



ANNO TRICESIMO NONO

GEORGII III. REGIS.

Cap. 49.

An Act for more effectually repairing, widening, altering, and improving the Road at or near *Beckhampton*, and from the North Side of *Swindon* to the *Carpenters Arms* in *Blunsden*, and several other Roads therein mentioned, in the County of *Wilts*.

[13th June 1799.]

WHEREAS an Act was passed in the Thirtieth Year of the Reign of His present Majesty King George the Third, intituled, *An Act for enlarging the Terms, and altering the Powers of Two Acts, made in the Sixteenth Year of the Reign of His late Majesty, and in the Ninth Year of the Reign of His present Majesty, for repairing the Roads leading from Marlborough through West Kennett to Shepard's Shord; and from the Hare and Hounds in Beckhampton to the Top of Cherrill Hill; and from the Town of Avebury to the Cross Way at Beckhampton; and from the Turnpike Gate at Avebury to Wroughton; and from the North Side of Swindon to the Carpenters Arms in Blunsden, in the County of Wilts; and for diverting, turning, and altering Part of the said Roads; and for repairing and widening the Road on the West Side of the Three Barrows, from the Direction Post there, on the new Road leading from Beckhampton to Devizes; to the Distance of One Mile from the said*

Preamble.
30 Geo. III,
recited.

[Loc. & Per.]

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Direction

Direction Post Westward; whereby the said Two former Acts were repealed, and the said recited Act took place instead thereof, for the Purpose of repairing, widening, altering, and keeping in Repair the said several Roads: And whereas great Progress hath been made in repairing, widening, and altering the said several Roads, for which Purpose several considerable Sums of Money have from Time to Time been borrowed by the Trustees having the Care thereof, on the Credit of the Tolls authorized to be taken thereon, which Monies, together with the said Tolls, have been duly applied; and the said recited Act, and the Term thereby granted, is now charged with and subject to the Payment of all such Sums of Money as have been borrowed as aforesaid, or as are become due and owing on the Credit of the said Roads, or of the said several Acts, or any of them: And whereas the said Sums of Money cannot be repaid, nor can the said Roads be effectually amended, improved, and kept in Repair, unless the Term of the said recited Act is continued; and from the great Length of the said Roads it would be a great Convenience to the Trustees thereof, and the said Roads might be better attended to and managed if the same were divided into Two separate Districts, and put under the Care of separate Sets of Trustees; and for that Purpose it is necessary that the said recited Act of the Thirtieth Year of the Reign of His present Majesty should be repealed, and other Powers and Provisions granted and enacted instead thereof: And whereas the Road leading from the Bar Gate at or near *Avebury*, into, through, and over the Open Fields, Lane, and Grounds there, to the South-west Corner of the Stable opposite the *White Hart Inn* at *West Kennet*, is in some Parts in a ruinous Condition, narrow, and incommodious, and cannot be properly amended, altered, widened, and kept in Repair, by the ordinary Course of Law; and it would be a great Convenience to the Inhabitants of the Neighbourhood, and of all other Persons having Occasion to pass along the said Road, if the same were made Turnpike, and Part of the Roads included in one of the said Districts under the Powers and Provisions of this Act: 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 as soon as a sufficient Number of Trustees, appointed by this Act, are assembled at their First Meeting for each District, pursuant to the Directions herein-after contained, and shall have proceeded to put this Act in Execution, the said Act, made in the Thirtieth Year of the Reign of His present Majesty, shall be, and the same is hereby declared to be repealed, and instead thereof on the same Day this 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, improving, and keeping in Repair, the Road from *Marlborough* through *West Kennet* to the Stone on the West Side of the *Three Barrows*, from the Direction Post there on the new Road leading from *Beckhampton* to *Devizes*, to the Distance of One Mile from the said Direction Post Westward, and also the Road from late the *Hare and Hounds*, but now the *Waggon and Horses*, at *Beckhampton*, over or on the Side of *Cherrill Hill*, to the White Road leading to *Yatesbury*, opposite to the Three Mile Burrough at the Top of *Cherrill Hill*, and also the Road from the Town of *Avebury* to the Cross Way at *Beckhampton*, and also the Road from the Bar Gate at or near *Avebury* to the

New Road described.

Former Act repealed.

the South-west Corner of the Stable opposite the *White Hart Inn* at *West Kennett*, and also the Road from the Turnpike Gate at *Avebury* to *Wroughton*, in the said County of *Wilts*, which said several Roads shall be and be called *The First District of Road*; and also for the Purpose of more effectually repairing, widening, altering, improving, and keeping in Repair, the Road from the North Side of *Swindon* to the *Carpenters Arms* in *Blunsden*, in the said County of *Wilts*, which said Road 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 or on Account of the said Act, passed in the Thirtieth Year of the Reign of His present Majesty, and of the Interest due and to grow due thereon respectively, as fully, to all Intents and Purposes, as if such Monies had been borrowed or become due on the Credit of this Act.

Districts described.

This Act liable to former Debts.

II. And be it further enacted, That the Right Honourable *Henry Addington* Speaker of the Honourable House of Commons, *John Awdry*, *John Awdry* the younger, *Sir Edward Bayntun* Baronet, *John Brereton* Clerk, *James Burton*, *Thomas Baskerville*, *John Baverstock*, *Michael Burrough*, *John Bishop*, *George Serle Bayliffe*, *Andrew Bayntun*, the Right Honourable *Charles Brudenell Bruce* commonly called *Lord Bruce*, *Robert John Buxton*, *John Cox*, *William Codrington*, *John Calcraft*, *John Clarke*, *Thomas Clarke*, *Thomas Calley*, *Michael Dodson*, *William Essington*, *Estmead Edridge*, *Robert Essington*, *Thomas Fowle* Clerk, *Fullarton* Clerk, *Charles Francis* Clerk, *John Freke* Clerk, *Richard Farmer*, *Ambrose Goddard*, *Edward Goddard* the younger, Clerk, *George Gibbs* Doctor in Divinity, *Thomas Greenwood* Clerk, *Ralph Heale Gaby*, *Marchmont Goulding*, *James Gent*, *Robert Griffiths*, *Thomas Goddard*, *George Smith Gibbs* M. B. *John Walker Heneage*, *Josiah Eyles Heathcote*, *Ralph Heale*, *Slater Heale*, *Francis Henchman* Clerk, *John Hyde*, *William Harding*, *Thomas Merriman Hancock*, *Nathaniel Hume* Clerk, *Matthew Humphreys*, *Peter Holford*, *George Hayter* Clerk, *Stephen Hillman*, *Nathaniel Hone*, *Henry Hume* Clerk, *John Francis Hyde*, *Henry Headley*, the Honourable *Frederick St. John*, *John Jones*, *Wadham Locke*, *William Money*, *Thomas Maundrell*, *Charles Mayo* Clerk, *James Mayo* Clerk, *George Mawson* Clerk, *John Merewether*, *Joseph Mighell*, *Henry Maundrell*, *Henry Merewether*, *Henry Alworth Merewether*, *William Northey*, *John Newman*, *John Nalder*, *Samuel Neate*, *John Neate*, *John Nicholas* Clerk, *Popham of Littlecot*, *Christopher Pinniger*, the Right Honourable *William Seymour* commonly called *Lord William Seymour*, *Joshua Smith*, *James Sutton*, *James Sutton* of *Devizes*, *William Salmon*, *John Tylee*, *William Tanner*, *Thomas Goddard Vilett* Doctor of Laws, the Right Honourable *John Henry Petty* commonly called *Earl of Wycombe*, *John Ward*, *Thomas Ward*, *Wadham Wyndham*, the Mayor and Justices of the Peace for the Borough of *Marlborough* for the Time being, the Mayor and Justices of the Peace for the Borough of *Devizes* for the Time being, 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, with respect to the said First District of Road; and that *John Awdry*, *John Awdry* the younger, *Jeremias Awdry* Clerk, *William Bradford*, *Thomas Calley*, *William Codrington*, *Richard Farmer*, *Ambrose Goddard*, *Thomas Goddard*, *Edmund Goodenough* Clerk,

Trustees of First District.

Trustees of Second District.

Clerk, Marchmont Goolding, John Walker Heneage, William Harding, Joseph Heath, William Heath, John Iles, John Prower Clerk, Henry Batburst Pye, Samuel Sheppard, Thomas Goddard Vilett Doctor of Laws, Simeon Wayte, Robert Wilson, 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 with respect to the said Second District of Road.

For choosing
other Trustees.

III. And be it further enacted, That when any of the Trustees within either of the respective Districts shall die, or by Writing under his Hand, delivered to the Clerk of the said Trustees within that District, shall refuse to act, except such as are Trustees by virtue of their Offices, it shall be lawful for the surviving Trustees, or any Five or more of them, within the same District, by Writing under their Hands, to elect another Person, living in the said County of *Wilts*, to be a Trustee in the Room of each Trustee so dying or refusing to act; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk, by affixing the same in Writing upon all Turnpike Gates within the respective District of Road for which such Trustee is to be elected, at least Fourteen Days before the Meeting for such Election; and every Person so elected shall be from thenceforth a Trustee for putting this Act in Execution within that District.

Qualification
of Trustees.

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

Trustees to
take Oath.

Oath.

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

‘ So help me GOD.’

Penalty on
acting if un-
qualified.

And if any Person, not being qualified as aforesaid, shall presume to act in the Trust aforesaid, contrary to the true Intent and Meaning hereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no
Essoign,

Effoign, Protection, or Wager of Law, or more than One Impar lance shall be allowed; and such Person, so sued or prosecuted, shall prove that he is qualified as above, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Plaintiff or Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act; One Moiety of which Forfeiture shall be paid to the Prosecutor, and the other Moiety shall be paid to the Treasurer or Clerk to the respective Trustees, to be applied for the Purposes of this Act within their District.

V. Provided always, That any Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by the said former Acts or this Act, or receiving Interest thereout for the same, shall not therefore be deemed unqualified or disabled from acting as a Trustee in the Execution of this Act.

Mortgagees or Assignees not disqualified.

VI. And be it further enacted, That the said Trustees may in all Cases sue or be sued in the Name of their respective Clerk or Clerks; and that no Action to be brought or commenced by or against the said Trustees, or any of them, by virtue of this Act, in the Name of their respective Clerk or Clerks, shall abate or be discontinued by the Death or Removal of such Clerk or Clerks, but the Clerk or Clerks to the Trustees for the respective District for the Time being, shall always be deemed the Plaintiff or Defendant in such Action, as the Case shall be: Provided always, That every such Clerk shall be reimbursed, out of the Monies to be raised on the respective District by virtue of this Act, all such Costs and Charges as he shall be put unto or become chargeable with, by reason of his being so made a Plaintiff or Defendant.

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

VII. And be it further enacted, That the said Trustees for the First District, or any Five or more of them, shall meet together at the *Catherine Wheel Inn* at *Beckhampton* aforesaid, on the Twenty-fourth Day of *July* One thousand seven hundred and ninety-nine, or as soon thereafter as conveniently may be, and proceed to the Execution of this Act, so far as relates to the said First District; and the said Trustees for the Second District shall meet together at the *Crown Inn* at *Swindon*, on the said Twenty-fourth Day of *July* One thousand seven hundred and ninety-nine, or as soon thereafter as conveniently may be, and proceed to the Execution of this Act, so far as relates to the said Second District; and that the said Trustees shall and may, from Time to Time afterwards, respectively adjourn themselves to meet at such Time and Place near the said Roads, as the said Trustees, or any Five or more of them, shall think proper, so that every such Meeting shall be held as near to the District of the said Roads to which the Business to be done or transacted at such Meeting shall relate, as conveniently may be; and if it shall happen that there shall not appear at any Meeting a sufficient Number of Trustees to act, and to adjourn to another Day, (Two Trustees being deemed sufficient for the Purposes of adjourning only), or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, then and in every such Case any Two or more of the said Trustees, or their Clerk or Clerks, shall, by Writing to be affixed on all the Turnpike Gates within the respective District, at least Ten Days before the next Meeting, appoint the Trustees to meet at the House or Place where the last Meeting was appointed to be held or was held, or at some other convenient

Trustees First Meeting.

[*Loc. & Per.*]

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Orders to be made at Meetings only, and the Majority to concur.

Trustees may act as Justices, and may administer Oath.

venient House or Place in or near the respective District, on some convenient Day, not exceeding One Calendar Month from the Date of the said Notice; and the said Trustees shall at all their Meetings defray their own Expences; and all Orders and Determinations of the said Trustees shall be made at Meetings to be held in pursuance of this Act, and not otherwise (except as herein particularly mentioned); 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 where they may be personally interested), and in all Cases where the Trustees are authorized to examine any Person or Persons on Oath, it shall be lawful for such Trustees to administer such Oath: Provided always, That no Order or Determination made by Five or more Trustees shall be revoked or altered, unless Nine Trustees at least of the same District shall be present, and the major Part of them concur therein, at a Meeting to be held for the respective District for the Purposes of taking such Order or Determination into Consideration, of which intended Alteration or Revocation Fourteen Days Notice shall be given at a previous Meeting of the Trustees for such District, and entered in their Book of Proceedings, and such Notice shall also be affixed on all the Turnpike Gates then erected within the District in respect of which such Meeting shall be held Ten Days at least before such Meeting.

Meetings on emergent Occasions.

VIII. 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 for such District (although not assembled at a Meeting) 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 respective District, of 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 Meetings shall be as valid as they would have been in case the Trustees had met in pursuance of any Adjournment, but no other Business shall be proceeded upon but what shall have been specified in such Notice.

For entering Orders, &c.

IX. And be it further enacted, That all Orders and Proceedings of the Trustees at their several Meetings, shall be entered in a Book or Books to be kept for that Purpose for each respective District, and such Orders and Proceedings so entered shall be signed by the Trustees present at each Meeting, or by their Clerk by their Order; which Book or Books, and also the Book herein-after directed to be kept for registering the Mortgages and Assignments, or Transcripts thereof, signed by the Clerk to the said respective Trustees, shall be admitted as Evidence in all Courts whatsoever touching any Thing done in pursuance of this Act.

Officers.

X. And be it further enacted, That the said Trustees for the respective Districts, or any Five or more of them, shall and may from Time to Time,

Time, by Writing under their Hands, appoint a Clerk or Clerks, Treasurer or Treasurers, and also Surveyor or Surveyors of the Roads within their respective Districts, and such other Officers as the said Trustees, or any Five or more of them, shall think necessary, and from Time to Time remove all or any of such Officers, as the said Trustees, or any Five or more of them, shall think fit, and appoint others in the Room of such as shall be so removed, or as shall die or resign their Office, or be incapable of performing it; and shall take such Security for the due Execution of such their respective Offices as they the said Trustees, or any Five or more of them, shall think proper; and may, by and out of the Tolls of the respective District, allow and pay to such Clerks, Treasurers, Collectors, and Surveyors, and to such other Person or Persons as shall be aiding or assisting to them in their respective Offices, or that shall anyways be 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; and all such Officers and Persons shall, from Time to Time, when thereunto required by the said respective Trustees, or any Five or more of them, deliver to such Trustees, or to such Person or Persons as they, 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; and all such Officers and Persons shall, and they are hereby 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 of the respective Districts, or any Five or more of them, shall appoint to receive the same; and if any such 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 on Oath, or to pay the Balance remaining in their Hands when thereunto required in Manner aforesaid; or if any such Officers or Persons shall refuse or neglect to deliver up to the Trustees of the respective District, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint, within Ten Days after being thereunto required by the said Trustees, or any Five or more of them, all Books, Accounts, Papers, and Writings, in their respective Custody or Power, anyways relating to the Execution of this Act, or to the respective District, 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 he 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 appearing, 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

Officers to
give Security;

Officers to ac-
count;

or be punish-
ed.

or

or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may, and he is hereby authorized and required, upon Non-payment thereof, by Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same, or if such Officer or Officers, 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 or deliver to such Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, and of the Articles thereof, on Oath as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings, in their Custody or Power, relating to the Execution of this Act, or to the respective District, then and in either of the Cases aforesaid the said Justice may, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Common Gaol or Bridewell of the County where he, she, or they shall live or reside, there to remain, without Bail or Mainprize, until he, she, or they shall have delivered in and settled his, her, or their Accounts, and have verified the same on Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in his, her, or their respective Hands, and the reasonable Charges of such Distress and Sale as shall in that Respect have been made, or until he, she, or they shall have compounded with the said Trustees for the respective District, or any Five or more of them, for the same, and paid the Composition Money to the Trustees, for such District, 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, are hereby empowered to make), or until he, she, or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees of the respective District, or any Five or more of them: Provided always, That no Person who shall be committed for want of sufficient Distress only, shall be detained in Prison for any longer Time than Three Calendar Months.

Persons employed under former Act to account with the Trustees of each District.

XI. 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 Acts, or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or other Things relating to the Roads included in the said Acts, shall account for the same, and every Part thereof, to the Trustees for each respective District, 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.

Five Trustees may appoint temporary Collectors;

XII. And be it further enacted, That when and as often as any Collector of the Tolls shall grossly neglect or be incapable of performing his Duty,

Duty, or shall abscond or absent himself, any Five or more of the said Trustees of the District, though not assembled at a Meeting of the said Trustees appointed by virtue of this Act, shall and may lawfully discharge such Collector or Receiver so neglecting or being incapable of performing his Duty, or absconding or absenting himself, and in such Case, and also in case any such Collector or Receiver shall die, such Trustees shall and may nominate and appoint a proper Person to be a Collector of the said Tolls, to continue until the then next Meeting of the respective Trustees, in the Stead of such Collector or Receiver as shall die or be discharged, and such Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all Respects, as the Person who shall so die or be discharged would have had or would have been subject to; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representative or Representatives of any Collector or Receiver who shall die or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House or Building erected in either of the said Districts, for the Space of Five Days after Demand thereof made, and Notice in Writing given for that Purpose by any Five or more of the Trustees of the District, although not assembled at a Meeting, or by their Clerk or Clerks, Treasurer or Treasurers for the Time being, then and in any of the said Cases it shall and may be lawful for any Justice or Justices of the Peace for the County or Place, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House or Building in the Day Time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees, or any Five or more of them, or such new appointed Collector, into the Possession thereof.

discharge those misbehaving, and appoint others till next Meeting.

XIII. And be it further enacted, That the said Trustees, or any Five or more of them, within their respective Districts, shall and may, as they shall think most proper, continue or remove the Turnpike Gates already erected therein, and cause others to be erected in, upon, or across any Part or Parts of the Roads within each District, and upon the Side or Sides thereof, and also across any Lane or Way leading into the same respectively; and may also erect or provide a Toll House or Toll Houses, with suitable Outbuildings and Conveniences, 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 (except as herein-after is mentioned); and that the respective Tolls following shall be demanded and taken at every Turnpike Gate, of the Person or Persons attending any Cattle 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 or Carriage shall be permitted to pass through the same; (that is to say),

Turnpikes.

For every Horse, Mare, Gelding, Mule, or other Cattle, drawing any Coach, Berlin, Landau, Machine, Hearse, Chariot, Chaise, Calash, Caravan,

Tolls.

[Loc. & Per.]

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Caravan,

Caravan, Chaise Marine, Litter, Bed Carriage, Curricie, Chair, or other such Carriage, the Sum of Three-pence :

For every Horse, Mare, Gelding, Mule, or other Beast or Cattle, drawing any Waggon, Wain, Cart, or other such Carriage, the Sum of Four-pence :

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

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

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

Manner of
Recovery.

Which said respective Sums of Money shall be demanded and taken as Toll; 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 to collect the said Tolls, by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary, (and which Assistance all Persons are hereby required to give if called upon), to seize and distrain any Horse or Horses, or other Cattle, together with their Bridles, Saddles, Gears, Harness, or Accoutrements, or their Loading, or to stop, seize, and distrain any Carriage, with its Loading, upon which such Toll is by this Act imposed; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days next 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 seized or distrained, or a sufficient Part thereof, returning the Overplus (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 and Distress, shall be deducted and paid; and that all the Tolls and Monies so to be collected and levied, or the Money borrowed or to be borrowed on the Credit thereof, shall be, and are hereby vested in the said Trustees for the said respective Districts of Roads whereon they shall respectively be taken, and shall be paid, applied, and disposed of, to and for the several Uses, Intents, and Purposes, and in such Manner, as is herein mentioned.

Disputes con-
cerning Tolls.

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

XV. And

XV. And be it further enacted; That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall be, and are hereby declared to be competent to give Evidence in any such Dispute, Suit, or Litigation.

Toll Bar
Keepers to be
competent
Witnesses.

XVI. And be it further enacted, That no Person shall be subject or liable to pay any of the Tolls hereby granted more than Once in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) within each District, for or in respect of any Carriage, or any Horse, Mare, Gelding, or other Cattle passing through all or any Turnpike or Turnpikes continued or erected by virtue of this Act within that District, such Person producing a Ticket denoting that the respective Tolls have been paid on that Day; which Tickets the Collectors of the Tolls are hereby required to deliver gratis on Receipt of such Tolls.

How often
Tolls shall be
paid.

XVII. Provided always, and it is hereby enacted, That no Turnpike House or Gate shall be erected or built nearer to the Town of *Marlborough* than the present *Avebury* Bar Gate, and the Place where the Turnpike House and Gate at *Beckhampton* now stands, unless at any Time or Times hereafter any new Turnpike Road or Roads shall be made to come into the present Turnpike Road between the said Turnpike Gate at *Beckhampton* and the Town of *Marlborough*, in which Case it shall be lawful for the said Trustees of the said First District of Road, or any Five or more of them, from the Time of such new Road being so made, to come into the said *Beckhampton* Road, or, during the making thereof, to erect a Turnpike House and Gate at the West End of the said Town of *Marlborough* to receive the Tolls before mentioned; but in that Case subject to this Restriction, that it shall be lawful for the said Trustees of the said First District of Road, or any Five or more of them, and they are hereby authorized and required, upon Application to them made for that Purpose, by any Person or Persons inhabiting and keeping a House or Houses within the said Town of *Marlborough*, or within Half a Mile of the Town Hall of *Marlborough*, to compound with every such Person and Persons by the Year for the Payment of Tolls for the Passage of their Cattle and Carriages (except Cattle and Carriages travelling for Hire) through all and every Turnpike or Toll Gate which shall or may be erected in pursuance of this Act upon the said First District of Road, or on the Sides thereof, between *Marlborough* and the present Turnpike Gate at *Beckhampton*, within the Distance of Two Miles of the said Town of *Marlborough*, for any Sum of Money not exceeding Sixpence in every Year, to be paid by every such Inhabitant to the said Trustees of the First District of Road, or to such Person as they shall appoint to receive the same; any Thing in this Act to the contrary notwithstanding.

No Turnpike
to be erected
nearer to
Marlborough
than *Avebury*
and *Beck-*
hampton, ex-
cept new Road
made to come
into it;

When Truf-
tees are to
compound
with Inhabi-
tants of
Marlborough.

XVIII. And be it further enacted, That the said Trustees, or any Seven or more of them respectively, at any Meeting to be held for that Purpose, whereof Ten Days Notice shall be affixed on all the Turnpike Gates within the District in respect of which any Alteration shall be made, may and they are hereby empowered from Time to Time to reduce all or any of the several Tolls hereby granted in respect of such District, and to order

Tolls may be
lessened and
raised again.

such Tolls so reduced to be collected and received in such Manner, Parts, and Proportions as they shall think fit, so as such Reduction be with the Consent of the Person or Persons entitled to Five Sixth Parts of the Money which shall be then due on the Credit of the said Tolls on such District, and to raise the same again, or any Part thereof, so as the same do not exceed the respective Tolls herein-before granted; and such Tolls, so reduced or raised again, shall be collected, recovered, and applied in the same Manner as the Tolls herein-before granted are directed to be collected, recovered, and applied.

Exemptions
from Toll.

XIX. Provided always, and be it further enacted, That no Person shall be charged with any of the Tolls aforesaid for any Horses, Cattle, or Carriages employed in carrying or conveying Gravel, Stone, or other Materials for repairing any of the said Roads, or any other Roads in any of the Parishes or Places in which any Part of the Roads hereby directed to be repaired do lie; or any Dung, Mould, Rubbish, or Compost, of any Nature or Kind whatsoever, for manuring of Gardens or Lands within any such Parish or Place; nor shall any Person or Persons be charged with any of the said Tolls for any Horses, Cattle, or Carriages employed in carrying or conveying any Furze, Heath, Turf, or Wood, for private Use, or Hay, or Corn in the Straw, to be laid up in the Houses, Out-houses, or Barns of the respective Inhabitants of the several Parishes or Places in which the said Roads hereby intended to be repaired do lie (except Hay or Corn sold or disposed of); nor for any Ploughs, Harrows, or other Implements of Husbandry; nor for any other Things whatsoever employed in Husbandry, or in manuring Lands, in the respective Parishes or Places in which any Part of the said Roads do lie; nor for any Horses, Cattle, or Carriages employed in carrying or conveying Timber or other Materials for building in any of the Parishes or Places in which any Part of the said Roads do lie; nor for any Horse or Cattle going to or from any Water or Pasture; nor shall any Toll be demanded or taken 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; nor from any Person or Persons going to or returning from his or their parochial Church, Chapel, or other Place of religious Worship on *Sundays*, or any other Day on which Divine Worship is ordered by Authority to be celebrated; or who shall attend the Funeral of any Person or Persons who shall die or be buried in any of the said Parishes or Places; nor for any Horses or Carriages, of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; nor for any Coach, Landau, Berlin, Chariot, Calash, Chaise, Chair, or other such Carriage, or Passenger on Horseback, going to or returning from any Election of any Knight or Knights of the Shire to serve in Parliament for the said County of *Wilts*, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded; nor for the Horses of any Officers or Soldiers upon their March or on Duty; or for Horses, Cattle, or Carriages attending them, laden with their Arms or Baggage, or returning after having been so employed; nor for any Horses, Cattle, or Carriage travelling with Vagrants sent by Passes; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid

aforesaid, not being entitled to the same, such Person, for every such Offence, shall forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

XX. And be it further enacted, That if any Person or Persons shall go or pass with, or ride or drive any Horse or Beast, or ride in or drive any Carriage, through or over any Land, Ground, or Place, lying by the Side of, or near to any Part of the said Roads; or if any Person or Persons owning or occupying any Land or Ground (the same not being a publick Highway) shall knowingly or wittingly permit or suffer any other Person or Persons to go or pass with any Cattle or Carriage through or over such Land, Ground, or Place, in order or with Intent that, or whereby, the Payment of the Tolls by this Act granted, or any Part thereof, shall be avoided; or if any Person shall forge, counterfeit, or alter, or shall deliver to or receive of any other Person or Persons any Note or Ticket with Intent to avoid the Payment of any or any Part of the said Tolls; or if any Person or Persons shall unload, or cause to be unladen, any Goods or Merchandize, or shall take off, or cause to be taken off, any Horse or other Beast from any Carriage, or (having passed through any Turnpike Gate) shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of the said Roads, so as to increase the Number of Horses or other Beasts drawing the said Carriage, after the same shall have passed through the said Turnpike Gate, with Intent to avoid, or having by any such Means avoided the Payment of any such Tolls; 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 a Sum not exceeding Five Pounds nor less than Forty 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 shall be applied in such Manner as the other Penalties and Forfeitures are herein-after directed to be applied.

XXI. And be it further enacted, That the Right and Property of all the Turnpikes and Toll Houses, with their Appurtenances, which shall be continued or erected by virtue of this Act, and of the Materials for building and repairing the same, and for completing and repairing the said Roads, and all other Materials made use of for the Purposes of this Act, or collected to be made use of, shall be vested in the said Trustees within each respective District; and they, or any Five or more of them, are hereby authorized and empowered to dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, or to prefer or cause to be preferred any Bill or Bills of Indictment against any Person or Persons who shall steal, take away, break, or damage, any such Turnpikes, Toll Houses, or Materials, or disturb them in the Possession thereof.

XXII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees of the said First District of Road, and they are hereby empowered to apply annually any Sum or Sums of Money, not exceeding in the Whole in any one Year the Sum of Eighty Pounds, for keeping the Road leading from the Turnpike Gate at *Avebury* to the Turnpike Road in the Village of *Wroughton* in proper Repair.

[*Loc. & Per.*]

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XXIII. And

Penalty on
evading Tolls.

Turnpikes
and Toll
Houses vested
in Trustees.

Application
of Money on
the *Avebury*
Road.

For assigning
the Tolls.

XXIII. And be it further enacted, That the said Trustees, or any Five or more of them within their respective Districts at any Meeting to be held for that Purpose (whereof Fourteen Days Notice shall be given in Writing, to be affixed on all the Turnpike Gates erected or to be erected across the Roads within the District in respect of which such Meeting shall be held) may, and they are hereby empowered from Time to Time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage all or any Part of the Tolls to be collected and levied by virtue of this Act at all or any of the Gates within the respective District (the Charges of assigning or mortgaging the same to be paid out of such Tolls) for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed by the said Trustees of such respective District, or any Five or more of them, upon the Credit of such Tolls, to such Person or Persons, or his, her, or their Trustee or Trustees, who shall advance and lend the same, by the following Words of Assignment under their Hands, or by any other Words to the following Effect; (*videlicet*),

Form of Assignment.

‘ BY virtue of an Act, made in the Thirty-ninth Year of the Reign of
 ‘ His Majesty King George the Third, intituled, *An Act*, [*Here insert the*
 ‘ *Title of this Act*], We, _____ 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 District in Hand paid, do assign unto *A. B.* his Exe-
 ‘ cutors, Administrators, and Assigns, such Proportion of the Tolls arising
 ‘ within the said District, and of the Turnpikes and Toll Houses, with
 ‘ their Appurtenances, for collecting the same, as the said sum of
 ‘ _____ shall bear to the whole Sum advanced on the Credit of the same,
 ‘ or charged upon this Act, to be had and holden from this
 ‘ Day of _____ in the Year of our Lord
 ‘ _____ for and during the Continuance of the said Act, unless the
 ‘ said Sum of _____ with Interest at the Rate of _____ *per Centum per*
 ‘ *Annum*, shall be sooner paid and satisfied. Given under our Hands and
 ‘ Seals this _____ Day of _____ in the Year of our Lord
 ‘ _____

Assignments
to be entered
in Books.

And Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees of each District; but no Money shall be borrowed on the Credit of the said Tolls after their First Meeting, unless Notice be for that Purpose fixed upon all the Turnpikes then erected across the Road within the respective District on which the same is to be borrowed, at least Fourteen 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 Roads; and all and every such Person or Persons to whom any such Assignment or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest thereby secured, or any Part thereof, to any Person or Persons whomsoever, by signing an Instrument to be annexed to such Security, before One credible Witness, in the following Words, or Words to the like Effect:

Form of
Transfer.

‘ I *A. B.* do transfer this Assignment, with all my Right and Title to the
 ‘ Principal and Interest hereby secured, and to all the Interest now due
 ‘ thereon, unto *C. D.* his Executors, Administrators, and Assigns. Dated
 ‘ this _____ Day of _____
 ‘ Witness *E. F.* _____ *A. B.*
 ‘ _____ Which

Which said Transfer or Assignment shall be produced and notified to the Clerk or Treasurer of the District, who shall cause an Entry to be made of such Assignment or Transfer, containing the Dates, Names of the Parties, and Sums of Money therein transferred, in the said Book or Books to be kept for entering the said original Assignments, 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 Three Shillings and Sixpence, and after such Entry made, but not till then, every such Assignment shall entitle such Assignee, his, and their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and every such Assignee may in such Manner assign again, and so *toties quoties*; which said Money so borrowed shall (after paying the Expences of procuring this present Act) be applied and disposed of for the Purposes of this Act, according to the true Intent and Meaning thereof, and to no other Use or Purpose whatsoever.

XXIV. Provided always, That the respective Treasurers to the said Trustees shall, and they are hereby respectively required, Once in every Year, to discharge, out of the Monies that shall come into their Hands by virtue of this Act, the Interest that shall have become due within the preceding Year, upon all Mortgages of the Tolls within their respective Districts, made or secured by virtue of this Act.

Interest to be paid in Preference to other Payments.

XXV. And be it further enacted, That out of the Monies already raised by virtue of the said former Acts, or out of the first Monies that shall be raised by virtue of this Act, the said Trustees of the first District of Road, or any Five or more of them, shall pay and discharge all the Expences and Costs relative to the procuring and passing this Act, in Preference to any other Payment whatsoever; and the Money then remaining and afterwards to be raised on the said First District of Road, as also the Money to be raised on the said Second District of Road, shall from Time to Time be applied by each respective District in putting this Act in Execution, and in repaying the Principal Monies by this Act charged or to be borrowed on each respective District, and the Interest thereof respectively.

For Payment of the Expences of passing this Act.

Further Application of Money.

XXVI. Provided nevertheless, and be it further enacted, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, or who shall have already advanced any Sum or Sums of Money on the Credit of the said Acts, or any of them, in respect of the Priority of advancing or of having advanced any such Sum or Sums of Money, but that all Persons to whom such Mortgages or Assignments have been or shall be made as aforesaid, shall be, in Proportion to the Sum or Sums of Money therein mentioned, Creditors on the said Tolls in equal Degree one with another.

No Priority of Mortgages.

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

Old Mortgages may be called in, and new ones granted.

XXVIII. And

Surveyors may dig for Gravel, &c. on Wastes, without paying for the same;

or in private Grounds, making Satisfaction.

XXVIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said respective Districts of Roads, and all such Persons as he or they shall appoint, to search for, dig, gather, and take away, any Materials for completing or repairing of the Roads within the respective District, out of any Waste, Common, or Down in or near any Part of such District, without paying any Thing for such Materials, the Surveyor or Surveyors causing all such Holes, Quarries, and Pits to be levelled, or to be fenced in such a Manner that the same shall not be dangerous to Persons or Cattle, and paying for the Damages done by going through and over any Lands or Grounds for or with such Materials (such Damages to be ascertained as herein-after mentioned); and also that it shall be lawful for the said Surveyor or Surveyors of the said respective Districts, and such Persons as he or they shall appoint, (such Surveyor or Surveyors first having an Order from any Five or more of the Trustees of the District for that Purpose), to search for, dig, gather, and take away, any such Materials in and out of the Grounds of any Person, (not being an Orchard, Garden, Yard, Park, Paddock, planted Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the Damage done to the Owners or Occupiers of such Grounds, where and from whence the same shall be digged, gathered, and carried away, or over which the same, or any other Materials for repairing the said Roads, shall be carried, as the Trustees for the respective District, or any Five or more of them, shall adjudge reasonable; and in case of any Difference between the said Trustees, Surveyors, or other Persons appointed and employed as aforesaid, and the Owners and Occupiers of private Lands or Grounds, or any of them, concerning such Payments and Damages as aforesaid, such Difference shall be settled by the Justices acting for the Division in which the respective Roads lie, at their special Sessions, to be held in the Week after the *Michaelmas* Sessions in every Year, Four Days Notice thereof being given in Writing by either Party to the other; and such Justices shall at such Special Sessions hear, settle, and determine the Matter of such Payment and Damages, and the Judgment or Order of the said Justices therein shall be final and conclusive to all Parties.

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

XXIX. 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, get, take, or carry away, any Materials for making or repairing any of the said Roads out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Surveyor, shall have been given to the Land Owner, or his known Agent, or to the Occupier of the Premises from which such Materials are intended to be taken, or left at such Occupier's usual Place of Residence, to appear before the Trustees of the respective Districts, or any Five or more of them, or any Two Justices of the Peace acting for the County or Place wherein such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Land Owner, Agent, or Occupier, shall attend pursuant to such Notice, the said Trustees, or such Justices, shall, if they think proper, authorize such Surveyor or other Persons to dig, gather, take, and carry away, such Materials, at such Time or Times as to such Trustees,

tees, or to such Justices, shall seem proper; and if such Land Owner or 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 Owner or Occupier, or his or her Agent, had attended.

XXX. And be it further enacted, That if any Person shall take away any Materials which shall have been dug, got, or gathered in any Lands, Fields, Wastes, Commons, or Downs, for the Purpose of making or amending any of the said Roads, or shall dig, get, or take away any Materials out of any Pit or Quarry, which shall have been made for the Purpose of procuring Materials for the Use of either of the said Districts, before the Surveyors or their Workmen shall have discontinued working therein for the Space of Twenty 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 and pay, for every such Offence, any Sum not exceeding Three Pounds nor less than Forty Shillings.

Penalty on taking away Materials, &c. got by Order of the Surveyor.

XXXI. And be it further enacted, That it shall be lawful for the Surveyors within their respective Districts, and such Persons as they shall appoint, from Time to Time to remove all Annoyances made on any Part 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 within their respective Districts; 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 Watercourses or Ditches adjoining or near thereto, and to make the same as deep and large as they shall think necessary; and to cut down or reduce any Bushes growing on the said Roads, or in the Hedges and Banks adjacent thereto, and to take and carry away the same respectively, and dispose thereof for the Benefit of the Roads, and to cut and reduce all such Hedges to the Height of Five Feet, in case the Persons occasioning such Annoyances shall neglect to remove the same, or the Owners or Occupiers of the Lands shall neglect to open, scour, cleanse, widen, or deepen, such Watercourses or Ditches, or to cut down and remove such Bushes, or reduce such Hedges, in such Manner as the said respective Surveyors shall require, for the Space of Fourteen Days next after Notice given in Writing for these 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 or Forfeitures are herein-after directed to be recovered; and such Owners or Occupiers so neglecting to open, deepen, and cleanse such Watercourses or Ditches, or to cut and reduce such Bushes or Hedges, within the Time aforesaid, after such Notice given, shall likewise forfeit, for every Foot in Length, any Sum not exceeding One Penny, over and besides the Charges to be settled as aforesaid; and if after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every subsequent Offence, forfeit a Sum not exceeding

Surveyors may remove Annoyances, &c.;

turn Water-courses, &c.;

[Loc. & Per.]

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ceeding Forty Shillings nor less than Twenty Shillings, over and above the Charges and Penalties above mentioned.

Against drawing Timber, except on Wheel Carriages.

XXXII. 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 Roads to the Prejudice thereof, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Three Pounds nor less than Twenty Shillings.

Surveyors may make Causeways, &c.

XXXIII. And be it further enacted, That it shall be lawful for the respective Surveyors, and 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, or Ditches, and to erect Arches and Bridges in or upon or on the Sides of the Roads within such respective Districts, or in any of the Grounds 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 adjoining Grounds of any narrow or ruinous Part of the said Roads (not being the Ground whereon any House or other Building stands, 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 until such Time as it shall be convenient for Passengers and Carriages to pass through the same; making such reasonable Satisfaction to the Owners or Occupiers of such Grounds respectively through which any Drain or Ditch shall be made or cut, or on which any such Arch or Arches, Bridge or Bridges, shall be made, 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 said 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 respective Trustees, that then it shall be lawful for the Justices of the Peace at the next General Quarter Sessions for the said County of *Wilts*, or at their Second General Quarter Sessions, or at an Adjournment thereof at the furthest, 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.

and temporary Roads through Grounds.

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

XXXIV. And be it further enacted, That the Trustees for the said First District of Road, or any Five or more of them, shall and may, and they are hereby fully empowered to repair, widen, and improve the Road as herein-before mentioned, from the Bar Gate at or near *Avebury*, into, through, and over the Open Fields, Lane, and Grounds there, to the South-west Corner of the Stable opposite the *White Hart* at *West Kennet* aforesaid; and the said Trustees, or any Five or more of them, within their respective District, shall and may from Time to Time, as they shall think proper, widen or divert, turn, shorten, alter, or vary, the Course or Path of that Part of the said Road, or any other Part or Parts of the said Roads, and that any Variation of Roads may be made through any

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 the 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 repairing, widening, and improving the Road as aforesaid, or by widening, diverting, turning, shortening, varying, or altering the Course or Path of any other Part or Parts of the said Roads 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, Lunaticks, Idiots, or Persons of unsound Memory and Understanding, and to and for all Femes Covert who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever who are all shall be seised 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, or 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 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 Bodies 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 is to be diverted, turned, or altered, shall, for the Space of Thirty Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said 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 said County of *Wilts*, 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 on 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 Information in the Premises; and after such Jury shall

Where Persons neglect or refuse to treat,

Damage to be settled by Jury.

have enquired of and assessed such Damage and Recompence; they the said respective 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 Judgment, 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 and Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and for summoning and returning such Jury, the said respective Trustees, or any Five or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff of the said County of *Wilts*, requiring him to impanel, summon, and return Twenty-four Persons qualified to serve on Juries to appear before the said respective 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 Twelve Men, who shall be a 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 respective Trustees, shall return other honest or indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to make up the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jury when they come to be sworn; and the said respective Trustees, or any Five or more of them, 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 who shall be summoned and returned on such 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 as no such Fine be more than Ten Pounds or less than Forty Shillings on any such Person for One Offence.

Challenges.

HowExpences
of Jury shall
be paid.

XXXV. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by 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 and 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

the Jury and Witnesses, shall be borne and paid by the said respective Trustees, out of the Money to arise by virtue of this Act; 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 respective Trustees, or any Five or more of them, before the summoning and returning of the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining such Jury and Witnesses, and all other Expences attending the hearing and determining such Difference, shall be borne and paid by the Person or Persons with whom the said respective Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the said County of *Wills*, 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 Monies, shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the respective Clerk to the said respective Trustees, by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures.

XXXVI. Provided always, and it is hereby declared, That in case any Person or Persons shall, by reason of Absence, have been prevented from treating, One Half of such Costs and Expences shall be deducted out of the Purchase Money, and the other Half shall be borne and paid by the Treasurer to the respective Trustees in Manner aforesaid.

Persons being absent to be charged with only One Half the Expence.

XXXVII. And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction to be agreed for or ascertained as aforesaid, shall be paid out of the Tolls, or out of the Monies already raised or to be raised by virtue of this Act, to the Parties or Persons respectively entitled to such Monies, or to their Agents, and that upon Payment or Tender thereof to such Persons or their Agents, or into the Bank of *England*, as the Case may require, as herein-after mentioned, or in case of Refusal to accept the same, then upon leaving the same in the Hands of the Treasurer or Treasurers to the said respective Trustees for the Use of such Parties or Persons, and after Twenty-eight Days Notice thereof given to such Parties or Persons, or their Agents, to receive such Money, Consideration, Recompence, or Satisfaction, it shall be lawful for the said respective Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to extend, widen, alter, divert, or turn, such Roads through and over such Lands or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Lands or Hereditaments, as the said respective Trustees, or any Five or more of them, shall think fit; and the said respective Trustees, or any Five or more of them, shall cause such Parts of the said Roads as shall be made, widened, altered, diverted, or turned through any private Ground, to be ditched or otherwise fenced from the adjoining Lands, in such Manner as the said respective Trustees,

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

[*Loc. & Per.*]

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or

Former Road
may be sold or
exchanged.

The Proprietors of adjoining
Lands to
have the Preference.

or any Five or more of them, shall direct; and all Lands and Hereditaments which shall have been Part of any Road by virtue of the said former Acts, or any of them, and that shall be made a Part or Parts of any Road by virtue of this Act, shall, to all Intents and Purposes, be deemed a common Highway, and shall be repaired and kept in Repair as such, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and the Lands constituting any former Road, in lieu whereof some new Road has been made by virtue of the said former Acts, any or either of them, or shall be made by virtue of this Act, unless leading over some Moor or Waste Ground, or to some Village, Town, Hamlet, or Place to which the respective new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by the said respective Trustees, or any Five or more of them, for the best Price than can be gotten for the same, or may be exchanged for other Lands used for the Purposes of this Act; and the Money arising by such Sale shall be applied to the Repair of the Roads by this Act directed to be completed or repaired within the same District: Provided, That in all Cases the Preference shall be given and allowed to the Proprietors of the adjoining Lands, if they or either of them chuse to treat for the same; and in case they shall be dissatisfied with the Terms offered by the Trustees within the said respective Districts, the Difference shall be adjusted and determined by Two Persons, one to be appointed by each Party; and in case the said Proprietors do not within One Calendar Month acquiesce in such Determination, then it shall be lawful for the said respective Trustees to sell or exchange the Lands in question in such Manner as they shall think proper, to or with any Person or Persons whomsoever; and all Deeds of Exchange or Conveyance executed by the said respective Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the County of *Wilts*, shall be good and effectual in the Law, to all Intents and Purposes; but this Act shall not extend to the taking down of any Dwelling House or other Building, or to the taking in of any Land that is a Garden or Orchard adjoining to any Dwelling House, or any Yard, Park, Paddock, planted Walk, inclosed Nursery for Trees, or Avenue to a House, or any Part thereof, without the Consent of the Owner or Proprietor thereof respectively.

For re-disposing
Purchase
Monies.

XXXVIII. Provided also, and be it enacted, That in case any Money or Recompence shall be paid for any Lands or Hereditaments which shall be purchased, taken, or used for the Purposes of this Act, to any Corporation, Feme Covert, Infant, Lunatick, or Person under any other Disability or Incapacity as aforesaid, shall, in case the same be not less than the Sum of One hundred Pounds, with all convenient Speed be invested in the Purchase of other Lands or Hereditaments, which shall be conveyed and settled upon and subject to the like Uses, Trusts, and Limitations, as the said Lands or Hereditaments belonging to such Corporation or other Person as aforesaid, so to be purchased, taken, or used, for the Purposes of this Act, were settled, limited, or assured; and in the mean Time and until such Purchase can be made, such Money shall be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by the Act of the Twelfth Year of King *George* the First, Chapter the Thirty-second, and the General Orders of the said Court,

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

XXXIX. And be it further enacted, That the said Trustees, or any Five or more of them, within their respective Districts, shall and may, and they 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 said several Roads, or any Part or Parts thereof,

Trustees may contract for repairing the Roads.

thereof, or for doing any other Work to be done in the Execution of this Act, within their respective Districts, in such Manner, and for such Sum or Sums of Money as the said respective 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 the said Trustees and their Successors, and also to all other Parties who shall sign the same, his, her, and their Executors and Administrators respectively, 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.

Persons liable to repair the Roads to continue so.

Statute Work.

XL. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given, or are liable to the amending or maintaining of any Part or Parts of the said Roads, or any Bridge or Bridges therein, shall still remain liable and chargeable to the Repairs thereof, in such Manner as they were before the passing of this Act; and all other Persons liable to perform the Work, commonly called *Statute Work*, upon the said Roads, shall remain subject to the Performance of such Work; and the respective Surveyors of the Highways for the several Townships, Parishes, and Places in which any Parts of the said Roads do lie, or in case no Surveyors are appointed, then the Churchwardens or Overseers of the Poor of such Townships, Parishes, and Places, shall, Once in every Year, within Ten Days after Demand made to them respectively in Writing, by any Surveyor or Surveyors of the respective Districts to be continued or appointed by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors an exact Account under their Hands, of the Christian and Surname of every Person who, within their respective Townships, Parishes, and Places, are liable to do Statute Work, and shall distinguish in such Lists what Statute Work each of the said Parties is liable to do and perform; and the Statute Work shall be done by all such Persons on such Parts of the said respective Roads hereby intended to be completed and repaired as lie within their respective Townships, Parishes, and Places, in such Manner and at such Times 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; and the said Surveyors of the Highways, Churchwardens, or Overseers of the Poor for such Townships, Parishes, and Places respectively, within seven Days after Notice shall be given to him or them by such Turnpike Surveyor or Surveyors, of the Time or Times when, and how many of such Persons are to do such Work upon any Part or Parts of the said respective Roads, shall give Notice thereof to such Persons; and if any Surveyor, Churchwarden, or Overseer of the Poor for any such Township, Parish, or Place aforesaid, shall neglect to do as he is hereby required, every such Surveyor, Churchwarden, or Overseer shall, for every such Neglect or Refusal, forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds; and every Person who shall neglect or refuse to do such Work at such Times and Places, and in such Manner as shall be appointed by the said respective Trustees, or any Five or more of them, or by such Turnpike Surveyor or Surveyors, every such Person shall forfeit and pay the respective Sums herein-after mentioned; (that

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is to say), every Person who shall keep a Team, Draught, or Plough, or by virtue of any Act of Parliament shall be deemed to keep a Team, Draught, or Plough, for every Day's Default of such Team, Draught, or Plough, any Sum not exceeding Twelve Shillings nor less than Nine Shillings; and every other Inhabitant or Person not keeping or not being by Law deemed to keep a Team, Draught, or Plough, for every Day's Default, any Sum not exceeding Two Shillings and Sixpence, nor less than One Shilling and Sixpence; and every Person who shall, according to such Notice as aforesaid, come as a Labourer, or with any Team, Draught, or Plough, to work on the said Roads, and shall be found negligent or idle by the said Turnpike Surveyor or Surveyors where the Work is to be done, such Surveyor and Surveyors may, and is and are hereby required to discharge such Person, and it shall be deemed as if such Person, or such Team, Draught, or Plough had not come or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Plough, shall be liable to the respective Forfeitures before-mentioned; and all Persons doing such Day's Work on the Roads aforesaid, shall not be liable to do any other Statute Work thereon.

Penalty on
not performing
Statute
Work.

XLII. And, for the preventing of Differences between the said respective Trustees, and the Surveyors of the Highways for the Time being of the several Townships and Parishes through which the said Roads hereby directed to be completed or repaired do or shall lead, touching what Part of the Statute Work in any Township or Parish, ought to be done on the said respective Roads; be it further enacted, That it shall and may be lawful for any Two or more of the Justices of the Peace, at any Petty Session of the Peace to be holden for the Division where such Part of the said Roads do lie, upon Application made to them for that Purpose by the said respective Trustees, or any Five or more of them, to adjudge and determine what Part or Proportion of the Statute Work shall be done on the said respective Roads, by and in each and every of the Townships and Parishes aforesaid.

Justices to
determine
Statute Work.

XLII. 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 compound and agree with the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments of and in all or any of the Townships, Hamlets, Parishes, or Places through which the said respective Roads lead, (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 respective 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 on the said Roads, provided such Composition Money be paid by the Surveyor or Surveyors, or other Officers of the Parish, or respective Persons so compounding, on or before the First Day of *April* in every Year.

Trustees may
compound for
Statute Work.

XLIII. 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 if any Person or Persons shall

Mile Stones.

[*Loc. & Per.*]

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wilfully

wilfully break, damage, or pull up any of the Mile Stones already erected or to be hereafter 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 for the said County of *Wilts*, 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 Three Pounds nor less than Twenty Shillings for every such Offence, One Moiety thereof shall be paid to the Informer, and the other Moiety thereof to the Trustees of 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 for the County aforesaid, by Warrant under his Hand and Seal, to commit such Person or Persons to the Common Gaol or Bridewell, there to remain for any Time not exceeding Three Calendar Months, and the Person or Persons shall not be discharged until he, she, or they shall have paid the respective Penalties, or till the Expiration of the said Term.

For securing
transient Of-
fenders.

XLIV. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put this Act into Execution, be it therefore enacted, That it shall be lawful for any of the said respective Trustees, or their Collector or Collectors, Surveyor or Surveyors, or other Officer or Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the County, and near to the Place where the Offence or Offences shall be committed; and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, or to oblige such Person or Persons so offending, to give Security for his, her or their Appearance at the next Petty Session to be holden for and within the County or District in which such Offence or Offences shall have been committed, to answer the said Complaint; and the Justices present at such Petty Session, or any Two or more of them, are hereby authorized and required to hear and determine the Matter of the said Complaint in a summary Way, and upon Conviction of the Offender or Offenders, either by the Justice before whom he, she, or they shall be first taken, or by the Justices at such Petty Session as aforesaid, it shall be lawful for such Justice or Justices respectively to commit him, her, or them to the Common Gaol or Bridewell of the same County, there to remain for any Time not exceeding Fourteen Days, unless he, she, or they shall sooner pay the respective Penalties by him, her, or them incurred for such Offence or Offences, together with the Costs and Charges attending the Conviction and Commitment.

The Recovery
of Penalties
and Forfeit-
ures.

XLV. 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 are not herein otherwise directed), shall, upon Proof of the Offences respectively before any One Justice of the Peace for the said County of *Wilts*, or any One Justice of the Peace for the County or Place wherein the Offender shall be and reside, either by the Confession of the Parties offending, or by the Oath of One or
more

more Witness or Witnesſes, be levied 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 levied, (if not otherwiſe directed to be applied by this Act), ſhall be from Time to Time paid to the Treafurer or Treafurers of the ſaid Truſtees within the reſpective Diſtricts, and applied in Repair of the ſaid Roads within ſuch Diſtrict; and in caſe ſufficient Diſtreſs ſhall not be found, and 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 Bridewell of the County or Place, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months nor leſs than Fourteen Days, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

XLVI. 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*),

‘ **BE** it remembered, That on the _____ in the Form of
 ‘ Year of our Lord _____ A. B. is convicted Conviction,
 ‘ before me C. D. One of His Maſtey’s Juſtices of the Peace for
 ‘ the County of *Wilts*, [*ſpecifying the Time and Place when and where*
 ‘ *the ſame was committed, as the Caſe ſhall be*]. Given under my Hand
 ‘ and Seal the Day and Year firſt above mentioned.’

XLVII. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrrieved 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 ſaid County of *Wilts*, within Three Calendar Months next after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving or cauſing to be given Ten Days Notice at the leaſt, in Writing, of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk or Treafurer to the reſpective Truſtees, and within Three Days after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County, with Two ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order of, and 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 Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Party 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.

Allowing
Parties ag-
grieved to
appeal.

XLVIII. And

Proceedings
not to be
quashed for
Want of Form.

XLVIII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or removable by *Certiorari* or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed to be unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other 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 afterwards be done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage, if any, in any 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 Behalf of the Party distraining before such Action brought.

Limitation of
Actions.

XLIX. Provided always, and be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any Thing done in pursuance of this Act, until Twenty-one Days Notice shall be thereof given to the Clerk to the respective Trustees, nor after a sufficient Satisfaction, or Tender thereof, hath been made to the Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every Action or Suit shall be laid, brought, and tried in the said County of *Wilt*s, and not elsewhere; and the Defendant and Defendants in every such Action or Suit 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 the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty-one Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for Recovery of the same, as any Defendant or Defendants hath or have for his, her, or their Costs in any other Cases by Law.

Treble Costs.

Commence-
ment and
Continuance
of Term.

L. And be it further enacted, That the Term of this Act shall commence upon the Day on which the First Meetings of the said Trustees shall be held as aforesaid, and shall continue for Twenty-one Years, and from thence to the End of the then next Sessions of Parliament; and this Act shall be deemed, adjudged, and taken to be a Publick Act, and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

Publick Act.

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