ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. lxxxiii.

An Act for making and maintaining a Road from *Marlborough*, to the preſent Turnpike Road at or near *Coate*, in the Pariſh of *Liddington*, in the County of *Wilts*. [14th *June* 1819.]

WHEREAS the Road leading from *Marlborough*, in the County of *Wilts*, to the Turnpike Road leading from *Swindon* towards *Hungerford*, at or near a Place called *Coate*, in the Pariſh of *Liddington*, in the County of *Wilts*, paſſing out of, through, or into the ſeveral Townſhips, Pariſhes, Vills, Hamlets, Tithings, or Places of *Saint Mary the Virgin* in *Marlborough*, *Preſhute*, *Ogbourn Saint Andrew*, *Ogbourn Saint George*, *Chiſledon*, *Liddington*, and *Coate*, in the ſaid County, is in a very ruinous Condition, in many Places narrow, incommodious, and very dangerous to Travellers, Cattle, and Carriages; and the ſame cannot be effectually amended, widened, turned, altered, repaired, and kept in good Repair by the ordinary Courſe of Law: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That His Majeſty's Juſtices of the Peace acting for the ſaid County of *Wilts* for the Time being, together with *Thomas Appleford*, *James Blackman*, *William Brown*, *Bartholemew Buckerfield* Clerk, *John Brown*, *Stephen Brown*, *James Blake*, *James Bradford* the elder, *James Bradford* the younger, *John Brinſden* the younger, *John Crook*, *Thomas Calley*, *Thomas Canning*, *Richard Canning*, *Robert Canning* of Whitfield, *Robert Canning* of Ogbourn, *John Canning*, *Davis Canning*, *William Crowdy*, *William Morſe Crowdy*, *William Dyke*, *Robert Dixon*, *Uriah* Truſtees.

Uriah Dare, *John Eyre*, *Charles Francis* Clerk, *William Farmer*, *Robert Gordon*, *Ambroſe Goddard*, *Richard Goddard* Clerk, *John Gardner*, *John Goſling*, *William Harding*, *George Frederick Hewitt*, *William Hewitt*, *Richard Highway* Clerk, *John Halcomb*, *John Iveſon*, *William Large*, *James Townſend Lawes* Clerk, *Paul Methuen*, *Thomas Merriman*, *Thelwall Maurice*, *Thelwall Blake Maurice*, *Nathaniel Merriman*, *George May*, *Joſeph Pitt*, the Honourable *Frederick Saint John*, Sir *Hugh Smith* Baronet, *John Stone*, *Henry John Smith*, *John Harding Shepherd*, *Samuel Shepherd*, *Richard Strange*, *James Strange*, *Clement Tudway* Clerk, *Robert Hardy Tucker* Clerk, *William Pole Tilney Long Welleſley*, *John Wells*, *John Ward*, *Thomas Rawdon Ward*, *Richard Welford*, *John Woadman*, *Nicholas Waſhbourn*, and *John Wentworth*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for making, maintaining, widening, repairing, and otherwiſe improving the ſaid Road hereby intended to be made Turnpike, and for otherwiſe carrying this Act and all the Powers, Matters, and Things herein contained, into full and complete Execution and Effect.

Power to appoint additional Truſtees.

II. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in purſuance of this Act, to elect and appoint any Number of Perſons, not exceeding Ten in the whole, to be Truſtees for executing this Act, in addition to the Truſtees by this Act appointed, and ſuch Truſtees ſo elected and appointed ſhall be and they are hereby inveſted with the ſame Powers and Authorities for executing this Act as if they had been herein named and appointed.

Election of new Truſtees.

III. And be it further enacted, That upon the Death, Neglect, Refuſal, or Diſability to act in the Execution of this Act, of any of the ſaid Truſtees or their Succeſſors, then and in every ſuch Caſe it ſhall and may be lawful to and for any Five or more of the ſurviving or remaining Truſtees, from Time to Time, at any Meeting of the ſaid Truſtees (of the Time and Place of which Meeting, Notice in Writing ſigned by any Two or more of the ſaid Truſtees, or by their Clerk for the Time being, ſhall have been affixed on all the Turnpike Gates then ſtanding on the ſaid Road, and inſerted once in ſome Newſpaper printed or circulated in the Neighbourhood of the ſaid Road, at leaſt Ten Days previouſly to ſuch Meeting), to elect and appoint other Perſon or Perſons to be a Truſtee or Truſtees in the Room of ſuch Truſtee or Truſtees ſo dying, neglecting, refuſing, or becoming incapable to act as aforeſaid; and every Perſon ſo to be elected and appointed (being qualified as herein-after mentioned), ſhall be and he is hereby empowered to act in the Execution of this Act, in as full and ample Manner to all Intents and Purpoſes as the Truſtee in whoſe Room or Stead he ſhall be ſo elected could or might have done.

Qualification of Truſtees.

IV. 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 be in his own Right, or in the Right of his Wife, entitled to and in the actual Poſſeſſion of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds, or be poſſeſſed of or entitled to a Perſonal Eſtate alone, or Real and Perſonal

Eſtate together, of the Value of Four thouſand Pounds, or ſhall be Heir Apparent of ſome Perſon poſſeſſed of ſome Eſtate in Lands of the clear yearly Value of One hundred and fifty Pounds; nor ſhall any ſuch Perſon be capable of acting in the Execution of this Act, not being ſuch Heir Apparent as aforeſaid, (ſave and except in adminiſtering the Oath or Affirmation following to the other Truſtees), until he ſhall have taken and ſubſcribed the Oath or Affirmation following, before any Two or more of the ſaid Truſtees, who are hereby authorized and required to adminiſter the ſame; (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, *as the Caſe may be*], entitled to and in the actual Poſſeſſion of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds [*or*, poſſeſſed of or entitled to a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, of the Amount or Value of Four thouſand Pounds] [*or*, am Heir Apparent of *A. B.* who to the beſt of my Knowledge and Belief is poſſeſſed of ſuch an Eſtate of the clear yearly Value of One hundred and fifty Pounds]; and that I will truly, faithfully, and impartially act in the Execution of the Truſts and Powers repoſed in me by virtue of an Act paſſed in the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act* [*here ſet forth the Title of this Act*]. So help me GOD.'

Penalty on acting if unqualified.

And if any Perſon not being ſo qualified ſhall act as 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* or elſewhere, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and every ſuch Perſon ſo ſued or proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof on the Part of the Plaintiff or Proſecutor than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act: Provided nevertheleſs, that all Acts and Proceedings of any Perſon or Perſons acting as a Truſtee or Truſtees in the Execution of this Act (although not duly qualified as aforeſaid), previouſly to his or their being convicted of the ſaid Offence ſhall, notwithſtanding ſuch Conviction, be as good, valid, and effectual as if ſuch Perſon or Perſons had been qualified according to the Directions of this Act.

All Acts of Truſtees not qualified, if done before Conviction, valid.

Perſons holding any Place of Profit not to act as Truſtees.

V. And be it further enacted, That no Perſon or Perſons appointed or to be appointed a Truſtee or Truſtees for putting this Act into Execution, who ſhall have or accept of any Place or Office of Profit, ariſing out of or by reaſon of any Tolls or Duty by this Act granted, or who ſhall be intereſted or concerned in any Contract or Contracts, or a Leſſee or Leſſees, Farmer or Farmers of the Tolls granted by this Act, ſhall be capable of acting as a Truſtee or Truſtees in the Execution of this Act during the Time of his or their Enjoyment of ſuch Place of Profit as aforeſaid.

VI. And

Victuallers, &c. incapable of acting.

VI. Provided always, and be it further enacted, That no Perſon or Perſons who ſhall keep any Victualling-houſe, Alehouſe, or other Houſe of public Entertainment, or who ſhall ſell any Wine, Cider, Beer, Ale, Spirituous or other Strong Liquors by Retail, ſhall be capable of acting as a Truſtee, or of taking, holding, or enjoying any Place or Places of Truſt or Profit under the ſaid Truſtees, or of collecting the Tolls hereby granted and made payable, and to be collected on the ſaid Road, during ſuch Time as he, ſhe, or they ſhall keep ſuch Victualling-houſe, Alehouſe, or other Houſe of public Entertainment, or ſhall ſell any Wine, Cider, or Beer, Ale, Spirituous or other Strong Liquors by Retail, but no ſuch Perſon ſhall be precluded from farming ſuch Tolls, provided he, ſhe, or they employ a Perſon to collect ſuch Tolls who ſhall not be under any ſuch Incapacity.

Truſtees may act as Juſtices except where intereſted.

Mortgagee or Aſſignee may act as Truſtee.

VII. And be it further enacted, That ſuch of the Truſtees as are or ſhall be Juſtices of the Peace ſhall and may, in their reſpective Juriſdictions, and they are hereby empowered, to act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſes where he or they ſhall be perſonally intereſted; and that no Mortgagee or Aſſignee of any Mortgage, or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by this Act, or receiving Intereſt for the ſame, ſhall on that account be deemed diſqualified to act as a Truſtee.

First Meeting of the Truſtees.

VIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet and aſſemble together at the *Goddard's Arms* Inn at *Swindon*, in the ſaid County of *Wilts*, if then open, and if not, then at ſome other Inn in *Swindon* aforeſaid, on the Third *Wedneſday* next after the paſſing of this Act, between the Hours of Ten in the Morning and Two in the Afternoon, for the Purpoſe of carrying this Act into Execution, and ſhall then, and from Time to Time afterwards, adjourn themſelves to meet at the Place aforeſaid, or at any other Place or Places that the ſaid Truſtees ſhall think proper or convenient, ſo often as it ſhall be neceſſary for carrying this Act into Execution; and if it ſhall ſo happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of Truſtees to act in the Execution of this Act, the Truſtee or Truſtees then preſent, or the Clerk to the ſaid Truſtees, ſhall, from Time to Time, as often as the Caſe ſhall happen, adjourn ſuch Meeting to ſome other Day within Thirty Days then following, to be holden at the ſame Place; and the ſaid Clerk ſhall cauſe public Notice thereof to be affixed on all the Turnpike Gates that ſhall be then ſtanding on the ſaid Road, Ten Days at leaſt before the Day to which ſuch Meeting ſhall be ſo adjourned; and the ſaid Truſtees ſhall, at their ſeveral Meetings, pay and defray their own Expences.

No Act valid unleſs at a Meeting.

IX. And be it further enacted, That no Act of the ſaid Truſtees hereby nominated and appointed, or to be elected by virtue of this Act, ſhall be or be deemed to be good, valid, or effectual, unleſs the ſame be made or done at ſome Meeting to be holden in purſuance of this Act (except as herein excepted); and that all Powers and Authorities by this Act granted to the ſaid Truſtees ſhall and may be exerciſed from Time to Time by the major Part of them who ſhall attend at any Meeting to be holden in purſuance of this Act (the Number of the Truſtees preſent at ſuch Meeting not

not being leſs than Five, except where otherwiſe directed); and all the Acts, Orders, and Proceedings of the major Part of ſuch Truſtees preſent at ſuch their ſeveral Meetings, ſhall have the ſame Force and Effect as if the ſame were made or done by all ſuch Truſtees for the Time being (ſave and except as herein excepted); and at every Meeting of the ſaid Truſtees a Chairman ſhall and may be appointed; and when and as often as it ſhall ſo happen that there ſhall be an Equality of Votes at any ſuch Meeting, upon any Queſtion (including the Vote of the Chairman), then and in every ſuch Caſe the Chairman ſhall have and he is hereby empowered to give the deciſive or caſting Vote.

The Majority may act, the whole Number not being leſs than Five.

Chairman to be appointed, and to have the caſting Vote.

X. Provided always, and be it further enacted, That Two Meetings at the leaſt of the ſaid Truſtees ſhall be held in every Year in the ſaid Town of *Marlborough*, and Two Meetings at leaſt of the ſaid Truſtees ſhall be held in every Year in the ſaid Town of *Swindon*; and alſo, that on the Firſt *Monday* in the Month of *May* in every Year a General Meeting of the ſaid Truſtees ſhall be holden at ſuch Place within the Diſtance of Two Miles from the Line of the ſaid intended Road, as the Truſtees may appoint, for the Purpoſe of examining the Accounts of the Clerk, Treaſurer, Surveyor, and Collectors of Tolls, and other Perſons employed in the Receipt or Expenditure of any of the Monies belonging to the ſaid Road; and it ſhall and may be lawful to and for the ſaid Truſtees then and there aſſembled to allow and paſs ſuch Accounts, or ſo much thereof as they ſhall think proper, and to chooſe new Truſtees in the Room of ſuch as ſhall be dead, or have refuſed or become incapable to act in Manner herein-before mentioned, and to do ſuch other Acts, Matters, and Things in the Buſineſs of the Truſt, which ſhall at any ſuch Meeting occur: Provided alſo, that nothing herein contained ſhall extend or be conſtrued to extend to prevent the ſaid Truſtees from calling for and examining the ſaid Accounts when and as often as they ſhall think proper ſo to do.

Meeting of the Truſtees.

XI. And be it further enacted, That no Order, Appointment, or Proceeding, made at any Meeting of the Truſtees holden in purſuance of this Act, ſhall be revoked or altered at any ſubſequent Meeting, unleſs at a Meeting to be holden for that expreſs Purpoſe, nor unleſs Notice in Writing, ſigned by any Two or more of the ſaid Truſtees, or by their Clerk for the Time being, ſpecifying the Revocation or Alteration purpoſed to be made, be affixed upon all and every the Turnpikes that ſhall be ſtanding on the ſaid Road, and inſerted in ſome One Newſpaper printed or circulated in the Neighbourhood of the ſaid Road, at leaſt Fourteen Days before ſuch ſubſequent Meeting, nor unleſs a Majority of the Truſtees preſent at ſuch ſubſequent Meeting ſhall decide in Favour of ſuch Revocation or Alteration.

No Order to be revoked but at a Special Meeting, and by a Majority of the Truſtees preſent.

XII. And be it further enacted, That if after the Adjournment of any Meeting of the ſaid Truſtees it ſhall be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by any Adjournment, or if, for want of proper Adjournment or otherwiſe, it ſhall be neceſſary to call a Meeting of the ſaid Truſtees, the Clerk to the ſaid Truſtees, upon an Order in Writing, ſigned by any Three or more of the ſaid Truſtees, (although not aſſembled at a Meeting) mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice, in the Manner

Meetings on Emergencies.

Manner herein-before directed, of the Time and Place of holding a Meeting according to ſuch Order of the ſaid Truſtees (the Time not being leſs than Ten Days after ſuch Notice), and ſuch Meeting ſhall and may be held accordingly; and all the Proceedings of the Truſtees at any ſuch Meeting ſhall be as valid and effectual, to all Intents and Purpoſes as they would have been in caſe ſuch Meeting had been held in purſuance of Adjournment.

Proceedings to be entered in a Book.

XIII. And be it further enacted, That the ſaid Truſtees ſhall cauſe to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein, of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all ſuch Truſtees as ſhall be preſent at their ſeveral Meetings; and all Entries in ſuch Book or Books, being ſigned by the Chairman then preſent, ſhall be deemed Originals, and ſhall be allowed to be read as Evidence in all Caſes, Suits, Actions, Proſecutions, and Proceedings touching or concerning any Thing done in purſuance of this Act; and that ſuch Book or Books ſhall at all the ſaid Meetings be open and liable to the Inſpection of all and every the ſaid Truſtees, and of the Creditors on the Tolls hereby granted and made payable; and that any of the ſaid Truſtees and Creditors ſhall and may have and take Copies thereof, paying for every Copy not exceeding One hundred Words the Sum of Sixpence, and ſo in proportion for any greater Number of Words.

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

XIV. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and they are hereby required, from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books ſuch Clerk ſhall enter or cauſe to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the ſaid Road, and of the ſeveral Articles, Matters, and Things for which ſuch Sums of Money ſhall have been diſburſed, laid out, and paid, which Book or Books ſhall at all the Meetings of the ſaid Truſtees be open to the Inſpection of the ſaid Truſtees, and any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the ſaid Truſtees and Creditors, or any of them, ſhall and may take Copies of or Extracts from the ſaid Book or Books, or any Part or Parts thereof, without paying any thing for the ſame; and in caſe the ſaid Clerk ſhall refuſe to permit, or ſhall not permit, the ſaid Truſtees, or ſuch Creditors, or any of them, to inſpect the ſame, or 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.

Truſtees not to be concerned in Contracts.

XV. And be it further enacted, That in caſe any Truſtee ſhall, directly or indirectly, be concerned in any Contract for any Work or other Thing to be done by virtue of this Act, ſuch Perſon ſhall not only be incapable of acting as a Truſtee in the Execution of this Act, but ſhall alſo forfeit and pay the Sum of Fifty Pounds, to be recovered, with full Coſts of Suit, in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Plaint, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

XVI. And

Truſtees to appoint Officers.

XVI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may, at their firſt or any ſubſequent Meeting, by Writing under their Hands, elect and appoint a Clerk, Treaſurer or Treaſurers, Receiver or Receivers, and Collector or Collectors of the Tolls by this Act granted, and a Surveyor or Surveyors, and ſuch other Officers as they the ſaid Truſtees ſhall think proper; and alſo that it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, from Time to Time to remove ſuch Clerk, Treaſurers, Receivers, Collectors, Surveyors, and other Officers, or any of them, as the ſaid Truſtees ſhall ſee Occaſion, and from Time to Time to appoint others in the Room of ſuch of them as ſhall be ſo removed, or as ſhall die, reſign, or refuſe or neglect to perform or become incapable of performing their Duty; and that the ſaid Truſtees ſhall and may, out of the Money to be raiſed and received by virtue of this Act, give ſuch Salaries, or make ſuch Allowances to the Clerk, Treaſurers, Receivers, Collectors, Surveyors, and other Officers ſo appointed, and alſo to any other Perſon or Perſons who ſhall be aſſiſting in and about the Execution of this Act, as to them the ſaid Truſtees ſhall ſeem proper; and all ſuch Officers and other Perſons ſhall from Time to Time, as often as they ſhall be called upon for that Purpoſe, produce and give up to ſuch Truſtees, full, true, and perfect Accounts, in Writing under their reſpective Hands, of all Monies which ſhall have been by them reſpectively had, received, or collected, and how, to whom, and for what Purpoſes ſuch Monies, and every Part thereof, ſhall have been paid, diſpoſed of, or applied, together with proper Receipts and Vouchers for ſuch Payments; and all ſuch Officers and other Perſons ſhall and they are hereby reſpectively required to pay all ſuch Monies as ſhall appear to be in their reſpective Hands to the ſaid Truſtees, or to ſuch Perſon or Perſons, or for ſuch Uſes and Purpoſes as they the ſaid Truſtees ſhall direct and appoint; and if any ſuch Officer or Officers, or other Perſon (being required ſo to do as aforeſaid) ſhall refuſe or neglect to produce and give up ſuch Account or Accounts as aforeſaid, or to produce and deliver up to the ſaid Truſtees the Receipts and Vouchers relating to the ſame, or to pay as aforeſaid any Sum or Sums of Money which ſhall appear to remain in his or their Hands, or ſhall not deliver to the ſaid Truſtees, within Fourteen Days next after having been thereunto required as aforeſaid, all the Books, Papers, and Writings in his or their Cuſtody or Power relating to the Execution of this Act, then and in any of the ſaid Caſes any One or more of His Majeſty's Juſtices of the Peace for the County of *Wilts* ſhall, upon Complaint of the ſaid Truſtees, or any One or more of them, or of ſuch Perſon or Perſons as they or any Five or more of them ſhall appoint for that Purpoſe, iſſue a Summons under his or their Hand or Hands for ſuch Officer or Perſon to appear before him or them, and upon ſuch Officer or Perſon appearing, or having been ſummoned and not appearing, or in caſe it ſhall appear that ſuch Officer or other Perſon hath not been found, ſuch Juſtice or Juſtices ſhall make Inquiry concerning ſuch Default and the Matter of Complaint, and ſhall hear and determine the ſame in a ſummary Way; and if, upon the Confeſſion of the Party, or by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtice or Juſtices is and are hereby empowered and required to adminiſter), it ſhall appear to ſuch Juſtice or Juſtices that any of the Monies which ſhall have been raiſed or collected under this Act ſhall remain due from ſuch Officer or other Perſon, ſuch Juſtice or Juſtices may, and he and they is and are hereby authorized and required, by Warrant under his

Officers to account.

Proceedings againſt Officers refuſing to account or deliver up Books, &c.

or

or their Hand and Seal, or Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or other Perſon, and if no Goods or Chattels of ſuch Officer or other Perſon can be found ſufficient to ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſaid Goods and Chattels; or if any ſuch Officer or other Perſon ſhall be convicted of any other of the Offences aforeſaid, ſuch Juſtice or Juſtices is and are hereby empowered to commit ſuch Officer or other Perſon to the Common Gaol for the County or Place where ſuch Officer or other Perſon ſhall live or reſide, there to remain without Bail or Mainprize until ſuch Officer or other Perſon ſhall have produced, given up, and made a true and perfect Account as aforeſaid, and ſhall have made ſuch Payment as ſhall appear to be due from him as aforeſaid, or until he ſhall have compounded with the ſaid Truſtees for the ſame (which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby empowered at any Meeting to make and accept), and ſhall have paid ſuch Compoſition Money to the ſaid Truſtees, or their Treaſurer or Treaſurers, or to ſuch other Perſon as the ſaid Truſtees ſhall appoint, or until ſuch Officer or other Perſon ſhall have delivered up all ſuch Books, Papers, and Writings as aforeſaid, or given Satisfaction in reſpect thereof to the ſaid Truſtees: Provided always, that no ſuch Officer or other Perſon ſo committed as aforeſaid ſhall be confined or detained in Priſon for want of ſufficient Diſtreſs, by virtue of this Act, for any longer Time than Six Calendar Months.

Treaſurer and other Officers to give Security for the faithful Execution of their Duty.

XVII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall, and they are hereby required to take ſuch ſufficient Security from their Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors of the Tolls, or other Officers to be appointed for the Purpoſes of this Act, for the due and faithful Execution of their reſpective Offices, as they the ſaid Truſtees ſhall think proper; and that no ſuch Treaſurer, Receiver, Collector, or other Officer, ſhall be permitted to enter upon ſuch their Offices reſpectively until they ſhall have given ſuch Security.

Clerk not to act as Treaſurer, and vice verſa.

XVIII. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to appoint the Perſon who 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 appoint the Perſon who may be appointed Treaſurer, or the Partner of any ſuch Treaſurer, the Clerk to the ſaid Truſtees; and if any Perſon ſhall act in both the Capacities of Clerk and Treaſurer for the Purpoſes of this Act, or if any Perſon being the Partner of any ſuch Clerk, ſhall act as Treaſurer, or being the Partner of any ſuch Treaſurer, ſhall act as Clerk in the Execution of this Act, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance, ſhall be allowed.

Actions to be brought in the Name of the Clerk.

XIX. And be it further enacted, That the ſaid Truſtees may ſue and be ſued in the Name or Names of their Clerk, on behalf of the ſaid Truſtees;

and no such Action shall abate or be discontinued by the Death or Removal of any Person in whose Name or against whom the same shall be brought or commenced, nor by the Act of such Person or Persons done, without the Consent of the said Trustees, or any Five or more of them, at a Meeting to be holden in pursuance of this Act; but no Clerk shall be subject to the Payment of any Debt, Costs, or Expences on Account thereof, but all such Debt, Costs, and Expences shall be defrayed out of the Money arising by virtue of this Act collected or received by the said Trustees.

Trustees may erect Toll Houses, &c.

XX. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, from Time to Time to erect and set up, or cause to be erected and set up, such and so many Turnpikes or Toll Gates in, upon, or across, or on the Side or Sides of any Part or Parts of the said Road, and across any Lane or Way leading into, from, or out of the same, and also such Toll House or Toll Houses and Weighing Engines, to each Gate or Turnpike, or otherwise, as they shall think necessary, with suitable Out-buildings thereto, and also may inclose from the said Road and Waste Grounds thereunto adjoining convenient Garden Spots to the said Toll Houses, not exceeding in the Whole One Quarter Part of an Acre for each Toll House, as they may judge proper; and that the following Sums of Money shall and may be demanded and taken as Tolls, before any Horse, Beast, Cattle, or Carriage shall be permitted to pass through any such Turnpike or Toll Gate, Turnpikes or Toll Gates respectively; (that is to say),

Tolls.

For every Horse or other Beast, drawing any Coach, Berlin, Landau, Chariot, Chaise, Gig, Curricle, Hearse, Calash, Chaise Marine, or other such Carriage, the Sum of Four-pence Halfpenny:

For every Horse or other Beast, drawing any Waggon, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of all the Wheels thereof of the Breadth of Nine Inches or upwards, the Sum of Two-pence:

For every Horse or other Beast, drawing any Waggon, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of all the Wheels thereof of the Breadth of Six Inches or upwards, and less than Nine Inches, the Sum of Three-pence:

For every Horse or other Beast, drawing any Waggon, Cart, or other such Carriage, having narrow Wheels (the Sole or Bottom of the Fellies being of less Breadth than Six Inches), the Sum of Sixpence:

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

For every Pair of Mill Stones, if drawn in Pairs, and for every Single Mill Stone, or Block, or Stone, or Piece of Timber, drawn by Five Horses, or other Beasts of Draught, the Sum of Two Shillings and Sixpence; and if drawn by more than Five Horses, or other Beasts of Draught, the further Sum of One Shilling for each such Horse or Beast exceeding that Number, in Addition to the said Two Shillings and Sixpence:

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

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

Reſtraining the Truſtees from erecting a Toll Gate, within Two Miles of Marlborough.

XXI. Provided always, and be it further enacted, That nothing herein contained ſhall authorize or empower the ſaid Truſtees to erect or ſet up, or cauſe to be erected or ſet up, any Turnpike or Toll Gate, in, upon, or acroſs the ſaid Road within the Diſtance of Two Miles from the ſaid Town of *Marlborough*, (except nevertheleſs, that the ſaid Truſtees may erect or ſet up any Side Gate acroſs any Lane or Way leading into the ſaid Road, provided ſuch Side Gate be North of a certain Dwelling Houſe in the Pariſh of *Ogbourn Saint Andrew* called *Towns-end Houſe*, now in the Occupation of *William Canning* the Elder, although ſuch Side Gate may be nearer than Two Miles to the ſaid Town of *Marlborough*); any thing herein contained to the contrary notwithſtanding.

Recovery of Tolls.

XXII. And be it further enacted, That if any Perſon or Perſons, ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand thereof made by any Collector or Collectors to be appointed aforeſaid, or his or their Servant or Agent, neglect or refuſe to pay the ſame, or any Part thereof, it ſhall be lawful for the ſaid reſpective Collectors of the Tolls, or other Perſon or Perſons whom they or any of them ſhall take to their Aſſiſtance therein, to ſeize and diſtrain any Horſe, Beaſt, or other Cattle, upon which any ſuch Tolls are by this Act impoſed, or the Loading, Harneſs, or Accoutrements of any ſuch Horſe, Beaſt, or other Cattle, belonging to any Perſon or Perſons ſo neglecting or refuſing, and liable to pay the Tolls as aforeſaid, (except the Bridle or Reins of any ſuch Horſe or other Beaſt, ſeparate from any ſuch Horſe or other Beaſt); and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, and of detaining and keeping the ſame, ſhall not be paid within the Space of Four Days next after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Horſe, Beaſt, or Cattle, and other Property, or any Part thereof ſo ſeized and diſtrained, rendering the Overplus (if any) on Demand to the Owner thereof, after ſuch Tolls, and all reaſonable Charges, ſhall have been deducted.

Truſtees may reduce the Tolls,

and afterwards advance them again to any Sum not exceeding the Rates before granted; provided no Deduction be made without the Conſent of Creditors.

XXIII. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, and they are hereby empowered, at a Meeting to be holden for that Purpoſe, of which Meeting One Calendar Month's Notice ſhall be affixed on all and every the Turnpike Gates then ſtanding on the ſaid Road, from Time to Time to leſſen or reduce all or any of the ſaid Tolls, and alſo any additional Tolls payable by any Act or Acts of Parliament now or hereafter to be in force for Overweight, or otherwiſe, in ſuch Manner as to them ſhall ſeem fit and convenient, and to cauſe ſuch reduced Tolls to be continued and taken for and during ſuch Time as they the ſaid Truſtees ſhall think proper; and afterwards, at any Meeting to be holden and appointed as aforeſaid, from Time to Time, if they the ſaid Truſtees, or any Seven or more of them, ſhall ſee occaſion, to advance all or any of the Tolls ſo leſſened or reduced, to any Sum or Sums of Money not exceeding the ſeveral Rates granted by this Act, or made payable by any Act or Acts of Parliament now or hereafter to be in force with reſpect to Overweight or otherwiſe; provided nevertheleſs, that until the whole Money borrowed on the Credit of the ſaid Tolls ſhall have been paid and diſcharged, ſuch Tolls ſhall not be leſſened or reduced without the Conſent of the Perſon or Perſons entitled to Five-ſixths Parts of the Money remaining due upon the Credit of the ſaid Tolls.

XXIV. And

Abatement of Tolls in certain Cases.

XXIV. And be it further enacted, That all Waggons, Carts, and other Carriages having the Wheels of the Widths and Deſcriptions, and the Axletrees fixed as mentioned and ſet forth in and by an Act paſſed in the Fifty-fifth Year of the Reign of His preſent Majeſty, intituled *An Act to enable the Truſtees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Caſes,* ſhall be allowed an Abatement of One-fourth Part of the Tolls by this Act granted.

Only one full Toll to be taken.

XXV. Provided nevertheleſs, and be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend to empower the ſaid Truſtees to cauſe more than One full Toll to be demanded or taken for the Paſſage of the ſame Horſe, Beaſt, Cattle, or Carriage, through all the Toll Gates erected or to be erected on the ſaid Road, on the ſame Day (ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night).

Tickets to be provided, denoting Payment of Tolls.

XXVI. 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; 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.

Tolls to be paid but once a Day.

XXVII. And be it further enacted, That if any Perſon ſhall have paid the Toll hereby authorized to be taken for the paſſing of any Horſe, Cattle, Beaſt, or Carriage through any of the ſaid Toll Gates erected or ſet up by virtue of this Act, ſuch Perſon ſhall, upon producing a Note or Ticket denoting the Payment thereof on that Day at ſome or one of the ſaid Toll Gates (which Note or Ticket the Collector or Collectors of the ſaid Tolls is and are hereby required to deliver *gratis*, on Demand, to every Perſon paying the ſaid Tolls), be permitted to paſs Toll-free with the ſame Horſe, Cattle, Beaſt, and Carriage, through all or any of the ſaid Toll Gates at any Time or Times during the ſame Day, to be computed as aforeſaid.

For preventing Toll Collectors from taking undue Tolls.

XXVIII. And be it further enacted, That all and every Toll Collector, being Leſſee of the ſaid Tolls, or appointed either by the ſaid Truſtees, or by any ſuch Leſſee or Leſſees, to collect the Tolls by this Act granted, ſhall and he is hereby required, to place his Chriſtian and Surname, painted on a Board in legible Characters, in the Front or ſome other conſpicuous Part of the Toll Houſe or Toll Gate, immediately on his coming on Duty, each of the Letters of ſuch Name or Names to be at leaſt One Inch in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and ſhall continue the ſame ſo placed during the whole Time he ſhall be upon ſuch Duty; and if any Collector of the ſaid Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall demand or take a greater or leſs Toll from any Perſon than he ſhall be authorized to do by virtue of this Act, or of the Orders and Reſolutions of the Truſtees made in purſuance thereof, or ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempt from the

Payment

Payment thereof, and claim ſuch Exemption, or ſhall refuſe to permit or ſuffer, or ſhall in anywiſe hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame, on having paid the ſaid Tolls, or any of them, or ſhall in anſwer to ſuch Demand give a falſe Name or Names, or ſhall refuſe or neglect to give a Ticket denoting the Payment of the ſaid Toll, and naming and ſpecifying the ſeveral Gates freed by ſuch Payment, or upon the legal Toll being paid or tendered ſhall unneceſſarily detain or wilfully obſtruct, hinder, or prevent any Paſſenger or Paſſengers from paſſing through any Turnpike or Toll Gate, or ſhall make uſe of any ſcurrilous or abuſive Language to any Truſtee, Treaſurer, Clerk, Surveyor, or other Officer, or 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.

Toll Gates, &c. veſted in the Truſtees.

XXIX. And be it further enacted, That the Right and Property in all the Toll Gates, Toll Houſes, Weighing Machines, and the ſeveral Conveniences and Appurtenances thereto belonging, which ſhall be erected or made upon or on the Sides of the ſaid Road by virtue of this Act, and the Materials for building and repairing the ſame, and for repairing the ſaid Road, and all other Materials, Articles, and Things which ſhall be purchaſed, collected, or provided for the Purpoſes of this Act, ſhall be veſted in the ſaid Truſtees, and they are hereby authorized and empowered to ſell or diſpoſe of the ſame as they ſhall think proper, and to bring or cauſe to be brought any Action or Actions, and to prefer and proſecute, or cauſe to be preferred and proſecuted, any Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall ſteal, take away, break down, or damage any ſuch Toll Gates, Toll Houſes, Conveniences, Appurtenances, Materials, Articles, or Things, or diſturb them or 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 for the Time being to the ſaid Truſtees.

Truſtees may compound.

XXX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, from Time to Time, to compound with any Perſon or Perſons for any Period of Time not exceeding Twelve Calendar Months, for any Horſes, Cattle, or Carriages, paſſing and repaſſing on the ſaid Road or any Part thereof, for all or any of the Tolls to be paid in reſpect thereof; and all ſuch Compoſition Money ſhall be paid in advance, Quarterly or otherwiſe, as the ſaid Truſtees ſhall appoint, or in default thereof every ſuch Compoſition ſhall be null and void to all Intents and Purpoſes.

For ſettling Diſputes concerning Tolls.

XXXI. And be it further enacted, That if any Diſpute ſhall happen about the Amount of the Tolls, or the Charges of making, keeping, or ſelling any Diſtreſs, it ſhall and may be lawful for the Collector, or the Perſon ſo diſtraining, to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof (as the Caſe may happen) until the Amount of the Tolls due,

due, and the Charges of the Diſtreſs and Sale, and of keeping the Diſtreſs, be aſcertained by ſome Juſtice of the Peace for the County or Place wherein ſuch Diſpute ſhall happen to ariſe; who upon Application made to him for that Purpoſe ſhall examine the Matter on the Oath of the Parties, or other Witneſs or Witneſſes, (which Oath ſuch Juſtice is hereby authorized to adminiſter), and ſhall determine the Amount of the Tolls due, and ſhall award ſuch Coſts and Charges to either Party, as to the the ſaid Juſtice ſhall appear right and proper; all which Coſts and Charges ſhall and may be levied and recovered, in caſe of Non-payment thereof forthwith, by Warrant under the Hand and Seal of ſuch Juſtice, rendering the Overplus (if any) upon Demand, after deducting the Coſts and Charges of making ſuch Diſtreſs and Sale, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold.

Toll Keepers not incompetent Witneſſes.

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

Penalty for evading Tolls.

XXXIII. And be it further enacted, That if any Perſon or Perſons ſhall with any Horſe, Cattle, Beaſt, or Carriage, paſs through any Lands, Grounds, or Hereditaments, (not being the Owner or Owners, or Occupier or Occupiers thereof, or any of his, her, or their Family or Servants), lying near any Turnpike or Toll Gate which ſhall be erected by virtue of this Act (the ſame not being a public Highway), or if any Owner or Occupier of ſuch Lands, Grounds, or Hereditaments, ſhall knowingly permit or ſuffer any Perſon or Perſons (not being his, her, or their Servant or Servants, or of his, her, or their Family), with any Horſe, Cattle, Beaſt, or Carriage whatſoever, to paſs through the ſame, with Intent to evade the ſaid Tolls, or any of them; or if any Perſon or Perſons ſhall give to or receive from any Perſon or Perſons, or forge or counterfeit any Note or Ticket, Notes or Tickets, by this Act directed to be given, with Intention to evade the Payment of the ſaid Tolls, or any Part thereof; or if any Perſon or Perſons ſhall fraudulently paſs through any ſuch Turnpike or Toll Gate with any Horſe, Beaſt, or other Cattle, without Payment of Toll, or ſhall take off or cauſe to be taken off any Horſe, Beaſt, or other Cattle, from any Carriage, or having paſſed through any ſuch Turnpike or Toll Gate ſhall afterwards add or put an additional Horſe or Horſes, Beaſt or Beaſts, to ſuch Carriage, with Intent to evade the Payment of the ſaid Tolls, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Exemptions from Toll.

XXXIV. Provided always, and be it further enacted and declared, That none of the Tolls by this Act granted ſhall be demanded or taken for or in reſpect of any Carriage, Horſe, Cattle, or Beaſt employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the ſame

ſame Day Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials for repairing of the Road by this Act directed to be made Turnpike, or any of the Roads or Bridges in the Pariſhes in which the ſaid Turnpike Road is ſituate; or for the building or repairing any Toll Houſe or Toll Houſes erected or to be erected upon the ſaid Road, or the Side or Sides thereof, or any Part thereof; or Hay, Graſs, Turnips, Potatoes, or other Fodder, Straw, or Corn in the Straw, not ſold or diſpoſed of, or paſſing for that Purpoſe, but paſſing to be placed or laid up in the Buildings or on the Premiſes of the Owner or Owners thereof; or Dung, Mould, or Compoſt of any Kind whatſoever, to be employed in Huſbandry, but for no other Purpoſe; or for or in reſpect of any Carriage, Horſe, Cattle, or Beaſt employed only in carrying or conveying, or going empty or unladen to carry or convey, or returning empty or unladen from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Huſbandry, not ſold or diſpoſed of, or paſſing for that Purpoſe; or for any Horſes or Cattle belonging to and the Property of any Perſon or Perſons reſiding in any of the Pariſhes in which the ſaid Road is ſituated, going to or returning from Paſture or Watering Place, or going to be or returning from being ſhoed or farried; or from any Perſon going to or returning from his, her, or their proper Parochial Church or Chapel, or from any Perſon going to or returning from his or her uſual Place of Religious Worſhip tolerated by Law, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or from any Clergyman going to or returning from viſiting any ſick Perſon, or upon other his parochial or miniſterial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, provided he does not go beyond his own Pariſh; or for any Horſe, Beaſt, Cattle, or Carriage, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either in conveying or returning back from conveying the ſame, or for any Horſe or Carriage belonging to His Majeſty or any of the Royal Family, or any Horſe or Carriage attending His Majeſty or any of the Royal Family; or for any Horſes, Beaſt, Cattle, or Carriage attending any Soldiers on their March, or on Duty, or attending them with their Arms or Baggage, or which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat or other public Stores of or for or belonging to His Majeſty or His Majeſty's Forces, or returning from attending them on ſuch Occaſions; or for any Horſe, Mare, or Gelding, furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exerciſe and Review; provided ſuch Perſons are in the Uniforms of their reſpective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for ſuch Corps reſpectively at the Time of claiming ſuch Exemption as aforeſaid; or for any Horſe, Cart, Waggon, or other Carriage employed in the Conveyance of any Vagrants ſent by legal Paſſes or returning from ſuch Employment; or for any Horſe, Cattle, Beaſt, or Carriage carrying or conveying any Perſon or Perſons going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Wilts*, on the Day or Days of ſuch Election, or on the Day before or Day after

ſuch Election ſhall begin or be concluded; and if any Perſon or Perſons ſhall in any fraudulent or colluſive Manner whatſoever claim or take the Benefit of any of the Exemptions by this Act granted, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds.

Manure not exempt unleſs drawn in Waggons of certain Deſcription.

XXXV. Provided always, and be it further enacted, That no Exemption from Toll ſhall be allowed for or in reſpect of any Horſe, Cattle, or Beaſt drawing or employed in any Waggon, Cart, or other ſuch Carriage, carrying or conveying any Dung, Mould, Compoſt, or Manure of any Kind, unleſs the Sole or Bottom of the Fellies of all the Wheels of ſuch Waggon, Cart, or other ſuch Carriage ſhall be of the Breadth of Six Inches, or of Nine Inches, or of Sixteen Inches or upwards, and be cylindrical, (that is to ſay), of the ſame Diameter on the Inſide next the Carriage as on the Outſide, ſo that when ſuch Wheels ſhall be rolling on a flat or level Surface the whole Breadth thereof ſhall bear equally on ſuch flat or level Surface, and provided that the oppoſite Ends of the Axletrees of ſuch Waggon, Cart, or other ſuch Carriage, ſo far as the ſame ſhall be inſerted in the reſpective Naves of the Wheels thereof, ſhall be horizontal, and in continuance of One ſtraight Line, without forming any Angle with each other, and ſo that in each Pair of Wheels belonging to ſuch Carriage, the lower Parts when reſting on the Ground ſhall be at the ſame Diſtance from each other as the upper Parts of ſuch Pair of Wheels.

Carriages conveying Military Stores not to be ſubject to Penalties for Overweight, &c.

XXXVI. And be it further enacted, That no Perſon or Perſons owning or driving, or cauſing to be driven, any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack, or Commiſſariat or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight, nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or 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.

Truſtees may let Tolls.

XXXVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, at any Meeting, whereof Twenty-one Days Notice ſhall have been given in Writing, affixed upon the Toll Gates or Turnpikes then erected by virtue of this Act, from Time to Time, by Writing under their Hands and Seals, to let or demiſe the Tolls ariſing by virtue of this Act, or any Part or Parts thereof, for any Term not exceeding Three Years, upon public Bidding, to the higheſt Bidder, and for the beſt Price that can be gotten for the ſame, payable at ſuch Time and to ſuch Perſons, and under ſuch Conditions and Agreements, and with ſuch Sureties for the Payment thereof, as the ſaid Truſtees ſhall think fit, and the Money ariſing thereby ſhall be applied in ſuch Manner as the Tolls ſo leaſed are directed to be applied.

For letting Weighing Engines.

XXXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, at a public Meeting to be held in purſuance of this Act, to let to

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 preſent Majeſty, 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 which may be erected by the ſaid Truſtees on the ſaid Roads, over and above the Weights allowed by Law; provided that the ſaid additional Tolls or Duties be letten and applied in the ſame Manner as the Tolls ariſing at the ſaid Gates or Turnpikes are by this Act directed or preſcribed to be letten and applied.

Leſſee of Tolls may appoint Perſons to receive the ſame.

XXXIX. And be it further enacted, That during ſuch Time as the ſaid Tolls, or any Part or Parts thereof, ſhall be leaſed, demiſed, or in farm to any Perſon or Perſons, 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 authorize or appoint, to demand and take the ſaid Tolls ſo leaſed, demiſed, or farmed, with the like Powers for the Recovery thereof, to all Intents and Purpoſes, as any Collector of the ſaid Tolls appointed by the ſaid Truſtees is hereby authorized and empowered to demand, take, and receive the ſame; and ſuch Leſſee or Leſſees, Farmer or Farmers, or other Perſon or Perſons as aforeſaid, ſo demanding and taking the ſaid Toll, ſhall be ſubject to the like Pains, Penalties, and Forfeitures, and ſhall be liable to the like Actions and Proſecutions, and to ſuch Rules and Regulations, as any Collector of the ſaid Tolls appointed by the ſaid Truſtees is hereby made ſubject or liable to.

An Action or Ejectment may be ſupported by one Mortgagee.

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

Power to borrow Money.

XLI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time to borrow and take up at Intereſt ſuch Sum or Sums of Money as they ſhall think fit, upon the Credit of the Tolls ariſing by virtue of this Act, or any Part or Parts thereof; and by Writing under their Hands and Seals to aſſign over the ſaid Tolls, or any Part or Parts thereof, and the Turnpike Gates and Toll Houſes for collecting the ſame (the Charges of ſuch Mortgage to be paid out of the ſaid Tolls), to any Perſon or Perſons for any Term during the Continuance of this Act, as a Security or Securities for the Payment

ment of the ſeveral Sums that ſhall be borrowed, with the Intereſt thereof; which Aſſignments or Mortgages ſhall be in the Words, or to the Effect following; (that is to ſay),

Form of Mortgage.

'BY virtue of an Act paſſed in the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act* [*here ſet forth the Title of the Act*] we, Five of the Truſtees acting in the Execution of this Act, in conſideration of the Sum of to the Treaſurer of the ſaid Road in Hand paid, by do hereby grant, bargain, ſell, and demiſe unto the ſaid his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act as the ſaid Sum of doth or ſhall bear to the whole Sum advanced or to be advanced on the Credit of the ſaid Tolls; 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 for the ſame, after the Rate of Pounds *per Centum per Annum*, ſhall be ſooner repaid and ſatisfied. Given under our Hands and Seals, this Day of in the Year of our Lord.'

And Copies of all ſuch Mortgages ſhall be entered in a Book, to be provided and kept for that Purpoſe, by the Clerk or Clerks to the ſaid Truſtees; and all Mortgages or Aſſignments which ſhall be made in the Manner and Form aforeſaid ſhall be good, valid, and effectual in Law, to all Intents and Purpoſes; and all Perſons to whom any ſuch Mortgages ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, may from Time to Time, by Writing under their reſpective Hands and Seals, transfer their Right, Title, Intereſt, or Benefit in and to the ſaid Security, and the Principal and Intereſt thereby ſecured, to any Perſon or Perſons whomſoever, either by a ſeparate Inſtrument, or by Indorſement on ſuch Security, to be executed in the Preſence of One or more credible Witneſs or Witneſſes; which Transfer ſhall be in the Words or to the Effect following; (that is to ſay),

Form of Transfer.

'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 by virtue of an Act of Parliament, paſſed in the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act* [*here inſert the Title of this Act*], and all my Right and Intereſt to the Principal and Intereſt now and henceforth to grow due thereon, unto his Executors, Adminiſtrators, and Aſſigns. Witneſs my Hand and Seal, the Day of in the Year of our Lord.'

All which Transfers ſhall be produced and notified to the Clerk or Clerks to the ſaid Truſtees, who ſhall cauſe an Entry or Memorial to be made thereof, containing the Dates, Names of the Parties, and Sums of Money, in a Book to be kept for that Purpoſe, for which the ſaid Clerk ſhall be paid the Sum of Five Shillings and no more; and after ſuch Entry made, every Transfer ſhall entitle the reſpective Aſſignees, or Perſons to whom the ſame ſhall be made, their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof or Payment thereon; and every ſuch Aſſignee ſhall in like Manner aſſign and transfer again, and ſo *toties quoties*, and it ſhall not

be in the Power of any Perſon who ſhall have made ſuch Aſſignment or Transfer afterwards to make void, releaſe, or diſcharge the ſame Security, or any Monies thereon due, or any Part thereof; and all Perſons to whom ſuch Mortgages, Aſſignments, or Transfers ſhall be made as aforeſaid, ſhall be, in proportion to the Sums therein reſpectively mentioned, Creditors on ſuch Tolls, Turnpikes, and Toll Houſes, in equal Degree one with another, and no Perſon ſhall have any Preference in reſpect to the Priority of advancing any ſuch Monies, or the Dates of ſuch Mortgages or Aſſignments.

Application of the Tolls and Money borrowed.

XLII. And be it further enacted, That all the Tolls and other Monies ariſing by virtue of this Act ſhall be applied and diſpoſed of by the ſaid Truſtees in Manner following; (that is to ſay), in the Firſt Place, in Payment of the Coſts, Charges, and Expences of obtaining and paſſing this Act, and in carrying the ſame into Execution, and in making and conſtructing the ſaid Road, and repairing and amending the ſame, and in erecting Turnpikes and Toll Houſes thereupon, and for other Purpoſes from Time to Time relating to and attending the Execution of this Act, and in paying and keeping down the Intereſt of the Monies to be borrowed on the Credit of the Tolls hereby granted, and afterwards in paying off and diſcharging ſuch Principal Monies, and to and for no other Purpoſe whatſoever.

For compelling Subſcribers to pay their Subſcriptions.

XLIII. And be it further enacted, That all Perſons who ſhall have ſigned a Subſcription Paper, or Agreement in Writing, for and towards the making the ſaid Road, are and ſhall be ſeverally and reſpectively ſubject and compellable to pay ſuch Sum and Sums of Money ſo by them reſpectively ſubſcribed or mentioned, according to the Purport of ſuch Subſcription Paper or Agreement, at ſuch Time or Times, and either by One Payment, or in ſuch Parts, and to ſuch Perſon or Perſons, as the ſaid Truſtees ſhall for that Purpoſe appoint; and in Default of Payment thereof, it ſhall be lawful for the ſaid Truſtees to ſue for and recover the ſame, in the Name or Names of their Clerk or Clerks, in any of His Majeſty's Courts of Record, by Action of Debt, or upon the Caſe, Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance, ſhall be allowed.

Power to enter Lands and make Roads.

XLIV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and for their Surveyor or Surveyors, and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Grounds through or adjoining to which, or whereupon the ſaid Roads hereby authorized to be made are intended to paſs, and to ſtake-out and make the ſame of ſuch Width, (not exceeding Sixty Feet over any Commons or Waſte Grounds, and not exceeding Forty Feet over any other Lands and Grounds), and in ſuch Manner as the ſaid Truſtees ſhall think neceſſary and proper, without being deemed a Treſpaſſer or Treſpaſſers, or without being ſubject or liable to any Fine, Penalty, or Puniſhment, for entering or continuing upon any Part or Parts of ſuch Lands or Grounds reſpectively for any of the Purpoſes of this Act, making Satisfaction to the Occupiers of ſuch Lands and Grounds for the Damage that ſhall be done to the Lands or Grounds on the Sides of the ſaid Road whilſt the ſame ſhall be making; and if any Perſon ſhall wilfully pull up, remove, or deſtroy any of the Stakes or other Marks uſed in laying out or

making any Part of such Road, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Trustees may make and divert the Road.

XLV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby fully authorized and empowered to make and repair, and from Time to Time to widen, divert, shorten, vary, and alter, within the Distance herein-after mentioned, the Course or Path of any Part or Parts of the said Road through any Waste Grounds, Common, or uncultivated Lands, without making Satisfaction for the same; and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein for the Damages they shall sustain thereby; and for that Purpose it shall be lawful for the said Trustees to treat, contract, and agree with the Owners of and Persons interested in any Lands and Hereditaments which the said Trustees shall judge necessary for the Purposes aforesaid, for the Purchase thereof, and for the Loss or Damage such Owners or Persons may sustain by the making, widening, diverting, turning, or altering the Course or Path of any Part or Parts of the said Road through such Lands or Hereditaments; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Husbands, Guardians, Trustees, or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees and Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also 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 other 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 seised, possessed of, or interested in any such Lands or Hereditaments, to contract and agree with the said Trustees for Satisfaction to be made for such Damages as aforesaid, or to sell or convey unto them all or any such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail General or Special, or Lessees for Years, determinable on any Life or Lives, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they or any of them shall lawfully do by virtue or in pursuance of this Act.

For restraining the Trustees from deviating beyond certain Distances of the Line prescribed in the Plan, &c.

XLVI. And whereas a Map or Plan, describing the Line of the said Road, and the Lands through which the same is intended to be carried, together with a Book of Reference, containing Lists of the Names of the Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the said County of *Wilts*; be it therefore enacted, That the said Map or Plan and Book of Reference, shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may, at all seasonable Times, have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace for the Time being of the said County 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

tracts of the said Map or Plan and Book of Reference; and that the said Trustees, in making the said Road and Branch, shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Trustees may make Roads through Grounds, although the Owners Names are not in the Book of Reference.

XLVII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to make the said Road into, through, across, or over the several Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Land over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Wilts*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees not to take down Houses without Consent.

XLVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Yard, Garden, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

Where Persons interested neglect or refuse to treat,

XLIX. And be it further enacted, That if any Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the Principal Officer or Officers of any such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of Lands or Hereditaments through which any Part of the said Road is intended to be made, widened, diverted, turned, or altered, shall for the Space of Twenty-one Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees shall cause such Damage, Value, or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the said County of *Wilts*, from the Neighbourhood of the Place where such Lands and Hereditaments do lie; and in order thereto the said Trustees, or any Five or more of them, are hereby empowered and required, from Time to Time as Occasion shall 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 any One or more of the said Trustees is and are 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 Jury's Information in the Premises; and after the said Jury shall have inquired

inquired of and aſſeſſed ſuch Damage and Recompence, they the ſaid Truſtees ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid by the ſaid Owners, or other Perſons intereſted in the ſaid Lands or Hereditaments, according to the Verdict or Inquiſition of ſuch Jury, and ſuch Verdict or Inquiſition, 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 Remainder, in Fee, or in Fee Tail General or Special, or for Life or Lives, or for Years determinable on any Life or Lives, 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, and Collegiate, Corporations Aggregate or Sole, as well as all and every other Perſon or Perſons whomſoever; and for ſummoning and returning ſuch Juries the ſaid Truſtees are hereby empowered to iſſue their Warrant to the Sheriff of the County of *Wilts*, requiring him to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons from the Neighbourhood of the Place where ſuch Lands and Hereditaments lie, qualified to ſerve upon Juries, to appear before the ſaid Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, and ſuch Sheriff, or his Deputy or Deputies, is and are hereby required to 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 they 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 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, who 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 Perſons who being required to give Evidence before the ſaid Jury ſhall refuſe or neglect to appear, after having been paid or tendered a reaſonable Sum for his, her, or their Coſts, Charges, and Expences, or appearing ſhall refuſe to be ſworn and examined, or to give Evidence, or ſhall otherwiſe wilfully miſconduct themſelves in giving their Evidence, ſo that no One Fine be more than Five Pounds on any One Perſon for any One Offence,

Truſtees to iſſue a Warrant to the Sheriff to impannel a Jury.

Truſtees may impoſe Fines on Sheriff, Jurymen, or Witneſſes making Default, &c.

L. And be it further enacted, That in caſe any Jury or Juries to be ſummoned and ſworn purſuant to the Directions or 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, of any ſuch Lands or Hereditaments, or for any Loſs or Damage to be by him or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees before the ſummoning and returning

Expences of the Jury and Witneſſes how to be paid.

turning of 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 be in his Hands, or out of any Money to be received by virtue of this Act; but if any Jury or Juries ſo ſummoned and ſworn as aforeſaid, ſhall give in and deliver a Verdict or Aſſeſſment for no more or leſs Money than ſhall have been agreed to and offered by the ſaid Truſtees, before the ſummoning or returning of the ſaid Jury or Juries, as a Recompence and Satisfaction for any ſuch Right, Intereſt, or Property in ſuch Lands or Hereditaments, or Loſs or Damage as aforeſaid, then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences as aforeſaid, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have Controverſy or Diſpute; which ſaid Coſts and Expences, having been aſcertained and ſettled by ſome One Juſtice of the Peace for the ſaid County of *Wilts*, not intereſted in the Matter in Queſtion, (who is hereby required to examine and ſettle the ſame), ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken to all Intents and Purpoſes to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed and adjudged; or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid upon Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk or Clerks to the ſaid Truſtees, by the Ways and Means herein-after mentioned or 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 about ſuch Recompence or Satisfaction as aforeſaid, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees in Manner aforeſaid.

On Payment or Tender of Money aſſeſſed, Truſtees may enter.

LI. And be it further enacted, That all and every ſuch Sum or Sums of Money for Purchaſe, Recompence or Satisfaction to be agreed for or aſcertained or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls or other Money ariſing as aforeſaid, to the Parties or Perſons reſpectively entitled thereto, or to his, her, or their Agent or Agents, and upon Payment or Tender thereof to ſuch Perſons or their Agents, or paying the ſame into the Bank of *England*, in Manner herein-after mentioned (as the Caſe may be), for the Uſe of ſuch Parties or Perſons, and after Ten Days Notice thereof given to ſuch Parties or Perſons, or his, her, or their Agent or Agents, or left at his, her, or their uſual Place or Places of Abode, or with the Tenant in Poſſeſſion of ſuch Lands or Hereditaments, to receive ſuch Money for Purchaſe, Recompence, or Satisfaction, or that the ſame is ſo paid into the Bank, as the ſame may require, it ſhall be lawful for the ſaid Truſtees, their Surveyors, Workmen, or Agents, or any of them, to enter into and upon ſuch Lands or Hereditaments, and to make, widen, divert, turn, or alter ſuch Road through or over the ſame, in ſuch Manner as the ſaid Truſtees ſhall think proper; and after the Purchaſe of the ſaid Lands or Hereditaments, or Adjudication of the Value of ſuch Lands and Hereditaments made, and Tender of Payment or Payments into the Bank, and Notice given as aforeſaid, the ſaid Truſtees ſhall cauſe ſuch Parts of the ſaid Road as ſhall be made, widened, diverted, turned, or

altered, through and over any private or inclosed Ground, to be well and sufficiently ditched and quickfetted, or otherwise fenced from the adjoining Lands, which said Fences shall be made immediately upon the Land or Ground being taken for the Use of the said Road, at the Expence of the said Trustees, and shall for ever afterwards be supported and kept in Repair by the Occupiers of the respective Lands from whence taken; and all Lands and Hereditaments which shall be made a Part or Parts of any Road by virtue of this Act, shall for ever thereafter, to all Intents and Purposes, become and be deemed a public Highway, and as such shall be amended and kept in Repair; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Interest to or in such Lands and Hereditaments.

Application of Compensation Money when amounting to or exceeding 200l.

LII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Lunatic, or Person or Persons under any Disability or Incapacity, 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 Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing this Act, to the Intent 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, Tenements, and Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the said Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would, for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement had been made.

LIII. Pro-

When leſs than 200l.

LIII. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, or ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands or Tenements ſo purchaſed, taken, or uſed, or of his or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed, or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved by Five or more of the ſaid Truſtees for executing this Act (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in 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 Court of Chancery.

When leſs than 20l.

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

In caſe of not making out Titles;

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

LV. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid, ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Truſtees, or any Five or more of them, or ſhall refuſe to execute ſuch Conveyance or Conveyances; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid, cannot be found; or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the ſaid Court of Chancery, to be placed to his Account, to the Credit of the ſaid Parties intereſted in the ſaid Lands, Tenements, and Hereditaments, [deſcribing them] ſubject to the Order, Controul, and Diſpoſition of the ſaid 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

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

inveſted

invested in the Public Funds, or to order Distribution thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

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

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

The Court of Chancery may direct the Payment of Expences.

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

Trustees empowered to sell Ground not wanted for the Purposes of this Act; Persons of whom it was bought, or whose Lands adjoin, to have the first Offer.

LVIII. And whereas, by reason of the Purchases which the said Trustees are empowered and required to make by virtue of this Act, or by reason of the diverting of some Part or Parts of the said Road in Manner hereinbefore mentioned, they may happen to be seised of some Piece or Pieces of Ground or Hereditaments, over and above what shall be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to sell and dispose of such Pieces or Parcels of Ground and Hereditaments, either together or in Parcels, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for

and purchaſe the ſame: Provided always, that the ſaid Truſtees, before they ſhall ſell and diſpoſe of any ſuch Piece or Pieces of Ground as aforeſaid, ſhall firſt offer the ſame for Sale to the Perſon or Perſons of whom the ſame ſhall have been purchaſed, or in caſe of diverting any Part or Parts of the ſaid Road to the Perſon or Perſons whoſe Land ſhall adjoin to the old Road; and if ſuch Perſon or Perſons reſpectively ſhall not then and thereupon agree, (except with reſpect to and on account of the Price thereof as herein-after mentioned), or ſhall refuſe (except with reſpect to and 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 ſaid County of *Wilts*, (who are hereby reſpectively empowered to take the ſame), by ſome Perſon or Perſons no way intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by and on the Behalf of the ſaid Truſtees, and that ſuch Offer was not then and thereupon agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was ſo offered, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made, and was not agreed to, or was refuſed by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing the ſame, and he, ſhe, or they, and the ſaid Truſtees, ſhall differ and not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by a Jury in Manner herein-before directed, with reſpect to the diſputed Value of the Premiſes to be purchaſed by the ſaid Truſtees in purſuance of this Act; and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as herein-before directed with reſpect to ſuch Purchaſes made by the ſaid Truſtees *mutatis mutandis*; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch Piece or Parcel of Road or Ground as aforeſaid, ſhall be applied to the Purpoſes of this Act; but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Nonapplication of ſuch Money.

Truſtees may contract for Work, &c.

LIX. And be it further enacted, That the ſaid Truſtees, or ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, are hereby authorized and empowered to contract with any Perſon or Perſons for making, altering, raiſing, widening, improving, or repairing the ſaid Road, or any Part or Parts thereof, or any Arches or Bridges upon the ſame, and for doing any other Work by this Act authorized to be done, in ſuch Manner and for ſuch Sum or Sums of Money as the ſaid Truſtees ſhall think proper.

For getting Materials to make and repair the Road.

LX. And be it further enacted, That it ſhall and may be lawful to and for the Surveyor or Surveyors of the ſaid Road, and to and for all ſuch Perſon or Perſons as he or they reſpectively ſhall appoint, to ſearch for, cut, dig, get, gather, and take away any Furze, Heath, Stone, Gravel, Sand, or other Materials for making and repairing the ſaid Road, out of and from any Commons or Waſte Ground, common River, Brook, or Pit, in any Pariſh, Townſhip, Hamlet, Diviſion, Diſtrict, or Place, in which any Part of the Road hereby directed to be made, amended, and repaired, ſhall lie, or in any adjoining Pariſh, Townſhip, Hamlet, Diviſion, Diſtrict, or Place, without paying any thing for the ſame; the ſaid Surveyor or Surveyors, or other Perſon or Perſons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or ſloping down the

the Banks where such Materials shall be taken, or railing or fencing-off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor or Surveyors, or other Person or Persons as aforesaid, may by Order of any Two or more Justices of the Peace for the said County of *Wilts*, search for, cut, dig, gather, and take away any such Materials as aforesaid in, off, from, and out of the private Lands, Fields, or Grounds of any Person or Persons in any Parish, Township, Hamlet, Division, District, or Place in which any Part of the said Road shall lie or be situate, where the same may be had or found (such Lands, Fields, or Grounds not being a Garden or Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the same, and for any Damages done thereby, to the Owners and Occupiers of the Grounds and Premises where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for making and repairing the said Road shall be carried, according to their respective Rights and Interests in such Ground and Premises, as the same Trustees shall deem reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers or any of them, concerning the Value of such Materials and Damages, it shall and may be lawful to and for any Two Justices of the Peace for the said County of *Wilts*, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Matters of such Payment and Damages, and the Judgment or Order of the said Justices therein shall be final and conclusive to all Parties.

Notice to be given to the Owners and Occupiers of Lands before Materials are taken for making and repairing the Road.

LXI. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or other Person or Persons under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing such Road, out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Surveyor or Surveyors, shall have been given to the Owner and Occupier of the Premises, or to the known Agent of any such Owner from which such Materials are intended to be taken, or left for such Owner or Occupier at their respective usual Places of Residence, to appear before Two or more Justices of the Peace acting for the said County of *Wilts*, to show Cause why such Materials should not be had from such Lands or Grounds; and in case such Owner and Occupier, or one of them, or their or his Agent, shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, then and in such case such Justices shall or may authorize such Surveyor or Surveyors, or other Person or Persons, to dig, get, gather, and carry away such Materials at such Time or Times as to such Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or his Agent, without sufficient Excuse, such Justices shall and may make such Order therein as they respectively shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his Agent, had attended.

Penalty on taking away Materials so got by Order of the Surveyor.

LXII. And be it further enacted, That if any Person or Persons whomsoever shall take away any Stone or other Materials, which shall have been dug, gathered, or taken for the Purpose of making or repairing the said Road, or other the Purposes by this Act authorized or directed, or any

Part

Part or Parts thereof, or ſhall get or take away any Stone, Gravel, or other Materials, out of any Pit or Quarry which ſhall have been made for the Purpoſe of getting ſuch Stone, Gravel, or other Materials, before the ſaid Surveyor or Surveyors, or his or their Workmen, ſhall have diſcontinued working therein for the Space of Three Weeks (except the Owner or Occupier of any private Ground wherein ſuch Pit or Quarry ſhall have been ſo made, and Perſons authorized by ſuch Owner or Occupier to get Materials therein for his own private Uſe only, and not for Sale), ſuch Owner or Occupier, or other Perſon, not taking any of the Stone, Gravel, or other Materials which may have been dug or gathered for the Purpoſes aforeſaid, and which may remain in ſuch Pit or Quarry, without the Conſent of the Surveyor or Surveyors of the ſaid Road; every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds.

Surveyors may make Drains, &c.

LXIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and to and for any Perſon or Perſons whom he or they ſhall appoint, by Order of the ſaid Truſtees, or any Five or more of them, to cut and make any Cauſeways or Footpaths upon the Sides of the ſaid Road, or to cut Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the ſaid Road, not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe or any incloſed Ground planted or ſet apart as a Nurſery for Trees, and to erect Bridges and Arches over any Drains or Watercourſes, in ſuch Manner as ſuch Surveyor or Surveyors ſhall deem and judge neceſſary and proper for amending or keeping in Repair any Part of the ſaid Road, and alſo to make a Way or Ways through Lands and Grounds adjoining to any narrow or ruinous Part or Parts of of the ſaid Road (not being a Garden, Orchard, Park, Yard, Paddock, planted Walk, or Avenue to any Houſe, or any incloſed Ground planted or ſet apart as a Nurſery for Trees), to be made uſe of as a public Highway, whilſt the narrow or ruinous Parts of the ſaid Road are widening or repairing, and until the ſame ſhall be convenient and ſafe for the Paſſage of Travellers and Carriages; and alſo to make Watercourſes, and to carry and divert the Water in, through, and under any Lands adjoining or lying near to the ſaid Road, for the Convenience of the Owners or Occupiers of ſuch Lands, or of any other Lands lying near to the ſaid Road, making ſuch reaſonable Satisfaction to the Owners and Occupiers of the Lands reſpectively through and into which any ſuch Drains or Watercourſes ſhall be cut, or on or over which any ſuch temporary Road ſhall be made, for the Damages which ſuch Owners or Occupiers reſpectively ſhall or may thereby ſuſtain, or ſhall be adjudged reaſonable by the ſaid Truſtees or any Five or more of them; and in caſe any Difference ſhall happen to ariſe between ſuch Owners or Occupiers and ſuch Truſtees touching ſuch Damage, then and in ſuch caſe the Juſtices of the Peace, at the Firſt General or Quarter Seſſions of the Peace to be holden for the ſaid County of *Wilts*, next after the Expiration of Twenty-one Days from the Time of doing ſuch Damage, ſhall and are hereby authorized and required to hear and determine the ſame, and their Determination therein ſhall be final and concluſive.

On making Satisfaction for Damages done thereby.

And in caſe of Difference concerning the ſame, Juſtices in Seſſions to determine.

Surveyors may remove Annoyances.

LXIV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, by Direction and under the Hands of any Five or more

more of the ſaid Truſtees, from Time to Time to remove and prevent all Nuiſances or Annoyances on any Part or Parts of the ſaid Road by Rails, Steps, Sign Poſts, Walls, or otherwiſe; and to turn or ſtop any Watercourſes, Sinks, or Drains, running into, along, and out of any Part of the ſaid Road, to the Prejudice or Injury thereof, and to make as large and deep as he or they ſhall think proper, and to cleanſe any Ditch or Watercourſe next adjoining to or leading into or out of any Part or Parts of the ſaid Road; and at the proper Seaſons of the Year to cut down or lop any Branches, Shrubs, or Buſhes growing in any Part of the ſaid Road, or in the Hedges or Banks adjoining thereto, not being Branches, Shrubs, or Buſhes planted as a Shelter or Ornament to a Houſe or other Building, or not ſtanding on any Garden, Orchard, Yard, Paddock, planted Walk, or Avenue to a Houſe, in caſe the Perſon or Perſons occaſioning ſuch Annoyances, or who ought to remove the ſame, or cleanſe ſuch Ditch or Watercourſe, or to cut down or lop ſuch Branches, Shrubs, or Buſhes, ſhall refuſe or neglect ſo to do for the Space of Twenty-one Days next after Notice in Writing given for that Purpoſe, ſigned by any Five or more of the ſaid Truſtees, or by their Surveyor or Surveyors for the Time being, the reaſonable Charges whereof ſhall be reimburſed to the ſaid Surveyor or Surveyors by the Perſon or Perſons refuſing or neglecting as aforeſaid; and in caſe any ſuch Perſon ſhall not, upon Demand, pay and reimburſe to ſuch Surveyor or Surveyors ſuch Charges as aforeſaid, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons, in like Manner as is herein authorized or directed for Recovery of any other Penalty inflicted by this Act; and if after the Removal of the ſaid Annoyances, any Perſon ſhall again offend in the like Manner, every ſuch Perſon ſhall for every ſuch Offence, over and above ſuch Charges as aforeſaid, forfeit and pay any Sum not exceeding Five Pounds, one Moiety whereof to be paid to the Informer, and the other Moiety to be applied to the Purpoſes of this Act.

Gates not to ſwing into the Road.

LXV. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining any Part of the ſaid Road ſhall be made and hung to open and ſwing inward towards ſuch Field or Ground, and not towards the ſaid Road; and that it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to order all ſuch Gates as are now erected or may hereafter be erected and open and ſwing outward towards the ſaid Road, to be altered and made to open and ſwing inwards, as they the ſaid Truſtees ſhall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is or are or ſhall be conſtructed ſo as to open and ſwing outward towards the ſaid Road, ſhall (after Ten Days Notice from the Surveyor of the ſaid Road, requiring him, her, or them to alter any ſuch Gate or Gates, and to make the ſame to open and ſwing inwards), refuſe or neglect to make ſuch Alterations, or after ſuch Alterations ſhall have been once made, ſhall again alter the ſame, every ſuch Occupier or Occupiers ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Road to be meaſured, and Mile-Stones and Guide Poſts to be erected.

LXVI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may cauſe the ſaid Road to be meaſured, and Mile Stones to be ſet up at or near the Sides thereof, at the Diſtance of One Mile from each other, with Inſcriptions thereon, denoting the Num-

ber of Miles and Diſtance of Places, as they ſaid Truſtees ſhall think fit; and alſo cauſe to be erected Guide Poſts upon ſuch Parts of the ſaid Road where the ſame are croſſed and joined by other Roads as they ſhall judge proper; and if any Perſon or Perſons ſhall wilfully break, throw down, injure, deſtroy, obliterate, or deface any Table of Tolls, Mile Stones or Poſts erected on any Part of the ſaid Road, or of any of the Letters or Figures or Marks inſerted or inſcribed thereon, or ſhall wilfully break, throw down, or injure any Stone or Stones, or Parapet Wall or Walls on the Side or Sides of any Bridge or Bridges, Arch or Arches, on any Part or Parts of the ſaid Road, every ſuch Perſon ſo offending ſhall forfeit and pay for ſuch Offence any Sum not exceeding Five Pounds for each Table of Tolls, Stone, Poſts, Parapet Wall, or Arch ſo broken and thrown down, injured, or deſtroyed, or on which any Letters, Figures, or Marks ſhall be ſo obliterated or defaced; one Moiety whereof to be paid to the Informer, and the other Moiety to be applied for the Purpoſes of this Act.

Penalty on riding on Footpaths, &c.

LXVII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully or negligently injure, deſtroy, break down, or otherwiſe damage, or ſhall ride on or drive or lead any Horſe, Beaſt, Cattle, or Carriage, over or upon any Footpath or Cauſeway made or to be made on the Side or Sides of the ſaid Road, or any Part thereof, or ſhall wilfully or negligently damage or deſtroy any of the Fences, Walls, or Gates on the Sides of the ſaid Road and belonging thereto; or if any Driver of any Waggon or other Carriage ſhall wilfully or careleſsly break or damage any of the Poſts or Stones which may be erected for the Security of the ſaid Footpaths or Cauſeways; or if any Perſon or Perſons ſhall plough over or drag any Plough upon any Part of the ſaid Road, or in ploughing ſhall turn any Horſe or other Beaſt drawing any Plough upon any Part of the ſaid Road to the Prejudice or Injury thereof; or if any Perſon or Perſons ſhall ſcrape off any Mud, Soil, or other Matter or Thing which ſhall be or lie upon any Part of the ſaid Road, ſo as wilfully to damage the ſaid Road, or any Part thereof; or if any Perſon ſhall hale or draw, or cauſe to be haled or drawn upon any Part of the ſaid Road any Tree or Piece of Timber, or any Stone (otherwiſe than upon wheeled Carriages), or ſhall ſuffer any Part of any Tree or Piece of Timber or Stone which ſhall be carried upon a wheeled Carriage, to drag upon any Part of the ſaid Road to the Prejudice or Injury thereof; or if any Perſon ſhall, after having blocked or ſtopped any Waggon, Cart, or other Carriage whatſoever, in going up any Hill or riſing Ground, leave or ſuffer, or permit to be and remain on any Part of the ſaid Road, the Stone or other Thing uſed in ſuch blocking or ſtopping; or if any Perſon driving any Pigs or Swine upon the ſaid Road ſhall ſuffer the ſame to root up or damage the ſaid Road, or any Part thereof, or the Fences, Hedges, Walls, Backings, or Copſe on either Side thereof; or if any Perſon or Perſons ſhall leave or ſuffer any Horſe, Cattle, Sheep, Beaſt, Pig, or Swine to graze or to be and remain looſe on the ſaid Road, or if any Perſon driving any Coach, Chaiſe, or Waggon, Cart, or other Carriage, upon the ſaid Road, and meeting another Coach, Chaiſe, Waggon, Cart, or other Carriage, ſhall not keep his Carriage on the Left or Near Side of the ſaid Road, or if any Perſon or Perſons ſhall in any Manner wilfully prevent any other Perſon from paſſing him, her, or them upon

the ſaid Road, or the Coach, Chaiſe, Waggon, Cart, or other Carriage under his or their Care; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires whatſoever, or ſhall ſet fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatſoever, or play at Football or any other Game or Games whatſoever on any Part of the ſaid Road, to the Annoyance of Perſons travelling thereon; or if any Perſon or Perſons ſhall leave any Waggon, Wain, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Huſbandry without ſome reaſonable Cauſe, to be allowed by the Juſtice of the Peace before whom the Perſon ſo offending ſhall be ſummoned or conveyed, in order to his or her Conviction, and ſave and except with regard to ſuch Waggon, Wain, Cart, or other Carriage, during ſuch reaſonable Time as the ſame ſhall be loading or unloading, and ſtanding as near to the Side of the ſaid Road as conveniently may be, in, upon, or on the Side of the ſaid Road, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto; or if any Perſon ſhall lay any Piece of Timber, or any Stones, Brick, Hay, Straw, Lime, Coal, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever, on any Part of the ſaid Road, or on the Side or Sides thereof, to the Prejudice or Injury thereof, or to the Annoyance, Hinderance, or Prejudice of any Perſon or Perſons travelling thereon, or ſhall do any other Damage or Injury to the ſaid Roads or any Part thereof, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on obſtructing the Execution of this Act.

LXVIII. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, or hinder, or cauſe to be aſſaulted, interrupted, or hindered, any Collector of the Tolls or other Officer employed in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Perſons liable to the Repair of the Roads, &c. to continue ſo.

LXIX. And be it further enacted, That all Owners, Occupiers, Grantees, Truſtees, Feoffees and Committees of any Lands, Tenements, and Hereditaments, and all other Perſon or Perſons liable to the amending, maintaining, or repairing any Part or Parts of the ſaid Road, or any Bridge, Cauſeway, Drain, Arch, or Sewer therein, ſhall ſtill remain liable and chargeable to the Repair thereof in ſuch Manner as they were before the paſſing of this Act.

Pariſhes to continue liable to repair; and regulating the Statute Labour.

LXX. And be it further enacted, That all the Inhabitants of the ſeveral Pariſhes, Townſhips, Hamlets, Diſtricts, or Places through which the ſaid Road ſhall paſs, ſhall be liable to the Repair of ſuch Parts of the ſaid Road as are within their reſpective Pariſhes, Townſhips, Hamlets, Diſtricts, or Places, in ſuch and the ſame Manner as they are liable to the Repair of any other Highways within the ſame; and it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for the ſaid County of *Wilts*, and they are hereby empowered and required, upon Application made to them by the ſaid Truſtees, or any Five or more of them, or by their Clerk or Surveyor, by their Order, yearly to judge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road lies; 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

Statute Work as aforeſaid, ſhall be by them paid to the ſaid Truſtees, or their Treaſurer or Treaſurers; and in order thereunto, it ſhall and may be lawful to and for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons) of the Names of the ſeveral Perſons who within ſuch Pariſh, Townſhip, or Place, are by Law ſubject and liable to do Statute Work 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 Manner and under ſuch Regulations and Reſtrictions as is or may be directed by any Law or Statute in Force and 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 as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Road as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days, and at ſuch Times (not being Hay-time or Harveſt), and in ſuch Parts of the ſaid Road, as the ſaid Truſtees, or their Surveyor or Surveyors, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to the Surveyor or Surveyors of 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 they 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 or them, be ſubject and liable to ſuch Pains, Penalties and Forfeitures as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in Force and Effect for the Repair of the public Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found negligent or idle by any Surveyor or Surveyors to the ſaid Truſtees, ſuch Surveyor or Surveyors is and are hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid; and in that Caſe every ſuch Perſon ſending ſuch Labourer, Team, or Draught, ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if ſuch Team or Draught had not been ſent to work on any Part of the ſaid Road; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards the amending the ſaid Road; and in caſe the Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes, Townſhips, or Places, ſhall

ſhall refuſe or neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or 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 or Surveyors ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Truſtees may compound for Statute Work.

LXXI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to compound and agree with any Perſon or Perſons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by them done on the ſaid Road, or any Part thereof, and alſo with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all and every of the Pariſhes, Townſhips, or Places duly authorized for that Purpoſe, at a public Veſtry, for a certain Sum of Money by the Year or otherwiſe, as the ſaid Truſtees ſhall think reaſonable, in lieu of the whole or any Part of the Statute or other Work to be by all or any of the ſaid Inhabitants and Occupiers done on the ſaid Road, which Compoſition Money ſhall always be paid by the Surveyor or Surveyors of the Highways or other Officers of the Pariſh, or by the Perſon or Perſons ſo compounding, to the Treaſurer or Treaſurers of the ſaid Truſtees in advance, on or before the Firſt Day of *May* in each and every Year, or otherwiſe the Inhabitants and Occupiers of ſuch Pariſh, Townſhip, or Place, ſhall not be permitted to compound for that Year.

For ſecuring tranſient Offenders.

LXXII. And whereas Offences may be committed againſt this Act by Perſons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act in Execution; be it therefore enacted, That it ſhall and may be lawful for any of the ſaid Truſtees, or their Clerk or Clerks, or the Collectors, Surveyors or other Officers reſpectively, and ſuch Perſon or Perſons as he or they ſhall call to his or their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any ſuch unknown Perſon or Perſons who ſhall commit any ſuch Offence or Offences, and take him, her, or them before any Juſtice of the Peace for the County or Place where the Offence or Offences ſhall be committed, and ſuch Juſtices are hereby empowered, directed, and required to proceed to the hearing and determining of the Complaint.

For Recovery and Application of Penalties.

LXXIII. And be it further enacted, That all Penalties and Forfeitures by virtue of this Act impoſed, (the Manner of levying and recovering whereof is not hereby particularly directed) ſhall be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of any Juſtice of Peace for the ſaid County of *Wilts* (which Warrant ſuch Juſtice is hereby empowered to grant upon the Confeſſion of the Party, or upon the Evidence of any credible Witneſs upon Oath, and which Oath ſuch Juſtice is hereby empowered to adminiſter), and the Overplus (if any) of the Money ariſing by ſuch Diſtreſs and Sale ſhall be returned upon Demand to the Owner of ſuch Goods and Chattels, after deducting the Coſts and Charges of making, keeping, and ſelling the Diſtreſs; and ſuch Penalties and Forfeitures, when recovered, if not herein-before directed to be otherwiſe applied, ſhall be paid to the Treaſurer to the ſaid Truſtees, to be applied to the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found,

found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender to be committed to the Common Gaol or House of Correction of such County, Town, or Place where the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Penalties and Forfeitures shall be sooner paid and satisfied.

Directing the Form of Conviction.

LXXIV. And be it further enacted, That for the more speedy Conviction of the Offenders against this Act, all and every the Justice and 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 Form, or to the Effect following:

' to wit. } BE it remembered, That on the Day of in the Year of our Lord
'*A. B.* is convicted before me [*or* us] of His
'Majesty's Justices of the Peace for the County or Borough of
'[*as the Case may be*] in the Sum of by virtue of an Act
'of Parliament, made and passed in the Fifty-ninth Year of the Reign
'of His Majesty King *George* the Third, intituled *An Act* [*here set forth*
'*the Title of this Act, and specify the Offence, and the Time and Place*
'*when and where the same was committed.*] Given under my Hand and
'Seal, the Day and Year first above written.'

Justices may mitigate Penalties to One Fourth;

LXXV. And be it further enacted, That it shall and may 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 think proper, but not otherwise) to mitigate, lessen, or reduce the Penalty, Forfeiture, and Fine by this Act inflicted, incurred, or authorized to be levied or paid, to any Sum not less than One Fourth of such Penalty, Forfeitures, and 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 said Trustees, to reward any Informer or Informers as he or they shall think proper, so as such Reward does not exceed One Moiety of the Penalty, Fine, or Forfeiture arising from the Information of such Informer or Informers.

and they or Trustees may reward Informers.

Limitation of Actions.

LXXVI. Provided always, and be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any thing done in pursuance of this Act after Twelve Calendar Months next after the Fact committed, and every such Action or Suit shall be brought and tried in the County or Place where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead at his and their Election 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 have been so done, or if any such Action or Suit shall be brought before Twenty-one Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County than as afore-

General Issue.

ſaid, then and in every ſuch Caſe the Jury ſhall find a Verdict for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, then and in every ſuch Caſe the Defendant or Defendants ſhall recover Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame as any Defendant hath for Coſts of Suit in any other Caſes by Law. Treble Coſts.

LXXVII. 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, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace at the Firſt General Quarter Seſſions of the Peace to be holden for the County or Place in which ſuch Cauſe of Appeal ſhall ariſe next after the Expiration of Four Calendar Months from the Time ſuch Matter of Appeal ſhall have ariſen, the Perſon or Perſons appealing having firſt given Fourteen Days Notice at leaſt of his, her, or their Intention to bring ſuch Appeal, and of the Matter thereof, to the Treaſurer or Treaſurers, or Clerk of the ſaid Truſtees, or other the Perſon or Perſons againſt whoſe Act or Acts, Judgment or Judgments, ſuch Appeal ſhall be made, and within Seven Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County of *Wilts*, with Two ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order thereof, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices in ſuch Seſſions, upon due Proof of ſuch Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of ſuch Appeal in a ſummary Way, and to make ſuch Determination therein, and to award ſuch Coſts to either of the Parties or otherwiſe as they ſhall judge proper; and the ſaid Juſtices may, if they ſee cauſe, mitigate any Fine, Penalty, or Forfeiture, and may alſo order ſuch further Satisfaction to be made to the Party injured as they ſhall judge reaſonable; and all ſuch Determinations of the ſaid Juſtices ſhall be final, binding, and concluſive upon all Parties to all Intents and Purpoſes whatſoever. Appeal.

LXXVIII. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum 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 Notice, Information, 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 ſo diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damage in an Action upon the Caſe. Diſtreſs not to be unlawful for Want of Form.

LXXIX. And be it further enacted, That no Order, Verdict, Aſſeſſment, Judgment, or other Proceeding made touching or concerning any of the Matters aforeſaid, or touching or concerning the Conviction of any Offender or Offenders againſt this Act, ſhall be quaſhed or vacated Proceedings not to be quaſhed for Want of Form.

vacated for Want of Form only, or be removed or removable by Certiorari, or by any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, any Law or Statute to the contrary thereof in anywiſe notwithſtanding.

Notice of Action to be given, and Plaintiff not to recover after Tender of Amends.

LXXX. And be it further enacted, That no Plaintiff or Plaintiffs ſhall recover in any Action to be commenced againſt any Perſon or Perſons for any thing done in purſuance of this Act, unleſs Notice in Writing ſhall have been given to the Defendant or Defendants Twenty-one Days before ſuch Action ſhall be commenced, of ſuch intended Action, ſigned by the Attorney for the Plaintiff or Plaintiffs, ſpecifying the Cauſe of ſuch Action, nor ſhall the Plaintiff or Plaintiffs recover in any ſuch Action, if Tender of ſufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful for the Defendant or Defendants in any ſuch Action, by Leave of the Court wherein ſuch Action ſhall have been brought, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he, ſhe, or they ſhall think fit, whereupon ſuch Proceedings, Order, and Judgment, ſhall be made and given in and by ſuch Court as in other Actions where the Defendant is allowed to pay Money into Court.

Public Act.

LXXXI. 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.

Commencement and Continuance of this Act.

LXXXII. And be it further enacted, That this Act ſhall commence and take place on the paſſing thereof, and from thence ſhall be in force, and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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