



ANNO QUINQUAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. xliii.

An Act for more effectually repairing and improving the Road leading from *Studley Bridge*, through the Borough of *Chippenham*, to *Pickwick*, and from the East End of *Chippenham Bridge* to *Lower Stanton*, and from the East End of the said Bridge to join the Road at *Draycot Cerne*, in the County of *Wilts.* [8th May 1818.]

WHEREAS an Act was passed in the Thirteenth Year of the Reign of His late Majesty King *George the First*, intituled *An Act for repairing the Road leading from Studley Bridge, through Chippenham, in the County of Wilts, to the Top of Toghill, in the County of Gloucester*: And whereas an Act was passed in the Seventeenth Year of the Reign of His late Majesty King *George the Second*, intituled *An Act for continuing an Act passed in the Thirteenth Year of the Reign of His late Majesty King George the First, so far as the same relates to the repairing the Road from Studley Bridge to Chippenham in the County of Wilts, and for amending the Road from Chippenham to Pickwick in the said County*: And whereas an Act was passed in the Thirty-second Year of the Reign of His said late Majesty King *George the Second*, intituled *An Act to continue and amend Two Acts, one made in the Thirteenth Year of the Reign of His late Majesty King George the First, and the other in the Seventeenth Year of His present Majesty, for repairing certain Roads leading from Chippenham, and for repairing several Roads leading from Chippen-* [Local.]

13 G. 1. c. 13.
17 G. 2. c. 27.
32 G. 2. c. 63.

ham Bridge; and to repeal so much of an Act made in the Twenty-ninth Year of His present Majesty, as relates to the Road between the said Bridge and Lower Stanton in the County of Wilts: And whereas an Act was passed in the Eighth Year of the Reign of His present Majesty, intituled

8 G. 3. c. 48. *An Act for continuing the Terms of several Acts made in the Thirteenth Year of King George the First, and in the Seventeenth and Thirty-second Years of His late Majesty, for repairing several Roads leading from and through Chippenham, and from Chippenham Bridge, in the County of Wilts, and for amending the said Acts, and reducing them into one Act of Parliament:* And whereas the said Act of the Eighth Year of His present Majesty hath been put in Execution, and the Roads therein described, (that is to say) the Road leading from *Studley Bridge* through the Borough of *Chippenham* (on each Side the *Shambles*), and through the *Butts*, *Saint Mary Street*, and *Cook Street*, in the said Borough to *Pickwick* aforesaid, and from the East End of *Chippenham Bridge* to *Lower Stanton*, and from the East End of the said Bridge to join the Turnpike Road at *Draycot Cerne* in the said County of *Wilts*, have been, pursuant to the Powers thereby given, repaired, widened, and improved; and certain Parts of the said Road leading from *Studley Bridge* to *Chippenham*, and from *Chippenham* to *Pickwick*, have been diverted and turned, and rendered nearer and more safe and commodious for Passengers: And whereas the Terms granted by the said recited Acts are near expiring, and the said Roads cannot be sufficiently kept in Repair, nor can the Money already borrowed and now due and owing on the Credit of the Tolls granted by the said Acts be paid off, without the further Aid of Parliament: And whereas the Powers and Authorities requisite for the Improvement, Repair, and Maintenance of the said several Roads, might be more conveniently executed if the said recited Act of the Eighth Year of His present Majesty was repealed, and further and other Powers granted instead thereof; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and immediately after the passing of this Act the said several recited Acts shall be and the same are hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever; and that instead thereof this Act shall, on the passing thereof, commence and take Effect, and shall continue in force and be put in Execution for and during the Term herein-after mentioned.

Terms of former Acts to cease, and repealing Act 8 G. 3.

Commencement of this Act.

Trustees.

II. And be it further enacted, That Sir *Samuel Brudenell Fludyer* Baronet, Sir *George Duckett* Baronet, Sir *Harry Neale* Baronet, all His Majesty's Justices of the Peace for the County of *Wilts* for the Time being, *Robert Ashe*, *Robert Ashe* Clerk, *John Awdry*, *John Wither Awdry*, *Peter Awdry*, *William Henry Awdry*, *Benedict Brown Angel* Angel, *Richard Hayward Alexander*, *Charles Awdry* Clerk, *Josiah Allport* Clerk, *Nathan Atherton*, *John Watson Beadon* Clerk, *John Barry*, *Henry Bayliffe*, *John Beames*, *Henry Bayntun* Clerk, *William Lisle Bowles* Clerk, *William Way Burne* Clerk, *Michael Burrough*, *Walter Coleman*, *William Coleman*, *Thomas Crook* of *Chippenham*, *Thomas Crook* of *Tytherton* Lucas, *William Colborne*, *William Chandler*, *Caleb Dickinson*, *Thomas Dickinson*, *Thomas Edridge*, *Abraham Lloyd Edridge*, *Edward Ellis* Clerk, *Benjamin Edwards*,

Price Carter Edwards, John Figgins, John Fuller, Robert Fowler, Thomas Fowler, John Fowler, Anthony Guy, John Guy, Gabriel Goldney, Thomas Goldney, Thomas Goldney the younger, Harry Goldney, William Goldney, Ralph Hale Gaby, Ralph Gaby, Walter Gaby, John Rock Grossett, William Gundry, Thomas Greensmith, George Hawkins, Robert Humphrys, Robert Blagden Hale Hale, Audley Harvey, William Hulbert, Christopher Heath, Robert Hulbert Brewer, John Houlton, Henry Headley Doctor of Medicine, Thomas Hooper Clerk, Michael Joy, Henry Hall Joy, Richard Kemm Doctor of Medicine, General James Kerr, Richard Long, Walter Long, John Long, Thomas Leir, Thomas Macie Leir, Paul Methuen, Paul Methuen the younger, Thomas Anthony Methuen Clerk, Charles Lucas Methuen, John Andrew Methuen, John Merewether, Henry Alworth Merewether, Edward Michell, Henry Hodges Mogg Clerk, Thomas Mason, George Conway Montagu, James Norris, William Northey, Samuel William Neate, John Nicholas Doctor of Laws, John Noyes, John Noyes the younger, James Paley Clerk, Thomas Pycroft, Thomas Crisp Pocock, Christopher Pinniger, Harry Rufs, John Russell, Samuel Smith Clerk, William Rance Sanisbury Clerk, John Starkey Doctor of Divinity, Richard Oriel Singer, Thomas Hosier Saunders, John Saunders, Thomas Spencer, William Scrope, William Shield, William Stephens, William Sanisbury Doctor of Medicine, William Sanisbury the younger, Doctor of Medicine, Robert Sadler, Charles Salter Taylor, George Hayward Tugwell, Thomas Tugwell, John Tuckey, Thomas Tuckey, J T Tuffnell, Isaac Underwood, William Pole Tylney Long Wellefley, John Wiltshire, John Wiltshire the younger, Ayliffe White, the Honourable Henry Windsor, the Honourable Andrews Windsor Clerk, James Yeeles, and Robert Yeeles, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for surveying, ordering, turning, widening and keeping in Repair, and improving, the said several Roads herein-before described, and hereby intended to be repaired, and for otherwise putting in Execution all other the Powers by this Act given and granted.

III. And be it further enacted, That it shall be lawful for the said Trustees or any Nine or more of them, at their First Meeting to be holden in pursuance of this Act, to elect any additional Number of fit and proper Persons, not exceeding Twenty in the whole, to be Trustees for the Purposes of this Act; and such Trustees so elected shall be and are hereby invested with the same Powers and Authorities for executing this Act, as if they had been named and appointed Trustees in and by virtue of this Act.

Power to appoint additional Trustees.

IV. And be it further enacted, That when and as often as any Trustee hereby appointed, or to be appointed in Manner herein-after mentioned, shall become by Bankruptcy or Insolvency disqualified to act, or shall die or refuse to act in the Execution of this Act, it shall be lawful for the surviving or remaining Trustees for the Time being, or any Nine or more of them, by Writing under their Hands, to elect and appoint one other Person to be a Trustee in the Room and Stead of such Trustee so disqualified to act, or deceased, or refusing to act; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected in or upon the said Roads, and also by inserting

For electing new Trustees.

inserting the same in some Public Newspaper circulating in the Neighbourhood through which the said Road passes, at least Twenty Days before every such Meeting shall be held; and all Persons who shall be so elected are hereby vested with the same Powers for putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

How Trustees shall be qualified.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in any Case in the Execution of this Act, unless at the Time of his acting therein he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds above Reprizes, or be Heir apparent of a Person seised of an Estate in Lands of the yearly Value of One hundred Pounds, or be possessed of a Personal Estate to the Amount of One thousand Pounds, nor before he shall have taken and subscribed the Oath or Affirmation herein-after mentioned before any Three or more of the said Trustees, who are hereby authorized and empowered to administer the same in the Words or to the Effect following; (that is to say),

Oath of Qualification.

‘ I *A. B.* do swear [*or, being one of the People called Quakers, do solemnly affirm*], That I truly and *bonâ fide* am seised of in my own Right, or in the Right of my Wife [*as the Case may be*], and in the actual Possession, Enjoyment or Receipt of the Rents and Profits of a Real Estate, in Law or Equity, situate in the County of *Wilts*, of the clear yearly Value of Fifty Pounds, or possessed of a Personal Estate of the Amount of One thousand Pounds; and that I will truly, faithfully, and impartially act in the Execution of the Trusts and Powers vested and reposed in me by an Act passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act* [*here set forth the Title of this Act.*]
So help me GOD.’

Penalty on acting if unqualified.

And if any Person, not being qualified as aforesaid, shall presume to act in the Trust aforesaid, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person 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 Imparlance, shall be allowed; and such Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Plaintiff or Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act.

Mortgagees or Assignees not unqualified.

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

Trustees not to act when interested.

VII. Provided also, and be it further enacted, That no Person shall act as a Trustee in the Execution of this Act in any Case relating to or contracting

contracting for or purchasing of any Lands or Hereditaments, or in any other Case whatsoever where he shall be personally interested.

VIII. And be it further enacted, That the said Trustees or any Five or more of them shall meet together at the Town Hall in *Chippenham* aforesaid, upon 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 adjourn themselves from Time to Time, and afterwards meet there, or at any other Place in or near any of the said Roads, as the said Trustees or any Five or more of them shall think most convenient, as often as it shall be necessary for putting this Act in Execution, (provided always, that Two Trustees 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 and to adjourn to another Day, any Three or more of the said Trustees, or their Clerk or Clerks, shall, by public Notice in Writing to be affixed on all the Turnpikes then erected, at least Fourteen Days before the next Meeting, appoint the Trustees to meet at the House or Place where the last Meeting was appointed to be held, or at some other convenient House or Place in or near any of the said Roads, on some convenient Day, not exceeding Fourteen Days from the Date of the said Notice.

Time and Place of First Meeting of the Trustees.

Manner of adjourning.

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 to which such Meeting shall be adjourned, the Clerk to the said Trustees, upon an Order in Writing, signed by Five or more of them, mentioning the Time and Place of such Meeting, shall forthwith give Notice in Writing, to be affixed upon all the Turnpikes then erected upon the said Roads, of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Three Days after such Notice); and all Proceedings of the Trustees at such Meeting shall be as valid as they would have been in case the Trustees had met in pursuance of any Adjournment.

Meetings on emergent Occasions.

X. And be it further enacted, That no Trustee shall have or hold any Place of Profit arising out of or by reason of the Tolls hereby granted, nor shall be directly or indirectly interested or concerned in any Contract or Contracts; but every such Person shall be incapable of acting as a Trustee during his Enjoyment of such Place of Profit, or whilst he shall be so interested as aforesaid: Provided nevertheless, that such Trustees as are or shall be in the Commission of the Peace for the said County of *Wilts*, shall and may act nevertheless as Justices of the Peace, for the more speedy and effectual putting in Execution the several Powers hereby given and granted.

Persons holding Places of Profit not to act as Trustees.

Trustees in the Commission of the Peace may act as Justices.

XI. And be it further enacted, That all Orders and Proceedings of the 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 the said Trustees at any Meeting of Five or more of them; which said Book or Books and also the Book directed to be kept for registering the said Mortgages and Assignments, shall and may be read in Evidence in all Cases of Appeal, and in all Suits or Actions touching any Thing done in pursuance of this Act.

For entering Proceedings in Books.

[Local.]

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XII. Pro-

No Order to be repealed, unless Thirteen Trustees be present.

XII. Provided always, and be it further enacted, That no Order made by any Five or more of the said Trustees shall be revoked or altered, unless Thirteen Trustees at the least shall be present, and shall concur therein; and unless Notice shall have been given of the Intention to revoke or alter such Order, by affixing the same in Writing upon all the Turnpikes then standing upon the said Roads, Ten Days before the Meeting for that Purpose.

Trustees may appoint Officers, &c.

XIII. And be it further enacted, That the said Trustees or any Five or more of them at a Meeting to be held for that Purpose (whereof Twenty Days Notice shall be given in Writing under their Hands and Seals) shall and may nominate and appoint One or more fit Person or Persons to be a Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and also a Receiver or Receivers, and Collector or Collectors of the said Tolls, with such Salaries as they or any Five or more of them shall think reasonable; and shall also appoint such other Officers as they shall think necessary to employ in the Execution of this Act; and shall have Power from Time to Time to remove such Clerks, Treasurers, Surveyors, Receivers, Collectors, and other Officers, as they shall see Occasion, and appoint new ones in Cases of Death or such Removal; and that no Person shall be capable of holding any Place of Profit under the said Trustees who shall sell any Ale, Wine, or other Spirituous Liquors, by Retail; and the Tolls hereby granted shall be paid to such Person or Persons as shall from Time to Time be so appointed to receive the same; and the said respective Clerks, Treasurers, Surveyors, Receivers, Collectors, and other Officers, and all other Persons who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act shall from Time to Time, as often as they or any of them shall be required, give unto such Trustees true and perfect Accounts in Writing under their respective Hands, of all the Monies which shall have been by them respectively collected or received, and how and to what Uses the same have been paid and applied, together with proper Receipts and Vouchers for such Payments, and shall pay all such Monies as shall remain in their Hands 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 direct and appoint; and if any of the said Officers or other Persons shall not give such Account, or shall refuse to deliver up all the Books, Papers, and Accounts belonging to the said Trustees, within Fourteen Days after being served with a Copy of an Order signed by Five or more of the said Trustees requiring the same, the said Trustees, or any Five or more of them, are hereby required to make or cause Application to be made to any Two Justices of the Peace for the County, Division, or Place where such Officer or other Person shall reside; which Justices are hereby authorized and required to make Inquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath such Justices are hereby empowered and required to administer without Fee or Reward); and if any such Person shall be thereof convicted, such Justices shall commit him to some Common Gaol or House of Correction within the said County, there to remain until he shall give and make a true and perfect Account, or give Security, to the Satisfaction of the said Justices or Trustees, to make such Account within some reasonable Time
to

to be allowed and approved by the said Justices or Trustees; and in case any of the said Officers or other Persons shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his or their Hands; it shall be lawful for any Two Justices of the Peace for the County or Division where such Person or Persons shall live or reside, to make Inquiry touching such Neglect or Refusal, in a summary Way, in Manner as aforesaid, and by Warrant under their Hands and Seals to cause such Sum or Sums of Money (not exceeding One hundred Pounds) as shall appear to them to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons, rendering the Overplus (if any), after the Money remaining due, and the Charges of making such Distress and Sale, shall be deducted, unto such Person or Persons upon Demand; and if sufficient Distress cannot be found, then the said Justices, or any Two other Justices of the Peace, shall commit such Person or Persons to some Common Gaol or House of Correction within the said County, there to remain without Bail or Mainprize until he or they shall have paid over such Monies in Manner as aforesaid, or shall have given Security to be approved by the said Justices or Trustees or have compounded for the same; which Composition the said Trustees or any Five or more of them at any Meeting assembled are hereby empowered to make, saving to all such Persons their lawful Appeals at the General Quarter Sessions, as herein-after provided: Provided always, that no Person who shall be committed for want of sufficient Distress as aforesaid, shall be detained in Prison for any longer Time than Six Calendar Months.

XIV. And be it further enacted, That the said Trustees are hereby authorized and required to take such Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls, and other Officers to be appointed as aforesaid, for the due Execution of their respective Offices, as to the said Trustees shall seem expedient.

Treasurer,
&c. to give
Security.

XV. Provided always, and be it further enacted, That as often as any Collector of the said Tolls or other Officer shall die, or shall be negligent or incapable of performing his Duty, or shall misbehave himself therein, it shall be lawful for any Five or more of the said Trustees, though not assembled at a Meeting in pursuance of this Act, by any Writing under their Hands, to displace such Collectors and other Officers, and appoint others in the Stead of such Persons so dying or displaced; and all such Collectors and other Officers so appointed shall have the same Authority to act in the Execution of their respective Offices as the Persons they shall succeed was or were vested with, until the said Trustees or any Five or more of them shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls, or other Officers as aforesaid.

For appoint-
ing certain
Officers in
certain Cases,
though not
at Meetings.

XVI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act; or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner

Clerk not to
act as Trea-
surer, and
vice versa.

of

of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending 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 at *Westminster* by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Effoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Officers under the former Acts to account to the Trustees under this Act.

XVII. Provided also, and be it further enacted, That all Persons who have been employed, or who shall have received any Tolls or other Money by virtue or in pursuance of the said recited Acts, or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things, relating to the Roads comprized in this Act, shall account for and pay and deliver over the same and every Part thereof to the said Trustees, in like Manner and under the like Penalties as are herein-before directed in respect to the several Officers and other Persons receiving any Monies, or having the Custody or Power of any Books, Writings, or other Things, by virtue of this Act.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of Trustees and Creditors.

XVIII. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by the Clerk for the Time being to the said Trustees, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all reasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the Clerk shall refuse to permit, or shall not permit at all reasonable Times, the said Trustees or such Creditors, or any of them, to inspect such Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Fifty Pounds, to be recovered by an Action at Law in any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Power to erect Gates, &c.

XIX. And be it further enacted, That the said Trustees or any Nine or more of them shall and may continue or erect or cause to be continued or erected, or set up, One or more Gate or Gates, Turnpike or Turnpikes, Toll House or Toll Houses, in, upon, and across, any Part or Parts of the said several Roads hereby intended to be repaired, and also upon the Sides thereof, and also across any Street, Lane, Common, or Way leading into or out of the said Roads, with suitable Outbuildings to such Toll House or Toll Houses; and also may take in and inclose from the said Roads or any Parts thereof, convenient Garden Spots for each of the said Toll Houses, not exceeding One Eighth Part of an Acre, as the said Trustees or any Nine or more of them shall direct or appoint; and that the respective Tolls following shall be demanded and taken at each of the said Gates or Turnpikes by such Person or Persons as the said

Trustees or any Nine or more of them shall from Time to Time appoint for that Purpose, before any Horse or other Cattle, Coach, Waggon, or other Carriage, shall be permitted to pass through any Turnpike or Gate already erected or which shall be erected upon the said Roads, or on the Sides thereof, across any Street, Lane, Common, or Way leading into or out of the said Roads; (that is to say),

For every Horse or other Beast drawing any Waggon, Wain, Timber Carriage, Cart, Sledge, Dray or other such Carriage, the Sum of Eight-pence: Tolls.

For every Ox or other Neat Cattle drawing any Waggon, Wain, Timber Carriage, Cart, Sledge, Dray or other such Carriage, the Sum of Six-pence:

For every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Hearse, Curricle, Chaise, Tax Cart or Chair, or other such Carriage, of whatever Name or Description, the Sum of Sixpence:

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

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

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

Which said respective Sums of Money shall be demanded and taken as Tolls: And if any Person or Persons subject to the Payment of any of the said Tolls shall after Demand thereof neglect or refuse to pay the same or any Part thereof, it shall be lawful for the Person or Persons appointed to collect the said Tolls to levy the same by Distress of any Horse or Horses, or other Cattle, or of any Carriage upon which any Toll is by this Act imposed, or by Distress of any of the Goods and Chattels of such Person and Persons respectively; and if such Tolls and the reasonable Charges of such Distress shall not be paid within the Space of Five Days, such Person or Persons so distraining may sell or cause to be sold the Horse or Horses, Cattle, Carriage, or Goods so distrained, returning the Overplus (if any) upon Demand to the Owner thereof, after such Tolls, and reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid; and that all the Tolls and Money to be collected or levied under this Act, and Monies borrowed or to be borrowed on the Credit thereof, shall be and are hereby vested in the said Trustees, and shall be paid, applied, and disposed of to and for the several Uses, Intents, and Purposes, and in such Manner, as is herein mentioned. How Tolls may be recovered.

XX. And be it further enacted, That no more than One Toll shall be demanded or taken in any one Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night, for or in respect of the same Horses, Beasts, Carriages, and Cattle passing through all or any Turnpike Gate or Turnpike Gates erected or to be erected on the said Roads, or on the Sides thereof, between *Studley Bridge* and *Chippenham*, nor more than One Toll between *Chippenham Bridge* and *Pickwick* aforesaid, nor more than One Toll between *Chippenham Bridge* and *Lower Stanton* or between *Chippenham Bridge* and the Turnpike Road at *Draycot Cerne*. How often Tolls shall be paid.

[Local.]

II S

XXI. And

Trustees to provide Tickets denoting Payment of Tolls, &c.

XXI. And be it further enacted, That upon Payment of the said Tolls, the Collector or Receiver thereof shall and he is hereby required to deliver *gratis* to the Person paying such Tolls a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the said Trustees, and there shall be printed and specified thereon the Names of the several and respective Gates freed by such Payment.

For compounding Tolls.

XXII. 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 with any of the Inhabitants within any of the Parishes wherein or near to which any Part of the said Roads doth lie, for the Passage of their Cattle or Carriages, except Waggon, Wain, and Carts, the Fellies of the Wheels whereof are not of the Breadth or Gauge of Nine Inches; all which Composition Money shall be paid in advance, and shall be applied as the Tolls hereby granted are to be applied.

Carriages employed on His Majesty's Service not to be subject to Toll for Overweight.

XXIII. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack or Commissariat or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject or liable to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart or other Carriage, or the Horse or Horses drawing the same, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Exemptions from Tolls.

XXIV. Provided always, and be it further enacted, That no Person shall be charged with any of the Tolls aforesaid for any Horses, Cattle, or Carriages passing through any of the Turnpikes already erected, or which shall be erected by virtue of this Act, carrying any Quantities of Stones, Gravel, or other Materials for repairing any of the said Roads, or any other Roads in the Parishes in which any of the Roads hereby directed to be repaired do lie, or in any of the adjoining Parishes, or that shall carry through the said Turnpikes any Dung, Mould, Rubbish, or Compost of any Nature or Kind whatsoever, for manuring of Gardens or Land (except as herein-after mentioned); nor shall any Person or Persons be chargeable with the said Tolls for any Waggon or Carriages carrying any Hay or Corn in the Straw to be laid up in the Houses, Outhouses, Barns, or Yards of the respective Inhabitants of the several Parishes, Liberties, and Divisions in which the said Roads hereby intended to be repaired do lie, except Hay or Straw sold or disposed of; nor for any Ploughs, Harrows, or other Implements of Husbandry, nor for any other Things whatsoever employed in Husbandry, or in manuring of Lands in the respective Parishes through which the said Roads do lead; nor for any Horse or any Cattle or Sheep going to or from Water, Pasture, or Plough, or Tillage or Work in Husbandry, or going to or returning from any Smith's or Blacksmith's Shop to be shod or farried; nor shall any Toll

Toll be demanded or taken from any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Wilts*, on the Day before the Day or Days of such Election, or the Day after the same shall be concluded; nor for any Horse or Carriage of whatever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty, or for any Horse or Horses or other Beasts drawing any Waggon, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, and convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or any sick and wounded or disabled Officers or Soldiers; or for any Horse or Horses or other Cattle drawing any Waggon, Cart, or other Carriage, which shall be employed in conveying any Ordnance or Barrack or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning after having been so employed; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, (provided such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements according to the Regulations of such Corps at the Time of his claiming such Exemption); nor for any Horses or Carriages travelling with Vagrants sent by legal Passes, or Prisoners sent to Gaol or the House of Correction, or returning after being so employed; nor shall any Toll be demanded or taken from any Rector, Vicar, or Curate going to or returning from his own Parish Church, or other Place of Divine Worship, or visiting his sick Parishioners, nor from any Person or Persons going to or returning from his, her, or their proper Parochial Church or Chapel, or other Place of Religious Worship tolerated by Law on *Sundays*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person who shall die and be buried in any of the Townships or Parishes through which the said Roads or any Part thereof doth lead: And if any Person or Persons shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, such Person or Persons shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

XXV. And be it further enacted, That if any Person shall with any Horse, Cattle, Beast, or Carriage, pass through any Land or Ground, not being the Owner or Occupier thereof, or any of his, her, or their Family, or Servant or Servants, lying near any Turnpike already erected, or which shall be erected by virtue of this Act, the same not being a public Highway, or if any Owner or Occupier of any such Ground or Land shall knowingly permit or suffer any Person or Persons, not being any of his, her, or their Family or Servants, with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same with Intent to evade the Payment of the said Tolls or any of them, or if any Person or Persons shall give to or receive from any Person or Persons, or forge or counterfeit any Ticket by this Act directed

To prevent
evading
Tolls.

directed to be given, with Intent to evade the Payment of the said Tolls or any of them, or if any Person or Persons shall forcibly or wilfully pass through any such Turnpike with any Horse or other Cattle or Beast, or shall take off or cause to be taken off any Horse or other Cattle from any Carriage, or shall leave or cause to be left upon or near to any Part of the said Road, any Carriage, Horse, Cattle or Beast, with Intent to evade the Payment of any of the said Tolls or of any Part thereof, or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage, every Person so offending in any of the Cases aforesaid shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Trustees may lessen the Tolls, and raise them again.

XXVI. And be it further enacted, That the said Trustees or any Nine or more of them at any Meeting to be held for that Purpose, whereof Fourteen Days Notice shall be affixed in Writing upon all the Turnpike Gates erected by virtue of the said former Acts or of this Act, may and are hereby empowered from Time to Time to reduce all or any of the several Tolls hereby granted, and to order such Tolls so reduced to be collected and received, in such Manner, Parts, and Proportions as they shall think fit, and to raise the same again, or any Part thereof, so as the same do not exceed the respective Rates by this Act granted; and such Tolls so reduced or raised again shall be levied, collected, recovered, paid, and applied in the same Manner as the Tolls herein-before granted are directed to be levied, collected, recovered, paid, and applied: Provided always, that 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 and be then due upon the Credit of the Tolls intended to be reduced, shall be consenting thereto.

Toll Houses, &c. vested in Trustees.

XXVII. And be it further enacted, That the Right, Interest, and Property, of and in all the Turnpikes and Toll Houses, and other Buildings erected by virtue of the said recited Acts, or to be erected or provided in pursuance of this Act, with the several Conveniences and Appurtenances thereunto respectively belonging, and of the Materials for building the same, and also of all Rails, Posts, and Fences which shall belong to the said Roads, and also of all Tools, Implements, Stones, Gravel, Sand, and other Materials now purchased, gotten, or had, or hereafter to be purchased, gotten, or had, for amending, repairing, and improving the said Roads, shall be and the same are hereby vested in the said Trustees, and they are hereby empowered to sell, assign, transfer, apply, and dispose of the same as Occasion shall require, and to bring or cause to be brought any Action or Actions, and to prefer and prosecute any Indictment or Indictments, against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, destroy, injure, or damage any of the said Toll Gates or Turnpikes and Toll Houses, or any of the Conveniences and Appurtenances thereunto belonging, or any of the Materials aforesaid, or who shall do any Act to hinder or obstruct the said Trustees, or any Person or Persons employed by them, in the Execution of this Act; and in any such Action, Indictment, or other Proceeding for the Purposes aforesaid, it shall be sufficient to state generally that any Toll Gates or Turnpikes and Toll Houses, or any of the Conveniences and Appurtenances thereto belonging, or any of the Materials, Tools, Implements, or other Matters or Things, to be the Property of the Clerk or Clerks for the Time being to the said Trustees.

XXVIII. And

XXVIII. And be it further enacted, That if any Dispute shall happen concerning any Tolls due, or the Charges occasioned by any such Distress as aforesaid, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof, until the Amount of the Tolls or the Charges of the Distress, as the Case may happen, be ascertained by some Justice of the Peace for the County wherein the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties, or of a Witness or Witnesses (which Oath such Justice is hereby authorized to administer), and shall determine the Amount of the Tolls due, and shall assess and award such Costs to be paid by either Party to the other of them, as to the said Justice shall appear just and reasonable; all which Costs and Charges shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

For settling
Disputes
concerning
Tolls.

XXIX. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, the Person or Persons appointed by the said Trustees to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his, her, or their being appointed to collect such Tolls, or acting under the Authority of the said Trustees.

Collectors
may be Wit-
nesses.

XXX. And be it further enacted, That every Toll Collector, being a Lessee of the said Tolls, or being appointed either by the said Trustees, or by any Lessee or Lessees for the Time being, to collect the Tolls payable at any Turnpike Gate or Toll Gate already erected by virtue of the said recited Acts, or hereafter to be erected by virtue of this Act, shall and he is required to place his Christian and Surname painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately upon his beginning to collect such Tolls, or coming on Duty; each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in proportion, and painted either in White Letters upon a Black Ground, or Black Letters upon a White Ground, and shall continue the same so placed during the whole Time he shall collect such Toll, or be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand and take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and shall claim such Exemption, or shall refuse to permit or suffer, or shall in any way hinder any Person or Persons from reading such Christian and Surname, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Tolls, and naming and specifying the Toll Gate or Toll

Regulations
as to Toll
Collectors.

[Local.]

11 T

Gates

Gates freed by such Payment, or, upon the legal Toll paid or tendered, shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger; then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered, paid, and applied as other Penalties are by this Act directed to be recovered, paid, and applied.

Application
of the Money
for paying
Expences of
the Act.

XXXI. And be it further enacted, That the Costs, Charges, and Expences of obtaining and passing this Act shall be paid and discharged by the said Trustees out of any Money already collected or received under or by virtue of the said recited Acts, or out of the first Money which shall be collected under or by virtue of the Powers of this Act; and that, until sufficient Monies can be collected under such Powers, it shall and may be lawful to and for the said Trustees or any Nine or more of them to borrow and take up at Interest a sufficient Sum or Sums of Money to pay the Expences of obtaining and passing this Act; and to grant and assign unto the Person or Persons advancing the same, and to his, her, or their Executors, Administrators, and Assigns, all and every the Tolls arising or to arise by virtue of this Act, and the Turnpikes and Toll Houses for collecting the said Tolls, for the Term of Twenty-one Years by this Act granted, or for the then Residue thereof; and which said Mortgage or Mortgages shall have Priority and Preference over every other Assignment or Mortgage of the Tolls subsisting at the Time of passing this Act, and shall not be redeemed or redeemable until the whole principal Sum and Sums of Money thereby secured, and all the Interest to grow due thereon, shall be fully paid and satisfied; and the Expence of preparing all such Mortgage or Mortgages shall be paid by the said Trustees out of the said Tolls.

Subsisting
Mortgages to
be valid.

XXXII. And whereas the several Roads mentioned in this Act have for many Years past been divided into separate and distinct Districts, and separate and distinct Accounts have been kept of the Receipts and Payments relating to each separate District, and divers Sums of Money have been borrowed and are now due and owing on the Credit of the several Tolls collected and received within such separate Districts, and not on the Credit of the whole Tolls arising from the said Roads: And whereas the Division of the said Roads into separate and distinct Districts, and the borrowing Money on the Credit of the Tolls of such separate Districts, hath been found very inconvenient and prejudicial to the good Management of the said Roads in this Act mentioned; and the future Management of such Roads would be very much facilitated and improved if, after Repayment of the several Incumbrances now due on such several Districts, the said Roads in this Act mentioned were consolidated, and the whole Receipts and Payments kept together, and carried into one general Account: Be it therefore enacted, That all such Mortgage or Mortgages, Assignment or Assignments, as have been heretofore made and granted, and are now subsisting on such separate Districts, under and by virtue of the said Act of the Eighth Year of His present Majesty, and all Transfers thereof, shall (subject and without Prejudice to the Priority and Preference by this Act

given to any Security or Securities which may be made and granted for the Monies to be borrowed for Payment of the Expences of obtaining and passing this Act as aforesaid) be, remain, and continue good, valid, and effectual Securities upon the Tolls to arise within such separate Districts by virtue of this Act, for the Principal and Interest Monies respectively due and to grow due thereon; and that the Person or Persons who shall be respectively entitled to such Principal and Interest Monies, shall receive the same (subject and without Prejudice as aforesaid) out of the Tolls to be received within such separate Districts by virtue of this Act, according to the Priority and Preference which they are legally entitled to under or by virtue of their respective Securities; and that after full Payment and Satisfaction shall be made of, or Composition agreed for, all principal Monies which are now due on the Credit of the Tolls arising from such separate Districts, and all Interest due or to grow due thereon, the said several Roads in this Act mentioned shall be consolidated, and shall be managed as one entire District of Road, and the Tolls granted by this Act shall be carried to one general Account, and shall be a Security for the Repayment of all Monies which shall or may be borrowed upon the Credit of this Act, and the Interest thereof; and that the said Roads in this Act mentioned, or the Accounts thereof, shall not afterwards, during the Continuance of this Act, be again separated and divided in any Manner howsoever.

After Payment of subsisting Mortgages Districts to be consolidated.

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

For assigning the Tolls.

‘ **BY** virtue of an Act passed in the Fifty-eighth Year of the Reign of
 ‘ His Majesty King George the Third, intituled *An Act* [*here insert*
 ‘ *the Title of this Act*] in consideration of the Sum of
 ‘ to *A. B.* the Treasurer appointed by the Trustees
 ‘ for putting the said Act in Execution, having been this Day paid by
 ‘ *C. D.* of We whose Hands and Seals
 ‘ are hereunto subscribed and set, being Nine of the said Trustees, do
 ‘ grant and assign unto the said his Executors,
 ‘ Administrators, and Assigns, such Proportion of the Tolls arising or to
 ‘ arise upon the Road in the said Act mentioned, and of the Turn-
 ‘ pikes and Toll Houses for collecting the said Tolls, as the said Sum of
 ‘ doth or shall bear to the whole Sum due and
 ‘ owing on the Credit of the said Tolls, or charged thereupon, for the
 ‘ Term

Form of Mortgage.

Term of the said Act; to have, hold, receive, and take such Proportion of the said Tolls, Toll Houses and Premises, with the Appurtenances, unto the said his Executors, Administrators, and Assigns, for the Residue or Remainder now to come of the Term of Years, for which the Tolls are granted by the said Act, subject to the Proviso following; (that is to say), provided always, that if the said Sum of shall be repaid to the said his Executors, Administrators, or Assigns, together with Interest for the same after the Rate of *per Centum per Annum*, without any Deduction whatsoever, on or before the Day of now next ensuing, then this Assignment shall be void, or else shall remain in full Force. In Witness whereof we have hereunto set our Hands and Seals this Day of One thousand eight hundred

Assignments to be entered in Books.

And Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; but no Money shall be borrowed upon the Credit of the said Tolls, unless Notice be for that Purpose fixed in Writing upon all the Turnpikes in or upon the Road for which such Sum or Sums of Money shall be borrowed, at least Twenty Days before the borrowing thereof; and all and every Person or Persons to whom any such Assignment or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time assign or transfer his, her, or their Right, Title, Interest, or Benefit to the Principal and Interest thereby secured, or any Part thereof, to any Person or Persons whatsoever, endorsing on the Back of such Security, before One credible Witness, the following Words, or Words to the like Effect; (that is to say),

Form of Transfer.

I the within-named *A. B.* or *I C. D.* Assignee, Executor, or Administrator of the within-named *A. B.* [*as the Case may happen to be*] do transfer the within Mortgage, with all my Right and Title to the principal Money thereby secured, and to all Interest now due and hereafter to become due thereon, unto his, [*or her*] Executors, Administrators, and Assigns. Dated this Day of One thousand eight hundred and Witness to the signing hereof, *A. B.*

Which said Transfer or Assignment shall be produced and notified to the said Clerk or Treasurer, who shall cause an Entry to be made of such Assignment or Transfer, containing the Dates, Names of the Parties, and Sums of Money therein transferred, in the said Book or Books to be kept for the entering the said original Assignments, for which the said Clerk or Treasurer shall be paid such Sum as the said Trustees or any Nine or more of them shall appoint, not exceeding the Sum of Five Shillings; and after such Entry made, but not till then, every such Assignment shall entitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and every such Assignee may in like Manner assign again, and so *toties quoties*; which said Money so borrowed shall (after paying the Expences of procuring this present

present Act) be applied and disposed of for the Purposes of this Act, according to the true Intent and Meaning thereof, and to no other Use or Purpose whatsoever.

XXXIV. And be it further enacted, That the said Trustees or any Nine or more of them shall and may, if thereunto required, receive in and cancel all or any of the Mortgages now standing out, that were made by virtue of the said recited Act of the Eighth Year of the Reign of His present Majesty on the said Tolls, and give and execute another Mortgage or other Mortgages instead and in lieu thereof respectively, in manner and transferrable as herein-before is mentioned.

Power to cancel old Mortgages, and give new ones.

XXXV. And be it further enacted, That it shall be lawful for the said Surveyor and Surveyors to be appointed by virtue of this Act, and such Persons as he or they, or any Five or more of the said Trustees, shall appoint, to dig, gather, and take away, or search for any Gravel, Furze, Heath, Sand, Stones or other Materials, for repairing the said Roads, in, from, or out of any common River or Brook, or any Commons or Waste Grounds, in any Parish, Town, Village, or Hamlet in which any Part of the said Roads doth lie, without paying any Thing for such Materials, such Surveyor or Surveyors levelling or causing to be levelled all such Holes and Pits, or otherwise to be railed or fenced out, where and from whence any of such Materials shall be dug, gathered, or taken away, in such Manner as that the same shall not be dangerous to any Cattle or Travellers, and paying for the Damages done by leading; and also that it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors first having an Order in Writing made by any Two or more Justices of the Peace for the County where such Lands shall lie or be situate, upon the Application of the said Trustees or any Five or more of them for that Purpose), to search for, dig, gather, and take away such Materials out of the several Grounds of any Person or Persons, not being a Garden, Orchard, Yard, Park, Paddock, or planted Walk or Walks, or Avenue to a House, or any Piece of Ground inclosed, planted, and set apart as a Nursery for Trees, paying such Rates for such Materials, and for Damage done to the Owners or Occupiers of such Grounds where and from whence the same shall be carried, as the said Trustees or any Five or more of them shall judge reasonable; and in case of any Difference concerning the same, any Two or more Justices of the Peace for the County where such Lands shall lie, shall and may adjudge and determine the same: Provided always, that nothing herein contained shall extend to authorize or empower the said Surveyor or Surveyors, or any other Person to be employed in the Execution of this Act, to take or remove any Stones which are or shall be placed or fixed for preserving or supporting the Banks of any River or Brook whatsoever.

Surveyors may dig for Gravel.

XXXVI. Provided nevertheless, and be it further enacted, That it shall not be lawful for any such Surveyors, or any other Person or Persons, under the Authority of this Act, to dig, get or gather, or to take and carry away Materials for repairing the said Roads, in or from any inclosed Lands or Grounds, until Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before Two Justices of the Peace acting for the County where

Surveyors not to carry away Materials out of private Grounds, giving Notice to the Occupier.

[Local.]

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such

such Lands are situated, to shew cause why such Materials shall not be had from such Lands or Grounds ; and in case such Occupier shall attend pursuant to such Notice, such Justices shall, if they think meet, authorize such Surveyor or other Person to dig, gather, take, and carry away such Materials at such Time or Times as to such Justices shall seem proper ; and if such Occupier shall neglect or refuse to appear by himself or his Agent, such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his Agent had attended.

Penalty on taking away Materials got by the Surveyors.

XXXVII. And be it further enacted, That if any Person whomsoever shall take or carry away any Stones or other Materials which shall have been dug or gathered for the Purpose of making, repairing, completing, or amending the said Road or any Part thereof, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Road, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Twenty Days (except the Owner or Occupier of any private Grounds, and Person authorized by such Owner or Occupier to get Materials 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.

Surveyors may remove Annoyances.

XXXVIII. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person and Persons as he or they shall appoint, from Time to Time (such Surveyor or Surveyors having an Order from any Five or more of the said Trustees for that Purpose) to remove and prevent all Annoyances in the said Town of *Chippenham*, or on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains running into, along, or out of the said Roads, to the Prejudice thereof, and to open, scour, or cleanse any such Watercourses, Sinks, or Drains, or any Watercourses or Ditches adjoining to the said Roads, and make the same as deep and as large as he or they shall think proper and necessary, and at proper Seasons of the Year to cut down, lop, and top any Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjoining thereto (not growing in any Park, Avenue, Plantation, or Garden, Orchard, Yard, or Paddock, or being a Shelter or an Ornament to an House), and to take and carry away such Trees (not being Timber Trees) or Bushes as aforesaid, in case the Owners or Occupiers of the Premises shall neglect to cut down, lop, or top such Trees or Bushes, or to open, scour, or cleanse such Watercourses or Ditches, or to remove such other Annoyances, for the Space of Twenty-one Days next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof (to be settled by the said Trustees or any Five or more of them) shall be reimbursed the said Surveyor or Surveyors by such Owners or Occupiers, the same to be recovered in such Manner as the Penalties and Forfeitures are hereinafter directed to be recovered ; 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 Offence forfeit unto the said Trustees any Sum not exceeding Forty Shillings.

To prevent cutting down Trees.

XXXIX. Provided always, That nothing herein contained shall authorize the said Trustees, or any Person or Persons whatsoever, to cut down, lop,

lop, or top any Timber Trees growing in or on the Sides of any Part of the said Roads, without the Consent of Two or more Justices of the Peace for the said County of *Wilts* acting in their Petty Sessions, signified under their Hands and Seals, first had and obtained for that Purpose; any thing herein contained to the contrary notwithstanding.

XL. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors, by Order of the said Trustees or any Five or more of them, to make or cause to be made Causeways and Drains in and upon the said Roads, and to erect Arches and Bridges in, upon, under, or over the same, and also to make Ditches and Drains through any Grounds lying contiguous thereto, (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House), making such reasonable Satisfaction to the Owners or Occupiers of such Grounds respectively through which any such Drain shall be made, for the Damages which such Owners or 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 between such Owners or Occupiers and the said Trustees, that then it shall and may be lawful for any Two Justices of the Peace for the said County of *Wilts* to settle and adjudge and determine what Récompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid.

Surveyors
may make
Causeways,
Drains, &c.

XLI. And be it further enacted, That the said Trustees or any Nine or more of them are hereby empowered from Time to Time to contract and agree with any Person or Persons for the making, repairing, widening, altering, turning, or amending the Roads by this Act directed to be repaired, or any Part or Parts thereof, in such Manner and for such Sum or Sums of Money as the said Trustees or any Nine or more of them shall think proper; and that all Contracts and Agreements in Writing entered into pursuant to an Order made at any Meeting by the said Trustees or any Nine or more of them shall be binding to all Parties who shall sign the same, his, her, or their Executors and Administrators; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Party or Parties failing in the Execution of such Contracts or Agreements.

Trustees may
contract for
repairing the
Roads.

XLII. And be it further enacted, That the said Trustees or any Five or more of them are hereby authorized and empowered at any Time or Times during the Continuance of this Act (in case they shall think proper) to widen, turn, or alter the Course of the said respective Roads or any Part or Parts thereof, and to make any new and additional Road or Roads contiguous or near to any of the respective Roads by this Act directed to be repaired or amended for the better Accommodation of Coaches, Carriages, and Travellers, and for that Purpose they the said Trustees or any Five or more of them shall have full Power and Authority from Time to Time during the Continuance of this Act to treat, contract, and agree with the several Owners, Proprietors, Occupiers of, and Persons interested in any Lands, Grounds, or Hereditaments lying contiguous or near to any Road or Roads so to be widened, turned, or altered, or through or over which any new Road or Roads shall be made, for the Purchase of any such Lands, Grounds, or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers of, and Persons so interested, or any of them, shall

Trustees may
contract for
the Purchase
of Lands.

or

or may anyways sustain by such widening, turning, or altering any such Road or Roads, or any Part or Parts thereof, or by making any such new and additional Road or Roads as aforesaid; and out of the Tolls and Duties by this Act granted, and out of any Monies to be borrowed on the Credit of this Act, to pay for such Lands, Grounds, and Hereditaments, and for such Loss and Damage, such Sum and Sums of Money as shall be agreed upon between the Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the said Trustees or any Five or more of them, and also the Costs and Charges attending such Agreement and Purchase.

Retraining Trustees from deviating more than 100 Yards from the Line of the Road without Consent, &c.

XLIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, in diverting, turning, varying, or altering the Course or Path of any Part of the said Roads, to deviate more than One hundred Yards from the present Line or Course thereof, without the Consent in Writing of the Owner or reputed Owners and Occupiers for the Time being of the Lands and Grounds which may be affected by any such Diversion or Alteration.

How incapacitated Persons may treat.

XLIV. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Parsons, Vicars, and all Feoffees in Trust, Committees of Lunatics and Idiots, Executors, Administrators, Guardians, and other Trustees whatsoever, for and on behalf of any Infants, Females Covert, or Cestuique Trusts, and for all and every Person and Persons whomsoever who are or shall be seized, possessed of, or interested in any such Lands, Grounds, or Hereditaments, to treat, contract, and agree with the said Trustees or any Five or more of them for the Purchase of such Lands, Grounds, or Hereditaments, or any Part or Parts thereof, and for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be or require; and all Contracts and Agreements, Sales, and Conveyances, which shall be so made, shall be valid and effectual in the Law to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and all Feoffees in Trust, Committees of Lunatics and Idiots, Executors, Administrators, Guardians and Trustees, Corporations Aggregate and Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Persons neglecting to treat for the Sale of such Lands.

XLV. And be it further enacted, That if any such Owner, Occupier, Proprietor, Bodies Politic, Corporate, or Collegiate, Parsons, Vicars, Trustees, Guardians, Committees of Lunatics and Idiots, Executors, Administrators, or other Person or Persons interested in any Lands, Grounds, or Hereditaments, upon Notice to them given or left in Writing at the Dwelling House or Houses or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate, or Collegiate, or at the House of the Tenant or Tenants in Possession of the Lands, Grounds, or Hereditaments so to be taken in and added to the said respective Roads or any of them, or into which such Road or Roads is or are to be turned or altered, or through or over which such new and additional Road or Roads shall be made as aforesaid, shall, by the Space of Twenty-one Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and

and in every or any such Case, the said Trustees or any Five or more of them shall cause it to be inquired into and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the County of *Wilts* (which Oaths any Five or more of the said Trustees are hereby empowered and required to administer), what Damages shall be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or Proprietors, or other Person or Persons interested as aforesaid, for or upon account of the taking of such Lands, Grounds, or Hereditaments into the said Road or Roads, or of turning such Road or Roads into, or of making such new Road or Roads over the same; and in order thereto the said Trustees or any Five or more of them are hereby empowered from Time to Time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whatsoever who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premises, (which Oath any Five or more of the said Trustees are hereby empowered and directed to administer); and they shall also order and cause the said Jury to view the said Places in question (if there shall be Occasion) and use all other lawful Ways and Means as well for their own as for the said Jury's better Information in the Premises as they the said Trustees or any Five or more of them shall think fit; and after the said Jury shall have inquired of, ascertained, and settled such Damage and Recompence, they the said Trustees or any Five or more of them shall thereupon order, adjudge, and determine the said Sum or Sums of Money so assessed by the said Jury to be paid by the said Owners, Occupiers, or Proprietors of, or other Persons interested in the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition and Judgment, Order or Determination, so had and made, shall be filed with the Clerk of the Peace at the then next General Quarter Sessions for the said County of *Wilts*, and shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Idiots, Lunatics, and Persons under any other Disabilities whatsoever, Bodies Politic, Corporate, or Collegiate, as well as all and every other Person or Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons anyways interested in such Lands, Grounds, or Hereditaments, shall thereby be from thenceforth to all Intents and Purposes divested of all Right, Title, Claim, Interest, and Property of, in, to, or out of the same; and the same shall from thenceforth be vested in the said Trustees and their Successors, and be deemed Part of the said Roads; and for the summoning and returning such Jury or Juries, the said Trustees or any Five or more of them are hereby empowered to issue out a Warrant or Warrants to the Sheriff of the said County of *Wilts*, thereby commanding and requiring him to impanel, summon, and return an indifferent Jury of Twenty-four Persons, or more, to appear before the said Trustees or any Five or more of them at such Time and Place as in such Warrant shall be appointed, and the said Sheriff or his Deputy or Deputies is or are hereby required to impanel, summon, and return such Number accordingly; and out of the Persons so impanelled, summoned, 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 swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and for default of a sufficient Number of Jurymen, the

[Local.]

II X

said

said Sheriff or his Deputy or Deputies shall return other honest indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve.

Jurors may
be chal-
lenged.

XLVI. Provided always, and be it further enacted, That 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 on such Sheriff, his Deputy or Deputies, Bailiff or Agents, making default in the Premises; and on any Person or Persons who shall be summoned and returned on such Jury, and shall not appear, or who shall refuse to be sworn on the said Jury, or being so sworn shall refuse or neglect to give their Verdict, or in any 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 touching the Premises, shall refuse or neglect to appear after having been paid or tendered a reasonable Sum of Money for his, her, or their Costs and Expences, or appearing shall refuse to be examined and give Evidence; and from Time to Time to levy such Fine or Fines in the same Manner as any other Forfeiture or Penalty is hereby directed to be levied, so as no such Fine shall exceed the Sum of Twenty Pounds upon any one Person for one Offence; and that all such Fines shall be applied for such Uses and in such Manner as the Tolls granted by this Act are to be applied.

Expences of
the Jury and
Witnesses by
whom to be
borne.

XLVII. And be it further enacted, That in case any Jury shall give in a Verdict for more Monies as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any such Loss or Damage to be by them sustained, than what shall have been offered by the said Trustees or any Five or more of them, before the summoning or returning the Jury, as a Recompence for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then and in such Case the Costs and Expences attending the deciding the same by such Jury and Witnesses shall be borne and paid by the said Trustees out of the Money to be raised by virtue of this Act; but if such Jury shall give a Verdict for no more or for less Monies than shall have been offered by the said Trustees, or any Five or more of them, before the summoning and returning the said Jury, as a Recompence for any such Right and Interest, or Property in, or Loss or Damage as aforesaid, that then the Costs and Expences attending the deciding the same by such Jury and Witnesses shall be borne and paid by the Person or Persons to whom such Lands or Hereditaments shall belong.

Trustees em-
powered to
sell Ground,
&c. not
wanted for
the Purposes
of this Act.

XLVIII. And whereas by reason of the diverting, altering, or turning the said Roads, or by reason of the Purchases which the said Trustees have already made by virtue of the said recited Acts, or which they are hereby empowered to make by virtue of this Act, the said Trustees are now or may hereafter happen to be seised of the Ground or Soil which formed the Roads already or hereafter to be diverted, altered, or turned, or of some Piece or Pieces of Ground over and above what may be necessary for effectuating the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees or any Five or more of them to sell and dispose of such Grounds or Soil, or Piece or Pieces of Ground, together or in Parcels, either by public Sale or private Contract, as they shall

shall find most advantageous and convenient to such Person or Persons as shall be willing to contract for and purchase the same, and by Indentures of Lease and Release to grant and convey the same to such Purchaser or Purchasers, and his, her, or their Heirs, Appointees, and Assigns, for ever.

XLIX. Provided always, and be it further enacted, That the said Trustees, before they shall so sell or dispose of the Ground or Soil which formed the Road to be diverted, turned, or altered by virtue of this Act, or such Piece or Pieces of Ground, over and above what shall be necessary for effecting the Purposes of this Act, shall first offer to sell or resell the same (as the Case may happen to be) to the Person or Persons who shall be the Owner or Owners of the Lands, Tenements, and Hereditaments lying on both Sides of such diverted Road, or the Person or Persons from whom the same shall have purchased such Piece or Pieces of Ground; and in case the Owner or Owners of the said Lands, Tenements, and Hereditaments on both Sides of the said diverted Road, or the Person or Persons from whom such Piece or Pieces of Ground have been so purchased, shall refuse to purchase or repurchase the same (as the Case may happen to be), an Affidavit, to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County or Place in which such diverted Road or Piece or Pieces of Ground shall lie (who is hereby required to take such Affidavit), by some Person or Persons no way interested in the Premises, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was then and thereupon refused or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatever be sufficient Evidence and Proof that such Offer was made, and was refused or not agreed to 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 the Ground or Soil of such diverted Road, or of repurchasing such Piece or Pieces of Ground so directed to be sold by virtue of this Act, and he, she, or they and the said Trustees shall differ and not agree with respect to the Price thereof, then and 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 or any Five or more of them in pursuance of this Act; and the Expences 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, or any Five or more of them, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such diverted Road, Piece or Pieces of Ground as aforesaid, shall be applied to and for the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

L. And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Recompence or Satisfaction, to be agreed for, ascertained, or assessed as aforesaid, shall be and is hereby charged and chargeable upon the Monies which shall be raised, received, or borrowed by virtue of this Act, and shall be paid thereout accordingly to the Persons respectively entitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof to such Persons or their Agents, and in case

Persons whose Lands adjoin to have the Preference.

Recompence how to be charged and tendered.

of Refusal to accept the same, then, upon Payment of the same into the Bank in Manner herein-after mentioned, it shall be lawful for the said Trustees or any Five or more of them, their Surveyors, Workmen, or Agents, to take into and add to the said Road or Roads, or to make any new and additional Road or Roads over and through such Grounds, Lands, and Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Grounds, Lands, or Hereditaments, as the said Trustees or any Five or more of them shall think fit; and after the Purchase of the said Lands, Grounds, or Hereditaments, or Adjudication of the Value thereof made, and Tender of Payment and Notice given as aforesaid, such Lands, Grounds, and Hereditaments shall be laid into or added to and made Part of the said Road or Roads, in such Manner as the said Trustees or any Five or more of them shall order and direct, and shall be by them, or such Person or Persons as they or any Five or more of them shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose; and after such draining, ditching, fencing, and setting out the said Lands, Grounds, or Hereditaments, shall to all Intents whatsoever become and be deemed and taken to be a public and common Highway, and be from thenceforth deemed to be Part of the said Road or Roads for ever after, and shall be repaired and kept in Repair by such Ways and Methods, and in all respects, as the respective old Roads lying near or adjoining to any such new or additional Road or Roads are and ought to be kept in Repair.

Not to
Damage any
House, &c.

LI. Provided always, and it is hereby enacted and declared, That the Power and Authority given to the said Trustees as aforesaid shall not extend to the pulling down any Dwelling-house or other Building, or taking in the Site of any House or other Buildings, or to take in any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House; any Thing herein contained to the contrary notwithstanding.

Bargains and
Sales to be
enrolled.

LII. And be it further enacted, That a Bargain and Sale to be enrolled by the Clerk of the Peace at the General Quarter Sessions for the said County of *Wilts*, pursuant to the Statute made in the Twenty-seventh Year of the Reign of King *Henry* the Eighth, for Enrolment of Bargains and Sales, shall be sufficient and effectual for conveying all such Lands and Premises, and the Interest of all such Persons therein, to the said Trustees and their Successors, without any Fine or Recovery, notwithstanding any Coverture, Title of Dower, Settlement, or Limitation of such Lands and Premises in Jointure, Tail, Reversion, Remainder, or otherwise howsoever.

Application
of Compen-
sation Money
if amounting
to 200l.

LIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes aforesaid, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as herein mentioned, such Money 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 *ex parte* the Trustees, 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

Profits of the said Lands, Tenements, 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 Court shall authorize to be paid, affecting the same Lands, Tenements, 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 Messuages, Lands, Tenements, 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 Messuages, Lands, Tenements, or 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 Conveyances and Settlements shall be existing undetermined and capable of taking effect; and in the meantime, 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 meantime, 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, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

LIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, 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 or be equal to 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 Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in Cases of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity 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 by Five or more of the Trustees for executing this Act (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 any manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application of Compensation Money where less than 200l. and exceeding 20l.

LV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as herein-before mentioned shall

[Local.]

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Application of Compensation Money
de

where less
than 20l.

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 Hereditaments so purchased, taken, or used for the Purposes of this Act, 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, to and for the Use and Benefit of such Person or Persons so entitled 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.

LVI. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid, shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful for the said Trustees to order the said Sum or Sums of Money so awarded to be paid into the Bank of *England*, in the Name and with the Privity 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 or Hereditaments (describing them), subject to the Order, Controul, or Disposition of the said Court; which said Court, 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 Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate and Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such 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 and 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.

Persons in Possession to be deemed presumptively entitled, &c.

LVII. 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 Privity 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 Monies, and

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

LVIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of any 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 Trustees, who shall from Time to Time pay such Sum of Money for such Purposes as the said Court shall direct.

The Court may order reasonable Expences of Purchases, &c. to be paid by Trustees.

LIX. And be it further enacted, That all Bodies Politic and Corporate, whether Sole or Aggregate, and all Persons, who by reason of the Tenure of their Lands, or any Charge thereon, or by any Law, Custom, Usage, or otherwise, are or shall be exclusively and specially liable to the Repair, or to contribute to the Repair, or to pay any Sum of Money towards the Repairs of any Part of the said Roads, or any Bridge, Causeway, Drain, Arch, or Sewer therein, shall, notwithstanding this Act, still remain liable and chargeable to such Contribution and Payment in such Manner as they were before the passing of this Act; and that, subject thereto, the Inhabitants of the several Townships through which the said Road doth pass shall and they are hereby declared to be chargeable with and liable to the Repair of such Parts of the said Roads as are within the said respective Townships.

Persons liable to repair Roads to continue so.

LX. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace for the County or Place where the said Road is situate (within their own Jurisdiction), and they are hereby empowered and required (upon Application made to them by the said Trustees or any Five or more of them, or by their Clerk or Surveyor by their Order), yearly to adjudge and determine what Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, or Places in which the said Roads or any Part thereof doth lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Township, Parish, or Place, either as a Highway Rate or Assessment, or as a Composition for such Statute Work, shall be by him, her, or them paid to the said Trustees; and in order thereto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways of every such Township, Parish, or Place, to bring in Lists before such Justices (within Twenty Days after the serving of such Summons, either personally, or by leaving the same at his, her, or their Dwelling-house or Dwelling-houses), of the Names of the several Persons who within such Townships, Parishes, or Places, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Highway

Statute Labour.

way

way Rate or Assessment, or any Money as a Composition for such Statute Work, distinguishing the Nature and Quantity of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons therein stated as liable to do Statute Work, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done by such Persons on such Days, at such Times (not being Hay-time or Harvest), and on such Parts of the said Road, as the said Trustees or their Surveyor shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the several Persons who by such Lists shall appear to be subject or liable to the Payment of any Highway Rate or Assessment, or any Money as a Composition for Statute Work, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, to be by him or them paid to the said Trustees, or to their Treasurer, at such Times as the said Justices shall direct; and in default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons charged therewith, in like Manner as any Penalty is by this Act authorized to be recovered; and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them at his, her, or their last or usual Place or Places of Residence for that Purpose, signed by the Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer, Team, Draught, Horse, or Beast, to be provided by him, her, or them, be subject and liable to such Penalties and Forfeitures as such Person may for such Offence be subject or liable to by any Law or Statute in Force and Effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person or Persons who shall be so found idle or negligent as aforesaid; and in that Case the Person or Persons sending such Labourer shall be subject and liable to the respective Penalties and Forfeitures above mentioned, as if he had refused or neglected to send such Team or Draught to work on the said Road; and in case the Surveyor or Surveyors of the Highways for any of the said Townships shall refuse or neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to
compound
for Statute
Labour.

LXI. Provided always, and be it 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 the Possessors, Occupiers, Grantees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be exclusively and specially liable to or charged with the Repair of any Part of the said Road, or of any Bridge, Arch, or Sewer therein, or with any Person or Persons, for the Performance of his, her, or their Statute Work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, by and with the

Consent

Consent of a Majority of the Inhabitants of such Townships first had at any Vestry or other public Meeting of such Inhabitants, to compound and agree, by the Year or otherwise, with the said Trustees, for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part or Parts of the said Road; all which Composition Monies shall be from Time to Time paid in Advance, and shall be applied in the Repair of the said Road; and all such Surveyors shall be reimbursed the Money so by them expended and paid, in such Manner as the Surveyors of the Highways are by Law to be reimbursed the Monies expended in buying Materials for the Repairs of the Highways.

LXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to excuse or discharge the Bailiff and Burgeses of the Borough of *Chippenham*, and their Successors, from maintaining, repairing, and amending *Chippenham* Stone Bridge, and the Bank, Causeway, or Horseway leading from *Chippenham* aforesaid to a Place called *Derry Hill*, being a Part of the Road before mentioned, or the Lands, Tenements, or Hereditaments given to or vested in the said Bailiff and Burgeses and their Successors for that Purpose; but that the said Bank, Bridge, or Causeway shall still continue to be maintained and amended at the Charge of the said Bailiff and Burgeses, and their Successors, in such Manner as they were and ought to be repaired, maintained, and amended before the passing of this Act; any thing herein contained to the contrary thereof in anywise notwithstanding.

Chippenham
Bridge and
Causeway
to be main-
tained as for-
merly.

LXIII. And be it further enacted, That the said Trustees or any Five or more of them shall, where the same is not already done, cause all the said Roads to be measured, and Stones or Posts to be set up in or near the Sides of the said Roads, at the Distance of One Mile from each other, with Inscriptions denoting the Distance of every such Stone or Post from any Town or Place, and also Guide and Direction Posts, where the same shall be thought necessary by the said Trustees or any Five or more of them; and if any Person or Persons shall wilfully pull up or damage any of such Stones or Posts, or any Guide or Direction Posts already erected or to be erected on any of them, or shall obliterate or deface any of the Letters, Figures, or Marks which shall be respectively inscribed thereon, and be convicted thereof by the Confession of the Party, or by the Oath of One credible Witness, before One or more Justice or Justices of the Peace for the said County (which Oath the said Justice or Justices is and are hereby empowered to administer), every such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Roads to be
measured and
Milestones
erected.

LXIV. And be it further enacted, That if any Person shall hale or draw, or cause to be haled or drawn upon any Part of the said Roads, any Tree or Piece of Timber otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon Wheel Carriages to drag upon any Part of such Roads to the Prejudice thereof, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on
drawing Tim-
ber, &c. but
on Wheel
Carriages.

LXV. And be it further enacted, That if any Person or Persons, or his or their Servant or Servants, shall wilfully put, place, ride, drive, or lead, or cause to be put, placed, rode, driven, or led, any Horse, Cattle, or

Punishing
Persons
riding on
Footways,
&c.

[Local.]

Beast, or drive any Wheelbarrow on any of the Footways or Pavements in the Town of *Chippenham* aforesaid, or on any Footway, Causeway, Path, or Pavement adjoining to or made on the Side of or upon the Roads mentioned in this Act, or any of them, or cause any Damage to be done to any such Footway, Causeway, Path, or Pavement, other than in Cases of unavoidable Necessity; or if any Person or Persons shall slaughter, burn, or dress any Animal in or adjoining any of the said Roads and Footways; or if any Person or Persons shall leave or suffer any Horse, Cattle, Sheep, Pig, or Beast to be and remain loose in the said Town of *Chippenham*, or on the said Roads or any Part thereof; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Roads, and Meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the Left or near Side of the said Roads; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or them upon the said Roads, or the Coach, Chaise, Waggon, Cart, or other Carriage under his or their Care; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage in the Town of *Chippenham* aforesaid, or in, upon, or on the Side of any Part of the said Roads, (except in Cases of Accident or other reasonable Excuse, to be allowed by the Justice or Justices of the Peace before whom he, she, or they shall be summoned in order to his, her, or their Conviction, and except with regard to such Wain, Cart, or other Carriage, during such reasonable Time as the same shall be loading or unloading, and standing as near to the Sides of such Roads as conveniently may be), either with or without any Horse or Beast of Draught harnessed or yoked thereto; or if any Person or Persons shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever, or play at Football, on any Part or Parts of the said Road; or within Fifty Yards from the same; or shall lay, place, or throw, or permit or suffer to be laid, placed, or thrown, any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, Ashes, or other Matter or Thing whatsoever, in the said Town of *Chippenham*, or on any Part of the said Roads, or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice or Annoyance of any Person or Persons travelling thereon; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

For securing
transient Of-
fenders.

LXVI. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put this Act in Execution; be it therefore further enacted, That it shall be lawful for any of the said Trustees, Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any other Warrant or Authority than this Act, to seize or 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 said County of *Wilts*; and such Justice is hereby empowered and directed to proceed to the hearing and determining the Complaint.

Penalties and
Forfeitures
how to be re-
covered, etc.

LXVII. And be it further enacted, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not otherwise particularly directed) shall be levied and recovered by Distress
and

and Sale of the Offenders Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of One or more Justices of the Peace for the said County of *Wilts*; which Warrant or Warrants such Justice or Justices is and are hereby empowered and required to grant upon the Information of One or more credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby empowered to administer without Fee or Reward); and such Penalties and Forfeitures when recovered, after rendering the Overplus (if any be), when demanded, to the Party or Parties whose Goods and Chattels shall be so distrained and sold (the Charges of such Distress and Sale being first deducted), shall be paid (if not otherwise directed to be applied by this Act), One Half to the Informer or Informers, and the other Half to the Treasurer or Surveyor, to be applied towards the Repair of the said Roads; and if sufficient Distress shall not be found, it shall be lawful for such Justice or Justices to commit every such Offender to the Common Gaol or House of Correction within the said County of *Wilts*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges, shall be sooner paid.

LXVIII. Provided always, and be it further enacted, That in case any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, it shall be lawful for such Person to appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be held in and for the said County of *Wilts*; or in case the said Cause of Complaint shall arise within Twenty Days next before such General Quarter Sessions of the Peace, then such Appeal may be made to the said Justices at the Second General Quarter Sessions of the Peace to be held for the said County, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any such Person in a summary way, and, if they see Cause, may by Order of such Sessions mitigate at their Discretion all or any of the Penalties aforesaid, or vacate and set aside the Conviction, and set the Party at liberty, or otherwise may ratify and confirm the same, and award such Costs to the Parties appealing or appealed against as to them shall seem just and reasonable, and to make such Orders and Judgments in regard to the Premises as they shall think fit; but the Person so appealing shall give Notice in Writing to the said Treasurer or Treasurers of such his or her Intention of bringing such Appeal, and of the Cause or Matter thereof, Fourteen Days before the said Quarter Sessions.

Persons aggrieved may appeal to the Quarter Sessions.

LXIX. Provided also, and be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceeding to be had touching the Conviction of any Offender or Offenders against this present Act, shall be quashed or vacated for want of Form only, 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*; any Law or Statute to the contrary notwithstanding.

Orders not to be quashed for want of Form.

LXX. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted by the Authority aforesaid, That all and every the Justice or Justices of the Peace before whom any Person

Conviction of Offenders.

or

or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any Form of Words to the same Effect :

Form of Conviction.

‘ **B**E it remembered, That on the _____ Day of _____
 ‘ in the _____ Year of His Majesty’s Reign, *A. B.* is con-
 ‘ victed before _____ of His Majesty’s Justices of the Peace for the
 ‘ said County of _____ [*specifying the Offence, and Time and*
 ‘ *Place when and where the same was committed, as the Case shall be.*]
 ‘ Given under our Hands and Seals the Day and Year aforesaid.’

Limitation of Actions.

LXXI. And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, the same shall be commenced within Three Calendar Months next after the Fact committed, and not afterwards, and shall be laid and brought in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in any such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear so to have been done, or that such Action or Suit shall be commenced after the Time before limited for bringing the same, or shall be brought in any other County than as aforesaid, that then the Jury shall find for the Defendant or Defendants; and upon a Verdict for the Defendant, 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 Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Double Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

General Issue.

Double Costs.

Public Act.

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

Continuance of Act.

LXXIII. And be it further enacted, That this Act shall commence on the passing thereof, and shall continue and be in force and be executed thenceforth 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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