



ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 69.

An Act for more effectually improving the Road from *Chippenham Bridge* in the County of *Wilts*, to the *Top of Togg Hill*, in the County of *Gloucester*, and several other Roads therein mentioned, in the said Counties, and in the County of *Somerset*.

[29th June 1804.]

WHEREAS an Act was passed in the Eighteenth Year of the Reign of His present Majesty, intituled, *An Act for repairing and widening the Road from Chippenham Bridge in the County of Wilts, to the Top of Togg Hill, in the County of Gloucester, and from the Stone Pillar to the Top of Old Sodbury Hill, in the said County of Gloucester*, whereby the said Roads were divided into Two Districts, and Trustees appointed for the Care of each, One of which Districts, containing the Road from *Chippenham Bridge* in the County of *Wilts*, through the several Parishes or Hamlets of *Chippenham, Langley-Burrell, Harden Huish, Yatton Keynell, Biddestone, Slaughterford, North Wraxall, Marshfield, and Cold Ashton*, to join the *Bath Road*, at the *Top of Togg Hill*, in the Parish
[Loc. & Per.] 12 P of 18 G. 3.

of *Doynton* in the County of *Gloucester*, was by the said Act called *The Marshfield District*: And whereas the Trustees for executing the said Act have proceeded in the Execution thereof, with respect to the said *Marshfield District* of Road, and have borrowed considerable Sums of Money on the Credit of the Roads comprized within the said District, which Money is still due and owing, and cannot be paid off, nor can the Road comprizing the said District be effectually amended, widened, improved, and kept in Repair, unless the Term of the said Act is continued; and it would be more convenient to the Trustees for executing the said Act, and beneficial to such District of Road if the said Act, so far as relates to the said *Marshfield District* were repealed, and further and other Powers granted for the amending, widening, improving, and keeping in Repair the said District of Road called *The Marshfield District*: And whereas the Roads herein-after mentioned, (that is to say), the Road leading from the *Tetbury Turnpike Road*, near *The Cross Hands Inn*, in *Old Sodbury*, through *Tormarton*, and over *West Kingston Down*, to the Town of *Marshfield*; the Road leading out of the said last mentioned Road at and from a Place called *Sherrel* otherwise *Shire Hill*, in the Parish of *Marshfield* aforesaid, into the said *Marshfield District* of Road, nearly opposite that Part of the Parish of *North Wraxall* called *Lower Wraxall*; the Road leading from and out of the last described Road in the Common Field of *West Kingston*, called *The Outer South Field*, to a Gate called *Combe Gate*, at the North-eastward Corner of *Marshfield Down*, and thence to a Publick House called *The Star*, in the said Parish of *Marshfield*; the Road leading from the North End of *Sheep Fair Lane* in the Town of *Marshfield*, into the *Bath Turnpike Road*, called *The Colerne Road*, leading from the City of *Bath* to the Village of *Colerne*, nearly opposite to a certain Wood in the Parish of *Colerne*, called *West Wood*; the Road leading from and out of the said last described Road, at a Place called *Fuddle Brook*, in the said Parish of *Marshfield*, to and through the Tything of *Eyford* in the said Parish, to the Parish of *Katherine*; the Road leading from and out of the said *Bath Turnpike Road*, called *The Colerne Road*, near a Place called *Canning's Grave*, along a Lane called *Morris's Lane*, in the Parishes of *Batheaston* and *Bathford*, or one of them, into the *Bath Turnpike Road* called *The London Road* near *Bathford Bridge*; the Road leading from the West End of the said Town of *Marshfield* to the said *Tetbury Road* near the Turnpike erected on the said last mentioned Road, near a Place called *Oldfield* otherwise *Woolfield Corner*; and also the Road leading from the South End of *Touching End Lane*, in the said Town of *Marshfield*, to the Village of *West Littleton*, in the several Counties of *Gloucester*, *Somerset*, and *Wills*, are very much out of Repair, narrow in many Parts, and incommodious for Passengers and Travellers, and cannot be effectually amended, widened, improved, and kept in Repair by the ordinary Course of Law: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, passed in the Eighteenth Year of the Reign of His said present Majesty, shall, as soon as a sufficient Number of Trustees appointed by this Act are assembled, at the first Meeting pursuant to the Directions herein-after contained, and shall have proceeded to put this Act in Execution, be, and the same is hereby declared to be then repealed, so far as the same relates to the said District of Road in the said Act called *The Marshfield*

So much of said Act as relates to the *Marshfield District* of Road repealed, and this Act to take place instead thereof.

field District; and that, instead thereof, this Act shall commence and take Effect, and be put in Execution for and during the Term herein-after mentioned, as well for the Purpose of more effectually amending, widening, altering, improving, and keeping in Repair the said Road from *Chippenham Bridge*, in the Parish of *Chippenham*, in the County of *Wilts*, through the several Parishes or Hamlets of *Chippenham*, *Langley-Burrell*, *Harden Huish*, *Allington*, *Biddestone*, *Yatton Keynell*, *Slaughtersford*, *Castle Combe*, and *North Wraxall*, in the County of *Wilts*, and *Marshfield* and *Cold Ashton*, in the County of *Gloucester*, to the Top of *Togg Hill*, in the Parish of *Doynton*, in the County of *Gloucester*; as also for the Purpose of amending, widening, altering, improving, and keeping in Repair, the additional Roads herein-after mentioned, (that is to say), the Road leading from the *Tetbury Turnpike Road* near *The Cross Hands Inn*, in *Old Sodbury*, through *Tormarton*, and over *West Kington Down*, to the Town of *Marshfield*; the Road leading out of the said last mentioned Road at and from a Place called *Sherrel* otherwise *Sbire Hill*, in the Parish of *Marshfield* aforesaid, into the said *Marshfield District* of Road nearly opposite that Part of the Parish of *North Wraxall*, called *Lower Wraxall*; the Road leading from and out of the last described Road in the Common Field of *West Kington*, called *The Outer South Field*, to a Gate called *Combe Gate*, at the North Eastward Corner of *Marshfield Down*, and thence to a Publick House called *The Star*, in the Parish of *Marshfield*; the Road leading from the North End of *Sheep Fair Lane*, in the Town of *Marshfield*, into the *Bath Turnpike Road*, called *The Colerne Road*, leading from the City of *Bath* to the Village of *Colerne*, nearly opposite a certain Wood in the Parish of *Colerne*, called *West Wood*; the Road leading from and out of the said last described Road at a Place called *Puddle Brook*, in the said Parish of *Marshfield*, to and through the Tything of *Eyford* in the said Parish, to the Parish of *Katherine*; the Road leading from and out of the said *Bath Turnpike Road*, called *The Colerne Road*, near a Place called *Canning's Grave*, along a Lane called *Morris's Lane*, in the Parishes of *Batheaston* and *Bathford*, or one of them, into the *Bath Turnpike Road*, called *The London Road*, near *Bathford Bridge*; the Road leading from the West End of the said Town of *Marshfield* to the said *Tetbury Road* near the Turnpike, erected on the said last mentioned Road near a Place called *Oldfield* otherwise *Woefield Corner*; and also the Road leading from the South End of *Touching End Lane*, in the said Town of *Marshfield*, to the Village of *West Littleton*, in the several Counties of *Gloucester*, *Somerset*, and *Wilts*; which said several and respective Roads last mentioned and described shall, from and immediately after the passing of this Act, be consolidated with and taken to be a Part of the said *Marshfield District*, and be one Trust; and that this Act, and all the Tolls which shall be collected on the said Roads, shall be and are hereby made subject and liable to the Payment of all Sums of Money now due and owing upon the Credit or on Account of the said Road from *Chippenham Bridge* to the Top of *Togg Hill* aforesaid, and of the said recited Act, and to the Payment of all Money which shall or may hereafter be borrowed and become due on the Credit of this Act, and of all Interest due and to grow due for the same respectively.

II. And be it further enacted, That the Right Honourable *Charles Henry* Trustees.
Somerset commonly called *Lord Charles Henry Somerset*, the Right Honour-
 able *Robert Edward Henry Somerset* commonly called *Lord Robert Edward*
Henry

Henry Somerset, the Right Honourable Arthur John Henry Somerset commonly called Lord Arthur John Henry Somerset, the Right Honourable William George Henry Somerset commonly called Lord William George Henry Somerset, the Right Honourable John Thomas Henry Somerset commonly called Lord John Thomas Henry Somerset, the Right Honourable Fitzroy James Henry Somerset commonly called Lord Fitzroy James Henry Somerset, the Right Honourable Henry Somerset commonly called Earl of Glamorgan, the Honourable George Cranfield Berkeley, Robert Ashe, Ashe Clerk, William Blathwayt, George William Blathwayt Clerk, John Beard, John Baldwin, Joseph Baldwin, Christopher Codrington, John Clement, Jonathan Cope Clerk, William Dickinson, Charles Dickinson, Peter Drewett, Estmearc Edridge, Ambrose Goddard, Peter Gunning Doctor in Divinity, Isaac Webb Horlock, Isaac William Webb Horlock Clerk, Richard Haynes, Matthew Humphrys, James John Hume Clerk, Thomas Hooper Clerk, William Hillier, Edward Isaac, Nicholas Isaac, William Gore Langton, Paul Cobb Metbuen, Thomas Fielding Manning, John Merewether, Thomas Osborne, Henry Parry, Newdigate Poyntz Clerk, Charles Page Clerk, James Pidding Clerk, William Scrope, Thomas Shapland, Henry Smith, Henry Southouse Clerk, John Tily, Stephen Toghill, Henry Penruddock Wyndham, John Burton Watkin Clerk, John Wells Clerk, John Whittington Clerk, Thomas Whittington, Thomas Walters, Robert Whittington, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for putting this Act in Execution.

Appointment
of new Trust-
tees.

III. And be it further enacted, That when any of the Trustees herein-before named, or to be elected as herein-after mentioned, shall die, or by Writing under his Hand to be delivered to the Clerk to the said Trustees, shall refuse to act, or, being disqualified, shall be rendered incapable of acting as herein-after mentioned, or shall (if not a Minor) neglect to act for the Space of One Year, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by any Writing under their Hands, to elect and appoint one other Person to be a Trustee in the room of the Trustee so dying, neglecting, or refusing to act, or being rendered incapable of acting as aforesaid, and all and every Person and Persons who shall be so elected and appointed, shall be vested with the same Powers and Authorities for putting this Act in Execution as if he or they had been a Trustee or Trustees named in this Act.

Qualification
of Trustees.

IV. Provided always, and be it further enacted, That no Person shall be qualified to act, or be capable of acting as a Trustee in any Case in the Execution of this Act, whilst he holds any Place of Profit under the same, nor in any Case wherein he shall be personally interested (otherwise than as a Creditor) nor unless he shall at the Time of his acting be seised or possessed in his own Right, or in the Right of his Wife, and be in the actual Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear Yearly Value of Fifty Pounds above Reprizes, or be possessed of or entitled unto a Personal Estate, or Real and Personal Estate together, to the Amount or Value of One thousand two hundred Pounds, or shall be Heir apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear Yearly Value of One hundred Pounds; and if any Person not being so qualified, shall presume to act in the Trust aforesaid, or being rendered incapable of acting, shall nevertheless presume to act contrary to the true Intent

Intent and Meaning hereof, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record by Action of Debt or on the Case, or by Bill, Suit or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance shall be allowed, and the Person so prosecuted shall prove that he is qualified, or not rendered incapable as aforesaid (as the Case may be), or otherwise shall pay the said Penalty, upon Proof being given of his having 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 thereof shall be applied to the Repair of the said Roads, in such Manner as the said Trustees, or any Five or more of them, shall order and appoint.

V. Provided also, and be it further enacted and declared, That every Trustee, before he acts as such (not being such Heir apparent as aforesaid) shall take and subscribe an Oath before any Two or more of the said Trustees, and who are hereby empowered and required to administer the same, in the Words or to the Effect following; (that is to say),

‘ I *A. B.* do swear, That I am truly and *bonâ fide* in my own Right [*or*, in the Right of my Wife] in the actual Possession and Enjoyment [*or*, Receipt] of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear Yearly Value of Fifty Pounds above Reprizes, [*or*, am possessed of or entitled to a Personal Estate, *or* a Real and Personal Estate together, of the Value of One thousand two hundred Pounds,] and that I will faithfully execute the Trust reposed in me by virtue of an Act passed in the Forty-fourth Year of the Reign of King George the Third, intituled, *An Act [here insert the Title of this Act]* according to the best of my Skill and Judgement, and without Favour or Affection to any Person or Persons whomsoever.

‘ So help me GOD.’

VI. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the House of *Joseph Downs* known by the Name or Sign of *The King's Arms Inn* at *Marshfield*, in the said County of *Gloucester*, on the Third *Tuesday* next after the passing of this Act, or as soon after as conveniently may be, and proceed to the Execution of this Act, and shall then and there, and from Time to Time afterwards, adjourn themselves to meet at such other Time and Place, or Times and Places, as they, or any Five or more of them, shall think proper and appoint, for the better managing of the several Turnpikes to be continued or erected by virtue of this Act, and executing all other the Powers and Purposes herein contained, and that Two Trustees present at any Meeting shall be sufficient for the Purpose of Adjournment only; and if it shall happen that there shall not appear at any Meeting a sufficient Number of Trustees to act or to adjourn, or in case the Trustees at any Time assembled shall not adjourn themselves, the Clerk or Clerks to the said Trustees shall adjourn the Meeting to the Place where the last Meeting was appointed to have been held, at such Time as he or they shall think fit. not exceeding the Space of Twenty-one Days from the Time of the last Default, and shall give Notice thereof in Writing to be affixed on each of the Turnpike Gates then erected or to be erected on the said Roads; and in case no such Adjournment, Notice, or Appointment

[*Loc. & Per.*]

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for

Trustees to
pay their own
Expences
at Meetings.

for Meeting shall be made or given by such Clerk or Clerks, then it shall be lawful for any Three or more of the said Trustees to cause Notice in Writing to be affixed upon such of the Turnpike Gates erected or to be erected on the said Roads as they shall think proper, appointing the Trustees to meet at such Time and Place near the said Roads, as they the said Three or more Trustees shall think proper, not exceeding Twenty-one Days nor less than Six Days from the Time of affixing such Notice; and the Trustees shall at all and every their Meetings defray their own Charges and Expences; and all Orders and Determinations of the Trustees in the Execution of this Act shall be made at Meetings to be held in pursuance of this Act, and not otherwise, (except as herein-after is mentioned,) and that no Order or Determination shall be made, unless the major Part of the Trustees present shall concur and agree 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 shall be personally interested; and in all Cases where the Trustees are by this Act authorized to examine any Person or Persons on Oath, it shall be lawful for such Trustees or any Two or more of them to administer such Oath.

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

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

For repealing
Orders.

VIII. And be it further enacted, That no Order made by the said Trustees or any Five or more of them, at their Meetings, in, for, or concerning the Execution of the Trusts or Authorities of this Act, shall be revoked, repealed, altered, or set aside by any subsequent Order of the said Trustees, unless Nine Trustees shall be present and concur therein at a Meeting to be held for that Purpose, of which intended Alteration Notice shall be given at a previous Meeting of the said Trustees, and entered in their Book or Books of Proceeding, and such Notice, specifying the Revocation or Alteration intended to be made, and the Time and Place of the Meeting, shall be affixed on all the Turnpike Gates which shall then be erected on the said Roads Fourteen Days at least before the said Meeting.

Meetings to
be called on
Emergencies.

IX. And be it further enacted, That if after any Adjournment of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case the Clerk or Clerks to the said Trustees, upon an Order in Writing signed by any Five or more of the said Trustees (although not assembled at a Meeting) mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof by Writing to be affixed upon all the Turnpike Gates then erected upon the said Roads, and of the Time and Place which shall be mentioned in the Orders of the said Trustees (such Time not being less than Ten nor more than Twenty-one Days after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournments.

X. And

X. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered, shall be signed by all or the major Part of the Trustees making the same; and that every such Book or Books shall be open at all seasonable Times to the Inspection of any of the said Trustees, without Fee or Reward; which said Book or Books shall be admitted as Evidence in all Courts whatsoever.

Orders and Proceedings of the Trustees to be entered in Books.

XI. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of this Act, in the Name of their Treasurer or Clerk for the Time being, and that no Action or Suit, to be brought or commenced by the Direction of or against the said Trustees by virtue of this Act, in the Name of their Treasurer or Clerk, shall abate or be discontinued by the Death or Removal of any such Treasurer or Clerk, without the Consent of the said Trustees, or any Five or more of them, but that the Treasurer or Clerk for the Time being to the said Trustees shall be deemed Plaintiff or Defendant (as the Case may be) in such Action or Suit: Provided always, that every such Treasurer or Clerk, in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies to arise in pursuance of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action or Proceeding, he shall pay, bear, expend, or be put unto or become chargeable with by reason of his being so made Plaintiff or Defendant as aforesaid.

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

Treasurer or Clerk to be reimbursed Expences.

XII. And be it further enacted, That the said Trustees, or any Five or more of them, present at their first or any subsequent Meeting, by any Writing under their Hands shall and may nominate and appoint One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the said Tolls, and also One or more fit Person or Persons to be Surveyor or Surveyors of the said Roads, and such other Officers as the said Trustees, or any Five or more of them, shall think proper, and from Time to Time remove such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they shall see Occasion, and appoint others in the room of such of them as shall be so removed, or as shall die or become incapable of performing their Duty; and may and are hereby authorized and empowered, out of the Monies to arise by virtue of this Act, to allow and pay to the several Clerks, Treasurers, Surveyors, Collectors, and other Officers, and to all Persons who shall assist them, or any of them, in or about the Execution of this Act, such Salaries, Rewards, and Allowances for their Attendance, Care, Labour, and Service, as to the said Trustees, or any 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 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, and received, and how and to whom and for what Purposes the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payments, and

Appointing Officers.

Officers to account.

and shall verify the Accounts upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oath any One or more of the said Trustees is and are hereby empowered to administer) and all such Officers and Persons shall and are hereby respectively required to pay all such Monies as upon Balance of such Account or Accounts shall appear to be in their Hands, to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same; and if the said Officers or Persons shall refuse or neglect to render and give such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof upon Oath, or to pay the Balance remaining in their Hands, when thereunto required in Manner aforesaid, or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint within Twenty-one Days after being thereunto required by the said Trustees, or any Five or more of them, or by such other Person or Persons as aforesaid, all Books, Papers, or Writings in their Custody or Power relating to the Execution of this Act, then and in every such Case (Complaint being made by the said Trustees, or any Five or more of them, or by any Person or Persons on their Behalf, of any such Neglect or Refusal, to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons so neglecting or refusing shall live or reside) such Justice may, and is hereby authorized and required by Warrant or Warrants to cause such Officer or Officers, Person or Persons to be brought before him, and upon his or their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts (if produced) in such Manner as the said Trustees, or any Five or more of them, might have done; and if upon the Confession of the Officer or Officers, Person or Persons against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may, and he is hereby authorized and empowered upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively, and if no Goods or Chattels can be found sufficient to answer and satisfy the said Money, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Officers, Person or Persons shall not appear before the said Justice at the Time and Place appointed for that Purpose (unless for some reasonable Excuse) or if appearing shall refuse or neglect to give and deliver to the said Justice an Account or Accounts of Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, and of the Articles thereof, on Oath as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or to deliver up all such Books, Papers, or Writings as aforesaid, then and in either of the Cases aforesaid the said Justice may, and he is hereby authorized and required by a Warrant or Warrants under his Hand and Seal to commit such Officer or Officers, Person or Persons, to the Common Gaol or House of Correction of the County where he or they shall live or reside, there to remain without Bail or Mainprize until he or they shall have delivered

livered in and settle his or their Accounts, and have verified the same on Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in their respective Hands, and the reasonable Charges of such Distress and Sale, as shall in that Respect have been made, or until he or they shall have compounded with the said Trustees, or any Five or more of them, for the same, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same (and which Composition Money the said Trustees, or any Five or more of them, are hereby empowered to make) or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees, or any Five or more of them: Provided always, that no Person who shall be committed for want of sufficient Distress shall be detained in Prison for any longer Time than Six Calendar Months.

XIII. 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 on account of the said Roads, by virtue or on account of the said former Act, or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or other Things relating to the Roads included in the said Acts, which are now included in this Act, shall account for the same and every Part thereof to the Trustees of this Act, in like Manner and under the like Penalties as the several other Officers and Persons are herein-before directed to account.

Persons who have received Tolls, etc. by virtue of former Act to account with Trustees in like Manner.

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

Trustees may appoint temporary Collectors.

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, and also to assess a reasonable Satisfaction for the Costs and Charges necessarily incurred by Means of such Application, and otherwise relating thereto, to be paid by such Collector or other Person or Persons offending in the Premises, and on Non-payment thereof to commit such Collector or other Person or Persons so offending to the Common Gaol, or to any House of Correction in or for the respective County, there to remain without Bail or Mainprize, for any Time not exceeding Two Calendar Months, unless such Costs and Charges shall be sooner paid.

Treasurer
to give
Security.

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

Trustees may
continue and
erect Turn-
pike Gate
or Gates.

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

Tolls.

For every Horse, Mare, Gelding, or other Beast, drawing any Carriage, the Sum of Sixpence; and that with respect to the Tolls, Two Oxen shall be deemed and considered as One Horse:

For every empty Four-wheeled Coach, Chaise, Waggon, or other Four-wheeled Carriage, drawn at the Tail of any Waggon or Cart, the Sum of Sixpence:

For

For every empty Two-wheeled Chaise, Chair, Cart, or other Two-wheeled Carriage, drawn at the Tail of any Waggon or Cart, the Sum of Three-pence :

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

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

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

Which said respective Sums shall be demanded and taken in the Name of or as a Toll, and shall be and are hereby vested in the said Trustees, and shall be applied as are herein-after directed ; and if any Person or Persons, Subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid to collect such Tolls, by himself or themselves, or taking such Assistance as he or they shall think necessary, and which Assistance all Persons are hereby required to give (if called upon) to seize and distrain any Horse or Horses, or other Cattle or Beasts, or any Carriage, upon which such Tolls are by this Act imposed, together with the Bridles, Saddles, Harness, Gears, and Accoutrements, or a sufficient Part thereof ; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Three Days after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, or other Thing so seized or distrained, or a sufficient Part thereof, returning the Overplus of the Money (if any be) and what shall remain unfold of the Things distrained, upon Demand to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

Tolls vested
in Trustees.

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

Disputes
concerning
Tolls to be
settled by a
Justice.

XVIII. And be it further enacted, That if any Dispute shall happen or arise between the Collector or Collectors of the said Tolls, his or their Servants, Agents, or Assistants, with any Trustee, Treasurer, Clerk, Surveyor, or other Officer, employed on the said Roads, or with any Passenger or Passengers travelling on the same, by such Collector or Collectors,

Disputes be-
tween Gate-
keepers and
others to be
settled by a
Justice in a
summary
or way.

or any Person or Persons by him or them employed, offering any such Trustee, Treasurer, Clerk, Surveyor or other Officer, or Passenger or Passengers, any bad or base Coin, or any Counterfeit Coin, not being the current Coin of this Kingdom, or by unnecessarily delaying or detaining any such Trustee, Treasurer, Clerk, or Surveyor, or other Officer, Passenger or Passengers, or by such Collector or Collectors, or his or their Servants, Agents, or Assistants, or other Person or Persons, by them employed, making use of any scurrilous or blasphemous Language, then and in either of the said Cases it shall be lawful for any One of His Majesty's Justices of the Peace for the County, residing near the Place where any such Offence or Offences shall be so committed, upon Complaint of the Person or Persons so detained, delayed, or aggrieved, to cause such Collector or Collectors, his or their Servants, Agents, or Assistants, or any Person or Persons by him or them employed, and all other Persons concerned to appear, and be brought before such Justice of the Peace, by Warrant under his Hand and Seal, and to make Inquiry of and concerning such Offence or Offences, in a summary Way, as well by the Confession of the Parties themselves, as by the Testimony of any Person or Persons aggrieved upon Oath (which Oath such Justice is hereby empowered and required to administer); and if any such Collector or Collectors, his or their Servants, Agents, or Assistants, or any other Person or Persons by him or them employed, or any or either of them, shall be convicted by such Justice of any Offence or Offences, every such Person so convicted shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds nor less than Forty Shillings, at the Discretion of the Justice of the Peace, before whom he, she, or they shall be so convicted, together with all reasonable Costs, Charges, and Expences attending such Conviction.

Toll Collectors to be competent Witnesses.

XIX. Provided always, and be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, or in case of any Proceeding or Prosecution for the obtaining any of the Penalties imposed by this Act, the Person or Persons appointed to collect the said Tolls, or any other Person or Persons acting by or under the Authority of the said Trustees, shall be, and they are hereby declared not to be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his, her, or their being so appointed to collect such Tolls, or acting under the Authority of the said Trustees.

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

Tolls to be paid but once a Day.

XXI. And be it further enacted, That if any Person or Persons shall have paid the Tolls by this Act granted for the passing of any Cattle, Beast, or Carriage, through any Turnpike Gate continued or erected, or to be erected by virtue of this Act, the same Person or Persons, upon producing a Note or Ticket of the Day denoting such Payments, shall be permitted to pass and repass through the same Gate or Turnpike with the same Cattle or Beast and Carriage Toll-free at any Time or Times during

during the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night, which said Note or Ticket the Collectors or Receivers of the said Tolls are hereby required to deliver *gratis* (if demanded) on Payment of such Toll.

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

Fencing of
Commons.

XXIII. And be it further enacted, That no Toll shall be demanded or taken for the Passage of any Cattle or Carriage which shall be going unladen or empty for, or that shall be used only in conveying, or that shall be returning unladen or empty after having been used only in conveying Stones, Brick, Lime, Gravel, or other Materials for repairing the said Roads, or any Bridges or Culverts belonging to the said Roads, or for repairing any publick Road or Highway within any of the Townships, Hamlets, or Places, wherein any Part of the said Roads lies; or Dung, Lime, Marl, Soil, Mould, Compost, or other Manure of whatever Nature or Kind soever, or Hay, Grass, Sainfoin, or other Fodder, Corn in the Straw, or Straw to be laid up in the Buildings or Premises of the Owners or Proprietors thereof (other than except Hay, Corn, or Straw sold, or for Sale); nor shall any Toll be demanded or taken for or in respect of any Ploughs, Harrows, or other Implements of Husbandry; nor shall any Toll be taken for any Horses or Cattle going to or returning from Stable, Water, or Pasture, nor for any Cattle which shall be going to be, or returning after having been shod or farried; or for any Horses or Carriages of whatsoever Description employed or to be employed in carrying 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 returning back therefrom; or for the Horses of any Officers or Soldiers upon their March or upon Duty, or for any Carriages attending them laden with their Arms or Baggage, or returning empty after having been so employed, or for Horses or Carriages travelling with Vagrants sent by legal Passes; or for any Coach, Berlin, Landau, Chariot, Calash, Chaise, Curicle, or Chair, or Horses drawing the same, or Persons on Horseback going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said Counties of *Wiltshire*, *Gloucester*, or *Somerset*, on the Day or Days of any such Election, or on the Day before or Day after such Election shall begin or be concluded; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate, going to or returning from his own Parish Church or other Place of Divine Worship, on a *Sunday* or on any other Day on which Divine Worship is ordered by Authority to be celebrated, or going to visit or returning from visiting his sick Parishioners, for passing

Exemption
from Toll.

[*Loc. & Per.*]

12 S

through

through any of the said Gates or Turnpikes to or from their respective Church, Chapel, or other Place of Religious Worship on *Sundays* or any other Days on which Divine Worship is ordered by Authority to be celebrated; or for any Cattle or Carriage conveying the Corpse, or going to or attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Roads do lie; and if any Person or Persons shall claim or take the Benefit of any of the Exemptions aforesaid (not being entitled to the same) every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on
permitting
Passage
through pri-
vate Grounds
or evading
the Toll.

XXIV. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage whatsoever, pass through or over any Land or Ground, Passage or private Way; or if any Person or Persons owning or occupying any such Land or Ground, Passage or private Way, shall knowingly permit or suffer any Person or Persons to pass with any Horse, Cattle, Beast, or Carriage, through or over the same, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person shall forge or counterfeit, or shall give to or receive from any other Person or Persons, any Note or Ticket by this Act directed to be given by the Collectors of the Tolls; or if any Person shall take off or cause to be taken off any Horse or other Cattle or Beast from any Carriage, or having passed through any Turnpike Gate erected or continued by virtue of this Act, shall afterwards add or put an additional Horse or Beast to such Carriage, with an Intent to evade the Payment of the said Tolls; or shall leave or cause to be left upon or near the said Roads, any Cattle or Carriage, with an Intent to evade the Payment of the said Tolls, or shall with such Intent unload any Goods or other Things from or out of any Carriage; or if any Person or Persons shall do any other Act in order or with Intent to avoid the Payment thereof, or any Part thereof, every such Person so offending in any of the Cases aforesaid, shall for each Offence forfeit any Sum not exceeding Five Pounds nor less than Twenty Shillings; One Moiety whereof shall be paid to the Informer, and the other Moiety thereof shall be applied towards the Purposes of this Act.

Penalty on
fraudulently
taking the
Benefit of any
of the Ex-
emptions.

Toll Houses
and Materials
vested in
Trustees.

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

XXVI. And

XXVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time assembled at any Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls by this Act granted, at all, any, or either of the said Turnpikes, so that the same, or any Part thereof, be not reduced more than One Half, and for such Time or Times, and to cause the same to be collected in such Manner, Parts, and Proportions as they the said Trustees, or any Five or more of them, shall think proper; and may afterwards from Time to Time advance all or any of the Tolls so lessened to any Sum or Sums of Money not exceeding the respective Rates hereinbefore mentioned; and such reduced Tolls shall and may be demanded, collected, recovered, paid, applied, and assigned, in such and the same Manner as the said Tolls are directed to be demanded, collected, recovered, paid, applied, and assigned, but no such Reduction shall be made, unless the Person or Persons who shall be entitled to Five-sixth Parts of the Money, which shall have been lent on the Credit of the Tolls intended to be reduced, shall be consenting thereto; and no such Meeting shall be held for the Purposes of such Reduction, unless Ten Days previous Notice at the least shall be given thereof in Writing to be affixed on all the Turnpikes which shall be then erected by virtue of this Act.

Tolls may be lessened,

and raised again.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, by Writing under their Hands, to lease the said Tolls, or any Part or Parts thereof, unto any Person or Persons from Year to Year, or for any Term of Years not exceeding Three Years, for the best Rent that can be got for the same, payable at such Time, and under such Covenants, and to such Person or Persons as they the said Trustees, or any Five or more of them, shall direct or appoint, and the Monies arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied.

Tolls may be leased.

XXVIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, and they are hereby empowered from Time to Time, as they shall see convenient, to compound and agree for any Term not exceeding One Year at any one Time, with any Person or Persons for any Horses, Cattle, Beasts, or Carriages, passing through any of the Turnpikes or Toll Gates, so that no such Composition shall be made for any Cattle or Carriages travelling for Hire; and all such Composition Money shall be paid One Year in Advance, otherwise such Composition shall be void.

Trustees empowered to compound for Tolls.

XXIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to borrow and take up at Interest upon the Credit of the said Tolls, such Sum or Sums of Money as they, or any Five or more of them, shall think fit; and may and are hereby empowered to assign over, demise, or mortgage the said Tolls or any Part or Parts thereof, and the Turnpikes or Toll Houses for collecting the same, with the Appurtenances thereunto respectively belonging, (the Costs and Charges of such Mortgages to be paid out of the Tolls,) as a Security to any Person or Persons, his, her, or their Executors, Administrators, and Assigns, or to his, her, or their Trustee or Trustees who shall advance such Sum or Sums of Money, to secure the Repayment thereof, with such legal Interest as the said Trustees shall think proper, which

Trustees may mortgage Tolls.

which Money so borrowed shall be applied and disposed of in such Manner and for such Purposes as herein-after are mentioned; and that such Mortgage or Mortgages, Assignment or Assignments, may be in the Form following, or such other Form as the Trustees making the same shall think proper; (*videlicet*),

Form of
Mortgage.

‘ BY virtue and in pursuance of an Act, passed in the Forty-fourth
 ‘ Year of the Reign of His Majesty King *George* the Third, intituled,
 ‘ [*here insert the Title of this Act,*] We, Five of the Trustees for executing
 ‘ the said Act, whose Names are hereunto subscribed, in Consideration of
 ‘ the Sum of _____ to *A. B.* the Treasurer of the
 ‘ Roads in the said Act mentioned in Hand paid by *C. D.* of
 ‘ _____ Do grant, bargain, sell, demise, and transfer unto
 ‘ the said *C. D.* his Executors, Administrators, and Assigns, such Pro-
 ‘ portion of the Tolls arising upon the said Roads, and of the Turnpikes
 ‘ and Toll Houses for collecting the same, as the said Sum of
 ‘ _____ doth or shall bear to the whole Sum due and
 ‘ owing on the Credit thereof, or charged upon the Term of the said Act,
 ‘ to be had and holden by the said *C. D.* his Executors, Administrators,
 ‘ and Assigns, from the _____ Day of _____ in the
 ‘ Year of our Lord _____ for and during the Con-
 ‘ tinuance of the said Act, unless the said Sum of
 ‘ _____ with Interest, after the Rate of _____ *per Centum*
 ‘ *per Annum*, shall be sooner paid and satisfied unto the said *C. D.* his
 ‘ Executors, Administrators, or Assigns. In Witness whereof we have
 ‘ hereunto set our Hands and Seals, the _____ of _____ in
 ‘ the Year of our Lord _____

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees, and every Person to whom any Mortgage or Assignment shall be made as aforesaid, and also every Person to whom any Mortgage or Assignment shall have been made or continued under or by virtue of the said former Act, or who shall be entitled to the Money thereby respectively secured, is hereby empowered from Time to Time, by Assignment under his or her Hand to be indorsed on the Back of his or her Security, or by any other Writing or Writings under his or her Hand, before Two credible Witnesses, to assign over and transfer his or her Right and Title to the Principal and Interest Money thereby secured to any Person or Persons whomsoever, in the following Words, or Words to the like Effect:

Form of
Transfer.

‘ I do hereby transfer and assign over this Mortgage [*or, a certain Mort-*
 ‘ *gage, &c. as the Case may be*] with all my Right and Title to the
 ‘ Principal Money thereby secured, and all Interest now due on the
 ‘ same, unto _____ his Executors, Administrators, and Assigns.
 ‘ In Witness whereof I have hereunto set my Hand, the
 ‘ Day of _____
 ‘ Witness *C. D.* _____ *A. B.*
 ‘ *E. F.*

All which Transfers or Assignments shall be produced and notified to the Clerk or Treasurer to the said Trustees within Twenty-one Days after the Date thereof, who shall cause an Entry or Memorial to be made thereof, containing the Numbers, Dates, Names of the Parties, and the Sums of Money

Money therein mentioned, to be transferred in the Book or Books to be kept for entering the said original Mortgages and Assignments, for which the said Clerk or Treasurer shall be paid the Sum of Five Shillings and no more, out of the Monies to arise by virtue of this Act, which said Book or Books shall at all seasonable Times be perused and inspected by the said Trustees and Creditors, without Fee or Reward; and after such Entry made, but not till then, such Transfer, shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon, and every such Assignee may in like Manner assign or transfer the same, and so *toties quoties*, but no Money shall be borrowed upon the Credit of the said Tolls, after the first Meeting of the said Trustees, unless Notice in Writing be for that Purpose affixed upon all the Turnpike Gates then erected on the said Roads, at least Twenty-one Days before the borrowing thereof.

XXX. 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 Act, and give and execute another Mortgage or other Mortgages in lieu thereof respectively, in Manner, and transferable as herein-before mentioned.

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

XXXI. 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 the said Tolls, in respect of the Priority of advancing any such Sum or Sums of Money, but that all Persons to whom any such Mortgages or Assignments 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.

XXXII. And be it further enacted, That out of any Monies already received by virtue of the said Act with respect to the said Roads, or out of the first Monies which shall be raised or received by virtue of this Act, the said Trustees, or any Five or more of them, shall in the first place pay and discharge all the Costs and Expences relative to procuring and passing this Act, and the Remainder of the Money so raised or received shall from Time to Time be applied in putting this Act in Execution, and in repaying the Principal Money by this Act charged, or by virtue hereof to be borrowed on the said Roads and on this Act, and the Interest due and to grow due thereon respectively, and to and for no other Use, Intent, or Purpose whatsoever.

Application of the Money.

XXXIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, and all such Persons as he or they shall appoint, to search for, cut, dig, get, gather, take, and carry away any Furze, Heath, Gravel, Stones, Sand, Flint, Chalk, and other Materials for repairing and improving the said Roads, out of or from any Common or Waste, River or Brook, in any Parish, Township, Hamlet, or Place, in which any Part of the said Roads lie, or in any neighbouring Parish, Hamlet, Township, or Place, without paying anything for the same, such Surveyor or Surveyors or other Persons filling up the Pits or Quarries, levelling the Ground, or sloping the Banks, where such Materials

Surveyors may get Materials for amending the Roads, etc.

making Satisfaction to the Owners of Lands.

materials shall be taken, or railing or fencing off such Pits or Quarries so that the same may not be dangerous to Passengers or Cattle; and also that the said Surveyor or Surveyors, or other Persons as aforesaid, may by Order of the said Trustees, or any Five or more of them, search for, dig, get, gather, and take away any such Materials, in and out of the private Lands, Fields, or Grounds, of any Person or Persons where the same may be found or had, such Lands, Fields, or Grounds, not being a Garden, Orchard, Yard, Park or Paddock, Walk or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees, making or tendering such Rate for such Materials to the Owner or Owners of such Ground or Grounds, and also such Satisfaction for the Damages done, by getting and carrying away such Materials, to the Owners or Occupiers of the Grounds where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for repairing or improving the said Roads, shall be carried, as the said Trustees, or any Five or more of them, shall adjudge reasonable; and in case of any Difference between the said Surveyor or Surveyors, or other Person or Persons appointed and employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning such Payments or Damages, the Justices of the Peace at their next Quarter Sessions, or the ensuing Quarter Sessions after at the farthest, to be holden for the County where the Cause of Complaint shall arise, on Ten Days Notice thereof being given in Writing by either Party to the other, or left at their respective last or usual Places of Abode, shall hear, settle, and determine the Time of such Payments and Damages, and the Judgement or Order of such Justices therein shall be final and conclusive to all Parties, and the Money so adjudged shall be paid on Demand, by the said Trustees, or their Treasurer or Treasurers, Surveyor or Surveyors.

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

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

XXXV. And

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

Penalty on
taking away
Materials.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, and such Person or Persons as they shall appoint, from Time to Time to remove Annoyances made or to be made on any Part of the said Roads, or on the Side or Sides thereof, by Timber, Stone, Carriages, Saw Pits, Hovels, Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and dispose of the same for the Benefit of the Road; 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 make the same as deep and as large as they shall think necessary; and to cut down any Trees, Shrubs, Wood, or Bushes, growing in the said Roads, and also to lop any Timber Trees, and to cut down, lop or top any other Trees, Shrubs, Wood, or Bushes, growing in the Hedges or Banks adjacent to the said Roads, or being within Fifteen Feet of the Centre of the said Roads, and to take and carry away the same respectively, and to cut and reduce all such Hedges to the Height of Four Feet, in case the Persons occasioning such Annoyances shall neglect to remove the same within Fourteen Days after Notice given for that Purpose, either verbally or in Writing, by the Surveyor, or in case the Owners or Occupiers of the Lands shall neglect to open, scour, cleanse, widen or deepen, such Watercourses or Ditches, or to cut down, lop or top, and remove such Trees, Shrubs, or Bushes, or reduce such Hedges in such Manner as the said Surveyor shall require, for the Space of Fourteen Days next after Notice given for those respective Purposes, the Charges whereof (to be settled by the said Trustees or any Five or more of them), shall be reimbursed to such Surveyor by such Owners or Occupiers, or the Person or Persons occasioning such Annoyances, the same to be recovered in such Manner as Penalties and Forfeitures are herein-after directed to be recovered; and such Owners or Occupiers so neglecting to open, deepen, and cleanse such Watercourses or Ditches, or to cut and reduce such Hedges within the Time aforesaid after such Notice given shall likewise forfeit for every Foot in Length the Sum of Two pence, 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 such subsequent Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

Annoyances.

XXXVII. And be it further enacted, That if any Person or Persons shall draw or cause to be drawn upon any Part of the said Roads, any Tree or Piece

Against draw-
ing Timber
on the Roads.

Piece of Timber, otherwise than upon a Wheel Carriage, or shall suffer any Part of any Tree or Piece of Timber to drag or trail upon any Part of the said Roads, every such Person shall for every such Offence be seised and pay a Sum not exceeding Five Pounds nor less than Forty Shillings.

Causeways, &c.

XXXVIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors, and such Persons as they shall appoint by Order of the said Trustees, or any Five or more of them, to make and continue Causeways, Drains, and Ditches, and to erect and maintain Arches and Bridges in and upon, or near the said Roads, and scour such Ditches and Drains, making such reasonable Satisfaction to the Owners and Occupiers of Grounds through which any such Drain or Ditch shall be made or cut, or on which any such Arch or Bridge 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 Trustees, or any Five or more of them; and in case of any Difference concerning the same, it shall be lawful for the Justices of the Peace at the next General Quarter Sessions of the Peace to be held for the said County or Place (as the Case may be) or at their second General Quarter Sessions, or at any Adjournment thereof at the farthest, to hear, settle, adjudge, and finally determine the Recompence which shall be made to such Owners or Occupiers, for the Damages they shall have sustained as aforesaid.

Trustees may
purchase
Lands.

XXXIX. And be it further enacted, That the said Trustees, or any Five or more of them, shall be and are hereby fully empowered, from Time to Time as they shall think proper, to widen or divert, turn, shorten, vary, or alter the Course or Path of any Part or Parts of the said several and respective Roads, and that any Variation of Road may be made through any Common or Waste Ground, without making any Satisfaction for the same, and through any private Grounds or Hereditaments, making Satisfaction to the Owners thereof and Persons interested therein for the Damage they may thereby sustain; and it shall be lawful for the said 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 thereof, or for the Loss or Damage such Owners or Persons may sustain by widening, diverting, turning, shortening, varying, or altering the Course or Path of any Part or Parts of the said several and respective 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, Lunatics, Idiots, or Persons of unsound Memory and Understanding, and to and for all Females 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 or shall be seised or possessed of or interested in any such Lands or Hereditaments, to contract with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to exchange with, sell, and convey unto them, or any Five or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for any the Purposes aforesaid; and all Contracts, Exchanges, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding;

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 Body Politick or Corporate, Ecclesiastical or Civil, Corporation 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 Dwelling Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Body Politick, Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of Lands or Hereditaments through which any Part of such Roads are 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 Trustees, or any Five or more of them, shall cause such Damage and Recompence to be enquired into and ascertained by a Jury of indifferent Men of the County, and in order thereto the said Trustees, or any Five or more of them, are hereby empowered and required from Time to Time as Occasion shall be, to summon and call before such Jury, and examine upon Oath, any Person or Persons whomsoever (which Oath any One of the said Trustees is 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 the said Jury shall have enquired of and assessed such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners and other Persons interested in the Lands or Hereditaments, according to the Verdict and Inquisition of such Jury ; which said Verdict and 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 or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever, and for summoning and returning such Jury, the said Trustees or any Five or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County where the said Matters shall arise, requiring him to impanel, summon, and return Twenty-four Persons qualified to serve upon Juries, to appear before the said Trustees or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed ; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so summoned, impaneled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall and they are hereby required to draw by Ballot, and to swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid, and in Default of a sufficient Number of Jurymen so returned, the said Sheriff, or his Deputy or Deputies, or any Five or more of the said Trustees, shall return such other honest and

[*Loc. & Per.*] 12 U indifferent

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

How Money
shall be charg-
ed and tender-
ed.

XL. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid to the Parties or Persons respectively entitled to such Monies, or to their Agents, and upon Payment, or in case of Refusal to accept the same, or the Parties not being to be met with, upon leaving the same in the Hands of the Treasurer to the said Trustees for the Use of such Parties or Persons, it shall be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to widen, divert, or turn such Road through or over such Lands or Hereditaments, and to do all and every Act, Matter, and Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit ; and the said Trustees, or any Five or more of them, shall cause such Parts of the said Roads as shall be made, widened, diverted, or turned through any private Grounds, to be ditched or otherwise fenced from the adjoining Lands, and all Lands and Hereditaments which shall be made a Part of any Road by virtue of this Act, shall be for ever thereafter, to all Intents and Purposes, a common Highway, and shall be repaired and kept in Repair as such, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments ; and after any such new Road shall be completed, the Lands constituting the former Road, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by the said Trustees or any Five or more of them, for the best Price that can be gotten for the same ; and the Money arising by such Sale shall be applied to the Repair of the Roads by this Act directed to be repaired ; and all Deeds of Conveyance executed by the said Trustees, or any Five or more of them, and enrolled with the Clerk of the Peace for the County wherein the Lands shall be situate, shall be good and effectual in the Law to all Intents and Purposes.

Old Roads
may be sold.

Trustees not
to pull down
Houses, &c.
without con-
sent, &c.
except, &c.

XLI. Provided always, and it is hereby enacted and declared, That the Power and Authority by this Act given to the said Trustees, shall not extend to the pulling down any Dwelling House or other Building, or the taking in the Site of any House or other Building, or any Part thereof, or to take in any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue

to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof, respectively, without the Consent in Writing of the Owners or Proprietors thereof and Persons interested therein respectively; other than and except a certain Barn and Stable, and Piece of Land, and Part of a Close of Land or Ground now an Orchard, all adjoining each other, situate at *Ford* in the said Parish of *Castlecombe*, and belonging to *William Scrope* Esquire, and in the Occupation of *John Bennett*; and Part of the North-eastward Side of a certain Garden or Nursery, situate at *Ford* in the said Parish of *North Wraxall*, belonging to *Paul Cobb Methuen* Esquire, and in the Occupation of *John Schneider*; and a certain Shop situate in the Town of *Marshfield*, belonging to *Christopher Codrington* Esquire, and *James Stallard*, and in the Occupation of *Mary Sweetman* Widow; and a certain Messuage or Tenement, all situate in the Town of *Marshfield*, belonging to *Isaac William Webb Horlock* Clerk, and *Edward Hulbert*, and in the Occupation of the said *Edward Hulbert*; and a certain Tenement or Dwelling-house, Garden Ground, and Stable adjoining each other, in the Occupation of *Samuel Jones*; and Part of a certain Rick Yard or Barton, in the Occupation of *William Arnold*; and Part of a certain other Yard or Barton in the Occupation of *Samuel Frankcom*, all situate in the said Parish of *Tormarton*; and the Property of his Grace the Duke of *Beaufort*, as shall be necessary for making the said Roads in such respective Places of the Breadth of Twelve Yards; any Thing herein contained to the contrary in anywise notwithstanding.

XLII. 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 Trustees, or any Five or more of them, before the summoning and returning of the Jury as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses, shall be borne and paid by the said Trustees, or any Five or more of them, out of the Tolls hereby granted, or out of any Money to be borrowed upon the Credit thereof; but if such Jury shall give and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the Trustees shall have such Controversy or Dispute.

Expences of
the Jury and
Witnesses
shall be borne

XLIII. And whereas by reason of the Purchases which the said Trustees are hereby empowered and required to make by virtue of this Act, or by reason of the diverting of some Part or Parts of the said Roads, they may happen to be seized of some Piece or Pieces of Ground, and of some Piece or Parcel of the said old Roads, over and above what will be necessary for effecting the Purposes of this Act; be it further enacted, That it shall be lawful for the said Trustees to sell and dispose of such Piece or Pieces of Ground, or Piece or Pieces of the said old Roads, either together or

Trustees em-
powered to
sell Ground
not wanted for
the Purposes
of this Act

or in Parcels, as they shall find most advantageous and convenient, to such Person or Persons as shall be willing to contract for and purchase the same.

Persons whose
Lands adjoin
to have the
Preference.

XLIV. Provided always, and be it further enacted, That the said Trustees, before they shall sell and dispose of any Piece or Pieces of the said old Roads, shall first offer the same to the Person or Persons whose Lands shall adjoin thereto, and that the said Trustees, before they shall sell or dispose of the said Piece or Pieces of Ground, shall first offer to resell the same to the Person or Persons from whom they shall have purchased such Piece or Pieces of Ground; and in case such Person or Persons respectively shall not then and thereupon agree, or shall refuse to purchase or repurchase the same respectively, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Piece or Pieces of old Roads or Ground shall lie, by some Person or Persons noways interested in the said Piece or Pieces of old Roads or Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was not agreed to, or was refused by the Person or Persons to whom it was made, as the Case may be; and in case such Person or Persons shall be desirous of purchasing or repurchasing the same, and he, she, or they, and the said Trustees, shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury in Manner herein-before directed with respect to disputed Value of Premises to be purchased by the said Trustees, in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchase made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Parcel of old Road or Ground as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Application
of Compensation
Money
when exceeding
200*l*.

XLV. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments, which shall be purchased for the Purposes of this Act of any Body Corporate, Ecclesiastical, or Civil, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or from any Femer or Feme Covert, or other incapacitated Person or Persons, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid affecting the same Lands or Hereditaments,

ments, or affecting other Lands or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Hereditaments, which shall be conveyed and settled, to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so to be purchased, in case such Purchase or Settlement were made.

XLVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privy of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Trustees (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money does not amount to 200*l.* and shall exceed 20*l.*

XLVII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so purchased, taken, or used as aforesaid, in such Manner as the said Trustees shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees,

Application where the Money is less than 20*l.*

to and for the Use and Benefit of such Person or Persons so intitled respectively.

In case of not making out Titles;

or if Persons cannot be found, Purchase Money to be paid into the Bank;

subject to the Order of the Court of Chancery on Motion or Petition.

XLVIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or any Five or more of them; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful or the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money, so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*], subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto according to such Possession.

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

some

some other Person or Persons was or were lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

L. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trullees, or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court may order reasonable Expences of Purchases to be paid by the Trustees.

LI. And be it further enacted, That all and every Person and Persons who by Law are obliged to do Statute Work, or are chargeable or liable to or towards the repairing or amending of any Highway in the several Parishes, Townships, Hamlets, or Places through which the Roads by this Act directed to be amended, diverted, made, improved, and kept in Repair, do or shall pass, shall be liable to the Repair of the said Roads so to be amended, diverted, made, improved, and kept in Repair, and to perform their respective Work thereon, in such and the like Manner, in every Respect, as they are liable to the Repair of any other Common Highway within such Parish, Township, Hamlet, or Place respectively; and that it shall be lawful for any Two or more Justices of the Peace acting in and for the County where such Roads shall lie, to summon the Surveyors of the Highways for the respective Parishes, Townships, Hamlets, and Places, wherein any Part of the Roads by this Act intended to be amended, diverted, made, improved, and kept in Repair, doth or shall lie, to bring, in Writing under their respective Hands, before them upon Oath, according to the best of their Knowledge, within Fifteen Days after such Summons (which Oath such Justices are hereby empowered to administer) a List of the Names of all the Persons who are liable to do Statute Work for that Year with Teams or Draughts, or otherwise, within such Parishes, Townships, Hamlets, or Places respectively, and shall in such List distinguish which of the said Persons keep, or by Law shall be deemed to keep a Team or Teams, and what Lands, Tenements, and Hereditaments, and of what reputed Annual Value they respectively occupy, and the said Justices shall and may order and appoint how many Days Statute Work shall be done in a Year by such Persons on the said Roads, which said Statute Work shall be done by such Persons at such Times, in such Manner, and in such Parts of the said Roads within such respective Parish, Township, Hamlet, and Place, as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time direct and appoint; and if any Person shall neglect or refuse to do such Statute Work, every such Person for each Day he shall make Default shall forfeit any Sum not exceeding Forty Shillings nor less than Twenty Shillings for each Team and Draught; and for every Cart with Two Horses or Beasts of Draught any Sum not exceeding Fourteen Shillings nor less than Seven Shillings; and for every Cart with One Horse or Beast of Draught, any Sum not exceeding Ten Shillings nor less than Six Shillings; and every Householder and Person liable to perform such Statute Work as a Labourer, shall forfeit any Sum

Persons liable to the Repair of the Highways, to repair this Road.

Highway Surveyors to bring in Lists of such Persons.

Penalties on
Surveyors,
&c. neglect-
ing to deliver
proper Lists.

Sum not exceeding Five Shillings nor less than Two Shillings and Sixpence for each Day's Default; and if any Person shall be found idle or negligent in the Performance of such Statute Work, the Turnpike Surveyor or Surveyors may, and he and they is and are hereby required to discharge such Person, or such Team or Draught, and it shall be deemed as if such Person or such Team or Draught had not been sent to work; and every such Labourer or Person, and the Owner of such Team or Draught shall be liable to such respective Penalties as aforesaid; and in case any of the Surveyors of the Highways for such Parishes, Townships, Hamlets, or Places shall refuse or neglect to give in such List on Oath, as aforesaid, to such Justices, or shall be guilty of any Fraud therein, or shall neglect or refuse to summon such Persons to do their Statute Work as aforesaid, every such Surveyor shall, for every such Neglect, Refusal, or Fraud, forfeit any Sum not exceeding Ten Pounds nor less than Fifty Shillings.

Statute Duty
and other
Repairs may
be compound-
ed for.

LII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to compound and agree, by the Year or otherwise, with any Person or Persons for the Performance of his, her, or their Statute Work on any Part of the said Roads; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships, Hamlets, or Places, through which the said Roads lead, to compound and agree for a certain Sum of Money, by the Year or otherwise, in lieu of the Statute Work to be done upon any Part or Parts of the said Roads; and in case such Composition Money shall not be paid to the said Trustees, or any Five or more of them, or to such Person as they shall appoint to receive the same, within Fifteen Days after the same shall be demanded, it shall be lawful for any One or more Justice or Justices of the Peace acting in and for the County wherein such Parts of the said Roads shall lie, upon Oath made before him or them of such Default, and he or they is and are hereby required to issue a Warrant under his or their Hand and Seal, or Hands and Seals, empowering such Person so by the said Trustees appointed to receive such Composition Money to levy the same, by Distress of the Goods and Chattels of the Person or Persons who shall have made such Composition as aforesaid, and such Goods and Chattels so distrained, after the Space of Four Days (such Composition Money, and the reasonable Charges of distraining and keeping the same not being paid) to sell, returning the Overplus to the Owner or Owners thereof, upon Demand, after the Composition Money, and all reasonable Charges of such Distress and Sale shall be deducted; which Composition Money shall be applied in the Repair of the said Roads in such respective Parish, Township, Hamlet, or Place, by which the same shall be raised and paid; and all such Surveyors shall be reimbursed the Money so by them paid, in such Manner as Surveyors of Highways are by Law to be reimbursed the Money by them expended in buying Materials for repairing the Highways.

Penalties and
Forfeitures.

LIII. And be it further enacted, That all Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be imposed (if the Manner of levying and recovering thereof is not herein otherwise directed) shall, upon Proof of the Offences respectively before any one Justice of the Peace, for the County or Place wherein the Offender shall be and reside, either by the Confession of the Party or Parties offending, or by the Oath of one or more Witness or Witnesses, be levied by Distress and Sale of the Good
and

and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, 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 to the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid and levied (or such Part or Parts thereof, as shall not otherwise be directed to be applied by this Act) shall be from Time to Time paid to the Treasurer of the said Trustees, and applied in the Repairs of the said Roads; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any one Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the County Gaol or House of Correction, there to remain, without Bail or Mainprize, for any Time not exceeding Six Calendar Months nor less than Fourteen Days, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.]

LIV. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all Justices of the Peace before whom any Person shall be convicted of any Offence against this Act, shall 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 Year of our Form of Conviction.
 ‘ B Lord *A. B.*
 ‘ is convicted before me C. D. one of his Majesty’s Justices of the Peace
 ‘ for the County of *[specifying the Offence, and 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.’

LV. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act in Execution; be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as they or any of them shall call to their or any of 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 within and for the County or Division 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 Sessions as aforesaid, it shall be lawful for such Justice or Justices respectively, to commit him, her, or them to the Com-
For securing transient Offenders.

[Loc. & Per.]

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mon Gaol or House of Correction of the same County or Division, for any Time not exceeding Six Calendar Months, or until 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.

Roads to be measured, and Mile Stones erected.

LVI. And be it further enacted, That the said Trustees or any Five or more of them, may, if they think fit, cause the said Roads to be measured and Stones or Posts to be placed in or near the same, with Inscriptions thereon denoting the Number of Miles and Distance of Places as they shall think proper, and also to cause to be set up such and so many Direction Posts as they shall think necessary, and also cause Lamp Posts and Lamps to be provided and set up in the Town of *Marshfield*, and such Lamps to be lighted at such Times and in such Manner as they shall think proper; and if any Person or Persons shall wilfully pull up, damage, or break any of the Stones or Posts so to be erected as aforesaid, or shall obliterate or deface any of the Letters or Marks or Figures thereon, or shall break or damage any such Lamp Posts or Lamps, or any of the Appurtenances thereto, or shall extinguish the Light in any such Lamps, and be convicted thereof before any Justice of the Peace for the County wherein the Offence may be committed, by the Confession of the Party or by the Oath of one credible Witness, every such Person or Persons so offending shall forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings, for every such Offence, one Moiety whereof shall be paid to the Informer, and the other Moiety to the said Trustees, or their Treasurer or Clerk, to be applied for the Purposes of this Act; and in case the same shall not be paid within the Space of Ten Days after such Conviction then the said Justice shall and may commit such Offender to the Common Gaol or House of Correction for any Time not exceeding Six Calendar Months, and such Person shall not be discharged until he or she shall have paid the Penalty, or until the Expiration of the said Term.

Penalty on Persons leaving Waggon, &c on the Roads in the Winter Nights, without Lights being affixed thereto; and Penalty on Persons turning Pigs on the Roads.

LVII. And be it further enacted, That every Person belonging to any Waggon, Cart, or other Carriage, which shall be placed and continued on any Part of the Road in the Town of *Marshfield* during any Part of the Night, between the First Day of *September* and the Thirtieth Day of *April*, shall and he or she is hereby required to provide and set up, and cause to be lighted a Lamp or other Light, proper and sufficient to light that Part of the Road where such Waggon, Cart, or other Carriage shall stand, the Whole of the dark Part of the Night during which such Waggon, Cart or other Carriage, shall be and remain there; and for want thereof, every Person offending therein, shall forfeit any Sum not exceeding Forty Shillings nor less than Ten Shillings; and that the Owner of every Pig which shall be turned into and suffered to go about any Part of the Road in the said Town of *Marshfield*, shall for every such Offence forfeit any Sum not exceeding Five Shillings, one Moiety of which said several Forfeitures shall be paid to the Informer, and the other Moiety thereof shall be applied towards the Purposes of this Act.

Persons aggrieved may appeal to the Quarter Sessions.

LVIII. Provided always, and be it further enacted, That if any Person or Persons shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed and provided, such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace, to be held

held for the County or Place wherein the Cause of 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 Treasurer of the said Trustees, and within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace for such County or Place with Two sufficient Sureties conditioned to try such Appeal at and abide the Order of, and pay such Costs as shall be awarded by the said Justices at such Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding and conclusive, to all Intents and Purposes.

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

Proceedings
not to be
quashed for
Want of
Form.

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

Limitation
of Actions.

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 Plaintiff, then the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for the Recovery of the same as any Defendant or Defendants hath or have for his, her, or their Costs in any other Cases by Law.

Declaring
the Act
Publick.

LXI. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a Publick Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

Commence-
ment and
Continuance
of this Act.

LXII. And be it further enacted, That this Act shall commence and take effect upon the Day on which the said Trustees shall hold their first Meeting, and shall from thenceforth continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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