ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. lxxxix.

An Act for repairing and improving feveral Roads leading to and from the Town of *Bradford*, in the County of *Wilts*; and for maintaining a Bridge over the River *Avon*, at *Stokeford*, in the ſaid County. [14th *June* 1819.]

WHEREAS an Act was paſſed in the Thirty-eighth Year of the Reign of His preſent Majeſty, intituled *An Act for more effectually repairing, widening, and improving the Road from* Combe Bridge, *through* Winfley *and* Bradford, *to* Staverton, *and the Road from* Bradford Bridge *to* Cockhill Gate, *and the Road from the Bottom of* Maſon's Lane, *near the Town of* Bradford, *all in the County of* Wilts, *to join the Turnpike Road leading from the City of* Bath *to* Kingſdown, *at or near* Bathford Bridge, *in the County of* Somerſet; *and alſo ſeveral other Roads leading from or near the ſaid Roads, in the ſaid County of* Wilts; *and for maintaining a Bridge over the River* Avon, *at* Stokeford, *in the ſame County*: And whereas certain Parts of the ſaid Roads by the ſaid recited Act to be improved have not yet been completed: And whereas divers Sums of Money have been borrowed, and are ſtill due and owing on the Credit of the Tolls authorized to be taken on the ſaid Roads, which cannot be paid off, nor can the ſaid Roads be completed and maintained in Repair, unleſs the Term and Powers of the ſaid Act are enlarged, ſome additional Powers granted, and the Tolls increaſed: And whereas it will facilitate the Execution of the Purpoſes of the ſaid Act if ſuch of the Powers and Proviſions thereof as it may be expedient to continue or amend, and the re- 38 G. 3. c. 8.

quiſite additional Powers and Proviſions were to be conſolidated and comprized in one Act: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and immediately after the paſſing of this Act the ſaid recited Act of the Thirty-eighth Year of the Reign of His preſent Majeſty ſhall be and the ſame is hereby declared to be repealed; and that this Act ſhall from thenceforth commence and take Effect, and ſhall continue in force and be put in Execution for and during the Term herein-after mentioned, for repairing, widening, and improving the ſeveral Roads herein-after mentioned; (that is to ſay), the Road from *Combe Bridge*, through *Winſley* and *Bradford*, to a certain Houſe in *Staverton*, formerly known by the Sign of *The Black Bear;* the Road from *Bradford Bridge* to *Cockhill Gate;* and the Road from the Bottom of *Maſon's Lane*, near the Town of *Bradford*, all in the ſaid County of *Wilts*, to join the Turnpike Road leading from the City of *Bath* to *Kingsdown*, at or near *Bathford Bridge*, in the County of *Somerſet;* and the Road beginning at the Turnpike Gate in *Saint Margaret Street*, in the ſaid Town of *Bradford* and ending at or near a Houſe formerly in the Occupation of the Reverend *Edward Spencer*, but now of *John Morris*, on *Winkfield Common;* the Road leading from the Top of the ſaid Lane called *Maſon's Lane* to a certain Spot on *Bradford Leigh*, whereon Three Oaks formerly grew; the Road leading from the new *Bath* Road at or near a Place called *Frankley*, through *Woolley*, to join the old Road at a Place called *Forewood's Common*, and the Lane called *Budbury Lane*, leading from the ſaid old Road on the Top of *Palmer's Lane*, to join the new Road at or near a Place called *Say's Green;* and alſo for maintaining a Bridge over the River *Avon*, at *Stokeford*, all in the ſaid County of *Wilts*, and that the ſaid ſeveral Roads ſhall from thenceforth be called *The Bradford Turnpike Roads;* and that this Act, and all the Tolls hereby granted, ſhall be and are hereby made ſubject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the former Act, or on account of the ſaid Roads, and to the Payment of all Money which ſhall or may hereafter be borrowed and become due on the Credit of this Act.

Recited Act repealed.

Truſtees.

II. And be it further enacted, That His Majeſty's Juſtices of the Peace acting in and for the ſaid reſpective Counties of *Wilts* and *Somerſet*, Sir *John Methuen Poore* Baronet, Sir *Benjamin Hobhouſe* Baronet, *Ambroſe Awdry*, *John Awdry*, *Jeremiah Awdry* Clerk, *William Fifield Adye*, *William Adye*, Sir *Robert John Buxton* Baronet, *John Buxton* Eſquire, *Thomas Buſh*, *George Buſh*, *John Buſh*, *John Alderton Buſh*, *William Buſh* Captain in the Army, *Nathaniel Barton*, *Thomas Sewell Bailward*, *John S. Bailward*, *James Bethell*, *James Baker* the younger, *James Budgett*, *John Baſkerville*, *William Boord*, *John Bath*, *Charles Bytheſea*, *Daniel Clutterbuck*, *Thomas Clutterbuck*, *Iſaac Cobourne*, *Edward Cooper*, *George Fort Cooper*, *John Deverell*, *Charles Henry Daubeney*, *Elemeleck Edmonds*, *Ezekiel Edmonds*, *John Edmonds*, *John Fuller*, *James Fanner*, *George Dike Fiſher*, *George Dike Fiſher* the younger, *Henry Fiſher*, *John Fiſher*, *John Hunt Godwin*, *Thomas Gaisford* Clerk, *Charles Gaisford* Clerk, *John Gaisford*, *William Gaisford*, *Francis Glaſs*, *Thomas Gale*, *John Cam Hobhouſe*, *Francis Hill*, *John Houlton*, *John Torriano Houlton*, *Robert Hooper*, *Robert John Hooper*, *Robert Hale Blagden*

Blagden Hale, *James Howell*, *William Harvey*, *Edward Leſlie Jones*, *John Jones*, *Mortimer Jones*, *Robert Henry Jones*, *William Henry Jones*, *William Frederick Jones*, *Richard Godolphin Long*, *John Long*, *John Long* the younger, *Walter Long* of *Farleigh*, *Walter Long* of *Rood Aſhton*, *Daniel Jones Long*, *Richard Little*, *Cornelius Lewis*, *Paul Methuen* Eſquire, *Paul Methuen* the younger, *Henry Alworth Merewether*, *Samuel Mundy*, *John Mundy*, *Joſeph Mundy*, *Thomas Mizen*, *John Newton*, *John Newton* the younger, *Thomas Newton*, *Richard Ollerton*, *Thomas Henry Hele Phipps*, *James Pearce*, *Benjamin Richardſon*, *Thomas Rogers*, *Bartholemew Deke Smith*, *Henry Shrapnell*, *Thomas Hoſier Saunders*, *John Saunders*, *Thomas Buſh Saunders*, *Henry Skrine*, *Henry Skrine* the younger, *William Stoddart*, *Samuel Staples*, *John Spencer*, *Walter Spencer*, *Thomas Spackman*, *Thomas Spackman* the younger, *William Pile Taunton*, *George Hayward Tugwell*, *Thomas Tugwell*, *Thomas Timbrell*, *George Tugwell*, *Lewis Tugwell*, *Daniel Tugwell*, *William Tugwell*, *Richard Taylor*, *Charles Timbrell*, *William Pole Tylney Long Welleſley* Eſquire, *Charles Frederick Williams*, *John Wiltſhire*, *William Everett Waldron*, *John William Yerbury*, *John William Yerbury* the younger, *Francis Yerbury*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and are hereby appointed Truſtees for repairing, improving, and maintaining in Repair the ſaid Roads, and for putting this Act into Execution.

Appointing additional Truſtees at Firſt Meeting.

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

Appointment of future Truſtees.

IV. And be it further enacted, That when any Truſtee hereby appointed, or to be appointed in Manner herein-before or herein-after mentioned, ſhall become by Bankruptcy or Inſolvency diſqualified to act, or ſhall die, or by Writing under his Hand delivered to the Clerk to the ſaid Truſtees for the Time being, refuſe to act in the Execution of this Act, it ſhall be lawful for the ſurviving or remaining Truſtees for the Time being or any Five or more of them, by Writing under their Hands, to elect and appoint one other Perſon to be a Truſtee in the Room or Stead of ſuch Truſtee ſo diſqualified or dying, or refuſing to act as aforeſaid; but Notice of the Time and Place of Meeting for ſuch Election ſhall be given by the Clerk or Clerks to the ſaid Truſtees, by affixing ſuch Notice in Writing upon all the Turnpike Gates then erected in or upon the ſaid Roads, and alſo by inſerting the ſame in ſome public Newſpaper circulated in the Neighbourhood through which the ſaid Roads paſs, at leaſt Twenty-one Days before every ſuch Meeting ſhall be held; and all Perſons who ſhall be ſo elected ſhall be and are hereby veſted with the ſame Powers for putting this Act in Execution as the Perſons in whoſe Places they ſhall be reſpectively choſen were veſted with.

Qualification of Truſtees.

V. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in any Caſe in the Execution of this Act, unleſs

unleſs at the Time of his acting therein he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion 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 be Heir Apparent of a Perſon ſeiſed of an Eſtate in Freehold or Copyhold Lands of the yearly Value of Two hundred Pounds, or be poſſeſſed of a Perſonal Eſtate to the Amount of Four thouſand Pounds, nor before he ſhall have taken and ſubſcribed an Oath or Affirmation before any Five or more of the ſaid Truſtees (who are hereby authorized and empowered to adminiſter ſuch Oath) in the Words or to the Effect following; that is to ſay,

Oath.

'I *A. B.* do ſwear [*or, being one of the People called Quakers,* do ſolemnly affirm] That I truly and *bonâ fide* am ſeiſed of, in my own Right or in the Right of my Wife [*as the Caſe may be*] and in the actual Poſſeſſion of [*or* in the Receipt of Rents and Profits iſſuing out of] Freehold or Copyhold Lands, Tenements, or Hereditaments, ſituate in the County of *Wilts* or *Somerſet*, of the clear yearly Value of One hundred Pounds, or am Heir Apparent of who, to the beſt of my Knowledge and Belief, is ſeiſed of a Real Eſtate of Freehold or Copyhold Lands, Tenements, or Hereditaments, ſituate in the County of *Wilts* or *Somerſet*, of the clear yearly Value of Two hundred Pounds, or am poſſeſſed of a Perſonal Eſtate of the Amount of Four thouſand Pounds; and that I will truly, faithfully, and impartially act in the Execution of the Truſts and Powers veſted and repoſed in me by an Act paſſed in the Fifty-ninth Year of the Reign of His Majeſty King *George* the Third, intituled *An Act* [*here ſet forth the Title of the Act*].

'So help me GOD.'

[*or, being a Quaker, omit the Words* 'So help me GOD.']

No Perſon to be appointed a Truſtee who ſhall hold any Place or Employment of Profit under this Act.

VI. 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 perſonally intereſted (except as herein-after provided), nor whilſt he holds any Place or Employment of Profit under the ſaid Truſtees or this Act; and that no Perſon ſhall be capable of being appointed a 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 intereſted or concerned directly or indirectly in any Contract under this Act, or who ſhall be a 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 preſume to 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 who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record, by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and ſuch Perſon ſo ſued or proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Plaintiff or Proſecutor than that ſuch Perſon hath acted as a Truſtee in the

the Execution of this Act: Provided nevertheleſs, that all Acts and Proceedings which ſhall have been done and performed by any ſuch Perſon touching the Execution of this Act, previous to his being convicted of any Offence before mentioned, ſhall, notwithſtanding ſuch Conviction, be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act.

Meetings and Manner of Adjournment.

VII. And be it further enacted, That the ſaid Truſtees or any Five or more of them ſhall meet together at *The New Bear Inn* in *Bradford* aforeſaid, on the Third *Wedneſday* after the paſſing of this Act, and proceed to the Execution of this Act, and ſhall then, and from Time to Time afterwards, adjourn and meet again at ſuch Time and Place, near the ſaid Roads, as the ſaid Truſtees or any Five or more of them ſhall think proper; and all Meetings of the ſaid Truſtees to be held in purſuance of this Act ſhall conſiſt of Five Truſtees at the leaſt; and if there ſhall not appear at any Meeting a ſufficient Number of Truſtees to act or to adjourn to another Day (Two Truſtees being deemed ſufficient for the Purpoſe of Adjournment only), or in caſe the Truſtees at any Time aſſembled ſhall omit to adjourn, then the Clerk to the ſaid Truſtees ſhall adjourn the Meeting to ſuch Time and Place in or near the ſaid Roads as he ſhall think fit, not exceeding the Space of Fourteen Days from the Time of the laſt Default, and ſhall give Notice thereof in Writing affixed on all the Turnpike Gates, or by Advertiſement to be inſerted in ſome or one of the Newſpapers circulated in the Neighbourhood of the ſaid Roads; and in caſe no Adjournment, Notice, or Appointment of Meeting ſhall be made or given by the Clerk, then it ſhall be lawful for any Five or more of the Truſtees to cauſe Notice in Writing to be affixed upon all the Turnpike Gates, or an Advertiſement to be inſerted in ſome or one of the Newſpapers circulated in the Neighbourhood of the ſaid Roads, appointing the Truſtees to meet at ſuch Time and Place near the ſaid Roads as they the ſaid Five or more Truſtees ſhall think proper, not exceeding Twenty-one Days, nor being leſs than Fourteen Days from the Time of ſuch Advertiſement or of affixing ſuch Notice; and all Orders and Determinations of the ſaid Truſtees in the Execution of this Act ſhall be made at a Meeting to be held in purſuance of this Act, and not otherwiſe, except as herein particularly mentioned; and all Acts and Proceedings of the ſaid Truſtees at any of their Meetings to be held in purſuance of this Act, in which a Majority of the Truſtees preſent ſhall concur, the whole Number preſent not being leſs than Five, ſhall be as valid and effectual as if all the ſaid Truſtees had concurred therein; and at all ſuch Meetings a Chairman ſhall or may be elected, and in all Caſes where there ſhall be an equal Number of Votes, including the Vote of the Chairman, ſuch Chairman ſhall have the deciſive or caſting Vote; and no ſuch Order or Determination ſhall be revoked or altered at any ſubſequent Meeting, unleſs Nine Truſtees ſhall be preſent, nor unleſs Notice of the Intention to revoke or alter any ſuch Order or Determination ſhall be given in Writing to the Clerk of the ſaid Truſtees, and by him fixed up at all the Turnpike Gates then ſtanding upon the ſaid Roads, and advertiſing in ſome or one of the Newſpapers circulated in the Neighbourhood of the ſaid Roads, at leaſt Ten Days previous to any Meeting to be held for ſuch Purpoſe; and that all ſuch Truſtees as are Juſtices of the Peace may act as Juſtices in the Execution of this Act, notwithſtanding their being

being Truſtees, except only in ſuch Caſes where they ſhall be perſonally intereſted; and the ſaid Truſtees at all their Meetings ſhall defray their own Expences.

Meetings on Emergencies.

VIII. And be it further enacted, That if, after any Adjournment of any Meeting of the ſaid Truſtees, it ſhall at any Time be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by ſuch Adjournment, in that caſe the Clerk to the ſaid Truſtees, upon an Order in Writing ſigned by Five or more Truſtees, although not aſſembled at a Meeting, mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice thereof by Writing affixed on all the Turnpike Gates then erected upon the ſaid Roads, and of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees, ſuch Time not being leſs than Seven Days after ſuch Notice, and ſuch earlier Meeting ſhall and may be held accordingly; and all the Proceedings of the Truſtees (the proper Number being preſent) at all ſuch Meetings ſhall be as valid and effectual as they would have been in caſe ſuch Meetings had been held in purſuance of Adjournments.

Proceedings to be entered.

IX. And be it further enacted, That all Orders and Proceedings of the Truſtees ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſuch Orders and Proceedings ſo entered ſhall be ſigned by the Truſtees making the ſame; which ſaid Book or Books, and alſo the Book directed to be kept for regiſtering Mortgages and Aſſignments, ſhall be admitted in Evidence in all Courts, and by all Judges, Juſtices, and others.

Accounts to be entered in a Book.

X. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by the Clerk for the Time being to the ſaid Truſtees, in which Book or Books ſuch Clerk ſhall enter or cauſe to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended, for or on account of the ſaid Roads, and of the ſeveral Articles, Matters, and Things for which ſuch Sums of Money ſhall have been received, paid, laid out, and expended; which Books, and alſo the Book or Books to be kept for the Purpoſe of entering Mortgages and Aſſignments herein-after mentioned, ſhall at all ſeaſonable Times be open to the Inſpection of the ſaid Truſtees, or any or either of them, or any Creditor or Creditors of the Tolls hereby granted, without Fee or Reward; and the ſaid Truſtees and Creditors, or any or either of them, ſhall and may take Copies of or Extracts from the ſaid Book or Books, or any Part or Parts thereof, without paying any thing for the ſame; and in caſe the Clerk ſhall refuſe to permit, or ſhall not permit at all ſeaſonable Times, the ſaid Truſtees or ſuch Creditors or any of them, to inſpect ſuch Book or Books, or to take ſuch Copies or Extracts as aforeſaid, ſuch Clerk ſhall forfeit and pay, to any Perſon or Perſons who ſhall ſue for the ſame, any Sum of Money not exceeding Five Pounds.

Appointment of Officers.

XI. And be it further enacted, That the ſaid Truſtees or any Five or more of them, at their Firſt or any ſubſequent Meeting held either by Adjournment or by Notice as aforeſaid, ſhall and may nominate and appoint

point one or more fit Perſon or Perſons to be a Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors, and alſo a Receiver or Receivers, Collector or Collectors of the Tolls, with ſuch Salaries as they the ſaid Truſtees or any Five or more of them ſhall think reaſonable; and ſhall alſo appoint ſuch other Officers as they ſhall think neceſſary to employ in the Execution of this Act; and ſhall have Power from Time to Time to remove ſuch Clerks, Treaſurers, Surveyors, and other Officers, or any of them, as they ſhall ſee Occaſion, and to appoint others in their Stead in Caſes of Death or ſuch Removal; and that no Perſon ſhall be capable of holding any Place of Profit under the ſaid Truſtees who ſhall ſell any Ale, Wine, or other Spirituous Liquors by Retail; and the ſaid reſpective Clerks, Treaſurers, Surveyors, Receivers, Collectors, and other Officers, and all other Perſons who ſhall be employed in the Receipt or Expenditure of any of the Monies ariſing by virtue of this Act, ſhall from Time to Time, as often as they or any of them ſhall be required, give unto ſuch Truſtees true and perfect Accounts, in Writing under their reſpective Hands, of all the Monies which ſhall have been by them reſpectively collected or received, and how and to what Uſes the ſame have been paid and applied, together with proper Receipts and Vouchers for ſuch Payments; and ſhall pay all ſuch Monies as ſhall remain in their Hands to the ſaid Truſtees or any Five or more of them, or to ſuch Perſon or Perſons as any Five or more of them ſhall direct and appoint; and if any of the ſaid Officers or other Perſons ſhall not give ſuch Account, or ſhall refuſe to deliver up all or any of the Books, Papers, and Accounts belonging to the ſaid Truſtees, within Four Days after being ſerved with a Copy of an Order, ſigned by Five or more of the ſaid Truſtees, requiring the ſame, then upon Application made by the ſaid Truſtees or any Five or more of them, or by any Perſon by their Order, to any Two or more Juſtices of the Peace for the County, Diviſion, or Place where ſuch Officer or other Perſon ſhall reſide, ſuch Juſtices are hereby authorized and required to make Inquiry concerning ſuch Default in a ſummary Way, as well by Confeſſion of the Parties themſelves, as by the Teſtimony of one or more credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtices are hereby required and empowered to adminiſter without Fee or Reward); and if any ſuch Perſon ſhall be thereof convicted, ſuch Juſtices ſhall commit him to ſome Common Gaol or Houſe of Correction within the ſaid County, there to remain until he ſhall give and make a true and perfect Account, or give Security to the Satisfaction of the ſaid Juſtices or Truſtees to make ſuch Account, within ſome reaſonable Time to be allowed and approved by the ſaid Juſtices or Truſtees; and in caſe any of the ſaid Officers or other Perſons ſhall refuſe or neglect to pay any Sum or Sums of Money which ſhall appear to remain in his or their Hands, it ſhall be lawful for any Two or more Juſtices of the Peace for the County or Diviſion where ſuch Perſon or Perſons ſhall live or reſide, to make Inquiry touching ſuch Neglect or Refuſal in a ſummary Way in Manner as aforeſaid, and by Warrant under their Hands and Seals to cauſe ſuch Sum or Sums of Money as ſhall appear to them to be due and unpaid to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons, rendering the Overplus (if any), after the Money remaining due, and the Charges of making ſuch Diſtreſs and Sale ſhall be deducted, unto ſuch Perſon or Perſons upon Demand; and if ſufficient Diſtreſs cannot be found, then the ſaid Juſtices, or any Two other Juſtices of the Peace, ſhall commit ſuch

Perſon

Perſon or Perſons to ſome Common Gaol or Houſe of Correction within the ſaid County, there to remain without Bail or Mainprize until he or they ſhall have paid over ſuch Monies in Manner as aforeſaid, or ſhall have given Security to be approved by the ſaid Juſtices or Truſtees, or have compounded for the ſame, which Compoſition the ſaid Truſtees or any Five or more of them at any Meeting aſſembled are hereby empowered to make; ſaving to all Perſons their lawful Appeals at the General Quarter Seſſions as herein-after provided: Provided always, that no Perſon who ſhall be committed for want of ſufficient Diſtreſs as aforeſaid ſhall be detained in Priſon for any longer Time than Three Calendar Months.

Treaſurers and others to give Security.

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

Preſent Officers to continue until others appointed.

XIII. Provided alſo, and be it further enacted, That the Clerk or Clerks, Surveyors and other Officers, other than and except the Treaſurer or Treaſurers who have been appointed under and employed in the Execution of the ſaid former Act hereby repealed, ſhall reſpectively continue to exerciſe their Offices under this Act, until they ſhall reſpectively reſign or be removed or diſplaced by the ſaid Truſtees in Manner aforeſaid, and ſhall be ſubject to the like Rules and Regulations, and Pains and Penalties, in all Reſpects whatſoever, as if they had been appointed under or by virtue of this Act.

Officers under former Act to account.

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

Clerk not to act as Treaſurer, nor Treaſurer as Clerk.

XV. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to continue or appoint the Perſon who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any ſuch Clerk, the Treaſurer for the Purpoſes of this Act, or to continue or appoint the Perſon who has been or may be appointed Treaſurer, or the Partner of any ſuch Treaſurer, the Clerk to the ſaid Truſtees; and if any Perſon ſhall act in both the Capacities of Clerk and Treaſurer for the Purpoſes of this Act; or if any Perſon, being the Partner of any ſuch Clerk, ſhall act as Treaſurer, or being the Partner of any ſuch Treaſurer ſhall act as Clerk in the Execution of this Act, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*,

by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Trustees may appoint temporary Collectors.

XVI. And be it further enacted, That in case of the Death, Incapacity, Absconding, Misbehaviour, Negligence, or Absence of any Collector or Receiver of the Tolls, the said Trustees or any Five or more of them, though not at a Meeting of the said Trustees appointed by virtue of this Act, shall and may lawfully 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 as shall so die, become incapable, abscond, misbehave, or absent himself; which Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner, in all Respects, as the Person he or she shall succeed would have had or been subject to; and that if any Collector or Receiver of the said Tolls shall be discharged from his said Office by the said Trustees or Treasurer as aforesaid, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged as aforesaid, or any other Person, shall refuse to deliver up the Possession of any Toll House or Toll Houses, Toll Gate, Toll Bar, Chain, or Weighing Machine, Buildings and Premises continued or erected by virtue of this Act, for the Space of Ten Days after Demand thereof made, and Notice in Writing to be given for that Purpose by any Five or more of the said Trustees, or by their Clerk or Treasurer, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County in which the Toll House, Buildings, and Premises shall be situate, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the same County, with such Assistance as shall be necessary, to enter and take Possession of such House, Buildings and Premises, Toll Gate, Bar, Chain, or Weighing Machine, in the Daytime, and to remove the Person or Persons who shall be found therein, or in Possession thereof, together with his, her, or their Goods, out of and from the same, and to put the said Trustees or any Two or more of them, or their new-appointed Officer, into the Possession thereof.

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

XVII. And be it further enacted, That the said Trustees may sue and be sued, for or concerning any Thing to be done by virtue or in pursuance of this Act, in the Name of their Clerk or Clerks for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees by virtue of this Act, in the Name of their Clerk or Clerks, shall abate or be discontinued by the Death or Removal of such Clerk or Clerks, or either of them, nor by the Act of such Clerk or Clerks, without the Consent of the Trustees or any Five or more of them, but that the Clerk or Clerks for the Time being to the said Trustees shall be deemed to be Plaintiff or Defendant (as the Case may be) in every such Action or Suit: Provided always, that every and all such Clerk and Clerks, in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies to arise by virtue of this Act, all such

Clerk to be reimbursed Expences.

Coſts, Charges, Damages, and Expences as, by the Event or in conſequence of any ſuch Act or Proceeding, he or they ſhall bear, pay, expend, or be put unto or become chargeable with, by reaſon of being ſo made Plaintiff or Defendant as aforeſaid.

Erection of Gates.

XVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Five or more of them, and they are hereby authorized and empowered, to continue or erect, or cauſe to be continued or erected or ſet up, one or more Gate or Gates, Bar or Bars, Turnpike or Turnpikes, Toll Houſe or Toll Houſes, in, upon, and acroſs any Part of the ſaid ſeveral Roads, and alſo upon the Sides thereof, and alſo acroſs any Road, Lane, or Way leading into or out of the ſaid Roads, with ſuitable Outbuildings to ſuch Toll Houſe or Toll Houſes; and alſo to take in and incloſe on the Sides of the ſaid Roads, or any Parts thereof, convenient Garden Spots for each of the ſaid Toll Houſes, not exceeding One-eighth Part of an Acre, as the ſaid Truſtees or any Five or more of them ſhall direct or appoint; and alſo ſhall and may from Time to Time remove, alter, or diſcontinue the ſame, or any of them, as they the ſaid Truſtees or any Five or more of them ſhall think expedient.

Places where Turnpikes ſhall not be built.

XIX. Provided alſo, and be it further enacted, That no Toll ſhall be taken from any Inhabitant or Inhabitants of the Pariſh of *Monkton Farleigh*, at any Turnpike Gate or Bar erected or to be erected by virtue of this Act on any Part of the ſaid Road which lies between *Bathford Bridge* and the Bottom of *Maſon Lane* aforeſaid, near the Town of *Bradford* aforeſaid, for the paſſing of any Waggons, Carts, Wains, or other Carriages uſed in the Conveyance or Carriage of Corn or Manure only; nor ſhall any Toll be taken at any Side Gate or Bar erected or to be erected, from any Inhabitant or Inhabitants of the Pariſh of *Monkton Farleigh*, for the paſſing of any Waggons, Carts, Wains, or other Carriages, loaded or unloaded, in going to or returning from the Tithing of *Winſley*, in the ſaid Pariſh of *Bradford*, or in going to or returning from *Kingſdown*, in the ſaid County of *Wilts*.

Toll Houſes veſted in Truſtees.

XX. And be it further enacted, That the Right, Intereſt, and Property of and in all the Turnpikes, Toll Houſes, Toll Gates, Toll Bars, Chains, Weighing Machines, and other Buildings already erected, or which ſhall be erected or provided in purſuance of this Act, or which at any Time heretofore ſhall have been purchaſed, with the ſeveral Conveniences and Appurtenances thereunto reſpectively belonging, and of the Materials belonging to the ſame, and alſo of all Rails, Poſts, and Fences which ſhall belong to the ſaid Roads; and alſo of all Tools, Implements, Stones, Gravel, Sand, and other Materials now purchaſed, gotten, or had, or hereafter to be purchaſed, gotten, or had, for amending, repairing, and improving the ſaid Roads, ſhall be and the ſame are hereby veſted in the ſaid Truſtees; and they are hereby empowered to ſell, aſſign, transfer, apply, and diſpoſe of the ſame as Occaſion ſhall require, and to bring or cauſe to be brought any Action or Actions, and to prefer and proſecute any Indictment or Indictments againſt any Perſon or Perſons who ſhall dig up, break or pull down, ſteal, take or carry away, ſpoil, deſtroy, injure, or damage any of the ſaid Toll Gates or Turnpikes and Toll Houſes, or

any of the Buildings and other Conveniences and Appurtenances thereunto belonging, or any of the Tools, Implements, or Materials aforesaid, or who shall do any Act to hinder or obstruct the said Trustees, or any Person or Persons employed by them, in the Execution of this Act; and in any such Action, Indictment, or other Proceeding for the Purposes aforesaid, it shall be sufficient to state generally any such Toll Gates or Turnpikes and Toll Houses, or any of the Conveniences and Appurtenances thereto belonging, or any of the Materials, Tools, Implements, or other Matters or Things, to be the Property of the Clerk or Clerks for the Time being to the said Trustees.

Trustees to appoint Persons to take Tolls.

XXI. And be it further enacted, That the Tolls following shall be demanded and taken at each of the said Gates, Bars, or Turnpikes, by such Person or Persons as the said Trustees or any Five or more of them shall from Time to Time appoint for that Purpose, before any Horse or other Cattle, Coach, Waggon, or other Carriage, shall be permitted to pass through any Turnpike Gate or Bar already erected or which shall be erected upon the said Roads, or on the Side or Sides thereof, or across any Road, Lane, or Way leading into or out of the said Roads; (that is to say),

Tolls.

For every Horse or other Beast, drawing any Waggon, Wain, Timber Carriage, Cart, Sledge, Dray, or other such Carriage, the Sum of Fourpence Halfpenny:

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

For every Horse or other Beast, laden or unladen, and not drawing, the Sum of One Penny:

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

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

And that the following Tolls shall in like Manner be demanded and taken at the Gate or Bar at or upon *Stokeford Bridge; videlicet*,

For every Waggon, Coach, Chariot, or other Four-wheeled Carriage, the Sum of One Shilling:

For every Cart, Chaise, or other Two-wheeled Carriage, the Sum of Sixpence:

For every Horse, Mule, or Ass, the Sum of One Penny:

For every Ox, Cow, or other Neat Cattle, the Sum of One Halfpenny:

For every Score of Sheep, Lambs, or Pigs, the Sum of Five-pence: And

For every Foot Passenger, the Sum of One Halfpenny:

Collector may distrain on Nonpayment of Toll.

Which respective Sums of Money shall be demanded and taken in the Name of or as a Toll; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed to collect such Tolls, by himself or themselves,

ſelves, or taking ſuch Aſſiſtance as he or they ſhall think neceſſary, to ſeize and diſtrain any Horſe or Horſes or other Cattle, together with their Bridles, Saddles, Gears, Harneſs, or Accoutrements, or their Loading, or any Carriage with its Loading, upon which ſuch Toll is by this Act impoſed (except the Bridle apart from the Horſe or Beaſt), or by Diſtreſs of any of the Goods and Chattels of ſuch Perſon and Perſons reſpectively; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, ſhall not be paid within the Space of Three Days after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Horſe or Horſes, Cattle, Carriage, or Things ſo ſeized and diſtrained, or a ſufficient Part thereof, returning the Overplus of the Money (if any be) and what ſhall remain unſold, upon Demand, to the Owner thereof, after ſuch Tolls and the reaſonable Charges occaſioned by ſuch Seizure, Diſtreſs, and Sale ſhall be deducted and paid; and that all the Tolls and Money to be collected under this Act, and Money borrowed and to be borrowed on the Credit thereof, ſhall be and are hereby veſted in the ſaid Truſtees, and ſhall be paid, applied, and diſpoſed of to and for the ſeveral Ends, Intents, and Purpoſes, and in ſuch Manner as is herein-after mentioned.

Ticket to be delivered to the Perſon paying Toll.

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

Waggons, &c. allowed Privileges and Exemptions.

XXIII. Provided always, and be it further enacted, That all Waggons, Wains, Carts, or other ſuch Carriages (in reſpect whereof, or of the Horſes or Beaſts of Draught 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 preſent Majeſty, 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 an Abatement of One-fourth Part of the Tolls hereby granted, and have and enjoy the Privileges and Exemptions granted by the ſaid Act.

How often Tolls ſhall be paid.

XXIV. And be it further enacted, That no more than One Toll ſhall be demanded or taken in any One Day, to be computed from Twelve of the Clock in the one Night to Twelve of the Clock in the ſucceeding Night, for or in reſpect of the ſame Horſes, Beaſts, Carriages, and Cattle paſſing through all or any Turnpike Gate or Turnpike Gates, Bar or Bars, erected or to be erected on the ſaid Roads, or on the Sides thereof, or in, upon, or acroſs any Road, Lane, or Way leading into or out of the ſaid Road.

Limiting the Number of Tolls.

XXV. Provided always, and be it further enacted, That no more than Four Tolls in the whole ſhall be demanded and taken in any one Day, to be computed as aforeſaid, for or in reſpect of the ſame Horſes, Beaſts, Carriages,

Carriages, or Cattle, for paſſing and repaſſing through all the Gates erected or to be erected on the Road leading from *Combe Bridge*, in the County of *Somerſet*, through *Winſley* and *Bradford*, to a Houſe formerly known by the Name of *The Black Bear*, at *Staverton*, in the County of *Wilts*; nor more than One Toll on the Road leading from *Winkfield Common* to *Bradford Bridge*, in *Bradford* aforeſaid; nor more than Two Tolls on the Road leading from *Bradford Bridge* aforeſaid to the Road leading from the City of *Bath* to *Kingsdown*, in the ſaid County of *Wilts*, at or near *Bathford Bridge*, in the County of *Somerſet*; nor more than One Toll on a Road leading out of the ſaid laſt-mentioned Road near the Top of *Maſon's Lane*, in *Bradford* aforeſaid, to a Spot on *Bradford Leigh* where Three Oaks formerly grew; nor more than Two Tolls on a Road alſo leading out of the ſaid Road, at or near *Frankley*, to the ſaid Houſe formerly called *The Black Bear*, at *Staverton* aforeſaid; nor more than Two Tolls on a Road alſo leading out of the ſaid Road at a Place called *Say's Green*, in *Bradford* aforeſaid, to *Combe Bridge* aforeſaid; nor more than One Toll on the Road leading from the Town of *Bradford* aforeſaid to *Cockhill Gate*, in the ſaid County of *Wilts*.

Penalties on avoiding Tolls.

XXVI. And be it further enacted, That if any Perſon or Perſons ſhall go or paſs with any Horſe, Mule or Aſs, Cattle or Carriage, through or over any Land, Ground, or other Place (except the Owner or Owners, Occupier or Occupiers thereof, and any of his, her, or their Family or Servants), not being a public Highway, lying by the Side of or near to any Part of the ſaid Roads, in order or with Intent to avoid the Payment of the Tolls by this Act granted, or any Part thereof, or ſhall forge, counterfeit, or alter, or ſhall deliver to or receive of any other Perſon or Perſons any Note or Ticket with Intent to avoid the Payment of any or any Part of the ſaid Tolls; or if any Perſon or Perſons owning or occupying any Land, Ground, or Place, not being a public Highway, ſhall knowingly or willingly permit or ſuffer any other Perſon or Perſons (except as aforeſaid) to go or paſs with any Cattle or Carriage through or over ſuch Land, Ground, or Place, in order or with Intent that the Payment of any of the ſaid Tolls, or any Part thereof, ſhould be avoided; or if any Perſon or Perſons ſhall forcibly or wilfully paſs through any ſuch Turnpike with any Horſe or other Cattle or Beaſt, with Intent to evade the Payment of any of the ſaid Tolls, or any Part thereof, or with ſuch Intent ſhall unload any Goods from any Horſe, Cattle, Beaſt, or Carriage, or ſhall take off or cauſe to be taken off any Horſe or other Cattle from any Carriage, or ſhall leave or cauſe to be left upon or near the ſaid Roads, or any Part thereof, any Carriage, Horſe, Cattle, or Beaſt, with Intent to evade the Payment of any of the ſaid Tolls, or any Part thereof, ſuch Perſons and every of them ſhall for each Offence forfeit any Sum not exceeding Five Pounds, to be recovered in ſuch Manner as is herein-after mentioned and provided for the Recovery of Penalties and Forfeitures; one Moiety of which Penalties when raiſed ſhall be paid to the Informer, and the other Moiety ſhall be applied in ſuch Manner as the other Penalties and Forfeitures are herein-after directed to be applied.

For ſettling Diſputes concerning Tolls.

XXVII. And be it further enacted, That if any Diſpute ſhall happen concerning any Tolls due, or the Charges occaſioned by any ſuch Diſtreſs as aforeſaid, it ſhall be lawful for the Collector or Perſon ſo diſtraining to

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

Collectors of the Tolls may give Evidence.

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

Exemptions from Tolls.

XXIX. Provided always, and be it further enacted, That no Toll ſhall be taken for or in reſpect of any Horſes or Carriages attending His Majeſty or any of the Royal Family, or returning after being ſo employed; and that no Perſon ſhall be charged with any of the Tolls aforeſaid for any Horſes, Cattle, or Carriages paſſing through any of the Turnpikes already erected, or which ſhall be erected by virtue of this Act, carrying any Stones, Gravel, or other Materials for repairing any of the ſaid Roads, or any other Roads or Bridges in the Pariſhes in which any of the Roads hereby directed to be repaired do lie, or in any of the adjoining Pariſhes, or that ſhall carry through the ſaid Turnpikes any Dung, Mould, Rubbiſh, or Compoſt of any Nature or Kind whatſoever, for manuring of Gardens or Land; nor ſhall any Perſon or Perſons be chargeable with the ſaid Tolls for any Waggons or Carriages carrying any Hay, or Corn in the Straw, or Straw not ſold or diſpoſed of, or paſſing to be ſold or diſpoſed of, but paſſing to be laid up in the Houſes, Outhouſes, Barns, or Yards of the Owner or Owners thereof; nor for any Ploughs, Harrows, or other Implements of Huſbandry, nor for any other Things whatſoever employed in Huſbandry or in manuring Lands in the reſpective Pariſhes through or into which the ſaid Roads do lead or lie; nor for any Horſe or any Cattle going to or from Water or Paſture, or Plough or Tillage, or Work in Huſbandry; nor for Sheep or Lambs going to Water or Paſture, or to be waſhed, or returning therefrom; nor for any Horſes or other Cattle of any ſuch Inhabitants as aforeſaid going to or returning from any Smith's or Blackſmith's Shop to be ſhoed or farried; nor ſhall any Toll be demanded or taken from any Perſon or Perſons going to or returning from any Election of a

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

Government Carriages not liable for Overweight.

XXX. And be it further enacted, That no Perſon owning or driving or cauſing to be driven any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack, or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject or liable to any Penalty or Forfeiture for Overweight; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage, or the Horſes or other Cattle drawing the ſame, be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes or other Cattle; but it ſhall be lawful for the Owner

or

or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or other Cattle 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.

Trustees may vary Tolls.

XXXI. And be it further enacted, That the said Trustees or any Five or more of them, at any Meeting to be held for that Purpose, whereof Twenty-one Days Notice shall be affixed in Writing upon all the Turnpike Gates on the said Road, may and are hereby empowered from Time to Time to reduce all or any of the Tolls hereby granted, and to order such Tolls so reduced to be collected and received, and to raise the same again, or any Part thereof, so as the same do not exceed the respective Rates by this Act granted; and such Tolls so reduced or raised again shall be levied, collected, recovered, paid, and applied in the same Manner as the Tolls herein-before granted are directed to be levied, collected, recovered, paid, and applied: Provided always, that no such Reduction shall be made, unless the Person or Persons who shall be entitled to Five-sixth Parts of the Money which shall have been lent and be then due upon the Credit of the Tolls intended to be reduced shall be consenting thereto.

Trustees may compound.

XXXII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them to compound and agree for any Term, not exceeding Twelve Calendar Months at any one Time, with any of the Inhabitants, within any of the Parishes wherein or near to which any Part of the said Roads doth lie, or any other Person or Persons, for the Passage of their Cattle or Carriages; all which Composition Money shall be paid in advance, and shall be applied as the Tolls hereby granted are to be applied.

Trustees may lease the Tolls.

XXXIII. And be it further enacted, That the said Trustees or any Five or more of them shall be and they are hereby empowered, after giving Fourteen Days Notice thereof in some one or more of the public Newspapers circulated in the Neighbourhood of the said Roads, and also in Writing to be affixed on the Turnpike or Turnpikes 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 one 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 or any Five or more of them shall think fit, and the Money arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied; and if the said Trustees, at any Meeting for letting the said Tolls, shall be of Opinion that a Combination exists among the Bidders to undervalue the same, they may then proceed in such Letting in such Manner as to them shall seem most likely to create a real *bona fide* and advantageous Competition for the same; and at all such Lettings the Trustees shall have and 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

by them authorized; any thing in any Law or Statute to the contrary notwithstanding.

Regulations as to Toll Collectors.

XXXIV. And be it further enacted, That every Toll Collector, being a Lessee of the said Tolls, or being appointed either by the said Trustees or by any Lessee or Lessees for the Time being to collect the Tolls payable at any Turnpike Gate, Toll Gate, Bar, or Chain already erected or hereafter to be erected on the said Roads, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House, Toll Gate or Bar, immediately upon his beginning to collect such Tolls or coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length and of a Breadth in proportion, and painted either in White Letters upon a Black Ground or Black Letters upon a White Ground, and shall continue the same so placed during the whole Time he shall collect such Tolls or be upon such Duty; and if any Collector of the same Tolls shall not place such a Board as aforesaid and keep the same there during the Time aforesaid, or shall demand and take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof and who shall claim such Exemption, or shall refuse to permit or suffer any Person or Persons to read, or shall in anyway hinder any Person or Persons from reading such Christian and Surname, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same on being 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 Payment of the Tolls, and naming and specifying the Toll Gate or Toll Gates freed by such Payments (if any), or upon the legal Toll paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered, paid, and applied as other Penalties are by this Act directed to be recovered, paid, and applied; and if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector or Collectors of the said Tolls, or any Surveyor or Surveyors of the said Road, 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.

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

XXXV. 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

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 Leaſe, Contract, or 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, Toll Bar, Chain, or Toll Houſe ſhall be ſituate, and he is hereby required, upon Application made to him by the ſaid Truſtees or any Five or more of them, 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 into and upon and take Poſſeſſion of any or every Toll Houſe or Toll Houſes, Toll Gate, Bar, Chain, or Weighing Machine ſo let, 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 or any Five or more of them (if they ſhall think fit) to vacate and determine the Leaſe, Contract, or Agreement for demiſing or letting the ſaid Tolls 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 Agreements 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 Leaſe, Contract, 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 or any Five or more of them 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 Leaſe, Contract, or Agreement had been made relative thereto.

Tolls granted by this Act to be liable for the original Debt.

XXXVI. And be it further enacted, That the Tolls and Duties granted by this Act ſhall be and the ſame are hereby made ſubject and liable to the Payment of all Monies, which at the Time of the paſſing of this Act are due and owing on the Credit of the Tolls authorized by the former Act to be taken, and of all Intereſt due or to grow due thereon, 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 Security of this Act, or of the Tolls granted by this Act, and in the ſame Manner as if the ſame Tolls were aſſigned for the Term granted by this Act in Truſt for that Purpoſe.

Arrears and Property belonging to former Truſtees veſted in the Truſtees named in this Act.

XXXVII. And be it further enacted, That all Arrears of Tolls or Rents, or other Monies due to and Property Real or Perſonal, and all Choſes in and Rights of Action, either at Law or in Equity, veſted in the Truſtees under the ſaid former Act, ſhall immediately on the Commencement of this Act be veſted in the Truſtees named in or to be elected and appointed by virtue of this Act, who ſhall be and are hereby enabled to recover the ſame, and for that Purpoſe to cauſe to be commenced and proſecuted all Actions and Suits at Law or in Equity, in the Name of

their Clerk or Clerks for the Time being, in Manner and Form hereinbefore mentioned, and to act in respect thereof as effectually as if the same had become due to or had been vested in such Trustees under and by virtue of this Act.

XXXVIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees or any Five or more of them to borrow and take up at Interest such Sum or Sums of Money as they shall think necessary for the Purposes of this Act, so as the Monies already borrowed under any former Act for the repairing the said Roads, and the Monies which may be borrowed under and by virtue of this Act, do not exceed in the whole Fourteen thousand Pounds, and from Time to Time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage all or any Part of the Tolls to be collected and levied at the said Turnpikes already erected or to be erected by virtue of this Act (the Charges of assigning or mortgaging the same to be paid out of such Tolls), for any Term during the Continuance of this present Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed by the said Trustees or any Five or more of them, upon the Credit of such Tolls, to such Person or Persons, or his, her, or their Trustee or Trustees, who shall advance and lend the same, by the following Words of Assignment under their Hands and Seals, or by any Words to the following Effect: Power to borrow Money.

'BY virtue of an Act passed in the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act* [*here insert the Title of this Act*] in consideration of the Sum of to *A. B.*, the Treasurer appointed by the Trustees for putting the said Act in Execution, having been this Day paid by *C. D.* of we whose Hands and Seals are hereunto subscribed and set, being of the said Trustees, do grant and assign unto the said his Executors, Administrators, and Assigns, such Proportion of the Tolls arising or to arise upon the said Roads, in the said Act mentioned, and of the Turnpikes and Toll Houses for collecting the said Tolls, as the said Sum of doth or shall bear to the whole Sum due and owing on the Credit of the said Tolls, or charged thereon, for the Term of to have, hold, receive, and take such Proportion of the said Tolls, Toll Houses, and Premises, with the Appurtenances, unto the said his Executors, Administrators, and Assigns, for the Residue or Remainder now to come of the Term of Years, for which the Tolls are granted by the said Act; subject to the Proviso following; (that is to say), "Provided always, that if the said Sum of shall be repaid to the said his Executors, Administrators, or Assigns, together with Interest for the same, after the Rate of *per Centum per Annum*, without any Deduction whatsoever, on or before the Day of now next ensuing, then this Assignment shall be void, or else shall remain in full Force." In Witness whereof we have hereunto set our Hands and Seals, this Day of One thousand eight hundred and' Form of Mortgage.

And Copies of all such Mortgages and Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees; Assignments to be entered in Books.

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

Form of Transfer.

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

'*A. B.*'

Transfer to be entered in a Book.

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

Truſtees may lend Money on the Credit of the Tolls.

XXXIX. And be it further enacted and declared, That all and every Truſtee or Truſtees appointed by this Act, or who ſhall be hereafter appointed by virtue of any Power or Authority hereby given, ſhall and lawfully may, notwithſtanding his or their being ſuch Truſtee or Truſtees, advance and lend any Sum or Sums of Money at Intereſt, on the Security of the ſaid Tolls, in ſuch Manner as any other Perſon or Perſons not being a Truſtee or Truſtees may, can, or ſhall do by means or by virtue of this Act; and ſuch Truſtee or Truſtees ſo advancing or lending ſuch Sum or Sums of Money ſhall and lawfully may accept and take a Mortgage or Mortgages, Aſſignment or Aſſignments of the ſaid Tolls, from Five other or more of the ſaid Truſtees, as a Security or Securities for the ſaid Sum or Sums of Money ſo to be by him or them advanced and lent, which Mortgage or Mortgages, Aſſignment or Aſſignments, being ſo executed by Five or more of the ſaid Truſtees, ſhall be effectual and binding

binding to all Intents and Purpoſes whatſoever; and the Truſtee or Truſtees ſo advancing and lending ſuch Sum or Sums of Money, and accepting and taking ſuch Security or Securities, ſhall, by means and virtue thereof, have and exerciſe ſuch and the like Powers and Remedies for recovering and receiving the ſaid Sum or Sums of Money, and the Intereſt thereof, and of transferring and aſſigning of his or their Security or Securities, as any other Mortgagee of the ſaid Tolls can, may, or ſhall have and take by virtue of this Act.

An Action of Ejectment may be ſupported by One Mortgagee.

XL. And be it further enacted, That if any Mortgagee or Mortgagees of the ſaid Tolls, Toll Gates, Bars, Chains, Toll Houſes, and Buildings, ſhall ſeek to obtain the Poſſeſſion of the ſaid Toll Gates, Bars, Chains, Toll Houſes, and Buildings, in order to pay himſelf, herſelf, or themſelves the principal Money and Intereſt, or any Part thereof, due to him, her, or them, it ſhall be competent for him, her, or them, as Leſſor or Leſſors of the Plaintiff, and upon his, her, or their Demiſe only, and without uniting in ſuch Demiſe the other Mortgagees of the ſaid Tolls and Premiſes, to obtain ſuch Poſſeſſion; but ſuch Perſon or Perſons who ſhall obtain the Poſſeſſion thereof ſhall not apply the Tolls which may conſequently be received by him, her, or them, to his, her, or their own excluſive Uſe and Benefit, but to and for the Uſe and Benefit of all the Mortgagees of the ſaid Tolls, Toll Gates, Buildings, and Premiſes, *pari paſſu*, and in proportion to the ſeveral Sums which may be due to them as ſuch Mortgagees.

Power to cancel old Mortgages and give new ones.

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

Application of the Tolls and Money to be borrowed.

XLII. And be it further enacted, That all the Coſts, Charges, and Expences relative to or attending the obtaining and paſſing this Act, with Intereſt for the ſame, ſhall be paid and diſcharged in preference to all other Payments whatſoever, by the ſaid Truſtees or any Five or more of them, or their Treaſurer, out of the Monies already received by virtue of the ſaid former Act, or out of the firſt Money which ſhall ariſe or be received by virtue of this Act; and the Remainder of all ſuch Monies ſhall from Time to Time be applied in keeping down the Intereſt of the principal Monies by them borrowed or raiſed under or by virtue of the ſaid former Act, and which may be by the ſaid Truſtees borrowed or raiſed under or by virtue of the Powers of this Act, or on the Credit thereof, all which Intereſt the ſaid Truſtees, or their Treaſurer or Treaſurers, are hereby directed and required once in every Year to diſcharge; and laſtly, in making, repairing, and improving the ſaid Roads and Cauſeways on the Sides thereof, and in otherwiſe putting this Act into Execution; and afterwards in repaying the principal Monies already borrowed or raiſed under or by virtue of the ſaid former Act, or to be by them the ſaid Truſtees borrowed or raiſed under or by virtue of this Act, upon the Credit of the Tolls ariſing on the ſaid Roads.

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

XLIII. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees or any Five or more of them, and they are hereby authorized and empowered, from Time to Time, as they ſhall think proper, to widen or divert, turn, ſhorten, vary, alter, and amend the Courſe or Path of any Part or Parts of the ſaid Roads; and that any new Road, or Variation of Road, may be made through any Common or Waſte Land, without making any Satisfaction for the ſame; and alſo through any private Grounds or Hereditaments, except as herein-after is mentioned, making Satisfaction to the Owners thereof, and Perſons intereſted therein, for the Damages they may thereby ſuſtain; and it ſhall alſo be lawful for the ſaid Truſtees or any Five or more of them, and for their Surveyor or Surveyors, and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands, Grounds, and Premiſes, for widening, varying, or altering the ſaid Roads herein-before mentioned, and to ſtake out the ſame, in ſuch Manner as the ſaid Truſtees or any Five or more of them ſhall think neceſſary or proper, without being liable or ſubject to be deemed a Treſpaſſer or Treſpaſſers, or to any Fine, Penalty, or Puniſhment for entering or continuing upon any Part or Parts of ſuch Lands, Grounds, and Premiſes reſpectively, for any of the Purpoſes of this Act, making Satisfaction to the Occupiers of ſuch Lands, Grounds, and Premiſes for the Damage that ſhall be done; and if any Perſon ſhall wilfully pull up, remove, or deſtroy any of the Stakes or other Marks uſed in laying out or making or altering any ſuch Road, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence a Sum not exceeding Forty Shillings.

Not to deviate more than 100 Yards.

XLIV. Provided always, and be it further enacted, That the ſaid Truſtees, in diverting, altering, or improving any Part of the ſaid Roads under the Powers of this Act, ſhall not deviate more than One hundred Yards of Three Feet each from the preſent Line, without the Conſent and Approbation in Writing of the Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, through whoſe Lands or Grounds ſuch Deviation ſhall be made; and that no ſuch Deviation or Diverſion for ſuch One hundred Yards, or for a leſs Diſtance, ſhall be made which ſhall ſeparate any Houſe or Houſes, or Buildings, from the Eſtate or Farm to which ſuch Houſe, Outhouſe, or Building ſhall belong, without the Conſent and Approbation in Writing of the Owner or Owners thereof.

Buildings, Gardens, &c. not to be injured.

XLV. Provided always, and be it further enacted, That this Act ſhall not extend to the taking down any Dwelling Houſe or other Building, or to take in any Land that is a Garden, Orchard, Yard, Park, Paddock, planted Walk, Plantation, or Avenue to a Houſe, or any Part thereof, without the Conſent of the Owner or Proprietor thereof.

Bodies Politic, &c. may treat for the Sale of Lands, &c.

XLVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Five or more of them, from Time to Time, to contract and agree with the Owners of and Perſons intereſted in any Lands or Hereditaments which may be requiſite for the Purpoſes of this Act, for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners or Perſons may ſuſtain by widening, diverting, turning, ſhortening, varying, or altering the Courſe or Path of any Part or Parts of the ſaid Roads through ſuch Lands or Here-

ditaments; and it shall be lawful for all Bodies Politic and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Guardians, Feoffees, Trustees, Committees, Executors, and Administrators, and all other Trustees whomsoever, not only for and on behalf of of themselves, their Heirs and Successors, but also for and on behalf of their Infants, Wards, Cestuique Trusts, Lunatics, Idiots, or Persons of unsound Memory or Understanding, and to and for all Femes Covert, who are or shall be seised or possessed of or interested in any such Lands or Hereditaments, to contract with the said Trustees or any Five or more of them for the Satisfaction to be made for such Damages as aforesaid, and to sell and convey unto them, or any Five or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for any of the Purposes aforesaid; and all Contracts, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or other Matter whatsoever, to the contrary notwithstanding; and all such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Guardians, Feoffees, Trustees, Committees, Executors, Administrators, and all other Persons, shall be and they are hereby indemnified for what they shall do by virtue of this Act; and if any such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, Executors, or Administrators, or any other Person or Persons interested in any such Lands or Hereditaments, or the Tenements, Dwelling Houses, and Premises herein particularly mentioned, upon Notice to him, her, or them given or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the Clerk or other Officer or Officers of any such Body Politic, Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments, through which any Part of such Roads is intended to be made, diverted, turned, or altered, shall, for the Space of Twenty-one Days next after such Notice left or given, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees or any Five or more of them shall cause such Damage and Recompence to be enquired into and ascertained by a Jury of Twelve indifferent Men of the County in which such Lands and Hereditaments shall lie; and in order thereto the said Trustees or any Five or more of them are hereby required and empowered from Time to Time, as Occasion shall be, to summon and call before such Jury, and examine upon Oath any Person or Persons whomsoever (which Oath any one or more of the said Trustees is and are hereby empowered to administer); and such Trustees or any Five or more of them shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as for the said Jury's Information in the said Premises; and after the said Jury have enquired of and assessed such Damage and Recompence, they the said Trustees or any Five or more of them shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners and other Persons interested in such Lands or Hereditaments, according to the Verdict and Inquisition of such Jury; which said Verdict or Inquisition and Judgment, Order or Determination thereupon, shall be binding, final, and conclusive to all Intents and Purposes

poſes againſt all Parties and Perſons whomſoever, claiming or to claim in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Lunatics, Idiots, Tenants for Life and in Tail, and Perſons under any Diſability whatſoever, Bodies Politic, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, as well as all other Perſon or Perſons whomſoever; and for ſummoning and returning ſuch Juries, the ſaid Truſtees or any Five or more of them are hereby empowered to iſſue their Warrant to the Sheriff of the County in which the ſaid Lands or Hereditaments ſo to be taken ſhall happen to be, requiring him to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons, qualified to ſerve on Juries, to appear before the ſaid Truſtees or any Five or more of them at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and ſuch Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, ſummon, and return ſuch Number of Perſons accordingly; and out of the Perſons ſo ſummoned, impannelled, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees or any Five or more of them ſhall and they are hereby empowered and required to draw by Ballot, and to ſwear or cauſe to be ſworn Twelve Men, who ſhall be the Jury for the Purpoſes aforeſaid; and in default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, or any Five or more of the ſaid Truſtees, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, to make up the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Truſtees or any Five or more of them acting in the Premiſes ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines upon ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, making default in the Premiſes; and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, and who (without ſufficient Excuſe) ſhall not appear, or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn ſhall refuſe to give or ſhall not give their Verdict, or ſhall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Perſons who being required to give Evidence before the ſaid Jury, after having been paid or tendered a reaſonable Sum for his, her, or their Coſts, Charges, and Expences, ſhall refuſe or neglect to appear without ſufficient Excuſe, or appearing ſhall refuſe to be ſworn and examined, or to give Evidence, ſo that no ſuch Fine be more than Twenty Pounds on any ſuch Sheriff, Deputy, Bailiff, or Agent, nor more than Ten Pounds on any other Perſon for One Offence.

Expences of the Jury how to be borne.

XLVII. And be it further enacted, That in caſe any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money, as a Recompence for the Right, Intereſt, or Property of any Perſon or Perſons in any Lands or Hereditaments, or for any ſuch Loſs or Damage, than what ſhall have been agreed to and offered by the ſaid Truſtees or any Five or more of them, by Notice in Writing under their Hands, or under the Hand or Hands of the Clerk or Clerks to the ſaid Truſtees for the Time being, delivered to or left at the laſt or uſual Place of Reſidence of ſuch Perſon or Perſons, or to the Clerk or other Officer or Officers of any ſuch Body

Body Politic, Corporate, or Collegiate, or his, her, or their Tenant or Occupier of the Premiſes, before the ſummoning and returning of the Jury as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Damage as aforeſaid; that then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes ſhall be borne and paid by the ſaid Truſtees or any Five or more of them out of the Tolls hereby granted, or out of any Money to be borrowed on the Credit thereof; but if any ſuch Jury ſhall give and deliver a Verdict or Aſſeſſment for no more or for leſs Money than ſhall have been agreed to and offered in Manner aforeſaid by the ſaid Truſtees or any Five or more of them, before the ſummoning and returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property in or Loſs or Damage as aforeſaid, that then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes ſhall be borne and paid by the Perſon and Perſons, Body or Bodies Politic, Corporate, or Collegiate, with whom the Truſtees ſhall have Controverſy and Diſpute: Provided always, that in 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 Truſtees in Manner aforeſaid.

Money allowed for Lands, &c. how to be charged and tendered.

XLVIII. And be it further enacted, That every Sum of Money or Recompence agreed for or aſſeſſed as aforeſaid ſhall be paid out of the Money in the Hands of the Truſtees, or out of the Money to ariſe by virtue of this Act, to the Parties or Perſons reſpectively entitled to the ſame, or to their Agents, after deducting ſuch Proportion of Expences as aforeſaid (if any be), or to their Agents, or into the Bank of *England*, in Manner by this Act directed, as the Caſe may be; and upon ſuch Payment it ſhall be lawful for the ſaid Truſtees or any Five or more of them, their Surveyors, Workmen, or Agents, to enter upon and take Poſſeſſion of ſuch Lands and Hereditaments, and to lay out and make, widen, divert, or turn ſuch Road or Roads, in and upon or through or over ſuch Lands or Hereditaments, and to do all and every Act, Matter, and Thing with relation to ſuch Lands or Hereditaments, as the ſaid Truſtees or any Five or more of them ſhall think fit; and the ſaid Truſtees or any Five or more of them ſhall cauſe ſuch Parts of the ſaid Road or Roads as ſhall be made, widened, diverted, or turned through any private Grounds, to be ditched or otherwiſe fenced from the adjoining Lands; and all Lands and Hereditaments which ſhall be made a Part or Parts of the ſaid Roads by virtue of this Act ſhall be for ever thereafter a Common Highway, and ſhall be repaired and kept in Repair as ſuch; and from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title to ſuch Lands and Hereditaments; and after any ſuch new Roads ſhall be completed, the Lands conſtituting the former Road, unleſs leading over ſome Moor or Waſte Ground, or to ſome Village, Town, or Place to which ſuch new Road doth not lead, ſhall be veſted in and may be ſold and conveyed by the ſaid Truſtees or any Five or more of them, or may be exchanged for other Lands uſed for the Purpoſes of this Act; and the Money ariſing by ſuch Sale ſhall be applied to the Repair of that Part of the Road ſo diverted and turned; and all Deeds of Conveyance, executed by the ſaid Truſtees or any Five or more of them, ſhall be good and effectual in the Law to all Intents and Purpoſes.

Conveyances to be enrolled.

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

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

L. Provided always, and be it further enacted, That before the ſaid Truſtees or any Five or more of them ſhall ſell and diſpoſe of any Piece or Pieces of Ground not wanted for the Purpoſes of this Act as aforeſaid, they 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 Lands 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 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.

Application of Compenſation if amounting to 200l.

LI. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed, taken, or uſed, by virtue of the Powers of this

Act, for the Purpoſes of the ſaid Roads, which ſhall belong to any Body Politic, Corporate, or Collegiate, or to any 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 whoſe Lands, Tenements, or Hereditaments are limited in ſtrict or other Settlement, or to any Perſon under any 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 Lands, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, ſtanding ſettled therewith to the ſame or the like Uſes, Truſts, Intents, or Purpoſes; 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, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, and Hereditaments, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined or capable of taking Effect; and in the meantime, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid 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 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, Tenements, and Hereditaments ſo to be purchaſed, in caſe ſuch Purchaſe or Settlement was made.

When leſs than 200l. and exceeding 20l.

LII. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, 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, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her,

or

or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank 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 said Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising therefrom, may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

When less than 20l.

LIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as 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, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, as the said Trustees shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles Purchase Money to be placed in the Bank.

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

Sums

Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any Sum or Sums of Money into the Bank as aforeſaid.

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſons in Poſſeſſion of the Lands to be deemed entitled thereto.

LV. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Monies, and 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, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

Court may order reaſonable Expences to be paid by Truſtees.

LVI. 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, Tenements, and Hereditaments 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 in the Purchaſe of other Lands, Tenements, and Hereditaments 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 or any Five or more of them out of the Monies to be received by virtue this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Surveyors may dig Gravel, &c. from Waſte Ground, making Satisfaction to the Owners.

LVII. And be it further enacted, That the Surveyor or Surveyors of the ſaid Roads, and ſuch Perſons as ſhall be employed by him or them, or by the ſaid Truſtees or any Five or more of them, are hereby empowered to cut, dig, gather, take and carry away any Furze, Heath, Stones, Gravel, Sand, or other Materials proper for the making or repairing of the ſaid Roads, or for building or rebuilding or repairing any Toll Houſe or Toll Houſes, Fence, Wall or Walls, on or by the Sides thereof reſpectively, or any Bridge or Bridges, Culvert or Culverts thereon, out of or from any Common or Waſte Ground, or Common River or Brook, in any Pariſh or Place in which any Part of the ſaid

Roads do lie, or in any adjoining Parish or Place, without paying any Thing for the same, such Surveyor or Surveyors, or other Person or Persons, railing or fencing the Pit or Pits, Quarry or Quarries, during the the Time of digging and taking away such Materials, and filling up or levelling or sloping the Sides or Banks of such Pit or Pits, Quarry or Quarries, when and as he or they shall have finished or done digging or taking away such Materials, so that the same may not be dangerous to Passengers or Cattle; and where there is not sufficient of any such Materials to be procured in any Common or Waste Ground, or Common River or Brook, the said Surveyor or Surveyors may, by Order of the said Trustees or any Five or more of them, search for, cut, dig, gather, take and carry away all such Materials as aforesaid, in, upon, or out of and from and over the Lands of any Person or Persons in any Parish or Place in which any Part of the said Roads is situate, not being a Yard, Garden, Park, Paddock, Orchard, Plantation, planted Walk or Avenue, adjoining to or usually used and occupied with any House or Mansion, or any inclosed Ground planted and set apart as a Nursery for Trees, paying or tendering Payment for the Materials had, and for the Damage done to the Owners and Occupiers respectively of the Grounds where or from whence the same shall be cut, digged, gathered, taken or carried away, or upon, over, or through which the same, or any other Materials so cut, dug, and gathered as aforesaid, shall be conveyed, such Equivalent in Money as the said Trustees or any Five or more of them shall adjudge reasonable; and in case of any Difference between the Trustees, Surveyor or Surveyors, or other Persons appointed and employed as aforesaid, and the Owners or Occupiers of private Lands, or any of them, concerning such Payments and Damages as aforesaid, any Two or more Justices of the Peace for the County where the Cause of Complaint shall arise, on Ten Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages.

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

LVIII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons under the Authority of this Act, to search for, dig, gather, take or carry away Materials for making or repairing the said Roads, out of or from any inclosed Lands or Grounds, until reasonable Notice in Writing shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at his or her usual Place of Residence, to appear before any Two or more Justices of the Peace acting for the County or Place wherein such Premises shall be, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier shall attend pursuant to such Notice, such Justices shall, if they think proper, authorize such Surveyor, or other Person or Persons, to search for, dig, gather, take and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Owner 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; and thereupon the Surveyor or Surveyors, or other Perſon or Perſons ſearching for, digging, gathering, taking and carrying away ſuch Materials, ſhall rail or fence the Pit or Pits, Quarry or Quarries, during the Time of ſuch ſearching for, digging, gathering, taking and carrying away ſuch Materials; and ſhall, if required, fill up or level or ſlope the Sides or Banks of ſuch Pit or Pits, Quarry or Quarries, when and ſo often as he or they ſhall have finiſhed ſearching for, digging, and taking away the ſaid Materials.

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

LIX. And be it further enacted, That if any Perſon ſhall take away any Materials which have been digged or gathered in any Lands, Fields, Waſte Grounds, River or Brook, for the Purpoſe of making or amending the ſaid Roads, or ſhall dig, get, or take away any Materials out of any Pit or Quarry which ſhall have been made for the Purpoſe of getting Materials for the ſaid Roads, before the Surveyors or other Workmen ſhall have diſcontinued working therein for the Space of Three Calendar Months (except the Owner or Occupier of any private Ground, and Perſons authorized by ſuch Owner or Occupier to get the like or other Materials therein for his or their own private uſe only, and not for Sale), every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds.

For removing Obſtructions.

LX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Five or more of them, or their Surveyor or Surveyors, and ſuch Perſons as they ſhall appoint, from Time to Time to remove all Annoyances and Obſtructions made on any Part of the ſaid Roads, or by the Sides thereof, within Thirty Feet from the Centre thereof, by Timber, Stone, Carriages, Sawpits, Hovels, Filth, Dung, Aſhes, Rubbiſh, Straw, or otherwiſe, and to take away and diſpoſe of the ſame as they ſhall think fit; and alſo to take down and remove or cauſe to be taken down and removed any Porch, Bulk, Projection, or Penthouſe on any Part of the ſaid Roads, or on the Sides thereof, which ſhall, in the Opinion of the ſaid Truſtees or any Five or more of them, be an Obſtruction to Paſſengers, or otherwiſe prejudicial to the ſaid Roads or to the Public, in caſe the Owners thereof ſhall neglect to remove the ſame after Four Days Notice in Writing, ſigned by the ſaid Truſtees or their Surveyor, and 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, making a Compenſation to the Owner thereof, in caſe the ſame ſhall have exiſted for Twelve Calendar Months before the paſſing of this Act; and that it ſhall be lawful for the ſaid Truſtees or any Five or more of them to cauſe all ſuch Poſts as are now, or which at any Time hereafter ſhall be put or placed upon any Part of the ſaid Roads, or on the Side or Sides thereof, as they ſhall think uſeleſs or inconvenient, to be taken up and removed; and all Steps, Poſts, Shew Glaſſes and Shew Boards, encroaching upon the Footways; and all Steps and Doors opening in or leading from any of the ſaid Footways into Vaults or Cellars to be removed or altered; and ſhall and may cauſe all Signs or other Emblems uſed to denote the Trade, Occupation, or Calling of any Perſon or Perſons, and all Sign Poſts, Sign Irons, Shew Boards, Spouts and Gutters,

Gutters, projecting into or over any of the ſaid Roads, and all other Encroachments, Projections, and Annoyances whatſoever on the Sides of the ſaid Roads, to be taken down and removed; and ſhall cauſe all Signs or other Emblems as aforeſaid, Shew Boards, Spouts or Gutters, to be fixed or placed on the Ground, or againſt the Fronts of the Houſes, Shops, Warehouſes, or Buildings whereunto they reſpectively belong or were before affixed, and ſhall return or cauſe to be returned to the reſpective Owners thereof, ſo much of ſuch Signs or other Emblems, Sign Poſts or other Poſts, Sign Irons, Shew Boards, Spouts and Gutters, as ſhall not be found neceſſary for the fixing or placing thereof as aforeſaid; and if any Perſon or Perſons ſhall at any Time hereafter, or after ſuch Removal as aforeſaid, hang, place, erect, or build any Sign, Sign Poſt or other Poſt, Sign Iron, Shew Board, Spout, Gutter, or other Projection, Obſtruction, or Annoyance in or over any Part of the ſaid Roads, or cauſe the ſame to be done, he or ſhe ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds.

Penalties on Perſons building Porches, &c. againſt the Sides of the Houſes.

LXI. And be it further enacted, That if any Perſon or Perſons ſhall, after the paſſing of this Act, erect or build, or cauſe to be erected or built, any Porch, Bulk, Projection or Penthouſe, againſt the Front or Side of any Houſe or other Building now or at any Time hereafter to be erected and built on the Sides of the ſaid Roads, or of any Part thereof, or any Bow or Projecting Window againſt any Room or other Place on the Ground Floor of any ſuch Houſe or other Building, ſo as to encroach upon or project over the Footway, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Ten Pounds; and it ſhall be lawful for the ſaid Truſtees or any Five or more of them, from Time to Time, to cauſe all ſuch Porches, Bulks, Projections, Penthouſes, and Bow Windows, to be taken down and removed at the Expence of the Owner or Proprietor thereof.

Penalty on cauſing Annoyances in the Roads.

LXII. And be it further enacted, That if any Perſon or Perſons ſhall run, drive, draw, carry or place, or cauſe or procure to be run, driven, drawn, carried or placed, on any of the Footways on the Sides of any of the ſaid Roads, any Wheel, Sledge, Wheelbarrow, Handbarrow, Waggon, Cart, Truck, or other Carriage, or ſhall roll any Caſk, otherwiſe than for the neceſſary Loading and Unloading thereof, or ſhall drag any Timber or Log of Wood or other Thing, or ſhall wilfully ride, drive, or lead any Horſe or other Beaſt or Cattle on any of the ſaid Footways, or ſhall permit or ſuffer to run looſe or wander, or to graze or ſtray on any of the ſaid Roads, or upon or on the Sides of any of the ſaid Roads, any Horſe, Swine, or other Beaſt or Cattle, or ſhall kill, ſlaughter, ſinge, ſcald, dreſs, or hang up or place (wholly or in Part), any Beaſt, Swine, Calf, Sheep, Lamb, or other Cattle, or hoop, burn, cleanſe or ſcald any Caſk, or hew, ſaw, cut, or cleave any Stone, Timber or Wood, or make, bind, or repair any Wheel or Carriage, or ſhoe, bleed, or farry, except in caſe of Accident, any Horſe or other Beaſt on any of the ſaid Roads, or upon or on the Sides of any of the ſaid Roads, or ſhall ſlack, mix, or wet any Lime or Mortar, or ſhall place or leave any Cart, Waggon, or other Carriage, or any Horſe or other Beaſt or Cattle, or ſhall lay, place, or leave any Timber, Bricks, Tiles, Stones, Hay, Straw, Dung, Goods, or other

other Thing, or ſhall lay and permit to remain any Aſhes, Dung, Rubbiſh, Dirt, Duſt, Earth, or other Nuiſance or Annoyance, in or upon any Part of the ſaid Roads, or on the Sides thereof, or ſhall ſet, place, or expoſe to ſale any Goods, Wares, or Merchandizes in or upon or over the Footways of the ſaid Roads (except on Fair or Market Days, or the Days on which ſuch Fairs or Markets ſhall be uſually held, and then leaving ſufficient Footway for Paſſengers); or if any Perſon or Perſons ſhall make or aſſiſt in making any Fire or Fires, commonly called *Bonfires*, or ſhall ſet fire to, let off or throw any Squib, Rocket, Serpent, or other Firework whatſoever, on any Part of the ſaid Roads, or within Fifty Yards of the ſame, or play at Football, Skittles, or any other Game on any Part of the ſaid Road, to the Annoyance of any Paſſenger or Paſſengers; or if any Perſon, ſhall, after having blocked or ſtopped any Waggon, Cart, or other Carriage, in going up a Hill or riſing Ground, leave or ſuffer to be or remain on the ſaid Roads, or any Part thereof, the Stone or other Thing with which ſuch Waggons, Carts, or other Carriages ſhall have been blocked or ſtopped, every Perſon offending in any or either of the ſaid Caſes ſhall forfeit and pay any Sum not exceeding Five Pounds over and above ſuch Penalties as are inflicted on any of the ſaid Offences by any Law or Statute now in force.

Cattle ſtraying on the Roads to be impounded.

LXIII. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the Surveyor or Surveyors of the ſaid Truſtees for the Time being, or any other Perſon or Perſons whomſoever, to impound in the Common Pound, or ſuch other Place as the ſaid Truſtees or any Five or more of them ſhall appoint for that Purpoſe, any Horſe or Horſes, Swine or other Beaſts or Cattle, found wandering or ſtraying about any or either of the ſaid Roads, or that ſhall be feeding or grazing on the Banks on the Sides of the ſaid Roads, or any of them, whether attended by any Perſon or Perſons to take care of the ſame or not, and to detain the ſame Horſe or Horſes, Swine, Beaſts, or other Cattle in the ſaid Pound or other Place, until the ſaid Penalty and Expences of impounding and keeping the ſame ſhall be fully paid and ſatisfied; and if in any ſuch Caſe ſuch Penalty and Expences ſhall not be paid within Four Days after ſuch Horſe or Horſes, Swine, or other Beaſts or Cattle ſhall be impounded, it ſhall be lawful for ſuch Perſon or Perſons as ſhall be appointed by the ſaid Truſtees or any Five or more of them to ſell or cauſe the ſame to be ſold, and the Coſts and Charges of impounding and keeping the ſame in Pound, and ſelling the ſame and the ſaid Penalty, ſhall be deducted thereout, and the Overplus (if any), Demand thereof being made, ſhall be paid to the Owner or Owners thereof: Provided always, that nothing herein contained ſhall extend to prevent the Owners of or Perſons entitled to the Soil or Herbage of any of the ſaid Banks on the Sides of the ſaid Roads from feeding the ſame with their own Cattle, having ſome Perſon or Perſons to attend ſuch Cattle while feeding.

Nuiſances to be removed.

LXIV. And be it further enacted, That if any Hogſtye, or any other noiſome Building, Dung, Mixen, or any other Matter whatever in or near any of the ſaid Roads, ſhall be offenſive to any Perſon or Perſons, the ſame ſhall be deemed a Nuiſance and an Offence againſt this Act, and it

shall be lawful for the said Trustees or any Five or more of them, upon Complaint thereof to them made by Notice in Writing under their Hands, or under the Hand of their Clerk or Clerks for the Time being, to order any such Nuisance or Offence to be removed; and in case the same shall not be removed within the Space of Ten Days after such Notice given to or left at the last Place of Residence of the Person or Persons who ought to remove the same, such Person or Persons shall forfeit and pay any Sum not exceeding Five Shillings daily for every Day that the same shall continue unremoved after the Expiration of the said Notice.

Surveyor may remove Annoyances, and cleanse Ditches, &c.

LXV. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, or their Surveyor or Surveyors, and such Person or Persons as they shall appoint from Time to Time, to turn any Watercourses, Sinks, or Drains running along, into, or out of the said Roads, or any Part thereof, to the Prejudice thereof respectively; and to open, scour, cleanse, widen or make deeper any Watercourses or Ditches adjoining thereto respectively, and make the same as deep and large as he or they shall think necessary, in case the Owners or Occupiers of the Premises shall neglect to open, scour, cleanse, widen or deepen such Watercourses or Ditches, in such Manner as the said Trustees or any Five or more of them, or their Surveyor or Surveyors for the Time being, shall require, for the Space of Five Days next after Notice in Writing given for that Purpose under the Hand or Hands of the Clerk or Clerks to the said Trustees for the Time being, or such Surveyor or Surveyors; and that it shall be lawful for such Surveyor or Surveyors from Time to Time to lop any Branches and cut down any Shrubs or Bushes in the said Roads, or in the Hedges or Banks adjoining thereto, and to cut down or reduce all such Hedges to the Height of Four Feet, and to take, carry away and sell the Wood so cut, and apply the Money arising therefrom in repair of the Road whereon or near whereunto the same stood, in case the Owners or Occupier shall neglect to lop or top, cut down, and remove such Branches, Shrubs, or Bushes, or reduce such Hedges in such Manner as the said Trustees or any Five or more of them shall require, for the Space of Ten Days next after Notice in Writing given for that Purpose to or left at the House or Place of Residence of the Owner of the Land on which the same shall stand, under the Hand or Hands of the Clerk or Clerks to the said Trustees for the Time being, or their Surveyor or Surveyors, the Charges whereof (to be settled by the said Trustees or any Five or more of them) shall be reimbursed by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein-after directed to be recovered, paid, and applied; and if after Removal of any of the said Annoyances and Obstructions any Person shall again offend in the like Kind, every such Person shall for every such subsequent Offence forfeit any Sum not exceeding Five Pounds: Provided always, that nothing herein-before contained shall extend to authorize the said Trustees or Surveyors to cut down or lop or top any Trees or Shrubs in any Garden, Orchard, Plantation, Park, Paddock or Yard, Walk or Avenue to a House, or any Trees or Shrubs being an Ornament or Shelter to a House, without the Consent of the Owner and Occupier thereof.

LXVI. And

Surveyors may make Cauſeways, and make a temporary Road, and erect Bridges.

LXVI. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors of the ſaid Roads, or ſuch Perſon or Perſons as he or they ſhall appoint, by Order of the ſaid Truſtees or any Five or more of them, to make or cauſe to be made Ditches or Drains in or through any Lands lying contiguous to the ſaid Roads and Cauſeways, in and upon or on the Sides of the ſaid Roads; and alſo to make a Road and Cauſeways through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Part of the ſaid Roads (ſuch Ground reſpectively not being the Ground whereon any Houſe ſtands, nor a Yard, Garden, Orchard, Park, Paddock, Plantation, 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 as a public Highway, whilſt the old Road is repairing and widening; and alſo by Order of any Five or more of the ſaid Truſtees to build, erect, repair, and keep in Repair any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the ſaid Roads, and acroſs any River, Stream, Brook, Water, Ditch, or Drain therein or contiguous thereto, making ſuch Recompence to the Owners and Occupiers of the private Grounds reſpectively, for the Damages they ſhall or may thereby ſuſtain, as ſhall be judged reaſonable by the ſaid Truſtees or any Five or more of them; and in caſe of any Difference concerning the ſame between ſuch Owners or Occupiers and the ſaid Truſtees, it ſhall be lawful for any Two Juſtices of the Peace for the County where the Cauſe of Complaint ſhall ariſe, to hear, ſettle, and determine the Recompence to be made to ſuch Owners or Occupiers for the Damages they ſhall have ſuſtained as aforeſaid; but that no Satisfaction ſhall be made for doing or performing any of the Works aforeſaid upon or through any Common, Moor, or Waſte Grounds.

Roads to be meaſured and Mileſtones erected.

LXVII. And be it further enacted, That the ſaid Truſtees or any Five or more of them may, if they think fit, cauſe the ſaid Roads to be meaſured, and Stones or Poſts to be placed in or near the ſame, with Inſcriptions thereon, denoting the Number of Miles and Diſtance of Places, as they ſhall think proper, and ſhall alſo cauſe to be ſet up ſuch and ſo many Direction Poſts as they may think neceſſary; and if any Perſon or Perſons ſhall wilfully break, damage, or pull up any of the Stones or Poſts ſo to be erected as aforeſaid, or ſhall obliterate or deface any of the Letters, Figures, or Marks thereon, and be thereof convicted before any Juſtice of the Peace for the County wherein the Offence may be committed, by the Confeſſion of the Party, or by the Oath of one credible Witneſs, ſuch Perſon or Perſons ſo offending ſhall forfeit and pay any Sum not exceeding Forty Shillings for every ſuch Offence; one Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be paid to the ſaid Truſtees, or to their Treaſurer or Clerk, to be applied for the Purpoſes of this Act.

Gates to open inwards.

LXVIII. 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 Footpaths 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,

ſure, having any Gate opening outwards contrary to the Meaning of this Act, ſhall within Ten 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 Footpath 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 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.

Perſons liable to repair particular Parts of the Roads, Bridges, &c. to continue ſo.

LXIX. And be it further enacted, That where any particular Part of the ſaid Roads, or any Bridge, Drain, or Sewer, being in and upon the ſaid Roads, which had been accuſtomed or ought to be repaired and maintained by any particular Perſon or Perſons, Body Politic, Corporate, or Collegiate, by reaſon of the Tenure of any Lands, Tenements, or Hereditaments, or by either of the ſaid Counties or any Townſhip therein, every ſuch Part of the ſaid Roads, Bridge, Drain, or Sewer ſo lying in or upon the ſaid Roads, ſhall from Time to Time be maintained and kept in Repair by ſuch Perſon or Perſons, Body Politic, Corporate, or Collegiate, County or Counties, Townſhip or Townſhips, Pariſhes, Tithings and Places, and in ſuch Manner as the ſame were reſpectively maintained and kept in Repair before the paſſing of this Act.

Truſtees may compound for ſuch Work.

LXX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees or any Five or more of them, from Time to Time, to compound and agree with all or any of the ſaid Perſon or Perſons, Bodies Politic, Corporate, or Collegiate, Townſhip or Townſhips, Tithings or Places, who is, are, or ſhall be liable or chargeable for or towards repairing of any ſuch particular Part of the ſaid Roads, Bridges, Drains, or Sewers (except the Bridges liable to be repaired by the County which ſhall continue to be reſpectively repaired as aforeſaid), for a certain Sum of Money, by the Year or otherwiſe, as the ſaid Truſtees or any Five or more of them ſhall think fit, in lieu of ſuch particular Works or Repairs to be done by ſuch particular Perſon or Perſons, Body Politic, Corporate, or Collegiate, Townſhip or Townſhips, Tithings or Places, as aforeſaid.

Statute Labour.

LXXI. 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 and amending the ſaid Roads, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall and may be lawful for any Two or more Juſtices of the Peace for the County or Place

Place in which the ſaid Roads or any Part thereof lie, 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), yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Roads by the Inhabitants of the reſpective Pariſhes, Townſhips, or Places in which the ſaid Roads lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Townſhip, or Place, in lieu of or as a Compoſition for ſuch Statute Work, ſhall be by him or them paid to the ſaid Truſtees or to their Treaſurer; and in order thereunto it ſhall and may be lawful for ſuch Juſtices, from Time to Time, to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh, Townſhip, or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons) of the Names of the ſeveral Perſons who, within ſuch Pariſh, Townſhip, or Place, are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo 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 directed by any Law or Statute in Force and Effect for the Repair of the public Highways; and out of ſuch Liſts ſuch Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject or liable to do Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Roads as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay-time or Harveſt), and on ſuch Parts of the ſaid Roads, as the ſaid Truſtees or their Surveyor or Surveyors, by their Order, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons, who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to the Surveyor or Surveyors of every ſuch Pariſh, Townſhip, 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 Juſtices ſhall direct; and in default of Payment thereof, by any ſuch Surveyor or Surveyors, the ſame ſhall and 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 other Penalties and Forfeitures are by this Act herein-after directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid (after Notice in Writing given to or left for him, her, or them, at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe 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 public Highways; and if any Perſon who ſhall come to work as a Labourer, or who ſhall be ſent with any Team or

Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and diſcharge the Perſon who ſhall be found idle or negligent as aforeſaid; and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Roads; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Roads; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes, Townſhips, or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly and willingly give in falſe or imperfect Liſts, or ſhall refuſe and neglect to collect or pay over 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.

Truſtees may compound for Statute Duty.

LXXII. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees or any Five or more of them, and they are hereby authorized and empowered, to compound or 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 applied in Repair of the ſaid Roads.

For enforcing the Payment of Compoſition Money.

LXXIII. 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 for paſſing through any Turnpike or Toll Gate, or any Part or Parts of ſuch Compoſition Money reſpectively, ſhall not be paid within Ten Days after the ſame ſhall become payable, it ſhall be lawful for any Juſtice or Juſtices of the Peace for the ſaid County of *Wilts* or County of *Somerſet*, 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.

Surveyors, &c. may recover the ſame.

LXXIV. 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

covered as aforeſaid, ſhall be repaid or reimburſed the Compoſition Money paid by or recovered of them reſpectively, 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 repaid or reimburſed the Monies by them expended in buying Materials for repairing the Highways.

Truſtees may contract for repairing the Roads.

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

Truſtees to aver to Owners of Stoke Bridge the Tolls collected at the ſame, firſt deducting Expences of collecting, &c.

LXXVI. And whereas by the ſaid recited Act of the Thirty-eighth Year of the Reign of His preſent Majeſty, after reciting as therein is recited, it is enacted, that the Tolls and Duties taken at *Stoke Bridge* aforeſaid from all Perſons paſſing over the ſaid Bridge ſhould be and the ſame were thereby eſtabliſhed and confirmed to the Owner or Owners of the ſaid Bridge for the Time being, they reſpectively ſupporting and maintaining the ſaid Bridge, and keeping the ſame, and alſo the Road lying between *Combe Bridge* and *Rowaſs Gate* aforeſaid, in good order and repair, at their own reſpective Coſts and Charges, according to their reſpective Intereſts in the ſaid Bridge; be it therefore enacted, That the ſaid Truſtees ſhall and they are hereby required from Time to Time, and at all Times after the paſſing of this Act, to pay by Four equal Quarterly Payments, to the Perſon or Perſons who ſhall be entitled to the Tolls taken at the ſaid Bridge, and who ſhall keep the ſaid Bridge, and alſo the ſaid Road from *Combe Bridge* aforeſaid to *Rowaſs Gate*, in good and ſufficient Repair, all and every Sum or Sums of Money which during the Continuance of this Act ſhall be collected and received at the ſaid Gate now erected on the ſaid Bridge, having firſt deducted and paid thereout the Expences attending the collecting and receiving the ſame.

In caſe the Owner neglects to maintain the Bridge and Road, Truſtees to do it, and pay the Expences out of Bridge Tolls.

LXXVII. Provided always, and be it further enacted and declared, That in caſe, at any Time during the Continuance of this Act, the Owner or Owners of the ſaid Bridge, or other the Perſon or Perſons entitled to have and receive the Tolls collected on the Bridge for the Time being, ſhall neglect or refuſe to maintain and ſupport the ſaid Bridge, and keep the ſame, and ſuch Part of the ſaid Road as aforeſaid, in good Order and Repair, upon Two Calendar Months Notice in Writing to be given to the Owner or Owners of the ſaid Bridge, or other the Perſon or Perſons entitled to have and receive the Tolls collected on the ſaid Bridge for the Time being reſpectively, by the Truſtees appointed or to be appointed by this

this Act, or any Five or more of them, of the ſame being out of Repair, it ſhall be lawful for the ſaid Truſtees or any Five or more of them, or ſuch Perſon or Perſons as they ſhall in that Behalf depute or appoint, to enter into and upon the ſaid Toll Houſe or Tenement, and the Turnpike or Toll Gate erected and ſet up at *Stoke Bridge* aforeſaid, and to receive, collect, and take the Tolls directed and appointed by this Act to be there levied and paid as aforeſaid, and to apply and diſpoſe of the ſame for the ſupporting and maintaining the ſaid Bridge, and keeping the ſame and ſuch Part of the Road as aforeſaid in good Order and Repair, until thereby or therewith or otherwiſe the ſame Bridge and that Part of the ſaid Road ſhall be effectually repaired and amended, and put into good Order and Repair, and no longer.

Penalties and Forfeitures how to be recovered and applied.

LXXVIII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be impoſed, if the Manner of Levying and Recovery thereof is not herein otherwiſe directed, ſhall, upon Proof of the Offences reſpectively before any one Juſtice of the Peace for the County of *Wilts* or *Somerſet* (as the Caſe may be), either by the Confeſſion of the Parties offending, or by the Oath of one or more Witneſs or Witneſſes, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of ſuch Juſtice (which Warrant ſuch Juſtice is hereby required and empowered to grant for ſuch Purpoſes), and the Overplus, after ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Diſtreſs and Sale are recovered and deducted, ſhall be returned upon Demand unto the Owner or Owners of ſuch Goods and Chattels, and the Penalties, Forfeitures, and Fines, when paid or levied, if not otherwiſe directed to be applied by this Act, ſhall be from Time to Time paid to the Treaſurer or Treaſurers of the ſaid Truſtees, and applied to the Repairs of ſuch Roads; and in caſe ſuch Penalties, Forfeitures, and Fines 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 one Juſtice of the Peace as aforeſaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction of the County or Place, there to remain without Bail or Mainprize, for any Term not exceeding Three Calendar Months, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

LXXIX. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every the Juſtice or Juſtices of the Peace, before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be

be drawn up in the following Form of Words (as the Case shall happen), or in any Form of Words to the same Effect:

Form of Conviction.

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

Proceedings not to be quashed for want of Form, nor removable by Certiorari.

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

Persons aggrieved may appeal to the Quarter Sessions.

LXXXI. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise, and not elsewhere, and within Four Calendar Months after the Cause of Complaint shall have arisen, such Appellant first giving or causing to be given Fourteen Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk to the said Trustees, or other the Respondent or Respondents, and within Three Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal at, and abide by the Order of and pay such Costs as shall be awarded by such Justices at such Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes.

Limitation of Actions.

LXXXII. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons, for any thing done in

in purſuance of this Act, until Twenty-one Days Notice thereof ſhall be given to the Clerk to the ſaid Truſtees, nor after a ſufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed; and every Action or Suit ſhall be laid, brought, and tried in the County or Place where the Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit may, at his or their Election, plead Specially or the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to be ſo done, or that ſuch Action or Suit ſhall be brought before Fourteen Days Notice thereof ſhall be given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or ſhall be brought after the Time limited for bringing the ſame as aforeſaid, or in any other County than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall recover Treble Coſts, and ſhall have ſuch Remedy for Recovery of the ſame, as any Defendant or Defendants hath or have for his, her, or their Coſts in any other Caſes by Law.

General Iſſue.

Treble Coſts.

Public Act.

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

Continuance of this Act.

LXXXIV. And be it further enacted, That this Act ſhall commence on the paſſing thereof, and ſhall continue and be in force and be executed thenceforth, for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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