeding Five Pounds, nor less than Twenty Shillings.

Surveyors to  
be reimbursed  
their Charges  
for such Re-  
movals.

Penalty on a  
Second Of-  
fence.

Power to cut  
Hedges on  
Sides of Roads  
respectively.

XLVI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the Trustees of the respective District, or any Five or more of them) to shear and cut, Once at least in every Year, the Tops and Sides of all the Hedges standing or growing by or near the Side or Sides of the said Roads, in the Districts, in such Manner as such Surveyor or Surveyors shall think proper; and all Charges and Expences attending the same shall from Time to Time be paid and defrayed out of the Tolls of the District to be collected by virtue of this Act.

Penalty for  
drawing Tim-  
ber on the  
Roads, except  
on Wheel  
Carriages.

XLVII. And be it further enacted, That if any Person or Persons shall draw, or cause to be drawn, upon any Part of the Roads within either of the said Districts, any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber, which shall be conveyed upon any Wheel Carriage, to drag or trail upon any Part of the said Roads, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Two Pounds, nor less than Ten Shillings.

Surveyors may  
make Cause-  
ways and  
Drains, and  
erect Bridges,  
&c.

XLVIII. And be it further enacted, That it shall be lawful for the respective Surveyors, or such Persons as they shall appoint, by Order of the said Trustees, or any Five or more of them, within their respective Districts, to make, or cause to be made, Causeways, Drains, and Fitches, and to erect or build Arches and Bridges of Stone, Brick, or Timber, in and upon or on the Sides of the Roads within such respective District, or in any Ground lying contiguous or near thereto, and to keep

in Repair such Bridges and Arches, and scour such Ditches and Drains, and also to make, or cause to be made, a Road through the Ground adjoining to any narrow or ruinous Part of the said Roads, (not being the Ground whereon any House or Houses, or other Buildings stand, or a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or an inclosed Ground planted and set apart as a Nursery for Trees), to be made use of by all Passengers, Cattle, Carriages, or otherwise, as a publick Highway, whilst the old Road is repairing or widening, and till such Time as it shall be convenient for Passengers and Carriages to pass through the same, making such reasonable Satisfaction to the Owners and Occupiers of such Grounds respectively, through which any such Drain or Ditch shall be made or cut, or on which any such Arch or Arches, Bridge or Bridges, shall be erected, or through which any such temporary Road shall be made, for the Damages which such Owners and Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the respective 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 the next General Quarter Sessions for the said Counties of *Wilts, Berks, or Gloucester*, as the Case may happen, or at their Second General Quarter Sessions, or at any Adjournment thereof at the farthest, to hear, settle, adjudge, and finally determine, the Recompence which shall be made to such Owners or Occupiers for the Damages they shall have sustained as aforesaid.

making Satisfaction to the Owners of Grounds.

Justices to determine Differences.

XLIX. And whereas the Road through the Borough of *Malmesbury*, in the said First District, being frequently in the Night Time unsafe for Travellers, hath, by virtue of a Power in the said recited Act for that Purpose contained, been furnished and provided with Thirty Lamps, with proper Lamp Posts and Lamp Irons, and the Expence of furnishing and providing the same, and also of the lighting thereof, hath been paid out of the Produce of the Tolls arising upon the said District, and the Money borrowed on the Credit thereof, and it is necessary and proper that the said Lamps should be continued; be it therefore further enacted, That it shall and may be lawful for the Trustees of the said District, or any Five or more of them, to continue the said Lamps, and to defray the Expence of lighting, repairing, renewing, and furnishing the same, and the Lamp Posts, Lamp Irons, and other Things relating thereto, out of the Tolls of the said District, and the Money borrowed thereon, and the same shall be lighted at such Times, and in such Manner, as the said Trustees, or any Five or more of them, shall from Time to Time direct and appoint.

For lighting the Road through *Malmesbury*.

L. And whereas such Parts of the said Second District of Road as do pass through the Towns of *Cricklade* and *Highbworth*, and Borough of *Malmesbury*, are frequently in the Night Time unsafe for Travellers, and it would be a publick Convenience and Accommodation, in case the Power already given for lighting the said First District through the Borough of *Malmesbury* were extended to such Parts of the said Second District as aforesaid; be it therefore further enacted, That it shall be lawful for the Trustees of the said Second District, or any Five or more of them, at any Time after the passing of this Act, with the Consent of the Mortgagees of the same District, or the major Part of them in Number and Value, to cause to be erected and set up, upon or on the Side or Sides of such

Power to light certain Parts of the Second District at *Cricklade, Highbworth, and Malmesbury*.

Parts

Parts of the said Roads as do pass through the said Town of *Highbworth*, and the said Towns and Boroughs of *Cricklade* and *Malmesbury*, such Number of Lamps as they shall think necessary, with proper Lamp Posts and Lamp Irons, so that the Number of Lamps in the said Town of *Highbworth* do not exceed Twelve, nor Four at *Cricklade*, nor Four at *Malmesbury*, at any one Time in the Whole; and the same shall be lighted at such Times and in such Manner as the said Trustees of the said Second District, or any Five or more of them, shall from Time to Time direct and appoint; and all Expences attending the same shall be defrayed out of the said Tolls, and Money to be borrowed on the Credit thereof, within the said District.

Penalty on  
Persons break-  
ing the Lamps,  
etc.

LI. And be it further enacted, That if any Person shall break, throw down, or damage, any of the Lamps already erected by virtue of the said former Act, or to be erected by virtue of this Act, or the Posts or Irons thereof, or either of them, or wilfully and maliciously extinguish any such Lamps, he, she, or they, shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings nor less than Ten Shillings over and above the Costs of repairing and amending such Lamps, Posts, Irons, Furniture, or Work, so broken, thrown down, or damaged as aforesaid.

Trustees may  
contract for  
the Purchase  
of Lands to  
be taken into  
the Roads.

LII. And be it further enacted, That the said Trustees, or any Five or more of them, within their respective Districts, shall be and are hereby fully empowered, from Time to Time, as they shall think proper, to make, widen, or divert, turn, shorten, vary, or alter the Course or Path of any Part or Parts of the said present, and also of the said additional Turnpike Roads comprized in their respective Districts; and that any new Road, or any Variation of Road, may be made through any Common or Waste Ground, without making any Satisfaction for the same, and through any private Grounds or Hereditaments, making Satisfaction to the Owners thereof and Persons interested therein for the Damage they may thereby sustain; and it shall be lawful for the said respective 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 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 such Road, through such Lands or Hereditaments; and it shall be lawful for all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, and Committees, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Infant Wards, Cestuique Trusts, Lunatics, Idiots, or Persons of unsound Memory and Understanding, and to and for all Females Covert who are or shall be seized or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be seized or possessed of, or interested in any such Lands or Hereditaments, to contract with the said respective Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to exchange with, sell, and convey unto them, or any Five or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for any the Purposes aforesaid; and all Contracts, Exchanges, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and

Incapacitated  
Persons may  
treat.

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, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act; and if any such Bodies Politick, Corporate, Ecclesiastical, or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Body Politick, Corporate, Ecclesiastical, or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Roads are 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 or any such Case the said respective Trustees, or any Five or more of them, shall cause such Damage and Recompence to be enquired into and ascertained by a Jury of indifferent Men of the County wherein such Lands do lie, and in order thereto the said respective Trustees, or any Five or more of them, are hereby empowered and required from Time to Time, as Occasion shall be, to summon and call before such Jury, and examine upon Oath, any Person or Persons whomsoever (which Oath any One or more 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 for the said Jury's better Information in the Premises; and after the said Jury shall have enquired of and assessed such Damage 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 the Lands or Hereditaments, according to the Verdict and Inquisition of such 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 respective Trustees, or any Five or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff or Sheriffs of the County, as the Case shall happen, requiring him or them to impanel, summon, and return 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 such Summons, the said respective 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

Where Persons neglect or refuse to treat,

Damage and Recompence to be facted by a Jury;

who may examine Witnesses upon Oath,

and the Verdict of such Jury to be final.

For impannelling a Jury.

Sheriffs, &c.  
making De-  
fault of re-  
turning a  
Jury, may be  
fined.

sworn Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen so returned, the said Sheriff, or his Deputy or Deputies, or any Five or more of the said Trustees, shall return such 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 Jurymen, when they come to be sworn; and the said respective 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, who shall not appear, or appearing shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give, or shall not give a Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury, 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  
the Jury and  
Witnesses  
shall be borne.

LIII. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money, as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by them sustained, than what shall have been agreed to and offered by the said respective 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 Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the said respective Trustees, or any Five or more of them, out of the Tolls hereby granted within their District, or out of any Money to be borrowed upon the Credit thereof; but if 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 in, or Loss or Damage as aforesaid, that then the Costs and Expences 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; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the respective County, not interested in the Matter in Question, who is hereby required to examine and settle the same, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Money shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums of Money so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand, after having been so ascertained and settled as aforesaid, may be levied and recovered by the Ways and Means herein-after provided for levying and Recovery of Penalties and Forfeitures;

Provided

Provided always, That in all Cafes where any Perfon or Perfons fhall, by reafon of Abfence out of the Kingdom, have been prevented from treating, One Moiety of fuch Cofts and Expences fhall be deducted out of the Money allowed for Recompence and Satisfaction, and the other Moiety thereof fhall be borne and paid by the faid refpective Trustees, or any Five or more of them, as aforefaid.

LIV. And be it further enacted, That all and every fuch Sum and Sums of Money, Confideration, Recompence, or Satisfaction, to be agreed for, or afcertained or affeffed as aforefaid, fhall be paid out of the Tolls, or out of the Monies already raifed by virtue of the faid former Act, or to be raifed by virtue of this Act, within the refpective Diftrict, to the Parties or Perfons refpectively entitled to fuch Monies, or to their Agents; and that upon Payment thereof, or Tender thereof, to fuch Perfons or their Agents, or in cafe of Refufal to accept the fame, then upon leaving the fame in the Hands of the Treafurer or Treafurers to the faid refpective Trustees, for the Ufe of fuch Parties or Perfons, and after Twenty-eight Days Notice thereof given to fuch Parties or Perfons, or their Agents, to receive fuch Money, Confideration, Recompence, or Satisfaction, it fhall be lawful for the faid refpective Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to make, widen, divert, or turn fuch Roads through or over fuch Lands or Hereditaments, and to do all and every fuch Act, Matter, and Thing, with relation to fuch Lands or Hereditaments, as the faid Trustees, or any Five or more of them, fhall think fit; and after the Purchase of the faid Lands or Hereditaments, or Adjudication of the Value of fuch Lands or Hereditaments made, and Tender of Payment, and Notice given as aforefaid, the faid Trustees, or any Five or more of them, fhall caufe fuch Parts of the Roads as fhall be made, widened, diverted, or turned through any private Ground, to be drained, ditched, or otherwife fenced from the adjoining Lands; and all Lands and Hereditaments, which fhall be made a Part or Parts of any Road by virtue of this Act, fhall for ever thereafter, to all Intents and Purpofes, be deemed a common Highway, and fhall be repaired and kept in Repair as fuch, and from thenceforth all Parties and Perfons whomsoever fhall be divested of all Right and Title to fuch Lands and Hereditaments; and after any fuch new Road fhall be completed, the Lands conftituting the former Road, unlefs leading over fome Moor or Wafte Ground, or to fome Village, Town, Hamlet, or Place, to which fuch new Road doth not lead, fhall be vefted in, and fhall and may be fold and conveyed by the faid refpective Trustees, or any Five or more of them, for the beft Price that can be gotten for the fame, or may be exchanged for other Lands ufed for the Purpofes of this Act; and the Money arifing by fuch Sale fhall be applied to the Repair of the Roads by this Act directed to be repaired, within the fame Diftrict; and all Deeds of Exchange or Conveyance executed by the faid refpective Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the refpective County, fhall be good and effectual in the Law to all Intents and Purpofes; but this Act fhall not extend to the taking down of any Dwelling Houfe or other Building, except as is hereafter mentioned, nor to the taking in of any Land that is a Garden or Orchard adjoining to any Dwelling Houfe, or any Yard, Park, Paddock, planted Walk, inclofed Nurfery of Trees, or Avenue to a Houfe, or any Part thereof, without the Confent of the Owner or Proprietor thereof refpectively.

Money agreed upon or affeffed for Lands, how to be paid and tendered.

Lands purchafed to be deemed publick Roads.

Old Road to be fold.

LIV. And

Power to take  
down houses,

LV. And be it further enacted, That it shall be lawful for the Trustees, or any Five or more of them, within the said Second District, to treat, contract, and agree, with the several Owners, Proprietors, and Occupiers of, and Persons entitled to, any Messuages, Cottages, Shops, Sheds, Posts, Penthouses, Lands, Tenements, Grounds, or Hereditaments, for the Purchase of so much of the Ground thereof as shall be wanted or necessary for the widening, enlarging, or making more Commodious, so much and such Parts of the said Road as extend through the said Town of *Highbworth*, and the Town and Borough of *Cricklade*, and particularly with the Proprietors of a certain Building called *The Market House*, standing and being in the High Street, within the Town of *Highbworth*, and with the Proprietors and Occupiers of Two certain Messuages, Tenements, or Dwelling Houses, and Buildings thereto adjoining, in the several Tenures or Occupations of *John Ansell* and *Thomas Coombs*, and with the Proprietors of a Place thereto also adjoining, called *The Blind House*, and with the Proprietors and Occupier of a certain Pump, standing in the Street at a short Distance from the Buildings above mentioned, in the Occupation of *Charles Hamman*, and with the Proprietors and Occupiers of a certain Messuage or Tenement, and the Buildings thereunto belonging, now in the Occupation of *Crook Godby*, commonly called or known by the Name of *The White Horse Inn*, being the Corner House of a certain Street or Lane in *Cricklade* aforesaid, called *Horseycdown Lane*, and at the Corner of *Cricklade High Street*, and also for the Purpose of improving the Road leading through the Town of *Malmesbury*, with the several Persons entitled to, or interested in, a certain Messuage or Tenement, now or late in the Occupation of *Sutcliffe*, his Under-tenants or Assigns, and being the Corner House of the Street called *Oxford Street*, in *Malmesbury* aforesaid, for the Purchase of so much of the Ground on which the said Market House, Messuages, Tenements, or Dwelling Houses, Buildings, and Pump, or any of them, do stand, as shall be necessary for the Purposes aforesaid, and to take down and remove the Erections and Buildings thereon standing and being, and out of the Tolls by this Act granted, or out of any Money to be borrowed on the Credit thereof, within such District, to pay for the Buildings and Ground so purchased, and also for the Damages occasioned by the Removal of such Buildings to the Owner or Owners, or Occupiers of such House or Houses, or other Buildings and Premises, such Sum or Sums of Money as shall be adjudged 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 such Difference shall be settled by a Jury in the same Manner as is hereinbefore provided with respect to other Lands or Premises to be taken for the Purposes of this Act: Provided always, That if any of the before mentioned Premises, or the Places wherein they are situate, or the Persons in whose Possession they are stated to be, shall happen to be misnamed, or improperly described, it shall not prevent or retard the making of 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 the same were more properly named or described.

making Satisfaction to the  
Owners.

Differences to  
be determined  
by a Jury.

Money be-  
longing to  
Corporations  
to be re-in-  
vested,

LVI. And be it further enacted, That the Principal Money to arise from the Sale of any Lands or Hereditaments, which shall be purchased for the Purposes of this Act of any Body Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Trustees in Trust, Guardians, Committees,



Committees, or other Trustees, or from any Femes Covert, or Feme Covert, or other incapacitated Person or Persons, shall, in case the same shall exceed the Sum of Twenty Pounds, be paid to such Person or Persons as they shall respectively nominate to receive the same, in Trust, with all convenient Speed to be reinvested in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, upon, and subject to the like Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands, Tenements, Hereditaments, and Premises, which shall be purchased from them respectively by the said Trustees, were respectively settled, limited, and assured, 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 to be nominated by the Party or Parties interested therein, and to be approved of by the respective 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.

LVII. And be it further enacted, That it shall be lawful for the said Trustees of either of the said Districts, or any Five or more of them, and for their Surveyor and Surveyors, and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands, Grounds, and Premises, for making, widening, varying, and altering the said Roads herein-before mentioned, or any of them, 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 the Damage that shall be done to the Land, Ground, or Premises, on the Sides of any such Road that shall be made, 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 marking any such Road, every Person so offending shall forfeit and pay, for every such Offence, a Sum not exceeding Forty Shillings, nor less than Five Shillings.

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

LVIII. And be it further enacted, That where any particular Part of the said respective Roads, or any Bridge, Drain, or Sewer, being in and upon any Part or Parts of such Roads, 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 the said Counties of *Wilts*, *Berks*, and *Gloucester*, or either of them, or any Town, Parish, Hamlet, or Place therein, every such Part of the said Roads, and every such Bridge,

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

Drain, or Sewer, shall from Time to Time be maintained and kept in Repair by such Person or Persons, Body Politick or Corporate, County, District, Town, Parish, Hamlet, or Place, and in such Manner as the same were or ought to have been respectively maintained and kept in Repair before the passing of this Act.

Justices, upon Application, to determine Differences concerning Repairs.

LIX. And be it further enacted, That it shall be lawful for the Justices of the Peace for the County or Place wherein such Differences shall arise, and they are hereby required and empowered, at their Petty or Special Sessions, upon Application to them made by the said respective 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 such particular Part or Parts of the said Roads, and the said Bridges, Drains, and Sewers, shall, from Time to Time, be respectively maintained and kept in Repair by such Person or Persons, Bodies Politick or Corporate, County, Town, Hamlet, or Place therein, who are or shall be chargeable or liable to repair the same, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by Means of any Trust, or otherwise howsoever.

Trustees may compound for the Repairs of such Bridges, &c.

LX. Provided also, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, within their respective Districts, from Time to Time to compound and agree with all or any of the said Persons, Bodies Politick or Corporate, Township or Townships, who or which are or shall be liable or chargeable for or towards repairing or maintaining any particular Part or Parts of the said respective Roads, Bridges, (except the Bridges liable to be repaired by the County where such Bridges are, which shall continue to be respectively repaired as aforesaid), Drains, or Sewers, lying in and upon the same, for a certain Sum of Money by the Year or otherwise, as the said Trustees, or any Five or more of them, in their respective Districts, shall think fit, in lieu of such particular Works or Repairs to be done by such particular Person or Persons, Body Politick or Corporate, Township or Townships, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by Means of any Trust or otherwise howsoever as aforesaid.

Profits of Lands liable to Repairs to continue to.

LXI. 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, within their respective Districts, shall appoint to receive the same, and upon Default of Payment thereof, it shall be lawful for any 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 and Profits, Sum or Sums of Money, when recovered, shall be applied, from Time to Time, towards amending the said respective Roads.

LXII. And

LXII. And be it further enacted, That all Persons who by Law are or shall be obliged or liable to do Statute Work towards repairing and amending the Roads hereby intended to be repaired, shall still remain subject and liable to do the same Work, and shall and are hereby required to do and perform such and so many Days Work in such Parts of the said respective Roads, within their respective Parishes, Hamlets, or Places, at such Times and in such Manner as the said Trustees, or any Five or more of them, within their respective Districts, or the Surveyor or Surveyors by them authorized, shall direct or appoint.

Persons, &c.  
liable to do  
Statute Work  
to continue so.

LXIII. And be it further enacted, That the Surveyor or Surveyors of the Highways of and for every of the said Parishes, Hamlets, Tythings, or Places, shall, and they are hereby required, at the First Meeting of the Trustees for each District after *Michaelmas* in every Year, to return and deliver in to the said respective Trustees true and perfect Lists in Writing upon Oath, according to the best of their Knowledge and Belief, if thereunto required, (to be administered by the said respective Trustees, or any One or more of them), of the Names of all the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments, in such Parishes, Hamlets, and Places respectively, that are liable to do Statute Work or Duty, and shall in such Lists, and every of them, distinguish and set forth which of such Inhabitants and Occupiers keep a Team or Teams, and what Lands, Tenements, or Hereditaments, and to what annual reputed Value, they respectively occupy, and which of them are Labourers, or liable to do their Statute Duty as Labourers only, and shall, within Ten Days after Notice shall be given them, or any of them, by the respective Turnpike Surveyor, of the Time when, and how many of the Persons so chargeable as aforesaid he would have to do their Statute Work in or upon any Part or Parts of the said respective Roads, summon or give publick Notice thereof to the respective Persons so chargeable as aforesaid; and if any such Parish Surveyor or Surveyors shall not deliver in such Lists 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, which ought to have been inserted in such List or Lists, are by Design omitted, or if such Surveyor or Surveyors shall refuse or neglect to give publick Summons or Notices to such Persons who ought by Law to do Statute Labour or Duty as aforesaid, according to the Directions of the Surveyor appointed by the said respective Trustees, such Parish Surveyor or Surveyors, and every of them, shall forfeit and pay, for every such Default, any Sum not exceeding Ten Pounds, nor less than Twenty Shillings, and if all or any of the Inhabitants or Occupiers of Lands, Tenements, or Hereditaments, in the said several Parishes, Hamlets, or Places, being obliged by Law to do Statute Labour or Duty in and upon the Highways, shall not do so much Statute Work in and upon the said respective Roads, within their respective Parishes, Hamlets, or Places, at such Times and Places, and in such Manner as they shall by the said respective Turnpike Surveyor 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 the Laws in being is compelled to furnish a Team or Teams, for every Day's Default of every Team, any Sum not exceeding Twelve Shillings, nor less than Six Shillings,

Surveyors of  
Highways to  
deliver in  
Lists of Per-  
sons liable to  
do Statute  
Work.

Penalty on  
Non-perform-  
ance.

Shillings, and every Inhabitant or Person liable to work on the said Roads as a Labourer only, or to find and send One or more Labourer or Labourers thereon, for every Day's Default of himself and every such Labourer or Labourers, any Sum not exceeding Three 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 to work on the said Roads, shall not attend at the Time and Place appointed, or shall be found idle or negligent by the Turnpike Surveyor, such Surveyor is 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 become payable, as if such Persons had refused or neglected to come, or such Team or Draught had not been sent out.

If Parish Surveyors think too large a Proportion of Statute Work is done by the Trustees, they may appeal to Petty Sessions.

LXIV. 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 respective 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 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 Parties are dissatisfied, they may appeal to the Quarter Sessions.

Trustees may compound with Parishes, &c. for Statute Labour.

LXV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, within their respective Districts, or their respective Surveyors, to be by them respectively appointed, being authorized or empowered so to do by the said respective Trustees, or any Five or more of them, to compound and agree with the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments, of and in all or any of the Parishes, Tythings, Hamlets, or Places, from, to, or through which the said respective Roads hereby intended to be repaired, or any Part or Parts thereof, doth or do lie, (their Consent being first signified in Writing at a Vestry or other publick Meeting of such Inhabitants, summoned 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 Work to be by them or any of them done, provided such Composition Money be paid yearly in Advance by the Surveyor or Surveyors, or other Officer of the Parish, or respective Person, so compounding, to the Treasurer of the respective Trustees, on or before the Fifth Day of *April* in each Year.

Trustees may contract for repairing the Roads.

LXVI. And be it further enacted, That the said Trustees, or any Five or more of them, within their respective Districts, are hereby empowered, from Time to Time, to contract and agree with any Person or Persons for the making, repairing, widening, altering, turning, or amending, the Roads by this Act directed to be made and repaired, or any

any Part or Parts thereof, within their respective Districts, in such Manner, and for such Sum or Sums of Money as the said Trustees, or any Five or more of them, shall think proper; and that all Contracts and Agreements in Writing, entered into pursuant to an Order made at any Meeting by the said respective Trustees, or any Five or more of them, shall be binding to all Parties who shall sign the same, his, her, or their Executors and 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 Contracts or Agreements.

LXVII. And be it further enacted, That if any Person or Persons shall assault, interrupt, hinder, or disturb, or cause, promote, or encourage, to be assaulted, interrupted, hindered, or disturbed, the Collectors of the Tolls, or any or either of them, or the Turnpike Surveyors, or any Person or Persons employed by them or either of them respectively, or by the said Trustees, or any Five or more of them, within their respective Districts, in the Execution of any Part of this Act, every such Person or Persons, for every such Offence, shall forfeit and pay, to and for the Use of the Road, any Sum not exceeding Forty Shillings, nor less than Ten Shillings.

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

LXVIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the Roads within their respective Districts 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 also Posts at the several Roads leading out of the Roads hereby directed to be repaired, with Inscriptions thereon, denoting to what Place or Places the said Roads respectively lead, as they the said Trustees, or any Five or more of them, within their Districts respectively, shall think fit; and if any Person or Persons shall wilfully break, damage, or pull up any of the Mile Stones or Posts already erected, or hereafter to be erected upon or near any Part of the said Roads, or shall obliterate or deface any of the Letters, Figures, or Marks thereon, and be thereof convicted before any Justice of the Peace of the Counties of *Berks, Wilts, or Gloucester*, where such Offence shall 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 Forty Shillings, nor less than Ten Shillings, for every such Offence, One Moiety whereof shall be paid to the Informer, and the other Moiety laid out in repairing the Road within the District wherein the Offence was committed; and in case the Person or Persons so offending and convicted shall not be able, or shall refuse to pay the same, then it shall be lawful for any Justice of the Peace aforesaid, by Warrant under his Hand and Seal, to commit such Person or Persons to the said Common Gaol or House of Correction, there to remain for any Time not exceeding Two Calendar Months, and the Person or Persons shall not be discharged until he, she, or they shall have paid the Sum of Forty Shillings, or till the Expiration of the said Term.

Mile Stones to be erected.

LXIX. And be it further enacted, That all Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be imposed, if the Manner of levying and Recovery thereof is not herein otherwise directed, shall, upon Proof of the Offences respectively before any One Justice of the Peace for the County or Place wherein the Offender shall be and reside,

Penalties and Forfeitures, how to be recovered and applied.

either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses, be recovered by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required 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, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or recovered, 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 within the respective Districts, and applied for the Purposes of this Act within such District; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures 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 Ten Days, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Constables,  
&c. to execute  
Orders of the  
Trustees;

LXX. And it is hereby further enacted, That if any High Constable, Petty Constable, Headborough, Tything Man, or other Person whatsoever, 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 into Execution, every such Constable, Petty Constable, Headborough, Tythingman, or other Person so authorized, offending in the Premises, shall, for each or 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 the Treasurer or Treasurers of the District, to be applied for and towards the Purposes of this Act, to be levied on such Person or Persons in the same Manner as the other Penalties and Forfeitures are in and 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 of the District 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 Trustees  
may reward  
such Con-  
stables, &c.

For convicting  
Offenders.

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

Form of  
Conviction.

‘ **BE** it remembered, That on the \_\_\_\_\_ in the Year  
‘ of our Lord One thousand seven hundred and \_\_\_\_\_  
‘ *A. B.* is convicted before me *C. D.*, One of His Majesty’s Justices of  
‘ the \_\_\_\_\_

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

LXXII. And be it further enacted, That all Persons who have signed a Subscription or Writing for the additional Roads included in this Act, are and shall be severally and respectively liable, subject, and compellable, to pay such Sum and Sums of Money so subscribed, according to the Purport of such Subscription or Writing, and in Default of Payment thereof at such Time or Times as shall be directed by the respective Trustees, or any Five or more of them, it shall and may be lawful for such Trustees to sue for and recover the same in the Name of their Clerk, in any of His Majesty's Courts of Record, by Action of Debt or upon the Case, Bill, Suit, or Information, wherein no Effoin, Protection, or Wager of Law, shall be allowed, nor more than One Impar lance.

To oblige  
Subscribers  
to pay Sub-  
scription Mo-  
ney.

LXXIII. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace, at any General Quarter Sessions of the Peace to be holden for the Counties of *Berks*, *Wilts*, and *Gloucester*, as the Case may happen, within Six Calendar Months after the Cause of such 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 to the respective Trustees, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for the respective County, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of, and to pay such Costs as shall be awarded by the 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.

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

LXXIV. 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 removeable 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 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

Proceedings  
not to be  
quashed for  
Want of  
Form, nor  
removeable by  
*Certiorari*.

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

Proceedings  
to be entered  
in Books.

LXXV. And be it further enacted, That all Orders and Proceedings of the Trustees at their Meetings within their respective Districts, shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings, so entered, and signed by a competent Number of the said respective 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 directed to be kept for registering the aforesaid Mortgages, shall be admitted as Evidence in all Courts whatsoever.

Limitation  
of Actions.

LXXVI. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Thing done in pursuance of this Act, in every such Case such Action or Suit shall be brought or commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid or brought in the respective County in which such Fact shall be done or committed, and not elsewhere; and the Defendant or Defendants in such Action or Suit so to be brought, shall and may plead 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 it shall appear so to be done, or that such Action or Actions shall be brought after the Time herein before limited for the bringing thereof, or shall be laid in any other County or Place than that wherein the Fact was done or committed, that then the Jury shall find a Verdict for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, or if a Verdict shall pass against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, upon Affidavit made, or Certificate of the Judge before whom such Cause shall be tried, whereby it shall appear that such Suit was prosecuted against such Defendant or Defendants for Matters contained in this Act, and shall have such Remedy for recovering the same as any other Defendant or Defendants hath or have, or may have, by Law in other Cases.

Treble Costs.

Term and  
Continuance  
of the Act.

LXXVII. And be it further enacted, That the Term of this Act shall commence upon the said Fourth Day of *August* One thousand seven hundred and ninety-eight, and continue for Twenty-one Years, and from thence to the End of the then next Session of Parliament; and this Act shall be adjudged, deemed, 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.

Publick Act.