ANNO PRIMO

GEORGII IV. REGIS.

Cap. xxxii.

An Act for more effectually repairing and improving several Districts of *Malmesbury* Turnpike Roads, and other Roads connected therewith, in the Counties of *Wilts*, *Berks*, and *Gloucester*.

[22d *June* 1820.]

WHEREAS an Act was passed in the Thirty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually repairing, widening, and improving the Road from* Tetbury, *in the County of* Gloucester, *to and through* Malmesbury, *to the* Churchway *in* Lower Stanton Field, *in the County of* Wilts, *there to join the Turnpike Road, leading from* Chippenham Bridge *to* Lower Stanton *aforesaid, and from* Malmesbury *to the Turnpike Road at or near* Jackament's Bottom, *in the said County of* Gloucester, *and also the Road from* Farringdon to Cricklade, *from thence to* Malmesbury, *and to the Turnpike Road at* Acton Turville, *and also from* Sherstone *to the Turnpike Road leading from* Tetbury *to* Bath; *and for making, maintaining, widening and improving several other Roads communicating therewith;* which Roads were by the said Act divided into Two Districts, as therein particularly described, and placed under the Care and Management of separate Trustees, thereby appointed for such Districts respectively: 38 G. 3. c. 66.

tively: And whereas considerable Sums of Money have been borrowed on the Credit of the Tolls authorized to be collected upon each of the said Districts, which Money still remains due and owing: And whereas that Part of the Second District of Road, which extends from *Acton Turville* to *Downend*, in the said County of *Gloucester*, hath been proceeded upon, but at present remains incomplete and unfinished; and by reason of the great Length of the same District, and the Distance of that Part, from the Upper Part thereof, it would be more conveniently and properly attended to, if the same were detached from the other Parts of that District, and formed into another District, and placed under the Care and Management of separate Trustees, and other requisite Officers residing in that Neighbourhood: And whereas divers Sums of Money have been borrowed on the Credit of the Tolls to arise on the said last-mentioned Line of Road exclusively, which Sums still remain due and owing; and it is expedient that the same, together with all other Monies which may hereafter be advanced and lent on the Credit of the Tolls of the said last-mentioned Line of Road, should be more effectually secured by Mortgage of the said Tolls, under the Authority of this Act: And whereas the Public Highway now leading from and out of the Road from *Malmesbury* to *Chippenham*, at or near a certain Place called *Kingway*, to and through the Village of *Hullavington*, unto the Turnpike Road leading from *Upper Stanton* to *Grittleton*, is very much out of repair, narrow, and incommodious, and cannot be properly amended, widened, and kept in Repair by the ordinary Course of Law; and it would be of public Utility if the same were either made good, or Part thereof shut up, and a shorter Road made from or near to *Corston Bridge*, by certain Lands called the *Downs* and *Topsails*, to and through the said Village of *Hullavington* to the said *Stanton* and *Grittleton* Road, and added to the said First District of Road: And whereas it would be also more convenient to the Public, if Power were given to the Trustees of the Second District of Road, to stop up that Part of the present Road which leads from the Village of *Charlton*, by *Smith's Mill*, to *Whychurch Marsh Gate*, or otherwise to discontinue the same as a Turnpike Road, and make it Private only for the Use of the Owners and Occupiers of the adjoining Lands, and in the Stead and Place thereof to repair, amend, widen, make and maintain as Turnpike a Road from *Charlton Heath* or *Moor*, or *Noah's Ark*, by *Garsdon*, and *Milborn Common*, into the Road there leading to *Malmesbury*, at or near to *Holloway Bridge*: And whereas many Parts of the said Roads comprized in both the said Districts might be greatly improved, and it would be of general Utility if Power were given to widen, divert, turn, shorten, vary and alter several Parts of the said Roads, and more particularly to shorten the Distance between the Towns of *Cricklade* and *Highworth*, and avoid the *Blunsdon* and *Widhill Hills*, by making the Road Turnpike from *Seven Bridges*, in the present Track through *Golden Rose Lane*, and along *Hannington Lawn*, or Part of *Hannington Lawn*, in the best Line to join the present Turnpike Road again at or near *Stanton Water*, on the West Side of *Hampton* and *Highworth*; and also to shorten the Distance between *Highworth* and *Farringdon*, by cutting or passing through the Parsonage Yard and Land on the East Side of the said Town of *Highworth*, and making

the Road straight into the Turnpike Road again, close to the Messuage of *Randle Pedley* in *Eastrop*, in the Occupation of *Thomas Hopper*: And whereas the said Roads cannot be effectually made, amended, diverted, varied, altered, widened, straightened, improved, maintained, and kept in Repair, and the said Second District cannot be divided; nor can the Sums of Money so borrowed as aforesaid, or the Interest thereof be paid, unless the Term of the said recited Act (which is now near expiring), be continued; and it would be more convenient to the Trustees for executing the said Act, and beneficial to the Roads herein-before mentioned and described, if the said recited Act were repealed, and further, better, and more effectual Powers granted, consolidated, and comprized in one Act: But the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said recited Act made in the Thirty-eighth Year of the Reign of His late Majesty King *George* the Third, shall be and the same is hereby declared to be repealed; and that this Act shall from thenceforth commence, take effect, and be put in Execution for and during the Term herein-after mentioned, for the Purpose of making, amending, diverting, varying, altering, widening, straightening, improving, maintaining, and keeping in Repair the several Roads herein-after described; (that is to say), the present Turnpike Road leading from the Town of *Tetbury* in the County of *Gloucester*, to and through the Borough of *Malmesbury* to the Site of Ground whereon a Cottage formerly stood, adjoiniug to the *Churchway* in *Lower Stanton Field*, in the County of *Wilts*, there joining the Turnpike Road leading from *Chippenham Bridge* to *Lower Stanton* aforesaid; and the Road leading from the High Cross, in the Borough of *Malmesbury*, to the Turnpike Road leading from *Cirencester* in the County of *Gloucester*, to *Tetbury* aforesaid, at or neat a Place called *Jackament's Bottom* in the said County; and the Road (by this Act intended to be made Turnpike) leading from and out of the said present Turnpike Road from *Malmesbury* to *Chippenham*, at or near the aforesaid Place called *Kingway*, to and through the Village of *Hullavington*, unto the Turnpike Road leading from *Upper Stanton* to *Grittleton*, or else from the said present Turnpike Road from *Malmesbury* to *Chippenham*, at or near to *Corston Bridge*, by the *Downs* and *Topsails*, to and through the said Village of *Hullavington*, to the said *Stanton* and *Grittleton* Road; which several Roads aforesaid do pass through or lie in the Parishes, Tithings, or Places of *Malmesbury*, *Saint Paul Malmesbury*, the *Abbey Malmesbury*, *Saint Mary Westport*, *Newnton*, *Brokenborough*, *Milborne*, *Whychurch*, *Charlton*, *Hankerton*, *Crudwell*, *Kemble*, *Burtonhill*, *Corston*, *Hullavington*, *Stanton Saint Quintin*, and *Grittleton*, in the said County of *Wilts*, and shall be and be called the First District of Roads: The present Turnpike Road leading from the Town of *Farringdon*, in the County of *Berks*, (commencing at the Turnpike Gate inclusive, erected and now standing at the West End of the said Town), to and through the several Towns and Boroughs of *Highworth*, *Cricklade*, and *Malmesbury*, unto the Turnpike

Former Act repealed, and Roads divided into Three Districts.

The First District set out and described.

The Second District.

pike Road at *Acton Turville*, and also the present Turnpike Road from *Sherstone Magna* to the Turnpike Road leading from *Tetbury* to *Bath*, and also the present Turnpike Road leading out of the said Turnpike Road from *Malmesbury* to *Sherstone*, at the end of a Lane in the Parish of *Brokenborough*, near to a certain Field called *Hyem Park*, to the Turnpike Road leading from the City of *Gloucester* to *Bath*, at or near the Place where the Roads from *Frocester* to *Bath* and *Rodborough* to *Bath* unite, in the Parish of *Lasbrough*, and from the Upper End of *Shipton Moyne Street*, unto a Place called *Underbridge*, in the Parish of *Shipton Moyne*; and also the Road leading from the aforesaid present Turnpike Road and Gates at *Charlton* aforesaid to the said Turnpike Road leading from *Malemsbury* to *Jackament's Bottom*, at or near a certain Place called *The Five Lanes*, in the Parish of *Hankerton*, and from thence joining the Turnpike Road leading from *Tetbury* to *Malmesbury* aforesaid at the Village of *Newnton*, and also the Variation of Road by this Act intended to be made Turnpike, leading from and out of the present Turnpike Road from *Cricklade* to *Malmesbury*, from *Charlton Moor* or *Heath*, or *Noah's Ark*, by *Garsdon* and *Milborne Common*, to *Holloway Bridge*; and the Variations of Road from *Seven Bridges* by *Golden Rose Lane*, and after extending through Part of *Hannington Lawn*, passing in nearly a straight Line to *Stanton Water*, between the Towns of *Cricklade* and *Highworth*; and the Diversion of Road also by the said Act intended to be made Turnpike, through or near the Parsonage Yard and Land on the East Side of the Town of *Highworth*, in a straight Line therefrom, to join the said Turnpike Road from *Farringdon* to *Highworth* by the Messuage of *Randle Pedley*, in *Eastrop*, in the Occupation of *Thomas Hopper*; which said last-mentioned Roads, Variations, and Diversions, do pass through or lie in the several Parishes, Tithings, or Places of *Farringdon*, *Great Coxwell*, and *Coleshill*, in the County of *Berks*; and *Fresden*, *Eastrop*, *Highworth*, *Westrop*, *Hampton Turville*, *Stanton Fitzwarren*, *Hannington*, *Bury Blunsdon*, *Broad Blunsdon*, *Widhill*, *Water Eaton*, *Cricklade Saint Sampson*, *Chelworth*, *Cricklade*, *The Leigh*, *Ashtonkeynes*, *Minety*, *Hankerton*, *Charlton*, *Garsdon*, *Whychurch*, *Milborne*, *Malmesbury*, *Saint Paul Malmesbury*, *The Abbey Malmesbury*, *Saint Mary Westport*, *Bremilham*, *Brokenborough*, *Newnton*, *Eastongrey*, *Pinkney*, *Sherston Parva*, *Sherston Magna*, *Luckington*, and *Sopworth*, in the County of *Wilts*; and the several Parishes, Tithings or Places of *Minety*, *Shipton Moyne*, *Westonbirt*, *Doughton*, *Elmstree*, *Charlton*, *Tetbury*, *Lasbrough*, and *Acton Turville*, in the County of *Gloucester*, and shall be and be called the Second District of Road: And the present unfinished Turnpike Road leading from the End of the said Second District of Road at *Acton Turville* into the said Turnpike Road leading from *Sodbury* to *Bristol*, at or near a certain Inn commonly called or known by the Name of *The Horse Shoe* at *Downend*, which said last-mentioned Road doth pass, or is formed to pass, into or through the several Parishes, Tithings, or Places of *Acton Turville*, *Tormarton*, *Codrington*, *Wapley*, *Westerleigh*, *Pucklechurch*, *Henfield*, *Mangotsfield*, and *Downend*, in the County of *Gloucester*, and shall be and be called The *Downend* District of Road: And this Act, and the Term hereby granted, and all the Tolls hereby authorized to be collected upon the said several Roads already and hereby intended to be

The Downend District.

The Districts chargeable only with

be made Turnpike, and comprized in the Three several Districts aforesaid, shall be and are hereby declared to be charged with and subject to the Payment of all Money now due and owing upon the Credit of the said Act, passed in the Thirty-eighth Year of the Reign of His late Majesty King *George* the Third, hereby repealed, and of all Monies which have been borrowed on the Credit of the Tolls to arise on the said *Downend* District of Road from *Acton Turville* to *Downend*, or which have been expended or laid out, and of Debts otherwise incurred in or towards the forming, making, or improving of the said last-mentioned District of Road; and also of all Money which shall or may from Time to Time hereafter be borrowed and become due upon the Credit of this Act, and of the Tolls arising within the same Three Districts herein described severally and respectively, and the Interest due and to grow due for the same Debts and Monies respectively, within each of such separate Districts. their own respective Debts.

II. Provided always, and be it further enacted, That all the existing Securities or Debts affecting the said First District of Road or any Part thereof, shall not extend beyond, but shall be confined to or within the same District herein-before described; and that all the existing Securities or Debts affecting the said Second District of Road or any Part thereof, shall not be deemed or construed to extend beyond, but shall be confined to or within the same Second District herein-before described, and hereby made to terminate at *Acton Turville* as aforesaid; and that all the existing Securities or Debts affecting the said *Downend* District of Road, shall not be deemed or construed to extend beyond, but shall be confined to the same *Downend* District herein-before described, and hereby detached from the said Second District as aforesaid; any thing herein contained to the contrary in anywise notwithstanding. Debts confined to each District.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the said Counties of *Wilts* and *Gloucester* for the Time being, together with the Right Honourable *Charles John Howard* commonly called Viscount *Andover*, *Jonas Ady*, *Henry Bayliffe*, *Maurice Maskelyne Bennett*, *John William Biedermann*, *Thomas Edward Biedermann*, *George Bissett* Clerk, *John Brooks*, *John Buckland*, *William Buckland*, Sir *Christopher Bethel Codrington* Baronet, *Thomas Calley*, *Giles Canter*, *Richard Carter*, *Walter Coleman*, *Abel Coleman*, *William Crowdy*, *Estcourt Cresswell*, *Thomas Creswell*, *William Chandler*, *John Collett*, *Stephen Demainbray* Clerk, *Charles Dewell*, *Robert Dyer*, *James Darley*, *Thomas Grimstone Estcourt*, *Edmund William Estcourt* Clerk, *Charles Emett*, *Robert Gordon*, *Ralph Hale Gaby*, *George Garlick*, *James Hardwick* Doctor of Laws, *John Troughear Handy*, *Charles Henry Handy*, *William Henry Haviland*, *Francis Hill*, *George Holford*, *John Houlton*, *John Howes* Clerk, *Shipway Jones*, *John Jones*, *Thomas Jones*, *William Keene*, *Joseph Keene*, *Thomas Keene*, *Richard Kinneir*, *Peter Harvey Lovell*, *John Lovell* Clerk, *Robert Cove Lloyd*, *Thomas Luce*, *Edmund Lyne*, *Thomas Martin*, *Robert Maskelyne*, *William Maskelyne*, *John Merewether*, *David Miles*, *John Neate*, *Robert Nicholas*, *John Nicholas* Doctor of Laws, *William Ody*, *Samwel Ody*, *Daniel Ody*, *Joseph Pitt*, *Joseph Pitt* the younger, *John Paul Paul*, *Robert Paul*, *John Parsloe*, Trustees for the First District.

Robert Peacey, *Richard Perrott*, *Richard Peers Player*, *Philip Pope*, *John Prower* Clerk, *Thomas Roberts*, *John Roberts*, *Matthew Robertson*, *Richard Robins*, *Edward Ryder* Clerk, *William Skey* Clerk, *Thomas Seymour*, *Thomas Smith*, *William Smith*, *Daniel Smith*, *Samuel Smith* Clerk, *William Stratton*, *John Stephens*, *Benjamin Coffin Thomas*, *William Walker*, *Francis Warneford*, *Samuel Wilson Warneford* Clerk, *William Wells*, *James Wiggett* Clerk, *Henry Wightwick* Clerk, *Charles Wightwick* Clerk, *Thomas White*, *William Wood*, *Michael Wyatt* Clerk, *Daniel Young*, *Nathaniel Young*, *Henry Abraham Young*, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for making, amending, diverting, varying, altering, widening, straightening, improving, maintaining and keeping in Repair the several Roads by this Act intended to be made, amended, diverted, varied, altered, widened, straightened, improved, maintained and kept in Repair, and for putting this Act into Execution within and for the said First District of Road; and that all His Majesty's Justices of the Peace for the several Counties of *Wilts*, *Berks*, and *Gloucester*, for the Time being, together with the Right Honourable *Charles John Howard* commonly called Viscount *Andover*, *Thomas Anns*, *John Angell*, *Thomas Angell* the younger, *Nathan Atherton*, the Honourable *Bartholomew Bouverie*, *Edward Bouverie* Clerk, *Edward Berens* Clerk, *Richard Brooke*, *Robert John Buxton*, *Maurice Maskelyne Bennett*, *Thomas Edward Biedermann*, *John William Biedermann*, *Richard Brooke* Clerk, *John Boote*, *John Buckland*, *John Beak*, *Robert Bennett*, *Morgan Byrt*, *George Bisset* Clerk, *Thomas Bryan*, *George Brown*, *John Brooks*, *William Butler*, *John Bennett*, *Thomas Bennett*, *Daniel Bennett*, Sir *Christopher Bethell Codrington* Baronet, *James Crowdy*, *William Crowdy*, *Giles Canter*, *Robert Carter*, *Richard Carter*, *Estcourt Cresswell*, *Lawrence Chamberlen*, *William Champernowne*, *Henry Coleman*, *James Crowdy* the younger, *Charles Crowdy*, *Richard Wheeler Crowdy*, *William Morse Crowdy*, *William Besley Dunsford*, *James Hartley Dunsford* Clerk, *Charles Dewell* Clerk, *Stephen Demainbray* Clerk, the Honourable *William Eliot*, *Thomas Edoe*, *Giles Earle*, *Edmund William Estcourt* Clerk, *Thomas Grimstone Estcourt*, *Thomas Ebsworth*, the Right Honourable *William Pleydell Bouverie* commonly called Viscount *Folkestone*, *William Fisher*, *Robert Ford*, *Ralph Hale Gaby*, *Ambrose Goddard*, *Richard Goddard* Clerk, *George Garlick*, *William Godfrey*, *Robert Gordon*, *Henry Gauntlett* Clerk, *Frederick Gauntlett* Clerk, *George Holford*, *Richard Hillier*, *John Troughear Handy*, *Thomas Handy*, *Francis Hill*, *John Hitchman*, *Thomas Hillier*, *William Hallett*, *Thomas Herbert*, *Robert Humphrys*, *William Henry Haviland*, *Henry Jones*, *Shipway Jones*, *Thomas Jenner*, *Robert Jenner*, *Thomas Jones*, *William Keene*, *Joseph Keene*, *Richard Kinneir*, *Edward Loveden Loveden*, *John Large*, *William Large*, *Edmund Lyne*, *Thomas Leonard*, *Peter Harvey Lovell*, *John Lovell* Clerk, *Edward Lewis* Clerk, *Freke Lewis*, *John Lord*, *William Maskelyne*, *Robert Maskelyne*, *Daniel Matthews*, *Joseph Mayow*, *Roger Montgomery*, *Charles Millman Mount* Clerk, *Robert Nicholas*, *John Nicholas* Doctor of Laws, *Nathaniel Osborne*, *Samwel Ody*, *John Ogle*, *William Ody*, the Honourable *Philip Pusey*, *Nathaniel Paine*, *John Paul Paul*, *Charles Matthew Purdy*, *John Prower* Clerk, *John Mervin Prower* Clerk, *William Peek*, *Charles Poulton*, *Thomas Pitt*, *Robert Penny* Doctor in Divinity,

Trustees for the Second Disirict.

Divinity, *Newdigate Pointz* Clerk, *Richard Perrott*, *Pryse Pryse*, *Joseph Pitt*, *Joseph Pitt* the younger, *Robert Paul*, *William Moreton Pleydell*, *James William Puzey*, *William Pineger*, *Joseph Chancellor Poulton*, *William Poulton*, *Richard Peers Player*, *Matthew Robertson*, *Richard Robins*, *Thomas Roberts*, *Edward Rowden* Clerk, *Thomas Stronge*, *Thomas Stronge* the younger, *Samuel Smith* Clerk, *Daniel Smith*, *John Smith* of Inclesham, *Richard Sharps*, *William Skey*, *William Stratton*, *Henry Sawbridge* Clerk, *Thomas Smith*, *William Smith*, *William Saunders*, *Alvard Lofthouse Slater*, *Benjamin Lord Slater*, *Henry Saunders*, *John Tilling*, *Robert Tanner*, *David Thomson*, *Richard Tuckey*, *Thomas Turner* Clerk, *John Ashfordby Trenchard* Doctor of Laws, the Most Honourable *Henry Somerset* commonly called the Marquis of *Worcester*, *George White*, *James Wiggett* Clerk, *William Wood*, *Francis Warneford*, *Samuel Wilson Warneford* Clerk, *William Wells*, *Thomas White*, *Thomas Wight*, *Robert Wright*, *William Ward*, *Henry Wightwick* Clerk, *Charles Wightwick* Clerk, *James White*, *William White*, *Thomas White*, *William Whitworth*, *James Wyld* Clerk, *Daniel Young*, and their Successors in like Manner, and for the like Purposes in all Respects, shall be Trustees of, for, over, and within the said Second District of Road; and that all His Majesty's Justices of the Peace for the County of *Gloucester* for the Time being, together with the Most Honourable *Henry Somerset* commonly called the Marquis of *Worcester*, the Right Honourable *Granville Somerset* commonly called Lord *Granville Somerset*, Sir *Bethel Codrington* Baronet, Sir *Hugh Smyth* Baronet, *James Abbot*, *Thomas Baynton*, *Edward Bird*, *Henry Brown*, *William Blathwayte*, *Thomas Bryan*, *John William Biedermann*, *Christopher William Codrington*, *Andrew Carrick* Doctor of Physic, *Michael Castle*, *John Wyatt Cater*, *Stephen Cave*, *Daniel Cave*, *Edward Rolle Clayfield*, *Edward Francis Colston*, *Edward Francis Colston* the younger, *Robert Croome*, *George Madge Davidson*, *John Dowding*, *Andrew Drummond*, *Isaac Elton*, *Charles Emett*, *Thomas Emett*, *Joseph Storrs Fry*, *Thomas Gosling*, *Thomas Græme*, *John Haythorne*, *Henry Jones*, *Robert Lewis*, *John Loudon M'Adam*, *Joseph Parker*, *Thomas Peterson*, *Joseph Pitt*, *John Purrier*, *Thomas Hooper Riddle*, *John Smyth*, *John Hugh Smyth*, *Henry Shute* Clerk, *Henry Shute* the younger, *Fiennes Trotman*, *Fiennes Trotman* the younger, *John Wadham*, *George Withy*, *George Worrell*, and their Successors, in like Manner and for the like Purposes in all Respects, shall be Trustees of, for, over, and within the said *Downend* District of Road.

Trustees for the Downend District.

IV. And be it further enacted, That it shall be lawful for the said Trustees of the said First District of Road, and also for the said Trustees of the said Second District of Road, and likewise for the said Trustees of the said *Downend* District of Road respectively, or any Five or more of the said respective Trustees, and they are hereby respectively authorized and empowered, at any of their respective Meetings to be holden in pursuance of this Act, to elect any Number of Persons not exceeding Ten in the whole, for each of the said Districts of Road respectively, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Trustees so elected and being duly qualified, shall be and are hereby invested with the same Powers and Authorities for executing this Act, as if they had been herein named and appointed.

For appointing additional Trustees for each District.

V. And

For electing new Trustees on Vacancies.

V. And be it further enacted, That when and so often as any of the Trustees hereby appointed or hereafter to be appointed by virtue of this Act, within any or either of the respective Districts shall die, or by Bankruptcy, Insolvency, or otherwise, become disqualified or incapable of acting in the Trusts aforesaid, or by Writing under his Hand delivered to the Clerk to the Trustees of the particular District in which such Case shall happen, shall refuse or decline to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, for the same Districts respectively, by Writing under their Hands, to elect, nominate, and appoint some other fit and proper Person to be a Trustee in the Room of the Trustee so dying, becoming disqualified, incapacitated, refusing, or declining to act; but Notice of the Time and Place of every such Election shall be given by the Clerk of the particular District, by affixing the same in Writing upon all the Turnpike Gates across the District of Road for which such Trustee is to be elected, at least Ten Days before the Meeting for such Election; and every Trustee so elected, and being duly qualified, shall be thereupon invested with the same Powers and Authorities for executing this Act, within the District for which he shall be so appointed a Trustee, as if he had been named a Trustee in and by this Act.

Qualification of Trustees.

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall, at the Time of his acting, be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the 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 shall be Heir Apparent of a Person seised of a Real Estate in Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds, or be possessed of a Personal Estate of Four thousand Pounds, nor (except in administering the Oath or Affirmation herein-after mentioned), until he shall have taken and subscribed before some One or more of the said Trustees, an Oath or Affirmation in the following Form of Words, so far as the same is adapted to the Nature of his particular Qualification, and which Oath or Affirmation the said Trustees or either of them, at any of their Meetings to be holden in pursuance of this Act, is and are hereby authorized to administer; (that is to say),

Oath.

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

'So help me GOD.'

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

VII. Pro-

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

VII. Provided also, and be it further enacted, That no Person appointed or to be appointed a Trustee by virtue of this Act, shall be capable of acting as a Trustee in the Execution of this Act, in any Case where he shall be concerned in Interest (except as herein-after provided), nor whilst he holds any Place or Employment of Profit under the said Trustees or this Act, but in respect only of the particular District for which such Place shall be held, or from whence such Employment of Profit shall arise, nor 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 in the Performance of 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 nevertheless 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 or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance shall be allowed; and the Person so sued or prosecuted shall prove that he is qualified, and not disqualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that no Act or Proceeding touching the Execution of this Act, which shall be done or performed by any such unqualified or disqualified Person, previously to his being convicted of the Offence before mentioned, shall be thereby impeached or rendered nugatory, but all such Proceedings shall be as valid and effectual as if such Person had been duly qualified according to the Directions of this Act; and no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls, or receiving Interest thereout for the same, shall on that account only be deemed unqualified to act as a Trustee in the Execution of this Act; and any of the Trustees appointed or to be appointed under this Act, who are or shall be in the Commission of the Peace may act as such Justices of the Peace in the Execution of this Act, notwithstanding their being such Trustees, except in such Cases only wherein they shall be personally interested otherwise than as a Trustee, Mortgagee, Assignee, Lender of Money, or Holder of any Security on the Credit of the Tolls granted by this Act.

But no Act invalid, unless done by them after Conviction.

Mortgagees may act as Trustees, and Trustees may act as Justices of the Peace, except where personally interested.

Trustees first and other Meetings.

VIII. And be it further enacted, That the said Trustees for the said First and Second District of Roads, shall meet together at the House of *Thomas Harvey*, known by the Name or Sign of the *White Lion Inn*, in the Town of *Malmesbury* aforesaid, on the Fourth *Saturday* next after the passing of this Act; and the said Trustees for the said *Downend* District of Road shall meet together at the same Place, or at the House known by the Name or Sign of the *Horse Shoe*, at *Downend* aforesaid, on the said Fourth *Saturday* next after the passing hereof, or as soon afterwards as conveniently may be, and proceed in the Execution hereof for their respective Districts; and the said Trustees for each District shall then and from Time to Time afterwards

wards during the Continuance of this Act, adjourn themselves, to meet at the same several Places, or at such other Place or Places upon or near the Side or Sides of their said respective Districts of Road, and not exceeding the Distance of One Mile from some Part thereof respectively, and at such Time or Times, not being longer apart than Three Calendar Months, as the said Trustees for such Districts respectively, or the major Part of them present at such Meeting shall appoint; and if there shall not appear at any Meeting a sufficient Number of Trustees to act or to adjourn to another Day (for the Purpose of which Adjournments only Two Trustees shall be sufficient), or in case the Trustees at any Time assembled shall omit to adjourn, or in case it shall at any Time be thought necessary, by any Five or more of the Trustees of the said Districts respectively, to hold a Meeting of the said Trustees on an earlier Day than the Day to which any Meeting shall have been adjourned, then and as often as it shall so happen, the Clerk or Clerks to the Trustees for such District, being authorized by an Order in Writing, signed by Five or more of the said Trustees for that District, or any Five or more of such Trustees themselves shall and may call a Meeting of the said Trustees, by Notice in Writing to be affixed on all the Turnpike Gates then erected upon or across the Roads comprized in such District, Ten Days previous to the Time of such Meeting, at such Time and Place as such Five Trustees shall think proper, and order, direct or appoint; and at all these several Meetings the Trustees shall pay and defray their own Expences, except any Sum not exceeding Five Shillings *per Diem* for the Use of the Room wherein they shall meet; and all Orders and Determinations of the Trustees in the Execution of this Act shall be made at Meetings to be held in pursuance of this Act, and not elsewhere (except in the Cases hereby otherwise particularly provided for) and that no Order or Determination shall be made unless the major Part of the Trustees present shall concur therein; and that all Acts, Orders, and Proceedings relating to this Act, which are directed to be had, made, done, or exercised by or before the said Trustees, and all the Powers and Authorities hereby in them vested generally, shall and may be had, made, done, and exercised by or before any Five or more of them acting for their respective Districts (except in such Cases where any other Number is herein named); and that all Acts, Orders or Proceedings had, made, or done by or before such Five Trustees, shall have the same force and effect, and be binding and conclusive on all Persons, and to all Intents and Purposes whatsoever, as fully and effectually as if the same were had, made, done, or executed by or before all the said Trustees; and that a Chairman shall and may in the first Place be appointed at every Meeting to be held by virtue and for the Purposes of this Act, who in case of an equal Number of Votes upon any Occasion (including such Chairman's Vote) shall have the casting or decisive Vote; and that no Order or Determination at any Meeting of the said Trustees, once made, agreed upon, or entered into, shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to make such Revocation or Alteration shall have been given at a previous Meeting holden for the same District, and entered in the Book of Proceedings of such Meeting, and also by affixing such Notice on all the Turnpike Gates then erected upon the Roads within the District, Twenty-one Days at least before such Meeting, nor unless

Manner of adjourning.

Trustees to pay their own Expences, except for the Room.

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

General Quorum of Trustees,

Chairman to be appointed, who shall have a casting Vote.

No Order to be revoked without Notice.

unless such Revocation or Alteration shall be agreed to be made by Nine Trustees at the least of the same District.

Orders and Proceedings to be entered in Books.

IX. And be it further enacted, That the Trustees for the several Districts aforesaid shall and they are hereby required, from Time to Time, and at all Times during the Continuance of this Act, to provide and keep or cause to be provided and kept, by their respective Clerk or Clerks for the Time being, a Book or Books wherein all Orders and Proceedings of the said Trustees respectively at their several Meetings, shall be regularly entered; and such Orders and Proceedings so entered and signed by a competent Number of the said Trustees (as the Case shall require), or by their Clerk, shall be deemed Originals; and such Book or Books, and also the Book or Books herein-after directed to be kept for registering or entering Mortgages of the Tolls, and Assignments or Transfers thereof, shall be admitted as Evidence in all Courts whatsoever, and by all Judges, Justices, and others, touching any thing done, or by the Trustees ordered to be done, in pursuance of this Act.

For appointing Clerks, Treasurers, Surveyors, and other Officers;

X. And be it further enacted, That the said Trustees, or any Five or more of them, within their respective Districts, shall and may, by Writing under their Hands in the Book of Proceedings, from Time to Time, as Occasion shall require, nominate and appoint One or more Treasurer or Treasurers, Clerk or Clerks, Surveyor or Surveyors, Accountant or Accountants, Collector or Collectors, and such other Officer or Officers as they shall think necessary, for and within such their separate Districts, and from Time to Time afterwards, when and as they shall think fit, displace and remove any of such Treasurers, Clerks, Surveyors, Accountants, Collectors or other Officers; and upon such Removal, or when any of them shall die, misbehave, or resign their Office, or be incapable of performing it, they the said Trustees, or any Five or more of them, within their respective Districts, shall and may nominate or appoint another or others in the Stead and Place of such Officer or Officers, as they shall so think proper to remove, or that shall die, misbehave, or resign his or their Office, or be incapable of performing it; and the said Trustees may, by and out of the Tolls arising by virtue of this Act within their respective Districts, allow and pay to such Treasurers, Clerks, Surveyors, Accountants, Collectors, and other Officers, and such other Persons as shall be aiding or assisting them in the Execution of their respective Offices, or that shall be anyways employed in the Execution of this Act, such Salaries, Rewards, Wages and Allowances, for their respective Attendance, Care and Service, as to the said Trustees of such respective Districts shall seem reasonable; but no Person shall be appointed to, or capable of holding any or either of the said Offices, or any Place of Profit under this Act, during the Time he shall sell any Wine, Cider, Perry, Ale, Beer, or Spirituous Liquors, by Retail.

and allow them Salaries.

But no Victualler to hold a Place of Profit.

Present Officers to continue.

XI. And be it further enacted, That the Treasurers, Clerks, Surveyors, and all other Officers who have been appointed under and employed in the Execution of the said former Act hereby repealed, for the said First and Second Districts respectively, (save and except only such Person or Persons as now hold the said joint Offices of Clerk

Clerk and Treasurer for any Part of the said Roads, who shall continue the same until the Twenty-ninth Day of *September* next after the passing of this Act only), shall respectively continue to exercise their Offices under this Act, until they shall respectively die, resign, or be displaced or removed by the said Trustees in Manner aforesaid, or be incapable of executing them, 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.

Offices of Clerk and Treasurer not to be held by one Person.

XII. Provided always, and be it further enacted, That it shall not be lawful for the Trustees of the said respective Districts 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 Imparliance, shall be allowed.

Trustees to take Security from their Treasurers, &c.

XIII. And be it further enacted, That the said Trustees within their respective Districts, shall and they are hereby required to take sufficient Security from every Treasurer to be appointed or continued for the Purposes of this Act, for the due and faithful Execution of his or their Office before such Treasurer enters upon his Office; and if they shall so think proper, shall and may also take such Security from their respective Surveyors or any other Officer or Person to be appointed or continued under or by virtue of this Act; and if any Treasurer, or such Surveyor or other Officer or Person, from whom Security shall be required, shall act in the Execution of his Office before he shall have given such Security as aforesaid, such Treasurer, Surveyor, or other Officer shall forfeit and pay any Sum not exceeding One hundred Pounds, to be recovered by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Trustees to appoint temporary Collectors.

XIV. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls under this Act shall die, become insolvent, misbehave, abscond, or absent himself, neglect his Duty, or be incapable of performing it, it shall be lawful for any Three or more of the Trustees for that District (although not assembled at a Meeting to be held pursuant to this Act), by Writing under their Hands to displace such Collector or Receiver, and to nominate and appoint a proper Person to be a Collector or Receiver of the Tolls in the Room or Stead of the Collector or Receiver who shall so die or be discharged, to continue until the Trustees for such District shall at a Meeting holden

holden in pursuance of this Act, appoint a Collector or Receiver of such Tolls in his or her room or stead, which Person so nominated and appointed shall have the like Powers and Authority, and shall be answerable and accountable and removable in the same manner in all respects as if he had been nominated and appointed at a Meeting under and by virtue of this Act; and that if any Collector or Receiver of the Tolls who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged, or any Stranger, Intruder, or other Person, being in Possession thereof, shall refuse to deliver up the Possession of any Toll Gate, Toll House, or Building, or the Appurtenances thereto belonging, to be continued or set up by virtue of this Act, for the Space of Three Days after Demand thereof made, and Notice in Writing given for that Purpose under the Hand or Hands of any One or more of the said Trustees of the District (although not assembled at a Meeting), or by their Clerk, Treasurer, or Surveyor for the Time being; or if any Lessee or Farmer of any of the Tolls arising by virtue of this Act shall retain and keep Possession of any such Toll Gate, Toll House, Buildings, or Premises after the End of his, her, or their Lease or Term therein, then in any of the said Cases it shall be lawful for any Justice of the Peace for the County wherein such Toll Gate, Toll House, Building, or Premises shall be situate, upon Demand made by the said Trustees or any Three or more of them, or by any Person by them appointed on their Behalf, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer for the same County, with such Assistance as shall be necessary, to enter such House, Building, or Premises in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees or any of them, or any Person they shall appoint for that Purpose, into the Possession thereof.

Any Justice, by Warrant, may remove any Gate-keeper or his Family refusing to quit after Notice.

XV. And be it further enacted, That every Officer and other Person who shall be appointed or continued under or by virtue of this Act, shall from Time to Time, when thereunto required by the Trustees of the District to which he or they shall belong, or any Five or more of them, by Notice in Writing to him or them respectively given, or left at his or their usual Place of Abode, or within Thirty Days next afterwards, make out and deliver to such Trustees, or to such Person or Persons as they or any Five or more of them shall appoint to inspect or examine the same, a true and perfect Account in Writing under his or her Hand of all Monies which shall have been by him or her had, collected, or received, and how and to whom, and for what Purpose the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payments; and every such Officer and Person shall and is hereby required to pay all such Monies as, upon the Balance of such Account, shall appear to be owing from him or her to the said Trustees, to such Person or Persons as the said Trustees or any Five or more of them shall appoint to receive the same; and if any such Officer or Person shall neglect or refuse to render and deliver such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to

Officers to account or be punished.

the same, or to pay the Balance thereof when thereunto required, in Manner and within the Time aforesaid, or shall neglect or refuse, on such Requisition as aforesaid, to deliver up to the said Trustees of such District, or any Five or more of them, or to such Person or Persons as they or any Five or more of them shall appoint, all Books, Papers, and Writings in his or their Custody or Power, relating to the Execution of this Act, then and in every such Case, Complaint being made by the said Trustees of the District where such Neglect or Refusal shall happen, or any Five or more of them, or by any other Person or Persons on their Behalf, of any such Neglect or Refusal, to any Justice of the Peace for the County or Place where the Officer or Person so neglecting or refusing shall live or reside, such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the Trustees might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, or upon the said Account, if produced, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or owing from such Officer or Person to the said Trustees, such Justice may and he is hereby authorized, upon Nonpayment thereof within such Time as such Justice shall direct, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Monies, and the Charges of taking, making, keeping, and selling such Distress, or if such Officer or Person shall not appear (without having sufficient Excuse) before the said Justice, at the Time and Place appointed for that Purpose, or if appearing, shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up to him all such Books, Papers, and Writings as aforesaid (to be by him delivered over to the said Trustees), then and in any of the Cases aforesaid, the said Justice is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or other Person to the Common Gaol or House of Correction for the County where he or she shall live or reside, there to remain without Bail or Mainprize, until he or she shall have delivered in and settled such Account as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her to such Trustees, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Trustees, or any Five or more of them, for such Money and Charges, and paid the Composition Money to the said Trustees, or to such Person or Persons as they or any Five or more of them shall appoint to receive the same, (and which Composition the said Trustees or any Five or more of them, within their respective Districts, are hereby empowered to make), and shall have

Justices may grant Warrants against Officers and levy Balances by Distress;

and for want of Distress commit the Offender to Prison,

delivered up as aforesaid such Books, Papers, and Writings as aforesaid, or have given to the said Trustees, or any Five or more of them, Satisfaction in respect thereof: Provided always, that no Person who shall be committed for want of sufficient Distress only, shall be detained in Prison for any longer Time than Three Calendar Months; but nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Trustees or Justices of the Peace aforesaid, or any of them, to administer any Oath or Oaths to any Clerk, Treasurer, Collector of the Tolls, Surveyor or other Officer or Officers now appointed and continued, or hereafter to be appointed under or by virtue of this Act, or any or either of them, for the Purpose of verifying his, her, or their Account or Accounts.

for any Time not exceeding Three Months.

Officers not to be required to verify their Accounts on Oath.

XVI. And be it further enacted, That every Person who shall have been employed to receive, or who shall have received any Rents, Tolls, or other Monies under or by virtue or on account of the said former Act hereby repealed, or shall have in his or her Custody or Possession any Vouchers, Books, Accounts, Papers, Writings or other Things relating to the said Roads hereby intended to be repaired, or any of them, shall account for and (if required) deliver up the same to the said Trustees of the said respective Districts, or any Five or more of them, or any Person or Persons appointed by them, or any Five or more of them, for that Purpose, in the like Manner and under the like Penalties, as is herein-before directed with respect to any Officer or Person appointed under or by virtue of this Act.

Books, Monies and Effects under former Act to be delivered up to Five Trustees under this Act.

XVII. And be it further enacted, That the said Trustees of their said respective Districts, 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 disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors 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 said Clerk shall refuse to permit, or shall not permit the said Trustees or such Creditors, or any of them, to inspect such Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner herein-after mentioned.

Accounts to be kept of Receipts and Disbursements.

XVIII. And be it further enacted, That the said Trustees, within their respective Districts, may and shall in all Cases sue or be sued in the Name of either their Clerk or Treasurer for the same District, and not otherwise; and that no Action which shall be brought or commenced, or Indictment which may be preferred or prosecuted by or against the said Trustees, or any of them, by virtue or on account of

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

of this Act, or any thing done, contracted for, or omitted to be done in pursuance of this Act, or by any Officer or Person acting under the same, in relation to the said Roads, or any of them, in the Name of such Clerk or Treasurer, shall abate or be discontinued by the Death, Removal, or Act of such Clerk or Treasurer, without the Consent of the said Trustees for such District; but the Clerk or Treasurer for each respective District for the Time being, shall always be and be deemed the Plaintiff, Prosecutor, or Defendant, in every such Action or Indictment, as the Case may be; and that every such Clerk or Treasurer in whose Name any Action, Indictment, or Suit shall be commenced, preferred, prosecuted or defended, in pursuance of this Act, shall be reimbursed and paid out of the Monies to be raised by virtue of this Act, all such Costs, Charges, Damages, and Expences as he shall be put unto or become chargeable with by Reason of his being so made Plaintiff, Prosecutor, or Defendant therein as aforesaid; such Clerk or Treasurer having an Order in Writing from the said Trustees, or any Five or more of them, giving Directions for or consenting to the commencing, prosecuting, or defending such Action, Indictment, or Suit.

Trustees, &c. may be Witnesses.

XIX. And be it further enacted, That no Person shall be deemed incompetent to give Evidence, or be disqualified from giving Testimony or Evidence in any Action, Suit, Prosecution, or other legal Proceedings, to be brought or had in any Court of Law or Equity whatsoever, or before any Justice of the Peace, under or by virtue of this Act, by reason of being a Trustee of the said Roads, or any of them, or a Mortgagee or Creditor of the Tolls thereof, or a Farmer, Lessee, or Collector of such Tolls, or a Treasurer, or Clerk, or Surveyor, or other Officer under this Act, or an Inhabitant of any Township, Parish, Tything, or Place through which the said Roads hereby made or continued, or intended to be made Turnpike, do or shall pass, nor shall such Testimony or Evidence (for any of the Reasons aforesaid) be rejected, or liable to be questioned or set aside.

Power to erect or continue Turnpikes and Toll Houses.

XX. And be it further enacted, That all the present Turnpike Gates, with the Toll Houses and their respective Bars, Rails, Gardens, Outlets and Appurtenances, upon and across or on the Side or Sides of the said several Roads already made Turnpike, shall be continued until removed by Order of the Trustees of the Districts respectively within which the same are situate; and the said Trustees shall and may, as they shall think proper, continue or remove all or any of the Turnpikes, Toll Gates, Bars, Chains, and Toll Houses, with their respective Appurtenances, already erected on the said Roads; and also may erect and set up, or cause to be erected and set up, any other Turnpike or Turnpikes, Toll Gate or Gates, Bar or Bars, Chain or Chains, in, upon, or across any Part or Parts of the Roads by this Act continued Turnpike, or authorized and intended to be repaired or made Turnpike, and upon the Side or Sides thereof, and also in, upon, or across any Lane or Way leading into or out of the same respectively, at any Distance from the said Roads respectively, not exceeding One hundred Yards, and may also continue, erect, or provide a Toll House, with suitable Out-buildings and Conveniences at or near each and every or any such Toll Gate; and may from Time to Time afterwards

wards remove, alter, or discontinue such Toll Gates or Toll Houses, or any of them, as they the said Trustees, within their respective Districts shall think expedient; and also may take in and inclose from any Common or Waste Land on the Side or Sides of the said Roads, near or whereon any Turnpike House hath been by virtue of the said former Act, or in virtue of this Act shall be erected or built, a Garden Spot to each such Turnpike House, not exceeding in Quantity One Eighth Part of an Acre; and the said Trustees may also provide and maintain a Lamp or Lamps, with proper Furniture and Utensils for lighting the same, at each Turnpike or Toll House so as aforesaid to be erected or continued; and if any Person shall wilfully break, throw down, or damage any of such Lamps, or the Post or Irons thereof, or extinguish the Light within any such Lamp, such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, over and above the Costs of repairing or replacing all or any such Lamps, Posts, Irons, or other Works so broken, thrown down, or damaged.

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

XXI. And be it further enacted, That the Right and Property in all the Turnpikes, Toll Gates, Toll Houses, and Buildings, and the Bars, Chains, Posts, Rails, Fences, and other Conveniences, with their Appurtenances thereunto belonging, already erected or made upon or by the Sides of the said Roads, or which shall be erected or made by virtue of this Act, and to or in all Materials for building and repairing the same, and for repairing or making the said Roads, or any Bridges, Docks, or Drains therein, and Parapets or Walls on the Sides thereof, and all Mile Stones and Direction Posts already or hereafter to be erected or set up on or by the Sides of the said Roads, and also to and in all the Lamps, Lamp Posts, Lamp Irons, Cotton, Oil, and Furniture for lighting the said Turnpikes and Roads, or any Part thereof, and of and in all working Tools, Implements, Utensils, Instruments, Materials, the Scrapings of the said Roads, and other Things whatsoever, which shall be got, collected, or provided for any the Purposes or under the Authority of this Act, shall be, and every of them and every Part and Parcel thereof respectively is and are hereby vested in the said Trustees within their respective Districts; and they the said Trustees of the same Districts respectively are hereby authorized and empowered to sell and dispose of the same, or any of them, when and as they shall think proper, and to bring or cause to be brought any Action or Actions, or to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall without Right keep Possession of any such House or its Appurtenances, or shall dig up, break, pull down, damage, steal, take away, spoil, injure, or destroy any of such Turnpikes, Toll Gates, Toll Houses, Conveniences, Appurtenances, Materials, Articles, or Things aforesaid, or any of them, or any Part or Parts thereof respectively, or disturb the said Trustees or any of their Agents or Servants in the Possession thereof; in which Bill or Bills of Indictment it shall be sufficient to state generally such Toll Gates, Toll Houses, Conveniences, Appurtenances, Materials, Articles or Things, to be the Property of the Clerk or Treasurer for the Time being to the said respective Trustees.

Power to take Tolls.

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

Tolls.

For every Horse, Mule, Ass, Ox, or other Beast of Draught, drawing any Carriage, any Sum not exceeding the Sum of Sixpence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, any Sum not exceeding the Sum of Two-pence:

For every Drove of Oxen, Cows, or Neat Cattle, any Sum not exceeding One Shilling and Eight-pence *per* Score; and so in proportion for any greater or less Number: And,

For every Drove of Calves, Hogs, Sheep, or Lambs, any Sum not exceeding Ten-pence *per* Score; and so in proportion for any greater or less Number.

Tolls vested in the Trustees, and on Non-payment may be levied by Distress.

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

XXIII. Pro-

Tolls to be paid but once a Day.

XXIII. Provided always, and be it further enacted, That no Person or Persons who shall have paid the Toll for passing through any Turnpike or Toll Gate already erected and by this Act continued, or to be erected by virtue hereof, upon and across or on the Side or Sides of any of the said Roads, shall be liable to the Payment of any further or other Toll for afterwards passing or repassing at any Time or Times through the same Turnpike or Toll Gate with the same Horses, Beast, Cattle or Carriage, on any one Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night), such Person or Persons so having paid Toll producing a Note or Ticket denoting the Payment thereof, and which Note or Ticket the Collectors of the Tolls are hereby required to deliver *gratis* on Receipt of the Toll.

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

XXIV. Provided nevertheless, and be it further enacted, That the said Tolls shall be payable for or in respect of all Stage Coaches and other such publick Carriages, licensed or not licensed, for every Time of passing and repassing through the same Turnpike on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night; and that the said Tolls shall be payable for or in respect of all Post Chaises, Hackney Coaches, and other Carriages travelling for Hire, for passing and repassing through the same Turnpike on the same Day, the Day to be computed as aforesaid, upon every Time of a new Hiring of such Post Chaises, Hackney Coaches or Carriages last-mentioned, on a Ticket being produced denoting a new Hiring.

Tickets to be provided denoting Payment of Tolls.

XXV. And be it further enacted, That upon Payment of the Tolls by this Act granted, the Collector or Receiver thereof shall and he is hereby required to deliver *gratis* to the Person paying such Toll, 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 Name or Names of the Gate or Gates freed by such Payment.

Toll at Side Gate to clear the next Gate.

XXVI. Provided also, and be it further enacted, That any Person or Persons who shall have paid the Toll for passing through any Turnpike or Gate erected or continued or to be erected under or by virtue of this Act on the Side or Sides of any of the said Roads, or across any Lane or Way leading into the same, shall not be liable to the Payment of any further or other Toll for afterwards passing, on the same Day, with the same Horses, Beasts, Cattle, or Carriage, through the next Gate or Turnpike erected or to be erected across or on the Side of the same District of Road, such Person or Persons producing to the Collector of the Tolls thereat, such Ticket denoting previous Payment of Toll, as is herein-before directed to be given.

Disputes concerning Tolls to be settled by a Justice.

XXVII. And be it further enacted, That if any Dispute or Disputes shall happen respecting the demanding or taking or the Payment of Toll, or the Amount of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by some Justice of the Peace for the County or Place wherein the Cause of Dispute shall arise, who, upon Application made

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to him for that Purpose, shall examine the Matter on Oath of the Parties or their respective Witness or Witnesses (which Oath such Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Toll due, and other Matters in Dispute between the Parties, and may also award such Costs to be paid by either Party to the other, as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered to issue), and the Overplus (if any) after Payment of such Costs, and the Costs of such Distress and Sale, shall be returned upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Additional Tolls on Carriages with narrow Wheels, if drawn by Horses in Pairs.

XXVIII. And be it further enacted, That if any Waggon, Wain, Cart, or other Carriage for Goods, Wares, Timber, Stone, or other heavy Burthens, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth or Gauge than Nine Inches, shall be drawn upon any Part of the said Roads by Horses or other Beasts of Draught in Pairs (Carriages drawn by Two Horses or Beasts of Draught only excepted), then and so often as the Case shall happen, there shall be paid for every Horse or other Beast of Draught drawing such Waggon, Wain, Cart, or other Carriage (except as aforesaid), an additional Toll of One Penny for each Horse or other Beast of Draught, over and above and along with the other Tolls by this Act granted; and which said additional Tolls shall be and the same are hereby vested in the Trustees of the said respective Districts where such travelling shall happen, and the same and every Part thereof shall be collected, recovered, levied, paid, applied, let, assigned, varied, and disposed of in such and the same Manner, and by such Ways and Means, and with such Remedies for Nonpayment or Evasion thereof, and with such Powers, Provisions, Exemptions, and Restrictions as are in this Act contained with respect to the other Tolls hereby granted and made payable.

Tolls to be paid only once a Day at the same Gate.

XXIX. Provided always, and be it further enacted, That no Person or Persons who shall have paid the Toll for passing through any Turnpike or Toll Gate already erected, and by this Act continued or to be erected by virtue hereof, upon and across or on the Side or Sides of any of the said Roads, shall be liable to the Payment of any further or other Toll, for afterwards passing or repassing at any Time or Times through the same Turnpike or Toll Gate with the same Horses, Beasts, Cattle, or Carriage on any one Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night), such Person or Persons so having paid Toll producing a Note or Ticket denoting the Payment thereof, and which Note or Ticket the Collectors of the Tolls are hereby required to deliver *gratis* on Receipt of the Toll.

Waggons, &c. may be allowed Privileges and

XXX. Provided also, and be it further enacted, That it shall be lawful for the said Trustees, within their respective Districts, to grant and allow to every Waggon, Wain, Cart, or other such Carriage, (in

respect whereof, or of the Horses drawing the same, the Tolls hereby granted are made payable), having the Wheels of the Width and Description, and the Axletrees fixed, as mentioned and set forth in or by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weight in certain Cases*, the Privileges and Exemptions granted by the said Act in manner therein mentioned.

Exemptions granted by Act 55 G. 3.

XXXI. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees of the said respective Districts of Road, or their Lessee or Lessees, Collector or Collectors, to demand or take more than the respective Numbers of Tolls in the whole herein-after mentioned for or in respect of the same Horses, Cattle, or Carriages, for passing in any One Day, (to be computed as aforesaid), along the whole Line or Lines of the said several Districts of Road as after mentioned; (that is to say), on the First District of Road, not more than Two full Tolls between the Town of *Tetbury* and the *Churchway* in *Lower Stanton Field*, nor more than One full Toll on the Branch of Road intended to be made Turnpike, leading from *Kingway* or *Corston Bridge*, through *Hullavington* to the *Stanton* and *Grittleton* Road; nor more than Two full Tolls between the Town of *Malmesbury* and *Jackament's Bottom*; on the Second District of Road, not more than Two full Tolls between the Towns of *Farringdon* and *Cricklade*; Two full Tolls between the Towns of *Cricklade* and *Malmesbury*; Two full Tolls between the Towns of *Malmesbury* and *Acton Turville*; Two full Tolls on the Branch of Road leading through *Shipton Moyne* to *Lasborough* or to *Underbridge*; One full Toll on the Branch of Road from *Charlton* towards *Newnton*; and One full Toll on the Branch of Road leading from *Sherstone* to the Turnpike Road leading from *Tetbury* to *Bath*; and on the *Downend* District of Road not more than Two full Tolls between the Villages of *Acton Turville* and *Downend*, comprizing the Whole of the said last-mentioned District.

Limiting the Number of Tolls to be taken on each Road.

XXXII. And be it further enacted, That the said Trustees within their respective Districts shall and may cause Fences and Ditches to be erected and made in, upon, or over such Part or Parts of such Commons, Common Fields, or Waste Lands, over or by the Sides whereof any Part or Parts of the said respective Roads do or shall lead or pass, as they shall think necessary, in order to prevent Payment of Toll being evaded, not exceeding in Length Half a Mile on either Side of any Turnpike Gate to be continued or erected by virtue of this Act; and if any Person or Persons shall pull down or otherwise displace or carry away any such Fence, or any Part thereof, or shall fill up or spoil any such Ditch, every such Person shall for every such Offence forfeit and pay to the Trustees having the Care and Management thereof, or by whose Order such Fence or Ditch was erected or made, a Sum not exceeding Five Pounds, over and above the Damages which shall be thereby occasioned.

To prevent Evasion of Tolls on Commons, &c. Fences may be made.

XXXIII. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle, or Carriage, through or over any Gate, private Passage, Land, Ground, or Place,

Penalty on evading Tolls.

Place, lying by the Side of or near to any Part of the said Roads (except the Owner or Occupier of such Land or other Premises, or any of his, her, or their Family, Servant or Servants); or if any Person or Persons owning or occupying any Land, Ground, or Place situate as aforesaid (the same not being a public Highway or Road to or from some Parish Church, Mill, Market Town, or Village to Village) shall knowingly or wilfully permit or suffer any Person or Persons, not being of his, her, or their Family, or his, her, or their Servant or Servants, to go or pass with any Horse, Beast, Cattle, or Carriage, through or over such Gate, private Passage, Land, Ground, or Place, in order or with Intent thereby to evade the Payment of the said Tolls, or any of them, or any Part thereof; or if any Person or Persons shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons (except a Collector of the Tolls), any Note or Ticket of the Day by this Act directed to be given by the Collectors or Receivers of the said Tolls, or any Note or Writing purporting to be such, for the Purpose of evading the said Tolls or any of them, or shall forcibly or fraudulently pass through any Turnpike or Toll Gate with any Horse, Carriage, Cattle, or Beast without Payment of Toll; or shall take off or cause to be taken off any Horse, Beast, or Cattle from any Carriage, or after having passed through any Turnpike or Gate, shall put on an additional Horse or Beast to any such Carriage, or shall leave or cause to be left upon or near to the said Roads, any Horse, Cattle, Beast or Carriage, or shall unload or cause to be unladen any Goods, Merchandize, or other Things from or out of any Carriage, with Intent to evade Payment of any of the said Tolls; or if any Person claiming any Exemption from the Payment of any of the Tolls hereby granted, shall refuse or decline, on Demand, to give his or her Name and Place of Residence to the Collector or Collectors of the Tolls at any Gate or Gates, at which such Exemption shall be claimed, or shall give a false Name or Place of Residence, all and every such Person or Persons so offending in any of the Cases aforesaid, shall for each and every Offence forfeit and pay any Sum not exceeding Five Pounds, over and besides such Damages or Punishment as he, she, or they shall be otherwise liable to by Law.

Exempting the Royal Family from Toll.

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

Exemption from Toll in Favour of the Inhabitants of Coleshill and Buscot.

XXXV. Provided also, and be it further enacted, That no Inhabitant or Inhabitants of the Parishes of *Coleshill* or *Buscot* in the County of *Berks*, for the Time being, shall pay any Toll for going or passing through any Gate or Turnpike already erected or to be at any Time hereafter erected, in, upon, or across the said Road in the said Parish of *Coleshill*, or in, upon, or across any Road or Way leading into the same from *Buscot* aforesaid, with any Sort of Coach, Hearse, Waggon, Wain, Cart, or other Carriage, Horse or other Cattle whatsoever, belonging to any or either of the Inhabitants of *Buscot* or *Coleshill* respectively, in going from *Coleshill* to *Buscot* aforesaid, or elsewhere on the Road leading from *Coleshill* to *Buscot* aforesaid; or from *Buscot* to *Coleshill* only.

XXXVI. And

Exemption of the Inhabitants of Acton Turville and Tormarton.

XXXVI. And be it further enacted and declared, That nothing herein contained shall extend, or be construed to extend, to charge any of the Inhabitants of the Parishes or Places of *Acton Turville* and *Tormarton* aforesaid, or either of them, with any of the Tolls or Duties hereby imposed or intended to be collected at any Gate or Gates erected or to be erected within the said Parishes or Places, or either of them, in respect to their passing and travelling on Horseback, or with Waggons, Wains, Carts or other Carriages, or any of their Cattle upon the said Road, from *Acton Turville* to *Downend* aforesaid; but that the said Inhabitants shall be exempt within the said Parishes or Places of *Acton Turville* and *Tormarton* respectively, from the said Tolls and Duties and every of them; any thing hereinbefore contained to the contrary in anywise notwithstanding.

General Exemptions from Tolls.

XXXVII. Provided always, and be it further enacted, That no Toll shall be demanded or taken by virtue of this Act, of or from any Person or Persons, for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from or after having been used in the carrying or conveying only, on the same Day, any Stones, Bricks, Tiles, Timber, Wood, Lime, Gravel, Mortar, or other Materials for making or repairing the said Roads, or any of the Roads within any Parish, Township, Chapelry, Hamlet, Tything or Place, in which any Part of the said Roads lie, or for the building, rebuilding, erecting or repairing any present or any future Bridge or Bridges, or any Turnpike House, Toll Gate, Drock, Drain, Wall or Fence upon or on the Side of the said Roads, by or under the Order or Authority of the Trustees of the said Roads or any of them; or of or from any Surveyor or other Person or Persons when engaged in executing or travelling to execute the Powers of this Act, or employed in carrying or conveying any Seed for being immediately used in seeding the Ground, or any Hay, Grass, Sainfoign, Fodder, Rushes, Straw, or Corn or Pulse in the Straw only, or for any Turnips, Potatoes, Milk, Furze, Heath, Turf, or Wood for the Use of the Owners, and not for Sale, or not sold or disposed of, and not passing to such Owners on a previous Sale thereof to them, but passing to be laid up or placed in the Houses, Out-houses, Barns or Yards, or on the Lands of the Owners thereof, or for the Use of the Owners thereof, or for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Ploughs, Drags, Harrows, or other Implements of Husbandry (unless laden also with some other Thing not hereby exempted from Toll), or any Mould, Dung, Soil, Marl, Manure, or Compost employed in Husbandry for manuring or improving of Lands or Gardens (provided the Wheels of such Carriages, except Carts with Materials for the Repair of Highways and Bridges, are of the Breadth of Six Inches or upwards, and cylindrical, as described in the said Act passed in the Fifty-fifth Year of the Reign of His said late Majesty, and not otherwise); or for any Horses or other Beasts going to or returning from Plough or Harrow, or to or from Pasture or any common Watering Place not beyond the Distance of Two Miles, or going to be or returning from being shoed

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or farried; and that no Toll shall be demanded or taken by virtue of this Act, of or from any Person or Persons residing in any Parish, Township, Hamlet, Tithing or Place in which any of the said Roads lie, going to or returning from his, her, or their proper Parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law, on *Sundays*, or on any other Day on which Divine Service is by Authority ordered to be celebrated, or going to or returning from attending the Funeral of any Person who shall die, and be or to be buried in any such Parish, Township, Hamlet, Tithing or Place, at any Gate or Gates situate within the Distance of Two Miles of the Residence of such deceased Person or Persons; or from any Rector, Vicar, or Curate, going to or returning from his own proper Parish Church, or Chapel, or going to visit or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty, and not for Pleasure, or on any other or ordinary Business; or for any Horse, Beast, Cattle or Carriage, which shall cross the said Roads only, or shall not pass more than One hundred Yards thereon; or for any Horses or Carriages of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty; or for any Horse or Horses or other Beast, or any Cart, Carriage, or Waggon employed in carrying or conveying, or returning empty from carrying or conveying, after having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or employed in carrying or conveying, or returning empty from having been employed only in carrying or conveying, any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, employed in conveying any Ordnance, or Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty after having been so employed; or for any Carriage conveying Volunteer Infantry; 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, or on other public Duty, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements, according to the Regulations of such Corps at the Time of claiming the Exemption; or for any Horses, Carts, or Waggons employed only in carrying or conveying any Vagrant or Vagrants sent by legal Passes, or returning empty after having been so employed; or for any Horse or Horses, Coaches or other Carriages, going to or returning from any Election of a Knight or Knights of the Shire, to serve in Parliament for the Counties of *Wilts*, *Berks*, and *Gloucester*, or of a Burgess or Burgesses to serve in Parliament for the Borough of *Cricklade* and Hundreds of *Highworth Cricklade*, *Stable*, *Kingsbridge* and *Malmesbury*, in the said County of *Wilts*, during the Time of such Election, or on the Day before or Day after the Day whereon such Election shall begin or

be concluded; and if any Person shall by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

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

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

Power to reduce Tolls.

XXXIX. And be it further enacted, That it shall be lawful for the said Trustees, within their respective Districts, with the Consent in Writing of Four Parts in Five in Value of the Creditors upon the Tolls of such respective Districts, and they are hereby empowered to reduce or lessen all or any of the Tolls by this Act granted, and to take the Tolls so reduced for such Time or Times as they the said Trustees (with such Consent), shall think proper, and from Time to Time afterwards to advance all or any of the Tolls so reduced or lessened, to any Sum or Sums of Money not exceeding the respective Tolls granted by this Act, or now made payable by any Act or Acts of Parliament in force and effect with respect to Overweight; and also from Time to Time to direct the Tolls hereby granted, or so reduced or raised again as aforesaid, to be collected in such Parts or Proportions, at the several Turnpike Gates erected or to be erected upon the said Roads, within their respective Districts, as they the Trustees of the same Districts respectively shall think proper; and that such reduced Tolls, or again raised Tolls, and also such Parts or Proportions as aforesaid, shall and may be collected and levied, and applied in such and the same Manner as the Tolls hereby granted are directed to be collected, levied, and applied.

Trustees may compound for Tolls.

XL. And be it further enacted, That the said Trustees within their said respective Districts may, and are hereby empowered from Time to Time, when and as they shall think fit, to compound and agree for any Term not exceeding Three Years at any one Time, with any Person or Persons, for any Carriages, Horses, Beasts, or Cattle travelling on the said Roads or any Part thereof in their respective Districts, for all or any of the Tolls to be paid for or in respect of such Carriages, Horses, Beasts, or Cattle, to be applied as the Tolls in respect whereof such Composition shall be made are directed

directed to be applied; but all such Composition Money shall be paid in advance, and in default thereof, the Agreement for making such Composition shall be void.

Trustees may let the Tolls.

XLI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, within their respective Districts, (upon Ten Days Notice thereof to be given in Writing, by affixing the same upon all the Principal Gates or Turnpikes then erected upon or across the said Roads within the same Districts respectively), from Time to Time to let, or lease and demise, or agree to let and demise the Tolls by this Act granted, and arising within the said Districts respectively, or any of them, or any Part or Parts of such Tolls, for any Term not exceeding Three Years at a Time, for the best Price that upon public Bidding, or upon Tender, can be had or gotten for the same, payable at such Times, to such Person or Persons, under such Conditions and Agreements, and with such Surety or Sureties for the Payment thereof, and in such Manner as the said Trustees for such Districts respectively shall think fit; and the Money arising thereby shall be applied in such Manner as the Tolls so let or leased are under this Act directed to be applied; any thing in any other Law or Statute to the contrary hereof notwithstanding.

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

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

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

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

For preventing Toll Collectors from misbehaving, &c.

XLIV. And be it further enacted, That all and every Toll Collector or Collectors, being Lessee or Lessees, or Farmer or Farmers of the said Tolls, or appointed either under this Act or by the Trustees for executing the same, or by any such Lessee or Lessees, Farmer or Farmers, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, shall and he or she is hereby required to place his or her Christian and Surname painted on a Board in legible Characters at the Front, or on some other conspicuous Part of the Toll House or Toll Gate, immediately upon his or her coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length or Height, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground; and shall continue the same so placed, during the whole Time he or she shall be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall refuse to permit or suffer, or shall in anyways hinder any Person or Persons from reading the same, on having paid the said Tolls, or any of them there payable, or shall, in answer to any Demand, refuse to disclose or tell his or her Name or Names, or shall give a false Name or Names, or shall refuse or neglect to give a Ticket, denoting the Payment of the Toll, and naming and specifying the several Gates (if any) which shall be freed by such Payment, or shall unnecessarily detain, or upon the legal Toll being paid or tendered, shall wilfully obstruct, hinder, or prevent any Passenger, Horse, Beast, Carriage, or Cattle from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous, abusive, or blasphemous Language to any Passenger or Passengers, then and in every such Case, every such Toll Collector, shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied: Provided also, that if any Person or Persons shall at any Time wilfully break in Pieces, tear down, obliterate or destroy the Board, or Name or Names of any such Collector as aforesaid thereon painted or written, or shall assault, obstruct, hinder, or molest any Collector, or any Surveyor or Surveyors, or other Person or Persons who shall be, by or under the Order or Authority of the Trustees, employed on the said Roads, or any of them, 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 Ten Pounds.

Penalty on obstructing Collectors.

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

XLV. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear for the Space of Fourteen Days next after any of the Days on which the same ought to be paid, pursuant to the parol or other Agreement for demising or letting thereof; or in case such Lease or Agreement shall in any other Manner or for any other Cause become void, then and

and in either of such Cases it shall and may be lawful for any Justice of the Peace for the County or Place where the Toll Gate or Toll House shall be situate, and he is hereby required, upon Application made to him by the said Trustees of the District, or their Clerk, Treasurer, or Surveyor, or by any other Person authorized by Writing under their Hands, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of any or every such Toll House or Toll Houses, Toll Gate, Bar, Chain, or Weighing Engine, 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 of the same District or Districts respectively, or any Person acting by or under their Authority, Possession thereof; and that thereupon it shall be lawful for the said Trustees (if they shall think fit), to vacate and determine the Demise of the said Tolls, or the Contract or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes whatsoever (save only 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 Demise or Agreement had never been made, and in that case, or in case the Lease or Agreement shall otherwise become void, it shall and may be lawful for the said Trustees of such District or Districts respectively, in every such Case, to demise or let to farm the said Tolls, Toll Houses, Gates, and Appurtenances again to any other Person or Persons, or cause the said Tolls to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

Present Leases to continue in force;

XLVI. And be it further enacted, That all Demises or Leases and Contracts, Covenants and Agreements, for demising or letting the the Tolls arising on the said Roads, or any or either of them, which shall be in Existence at the Time of passing this Act, shall respectively continue in force until the Time when by the Terms and Conditions thereof, the same will be run out and determined, and the respective Lessees and Farmers thereof shall in the meantime be entitled to collect and receive the Tolls by this Act imposed and made payable at the several Turnpikes, as fully and effectually as if the said former Act had not been repealed, or the Term thereof expired; and all and every Person and Persons who under or by virtue of such Demises or Leases, Contracts, Covenants or Agreements for Arrears of Rent, or otherwise, shall owe any Sum or Sums of Money to the said Trustees of the said respective Districts or any of them, or to any Person or Persons for the Benefit of such Trustees, or of any of the Roads by the recited Act hereby repealed, directed to be kept in Repair, shall notwithstanding such Repeal of the said Act herein-before contained, be liable to the Payment of, and shall pay all such Sum or Sums of Money to the Trustees hereby appointed; and all Bonds, Covenants, Agreements, and Securities, made or entered into by any Person or Persons, to or with any of the Trustees for executing the said former Act, according to the Provisions and Directions of the same Act,

and Persons owing Money under the former Act, to remain liable, and all Contracts, &c. available.

shall

shall remain in full force and effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed, on account of the Trustees and for the Benefit of the Roads under this Act; and all Contracts, Covenants, Agreements, Demises, Leases, Mortgages, and Securities, duly made or entered into by the Trustees for executing the said former Act hereby repealed, or continued in force thereby, to or with any Person or Persons, shall remain in full force and effect, and shall be binding on the Trustees under this Act, and be observed and kept by them, according to the Terms or Stipulations and Tenor thereof respectively.

Weighing Engines.

XLVII. And be it further enacted, That it shall be lawful for the Trustees of the said respective Districts, at a Public Meeting, to let to farm, either together with or without the Tolls by this Act authorized to be taken, the additional Toll or Duty granted and made payable by virtue of an Act passed in the Thirteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to explain, amend, and reduce into one Act of Parliament, the General Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purposes*, for every One hundred Weight of One hundred and twelve Pounds to the Hundred, which any Waggon, Cart or Carriage, together with the Loading thereof, shall weigh at any of the Weighing Engines now or hereafter to be erected on any of the said Roads over and above the Weights allowed by Law; provided that the said additional Tolls or Duties be let in the same Manner as the Tolls arising at the said Gates or Turnpikes are by this Act directed or prescribed to be let.

For borrowing Money.

XLVIII. And be it further enacted, That it shall be lawful for the said Trustees within their respective Districts to borrow and take up at Interest, upon the Credit of the Tolls arising by virtue of this Act, at all or any of the Gates erected or to be erected within such their respective Districts, such Sum or Sums of Money as they shall think fit and necessary for the Purpose of carrying the Powers and Authorities in them by this Act granted into complete Execution and Effect; and they may and are hereby empowered, by Writing under their Hands, to demise or mortgage the said Tolls, or any Part or Parts thereof, and the Turnpikes and Toll Houses, with their Appurtenances for collecting the same (the Costs and Charges of which Mortgages shall be paid out of such Tolls), as a Security or Securities to any Person or Persons, or his, her, or their Trustee or Trustees, who shall advance and lend any such Sum or Sums of Money; and also, that it shall be lawful for the Trustees appointed for the said *Downend* District of Road in like Manner to demise or mortgage the Tolls arising on the said last-mentioned District, as a Security or Securities for the Monies already borrowed on the Credit of the Tolls to arise on the same District exclusively, and for all Monies laid out and expended, or Debts otherwise incurred in or towards the forming, making or improving of the said last-mentioned District of Road, and which said Mortgages may be in the following Form of Words, or Words to the like Effect; (that is to say),

Form of Mortgage.

'BY virtue of an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act, &c.* [*here insert the Title of this Act*], we, Five of the Trustees acting in and for the District of Roads comprized in the said Act, in consideration of the Sum of Pounds to the Treasurer of the said Roads in hand paid by *A. B.* of do grant, bargain, sell, and demise unto the said Executors, Administrators, and Assigns, such Proportion of the Tolls arising at the several Turnpikes or Toll Gates erected or hereafter to be erected upon or on the Sides of the Roads within the said District, and of the Turnpikes and Toll Houses, with their Appurtenances for collecting the same, as the said Sum of doth or shall bear to the whole Sum which is or shall be due and owing on the Credit thereof, or charged upon the Term of the said Act; to be had and holden from the Day of for and during the Continuance of the said Act, unless the said Sum of with Interest at the Rate of Pounds *per Centum per Annum* shall be sooner paid and satisfied. In Witness whereof, we have hereunto subscribed our Hands, this Day of in the Year of our Lord .'

Mortgages may be assigned.

Copies of all which Mortgages shall be entered in a Book or Books to be kept for that Purpose by and in the Custody of the Clerk or Treasurer to the Trustees for the said Districts respectively; and all Persons to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his, her, or their Right, Title, Interest or Benefit in or to such Mortgage, and the Principal and Interest Money thereby secured, to any Person or Persons whomsoever, either by a separate Instrument, or by Indorsement on such Security, in the Form or to the Effect following; (that is to say),

Form of Transfer in certain Cases.

'I *A. B.* do hereby transfer the within Mortgage [*if by Indorsement; or, if by a separate Instrument*] a certain Mortgage, bearing Date the Day of of the Tolls arising at the several Turnpikes or Toll Gates erected or to be erected upon or on the Sides of the Roads within the District, directed to be made, amended, widened, varied, altered and kept in Repair by virtue of an Act of Parliament passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act, &c.* [*here insert the Title of this Act*], by the Trustees of the said District to made, with the Turnpikes, Toll Houses and Appurtenances thereto belonging, and all my Right and Title in and to the Principal Money thereby secured, and all Interest now due and henceforth to grow due upon the same, unto of his Executors, Administrators, and Assigns. As witness my Hand, this Day of .'

Which Transfer shall be produced and notified to the Clerk or Treasurer to the Trustees of that District within Thirty Days after the Date thereof, who shall cause an Entry or Memorial thereof, containing the Numbers of the Securities, and the Dates, Names, and

Additions of the Parties, and the Sums of Money therein mentioned to be assigned or transferred, to be made in the Book or Books kept for entering the said original Mortgages, for which such Clerk or Treasurer shall be paid such Sum as the said Trustees shall appoint, not exceeding Five Shillings, by the Person or Persons to whom such respective Transfer shall be made; and after such Entry made (but not till then), every such Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in like Manner transfer the same again, and so *toties quoties*.

No Money to be borrowed on the First or Second Districts, except for paying the Expences of the Act, without the Mortgagees Consent.

XLIX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the Trustees of or for the First and Second Districts of Road, or either of them, to borrow or take up at Interest any Sum or Sums of Money on the Credit of the Tolls arising within those Districts respectively, for the Purpose of making or repairing the additional Branch of Road to the said First District, or the several Variations of Road in the Second District herein-before particularly mentioned and described, or any of them, or any Part or Parts thereof respectively, nor for any other the Purposes of this Act, (save and except only for the Purpose of paying and defraying the Costs, Charges, and Expences of the applying for and obtaining and passing this Act), without the Consent in Writing of the several Persons at that Time entitled to three Parts in Four, in Value of the whole Sum then due and owing on Mortgage of the Tolls within such Districts respectively.

Securities may be executed at any Public Meeting of the Trustees, after Notice of borrowing;

but Interest to commence only on actual Payment of the Principal to the Treasurer, &c.

L. Provided also, and be it further enacted, That no Money shall be borrowed upon the Credit of the Tolls upon any Part of the said Roads by this Act continued or made Turnpike (save and except only for the Purpose aforesaid), unless Notice of the Trustees Intention to do the same shall be affixed in Writing at all the principal Turnpikes or Toll Gates then erected upon or across the respective Districts of Road, for the Benefit of which the same shall be proposed, at least Twenty-one Days before the borrowing thereof; but Securities for such Monies then borrowed or agreed to be advanced, or any of them, may be executed by the Trustees of such District at any subsequent or future Meeting than the Meeting or Meetings at which the same shall be so borrowed or agreed to be lent, if it shall be found requisite or more convenient; but no Interest thereon shall commence, except only from the Time or respective Times of Advancement thereof, and actual Payment of such Principal Money, to the Treasurer for the Time being, or other Person or Persons appointed by the said Trustees to receive the same; and the said Trustees within their respective Districts, may, if they shall so think fit, and shall, if thereunto required by the present Mortgagees or Creditors, or any of them, call in, take up, receive, and cancel, or otherwise destroy all or any of the Mortgages or Assignments now standing out, that were made or continued in force by virtue of the said former Act hereby repealed, and give or execute another or others for the respective Sums thereby secured or

Trustees may cancel old Securities and give new ones.

or thereupon then due or owing, in Manner and transferrable as above-mentioned, instead and in lieu thereof respectively.

No Priority of Mortgages.

LI. And be it further enacted, That no Preference shall be given to any Person or Persons who hath or have heretofore advanced, or been Mortgagees or Creditors for any Sum or Sums of Money on the Credit of the former Act hereby repealed, or who shall hereafter advance any Sum or Sums of Money on the Credit of this Act, his, her, or their Assignee or Assigns in respect to the Priority of the advancing such Sum or Sums of Money, or the Date or Dates of any such Mortgage or Security; but that as well all Persons to whom any such Mortgages or Securities have already been made or given, as those to whom any such shall hereafter be made or given, his, her, and their Assignee and Assigns shall (in proportion to the Sum or Sums therein mentioned), be Creditors on the Tolls within their respective Districts, in equal Degree one with another: Provided always, that separate Accounts shall be kept of the Tolls which shall be collected on each of the respective Three Districts of Road, and of the Monies borrowed on the Credit thereof, which shall be paid and applied to the repairing, amending, varying, altering, widening, and improving the Roads within such respective Districts only, and for executing the other necessary Purposes of this Act relating thereto, except as is herein-after mentioned.

Separate Accounts to be kept within each District.

Ejectment may be supported by one Mortgagee alone, but without Prejudice to the rest.

LII. 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 such Tolls, Toll Gates, Bars, Chains, Toll Houses, or 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, 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 so 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 Premises, *pari passu*, and in proportion to the several Sums which shall be then due to them as such Mortgagees.

Application of the Tolls and Monies to be borrowed on the First District.

LIII. And be it further enacted, That as well the Tolls and all other Monies to be collected and received by virtue of this Act within the said First District of Road, as also all the Monies which at the Time of the passing of this Act shall have been raised or produced under the said former Act hereby repealed, within the same Districts, and shall be then undisposed of, and also all the Monies which by or under the Authority in this Act herein-before contained shall be borrowed and taken up at Interest on the Credit thereof, shall be by the Trustees, within the District aforesaid, paid, applied, and disposed of as herein-after mentioned; (that is to say), in the first Place, in paying and defraying one equal Moiety or Half Part of all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, then in paying the necessary Expences

Expences of maintaining and keeping in Repair the said District of Road, and in paying and keeping down the Interest of all such Sums of Money as are or shall be borrowed and taken up at Interest upon the Credit of the Tolls of the same District; in the next Place, in making and completing the additional Branch of Road within the said District, and in the widening, shortening, varying, altering, amending, and improving such Part or Parts of the Roads lying within the said District as the Trustees of the same District shall from Time to Time deem necessary; and lastly, in paying off and discharging the Principal Monies already borrowed or raised under or by virtue of the said former Act hereby repealed, or to be by them the said Trustees within the said District borrowed or raised under or by virtue of this Act.

Application of the Tolls and Monies to be borrowed on the Second District.

LIV. And be it further enacted, That as well the Tolls and all other Monies to be collected and received by virtue of this Act within the Second District of Road, as also all the Monies which at the Time of the passing of this Act shall have been raised or produced under the said former Act hereby repealed, within the same District, and shall be then undisposed of, and also all the Monies which by or under the Authority in this Act herein-before contained, shall be borrowed and taken up at Interest on the Credit thereof, shall be by the Trustees within the District aforesaid paid, applied, and disposed of as herein-after mentioned; (that is to say), in the first Place, in paying and defraying one equal Moiety or Half Part of all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, then in paying the necessary Expences of making and keeping in Repair the said District of Road, and in paying and keeping down the Interest of all such Sums of Money as are or shall be borrowed and taken up at Interest upon the Credit of the Tolls of the same District; in the next Place, in making and completing the several Variations of Road within the said District as are herein-before particularly mentioned, and in the widening, shortening, varying, altering, amending, and improving such Part or Parts of the Roads lying within the said District as the Trustees of the same District shall from Time to Time deem necessary; and lastly, in paying off and discharging the Principal Monies already borrowed or raised under or by virtue of the said former Act hereby repealed, or to be by them the said Trustees within the said District borrowed or raised under or by virtue of this Act.

Application of the Tolls and Monies to be borrowed on the Downend District.

LV. And be it further enacted, That as well the Tolls and all other Monies to be collected and received by virtue of this Act within the *Downend* District of Road, as also all the Monies which at the Time of the passing of this Act shall have been raised or produced under the said former Act hereby repealed within the same District, and shall be then undisposed of, and also all the Monies which by or under the Authority in this Act herein-before contained, shall be borrowed and taken up at Interest on the Credit thereof, shall be by the Trustees within the District aforesaid, paid, applied, and disposed of as herein-after mentioned; (that is to say), in the first Place, in paying the necessary Expences of completing and finishing the said *Downend* District of Road, then in paying and keeping

keeping down the Interest of all such Sums of Money as are or shall be borrowed and taken up at Interest upon the Credit of the Tolls of the same District, and then in the widening, shortening, varying, altering, amending, and improving such Part or Parts of the several Roads lying within the said District, as the Trustees of the same District shall from Time to Time deem necessary; and lastly, in paying off and discharging the Principal Monies already borrowed or raised under or by virtue of the said former Act hereby repealed, or to be by them the said Trustees within the said District borrowed or raised under or by virtue of this Act.

Whenever there is any Surplus above 200*l.* in the Treasurer's Hands, not wanted for Repair of the Roads, it may be applied in discharge of the Trust Debts.

LVI. Provided always, and be it further enacted, That whenever it shall appear to the Trustees of the said repective Districts of Road, that there is in the Hands of their respective Treasurer or Treasurers, any Balance or Sum of Money, over and above the Sum of Two hundred Pounds, not wanting for the Repair or Improvement of the said Roads, or for the paying of Interest to any of the Creditors of the same Districts respectively, or to be kept in reserve towards the Expence of any future Renewal of this Act, then and so often it shall be lawful for the said Trustees of the said respective Districts, and they are hereby authorized and required to apply the same, or such Part thereof as can be spared, in paying off or reducing the Debt of the Road whereon such Surplus shall arise, or such Portion thereof, and so far as the same will thereto extend; and in case the Mortgagees or Creditors upon such District or Districts of Road, shall not consent and agree to the paying of such Surplus to any one or more of them, in preference to and in exclusion of the other or others of them, or by Lot, but be all equally alike desirous of receiving their respective Quotas thereof, then and in such Case the said surplus Money shall be paid and divided to and amongst them the said Mortgagees and Creditors of the same District or Districts respectively, by an equal Per-centage, in proportion to and according to the Amount of their respective Debts.

For enforcing Payment of Subscriptions.

LVII. And be it further enacted, That in case any Person or Persons hath or have agreed to subscribe or hereafter shall subscribe or agree to subscribe any Money towards the making, amending, widening, altering, or improving the said Roads hereby made or continued, or intended to be made Turnpike, or any or either of them, or for carrying this Act into Execution, all and every such Persons and Person, his, her, or their Executors or Administrators shall, after Thirty Days previous Notice in Writing under the Hand or Hands of the Clerk or Clerks to the said Trustees of the said Districts of Road respectively, whereupon the same shall be so agreed to be advanced for that Purpose to him, her, or them given, or left at his, her, or their Dwelling House or usual Place of Abode, and he, she, and they is and are hereby required to pay the Sum or Sums of Money so subscribed or agreed to be subscribed, within such Time or Times, at such Place or Places, and in such Parts and Proportions as the said Trustees of such District or Districts respectively shall order and direct, and the same shall be paid to such Person or Persons as the said Trustees shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall

neglect or refuse to pay the Money so by him, her, or them agreed to be subscribed, or such Part thereof as shall be required by such Notice as aforesaid, it shall be lawful for the said Trustees to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Plaint, or Suit, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed; and after Proof of such Persons or Person having so subscribed or agreed to subscribe, and that such Notice was given as aforesaid, such Persons or Person, their, his, or her Executors or Administrators, shall pay or be compelled to pay such Sum or Sums of Money as aforesaid, together with full Costs of Suit.

Roads to be widened, altered, and improved.

LVIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees of the said several Districts of Road herein-before comprized and described, from Time to Time to widen, divert, turn, shorten, vary, alter, and improve the Line, Course, or Path of any Part or Parts of the aforesaid present Turnpike Roads herein-before mentioned, or of any of them, in such Manner as they the said Trustees within their respective Districts shall think fit, upon, through, or over any Private Lands, Grounds, or Hereditaments, and also to widen, divert, turn, shorten, vary, or alter the Line, Course, or Path of the aforesaid old Roads by this Act intended to be made Turnpike, or of any of them, in such Manner as they the said Trustees shall think fit, upon, through, or over any of the Lands, Grounds, or Hereditaments comprized in the Schedule to this Act annexed, making or tendering Satisfaction as herein-after mentioned; and also to make the aforesaid new Piece of Road through *Hullavington* additionally to the First District, and the several Variations of Road in the Second District, upon, through, or over any Private Lands, Grounds, or Hereditaments comprized in the said Schedule hereunto annexed; and also for such Purposes to take and pull down the Dwelling Houses and other Buildings, with their Appurtenances, also comprized in the said Schedule, subject to such Provisions or Directions, and making such Satisfaction as are herein-after mentioned; and also to widen, divert, turn, vary, alter, and make the same several Roads, or any of them, or any Part or Parts thereof respectively, upon, through, or over any Commons or Waste Grounds, without making any Satisfaction for such Commons or Waste Grounds, or the Parts taken therefrom; and it shall and may be lawful to and for the said Trustees within their respective Districts, and for their respective Surveyor or Surveyors, and Workmen, with or without Carriages or Cattle, from Time to Time to enter upon any such Private Lands, Grounds, Hereditaments, and Premises as aforesaid, through which or whereupon the said Roads, additional Branch of Road, Deviations, Alterations, Widenings, and Improvements pass or are intended to pass, and to stake out or otherwise mark and make the same, or any of them, in such Manner as the said Trustees of the said respective Districts 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 Hereditaments respectively, for any of the Purposes of this Act, making or tendering Satisfaction to the Owners thereof, and Persons interested

interested therein, for the Damage they may thereby sustain; and if any Person or Persons shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used in laying out or making, widening, diverting, turning, shortening, varying, altering, or improving such Roads, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding the Sum of Forty Shillings; provided that the said Trustees shall not be hereby empowered to make the said Roads of a greater Width than Forty Feet.

Restraining the Trustees from deviating from the Plans deposited with the Clerk of the Peace for Wilts, further than 100 Yards.

LIX. And whereas Maps or Plans, describing the Lines of the several Roads by this Act intended to be made or altered, and of the Lands, Hereditaments, and Premises through or over which the same are to be carried or made, together with a Reference thereon in Writing, containing a List of the Names of the Owners and Occupiers of such Lands, Hereditaments, and Premises, have been deposited at the Office of the Clerk of the Peace for the County of *Wilts*, in which the same do all lie; be it therefore further enacted, That the said Maps or Plans and References shall remain in the Custody of the said Clerk of the Peace, to the End that all Persons may at any reasonable Time or Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of any such Map or Plan and Reference; and that the said Trustees of the several Districts to which the same relate, in making the Roads or Alterations of Roads described in such Maps or Plans, or any of them, shall not deviate more than One hundred Yards of Three Feet each from the Lines described in such Map or Plan, without the Consent and Approbation in Writing, first had and obtained, of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such new Roads, or Branches of Road, and Deviation or Deviations shall be made.

Lands marked in the Plan may be used notwithstanding any Error in the References,

LX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Roads, and Alterations of Roads, or any of them, into, through, across, or over the several Lands, Hereditaments, or Premises of any Person or Persons who is or are or may be Owner or Owners, or Occupier or Occupiers of Land or Premises over which the same are set out and described in the said Maps or Plans as aforesaid, and to take down the Houses, Buildings, and Erections, with their Appurtenances, and to take and use the Sites of Ground thereof, Lands, and Premises described in the Schedule to this Act, although the Name or Names of the Owner or Owners, or Occupier or Occupiers thereof may happen to be omitted or mis-stated in the said Lists of Reference or Schedule to this Act, or any or either of them, in case of any Mistake or Omission in the said Schedule it shall appear to any Two or more Justices of the Peace for the County or Place where the Land or Premises shall be situate, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake only.

LXI. Pro-

Trustees restrained from taking down Dwelling Houses or Buildings not mentioned in the Schedule.

LXI. Provided also, and be it further enacted, That the Powers and Authorities hereby given for diverting, making, altering, and improving the said Roads, shall not extend or be construed to extend to authorize or empower the said Trustees, or any of them, to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Paddock, Park, planted Walk, or Avenue to a House, or any inclosed Ground planted as Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, other than and except such Dwelling Houses or other Buildings and Premises as are described or comprized in the Schedule to this Act annexed.

Trustees may purchase Lands, &c. for making or improving the Roads.

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

nistrators, and all other Persons, shall be and are hereby indemnified for what they or any of them shall do by virtue or in pursuance of this Act.

When Persons interested neglect or refuse to treat,

LXIII. And be it further enacted, That if any such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Houses, Buildings, Lands, Tenements, Hereditaments or Premises, or sustaining any Damage as aforesaid, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the Principal Officer or Officers of any such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or at the House of the Tenant in Possession of any such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises, shall for the Space of Thirty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees of such District or Districts respectively, shall cause such Damage, Value, or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County or Place wherein such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises do lie; and in order thereto, the said Trustees are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before such Jury and examine upon Oath all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined concerning the Premises (which Oath the said Trustees or any or either of them are and is hereby empowered to administer); and such Trustees shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners or other Persons interested, according to the Verdict or Inquisition of such Jury; and such Verdict or Inquisition, and Judgment, Order, and Determination thereon, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, as well as all and every Person and Persons whomsoever; and for summoning and returning such Juries, the said Trustees within their respective Districts are hereby empowered to issue their Warrant or Warrants in Writing, signed by any Five or more of them, to the Sheriff of the County wherein such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises do lie, commanding him to impannel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before such Trustees at such Time and Place as in such Warrant or

the Damages or Value to be ascertained by a Jury.

Trustees to issue Warrants to the Sheriff to impannel Juries.

Warrants

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 impannelled, summoned and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and are hereby empowered and required to swear or cause to be sworn Twelve Men, who shall be a Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff or his Deputy or Deputies shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against the said Jurymen when they come to be sworn; and the said Trustees, 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, Bailiff or Bailiffs, Agent or Agents, making default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and who without sufficient Excuse shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Person who, being required to give Evidence before the said Jury, shall, without sufficient Excuse, refuse or neglect to appear, or appearing shall refuse to be sworn and examined, or to give Evidence, so that no one Fine be more than Ten Pounds on any such Sheriff, Deputy, Bailiff or Agent, nor more than Five Pounds or any other Person for one Offence.

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

The Fines.

LXIV. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Directions and Authority of this Act, shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees before the summoning or returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Treasurer to the said Trustees out of any Money which shall then be in his Hands, or out of any Monies to be received by virtue of this Act, within or for the same District where such Difference shall happen; but if any such Jury or Juries so summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, before the summoning and returning of the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest or Property in any such Houses, Buildings, Lands, Tenements, Hereditaments or Premises, or Losses or Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all

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

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

Absentees not liable to pay Expences.

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

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

completed, the Lands or Ground constituting any former Roads or Road, or so much and such Part or Parts thereof as in the Judgment of the Trustees of the District may thereby become useless or unnecessary, shall or may be stopped up and discontinued as public Highways, (unless leading over some Moor, Heath, Common, uncultivated Land or Waste Ground, or to some Church, Mill, Village, Town, or Place, Lands or Tenements to which such new Road or Roads doth not or do not immediately lead, and which may therefore be deemed proper to be kept open either as a public or private Way or Ways, for the Use of any Inhabitants at large, or any Individual or Individuals), and shall be vested in and shall and may be sold and conveyed by the said Trustees of the same District or Districts respectively, in the Manner herein-after mentioned, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied to the Purposes of this Act; and all Conveyances being executed by the said Trustees or any Five or more of them, and inrolled in the Office of the Clerk of the Peace for the County wherein such Road shall be situate, shall be good and effectual in the Law to all Intents and Purposes whatsoever; or it shall be lawful for the said Trustees, instead of making such Sale as aforesaid, to give up to the Owners or Proprietors of any adjoining Lands, Tenements, or Hereditaments, whose Buildings, Land, or Ground shall be had or taken for the Purposes of this Act, any Part or Parts of the present or old Roads, in lieu and in exchange for the same, in such Way and Manner as such Trustees and Owners or Proprietors shall agree upon and think fit.

Old Roads may be stopped up and sold.

LXVI. Provided always, and be it further enacted, That the said Trustees within their respective Districts, before they shall sell and dispose of any Piece or Pieces of Ground, not wanted for the Purposes of this Act as aforesaid, to any other Person or Persons, shall first offer the same 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 or Place where such Ground is situate, (who are hereby respectively empowered to take such Affidavit) by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the 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

When any Parts of the old Roads are to be sold, the first Offer to be made to original or adjoining Owners.

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 Non-application 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.

When the Deviation of Road in the Second District between Malmesbury and Cricklade is completed, the old Road not to be any longer repaired under this Act, but by the Parishes to which it belongs.

LXVII. Provided always, and be it further enacted, That when the Variation and new Line of Road by this Act intended to be made between *Malmesbury* and *Cricklade*, in the Second District of Road, shall be made and completed, so as to be fit for the safe and convenient Use of the Public, the Trustees of that District shall be from thenceforth discharged from the Care and Repair of so much and such Part or Parts of the present Road as lies between the said Commencement and Termination of such new Line of Road, and will be thereby become useless or unnecessary to be continued as Turnpike; and such Part of the said present Turnpike Road shall from thenceforth respectively cease to be repaired or repairable under or by virtue of the Powers of this Act, and shall no longer be subject to the Powers or Provisions hereof.

Until Variation of Road through Milbourne, &c. is made, the Toll House at Whychurch Marsh, and united Road through Malmesbury, to be repaired at the joint Expence of the First and Second Districts.

LXVIII. Provided also, and be it further enacted, That until the said Variation of Road between *Malmesbury* and *Cricklade* shall be completed, the Expence of maintaining and keeping in Repair the Turnpike House and Toll Gates, with their Appurtenances, now erected at *Whychurch Marsh*, in the Parish of *Malmesbury* aforesaid, and also such Part of the First and Second Districts of Road as there unite in one, and extend from thence unto the Separation of the said Districts in the Parish of *Saint Mary Westport*, in the Borough of *Malmesbury* aforesaid, at the Direction Post there, shall be defrayed and discharged by and out of the Tolls arising from both the said Districts of Road, in equal Shares and Proportions, in the same Way and Manner as they now customarily are repaired and amended.

Certain Lanes under the former Act stopped up, to continue so.

LXIX. And whereas the Trustees of the Second District of Road, in pursuance of the Power and Authority for that Purpose given them by or under the said former Act hereby repealed, have stopped up and discontinued, as Roads or Highways, certain Lands therein particularly described, and commonly called or known by the several Names of *The Green Lane*, *Quabwell Lane*, *Backbridge Lane*, *The Foss Lane* or *Way*, *Newnton Lane*, and *Underbridge Lane*: And whereas, for the Purposes of this Act, it is expedient that the said Lanes should continue to be stopped up; be it therefore enacted, That the several Lanes or Ways herein-before last mentioned

to have been so as aforesaid stopped up by or under the Authority of the said former Act hereby repealed, shall from Time to Time, and at all Times for ever hereafter be and remain stopped up and discontinued as public Highways; and it shall also be lawful for the said Trustees of the said First District of Road, by and with the Consent in Writing of any Two or more of His Majesty's Justices of the Peace for the said County of *Wilts*, to shut up, stop, and discontinue as a public Road, a certain Bye-way or Lane called *The Watery Lane*, now leading from and out of the additional Branch of Road, by the Trustees of the said First District by this Act authorized and intended to be made Turnpike, into the Village of *Hullavington* aforesaid: Provided nevertheless, that all such Persons who of accustomed Right have had the Use of the said Lanes, or any of them, as a Private Way or Ways to and from any their Grounds or Fields, shall and may, for that Purpose, only continue to use and enjoy the same in such and the like Manner as they now commonly do and have heretofore done.

Application of Compensation Monies for Lands, &c. if amounting to 200*l*.

LXX. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments and Premises to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts, or other Incumbrances affecting the same Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Houses, Buildings, Tenements, Hereditaments and Premises, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Houses, Buildings, Tenements, Hereditaments, and Premises which shall be so purchased, taken, or used as aforesaid stood

stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined, or capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the 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 or Interest, and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Houses, Buildings, Tenements, Hereditaments and Premises so to be purchased, in case such Purchase or Settlement was made.

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

LXXI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less then the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Commitees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be applied, at the like Option, to Two or more Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the Trustees for executing this Act, within the District or Districts wherein such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises so as aforesaid by then respectively purchased, had, or taken, shall lie or be situate, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends and Produce arising thereon and therefrom, may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Where under 20l.

LXXII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of

of the Lands, Houses, Buildings Tenements, Hereditaments and Premises so purchased, taken, or used for the Purposes of this Act, in such Manner as the Trustees for the same District or Districts respectively shall think fit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Commitees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

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

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

In case of disputed Titles.

LXXIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments and Premises, or of any Estate, Right, Title, or Interest in any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities to be

purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or to some Estate or Interest therein.

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

LXXV. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and be applied in the Purchase of any other Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the Trustees of the District or respective Districts for the Use of which such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises respectively shall be so as aforesaid purchased, had, or taken out of the Monies to be received by such Trustees of such respective Districts by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Power to get Materials.

LXXVI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Trustees within their respective Districts, and all such Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any Materials for making or repairing the said Roads, or building, rebuilding, or repairing any present or future Toll House or Toll Houses on or by the Sides thereof, or any Bridge or Bridges thereon, out of any common River or Brook, or out of or from any Waste or Common in any Parish, Hamlet, or Place in which any Part of the said Road lies, or in any adjoining Parish, Hamlet, or Place, and to haul and carry away any such Materials when got, over any Common or Waste Lands, without paying any thing for such Materials, and without being deemed a Trespasser or Trespassers, the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries,

levelling the Grounds, or sloping down the Banks wherefrom such Materials shall be taken, or railing or fencing-off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying or tendering for the Damage done by going through and over any inclosed Lands or Grounds for or with such Materials, such Damages to be ascertained as herein-after mentioned; and also that it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any such Materials, in or out of the Land of any Person or Persons where the same may be had or found, in any Parish, Township, or Place in which any Part of the said Roads shall lie or be situate, or in any adjoining Parish, Township, or Place (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for such Materials and for the Damages done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees within their respective Districts shall judge reasonable; and also to land on and carry through or over any Inclosed Lands or Grounds (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to a House), or on, through, or over any open Land or Common, any Stone or other Materials for making or repairing the said Roads, or for building or repairing any present or future Toll House or Toll Houses on or by the Sides thereof, from any River, Stream, or Canal in any Parish, Hamlet, or Place in which any Part of the said Road lies, or in any adjoining Parish, Hamlet, or Place, paying or tendering for the Damage done in landing on or going through or over any Inclosed Lands or Grounds, for or with such Materials, such Sum or Sums of Money as the said Trustees of the said respective Districts where such Materials shall be so landed or carried shall judge reasonable; and in case of any Difference between such Trustees, Surveyors, or other Persons appointed or employed as aforesaid, and the Owners and Occupiers of such Lands, or any of them, concerning such Payments and Damages as aforesaid, any Two or more Justices of the Peace for the County wherein the Place from whence such Materials shall have been taken shall be situate, 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, and the Costs attending the hearing and determining the same.

Notice to be given before Materials taken from private Lands.

LXXVII. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or any other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing any of the said Roads, out of or from any Inclosed Land or Ground, until Notice in Writing signed by the Surveyor of the District shall have been given to the Owner or Owners of the Premises from which such Materials are intended to be taken, or his or her known Agent, or to the Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Two Justices of the Peace acting in

in and for the County where the Lands from whence such Materials are intended to be taken shall lie, to shew Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person to dig, get, gather, take, and carry away such Materials at such Time or Times as to such Justices shall seem proper; and if such Owner, Agent, or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, such Justices shall and may (upon Proof on Oath of the Service of such Notice, and which Oath they are hereby empowered to administer), make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier or his or her Agent had attended.

Power to contract for Land to get Materials.

LXXVIII. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees, within their respective Districts, to contract and agree with any Person or Persons whomsoever, for the Purchase or Demise from him, her, or them, of and to hold any Land or Ground, for the Purpose of digging Stone and Materials therefrom, for the Repairs or Use of the said Roads, or either of them, or any Part thereof respectively, and at any Time afterwards to sell the Land or Ground so purchased, by public Auction or Tender: Provided always nevertheless, that the entering into any such Contract or Agreement as last aforesaid, shall not be compulsory against any Person or Persons unwilling to enter into the same: Provided also, that the said Trustees shall not hold at any one Time or Period, a greater Quantity of such Land or Ground in the whole than Three Acres for each of the Divisions or Districts aforesaid.

Penalty on taking away Materials raised by Surveyors.

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

No Flood-Gates or Obstructions in Water-courses to be made so as to injure the Roads;

LXXX. And be it further enacted, That if any Person shall, after the passing of this Act, erect or place any Sluice, Dam, Floodgate, or other Obstruction in any Brook or Watercourse, whereby or by Means whereof the said Roads or any Part thereof shall be flooded, damaged, or injured, or rendered unsafe, or shall make, lay or open any Ditch, Drain-pipe, or Watercourse into the said Roads or any of them, or shall deepen or widen any Ditch, Drain-pipe, or Watercourse already made, into or on the Sides of the said Roads or any of them, or shall inclose or take in any Ditch, Drain-pipe, or Watercourse

course lying on the Outside of his, her, or their Paling, Hedges, or other Fences, or take, remove, or carry away any Stone, Sand, Drift, Mud, Dirt, or Scrapings from off the said Roads or either of them, or from off the Sides thereof, or from any Place or Places where the same shall have been laid or deposited by the said Trustees, or any Person or Persons employed by them, or shall dig up, take, or carry away any of the Turf, Sod, or Soil, being on the Side or Sides of any of the said Roads, within the Distance of Fifteen Feet from the Centre of the said Roads, without Licence or Consent in Writing for that Purpose first had and obtained from the said Trustees, or any Five or more of them, within their respective Districts, then and in every such Case it shall be lawful for the Surveyor to the said Trustees for such District or Districts respectively, and the several Workmen to be employed by him, to give Ten Days Notice thereof to the Owner or Occupier, or Owners or Occupiers of such Sluice, Dam, Floodgate, or other Obstruction, to take down and remove such Sluice, Dam, Floodgate, or other Obstruction, and also to stop, fill up, and destroy all and every such Ditches, Drains, Pipes, and Watercourses, and to pull down and remove the Buildings, Walls, Paling, or other Fences so inclosing such Ditches, Drains, Pipes, or Watercourses; and in case the same shall not be taken down or removed at the Expiration of the said Ten Days, then it shall be lawful for the said Trustees, or any Five or more of them, to take down or remove the same at the reasonable Costs and Expences of such Owner or Owners, or Occupier or Occupiers; and in case the said Owner or Owners, or Occupier or Occupiers, shall refuse or neglect for the Space of Five Days to pay such Costs and Expences, then such Costs and Expences shall and may be levied and recovered by Warrant or Warrants under the Hand and Seal of any Justice of the Peace for the County or Place where the Offence shall be committed, by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay the same, rendering the Overplus (if any) on Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold; and the Person erecting such Sluice, Dam, Floodgate, or other Obstruction, or making, opening, deepening, widening, or inclosing such Ditch, Drain, Pipe, or Watercourse, or taking, removing, or carrying away such Stone, Sand, Drift, Mud, Dirt, or Scrapings, or digging up, taking or carrying away any such Turf, Sod, or Soil, without such Licence or Consent as aforesaid, or causing or procuring the same so to be done, shall for every such Offence forfeit and pay to the said Trustees any Sum not exceeding Five Pounds, over and above the Costs and Charges of taking up and removing such Sluice, Dam, Floodgate or other Obstruction, or filling up such Ditch, Drain, Pipe, or Watercourse, or pulling down or removing such Buildings, Walls, or other Fences as aforesaid, and the Value of such Road Scrapings.

nor any Person to take Stone, Sand, Drift or Scrapings off the Roads without Licence.

LXXXI. And be it further enacted, That if any Person shall, from and after the passing of this Act, encroach upon the said Roads, by making or causing to be made any Dwelling House or other Building, Hedge, Ditch, or other Fence (except Turnpike Houses or other Buildings erected by Order of the said Trustees), every Person so offending

Penalty for erecting Encroachments on the Side of the Roads.

offending shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds to such Person as shall give Information of the same; and it shall and may be lawful for any One or more Justice or Justices of the Peace in and for the County or Place where the Premises shall be situate, upon Proof thereof to him or them made upon Oath (which Oath any such Justice is hereby empowered to administer), to levy as well the Expences of taking down such Dwelling Houses, Buildings, Hedges and Fences, and filling up of the Ditches aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offenders Goods and Chattels, rendering the Overplus (if any) to the Owner or Owners on Demand.

Gates to open inwards.

LXXXII. And be it further enacted, That no Door or Gate of or to any Building, Yard, Park, Paddock, Field, or Inclosure whatsoever, shall hereafter 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 such Building, Yard, Park, Paddock, Field, or Inclosure having any Door or Gate opening outwards contrary to the Meaning of this Act, shall within Twenty-one Days after Notice to him, her, or them given, either personally or in Writing, from the Surveyor of the said Roads, cause such Door or Gate to be hung so that the same shall not open outwards 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 Door or 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 Door or Gate to be hung according to the Directions 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 Doors or Gates, and shall also forfeit and pay a further Sum of Money 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.

For removing other Annoyances and Nuisances.

LXXXIII. And be it further enacted, That it shall be lawful for the said Trustees within their respective Districts, or their Surveyor or Surveyors, and such Person or Persons as they or he shall appoint, from Time to Time to remove and prevent all Annoyances by Timber, Stone, Carriages, Hovels, Lime, Mortar, Filth, Dung, Ashes, Rubbish, Straw, or other Things being laid on any Part of the said Roads within their respective Districts, or upon open Common or Waste Land within Thirty Feet of the Centre thereof, and to dispose of the same for the Benefit of the said Roads respectively, in case the Owners thereof shall neglect to remove the same for the Space of Three Days after Notice in Writing, signed by the Surveyor of such District, given to such Owners for that Purpose, or in case the Owners

Owners are not known, after a like Notice affixed for Seven Days on the nearest Turnpike Gate; and to turn any Watercourses, Sinks, or Drains running along, into, or out of the said Roads to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining or near thereto, and to make the same as deep and large as he or they shall think necessary; and at proper Seasons of the Year to cut down or lop any Branches, Shrubs, or Bushes growing on or over the said Roads, or in the Hedges or Banks adjacent thereto respectively (not being a Garden, Orchard, Plantation, Walk or Avenue to a House, or any Trees being an Ornament or Shelter to a House), and to take and carry away the same, and to cut and reduce all such Hedges to the Height of Four Feet, in case the Owners or Occupiers of the Premises shall for the Space of Fourteen Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to lop, cut down, or remove such Branches, Shrubs, or Bushes, or to open, scour, cleanse, widen or deepen such Watercourses or Ditches, or remove such other Annoyances in such Manner as the said Trustees or their said Surveyor or Surveyors shall require; the Charges whereof, to be settled by any Justice or Justices of the Peace of the County or Place where the same shall happen, shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein-after directed to be recovered and applied; and if after the Removal of any of the said Annoyances, any Person shall again offend in like Manner, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Surveyors to impound Cattle found straying on the Roads.

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

LXXXV. And

Power to make Causeways, Bridges, &c.

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

Mile Stones and Direction Posts to be erected.

LXXXVI. And be it further enacted, That the said Trustees of the said several Districts of Road hereby made or continued or intended to be made Turnpike, shall cause the Roads and Branches of Road within the same respectively to be measured, and Stones or Posts to be set up or placed in or near the Sides thereof, at the Distance of One Mile from each other, denoting the Distance of any and every such Stone or Post from any Town or Place; and also such Direction Posts at the several Roads leading out of the said Roads hereby made or to be made Turnpike, or at any Crossings, Turnings, or Terminations thereof, with such Inscriptions thereon, denoting to what Place or Places the said Roads respectively lead, of such Height or Size, and to be erected in such Situations as they the said Trustees of the same Districts respectively shall think proper; and if any Person or Persons shall wilfully break, cut down, pull up, or damage any such Post or Stone, or shall obliterate, deface, spoil, or destroy all or any of the Letters, Figures, or Marks which shall be inscribed or painted thereon, and be thereof convicted before any Justice of the Peace for the County or Place where such Stones or Posts shall be so as aforesaid erected, 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 s uch Offence.

Penalty on damaging them.

Statute Labour.

LXXXVII. 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 the repairing and amending of any Highway in the several Parishes, Townships, Hamlets, Tythings, or Places through which the Roads by this Act continued Turnpike, or directed to be made, amended, widened, diverted, turned, shortened, varied, altered, improved, and kept in Repair, do or shall pass, shall be and remain liable to the Repair of the said Roads so continued Turnpike, or to be made, amended, widened, diverted, turned, shortened, varied, altered, improved, and kept in Repair by or under the Authority of this Act, and to perform their respective Work thereon, and to pay their respective Portions of Composition Money towards the same, in such and the like Manner in every respect as they now are or have been heretofore liable to the Repair of the same, or any other Common Highway within such Parish, Township, Hamlet, Tything, or Place respectively; and it shall be lawful for any Two or more Justices of the Peace in and for the County or Place wherein the said Roads respectively lie, and they are hereby required and empowered, upon Application made to them by the Trustees for or over the same Roads, and within their respective Districts, or by their Treasurer, Clerk, or Surveyor, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said respective Districts of Road, by the Inhabitants of the respective Parishes, Townships, Hamlets, Tythings, and Places in or through which the said Roads respectively, or any of them, do or shall lie, lead, or pass, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or their Treasurer or Treasurers of such Districts respectively; and in order thereunto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring Lists before such Justices, at some Place to be expressed in such Summons, within Six Days after the serving of such Summons, of the Names of the several Persons who within such Parish 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 are or may be directed by any Law or Statute in force or effect for the Repairs of the Public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do 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 Time (not being Hay-time or Harvest), and on such Parts of the said Roads as the said Trustees within their respective Districts, or their Surveyor or Surveyors, shall from Time to Time order, direct, or appoint; and the said Justices shall and may order and direct the Persons who by such Lists shall be subject and liable to the Payment of any Money in

Justices to apportion yearly the Statute Labour and Payment of Composition Money.

lieu of or as a Composition for the Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the Surveyor or Surveyors of such Parishes, Townships, and Places respectively, 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, 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 any Penalty is by this Act authorized or 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 any Surveyor 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 Fines, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute now in force or effect for Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on any Part of the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be so found idle or negligent as aforesaid; and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments as 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 of the said Trustees for the respective District or Districts of Road wherein such Neglect or Default shall happen, and applied towards amending the said Roads; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes or Places, shall refuse or wilfully neglect to give any such Lists as aforesaid, or shall knowingly or wilfully give in false and imperfect Lists, or shall refuse or 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 Work.

LXXXVIII. And be it further enacted, That it shall be lawful for the said Trustees within their respective Districts to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by him, her, or them done on the said Roads, or any Part thereof, and also with the Surveyor or Surveyors of the Highways for any of the Parishes, Townships, Tythings, or Places in which the said Roads do or shall lie and be situate, for a certain Sum of Money, by the Year or otherwise, as the Trustees within their respective Districts shall think reasonable, in lieu of the whole or any Part of the Statute Work or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish or Place, or by the Person or Persons so compounding, to the Treasurer of the

Trustees within or for such District or Districts respectively in advance, on or before the Twenty-ninth Day of *September* in each and every Year, or otherwise such Person or Persons, Bodies Politic or Corporate, or Inhabitants and Occupiers within such Parish or Place, shall not be permitted to compound for that Year, and all such Composition Money shall be applied for the Purposes of this Act; and that every such Surveyor of the Highways who shall pay any such Composition Money shall be reimbursed the same, in like manner as Surveyors of the Highways are by the Laws in being to be reimbursed the Money by them laid out and expended in buying Materials for the repairing of any other Highway or Highways.

County Bridges to be maintained as heretofore.

LXXXIX. And be it further enacted, That where any particular Part or Parts of the said Roads hereby continued or intended to be made Turnpike, or any Bridge, Causeway, Arch, Drock, Drain, or Sewer, being in, upon, across, or over the same, have or hath been accustomed, or ought to be repaired and maintained by any County, Hundred, Town, Parish, Hamlet, Tything, or Place, or by any individual or particular Person or Persons, Body Politic or Corporate, by reason of the Tenure of any Lands, Tenements or Hereditaments, or otherwise howsoever, every such Part of the said Roads, and every such Bridge, Causeway, Arch, Drock, Drain or Sewer, shall from Time to Time be maintained and kept in Repair by such County, Hundred, Town, Parish, Hamlet, Tything, or Place, Person or Persons, Body Politic or Corporate, and in such Manner as the same respectively were or ought to have been maintained and kept in Repair before the passing of this Act.

Trustees may contract for Repairs.

XC. And be it further enacted, That the said Trustees within their respective Districts, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, are hereby empowered to contract and agree with any Person or Persons, for amending, diverting, varying, altering, widening, making, improving, maintaining, and keeping in Repair the said Roads, or any Part thereof, for erecting Mile and Direction Stones or Posts thereon, the Building of Turnpike Houses, making of Fences, raising Materials, or for doing any other Work to be performed or necessary to be done in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper; and that all Contracts and Agreements entered into by them the said Trustees, or by their respective Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, or other Officer, in pursuance of their Order, with any Workmen or other Person or Persons, relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Parties or Persons making the same, his, her, and their Executors or Administrators; and that Actions and Suits shall and may be maintained thereon, and Damages and Costs recovered against the Party or Person, Parties or Persons, failing in the Performance of such Contracts or Agreements respectively; and such Sum of Money as shall or may be requisite for making or repairing the said Roads, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any such Action or Suit against any

any such Party or Person, Parties or Persons so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

Penalty on Persons committing Nuisances.

XCI. And be it further enacted, That if any Person or Persons shall ride upon any Footpath or Causeway by the Side of any of the said Roads, made or set apart for the Use or Accommodation of Foot Passengers; or shall lead or drive any Horse, Ass, Mule, Swine, or Cattle, or Carriage of any Description, upon any such Footpath or Causeway; or shall cause any Injury or Damage to be done to the same, or the Hedges, Posts, Rails, or Fences thereof; or shall wilfully pull down or damage any Bridge, Wall, or any other Building made or erected by any of the said Trustees under the Authority of this Act, or repaired or repairable by them; or shall haul or draw, or cause to be hauled or drawn upon any Part of the said Roads, any Timber, Stone, or other Thing, otherwise than upon wheeled Carriages; or shall suffer any Timber, Stone or other Thing, which shall be carried principally or in part upon wheeled Carriages, to drag or trail upon any Part of the said Roads, to the Prejudice thereof; or shall in or upon any Part of the said Roads, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, burn, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or shall make or assist in making any Fire or Fires, commonly called Bonfires, or shall set fire to, or wantonly let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, within Thirty Feet of the Centre of the said Road, or let off or fire any Gun, Pistol, or other Fire-arm (except in Cases of necessary Defence); or shall blow or blast any Rock or Quarry, or bait or run for the Purpose of baiting any Bull, or play at Football, Tennis, Fives, Cricket or any other Game or Games upon the said Roads, or any Part thereof, or on the Side or Sides thereof, or in any exposed Situation near thereto, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Waggon, Wain or Cart (except in case of Accident) upon any Part of the said Roads, or on the Side or Sides thereof, without any proper Person in the sole Custody or Care thereof, longer than may be necessary to load or unload the same, or shall not place the same, during the Time of loading or unloading the same, or of taking Refreshment, as near to one Side of the Road as conveniently may be, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or shall lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish or other Matter or Thing whatsoever, upon any Part of the said Roads, or on the Side or Sides thereof, or the Footpaths or Causeways adjoining, to the Prejudice of such Roads or Footways, or to the Prejudice, Annoyance, Interruption, or personal Danger of any Person or Persons travelling thereon; or shall suffer any Water, Filth, Dirt or other offensive Matter or Thing whatsoever, to run or flow into or upon the said Roads or Footpaths from any House, Building, Erection, Lands or Premises adjacent thereto; or if the respective Surveyors of the said Roads, or any Undertaker or Contractor for the Repairs thereof, or of any Part thereof, or any Person acting by or under his or their Authority, shall lay or cause to be laid upon the said Roads,

Roads, or the Sides thereof, any Heap of Stones or other Materials for the Repair thereof, or of any Part thereof, and shall permit or suffer the same to remain longer than shall be necessary for spreading or laying such Stones or Materials over or upon the said Roads; or if any Person driving any Pigs or Swine upon the said Roads, shall suffer such Pigs or Swine to root up or damage the said Roads or any Part thereof, or the Fences, Hedges, Banks, or Copse, on either Side thereof respectively; or if any Person shall, after having blocked or stopped any Cart, Waggon, or other Carriage in going up a Hill or rising Ground, cause or suffer to be or remain on the said Roads, or any Part thereof, the Stone or other Thing with which such Cart or other Carriage shall have been blocked or stopped; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage used for the carrying of Goods and Merchandize, shall ride on the Shafts or any other Part of such Waggon, Cart, Dray, Sledge, or other Carriage, or on any of the Horses drawing the same upon any Part of the said Roads, without having some proper Person immediately on the Side of and attending to guide such Horses or Beasts of Draught thereof; and if any such Person, meeting another Coach, Chaise, Waggon, Cart or other Carriage, shall not keep his or her Carriage on the Left or Near Side of the said Roads, or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Coach, Chaise, Waggon, Cart, or other Carriage under his or her Care, upon the said Roads, every Person offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings over and above such Damages occasioned thereby, or Punishments, as such Party or Person so offending may be otherwise subject or liable to by Law.

Recovery of Penalties and Forfeitures.

XCII. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein otherwise directed), shall upon Proof of the Offences respectively before any Justice of the Peace for the County or Place where the Offence shall have been committed (as the Case may require) either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justice is in every such Case hereby fully authorized to administer), be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant); and the Overplus (if any) after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before such Justice on such Day or Days as shall be appointed

for the Return of such Warrant of Distress, such Day or Days not being more than Fourteen 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 it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such 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 where the Offender shall be or reside, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending ths same, shall be sooner paid and satisfied; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid to the Treasurer or Treasurers to the said Trustees of the said Districts of Road respectively, wherein the same shall be incurred, and applied and disposed of for the Purposes of the said Roads and of this Act.

If Penalties, &c. cannotbe levied, the Offenders to be committed for any Time not exceeding Three Months.

Application of them.

For securing transient Offenders.

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

Justices may mitigate Penalties;

and they or the Trustees may reward Informers or Witnesses.

XCIV. And be it further enacted, That it shall be lawful for any Justice or Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence or Offences against this Act, (if he or they shall so think proper, but not otherwise), to mitigate, lessen, and reduce the Penalty, Forfeiture, or Fine by this Act inflicted, incurred, or authorized to be levied or paid, to any Sum not being less than One Moiety or Half Part of such Penalty, Forfeiture or Fine, as he or they the said Justice or Justices shall in his or their Discretion think fit; and it shall also be lawful for any such Justice or Justices, or for the Trustees within their respective Districts, to reward any Informer or Informers, as he or they shall think proper, so as such Reward does not exceed One Half of the Penalty, Forfeiture, or Fine arising from the Information of such Informer or Informers, and likewise to allow and pay thereout to any

any Witness or Witnesses, for his or their Loss of Time, Trouble, or necessary Expences incidental to his or their Attendance upon such Justice or Justices, such Sum or Sums of Money as such Justices or Trustees respectively shall think reasonable.

Clerks to sign Summonses and Notices for Trustees.

XCV. And be it further enacted, That in all Cases where any Notice or Notices of Meeting of the said Trustees or any of them, or for any other the Purposes of this Act, shall be requisite to be given, affixed, or published pursuant to the Directions of this Act, it shall and may be lawful to and for any Clerk to the said Trustees, within and for their respective Districts of Road for the Time being, to sign and subscribe his Name to all and every or any such Notice or Notices; and every such Notice so signed by the said Clerk shall be as good and effectual, to all Intents and Purposes, as if the same had been signed by the said Trustees of the same District or Districts respectively, or any Number of them; and all Notices of Meetings and other Business of the said Trustees, which by this Act are required to be publicly announced or promulgated, shall be so announced and given by being affixed the respective Times by this Act directed, at or upon all the Toll Gates which shall be then erected upon and across the several Roads comprized in such District or respective Districts, in or for which such Notices shall be given; or if it shall be found or deemed to be more convenient, by inserting the same in either a *Salisbury*, *Reading*, *Oxford*, *Gloucester*, *Bath*, or *Bristol* Newspaper, or in some one public Newspaper usually circulated in the Neighbourhood of or through which the particular District of Road passes; and in such last-mentioned Case such Newspaper Publication (without affixing on the said Gates) shall be sufficient for all Purposes, save and except only as in this Act is or are otherwise directed.

Notices how to be given.

For convicting Offenders.

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

Form of Conviction.

' } BE it remembered, That on the Day of
'to wit. } in the Year of our Lord One thousand
'eight hundred and of is convicted
'before of His Majesty's Justices of the Peace for the
' of [*specifying the Offence, Time and Place when*
'*and where the same was committed, as the Case shall be*]. Given
'under Hand and Seal, the Day and Year first above mentioned.'

Proceedings not to be quashed for Want of Form,

nor Distress illegal.

XCVII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that where any Distress shall be made for any Sum or Sums

Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any such Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made for or on the Behalf of the Party distraining before such Action brought.

Persons aggrieved may appeal to the Quarter Sessions.

XCVIII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person or Persons may, within Six Calendar Months next after such Cause of Complaint shall have arisen, appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be holden for the County or Place in which the Cause of Complaint shall arise (as the Case may be), unless such Complaint shall arise within Thirty Days preceding such Sessions, in which Case such Appeal may be brought at the following Sessions after such Cause shall arise, such Appellant or Appellants first giving or causing to be given Twenty-one Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Clerks of the said Trustees for the District or Districts respectively wherein such Complaint shall have arisen, and within Ten Days after such Notice entering into a sufficient Recognizance before some Justice of the County or Place (as the Case may be) with Two sufficient Sureties conditioned to try such Appeal and abide the Order of and pay such Costs as shall be awarded by the Justices at such Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing or appealed against as they the said Justices shall think proper; and the said Justices may, if they see Cause, by Order of such Sessions, mitigate at their Discretion any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party or Parties so injured as they shall judge reasonable, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify or confirm the same, with such Costs as to them in their Discretion shall seem reasonable, and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices may also at such Sessions, by their Order or Warrant, levy such Costs so awarded, by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same, and for Want of sufficient Distress may commit such Person or Persons to the Common Gaol or House of Correction within

the County or Place (as the Case may be) wherein the Offence shall be committed, for any Time not exceeding the Term of Six Calendar Months, or until Payment of such Costs.

Limitation of Actions.

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

General Issue.

Double Costs.

Public Act.

C. 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.

The Commencement and Continuance of this Act.

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

The SCHEDULE to which this ACT refers.

In Cricklade and Malmesbury, as authorized by the former Act.

Description of Premises.	Parish and County where situate.	Owners Names.	Occupiers Names.
A Messuage and Building, called The White Horse Inn -	Cricklade, Wilts -	—— Godby - -	Charles Towgood Baker.
A Messuage or Tenement, being the Corner House of a Street, called Oxford Street - -	Malmesbury, Wilts -	Moravian Society -	Late —— Sutcliffe, now —— Horne.

On the Branch of New Road through Hullavington, additional to the First District.

Description of Premises.	Parish and County where situate.	Owners Names.	Occupiers Names.
Turnpike Road from Grittleton to Christian Malford.	Hullavington, in Wilts	Mr. James Darley -	Joseph Rivers.
		Mary Ware - -	In Hand.
		- Ditto - - -	Elisha Giles.
		William Tanner -	In Hand.
Old Road to Hullavington - - -		John Tanner - -	Ditto.
		- Ditto - - -	Ditto.
		- Ditto - - -	Caleb Bullock.
		William Chandler, Esq.	Mr. William Martin.
		Mr. Michael Bryant -	In Hand.
		Aaron Pinnell - -	In Hand.
		Mr. John Tanner -	In Hand.
The Down Lane - - -	- Ditto -	Mr. Ponting - -	Joseph Taylor.
		William Chandler, Esq.	Mr. William Martin.
		- - - Ditto - -	Joseph Taylor.
		- - - Ditto - -	Joseph Greenman.
		- - - Ditto - -	In Hand.
		Honor Stephens -	Michael Bryant.
		William Chandler, Esq.	John Milsome.
		- - - Ditto - -	Mr. William Martin.
		- - - Ditto - -	- Ditto.
Turnpike Road to Malmesbury.	Corston, in the Parish of St. Paul, Malmesbury, in Wilts -	Lord Radnor - -	Mr. William Beak.
		- Ditto - - -	- - Ditto.
		Mr. James Iddles -	Mr. Hand.
		- - Ditto - -	- Ditto.
		- - Ditto - -	- Ditto.
		Lord Radnor - -	Mr. William Beak.
		- Ditto - - -	- - Ditto.
		- Ditto - - -	- - Ditto.
		- Ditto - - -	Charles Fry.
		Mr. James Iddles -	Mr. Hand.
		- - Ditto - -	Joshua Marsh.
		Lord Radnor - -	- Ditto.
		Waste - - -	—

On the Variation of Road in the Second District, between Malmesbury and Cricklade.

Description of Premises.	Parish and County where situate.	Owners Names.	Occupiers Names.
	Charlton, in Wilts -	Earl of Suffolk -	Richard Tanner,
		- Ditto - -	James Golding.
		- Ditto - -	Joseph Stump.
		- Ditto - -	Charles Jones.
		- Ditto - -	James Godwin.
		- Ditto - -	The Rev. Dr. Nicholas.
		- Ditto - -	James Godwin.
		- Ditto - -	- Ditto.
		- Ditto - -	- Ditto.
		- Ditto - -	Joseph Stump.
	Garsden, in Wilts -	Paul Methuen, Esq. -	Robert Grainger.
		- Ditto - -	- Ditto.
		The Rev. Thos. Methuen	William Woodey.
		Paul Methuen, Esq. -	Robert Grainger.
		- Ditto - -	William Woodey.
		- Ditto - -	- Ditto.
		- Ditto - -	- Ditto.
		- Ditto - -	- Ditto.
		William Lawrence -	In Hand.
		- Ditto - -	Ditto.
		- Ditto - -	Ditto.
Milborn Street or Common - -	Milborne, in the Parish of St. Paul, Malmesbury, in Wilts -	Lord Folkstone -	William Lawrence.
		Mr. Smith - -	In Hand.
		- Ditto - - -	Ditto.
		James Garlick - -	Ditto.
		Richard Kinnier Esq. -	—— Packer.
		Mr. Smith - -	In Hand.
		James Garlick - -	Ditto.
		Lord Radnor - -	John Dash.
		- Ditto - -	Ditto.
		- Ditto - -	Robert Cook.
		The Rev. —— Dewell	—— Ball.
		—— Spackman -	In Hand.
		The Rev. —— Dewell	—— Ball.
		—— Spackman	Robert Cook. Mary Jones. John Bennett.
Turnpike Road.			

On

On the Variation of Road in the Second District between Cricklade and Highworth, and the East Side of the Town of Highworth.

Description of Premises.	Parish and County where situate.	Owners Names.	Occupiers Names.
Turnpike Road leading from Cricklade to Highworth - -	Water Eaton, in the Parish of Eisey, Wilts - - -	Thos. Jones, Esq. -	William Pinnegar.
Land and Cattle-Shed, and at present a public Bridleroad and private Carriageway - - -		- Ditto - -	- Ditto.
		- Ditto - -	- Ditto.
		- Ditto - -	- Ditto.
		- Ditto - -	- Ditto.
		- Ditto - -	- Ditto.
		- Ditto - -	- Ditto.
		- Ditto - -	- Ditto.
Cottage and Garden, and public Bridleroad, and private Carriageway - -	Broad Blunsden, in the Parish of Highworth, Wilts - -	Nevil Cuss - -	John Earl.
Land, and public Bridleroad - -	Bury Blunsden, in the Parish of Highworth, Wilts - -	—— Money, Esq.	J. Green.
		- Ditto - -	Ditto.
		- Ditto - -	Ditto.
		- Ditto - -	J. Sadler.
		- Ditto - -	Ditto.
Hannington Lawn Lane, Bridleway -	Hannington, Wilts -	Common - -	—
Lands - - -	Hannington, Wilts -	The Rev. E. Lewis and Wm. Morton Pleydell, Esq. -	Richard Matthews.
		- Ditto - -	- Ditto.
		- Ditto - -	- Ditto.
		John Fennell - -	In Hand.
		James Crowdy, Junior	Ditto.
		- Ditto - -	Ditto.
		The Rev. E. Lewis and W.M.Pleydell,Esq	Richard Matthews.
		- Ditto - -	- Ditto.
Lands - - - -	Stanton Fitzwarren, Wilts - -	Ambrose Goddard, Esq.	John Hunter.
		The Rev. E. Lewis and W.M.Pleydell,Esq	Richard Matthews.
Part of the Parsonage Yard and Close, Cart-house and Cattle Shed	Eastrop, in the Parish of Highworth, Wilts	Trustees of the Will of James Hussey, Esq.	Henry Edwards.
Corner of a Garden -	Eastrop - - -	Randle Pedley - -	Thomas Hopper.
On the East Side of the Town of Highworth.			

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