



ANNO. PRIMO

GEORGII IV. REGIS.

Cap. Ixix.

An Act for repairing and improving several Roads leading into and from *Devizes*, in the County of *Wilts.* [8th July 1820.]

WHEREAS an Act was passed in the Thirty-seventh Year of the Reign of His late Majesty King George the Third, intituled *An Act for completing, widening, and keeping* 37 G.3. c.154. *in repair the Road from West Lavington, unto and through the Town of the Devizes, to the House known by the Name of the Green Man, in Seend, in the County of Wilts, and from Rowde Ford, through the Devizes Market Place, to join the Beckhampton Turnpike Road near Wansdyke, and from the East End of the Devizes aforesaid, to the Top of Red Hone Hill, in the said County of Wilts: And whereas the said Act hath been put in Execution, and several Sums of Money have been borrowed and still remain due on the Credit thereof: And whereas an Act was passed in the Thirtieth Year of the Reign of His said late Majesty King George the Third, intituled *An Act for* 30 G.3. c.98. *repairing and widening the Road from Rowde Ford to Red Hill, and from Chittoe Heath to the Town of Calne, in the County of Wilts, and for repealing Three Acts made in the Second, and Twenty-fifth* [Local.] 22 S Years*

52G. 3. c. 93.

Former Acts repealed, and this Act to be executed instead thereof.

Roads divided into Two Districts.

Years of the Reign of His Majesty King George the Second, and in the Twenty-third Year of His said late Majesty King George the Third, for repairing the Highways between Sheppard's Shord, and Horsley upright Gate, leading down Bagdown Hill, in the County of Wilts, and other ruinous Parts of the Highways thereunto adjacent; whereby the Road from Rowde Ford to Red Hill, is declared to be the First District of Road, and the Road from Chittoe Heath to the Town of Calne, is the Second District of Road by the said Act intended to be amended and kept in Repair; And whereas an Act was passed in the Fifty-second Year of the Reign of His said late Majesty King George the Third, intituled An Act for continuing the Term, and altering and enlarging the Powers of an Act passed in the Thirtieth Year of His present Majesty, for repairing and widening the Road from Rowde Ford to Red Hill, in the County of Wilts; And whereas the said Act of the Thirtieth Year of the Reign of His late Majesty, so far as relates to the Road from Rowde Ford to Red Hill, and the said last-mentioned Act, have been put in Execution, and several Sums of Money have been borrowed upon the Credit of the Tolls payable on the said Road from Rowde Ford to Red Hill, which still remain due: And whereas the said Road from Rowde Ford to Red Hill, adjoins or leads into the Road from Rowde Ford aforesaid, into Devizes Market Place, mentioned in the said Act of the Thirty-seventh Year of His said late Majesty King George the Third, and with such last-mentioned Road, forms Part of the Road leading from Devizes aforesaid, to Chippenham, in the said County of Wilts: And whereas it would tend to the more easy and effectual Execution of the said several Acts, and be attended with much less Expence, if the several Powers and Authorities thereby granted, were consolidated and put under the Management of one Set of Trustees, and the several Clauses and Provisions contained in the said Acts repealed, and a new Term granted as to all the said Roads, and the several Powers and Provisions necessary for repairing, amending, improving, and supporting all the said Roads, comprized in one Act 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 after the Second Thursday after the passing of this Act, the said recited Act of the Thirty-seventh Year of the Reign of His late Majesty, so much of the said Act of the Thirtieth Year of the Reign of His late Majesty as relates to the Road from Rowde Ford to Red Hill, and also the said Act of the Fifty-second Year of the Reign of His late Majesty shall be and the same are hereby repealed, and that instead thereof this Act shall thenceforth commence and take Effect, and be put in Execution for and during the Term herein-after mentioned, for the Purpose of amending, widening, turning, varying, altering, and keeping in Repair the Roads herein-after mentioned.

II. And be it further enacted, That the said Roads shall be divided into Two Districts or Divisions, and that the Road from
West

West Lavington, unto and through the Town of the *Devizes*, to the House known by the Name of the *Green Man*, in *Seend*, and from *Rowde Ford*, through the *Devizes* Market Place, to join the *Beckhampton* Turnpike Road near *Wansdyke*, and from the East End of the *Devizes* aforesaid, to the Top of *Red Hone Hill*, in the County of *Wilts*, shall be the First District of the said Roads; and that the Road leading from *Rowde Ford*, to a Place called *Red Hill*, in the said County of *Wilts*, to join the Turnpike Road there, leading from *Calne* to *Chippenham*, shall be the Second District of the said Roads.

III. Provided always, and be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be, and they are hereby made subject and liable to the Payment of all Monies which have been borrowed, or are now due and owing on the Credit of the Tolls authorised to be taken by the said recited Acts, on the Roads within the said respective Districts, and of all Interest due and to grow due thereon respectively, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed, or become due and owing on the Credit or on Account of this Act; and that all and every Person and Persons owing any Sum or Sums of Money to the respective Trustees for executing the said recited Acts hereby repealed, or any of them, shall be liable to the Payment thereof to the Trustees for executing this Act; and all Bonds, Covenants, Agreements, Contracts, and Securities entered into by any Person or Persons to or with the respective Trustees for executing the said recited Acts hereby repealed, according to the Provisions and Directions thereof, shall remain in full force and effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on Account and for the Benefit of the Roads under this Act; and all Lettings of Tolls, Orders, Contracts, and Agreements duly made or entered into by the said respective Trustees for executing the said Acts hereby repealed, shall so far as the same are not altered or avoided by this Act, remain in full force and effect, and be observed and kept by the Trustees under this Act, according to the Terms and Stipulations thereof respectively; such Repeal or any Law to the contrary notwithstanding:

This Act made subject to the Payment of all Monies borrowed on the Credit of former Acts.

Persons owing Money to continue liable, and all Bonds, Contracts, &c. to remain in force.

IV. And be it further enacted, That all Roads made, opened, widened, diverted, shut up, or discontinued under or by virtue of the Powers and Provisions of the said Acts hereby repealed, or any or either of them, shall remain and continue open, widened, diverted, shut up, and discontinued in such and the same Manner as at the Time of passing this Act; and that the Trustees under this Act shall be discharged from the Care and Management of all Roads so shut up or discontinued.

Roads made or shut up by former Trustees to remain made or shut up.

V. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Wilts*; the Mayor and Burgesses of the Borough of *Devizes*, and their Successors for the Time being; the Honourable *Duncombe Pleydell Bouverie*, *Benjamin Webb Anstie*,
Ambrose

Trustees appointed.

Ambrose Awdry, John Awdry, Peter Awdry, Henry Butcher, Thomas Burges, Thomas Biggs, John Bayly, Thomas Brown, Robert Herbert Brabrant, Henry Bayntun Clerk, John Bannister, William Clare, John Singleton Clark, Charles Coward, Richard Coward, John Townsend Compton, Joseph Chandler, William Chandler, Richard Chandler, John Eldridge, George Edmonstone Clerk, Joseph Eden, Thomas Edwards, William Everett, Thomas Grimston Estcourt, John Gaby, John Gabriel, John Gale, Matthew Gent, Harry Gent, James Gent, Joseph Gilbert, Ralph Hale Gaby, Thomas Gaby, John Gaby junior, Thomas Hunt Grubbe, James Andrew Grubbe Clerk, William Gaisford, John Gabriel junior, William Hughes, Samuel Heathcote, West Hill Doctor of Medicine, Henry Headly Doctor of Medicine, James Hiscock, Thomas Hall, Thomas Hull, James Hull, John Hayward, Benjamin Hayward, Robert Hughes, Richard Hallilay, Edward Ings, William Keetch, James Lediard Clerk, Wadham Locke, Richard Long, John Long, Charles Lucas Clerk, Thomas Lewis, Charles Mayo Clerk, William Money Clerk, William Macdonald Clerk, Thomas Anthony Methuen Clerk, Charles Macfarlane, John North, Stephen Neate, Paul Newman, Edward Newman, James Norris, Stephen Powell, William Powell, John Pearse, Stephen Pierce, Charles Lewis Phipps, Richard Richardson, William Salmon, William Wroughton Salmon, Henry Saunders, John Slade, Edward Slade, George Sloper, Charles Spearing, George Elgar Sloper, John Sainsbury, John Starky Doctor of Divinity, John Edward Andrew Starky, William Tinker, Thomas Tylee, John Tylee, Charles Tylee, Thomas Tanner of Potterne, Thomas Tanner of Urchfont, Joseph Needham Tayler, James Tilby, William Tinker junior, Edward Vincent Clerk, John Bodman Vince, Robert Waylen, Benjamin Webb, Thomas Wyatt, and Ernle Warriner, and their Successors, to be elected in Manner herein-after directed, shall be and they are hereby appointed Trustees for amending, widening, turning, varying, altering, and keeping in repair the said several Roads, and for putting this Act into Execution.

Power to
appoint ad-
ditional
Trustees.

VI. And be it further enacted, That it shall be lawful for the Trustees hereby nominated, or any Nine or more of them, and they are hereby authorized and empowered at any of their Meetings to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Fifteen in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Trustees so elected and being duly qualified, shall be, and are hereby invested with the same Powers and Authorities for executing this Act, as if they had been herein named and appointed.

On the Death
or Refusal to
act other
Trustees to
be chosen.

VII. And be it further enacted, That when and so often as any Trustee or Trustees hereby appointed, or to be appointed by virtue of this Act, shall die, or become disqualified, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, from Time to Time to elect, and by Writing under their Hands, to nominate and appoint some other Person in the Room of every

every Trustee so dying or becoming disqualified, or refusing to act; and Notice of the Time and Place of Meeting for every such Election shall be given by any Two or more of the said Trustees, or the Clerk to the said Trustees, by affixing Notice in Writing on all the Turnpike Gates which shall be then erected on the said Roads, at least Ten Days before such Meeting, and all and every Person and Persons who shall be so elected and appointed, shall, immediately upon such Election and Appointment, be a Trustee or Trustees for the Purposes of this Act, and after taking and subscribing the Oath hereby prescribed, shall be vested with the same Powers and Authorities for carrying this Act into Execution, as if he or they had been herein nominated and appointed a Trustee or Trustees.

VIII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall, at the Time of his acting, be in his own Right or in the Right of his Wife, in the actual Possession and Enjoyment of or in the Receipt of Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds, or shall be Heir Apparent of a Person seised of a Real Estate in Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds, or be possessed of a Personal Estate, or of a Real and Personal Estate together of the Value of Four thousand Pounds, nor (except in administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed, before any Five or more of the said Trustees, an Oath or Affirmation in the following Form of Words; and which Oath or Affirmation any Five or more of the said Trustees, at any of their Meetings to be holden in pursuance of this Act, are hereby authorized to administer:

‘ I , do swear [or, being one of the People called *Quakers*, do solemnly affirm], That I truly and *bonâ fide* am in my own Right [or, in the Right of my Wife] in the actual Possession and Enjoyment of [or, in the Receipt of Rents and Profits], issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds, above Reprizes [or, am Heir Apparent of , who to the best of my Knowledge is seised of a Real Estate of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds, or am possessed of a Personal Estate, or of a Real and Personal Estate together, of the Value of Four thousand Pounds, as the Case may be]. So help me GOD.’

IX. Provided also, and be it further enacted, That no Person (appointed or to be appointed a Trustee by virtue of this Act), shall be capable of acting as a Trustee in the Execution of this Act, in any Case where he shall be concerned in Interest (except as herein-after provided), nor whilst he holds any Place or Employment of Profit, or shall be concerned or interested in any Contract or Contracts under this Act; and that no Person shall be capable of being appointed a

[Local.]

22 T

Trustee,

Qualification of Trustees.

Trustees interested, or holding Places of Profit, or keeping Victualling Houses, &c. not to act.

Trustee, or of acting as such, during the Time he shall keep a Victualling House, or other House of public Entertainment, or who shall sell Wine, Cider, Beer, Ale, Spirituous or other Strong Liquors, by Retail, or who shall be Lessee or Farmer of the Tolls, or of any Part or Parts thereof, under this Act; and if any Person, not being qualified as aforesaid, or being disqualified by any of the Causes aforesaid, shall nevertheless act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than one Imparlance, shall be allowed; and the 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 Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings touching the Execution of this Act, which shall be done and performed by any such Person previously to his being convicted of the Offence before mentioned, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act: Provided also, that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls, or receiving Interest thereout for the same, shall on that Account be deemed disqualified to act as a Trustee in the Execution of this Act.

Trustees
may act as
Justices.

X. And be it further enacted, That any of the Trustees appointed or to be appointed under this Act, who are or shall be in the Commission of the Peace, may act as Justices of the Peace in the Execution of this Act, notwithstanding their being such Trustees as aforesaid, except in Cases where they shall be personally interested, otherwise than as Mortgagees, Assignees, Lenders of Money, or Holders of any Security on the Credit of the Tolls granted by virtue of this Act.

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

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

First Meet-
ing of Trus-
tees.

XII. And be it further enacted, That the said Trustees, or any Nine or more of them, shall meet at the Town Hall in *Devizes* aforesaid,

on the Third *Friday* next after the passing of this Act, between the Hours of Ten in the Forenoon and Two in the Afternoon, and shall then and there proceed to the Execution of this Act, and shall or may adjourn, and from Time to Time afterwards meet there or at any other Place on or near the said Roads, as the said Trustees, or any Five or more of them, shall think proper and appoint, as often as it shall be necessary for carrying this Act into Execution: Provided always, that Two Trustees shall be sufficient for the Purpose of Adjournment only; and that in case a competent Number of Trustees shall not appear at the Time and Place appointed for the Meeting of the Trustees for carrying this Act into Execution, either to act or to adjourn; or in case the Trustees at any Time assembled shall omit or neglect to adjourn, then and in either of the said Cases, it shall be lawful for the Clerk or Treasurer to the said Trustees for the Time being, by a Notice in Writing to be affixed on all the Turnpikes and Toll Gates which shall then be erected upon the said Roads, and to be inserted in some Newspaper which shall be then circulated in the said County, at least Fourteen Days before the next Meeting, to appoint a Meeting of the Trustees at the same Place where the last Meeting was held, or was appointed to have been held, on such future Day as shall be specified in such Notice, not exceeding One Month after the Day on which such Meeting was held, or was to have been held as aforesaid; and in case such Clerk or Treasurer respectively shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall be lawful for any Five of the said Trustees, although not assembled at a Meeting at any Time or Times after such Refusal, Neglect, or Prevention respectively as aforesaid, by Notice in Writing under their Hands, to be affixed and inserted in Manner aforesaid, to appoint the Trustees to meet at some convenient House on or near the said Roads, upon some convenient Day within Ten Days next after the Date of such last-mentioned Notice; and the said Trustees at all their Meetings shall defray their own Expences, and at every Meeting of the said Trustees a Chairman shall and may be appointed, and when and as often as it shall happen that there shall be an Equality of Votes at any such Meeting, including the Vote of the Chairman, then and in every such Case the Chairman shall have the decisive or casting Vote.

Power to adjourn.

Trustees at Meetings to defray their own Expences.

XIII. And be it further enacted, That all the Orders and Determinations of the said Trustees shall be made at Meetings to be held in pursuance of this Act, and not otherwise (except as herein-after provided or mentioned); and all Acts, Matters, and Things, in or relative to the Execution of this Act, may be done and executed by the Majority of the Trustees present at any Meeting (the whole Number present not being less than Five), except only in Cases herein particularly directed to be done by any greater or less Number of them.

Majority of Trustees assembled to concur in all Orders.

XIV. And be it further enacted, That no Order made by any of the said Trustees shall be revoked or altered but at a Meeting to be held as herein-after mentioned; nor unless the Number of Trustees present,

How Orders of Trustees may be revoked or altered.

present, and revoking or altering the same, shall exceed the Number of Trustees by whom such Order shall have been made, and unless Fourteen Days Notice shall be given by Five Trustees to the Clerk of the said Trustees, of their Desire to have a Meeting called, at a Time and Place to be mentioned in such Notice, for the Purpose of taking into Consideration such Order, with a View to revoke or alter the same, or that it will be proposed to revoke or alter such Order at the next adjourned Meeting; and in such Case Notice shall be given by the Clerk Fourteen Days at the least before such Meeting to such Trustees as were present when the Order was made, of the Intention to revoke or alter any such Order.

Meetings on
Emergen-
cies.

XV. And be it further enacted, That if after any Adjournment of the said Trustees it shall, upon any Emergency, be thought necessary that an earlier Day of Meeting should be appointed than the Day to which any Meeting shall have been adjourned, the Clerk to the said Trustees being authorized by an Order in Writing, signed by Five or more of the said Trustees, although not assembled at a Meeting, mentioning the Time and Place and Purpose of such earlier Meeting, shall forthwith give Notice thereof in Manner before directed, in Cases where no Adjournment shall take place, and of the Time and Place which shall be mentioned in the Order of such Five Trustees (such Time not being less than Six Days after such Notice); and all Proceedings of the Trustees at such earlier Meeting shall be valid as they would have been in case the Trustees had met in pursuance of any Adjournment, and such Meeting shall and may be adjourned, or be appointed to be held in such Manner as other Meetings under this Act are herein-before directed to be adjourned or appointed to be held, notwithstanding any former Adjournment to the contrary; and every such Adjournment shall be considered as an Adjournment of the original Meeting under this Act.

Proceedings
to be entered
in a Book
and signed.

XVI. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered shall be signed by the Trustees making the same, or the major Part of them; which said Book or Books, and also the Books herein-after directed to be kept for registering Mortgages and Assignments of the Tolls or Transcripts thereof, shall and may be read in Evidence in all Cases of Appeals and in all Suits, Actions, Controversies, or Disputes touching any thing done or to be done by virtue or in pursuance of this Act, or in anywise relating thereto.

Officers to
continue till
others ap-
pointed.

XVII. And be it further enacted, That each and every Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers, save and except the Treasurer or Treasurers nominated and appointed under or by virtue of the said recited Acts or either of them, shall hold and enjoy their several and respective Offices and Employments, and each and every such Treasurer, Clerk, Collector, and other Officer and Officers, shall have the like Powers and Authorities for carrying

carrying this Act into Execution, and shall be subject to the like Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he and they had been nominated and appointed under or by virtue of this Act.

XVIII. And be it further enacted, That the said Trustees, at their First or any subsequent Meeting, as Occasion shall require, may, by Writing under their Hands, elect and appoint a Clerk or Clerks, and a Treasurer or Treasurers, Receiver or Receivers, and Collector or Collectors, of such Money as shall arise and may become due and payable by virtue of this Act, and also a General Surveyor or Surveyors, and all such working and other Surveyors, and other Officers, as they the said Trustees shall think necessary and proper to be employed in the Execution of the Powers of this Act, and also may remove, from Time to Time, all such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as the said Trustees shall see Occasion; but no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Trustee, shall be appointed to or be capable of holding any Place of Profit under this Act; and the said Trustees shall and may out of the Money to be raised or received by virtue of this Act make such Allowance unto the Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers so appointed, and to such other Persons as shall be assisting in and about the Execution of this Act, as to them the said Trustees shall seem proper; and every Officer and Person who shall be appointed as aforesaid, shall, from Time to Time, when thereunto required by the said Trustees, by Writing under their Hands, make out and deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing, under his or her Hand, of all Monies which shall have been by him or her had, collected, or received, and how and to whom and for what Purpose the same and every Part thereof hath or have been disposed of, together with the Vouchers and Receipts for such Payments; and every such Officer or Person shall and he is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her to such Person or Persons as the said Trustees shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in Manner aforesaid, or shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Six Days after being thereunto required by the said Trustees, or by such other Person or Persons, all Books, Papers, and Writings, in his or her Custody or Power, relating to the Execution of this Act, then and in every such Case, on Complaint being made thereof by the said Trustees, or by any Person or Persons on their Behalf, of any such Neglect or Refusal, to any Justice of the Peace for the County or Place where the Officer or

Trustees may
appoint Offi-
cers,

and remove
them.

Officers to
account,

or be punish-
ed.

Person so neglecting or refusing shall live or reside, such Justice may, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Trustees might have done; and if, upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been collected or received, shall be in the Hands of or owing from such Officer or Person, such Justice may, and he is hereby authorized and empowered, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before the said Justice at the Time and Place appointed for that Purpose without some reasonable Excuse, or if appearing, shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, (if so required by the said Justice) or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up as aforesaid all such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid, the said Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction of the County or Place where he or she shall live or reside, there to remain without Bail or Mainprize until he or she shall have delivered in and settled such Account, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Trustees for such Money and Charges, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees are hereby empowered to make); and shall have delivered up as aforesaid all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees: Provided always, that no Person who shall be committed for Want of sufficient Distress shall be detained in Prison by virtue of this Act for any longer Space of Time than Three Calendar Months.

Books and
Monies, &c.
under the
former Acts

XIX. And be it further enacted, That every Person who shall have been employed to receive, or who shall have received any Tolls or other Monies under or by virtue or on account of the said former

Acts hereby repealed, or shall have in his or her Custody or Possession any Vouchers, Books, Accounts, Papers, Writings, or other Things relating to the said Roads, or any of them, shall account for and deliver the same to the said Trustees, or any Person or Persons appointed by them for that Purpose, in the like Manner, and under the like Penalties, as is herein-before directed, with respect to any Officer or Person appointed under or by virtue of this Act.

to be delivered up.

XX. 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 their Clerk for the Time being, 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 Roads, 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 seasonable 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, or any of them, shall or 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 said Clerk shall refuse to permit the said Trustees, or such Creditors, to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Ten Pounds, to be levied and recovered in Manner herein-after mentioned.

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

XXI. 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 for executing this Act; 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 of 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 at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no *Essoin*, Protection, or *Wager of Law*, or more than One *Imparlançe*, shall be allowed.

Clerk restrained from acting as Treasurer, and vice versa.

XXII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby required to take sufficient Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due and faithful Execution of his and their

Treasurer to give Security.

their

their said Office and Offices; and may also, if they think fit, take such Security from any other Officer to be appointed by virtue of this Act.

Trustees may
appoint tem-
porary Col-
lectors.

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

For continu-
ing the pre-
sent Toll
Gates and
erecting
other Toll
Gates, &c.

XXIV. And be it further enacted, That the said Trustees shall and may and they are hereby authorized and empowered to continue or remove all or any of the Gates, Turnpikes, Bars, and Chains now standing in, upon, or across the said Roads, or on the Sides thereof, and also to erect or cause to be erected any other Turnpike or Turnpikes, Toll Gate or Gates, Bar or Bars, Chain or Chains, in, upon, or across any Part or Parts of the said Roads, and the Diversion and Branch therefrom, and upon the Sides thereof

thereof across any Lane or Way leading into or out of the same, (such Lane or Way not being a Turnpike Road), and also to continue, erect, or provide a Toll House, with suitable Out-buildings and Conveniences, at or near each Toll Gate; and that the said Trustees shall and may from Time to Time afterwards remove, alter, or discontinue such Turnpikes, Toll Gates, Bars, Chains, or Toll Houses, or any of them, as they the said Trustees shall think expedient; and also shall and may take in and inclose from the Sides of the said Roads, convenient Garden Spots for the Toll Houses respectively, not exceeding One-eighth Part of an Acre to each Toll House: Provided nevertheless, that no Removal, Alteration, or Discontinuance of any such Turnpike or Turnpikes, Toll Gate or Gates, Bar or Bars, Chain or Chains, shall be made, nor shall any fresh Turnpike or Turnpikes, Toll Gate or Gates, Bar or Bars, Chain or Chains, be erected or set up after the first Meeting of the said Trustees, unless Notice of the Intention to make such Removal, Alteration, or Discontinuance, or to erect or set up such fresh Turnpike or Turnpikes, Toll Gate or Gates, Bar or Bars, Chain or Chains, and of the Meeting to be holden for that Purpose, be given upon all the Toll Gates which shall then be standing upon the said Roads, at least Ten Days before such Meeting.

No Toll Gate to be removed nor any new Toll Gate set up without Ten Days Notice.

XXV. And be it further enacted, That the Right and Property of and in all the Turnpikes, Toll Gates, and Toll Houses, and the several Conveniences and Appurtenances thereto belonging, erected or made, or to be erected or made upon or on the Sides of the said Roads, or any of them, or any Part thereof, and all Materials for building and repairing the same, and for repairing the said Roads, or any Part thereof; and all Mile Stones and Direction Posts already set up or erected, or hereafter to be set up or erected upon or on the Sides of the said Roads, and all other Materials, Articles, and Things purchased, collected, or provided, or which shall be purchased, collected, or provided for the Purposes of the said Roads, or of this Act, shall be vested in the said Trustees, and they are hereby empowered to sell or dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, or prefer, or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall without Right, keep Possession of any such House or Appurtenances, or shall break down or damage, steal, or take away any of such Turnpikes, Toll Gates, Toll Houses, Mile Stones, Direction Posts, Conveniences, Appurtenances, Materials, Articles, or Things, or disturb them the said Trustees, or their Agents or Servants, in the Possession thereof; in all which Actions or Bills of Indictment it shall be sufficient to state generally such Turnpikes, Toll Gates, Toll Houses, Mile Stones; Direction Posts, Conveniences; Appurtenances, Materials, Articles, or Things, to be the Property of the Clerk for the Time being to the said Trustees.

Toll Gates, Houses, &c. vested in Trustees.

Power to
take Tolls.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees or any Person or Persons continued or to be appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take at each and every Turnpike or Toll Gate continued or to be erected by virtue of this Act, and from the Owner or Owners of or Person or Persons using, leading, driving, or attending any Horse, Beast, Cattle, or Carriage, before any such Horse, Beast, Cattle, or Carriage shall be permitted to pass through the same, (subject to the Provisions and Restrictions herein-after contained), the following Sums or Tolls, or such Sums or Sum not exceeding the following Sums or Tolls respectively, as the said Trustees at any of their Meetings shall from Time to Time appoint and order; (that is to say),

For every Horse or other Beast, drawing any Coach, Berlin, Landau, Machine, Hearse, Chariot, Chaise, Caravan, Calash, Chaise Marine, Chair, or other such Carriage, the Sum of Six-pence:

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

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

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

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

And upon Payment of any of the said Tolls, the Collector or Receiver shall, and he is hereby required to tender and deliver *gratis* to the Person paying such Toll, a Note or Ticket denoting such Payment; and all such Notes or Tickets shall be provided by the said Trustees, or their Lessees, and there shall be printed and specified thereon the Name of the Gate or Bar at which the Toll is received, and of the Gate or Gates or Toll Bars which shall be freed by such Payment.

Commence-
ment of new
Tolls.

XXVII. Provided always, and be it further enacted, That the said several Tolls shall commence and take Effect at such Time or respective Times as the said Trustees or any Five or more of them shall at their first or any subsequent Meeting or Meetings think proper and direct, and that in the meantime, the same and the like Tolls shall be taken and continued at the several Turnpikes or Toll Gates erected or set up in, upon, or across the said Roads as shall be taken at the Time of passing this Act; any thing herein contained to the contrary notwithstanding.

Two Oxen
&c. to be
considered as
One Horse.

XXVIII. Provided always, and be it further enacted, That in all Cases where Oxen or other Neat Cattle shall be used in drawing any Waggon, Wain, or Cart, or other such Carriage, every Two of such Oxen or Neat Cattle shall for the Purposes of this Act,

as far as regards the Payment of Tolls, be considered as One Horse.

XXIX. And be it further enacted, That no Person shall be subject to pay the Tolls granted by the said recited Acts or this Act, at more than Two Gates on either of the said Districts on the same Day, for or in respect of the same Horse, Cattle, or other Beast or Carriage, passing or repassing upon the said Roads, in case more than Two Gates shall be hereafter erected thereon.

Tolls not to be paid at more than Two Gates on the same Day.

XXX. Provided always, and be it further enacted, That no Person shall be subject to the Payment of Toll more than once in any one Day, (the Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night), for passing and repassing with the same Horse or Horses, Beasts, or Cattle, through the same Turnpike, unless any such Horse or Horses, or other Beast, shall be attached to any Carriage not before drawn by such Horse or Horses, or other Beasts, through such Turnpike, in which Case the said Tolls shall be payable for every Time of repassing with any other or additional Carriage, and except also as herein-after mentioned, such Person or Persons producing a Note or Ticket denoting the Payment of such Toll.

Limiting the Number of Payments at each Turnpike for the same Horse, &c. in one Day.

XXXI. Provided nevertheless, and be it further enacted, That the said Tolls shall be payable for or in respect of all licensed Stage Coaches, and other such Public Carriages, for every Time of passing and repassing through the same Turnpike on the same Day, (the Day to be computed as aforesaid), and that the said Tolls shall be payable for or in respect of all Post Chaises and other Carriages travelling for Hire, for passing and repassing through the same Turnpike on the same Day, (the Day to be computed as aforesaid), upon every Time of a new Hiring of such Post Chaises or Carriages last mentioned.

Stage Coaches, Post Chaises, &c. to pay every Time of passing.

XXXII. Provided always, and be it further enacted, That all and every Waggon, Wain, Cart, or other such Carriage, (in respect whereof or of the Horses or other Beasts drawing the same, the Tolls hereby granted are made payable), having the Wheels of the Width and Description, and the Axletrees fixed as mentioned and set forth in or by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weight in certain Cases*, shall be entitled to and have and enjoy the Privileges and Exemptions granted by the said Act in Manner therein mentioned.

Waggons, &c. allowed Privileges and Exemptions granted by 55 G. 3.

XXXIII. And whereas no Cart or other Carriage drawn by One Horse or Two Oxen at present is subject to be weighed, and great Injury is done to the aforesaid Roads from the heavy Loads carried thereby;

Carriages drawn by One Horse or Two Oxen to be weighed.

thereby ; be it therefore enacted, That it shall be lawful for the said Trustees, to order or cause any such Cart or other Carriage, although the same shall be drawn only by One Horse or Two Oxen or other Neat Cattle, to be weighed at any Weighing Engine now or hereafter to be erected upon any Part of the said Roads ; and in case any such Cart or other Carriage, with the Lading thereof, shall exceed One Ton Weight in Summer, or Fifteen Hundred Weight in Winter, (the same to be computed as in an Act passed in the Thirteenth Year of the Reign of His late Majesty King George the Third, intituled *An Act to explain, amend, and reduce into one Act of Parliament the General Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England, and for other Purposes*, is specified), to cause to be demanded and taken such Sum of Money for Overweight as would have been payable by virtue of the said Act, or any subsequent Act made for altering or amending the same Act, in case such Cart or other Carriage had been drawn by more than One Horse or Two Oxen, and which Sum of Money shall be recovered in like Manner as by the said Act is directed with respect to the Sums thereby made payable for Overweight of Lading.

Penalty on
evading
Tolls.

XXXIV. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle, or Carriage, through or over any Gate, private Passage, Land, Ground, or Place lying by the Side of or near to any Part of the said Roads (except the Owner or Occupier of such Land or other Premises, or any of his, her, or their Family or Servants) ; or if any Person or Persons owning or occupying any Land, Ground, or Place situate as aforesaid (the same not being a public Highway or Road), shall knowingly or wilfully permit or suffer any other Person or Persons (except as aforesaid) to go or pass with any Horse, Beast, Cattle, or Carriage, through or over such Gate, private Passage, Land, Ground, or Place, in order or with Intent to evade the Payment of the said Tolls or any Part thereof ; or shall leave upon or near any Part of the said Roads, any Horse or Horses, or other Beast or Cattle, or any Carriage chargeable with the Payment of any of the said Tolls, with Intent to evade Payment of any of the said Tolls ; or if any Person or Persons shall forcibly or fraudulently pass through any such Turnpike or Toll Gate with any Horse, or other Cattle or Beast, without Payment of Toll ; or if any Person claiming any Exemption from the Payment of the Tolls hereby granted, or any Part thereof, shall refuse or decline to give his or her Name and Place of Residence to the Collector or Collectors of the Tolls, at any Gate or Gates at which such Exemption shall be claimed, or shall give a false Name or Place of Residence, all and every such Person or Persons shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered in such Manner as is herein-after provided for the Recovery of Penalties and Forfeitures ; One Moiety whereof, when raised, shall be paid to the Informer, and the other Moiety to the Treasurer of the Road on which the Penalty shall be incurred, to be applied to the Purposes of this Act.

XXXV. And

XXXV. And be it further enacted, That if any Person or Persons who shall pass through any Turnpike or Toll Gate, erected or continued by virtue of this Act, with any Carriage drawn by One or more Horse or Horses, or other Beast or Beasts of Draught, shall have put any additional Horse or Beast to any such Carriage, for the Purpose of drawing such Carriage on any Part of the said Roads, and shall have removed and taken away such additional Horse or other Beast, before passing through such Turnpike or Toll Gate; or if any Person or Persons shall, after passing through any such Turnpike or Toll Gate, put any such additional Horse or other Beast to any such Carriage, for the Purpose of drawing such Carriage on any Part of the said Roads, then and in either of such Cases the Tolls granted by this Act shall be payable for every such additional Horse or other Beast, in the same Manner as if such additional Horse or other Beast had been employed in drawing such Carriage when passing through any such Turnpike or Toll Gate; and if the Person or Persons driving such Carriage shall, upon passing through any such Turnpike or Toll Gate, neglect to pay or tender the Toll so payable in respect of such additional Horse or Horses, Beast or Beasts, such Person or Persons, or the Owner or Owners of such Carriage, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered in such Manner as is herein-after provided for Recovery of Penalties and Forfeitures; One Moiety whereof when raised shall be paid to the Informer, and the other Moiety to the Treasurer of the said Roads.

For securing Payment of the Tolls for any additional Horses put on to any Carriage, on any Part of the Road.

XXXVI. And be it further enacted, That the respective Sums of Money hereby authorized to be taken as aforesaid, shall be demanded and taken in the Name of or as Tolls, and shall be and are hereby vested in the said Trustees, and shall be applied as herein-after is directed; and if any Person subject or liable to the Payment of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same, or any Part or Parts thereof, it shall be lawful for the Person or Persons authorized and appointed to collect such Tolls as aforesaid, by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain any Horse, Beast, Cattle, Carriage, or other Thing, upon or in respect of which any such Toll is hereby imposed, together with their respective Bridles, Saddles, Gears, Harness, or Accoutrements (except the Bridle or Reins of any Horse or other Beast separate from the Horse or Beast), or any Carriage, in respect of the Horses or Cattle drawing the Carriage on which such Toll is imposed, or any of the Goods or Chattels of the Person or Persons so neglecting or refusing to pay; and if the Toll, or any Part thereof, so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining may sell the Horse, Beast, Cattle, Carriages, or Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any) and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and

For Recovery of Tolls.

the reasonable Charges occasioned by such Seizure, Distress, and Sale shall be deducted.

For settling
Disputes
concerning
the Tolls.

XXXVII. And be it further enacted; That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Tolls due, and of the Charges of the Distress and Sale, and of keeping the Distress (as the Case shall happen), shall be ascertained by some Justice of the Peace for the said County of *Wilts*, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties, or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Distress and Sale of the Goods and Chattels of the Person or Persons 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 be so distrained and sold.

Exempting
the Royal
Family from
Toll.

XXXVIII. Provided always, and be it further enacted, That this Act shall not extend or be construed to extend to charge with Toll any Horses or Carriages attending His Majesty, or any of the Royal Family, or returning therefrom.

General Ex-
emptions
from Tolls.

XXXIX. Provided also, and be it further enacted, That no Toll shall be demanded or taken, by virtue of this Act, of or from any Person or Persons for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Roads or Bridges, or any of the Roads within any Parish, Township, Chapelry, Hamlet, or Place in which any Part of the said Roads lie, or for rebuilding, building, or repairing any present or any future Bridge or Bridges on the said Roads, or of or from the General Surveyor or working Surveyors, or any other Person or Persons employed by the said Trustees, when engaged in executing the Powers of this Act; or in carrying or conveying from the Houses, Granaries, or Farms of the Owners or Occupiers of the Lands or Grounds within any Parish, Township, Chapelry, Hamlet, or Place in which any of the said Roads lie, any Seed for seeding any such Lands or Grounds, or in carrying or conveying any Hay, Grass, Straw, Fodder, or any Corn or Pulse in the Straw only, Faggots or Firewood, Turnips or Potatoes, the Produce of any such Lands or Grounds, or Milk from Cows depastured or fed in any such Lands or Grounds, or Grains produced from

Malt brewed by such Owners or Occupiers, all such Articles hereby exempted being carried or conveyed for the Use of such Owners or Occupiers, and not for Sale, or not sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Out-houses, or Yards; or on such Lands or Grounds, for the Use of such Owners or Occupiers only; or for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Ploughs, Harrows, or Implements of Husbandry (unless laden also with some other Thing not hereby exempted from Toll); or any Mould, Dung, Soil, Marl, Manure, or Compost employed in Husbandry for manuring or improving Land; or for any Horses or other Beasts going to or returning from Plough or Harrow, or to or from Pasture or watering Place; or going to be or returning from being shod or farried; and that no Toll shall be demanded or taken by virtue of this Act, from any Person or Persons residing in any Parish, Township, or Hamlet in which any of the said Roads lie, going to or returning from his, her, or their proper Parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of religious Worship, tolerated by Law on *Sundays*, or on any other Day on which Divine Service is by Authority ordered to be celebrated; or going to or returning from attending the Funeral of any Person who shall die and be buried in any Parish, Township, or Hamlet, in which any Part of the said Road lies; or from any Rector, Vicar, or Curate, going to or returning from his Parish Church, or going to visit or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty; or for any Horse, Beast, Cattle, or Carriage, which shall cross the said Roads only, or shall not pass more than One hundred Yards thereon, or for any Horses or Carriages, 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 back from conveying the same; 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 Beast, or any Waggon or other Carriage, employed in carrying or conveying, 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 employed in carrying or conveying, or returning empty from having been employed only in carrying or conveying, any sick, wounded, or disabled Officers or Soldiers; or for any Waggon or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, 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 empty from having been so employed; or for conveying Volunteer Infantry, 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
the

Penalty on fraudulently claiming Exemptions.

the Days of Exercise, Inspection, or Review, or on other Public Duty, provided that 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 claiming the Exemption; or for Horses, Carts, or other Carriages employed only in carrying or conveying Vagrants sent by legal Passes, or returning empty after having been so employed; or for any Horse or Horses, Coaches, or other Carriages whatsoever, going to or returning from any Election of a Knight or Knights of the Shire, to serve in Parliament for the County of *Wilts*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall by any fraudulent or collusive Means whatsoever claim or take the Benefit of any of the Exemptions aforesaid not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, One Moiety whereof shall be paid to the Informer, and the other Moiety to the Treasurer of the Road on which the Penalty shall be incurred, and shall be applied for the Purposes of this Act; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Exempting Carriages conveying King's Stores, &c. from Penalties for Overweight.

XL. 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, or 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 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, while so employed be stopped or detained by reason of any Weight in 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 Owners 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.

Exemption for Inhabitants of Rowde.

XLI. Provided always, and be it enacted, That no Toll shall be demanded or taken at the Toll Gate erected in the Lane called *Hitching's Lane*, in the Parish of *Rowde*, or at the Toll Bar leading from the Village of *Rowde* aforesaid, into *Marsh Lane*, of or from any Occupiers of Lands or Grounds in the said Parish of *Rowde* to which the respective Roads lead.

Power to reduce Tolls.

XLII. And be it further enacted, That it shall be lawful for the said Trustees at any General Meeting or Meetings to be held from Time to Time for that Purpose, and they are hereby empowered to lessen or reduce all or any of the Tolls by this Act granted, in either of the said Districts, and for such Time or Times as they the said Trustees at any General Meeting or Meetings shall think proper,

per, and from Time to Time afterwards to advance all or any of the Tolls so lessened or reduced, to any Sum or Sums of Money, not exceeding the respective Tolls granted by this Act; or now made payable by any Act or Acts of Parliament now in force and effect with respect to Overweight; and that such reduced Tolls shall and may be collected, levied, and applied in such and the same Manner as the Tolls hereby granted or directed to be collected, levied, and applied: Provided always, that it shall not be lawful to reduce the said Tolls without the Consent of Three-fourths in Value of the Creditors on the said Tolls respectively; and that no such General Meeting shall be held for the Purpose of lessening, reducing, or advancing all or any of the said Tolls, unless Twenty Days previous Notice at the least shall be given thereof in Writing, to be affixed upon all the Turnpikes or Toll Gates which shall be then erected on the said Roads within the District where such Tolls are intended to be reduced.

Tolls not to be reduced without the Consent of Three-fourths of the Creditors.

XLIII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to compound for any Term not exceeding One Year at any One Time, with any Person or Persons for any Carriage or Carriages, Horses, Beasts, or Cattle travelling on the said Roads, for all or any of the said Tolls to be paid in respect of such Carriage or Carriages, Horses, Beasts, or Cattle; and such Composition Money shall be paid in advance Quarterly, and in Default thereof the Composition shall be void.

Trustees may compound for Tolls.

XLIV. And be it further enacted, That the said Trustees shall be and are hereby empowered, after giving One Month's Notice thereof in One or more of the public Newspapers of the County of *Wills*, and also in Writing to be affixed upon the Turnpike, the Tolls whereof are intended to be leased, from Time to Time to lease and demise the Tolls granted by this Act, or any Part or Parts of such Tolls, for any Term not exceeding Three Years at a Time, for the best Price that can be gotten for the same, payable at such Times to such Person or Persons, under such Conditions and Agreements, and with such Sureties for the Payment thereof as the said Trustees shall think fit; and the Money arising thereby shall be applied in such Manner as the Tolls so leased are under this Act directed to be applied, any Law or Statute to the contrary thereof notwithstanding; and at all such Lettings the Trustees shall have or be entitled to One or more Bidding or Biddings for the said Tolls, either by themselves or their respective Clerk or Clerks, or Treasurer, or other Person by them authorized; any thing in any Law or Statute to the contrary notwithstanding: Provided always, that at every such Leasing and Demise, the Trustees present at the Meeting for that Purpose shall apportion the Sum at which the said Tolls shall be let to, and between each of the said respective Districts, in such Manner as they shall think proper, according to the best Information which they can obtain as to the actual Produce of such Tolls, on each of the said Districts.

Trustees may lease the Tolls.

Lessees, or Persons appointed by them, may collect the Tolls.

XLV. And be it further enacted, That during such Time as the Tolls, or any Part or Parts thereof, shall be leased, demised, or let to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall by Writing or Writings under his, her, or their Hand or Hands authorize or appoint, to demand and take the said Tolls so leased, demised, or farmed, with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls continued as aforesaid, or appointed by the said Trustees, is by this Act authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons as aforesaid, shall be subject to the Regulations of this Act, and to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions as any Collector of the said Tolls continued as aforesaid, or appointed by the said Trustees, is subject or liable to.

Penalty on Renters, &c. taking greater or less Tolls.

XLVI. And be it further enacted, That if any Lessee, Farmer, Renter, or Collector of the said Tolls shall demand and take or cause to be demanded and taken from any Person or Persons any Toll not authorized by this Act to be taken, or a greater or less Toll than authorized to be taken by or under this Act, or by or under any Order of the Trustees made under the Powers of this Act, such Lessee, Farmer, or Renter shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and also his Contract for renting the Tolls shall be declared to be vacated, if the said Trustees shall think fit to vacate the same; and every such Collector, not being the Lessee, Farmer, or Renter, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, such Forfeitures respectively to be recovered in Manner herein-after mentioned.

For preventing Toll Collectors from misbehaving, &c.

XLVII. And be it further enacted, That all and every Toll Collector or Collectors, being Lessee or Lessees of the said Tolls, or appointed either under this Act or by the Trustees for executing the same, or by any such Lessee or Lessees, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately upon his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall refuse to permit or suffer or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or

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 Toll, and naming and specifying the several Gates freed by such Payment, or shall unnecessarily detain, or upon the legal Toll being paid or tendered, shall wilfully obstruct, hinder, or prevent any Passenger, Horse, Beast, Carriage, or Cattle from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Passenger or Passengers, 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 and applied as other Penalties are by this Act directed to be recovered and applied: Provided also, that if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector, or the General Surveyor, or any working Surveyor or Surveyors on the said Roads, who shall or may be employed by virtue of or in the Execution of this Act in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on obstructing Collectors.

XLVIII. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear for the Space of Fourteen Days next after any of the Days on which the same ought to be paid, pursuant to the Agreement for demising or letting thereof; or in case such Lease or Agreement shall in any other Manner become void, then and in either of such Cases it shall and may be lawful for any Justice of the Peace for the County or Place where the Toll Gate or Toll House shall be situate, and he is hereby required, upon Application made to him by the said Trustees, or their Clerk or Treasurer, or any other Person authorized by Writing under the Hands of any Five or more of them, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of any or every such Toll House or Toll Houses, Toll Gate, Bar, Chain, or Weighing Machine, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees, or any Person acting by or under their Authority, Possession thereof; and that thereupon it shall be lawful for the said Trustees (if they shall think fit) to vacate and determine the Demise of the said Tolls, or the Contract or Agreement for demising or letting the said Tolls

Enabling Trustees to take Possession of Toll Houses in case of Non-performance of the Terms of the Lease.

to

to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes (save as to the Obligations, Covenants, or Agreement for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part) as if such Demise or Agreement had never been made; and in that case, or in case the Lease or Agreement shall otherwise become void, it shall and may be lawful for the said Trustees, in every such Case, to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

Trustees may
borrow
Money.

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

‘ BY virtue of an Act made in the First Year of the Reign of His
‘ Majesty King George the Fourth, for repairing and improving
‘ several Roads leading into and from *Devizes*, in the County of
‘ *Wilts*, we _____ of the Trustees, in Consideration of the Sum
‘ of _____ to the Treasurer of the said Roads in
‘ hand paid, do grant, bargain, sell, and demise unto
‘ _____ Executors, Administrators, and Assigns, such Pro-
‘ portion of the Tolls arising by virtue of the said Act on the
‘ District of the said Roads, and of the Turnpikes and Toll Houses
‘ for collecting the same, as the said Sum of _____ doth
‘ or shall bear to the whole Sum due and owing on the said District
‘ of Road, to be had and holden from this _____ Day of
‘ in the Year of our Lord _____ for and during the
‘ Continuance of the said Act, unless the said Sum of
‘ _____ with Interest at the Rate of _____ *per Centum per*
‘ *Annium*, shall be sooner repaid and satisfied.’

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; but no Money shall be borrowed on the Credit of the said Tolls after their first Meeting, unless Notice be for that Purpose affixed in Writing upon the said Market Cross, and upon all the Turnpikes leading into the *Devizes*, at least Ten Days before the borrowing thereof; and the Intention thereof be also advertised once at the least in some Weekly Journal or Newspaper, published in the said County of *Wilts*, or usually circulated in the Neighbourhood of the
said

said Roads; and all Persons to whom any Mortgage shall be made as aforesaid, or who shall be possessed of any Mortgage made by virtue of the said former Acts, or either of them, or who shall be entitled to the Money thereby respectively secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to the said Mortgage, and the Principal and Interest thereby secured, to any Person or Persons whomsoever, indorsing on the Back of such Security, before one credible Witness, the following Words; *videlicet*,

‘ I do transfer this Mortgage, with all my Right and Title to the
 ‘ Principal hereby secured, and to all Interest now due upon the
 ‘ same, unto Executors, Administrators, and
 ‘ Assigns. Dated this Day of
 ‘ A. B.’

Which Transfer shall be produced and notified to the said Clerk or Treasurer, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, containing the Numbers, Dates, Names of the Parties, and Sums of Money therein transferred, for which the said Clerk or Treasurer shall be paid the Sum of Two Shillings and Sixpence, and no more; and such Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in like Manner assign or transfer the same again and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred) to make void, release, or discharge the original Security or any Monies thereby due, or any Part thereof; and all Persons to whom any Mortgage or Transfer shall have been made, or shall be made as aforesaid, shall be, in proportion to the Sum or Sums therein mentioned, Creditors on the Tolls by this Act granted, within each Division, in equal Degree one with another, and shall have no Preference in respect of the Priority of any Monies advanced; and the said Trustees, or any Five or more of them, may and shall, from Time to Time, call in, or if thereunto required, receive in and cancel all or any Mortgages or Assignments now standing out, that were made by virtue of the said former Acts or either of them, and give and execute another or others for the respective Sums, in Manner and transferrable as above mentioned, in lieu and instead thereof respectively.

L. And be it further enacted, That out of the Tolls or other Monies already raised by virtue of the said former Acts, and out of the Tolls and all other Monies which shall be raised or received by virtue of this Act, the said Trustees shall pay and discharge all the Expences and Costs relative to procuring and passing this Act, in preference to any other Payment whatsoever; and that the Treasurer to the said Roads shall thenceforth once at least in every Year discharge the Interest upon all Monies borrowed, and now owing by virtue of the said former Acts, or to be borrowed in pursuance

suance of this Act. (if the same shall be demanded) in preference to all other Payments; and the Remainder of the Money so raised shall from Time to Time be applied in repairing, widening, and improving the said Roads, and in otherwise putting this Act in Execution, and in repaying the Principal Monies by this Act charged or borrowed.

Tolls on each of the former Trusts to be separately applied.

LI. Provided always, and be it further enacted, That all and every the net Tolls to be received or taken at any Turnpike or Turnpikes on that Part of the said several Roads comprized in the said First District of Road, and all Forfeitures and Penalties for Offences committed on the same Roads, shall be applied exclusively to the Use of the Road within the said District; and that the net Tolls to be collected at any Turnpike or Turnpikes on that Part of the Roads comprized in the said Second District of Road, and all Forfeitures and Penalties committed on the same, shall be applied exclusively to the Use of the Roads within the said last-mentioned District.

Roads to be widened, altered, &c.

LII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, from Time to Time, to widen, divert, turn, shorten, vary, alter, and improve the Line, Course, or Path of any Part or Parts of the said Roads herein-before described, or of any of them, in such Manner as they shall think fit, upon, through, or over any private Lands, Grounds or Hereditaments, making or tendering Satisfaction as herein-after mentioned; and also to widen, divert, vary, turn, alter, and make the same several Roads, or any of them, upon, through, or over any Commons or Waste Grounds, without making any Satisfaction for such Commons or Waste Grounds; and it shall and may be lawful to and for the said Trustees, and for their Surveyor or Surveyors and Workmen, with or without Carriages or Cattle, from Time to Time to enter upon any such private Lands, Grounds, Hereditaments, and Premises as aforesaid, through which or whereupon the said Roads, Widenings, and Alterations pass or are intended to pass, and to stake out and make the same in such Manner as the said Trustees shall think necessary or proper without being subject or liable to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands, Grounds, and Hereditaments respectively, for any of the Purposes of this Act, making or tendering Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and if any Person or Persons shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used in laying out, or making, widening, diverting, turning, shortening, varying, altering, or improving such Roads, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Forty Shillings, provided that the said Trustees shall not be hereby empowered to make the said Roads of a greater Width than Sixty Feet.

LIII. And be it further enacted, That it shall be lawful for the said Trustees to treat, contract, and agree with the Owners of and Persons interested, in any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, which it may be necessary to purchase, for making, widening, diverting, altering, and improving the said Roads, or any of them, and also for making all necessary Fences on the Sides of the said Roads, and for the Erection of Toll Houses, with Garden Spots thereto, not exceeding One-eighth Part of an Acre for each Toll House with the Garden thereto, for the Purchase thereof, and for the Loss or Damage such Owners or Persons may otherwise sustain; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail General or Special, or for Years determinable on any Life or Lives, or any Husbands, Guardians, Trustees or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on Behalf of their Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised of or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be possessed of or interested in any such Lands, Houses, Buildings, Tenements, Hereditaments, or Premises, or who shall sustain any Damage as aforesaid, to contract with the said Trustees for the Sale thereof, or for the Satisfaction to be made for the same, or for such Damages as aforesaid, and to sell and convey by Conveyance, Lease and Release, or Bargain and Sale enrolled, unto the said Trustees, all or any such Lands, Houses, Buildings, Tenements, Hereditaments, or Premises, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made, shall be good, valid, and effectual, to all Intents and Purposes, without Fine or Recovery, and shall be a complete Bar to all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever, any Law, Statute, Usage, or other Matter to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they or any of them shall do by virtue or in pursuance of this Act.

Trustees may purchase Lands for making the Road.

LIV. And be it further enacted, That if any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, General or Special, or for Years determinable on any Life or Lives, or any Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or sustaining any Damage as aforesaid, upon Notice to him, her, or them, given or left in Writing at the Dwelling

When Persons interested neglect or refuse to treat.

Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the Principal Officer or Officers of any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, shall, for the Space of Twenty Days next 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 in every such Case the said Trustees shall cause such Damage, Value, or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County or Place wherein any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises do lie; and in order thereto the said Trustees are hereby empowered and required, from Time to Time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined concerning the Premises, (which Oath the said Trustees or any or either of them are and is hereby empowered to administer), and such Trustees shall by ordering a View or otherwise use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have enquired of and assessed such Damage and Recompence they the said Trustees shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners or other Persons interested, according to the Verdict or Inquisition of such Jury; and such Verdict or Inquisition and Judgment, Order and Determination thereon shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever, claiming or to claim any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, General or Special, or for Years determinable on any Life or Lives, as well as all and every Person and Persons whomsoever.

Trustees to issue Warrants to the Sheriffs to impanel a Jury.

LV. And be it further enacted, That for summoning and returning such Juries, the said Trustees are hereby empowered to issue their Warrant or Warrants, signed by any Five or more of them, to the Sheriff of the County wherein such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises do lie, commanding him to impanel, summon, and return any indifferent Jury of Twenty-four Persons, qualified to serve upon Juries, to appear before such Trustees at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies is and are hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and are hereby empowered and required to swear, or cause to be sworn, Twelve Men, who shall

shall be a Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by or that can be speedily procured to attend that Service, to the Number of Twelve, and all Persons concerned shall have their lawful Challenges against the said Jurymen when they come to be sworn; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and who without sufficient Excuse, shall not appear after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who being required to give Evidence before the said Jury, shall after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without sufficient Excuse, refuse or neglect to appear, or appearing shall refuse to be sworn and examined or to give Evidence, so that no one Fine be more than Twenty Pounds on any such Sheriff, Deputy, Bailiff, or Agent, nor more than Five Pounds on any other Person for one Offence.

Trustees may impose Fines on Sheriffs making Default, and on Jury and Witnesses.

LVI. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Directions and Authority of this Act, shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or for any Loss or Damage to be by him, her, or them sustained than what shall have been agreed to and offered by the said Trustees, before the summoning or returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, after having been ascertained and settled by some Justice of the Peace for the County or Place where the Cause of Dispute shall arise, not interested in the Matter in question, (who is hereby authorized to examine and settle the same), shall be borne and paid by the Treasurer to the said Trustees, out of any Money which shall then be in his Hands, or out of any Monies to be received by virtue of this Act; and in case the same be not paid on Demand, shall and may be recovered from the said Treasurer, in Manner hereby directed for the Recovery of Penalties or Forfeitures; but if any Jury or Juries, so summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed

How the Expences of the Jury and Witnesses are to be borne.

[Local.]

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to and offered by the said Trustees before the summoning and returning of the said Jury or Juries as a Recompence and Satisfaction for any such Right, Interest, or Property in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or Losses or Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses; and all other Expences as aforesaid, shall be borne or paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the County or Place wherein the Cause of Dispute shall arise, not interested in the Matter in question (who is hereby required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Clerks to the said Trustees, by the Ways and Means herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

Money allowed for Lands how to be charged and tendered.

LVII. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid shall be paid out of any Monies in the Hands of the said Trustees, or out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties, or Person or Persons respectively entitled thereto, or to their Agents, and upon Payment thereof, or depositing the same in the Bank of *England*, in Manner by this Act directed (as the Case may be), and after Twenty Days Notice thereof given to such Parties or Persons, or to their Agents, or left at their respective usual Places of Abode, or with the Tenant or Tenants in Possession of such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, then such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises respectively shall and may be taken and used for the Purposes of this Act; and such Lands, and the Site of such Houses, Buildings, Tenements, Hereditaments, and Premises, shall be laid into and made Part of the said Roads, in such Manner as the said Trustees shall direct, and shall be by them, or such Person or Persons as they shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall, to all Intents and Purposes whatsoever, become and be deemed and taken to be a common Highway, and be from thenceforth Part of the said Roads for ever thereafter, and shall be repaired and kept in Repair by the said Trustees, and by the same Ways and Means, as any other Highway is or ought by Law to be kept in Repair,

Repair, and all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after such new Roads shall be completed the Lands constituting any former Road or Roads which may thereby become useless or unnecessary shall or may be stopped up or discontinued, unless leading over some Moor, Common, uncultivated Land, or Waste Ground, or to some Village, Town, or Place to which such new Road or Roads doth not or do not lead, and shall be vested in and shall and may be sold and conveyed by the said Trustees, in the Manner herein-after mentioned, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the Purposes of this Act; and all Conveyances, being executed by the said Trustees and inrolled in the Office of the Clerk of the Peace for the County wherein such Road shall be situate, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

Old Roads may be stopped up or sold.

LVIII. And be it further enacted, That nothing in this or the said recited Acts, or any or either of them contained, shall extend or be construed to extend, to authorize the said Trustees in diverting or altering the Line of the said Roads, to take or pull down, injure or damage any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

Houses, &c. not to be pulled down without Consent.

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

Trustees in altering Roads not to deviate more than One hundred Yards.

LX. Provided always, and be it further enacted, That the said Trustees before they shall sell and dispose of any Piece or Pieces of Ground not wanted for the Purposes of this Act as afore-said, shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or in case such Ground shall be a Piece or Pieces of old Road to the Person or Persons whose Land shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse or shall not agree (except with respect to or on account of the Price thereof), to purchase the same respectively, 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, City, or Place where such Ground is situate (who are hereby respectively empowered to take such Affidavit), by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the

When Pieces of Land are to be sold, the first Offer to be made to the original Proprietor.

Behalf

Behalf of such 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 whatsoever be sufficient Evidence and Proof that such Offer was made and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they, and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner in this Act directed with respect to disputed Value of Premises to be taken and used in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in Manner herein-before directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales of such Pieces or Parcels of Ground shall be applied by the Trustees to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money; and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof, and in such Manner and Form as is herein-before directed with respect to the Conveyances to be made of the Land constituting any Part of the Roads herein-before directed to be sold.

Reserving to the Owners of Lands purchased for the Purposes of this Act the Mines and Minerals under the same.

LXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to defeat, lessen, or prejudice the Right, Title, or Interest of the Owner or Owners, Proprietor or Proprietors of any of the Lands or Grounds to be taken, used, or retained by the said Trustees, for the Purposes of this Act, their Heirs or Successors, of, in, or to any Mines or Minerals under such Lands or Grounds, but that such Owners or Proprietors respectively shall have full Power to work under the said Lands or Grounds so purchased respectively, for the Purpose of digging and carrying away the said Minerals, provided that no Pits or Openings shall be made for that Purpose in the said Lands or Grounds so purchased, nor the said Mines or Minerals so worked as to occasion any Injury or Damage, or Danger of Breaches, Injury, or Damage to the said Lands or Grounds, or any Edifices or Erections thereon, or to any Part or Parts of the said Roads.

Application of Compensation if amounting to 200l.

LXII. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Houses, Buildings, Tenements, Hereditaments, and Premises are
limited

limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, 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 there, *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts, or other Incumbrances affecting the same Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or affecting other Lands, Houses, Buildings, Tenements, Hereditaments, and Premises standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied, then the same shall be laid out and invested under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Houses, Buildings, Tenements, Hereditaments, and Premises which shall be conveyed, limited, and settled, to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Houses, Buildings, Tenements, Hereditaments, and Premises which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined, or capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the High 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 or Interest, 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 said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises so to be purchased, in case such Purchase or Settlement was made.

LXIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be 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,

[*Local.*]

23 C

and

Where less than 200l. and amounting to 20l.

and shall exceed or amount 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 Lands, Houses, Buildings, Tenements, Hereditaments, and Premises so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, 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 of 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 and Produce arising thereon and therefrom, may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Where under
20l.

LXIV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Houses, Buildings, Tenements, Hereditaments, and Premises so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

In case of
not making
out a good
Title, or if
Persons can-
not be found,
the Purchase
Money to be
paid into the
Bank, subject
to the Order
of the Court
of Chancery,
on Motion or
Petition.

LXV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used under or by virtue of the Powers of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees; or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, to the Credit of the Parties interested in the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises (describing them), subject
to

to the Order, Controul, and Disposition of the said High Court of Chancery; 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 said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein 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 of *England* as aforesaid.

LXVI. 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 High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises; or of any Estate, Right, Title, or Interest in any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, 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, Houses, Buildings, Tenements, Hereditaments, and Premises according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or to some Estate or Interest therein.

Persons in Possession to be deemed entitled.

LXVII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used, under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and be applied

Court may order reasonable Expenses to be paid by Trustees.

applied in the Purchase of other Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said High Court of Chancery 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 to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Power to get
Materials

LXVIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors employed by the said Trustees, and such Person and Persons as he or they shall appoint, to search for, dig, take, and carry away any Materials proper for making, amending, improving, or repairing the said Roads, or for other the Purposes of this Act, out of any Waste or Common Grounds, or out of any common River or Brook (not being within the Distance of One hundred Yards of any Bridge, Dam, Weir, or Jetty) in any Parish in which any Part of the said Roads lie; or any adjoining Parish, without paying any Thing for such Materials, and without being deemed a Trespasser or Trespassers, the said Surveyor or Surveyors, or other Person or Persons filling up, fencing, and levelling all such Pits and Holes as shall be made or occasioned by digging for or taking away such Materials, and making such Allowance or Satisfaction to the Person through whose Lands or private Ways such Materials shall be brought or carried, for the Damages done and occasioned thereby, as the said Trustees shall judge fit and reasonable; and in case sufficient Materials cannot be conveniently gotten in such Waste or Common Grounds, Rivers, or Brooks as aforesaid, it shall be lawful for such Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, may, by Order of any Two or more Justices of the Peace for the County in which the Lands shall be situated, to search for, dig, take, and carry away any such Materials out of the Land of any Person or Persons (not being a Garden, Orchard, Yard, Paddock, Park, planted Walk, or Avenue to any House, or any Piece of Ground planted and set apart as a Plantation or Nursery for Trees) in any Parish in which any Part of the said Roads lie, making or tendering such Satisfaction for such Materials and for the Damages done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees shall judge reasonable; and in case of any Difference between such Trustees, Surveyors, or other Persons appointed or employed as aforesaid and the Owners and Occupiers of such Lands, or any of them, concerning such Payments and Damages aforesaid, any Two or more Justices of the Peace for the County of *Wilts*, after Ten Days Notice in Writing, given by either Party to the other, shall hear, settle, and finally determine the Matter of such Payments and Damages, and award such Costs to be paid by either Party as they shall think proper.

LXIX. Provided

LXIX. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons acting under the Authority of this Act, to begin to dig, gather, get, take, or carry away any Materials for making or repairing the said Roads out of or from any inclosed Land or Ground, until after Six Days Notice in Writing, signed by the Surveyor, shall have been given to the Owner or Owners of the Premises from which such Materials are intended to be taken, or his known Agent, or to the Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Two Justices of the Peace acting in and for the County where the Lands from whence such Materials are intended to be taken shall lie, to shew Cause why such Materials shall not be had therefrom; and in case such Agent, Owner, or Occupier shall attend pursuant to such Notice but shall not shew sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person to dig, get, gather, take, and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Owner, Agent, or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, such Justices shall and may, upon Proof on Oath of the Service of such Notice, and which Oath they are hereby empowered to administer, make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier or his or her Agent had attended.

Notice to be given before Materials taken.

LXX. And be it further enacted, That if any Person whomsoever shall take away any Materials which shall be dug, gotten, or gathered for the Repair or Use of the said Roads, or shall raise or carry away any Materials out of or otherwise interfere with, or obstruct the Working of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for making and repairing the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Twelve Calendar Months (except the Owner or Occupier of the Land in which such Pit or Quarry shall be made as to Materials for his own private Use only, and not for Sale), every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Penalty on taking away Materials raised by Surveyors.

LXXI. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees to contract and agree with any Person or Persons whomsoever capable and willing to sell and demise, for the Purchase or Demise from him, her, or them, of and to hold any Land or Ground for the Purpose of digging Stone and Materials therefrom, for the Repairs or Use of the said Roads, or either of them, or any Part thereof respectively, and at any Time afterwards to sell the Land or Ground so purchased by public Auction or Tender: Provided always nevertheless, that the entering into any such Contract or Agreement as last aforesaid shall not be compulsory against any Person or Persons unwilling to enter into the same: Provided

Powers to contract for Land to get Materials.

[Local.]

23 D

also,

also, that the said Trustees shall not hold at any one Time or Period a greater Quantity of such Land or Ground in the whole than Six Acres.

No Flood Gates or Obstructions in the Watercourses to be made so as to injure the Roads.

No Person to take Stone, Sand, Drift, or Scrapings off the Roads, without Licence.

LXXII. And be it further enacted, That if any Person shall erect or place any Sluice, Dam, Flood Gate, or other Obstruction in any Brook or Watercourse, whereby or by means whereof the said Roads, or any Part thereof, shall be flooded, damaged, or injured, or rendered unsafe, or shall make, lay, or open any new Ditch, Drain, Pipe, or Watercourse into the said Roads, or any of them; or take, remove, or carry away any Stone, Sand, Drift, or Scrapings from off the said Roads, or either of them, or from off the Sides thereof, or from any Place or Places where the same shall have been laid or deposited by the said Trustees, or any Person or Persons employed by them, without Licence or Consent in Writing for that Purpose first had and obtained from the said Trustees, then and in every such Case it shall be lawful for the Surveyor to the said Trustees, and the several Workmen to be employed by him, to take down and remove every such Sluice, Dam, Flood Gate, or other Obstruction, and to convert the Materials thereof for the Benefit of the said Roads, and also to stop, fill up, and destroy all and every such Ditches, Drains, Pipes, and Watercourses; and the Person erecting or placing such Sluice, Dam, Flood Gate, or other Obstruction, or making, opening, deepening, widening, or taking, removing, or carrying away such Stone, Sand, Drift, or Scrapings, without such Consent or Licence as aforesaid, or causing or procuring the same so to be done, shall for every such Offence forfeit and pay to the said Trustees any Sum not exceeding Five Pounds, over and above the Costs and Charges of taking up and removing such Sluice, Dam, Flood Gate, or other Obstruction, or filling up such Ditch, Drain, Pipe, or Watercourse, or pulling down or removing such Buildings, Walls, or other Fences as aforesaid.

Penalty for erecting Encroachments on the Side of Roads.

LXXIII. And be it further enacted, That if any Person shall encroach upon the said Roads, by making or causing to be made any Dwelling House or other Building, Hedge, Ditch, or other Fence, except Turnpike Houses or other Buildings erected by Order of the said Trustees, every Person so offending shall forfeit for every such Offence the Sum of Five Pounds, to such Person as shall give Information of the same; and it shall be lawful for the said Trustees, by Order under their Hands, made at a Meeting or some Adjournment thereof, directed to their Surveyor, to cause such Dwelling Houses, Buildings, Hedges, Ditches, or other Fences to be taken down or filled up at the Expence of the Person or Persons to whom the same shall belong; and it shall and may be lawful for any One or more Justice or Justices of the Peace in and for the County or Place where the Premises shall be situate, upon Proof thereof to him or them made upon Oath, which Oath any such Justice is hereby empowered to administer, to levy as well the Expences of taking down such Dwelling Houses, Buildings, Hedges, and Fences, and filling up of the Ditches aforesaid, as the Penalty hereby

hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus to the Owner or Owners on Demand.

LXXIV. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of the said Roads or Foot-paths belonging thereto, or be suffered to continue so to open, except the hanging Post thereof shall be Thirty Feet at least from the Centre of any such Part of the said Roads; and the Occupier or Occupiers of every Park, Paddock, Field, or Inclosure, having any Gate opening towards, contrary to the Meaning of this Act, shall within Fourteen Days after Notice to him, her, or them given, either personally or in Writing, from the Surveyor of the said Roads, cause such Gate to be hung so that the same shall not open outward or swing towards the said Roads, whenever the same shall be practicable; but in every Case, in such a Manner as that no Part of the Gate when open shall project over any Part of the said Roads, or any Foot-path belonging thereto; and in default thereof, the Surveyor of the said Roads is hereby authorized to cause the Gate to be hung according to the Intention of this Act; and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace, acting in and for the County or Place where such Neglect shall happen, and upon Conviction upon the Oath of one credible Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Gates, and shall also forfeit and pay a further Sum not exceeding Forty Shillings for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made.

Gates to open
inwards.

LXXV. And be it further enacted, That it shall be lawful for the said Trustees, or their Surveyor or Surveyors, and such Person or Persons as they or he shall appoint, from Time to Time to remove and prevent all Annoyances by Timber, Stone, Carriages, Hovels, Lime, Mortar, Filth, Dung, Ashes, Rubbish, Straw, or other Things, being laid on any Part of the said Roads, or upon open Common or Waste Land, within Thirty Feet of the Centre thereof, and to dispose of the same for the Benefit of the said Roads respectively, in case the Owners thereof shall neglect to remove the same for the Space of Seven Days after Notice in Writing, signed by the Surveyor, given to such Owners for that Purpose; or in case the Owners are not known, after a like Notice affixed for Seven Days on the nearest Turnpike Gate; and to turn any Watercourses, Sinks, or Drains running along, into, or out of the said Roads to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining or near thereto, and to make the same as deep and large as he or they shall think it necessary; and to cut down or lop any Branches, Shrubs, or Bushes growing on or over the said Roads, or in the Hedges or Banks adjacent thereto respectively,

Preventing
Annoyances
on the Roads.

ively, (not being a Garden, Orchard, Plantation, Walk, or Avenue to a House, or any Trees being an Ornament or Shelter to a House), and to take and carry away the same, and to cut and reduce all such Hedges to the Height of Four Feet, in case the Owners or Occupiers of the Premises shall, for the Space of Seven Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to top, lop, cut down, or remove such Branches, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Water-courses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees, or the said Surveyor or Surveyors shall require; the Charges whereof, to be settled by the said Trustees, shall be reimbursed to such Surveyor or Surveyors, by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein-after directed to be recovered and applied; and if after the Removal of any of the said Annoyances any Person shall again offend in like Manner, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Impounding
Cattle stray-
ing on the
Roads.

LXXVI. And be it further enacted, That if any Horse, Swine, or other Beast or Cattle of any Kind shall at any Time be found wandering, straying, or lying about the said Roads, or any Part thereof, or by the Sides thereof, it shall and may be lawful to and for the Surveyor of the said Trustees for the Time being, or any other Person or Persons whomsoever, to seize and impound every such Horse, Swine, or other Beast or Cattle in the common Pound of the Parish, Township, Tithing, or Place where the same shall be, or in such other Place as the said Trustees shall appoint, and the same there to detain until the Owner or Owners thereof shall for every and each Horse, Swine, or other Beast or Cattle so impounded pay the Sum of Ten Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Ten Days after such impounding, it shall and may be lawful to and for the said Trustees to sell or cause to be sold every such Horse, Swine, or other Beast or Cattle, and the Money arising from such Sale, after deducting the said Penalty and Charges and Expences of impounding, keeping, and selling every such Horse, Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

For regulat-
ing the Form
of Drag-
irons.

LXXVII. And be it further enacted, That where any Drag-iron or other similar moveable Instrument shall be placed under the Bottom or Sole of the Wheel, for the Purpose of dragging any Waggon, Wain, Cart, or other such Carriage, such Drag-iron or other Instrument shall be flat at the Bottom or Sole thereof, and shall not in any Part thereof be of less Breadth than the Sole or Tire of the Wheel, nor less than Eighteen Inches in Length, and shall on every Part thereof have a flat bearing on the Road, and shall be curved at the Fore End, and be so fixed to the Chain as to prevent its doing any Injury to the
Road,

Road, by ploughing or tearing the same up; and the Owner or Driver of every such Carriage in which any Drag-iron or Instrument shall be used, not so formed and affixed, and the Owner or Driver of every such Carriage on which any permanent Drag-streak shall be affixed, which shall project above the Surface of the Sole or Tire of the Wheel, shall, for every Time the same shall be used on the said Roads, or either of them, forfeit any Sum not exceeding Forty Shillings.

LXXVIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, and such Persons as they shall appoint, by Order of the said Trustees, to make and keep in Repair, or cause to be made and kept in Repair, any Causeway or Causeways for the Use of Foot Passengers, in, upon, or on the Sides of the said Roads, in such Manner as they shall think proper, and also Ditches or Drains in and upon the said Roads, and also through any Ground lying contiguous or near thereto, (not being a Garden, Orchard, Yard, Paddock, planted Walk or Avenue to any House or any Piece of Ground planted and set apart as a Nursery for Trees), and to erect, rebuild, and keep in Repair all Bridges, Culverts, and Arches upon the said Roads, or across any of the Ditches, Water-courses, or Drains where necessary, and also to make or cause to be made a Road through the Grounds adjoining to any ruinous or narrow Part of the said Roads, (not being the Site or Ground whereon any House or Houses stand, nor being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees), to be made use of by all Passengers, Cattle, and Carriages as a public Highway whilst the old Road is repairing or widening, and till such Time as it shall be convenient for Passengers and Carriages to pass along the same, making such Recompence to the Owners and Occupiers of such private Grounds respectively for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case of any Difference concerning such Damages, between such Owners or Occupiers and such Trustees, that then it shall and may be lawful for any Two or more Justices of the Peace acting in and for the County wherein such Grounds shall be situate, on Fourteen Days Notice in Writing being given by either Party to the other, to settle, adjudge, and determine what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid.

Power to
make Cause-
ways,
Bridges,
Drains, &c.

LXXIX. And be it further enacted, That the said Trustees shall cause the said respective Roads to be measured and Stones or Posts to be set up in or near the same, at the Distance of One Mile from each other, with Inscriptions thereon, denoting the Number of Miles and Distance of Places as they shall think proper, and also such and so many Direction Posts as they shall judge necessary or proper; and also set up or cause to be set up a Boundary Stone at the Termination of each of the said Roads, and of the respective Branches thereof.

Roads to be
measured,
and Mile
Stones set
up.

[Local.]

23 E

LXXX. And

Penalty on defacing Mile Stones, riding, &c. upon Causeways, or committing any Annoyances upon the Road.

LXXX. And be it further enacted, That if any Person or Persons shall ride upon any Foot-path or Causeway by the Side of the said Roads, made or set apart for the Use or Accommodation of Foot Passengers, or shall lead or drive or permit any Horse, Swine, or Cattle, or Carriage of any Description, to pass or remain upon any such Foot-path or Causeway, or shall cause any Injury or Damage to be done to the same, or the Hedges, Posts, Rails, or Fences thereof, or shall wilfully pull up or damage any Direction or Mile Post or Stone erected or fixed, or to be erected or fixed in or near the Side or Sides of the said Roads, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon, or shall wilfully damage any Bridge, Wall, or other Erection made or erected by the said Trustees, or repaired or repairable by them; or shall haul or draw or cause to be hauled or drawn upon any Part of the said Roads, any Timber, Stone, or other Thing, otherwise than upon Wheel Carriages; or shall suffer any Timber, Stone, or other Thing which shall be carried upon Wheel Carriages, to drag or trail upon any Part of the said Roads to the Prejudice thereof; or shall, in or upon any Part of the said Roads, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw off any Squib, Rocket, Serpent, or Firework whatsoever, or wantonly let off or fire any Gun, Pistol, or other Fire-arm (except in Cases of necessary Defence) on any Part of the said Roads, or within Eighty Feet of the Centre thereof, or shall blow or blast any Rock or Quarry on any Part of the said Roads, or on the Sides thereof, or on the Banks thereof, or in any exposed Situation near thereto; or play at Football or any other Game or Games upon the said Roads, or any Part thereof, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Waggon or other Carriage whatsoever (except in case of Accident) upon any Part of the said Roads, or on the Side or Sides thereof, without any proper Person in the sole Custody or Care thereof, longer than may be necessary to load or unload the same, or shall not place the same during the Time of loading or unloading thereof as near to the Side of the Road as conveniently may be, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or shall lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever, upon any Part of the said Roads, or on the Side or Sides thereof, or on the Foot-paths or Causeways adjoining, to the Prejudice of such Roads or Foot-ways, or to the Prejudice, Annoyance, or Interruption of the Persons travelling thereon; or if any Person driving any Pigs or Swine upon the said Roads shall suffer such Pigs or Swine to root up or damage the said Roads, or any Part thereof, or the Fences, Hedges, or Banks on either Side thereof respectively; or if any Person shall, after having blocked or stopped any Cart or other Carriage in going up a Hill or rising Ground, cause or suffer to be or remain on the said Roads or any Part thereof, the Stone or other Thing with which such Cart or other Carriage shall have

been blocked or stopped; or if the Driver of any Waggon, or other Carriage used for the carrying of Goods and Merchandize, shall ride on the Shafts or any other Part of such Waggon, or other Carriage, or on any of the Horses drawing the same, upon any Part of the said Roads; and if any such Person meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his or her 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 her, or any Coach, Chaise, Waggon, Cart, or other Carriage under his or her Care upon the said Roads, every Person offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXXXI. And be it further enacted, That in case the respective Surveyor or Surveyors of the said Roads, or any Undertaker or Undertakers for the Repairs thereof, or any Part thereof, or any Person acting by or under their Authority, shall lay or cause to be laid upon the said Roads, or on the Sides thereof, any Heap of Stones or other Materials, for the Repair thereof, or any Part thereof, and shall permit or suffer the same to remain longer than shall be necessary for spreading or laying such Stones or Materials over or upon the said Roads, every such Surveyor, Undertaker, or Person offending, shall for every Offence forfeit and pay any Sum not exceeding Forty Shillings.

Heaps of Materials not to remain on the Road.

LXXXII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing or amending the said Roads, or any Part thereof, shall still remain liable thereto, in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace, within their respective Jurisdictions, and they are hereby empowered and required, (upon Application made to them for that Purpose by the said Trustees or by their Clerk or Surveyor by their Order), from Time to Time to adjudge, appportion, and determine what Part or Proportion and how much of the Statute Work or Duty shall every Year be done and performed upon the said Roads by the Inhabitants of the Parishes, Townships, Tithings, Hamlets, Districts, Divisions, or Places, in which the said Roads do lie, and also what Proportion and how much of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, Tithing, Hamlet, District, Division or Place, in lieu of or as a Composition for such Statute Work or Duty, shall be by him, her, or them paid to the said Trustees or to their Treasurer; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, Tithing, Hamlet, District, Division, or Place, to bring in Lists unto and before such Justices at some Place and Time to be expressed in such Summons (within Ten Days after the serving of such Summons), containing the Names of the several Persons who within such Parish, Township, Tithing, Hamlet, District, Division, or Place, are by Law subject and liable to do and perform

Statute Labour how regulated.

Statute

Statute Work or Duty for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work or Duty, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and specifying the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions, as is, are, or may be limited, directed, and appointed by any Law or Statute in force and effect for the Repair of the public Highways; and out of such Lists the said Justices respectively shall or may allot, appoint, order and direct such and so many of the Persons who shall appear to be subject and liable to Statute Work or Duty as aforesaid, to do and perform such Number of Days Statute Work or Duty in every Year upon the said Roads as the said Justices shall think reasonable and proper; and the same shall be done on such Days and at such Times (not being Seed-time, Hay-time, or Harvest), and on such Part or Parts of the said Roads as the said Trustees, or their Surveyor or Surveyors for the Time being, shall from Time to Time order, direct, and appoint; and the said Trustees may also order, apportion, direct, and appoint the Persons who by such Lists shall appear to be subject or liable to the Payment of any Money in lieu of or as a Composition for Statute Work or Duty as aforesaid, to pay such Proportion thereof as the Justices shall think proper, to the Surveyor or Surveyors of every such Parish, Township, Tithing, Hamlet, District, Division, or Place for the Time being, to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as the said Trustees shall direct; and in default of Payment thereof the same shall or may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized to be recovered; and each and every Person who shall neglect or refuse to do and perform 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 Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees), shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may 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, Horse or Beast to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case the Person so coming to work, or sending such Labourer as aforesaid, shall be subject and liable to the respective Forfeitures and Penalties aforesaid, as if he had neglected or refused to come or send a Labourer, or furnish such Team or Draught, Horse or Beast, to work on any Part of the said Roads; and in case the said Surveyor or Surveyors
of

of the Highways for any of the said Parishes, Townships, Tithings, Hamlets, Districts, Divisions or Places, in which the said Roads lie, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse and neglect to collect and pay such Composition Money, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, all which Forfeitures shall be paid to the Treasurer to the said Trustees and applied towards amending the said Roads.

LXXXIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered to compound and agree, by the Year or otherwise, with any of the Inhabitants or Occupiers of Lands, Tenements, or Hereditaments of or in any of the Parishes, Townships, Tithings, Hamlets, or Places in which the said Roads shall lie and be situate, for a certain Sum of Money in lieu of the Whole or any Part of their Statute Work, or to compound with the Surveyor of the Highways for any such Parishes, Townships, Tithings, Hamlets, or Places, for the Whole or any Part of the Statute Work liable to be performed within the same respectively; all which Composition Monies shall be from Time to Time paid in advance, and shall be applied in Repair of the said Roads.

Trustees may compound for Statute Duty.

LXXXIV. And be it further enacted, That in case the Composition Money agreed to be paid for or in lieu of any such Repairs for Statute Work as aforesaid, or any Part or Parts of such Composition Money respectively, shall not be paid within Fourteen Days after the same shall become payable, it shall be lawful for any Justice or Justices of the Peace, within their respective Jurisdictions, by Writing under his or their Hand and Seal, or Hands and Seals, to empower the Person or Persons authorized to receive such Composition Money (Oath having been first made before such Justice or Justices that the same hath been demanded and remains due, which Oath such Justice or Justices is or are hereby empowered to administer), to levy such Composition Money by Distress and Sale of the Goods and Chattels of the Surveyor or Surveyors of the Highways so agreeing to make such Composition in lieu of any such Repairs for Statute Work; or of the Person or Persons having so compounded or agreed to pay such Composition Money as aforesaid (as the Case may be), returning the Overplus (if any) upon Demand, after deducting such Composition Money and the reasonable Charges of such Distress and Sale to the Owner or Owners thereof.

Forentforcing Payment of Composition Money.

LXXXV. And be it further enacted, That the respective Surveyors of the Highways, or the Churchwardens or Overseers of the Poor, who shall pay any such Composition Money, or of whom the same shall be recovered as aforesaid, shall be repaid or reimbursed the Composition Money paid by or recovered of them respectively,

Surveyors, &c. may recover the same.

[Local.]

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tively,

tively, with the Costs and Charges attending such Recovery, by the several Ways and Means; and in such Manner as by the Laws in being Surveyors of the Highways are to be paid or reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Trustees may
contract for
Repairs.

Contracts to
be binding.

LXXXVI. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorise, delegate, or appoint, are hereby empowered to contract with any Person or Persons for amending, diverting, varying, altering, widening, making, improving, and maintaining in Repair the said Roads, or any Part thereof, for erecting Mile and Direction Stones or Posts thereon, or for doing any other Work to be performed in the Execution of this Act, in such Manner, and for such Sum or Sums of Money as the said Trustees shall think proper; and that all Contracts and Agreements in Writing, entered into pursuant to any Order of the said Trustees, by their Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, or other Officer, with any Workmen, or other Person or Persons, relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Parties or Persons as shall sign the same, his, her, and their Executors and Administrators, and that Actions and Suits shall and may be maintained thereon by the said Trustees, or by their Clerk or Clerks, Treasurer or Treasurers, and in his or their Name or Names respectively, and Damages and Costs recovered against the Party or Person, Parties or Persons failing in the Performance of such Contracts or Agreements respectively, and such Sum of Money as shall or may be requisite for making or repairing the said Roads, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damage to be recovered in any such Action or Suit, against any such Party or Person, Parties or Persons, so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

Recovery of
Penalties and
Forfeitures;

LXXXVII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, (the Manner of levying, recovering, and applying whereof is not herein otherwise directed) shall, upon Proof of the Offences respectively, before any Justice of the Peace for the County or Place where the Offence shall be committed (as the Case may require), either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses, which Oath such Justice is hereby authorized to administer, be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required to grant); and the Overplus (if any) after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned, upon Demand, unto the

Owner or Owners of such Goods and Chattels, and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid, One Moiety to the Informer, and the other Moiety to the Treasurer or Treasurers to the said Trustees, and applied for the Purposes of the said Roads; and in case such Penalties, Forfeitures, and Fines respectively shall not be paid forthwith upon Conviction, then it shall and may be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody, until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice, for his or their Appearance before him, on such Day or Days as shall be appointed, for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants, it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol of the County or Place aforesaid, or to any House of Correction within the same, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

and Application thereof.

LXXXVIII. And be it further enacted, That it shall and may be lawful for any of the said Trustees, or their Collectors, Surveyors, or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons, (being unknown to such Trustees, Collectors, Surveyors, or other Officers) who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the County or Place where the Offence or Offences shall be committed, or such Offender or Offenders shall be seized and apprehended, and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders, according to the Provisions of this Act.

For securing transient Offenders.

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

BE

Form of Conviction.

County of } BE it remembered, That on the Day of
 to wit. } in the Year of our Lord,
 is convicted before of His
 Majesty's Justices of the Peace for the of
 Given under my Hand and Seal, the Day
 and Year first above-mentioned.'

Proceedings not to be quashed for Want of Form.

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

Persons aggrieved may appeal to the Quarter Sessions.

XCI. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person or Persons may appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be holden for the County or Place in which the Cause of Complaint shall arise (as the Case may be), unless such Complaint shall arise within Twenty-one Days preceding such Sessions; in which Case such Appeal may be brought at the Second Sessions after such Cause shall arise, such Appellant or Appellants first giving or causing to be given Fourteen Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Clerks of the said Trustees, or other the Respondent or Respondents, and within Four Days after such Notice entering into a sufficient Recognizance before some Justice of the Peace for such County or Place (as the Case may be), with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of and pay such Costs as shall be awarded by the Justices at such Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing or appealed against, as they the said Justices

tices shall think proper; and the said Justices may if they see Cause, by Order of such Sessions, mitigate, at their Discretion, any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party or Parties so injured as they shall judge reasonable, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify or confirm the same, with such Costs as to them in their Discretion shall seem reasonable; and the Determination of the Justices at such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices may also at such Sessions, by their Order or Warrant, levy such Costs so awarded, by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same, and for Want of sufficient Distress, may commit such Person or Persons to the Common Gaol or House of Correction within the same County or Place (as the Case may be) where the Offence shall be committed, for any Time not exceeding the Term of Six Calendar Months, or until Payment of such Costs.

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

Limitation of Actions.

General Issue.

Treble Costs.

XCIII. 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.

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1° GEORGII IV. *Cap.*lxix.

Commence-
ment and
Continuance
of this Act.

XCIV. And be it further enacted, That this Act shall commence upon the Second *Thursday* next after the passing of this Act, and shall from thenceforth continue to be in force for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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