ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

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near a House in the Parish of *Wingfield* now in the Occupation of *Thomas Morris* Esquire, but heretofore in the Occupation of *Daniel Danvers* Esquire, over *Wingfield* and *Road* Commons, to join the Turnpike Road leading from *Trowbridge* to *Beckington* aforesaid, and also the Road from a Public House called the *Carpenters Arms* in the Parish of *Keevil* through *Hinton* to the Turnpike Road at the Foot of *Haghill* in the Parish of *Steeple Ashton*, and also the Road leading from *Studley Lane* in the Parish of *Trowbridge* to the Entrance of *Outmarsh Common*, and also the Road from the Turnpike Road at *Southwick* to *Winsham Bridge*, and also the Road from *Trowbridge* aforesaid to the Turnpike Road at *Hilperton's Marsh*, and also the Road from *Parsonage Corner* in *Back Street* in the Town of *Trowbridge* to the House of *Samuel Stevens*, late *Mary May*'s, Widow, and also the Road leading out of the Road from *Parsonage Corner* to the House of *Samuel Stevens*, late *Mary May*'s, through *Timbrell Street*, into the Road leading from *Trowbridge* to *Hilperton's Marsh*, have been made or repaired by virtue of the Powers of the said Act, or of former Acts repealed by the said Act: And whereas a new Road by the said Act authorized to be made from the Market Place in the Town of *Trowbridge* aforesaid to the Turnpike Road in *Silver Street* in *Trowbridge* aforesaid has not yet been made or completed, and the making or completing thereof would be of considerable Advantage to the Public: And whereas considerable Sums of Money have been borrowed and are now due and owing on the Credit of the Tolls authorized to be taken on the said Roads, which cannot be paid off, nor can the said Roads be completed and maintained in repair, unless the Term and Powers of the said Act are enlarged, some additional Powers granted, and the Tolls increased: And whereas it will facilitate the Execution of the Purposes of the said Act if such of the Powers and Provisions thereof as shall be continued or amended, and such additional Powers and Provisions as shall be granted or made, were to be consolidated and comprised in One Act: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said recited Act of the Thirty-ninth Year of the Reign of His present Majesty shall be and the same is hereby declared to be repealed, and that this Act shall from thenceforth commence and take effect and be put in execution, for and during the Term herein-after mentioned, for the Purpose of repairing, amending, diverting, varying, altering, widening, making, completing, improving, and maintaining in repair the several Roads herein-after described; that is to say, the Road from the *Green Man* in the *Chapelry* of *Seend*, through *Trowbridge*, to a Place called *White Trough* in the Parish of *Trowbridge*, all in the County of *Wilts*, and from thence by *Road Church* to *Beckington* in the County of *Somerset*, and from a Place in *Trowle Bridge Lane* through *Westwood* and *Freshford* to *Hall's Close* in *Limpley Stoke*, and from the Turnpike Gate at *Stallards* in the Parish of *Trowbridge* through a Lane called *London Bridge Lane* to the End of the Parish of *Hungerford Farleigh* leading to *Norton Saint Phillips* in the said County of *Somerset*, and from *Hungerford Farleigh* to the End of that Parish leading towards *Telsford*, and from *Hungerford Farleigh* to *Charterhouse Hinton* in the said County of *Somerset*, and from the Road near a House in the Parish of *Wingfield* now in the Occupation of *Thomas Morris* Esquire, but heretofore in the Occupation

Former Act repealed.

tion of *Daniel Danvers* Esquire, over *Wingfield* and *Road* Commons, to join the Turnpike Road leading from *Trowbridge* to *Beckington* aforesaid, and also the Road from a Public House called the *Carpenters Arms* in the Parish of *Keevil* through *Hinton* to the Turnpike Road at the Foot of *Haghill* in the Parish of *Steeple Ashton*, and also the Road leading from *Studley Lane* in the Parish of *Trowbridge* to the Entrance of *Outmarsh Common*, and also the Road from the Turnpike Road at *Southwick* to *Winsham Bridge*, and also the Road from *Trowbridgé* aforesaid to the Turnpike Road at *Hilperton's Marsh*, and also the Road from *Parsonage Corner* in *Back Street* in the Town of *Trowbridge* to the House of *Samuel Stevens*, late *Mary May*'s, Widow, and also the Road leading out of the Road from *Parsonage Corner* to the House of *Samuel Stevens*, late *Mary May*'s, through *Timbrell Street*, into the Road leading from *Trowbridge* to *Hilperton's Marsh*, and the intended Road from the Market Place in the Town of *Trowbridge* aforesaid to the Turnpike Road in *Silver Street* in *Trowbridge* aforesaid, and which said Roads shall be called "The *Trowbridge* Roads."

II. And be it further enacted, That all His Majesty's Justices of the Peace acting in and for the County of *Wilts* and in and for the County of *Somerset*, *Paul Methuen*, *William Pole Tylney Long Wellesley*, *Ambrose Awdry*, *Peter Anstie*, *Thomas Bruges*, *Nathaniel Barton*, *John Bell*, *James Bell* junior, *William Brookman*, *William Bell*, *Charles Bythesea*, *Edmund Bythesea*, *George Bythesea*, *Samuel Bythesea* junior, *James Beaven*, *Elijah Bush*, *Daniel Clutterbuck*, *John Clark*, *Thomas Clark*, *John Plummer Clark*, *John Norris Clark*, *John Perkins Clark*, *William Clark*, *John Cooper*, *John Cooper* junior, *George Crabbe* Clerk, *George Crabbe* junior, Clerk, *John Crabbe* Clerk, *James Benjamin Coles*, *Thomas Stratton Coles*, *George Fort Cooper*, *Edward Cooper*, *John Warren Cary*, *James Edmund Collins*, *Charles Daubeny* Clerk, *Thomas Deacon*, *William Dunn*, *William Dunn* junior, *Joseph Dunn* junior, *James Edgell*, *James Edgell* junior, *Richard Edgell*, *Joseph Edgell*, *Nathaniel Edwards*, *John Edwards*, *William Stephens Edwards*, *Benjamin John Edwards*, *Harry Foulkes*, *Edmund Edgell*, *William Edgell* junior, *John Edgell*, *Ralph Franco*, *William Guley*, *Charles Gaisford* Clerk, *William Gaisford*, *John Houlton*, *John Houlton* junior, *John Harris*, *Robert Harris*, *Thomas Joyce*, *John Jones*, *Henry Summer Joyce*, *John Joyce*, *Richard Godolphin Long*, *Daniel Jones Long*, *John Long*, *Walter Long*, *Richard Long* junior, *Charles Long*, *Abraham Ludlow*, *Henry Gaisford Gibbs Ludlow*, *Thomas Whitaker Ledyard*, *Edward Ledyard*, *Edward Horlock Mortimer*, *Thomas Bythesea Mortimer*, *Joseph Mortimer*, *Edward Horlock Mortimer* junior, *Thomas Bythesea Mortimer* junior, *Benjamin Marshman*, *Robert Marshman*, *Thomas Whitaker Noad*, *Jonathan Noad*, *Humphry Minchin Noad*, *Francis Naish*, *Thomas Henry Hele Phipps*, *William Perkins*, *William Perkins* junior, *Thomas Pope*, *Thomas Poole*, *Henry Batten Poole*, *James Selfe Page*, *Thomas Redfern*, *Julius Samuel Rich*, *Benjamin Richardson* Clerk, *Ephraim Salter*, *Samuel Salter*, *Joseph Stancomb*, *Joseph Stancomb* junior, *William Stancomb*, *William Stancomb* junior, *Daniel Strang*, *John Stancomb*, *John Stancomb* junior, *Thomas Stillman*, *George Sylvester*, *Thomas Searjeant*, *Edward Sheppard*, *John Sheppard*, *Charles Spackman*, *Thomas Spackman* junior, *Thomas Hosier Saunders*, *John Saunders*, *William John Stump*, *Clarke Symonds*, *Henry Sheppard*, *Charles Sainsbury* Clerk, *Thomas Timbrell*, *Charles Timbrell*, *Thomas Timbrell* junior, *James Selfe Timbrell*, *Charles Timbrell* junior, *Thomas* Trustees.

Thomas Tugwell, *John Taylor*, *William Webber*, *Frederick Webber*, *Samuel Watton*, *John Waldron*, *John Waldron* junior, *William Everett Waldron*, *Stephen Williams*, *Charles Ludlow Walker*, *John Whittaker*, *John Whittaker* junior, *Thomas Walker*, and *John William Yerbury*, and their Successors, to be elected in manner herein-after mentioned, shall be and they are hereby appointed Trustees for repairing, amending, diverting, varying, altering, widening, making, completing, improving, and maintaining in repair the said Roads, and for putting this Act into execution.

Power to appoint additional Trustees.

III. 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 any Number of Persons, not exceeding Ten in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Trustees so elected, and being duly qualified, shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

For electing Trustees on Deaths, &c.

IV. And be it further enacted, That when and as often as any of the Trustees hereby appointed, or to be appointed by virtue of this Act, shall die, or by Bankruptcy or Insolvency, or otherwise, shall become disqualified, or by Writing under their or his Hands or Hand, delivered to the Clerk of the said Trustees, shall refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, from Time to Time, at any Meeting to be holden in manner herein-after mentioned, to elect and appoint some other Persons or Person to be Trustees or a Trustee in the Room of the Trustees or Trustee so dying, becoming disqualified, or refusing to act as aforesaid, and Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the said Trustees, by affixing such Notice on all the Toll Gates on the said Roads at least Ten Days previous to every such Meeting; and every Person so elected and appointed, and being duly qualified, shall immediately upon such Election and Appointment be a Trustee or Trustees for the Purposes of this Act, and after taking and subscribing the Oath or Affirmation herein-after mentioned shall be invested with the same Powers and Authorities for executing this Act as if he had been named and appointed a Trustee in and by this Act.

Qualification of Trustees.

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

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

[*Or, being a Quaker, omit the Words* 'So help me God.']

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

VI. Provided also, and be it further enacted, That no Person (appointed or to be appointed a Trustee by virtue of this Act) shall be capable of acting as a Trustee in the Execution of this Act in any Case where he shall be personally interested (except as herein-after provided), nor whilst he holds any Place or Employment of Profit under the said Trustees or this Act, and that no Person shall be capable of being appointed a Trustee, or of acting as such, during the Time he shall keep a Victualling House or other House of public Entertainment, or who shall sell Wine, Cyder, Beer, Ale, Spirituous or other strong Liquors by Retail, or who shall be interested or concerned in any Contract under this Act, or who shall be Lessee or Farmer of the Tolls, or of any Part or Parts thereof, under this Act; and if any Person not being qualified as aforesaid, or being disqualified by any of the Causes aforesaid, shall nevertheless act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance, shall be allowed; and the Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings touching the Execution of this Act which shall be done and performed by any such Person previously to his being convicted of the Offence before mentioned shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act; but that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls, or receiving Interest thereout for the same, shall on that Account be deemed unqualified to act as a Trustee in the Execution of this Act.

Trustees may act as Justices.

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

Meetings.

VIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the *George* Inn in *Trowbridge* aforesaid on the Second *Monday* after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and proceed to the Execution of this Act, and shall or may then adjourn, and from Time to Time afterwards meet at and adjourn to such Place near some Part of the said Roads, as they the said Trustees, or any Five or more of them, shall think proper, and if at any such Meeting there shall not appear a sufficient Number of Trustees to act or adjourn to another Day (Two Trustees being hereby declared and deemed sufficient for the Purpose of Adjournment only), or in case the Trustees at any Time assembled shall omit or neglect to adjourn, then the Clerk or Clerks to the said Trustees shall from Time to Time, in either of such Cases, by Notice in Writing to be affixed on the Toll Gates on the said Roads at least Ten Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was held or was appointed to have been held, on such Days as shall be specified in such Notice, not exceeding Three Weeks next after the Day on which such last Meeting was held or was appointed to have been held; and in case the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall be by any Means prevented from giving Notice as aforesaid, it shall be lawful for any Two or more of the said Trustees, although not assembled at a Meeting, at any Time or Times after the Space of Six Days after such Refusal, Neglect, or Prevention of any such Clerk or Clerks, by Notice in Writing under their Hands, to be affixed in manner aforesaid, to appoint the Trustees to meet at some House at *Trowbridge* aforesaid, or near some Part of the said Roads, upon that Day sevennight next after the Date of such last-mentioned Notice; and the said Trustees at all their Meetings shall defray their own Expences; but no Meeting for putting this Act into execution shall be held before the Hour of Ten of the Clock in the Forenoon, or after the Hour of Two of the Clock in the Afternoon.

If Clerks omit to give Notice, Trustees may.

Trustees to pay their own Expences.

Proceedings of Trustees.

IX. And be it further enacted, That no Act of the said Trustees shall be or be deemed to be good, valid, or effectual unless the same be done at some Meeting to be holden in pursuance of this Act (except as may be in this Act particularly excepted), and that all the 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 be present at any Meeting to be holden in pursuance of this Act, the Number of Trustees so present at every such Meeting not being less than Five; and all the Proceedings of the major Part of the 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 may be in this Act particularly 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 it shall and may be lawful to and for such Chairman to give an additional or the decisive or casting Vote.

Majority empowered to act.

Chairman to have the Casting Vote.

X And

No Order to be revoked, unless at a Meeting for the Purpose, nor unless a Majority of the Trustees present concur.

X. And be it further enacted, That no Act, Order, Resolution, Determination, or Proceeding of the Trustees made and signed according to the Directions of this Act shall afterwards be altered, revoked, repealed, or set aside by any subsequent Act, Order, Resolution, Determination, or Proceeding of the Trustees, unless at some Special Meeting of the Trustees to be held for that Purpose, of which Twenty-one Days Notice shall have been given by the Clerk or Clerks to the said Trustees in some Newspaper usually circulated in the Neighbourhood of *Trowbridge* aforesaid, and also by Notice in Writing affixed upon all the Toll Gates then erected on the said Roads at least Ten Days previous to such Meeting, every such Notice specifying the Purpose of such Meeting; nor shall any such Alteration, Revocation, or Repeal be made unless a Majority of the Trustees present at the Meeting (such Meeting to consist of Thirteen at the least) shall concur therein.

Meetings on Emergencies.

XI. And be it further enacted, That if after Adjournment of any Meeting of the said Trustees it shall be thought necessary that an earlier Day of Meeting shall be appointed than the Day appointed by such Adjournment, in that Case the Clerk or Clerks to the said Trustees, upon an Order in Writing signed by Five or more of the said Trustees, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner herein-before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Eight Days after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournment.

Books to be Evidence.

XII. And be it further enacted, That the said Trustees shall and they are hereby empowered and 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 or Clerks for the Time being, in which Book or Books all Orders and Proceedings of the Trustees shall be regularly entered, and such Orders and Proceedings so entered shall be signed by the Trustees making the same; and the said Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

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

XIII. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time and at all Times during the Continuance of this Act, also to order and direct a Book or Books to be provided and kept by their Clerk or Clerks for the Time being, in which Book or Books such Clerk or Clerks shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Books shall at all seasonable Times be open to the Inspection of the said Trustees and any Creditor or Creditors of the Tolls hereby granted without Fee or Reward, and the said Trustees and Creditors, and any of them, shall and may take Copies of or Extracts from the said Books, or any Part or Parts thereof respectively, without

Penalty for Refusal.

without paying any thing for the same; and in case the said Clerk or Clerks shall refuse to permit the said Trustees or such Creditors, or any of them, to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk or Clerks shall for every such Offence forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered, apportioned and applied in manner herein-after mentioned.

Trustees to appoint Officers.

XIV. And be it further enacted, That the said Trustees, or any Seven or more of them, may and they are hereby empowered, at their first or any subsequent Meeting, by Writing under their Hands, to elect and appoint a Clerk or Clerks, 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, Assistants, and Servants as the said Trustees shall think proper, and also may from Time to Time remove such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, Assistants, and Servants, or any of them, as the said Trustees shall see Occasion, and appoint others in the Room of such of them as shall be so removed, or as shall die, resign, or become incapable of performing their Duty; and 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 Clerks, Treasurers, Receivers, Collectors, Surveyors, or other Officers and Persons so appointed, for and in consideration of the Care and Pains respectively taken in the Execution of their respective Offices, and to such other Persons who shall be assisting in and about the Execution of this Act, as to them the said Trustees shall seem proper: Provided always, that no Person shall be capable of being appointed to or of taking or holding or acting in the Execution of any Place of Trust or Profit under the said Trustees during the Time he shall keep a Victualling House or other House of public Entertainment, or who shall sell Wine, Cyder, Beer, Ale, Spirituous or other strong Liquors by Retail, but no such Person shall be precluded from farming the Tolls by this Act granted, provided he or she shall employ some other Person or Persons to collect such Tolls who shall not be under any such Incapacity.

Treasurer to give Security.

XV. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from every Treasurer to be appointed for the Purposes of this Act for the due and faithful Execution of his Office, and shall and may, if they shall so think proper, also take such Security from any other Officer to be appointed or continued under or by virtue of this Act.

Present Officers to continue until others appointed.

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

Offices of Clerk and

XVII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons

who may be continued or appointed to act as their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who may be continued or appointed Treasurer, or the Partner or Partners of any such Treasurer, the Clerk or Clerks to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, shall act as Treasurer, or being the Partner of 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.

Treasurer not to be held by One Person.

XVIII. Provided always, and be it further enacted, That when and as often as any Collector or Receiver of the Tolls under this Act shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for any Five or more of the said Trustees, although not assembled at a Meeting of the Trustees appointed by virtue of this Act, to discharge such Collector or Receiver, and in such Case, and also in case any Collector or Receiver shall die, any Five or more of the said Trustees shall and may nominate and appoint a proper Person to be a Collector or Receiver of the Tolls in the Room or Stead of the Collector or Receiver who shall be so discharged or shall die, to continue until the said Trustees shall at a Meeting holden in pursuance of this Act appoint a Collector of such Tolls in his Room or Stead, which Person so nominated and appointed shall have the like Power and Authority, and shall be answerable and accountable and removable, in the same Manner in all respects as if he had been nominated and appointed at a Meeting under and by virtue of this Act; and that if any Collector or Receiver of the said Tolls who shall be discharged from his said Office by virtue of this Act, or the Wife or Widow or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll Gate or Toll House or Building, or the Appurtenances, to be continued, erected, or set up by virtue of this Act, for the Space of Four Days after Demand thereof made, and Notice in Writing given for that Purpose by any Five or more of the said Trustees (although not assembled at a Meeting), or by their Clerk for the Time being, or if any Lessee or Farmer of any of the Tolls arising by virtue of this Act shall retain and keep Possession of any such Toll Gate or Toll House or Buildings, or the Appurtenances, after the End or Expiration of his or their Lease or Term therein, then and in any of the said Cases it shall be lawful for any Justice of the Peace for the County wherein such Toll Gate or Toll House or Building, or the Appurtenances, shall be situate, upon Demand made by the said Trustees or any Five or more of them, or by any Person by them by Writing under their Hands appointed on their Behalf, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer for the same County, with such Assistance as shall be necessary, to enter such House or Building in the Daytime, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put

Trustees to appoint temporary Collectors.

the said Trustees, or any One of them, or any Person they or any Five or more of them shall appoint for that Purpose, into possession of such Toll Gate or Toll House or Building, and Appurtenances.

Officers to account.

XIX. And be it further enacted, That every Officer and other Person who shall be appointed or continued under or by virtue of this Act shall from Time to Time, when thereunto required by the said Trustees or any Five or more of them, by Writing under their Hands, make out and deliver to such Trustees, or to such Person or Persons as they or any Five or more of them shall for that Purpose appoint, a true and perfect Account in Writing under his or her Hand of all Monies which shall have been by him or her had, collected, or received, and how and to whom and for what Purpose the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payments; and every such Officer and Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her to such Person or Persons as the said Trustees or any Five or more of them shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in manner aforesaid, or shall neglect or refuse to deliver up to the said Trustees or any Five or more of them, or to such Person or Persons as they or any Five or more of them shall appoint, within Four Days after being thereunto required by the said Trustees or any Five or more of them, all Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made by the said Trustees or any Five or more of them, or by any other Person or Persons on their Behalf, of any such Neglect or Refusal, to any Justice of the Peace for the County or Place where the Officer or Person so neglecting or refusing shall live or reside, such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Trustees might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, or upon the said Account, if produced, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or owing from such Officer or Person, such Justice may and he is hereby authorized, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear (without sufficient Excuse) before the said Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up as aforesaid all such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid

the said Justice is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction of the County or Place where he or she shall live or reside, there to remain without Bail or Mainprize until he or she shall have delivered in and settled such Account as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Trustees or any Five or more of them for such Money and Charges, and paid the Composition Money to the said Trustees, or to such Person or Persons as they or any Five or more of them shall appoint to receive the same, (and which Composition the said Trustees or any Five or more of them are hereby empowered to make,) and shall have delivered up as aforesaid such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees or any Five or more of them: Provided always, that no Person who shall be committed for the Want of a sufficient Distress only shall be detained in Prison by virtue of this Act for any longer Time than Six Calendar Months.

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

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

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

XXI. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk or Clerks for the Time being, and that no Action or Suit to be brought or commenced by or against the said Trustees or any of them, by virtue of this Act, in the Name of their Clerk or Clerks, shall abate or be discontinued by the Death or Removal of such Clerk or Clerks or either of them, or by the Act of such Clerk or Clerks or either of them, without the Consent of the said Trustees or any Five or more of them, but that the Clerk or Clerks for the Time being to the said Trustees shall always be deemed to be the Plaintiff or Plaintiffs, Defendant or Defendants, (as the Case may be,) in every such Action or Suit: Provided always, that every such Clerk and Clerks shall be reimbursed and paid out of the Monies to be received by virtue of this Act all such Costs, Charges, and Expences as he or they shall be put unto or become chargeable with or liable to by reason of his or their being so made Plaintiff or Plaintiffs, Defendant or Defendants.

Power to erect Toll Gates and Toll Houses.

XXII. And be it further enacted, That the present Toll Gates, with the Toll Houses and Appurtenances, on the said several Roads, shall or may be continued until removed by Order of the said Trustees or any Five or more of them, at any of their Meetings, and the said Trustees at their Meetings shall and may, as they shall think proper, continue or remove

remove all or any of the Turnpikes or Toll Gates or Bars already erected on the said Roads, and also may erect and set up, or cause to be erected and set up, any other Turnpike or Turnpikes, Toll Gate or Gates, Bar or Bars, Chain or Chains, in, upon, or across any Part or Parts of the Roads by this Act intended or authorized to be repaired or made, and upon the Side or Sides thereof, and also in, upon, or across any Lane or Way leading into or out of the same respectively, and may also continue, erect, or provide a Toll House, with suitable Outbuildings and Conveniences, at or near each or any such Toll Gate, and may from Time to Time afterwards remove, alter, or discontinue such Toll Gates or Toll Houses, or any of them, as they the said Trustees or any Five or more of them in their Meetings assembled shall think expedient, and also may take in and inclose from the Sides of the said Roads convenient Garden Spots for the said Toll Houses respectively, not exceeding One Eighth Part of an Acre to each Toll House: Provided nevertheless, that no such Removal, Alteration, or Discontinuance of any such Turnpike or Turnpikes, Toll Gate or Gates, Bar or Bars, Chain or Chains, shall be made, nor shall any new Turnpike or Turnpikes, Toll Gate or Gates, Bar or Bars, Chain or Chains, be erected or set up, unless Notice of the Intention to make such Removal, Alteration, or Discontinuance, or to erect or set up such new Turnpike or Turnpikes, Toll Gate or Gates, Bar or Bars, Chain or Chains, and of the Meeting to be holden for that Purpose, be given in One or more of the public Newspapers circulated in *Trowbridge* aforesaid at least Ten Days before such Meeting.

Exemption concerning the Bradford Road.

XXIII. Provided also, and be it further enacted, That no Turnpike or Toll Gate shall be set up or erected by Order of the said Trustees on the Side of any Part of the Road which lies between a certain Place called *Cockill Gate* and the Top of *Iford Hill*.

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

XXIV. And be it further enacted, That the Right and Property in all the Turnpikes, Toll Gates, and Toll Houses, and the several Conveniences and Appurtenances thereunto belonging, already erected or made upon the said Roads or by the Sides thereof, or which shall be erected or made by virtue of this Act, and in all Materials for building and repairing the same, and for repairing or making the said Roads or any Part thereof, and all other Materials, Articles, and Things which have been provided for the Purposes of the former Act hereby repealed, or which shall be purchased, collected, or provided for the Purposes of this Act, shall be vested in the Trustees for carrying this Act into execution, and they the said Trustees or any Five or more of them are hereby authorized and empowered to sell and dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, or to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment, against any Person or Persons who shall, without Right, keep Possession of any such House or Appurtenances, or shall break down or damage, steal or take away, spoil, injure, or destroy, any of such Turnpikes, Toll Gates, Toll Houses, Conveniences, Appurtenances, Materials, Articles, or Things, or disturb the said Trustees or their Agents or Servants in the Possession thereof; and in all such Actions and Proceedings whatsoever, whether civil or criminal, it shall be sufficient to state generally that the Article or Articles, Thing or Things, for or in respect of which such Action,

and

and Proceedings shall be brought and preferred, is or are the Property of "The Trustees for repairing and improving the *Trowbridge* Roads;" and that in all civil and criminal Proceedings whatsoever relating to the said Roads, and in all Disputes, Suits, or Litigations touching or in anywise relating to the Tolls or Duties hereby granted, no Person or Persons shall be incompetent to give Testimony or Evidence therein by reason only of being a Trustee or Trustees, Creditors, Mortgagees, or Holders of any Security, Farmers, Lessees, or Collectors of the Tolls, Clerks, Treasurers, Surveyors, or other Officers or Servants of or other Persons employed by or under the said Trustees, or any Inhabitant or Inhabitants of any Township, Parish, or Place through which the said Roads do or shall pass.

Power to take Tolls.

XXV. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons continued or to be appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take, at each and every Turnpike or Toll Gate continued or erected by virtue of this Act, and from the Owner or Owners of or Person or Persons using, leading, driving, or attending any Horse, Beast, Cattle, or Carriage, before any such Horse, Beast, Cattle, or Carriage shall be permitted to pass through the same, (subject to the Provisions and Restrictions herein-after contained,) the following Sums or Tolls; (that is to say,)

For every Horse or other Beast drawing any Coach, Barouche, Sociable, Berlin, Chariot, Landau, Curricle, Chaise, Calash, Chair, Phaeton, Caravan, Taxed Cart, Hearse, Litter, or other such Carriage, the Sum of Four-pence Halfpenny:

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

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

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

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

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

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

XXVI. Provided always, and be it further enacted, That no Person shall be subject to the Payment of Toll more than Once in any One Day (the Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) for passing and repassing with the same Horse or Horses, Beasts, Cattle, or Carriage, through the same Turnpike, such Person or Persons producing a Note or Ticket denoting the Payment of such Toll, and which Note or Ticket the Collectors of the Tolls are hereby required to deliver *gratis* as aforesaid on Payment of the Toll as herein-before mentioned; and on such Note or Ticket shall be named or specified the several Gates freed by such Payments.

Post Chaises to pay every Time on a new Hiring.

XXVII. Provided also, and be it further enacted, That all Horses or Beasts of Draught drawing any Post Chaise for or in respect whereof the Tolls hereby granted shall have been paid at any Turnpike or Turnpikes on the said Roads shall be again subject to the Payment of Toll at such Turnpike or Turnpikes every Time a new Hiring of such Horses or Beasts of Draught, or Post Chaise, on a Ticket being produced denoting a new Hiring.

Carts drawn by One Horse liable to be weighed.

XXVIII. And whereas no Cart or other Carriage drawn by One Horse or Two Oxen at present is subject to be weighed, and great Injury is done to the aforesaid Roads from the heavy Loads carried thereby; be it therefore enacted, That it shall be lawful for the said Trustees or any Five or more of them to order or cause any such Cart or other Carriage, although the same shall be drawn by only One Horse or Two Oxen, to be weighed at any Weighing Engine now or hereafter to be erected upon any Part of the said Roads, and in case any such Cart or other Carriage, with the Lading thereof, shall exceed One Ton Weight in Summer or Fifteen Hundred Weight in Winter (the same to be computed as in the general Turnpike Act passed in the Thirteenth Year of the Reign of His present Majesty is specified), to cause to be demanded and taken such Sum of Money for Overweight as would have been payable by virtue of the said general Turnpike Act, or any subsequent Act made for altering or amending the same Act, in case such Cart or other Carriage had been drawn by more than One Horse or Two Oxen, and which Sum of Money shall be recovered in like Manner as by the said Act is directed with respect to the Sums thereby made payable for Overweight of Lading.

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

XXIX. Provided always, and be it further enacted, That all Waggons, Wains, Carts, or other such Carriages (in respect whereof, or of the Horses drawing the same, the Tolls hereby granted are made payable,) having the Wheels of the Width and Description and the Axletrees fixed as mentioned and set forth in or by an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weight in certain Cases*, shall be entitled to an Abatement of One Fourth Part of the Tolls hereby granted, and to the Privileges and Exemptions granted by the said Act.

Limiting the Number of Payments for once passing and repassing through all the Gates on the Road.

XXX. Provided always, and be it further enacted, That no more than Four Tolls in the whole shall be demanded or taken in any One Day, to be computed as aforesaid, for or in respect of the same Horses, Beasts, Carriages, or Cattle, for passing and repassing through all the Gates erected or to be erected on the Road leading from a Place called the *Green Man* in the Chapelry of *Seend* in the said County of *Wilts* to *Beckington* in the said County of *Somerset*; nor more than One Toll on a Road leading out of the aforesaid Road to *Keevil* in the said County of *Wilts*; nor more than One Toll on a Road also leading out of the aforesaid Road towards *Seend Head Mill* in the Chapelry of *Seend* aforesaid; nor more than One Toll on a Road leading out of the aforesaid Road to *Semington* in the Parish of *Steeple Ashton* in the said County of *Wilts*; nor more than One Toll on a Road also leading out of the aforesaid Road to *Hilperton's Marsh* in the Parish of *Hilperton* aforesaid; nor more than One Toll on the Road, also leading out of the aforesaid Road, through and over a certain

tain Lane called *Polebarn Lane* in the Town of *Trowbridge* aforesaid, towards the Tything of *West Ashton* in the Parish of *Steeple Ashton* aforesaid; nor more than One Toll on the Road also leading out of the aforesaid Road to a Place called *Poleshole* in the Tything of *Southwick* in the Parish of *North Bradley* in the said County of *Wilts*; nor more than One Toll on the Road leading from the *Parsonage Corner* in *Back Street* in the Town of *Trowbridge* aforesaid, by a Place called the *Brickplott*, to the Village of *Hilperton* in the said County of *Wilts*; nor more than One Toll on the Road leading out of the last-mentioned Road through and over a certain Street called *Timbrell Street*, by a Place called *Islington*, to *Hilperton's Marsh* in the Parish of *Hilperton* aforesaid; nor more than Three Tolls on the Road leading from the Town of *Trowbridge* through *Stallard's Gate* in the Tything of *Studley* in the Parish of *Trowbridge* aforesaid, and the Parishes or Places of *Westwood* and *Freshford*, to *Limpley Stoke* in the said County of *Wilts*; nor more than Two Tolls on the Road leading from the Town of *Trowbridge* aforesaid through *Stallard's Gate* to *Charterhouse Hinton* in the said County of *Somerset*; nor more than One Toll on the Road leading out of the said last-mentioned Road over *Wingfield* and *Road* Commons, to join the Turnpike Road leading to *Beckington* aforesaid; nor more than One Toll on the Road also leading out of the last-mentioned Road towards *Telsford*.

Power to make Fences on Commons, to prevent Evasion of Tolls.

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

Penalty on evading Tolls.

XXXII. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass, with any Horse, Beast, Cattle, or Carriage, through or over any Gate, private Passage, Land, Ground, or Place lying by the Side of or near to any Part of the said Roads (except the Owner or Occupier of such Land or other Premises, or any of his, her, or their Family or Servants); or if any Person or Persons owning or occupying any Land, Ground, or Place situate as aforesaid (the same not being a public Highway or Road to or from some Mill) shall knowingly or wilfully permit or suffer any other Person or Persons (except as aforesaid) to go or pass, with any Horse, Beast, Cattle, or Carriage, through or over such Gate, private Passage, Land, Ground, or Place, in order or with Intent thereby to evade the Payment of the said Tolls or any Part thereof; or if any Person or Persons shall take off or suffer to be taken off any Horse or other Beast from any Carriage, either before or after having passed through any Toll Gate, or shall afterwards add or put any Horse or Beast to any Carriage for the Purpose of drawing the same upon any Part of the said Roads; or shall leave upon or near any Part of the said Roads any Horse or Horses or other Beast or Cattle, or any Carriage chargeable with

with the Payment of any of the said Tolls, with Intent to avoid or evade Payment of any of the said Tolls; or if any Person or Persons shall forcibly or fraudulently pass through any such Turnpike or Toll Gate with any Horse or other Cattle or Beast without Payment of Toll; all and every such Person or Persons shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered in such Manner as is herein-after provided for the Recovery of Penalties and Forfeitures, one Moiety whereof when raised shall be paid to the Informer, and the other Moiety to the Treasurer of the said Roads, to be applied to the Purposes of this Act.

For Recovery of Tolls.

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

Disputes concerning Tolls to be settled by a Justice.

XXXIV. And be it further enacted, That if any Dispute or Disputes shall happen respecting the demanding or taking or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by some Justice of the Peace for the County or Place wherein the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter on Oath of the Parties or other Witness or Witnesses (which Oath such Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Toll due, and other Matters in dispute between the Parties, and shall also assess the Charges of such Seizure, Distress, Keeping, and Sale, and also of the Attendance of any Person or Persons for that Purpose on the said Justice, and may also award such Costs to be paid by either Party to the other as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice (which

(which Warrant every such Justice is hereby empowered to issue); and the Overplus (if any), after Payment of such Costs, and the Costs of such Distress and Sale, shall be returned, upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained.

Exemptions concerning the Westbury Act.

XXXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to take away any Exemption or Exemptions of any Person or Persons from paying Tolls at the Gate at or near *Semington* granted and provided by an Act passed in the Forty-fifth Year of the Reign of His present Majesty, intituled *An Act for continuing the Term and altering and enlarging the Powers of Two Acts passed in the Thirty-first Year of King* George *the Second and in the Ninth Year of His present Majesty, for amending the Road leading from* Pengate *to* Latchett's Bridge, *and other Roads therein described, in the County of* Wilts, *so far as the same relate to the First District of Road therein mentioned; and for amending other Roads near or adjoining to the said Roads.*

Exempting the Royal Family from Toll.

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

Exemptions from Tolls.

XXXVII. Provided always, and be it further enacted, That no Toll shall be demanded or taken by virtue of this Act of or from any Person or Persons for any Horse or Horses or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Roads, or any of the Roads or Bridges within any Parish, Tything, or Place in which any Part of the said Roads lies, or for rebuilding, building, or repairing any present or any future Bridge or Bridges on the said Roads; or of or from the Surveyor or Surveyors of the said Roads, or any other Person or Persons, when engaged in executing the Powers of this Act, or in carrying or conveying any Seed for seeding the Ground, or Hay, Straw, or Corn in the Straw, or Potatoes or Turnips, passing to be laid up or placed in the Houses, Barns, Outhouses, or Yards or on the Lands of the Owners thereof, within the Parishes, Tythings, or Places through or in which any Part of the said Roads lies, for the Use of the Owners thereof, and not for Sale; or for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Manure (except Lime), or Compost employed in Husbandry for manuring or improving Land; or for any Horses or other Beasts going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, or going to be or returning from being shoed or farried within such Parishes, Tythings, or Places; or from any Person or Persons residing in any Parish, Tything, Township, or Hamlet in which any Part of the said Roads lies, going to or returning from his, her, or their proper Parochial Church or Chapel, or from any Person going to or returning from his, her, or their usual Place of Religious Worship tolerated

tolerated by Law, in the same Parish, Tything, Township, or Hamlet, on *Sundays*, or on any other Day on which Divine Service is by Authority ordered to be celebrated, or going to or returning from attending the Funeral of any Person who shall die in and be buried in any Parish, Tything, Township, or Hamlet in which any Part of the said Roads lies; or from any Rector, Vicar, or Curate going to or returning from his Parish Church, or going to visit or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty; or for any Horse, Beast, Cattle, or Carriage which shall cross the said Roads only, or shall not pass more than One hundred Yards thereon; or for any Horses or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty, or for any Horse or Horses or other Beast, or any Cart, Carriage, or Waggon, employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or employed in carrying or conveying, or returning empty from having been employed only in carrying or conveying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, employed in conveying any Ordnance or Barrack or Commissariat or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty from having been so employed; or for any Carriage conveying Volunteer Infantry, or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, or on other public Duty (provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements according to the Regulations of such Corps, at the Time of claiming the Exemption); or for Horses, Carts, or Waggons travelling with Vagrants sent by legal Passes, or returning empty after having been only so employed; or for any Horse or Horses, Coaches, or other Carriages going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Wilts* or County of *Somerset*, or either of them, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall, by any fraudulent or collusive Means whatsoever claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, one Moiety whereof shall be paid to the Informer, and the other Moiety to the Treasurer of the said Roads, and shall be applied to the Purposes of this Act; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Exempting Carriages conveying King's Stores, &c.

XXXVIII. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance or Barrack or Commissariat or other public Stores of or belonging to

to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses drawing the same, while so employed, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads or in this Act contained to the contrary notwithstanding.

from Penalties for Overweight.

XXXIX. And be it further enacted, That it shall be lawful for the said Trustees or any Nine or more of them, at any Meeting or Meetings to be held from Time to Time for that Purpose, and they are hereby empowered, to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said Trustees at any such Meeting or Meetings shall think proper, and from Time to Time afterwards to advance all or any of the Tolls so lessened or reduced to any Sum or Sums of Money not exceeding the respective Tolls granted by this Act, or now made payable by any Act or Acts of Parliament now in force and effect with respect to Overweight; and that such reduced Tolls shall and may be collected and levied and applied in such and the same Manner as the Tolls hereby granted are directed to be collected, levied, and applied: Provided always, that it shall not be lawful to reduce the said Tolls without the Consent of Five Sixths in Value of the Creditors on the said Tolls; and that no such Meeting shall be held for the Purpose of lessening, reducing, or advancing all or any of the said Tolls, unless Twenty-one Days previous Notice at the least shall be given thereof in Writing, to be affixed upon all the Turnpikes or Toll Gates which shall be then erected on the said Roads.

Power to reduce Tolls.

Tolls not to be reduced without the Consent of Five Sixths of the Creditors.

XL. 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 compound, for any Term not exceeding One Year at any One Time, with any Person or Persons, for any Carriage or Carriages, Horses, Beasts, or Cattle, travelling on the said Roads, for all or any of the said Tolls to be paid in respect of such Carriage or Carriages, Horses, Beasts, or Cattle; and such Composition Money shall be paid in advance, quarterly or otherwise, as the said Trustees shall think fit, and in default thereof the Composition shall be void.

Trustees may compound for Tolls.

XLI. And be it further enacted, That all Demises, Leases, and Agreements for Leases of the Tolls on the said Roads heretofore granted shall on the Third *Monday* after the passing of this Act cease and be void: Provided always, that the Trustees for the said Roads or any Five or more of them shall on or before the said Third *Monday* after the passing of this Act, and they are hereby authorized, directed, and required, to make or tender a fair and just Compensation and Satisfaction to the present Lessees or Lessee of such Tolls, for the Loss or Damage which they, he, or she might thereby sustain; and in case any such Lessees or Lessee shall be dissatisfied with the Amount of such Compensation, then and in such Case such

Leases of Tolls to be vacated on Satisfaction to Lessees;

such Lessees or Lessee shall sue for and recover the same by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*:

or Leases may be continued on certain Conditions.

Provided also, that in case the said Trustees or any Five or more of them, and the present Lessees of the said Tollsor any of them, shall be desirous that such Demises, Leases, or Agreements shall continue in force for the Remainder of the respective Terms for which the same or any of them shall have been granted, then and in such Case such Lessees or Lessee shall pay such Sum of Money or such additional Rent to the said Trustees or any Five or more of them as such Trustees shall think fit, as a Consideration for the continuing such Leases or Lease; and in case of any Difference or Dispute respecting the Amount of such Sum or Rent such Difference or Dispute shall be settled by any Two Justices of the Peace for the County or Place where the Toll House shall be situate, in the same Manner and under the same Rules and Orders as is and are prescribed in and by this Act for settling the Amount of Damages for getting Materials for the Repair of the said Roads.

Trustees may lease the Tolls.

XLII. And be it further enacted, That the said Trustees or any Five or more of them shall be and are hereby empowered, after giving Fourteen Days Notice thereof in One or more of the public Newspapers circulated in the Neighbourhood of the said Roads, and also in Writing to be affixed upon the Turnpike or Turnpikes the Tolls whereof are intended to be leased, from Time to Time to lease and demise the Tolls granted by this Act, or any Part or Parts of such Tolls, for any Term not exceeding Three Years at a Time, for the best Price that can be gotten for the same, payable at such Times, to such Person or Persons, under such Conditions and Agreements, and with such Sureties for the Payment thereof, as the said Trustees or any Five or more of them shall think fit, and the Money arising thereby shall be applied in such Manner as the Tolls so leased are under this Act directed to be applied; and if the said Trustees, at any Meeting for letting the said Tolls, shall be of opinion that a Combination exists among the Bidders to undervalue the same, they may then proceed in such Letting in such Manner as to them shall seem more likely to create a real *bonâ fide* and advantageous Competition for the same; and at all such Lettings the Trustees shall have or be entitled to One or more Bidding or Biddings for the said Tolls, either by themselves or their respective Clerk or Clerks or Treasurer, or other Person by them authorized, any thing in any Law or Statute to the contrary notwithstanding.

Lessees or Persons appointed by them may collect the Tolls.

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

the like Actions and Prosecutions, as any Collector of the said Tolls continued as aforesaid, or appointed by the said Trustees, is subject or liable to.

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

XLIV. And be it further enacted, That if any Lessee, Farmer, Renter, or Collector of the said Tolls shall demand and take or cause to be demanded and taken, from any Person or Persons, any Toll not authorized by this Act to be taken, or a greater or less Toll than authorized by or under this Act to be taken, such Lessee, Farmer, or Renter shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and also his Contract for renting the Tolls shall be declared to be vacated, if the said Trustees or any Five or more of them shall think fit to vacate the same; and every such Collector, not being the Lessee, Farmer, or Renter, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; such Forfeitures respectively to be recovered in manner herein-after mentioned: Provided always, that if the Justice by or before whom the Matter of Complaint shall be heard shall be of opinion that the Offender had probable Grounds for such Demand and taking, it shall be lawful for such Justice either to mitigate the said respective Penalties, or wholly to exonerate the Offender therefrom, as such Justice shall think fit.

For preventing Toll Collectors from misbehaving, &c.

XLV. And be it further enacted, That all and every Toll Collector or Collectors, being Lessee or Lessees of the said Tolls, or appointed either under this Act, or by the Trustees for executing the same, or by any such Lessee or Lessees, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately upon his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters upon 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 same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall refuse to permit or suffer or shall in anywise hinder any Person or Persons from reading such Christian and 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 Toll, naming and specifying the several Gates freed by such Payment, or shall unnecessarily detain, or upon the legal Toll being paid or tendered, shall wilfully obstruct, hinder, or prevent any Passenger, Horse, Beast, Carriage, or Cattle from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied; and if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector, or any Surveyor or Surveyors of the said Roads,

Penalty on obstructing Collectors.

who shall or may be employed by virtue of or in execution of this Act, in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

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

XLVI. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in arrear for the Space of Fourteen Days next after any of the Days on which the same ought to be paid pursuant to the Agreement for demising or letting thereof, or in case such Lease or Agreement shall in any other Manner become void, then and in either of such Cases it shall and may be lawful for any Justice of the Peace for the County or Place where the Toll Gate or Toll House shall be situate, and he is hereby required, upon Application made to him by the said Trustees or any Five or more of them, or their Clerk or Treasurer, or any other Person authorized by Writing under the Hands of any Five or more of them, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take possession of any or every Toll House or Toll Houses, Toll Gate, Bar, Chain, or Weighing Machine so let, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees, or any Person acting by or under their Authority, Possession thereof; and that thereupon it shall be lawful for the said Trustees or any Five or more of them (if they shall think fit) to vacate and determine the Contract or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes (save as to the Obligations, Covenants, or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part,) as if such Demise or Agreement had never been made; and in that Case, or in case the Lease or Agreement shall otherwise become void, it shall and may be lawful for the said Trustees or any Five or more of them in every such Case to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected, in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

An Action of Ejectment may be supported by One Mortgagee.

XLVII. 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.

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

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

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

XLIX. And be it further enacted, That all Arrears of Tolls or Rents, or other Monies due to, and Property, Real or Personal, and all Choses in and Rights of Action, either at Law or in Equity, vested in the Trustees under the said former Act, shall immediately on the Commencement of this Act be vested in the Trustees named in or to be elected and appointed by virtue of this Act, who shall be and are hereby enabled to recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law or in Equity in the Name of their Clerk or Clerks for the Time being, in Manner and Form hereinbefore mentioned, and to act in respect thereof as effectually as if the same had become due to or had been vested in such Trustees under and by virtue of this Act.

Power to borrow Money, and to assign Tolls.

L. And be it further enacted, That the said Trustees or any Five or more of them, at any of the Meetings to be holden under or by virtue of this Act, may and they are hereby authorized and empowered from Time to Time to borrow and take up at Interest on the Credit of the Tolls hereby granted or authorized to be taken, such Sum or Sums of Money as they or any Five or more of them shall think necessary; and they are hereby also authorized and empowered, either at every such Meeting or afterwards, by any Writing or Instrument under their Hands and Seals, to mortgage all or any Part of the Tolls hereby granted (the Charges of mortgaging the same to be paid out of such Tolls) for any Term or during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed, to such Person or Persons, or his, her, or their Trustee or Trustees, as shall advance and lend the same; which Mortgage shall be made in the following Form of Words, or in some other Form of Words to the like Effect; (that is to say,)

Form of Mortgage.

'BY virtue of an Act passed in the Fifty-ninth Year of the Reign of His Majesty King George the Third, intituled "An Act [*here insert the Title of this Act*], we of the Trustees acting in execution of the said Act, in consideration of the Sum of to the Treasurer of the said Trustees in hand paid, do grant, bargain,

'bargain, sell, and demise unto his [her *or* their] Executors, 'Administrators, or Assigns, such Proportion of the Tolls arising by 'virtue of the said Act, and of the Toll Gates and Toll Houses for 'collecting the same, as the said Sum of doth or shall bear 'to the whole of the Monies owing and secured on the Credit thereof, 'to be had and holden from this Day of in the Year 'of our Lord for and during the Continuance 'of the said Act, unless the said Sum of with 'Interest at the Rate of Pounds per Centum per Annum, shall 'be sooner paid and satisfied. Given under our Hands and Seals this 'Day of in the Year of our Lord .'

Copies of Mortgages to be entered in a Book.

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees; and all and every Person or Persons to whom any such Mortgage or Mortgages shall be made as aforesaid, or who shall be possessed of any Mortgage made by virtue of the said former Act, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to the Principal and Interest thereby secured, or any Part thereof, to any Person or Persons whomsoever, by signing before One credible Witness an Instrument, whether indorsed or not indorsed upon such Mortgage or Assignment, in the following Words, or in Words to the like Effect; (that is to say,)

Form of Transfer;

'I *A.B.* do transfer this Mortgage or Security [*or* a certain Mortgage 'or Security, *shortly stating it, as the Case may be*], with all my Right 'and Title to the Principal Money thereby secured, and all the Interest 'now due thereon, unto *C.D.*, his [*or* her *or* their] Executors, Admini- 'strators, and Assigns. Dated this Day of 'in the Year of our Lord

'Witness, *E.F.* *A.B.*'

which must be entered with the Clerk.

Which said Transfer 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 in the before-mentioned Book or Books, specifying the Date, Names of the Parties, and Amount of the Sum transferred, for which Entry such Clerk or Clerks shall be paid the Sum of Five Shillings and no more; and such Transfer shall then entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee or Assignees may in like Manner assign and transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred) to make void, release, or discharge the original Security, or any Monies thereby due, or any Part thereof; and that no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, or who shall have already advanced any Sum or Sums of Money on the Credit of the said former Act, or any Act repealed by the said former Act, in respect of the Priority of advancing or of having advanced any such Sum or Sums of Money, but that all Persons to whom such Mortgages or Assignments have been or shall be made as aforesaid shall be, in proportion to the Sum or Sums of Money therein mentioned, Creditors on the said Tolls in equal Degree one with another.

No Priority of Mortgages.

LI. And

Old Mortgages may be called in, and new granted.

LI. And be it further enacted, That the said Trustees or any Five or more of them shall and may, if thereunto required, receive in and cancel all or any of the Mortgages now standing out that were made by virtue of any former Act or Acts relating to the said Roads or any of them, and give and execute another Mortgage or other Mortgages instead and in lieu thereof respectively, in manner and transferrable as herein-before mentioned.

Application of the Tolls and Money to be borrowed.

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

Roads may be made or completed, &c.

LIII. And be it further enacted, That the said Trustees or any Seven or more of them shall be and are hereby fully empowered, from Time to Time as they shall think proper, to make or complete the said Roads, and to widen or divert, turn, shorten, vary, and alter the Course or Path of any Part or Parts of the said several Roads herein-before mentioned and included in this Act; and that any new Road or any Variation of Road may be made through any Common or Waste Land without making any Satisfaction for the same, and also through any private Grounds or Hereditaments, making Satisfaction to the Owners thereof and Persons interested for the Damages they may thereby sustain: Provided always, that the said Trustees, in widening, diverting, turning, shortening, varying, or altering any Part of the said Roads under the Powers of this Act, shall not deviate more than One hundred Yards of Three Feet each from the present Line, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made; and it shall be lawful for the said Trustees or any Seven or more of them from Time to Time to contract and agree with the Owners of and Persons interested in any Lands, Tenements, or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by making, widening, diverting, turning, shortening, varying, or altering the Course or Path of any Part or Parts of the said Roads through such Lands, Tenements, or Hereditaments, and also to contract and agree with the Owners and Occupiers of certain Tenements or Dwelling Houses and Premises by the said former Act authorized to be taken for making the said Roads; that

Trustees to contract for the Purchase of Lands.

Houses, &c. to be taken down.

that is to say, One Tenement or Dwelling House and Premises late in the Tenure or Occupation of *Charles Blake* and *William Blake*, and now of the said *William Blake*; One other, late in the Occupation of *William Cook*, and now of *Thomas Stowe*; One other, late in the Occupation of *James Cooper*, and now of the Widow *Remington*; One other, late in the Occupation of *Mary Beams*, and now of *Thomas Gunstone*; One other, late in the Occupation of *John Carrington*, and now of the said *Mary Beams*; One other, late in the Occupation of *Sarah Hiller*, and now of *John Sims*; One other, late in the Occupation of *Sarah Prior*, and now of *Edward Butterworth*; One other, late in the Occupation of *John Ridley*, and now of *James Hayward*; One other, late in the Occupation of *Thomas Vine* and *John Taunton*, and now of *Mary* and *John Cadby*; One other, late in the Occupation of *Joseph Sexty*, and now of *William Rains*; One other, late in the Occupation of *John Hill*, and now of the Widow *Athrill*; One other, late in the Occupation of *William Rolfe*, and now of the said *William Rolfe*; One other, late in the Occupation of *Thomas Sainsbury*, and now of *William Neal*; One other, late in the Occupation of *William Cuff*, and now of *Job Angel*; One other, late in the Occupation of *Robert Barnes*, and now of the Widow *Long*; and One other, late in the Occupation of *Anthony Rogers*, and now of *Elijah Tucker*, being a Public House, and commonly called or known by the Name of the *New Inn*; and which said Tenements or Dwelling Houses and Premises are situate and being in the Town of *Trowbridge* aforesaid, in a certain Street there called *Silver Street*, and lying adjoining to the Turnpike Road there; also of certain other Tenements or Dwelling Houses, Outhouses, Gardens, Yards, and Premises leading from the Market Place in *Trowbridge* aforesaid to *Silver Street* aforesaid, (*videlicet*,) One Tenement or Dwelling House late in the Occupation of *Isaac Selfe*, and now of the Widow *Barnet*; One other Tenement or Dwelling House, Outhouses, Yard, Garden, and Premises late in the Occupation of *Henry Crabb*, and now of *Benjamin Keepen*; also of One Outhouse, Stable, Necessary, and Premises late in the Occupation of *James Burgess*, and now of *William Shrapnell*; and also of One Tenement or Dwelling House, late in the Occupation of *Thomas Jordan*, and now of *Martha Silverthorne*; also of One Tenement or Dwelling House, situate also in *Trowbridge* aforesaid, at a Place there called *Wicker Hill*, adjoining the Turnpike Road, late in the Occupation of *Jane Martin*, and now of *Stephen Price*; for the Purchase of the same Tenements and Premises, or for such Part or Parts thereof as shall be necessary for making the said new Road herein-before described, and for widening and improving certain other Parts of the said Roads, and also for taking the same into the said Roads; and it shall and may be lawful to and for the said Trustees or any Seven or more of them, and for their Surveyor or Surveyors and Workmen, with or without Carriages or Cattle, from Time to Time to enter upon any private Lands, Grounds, Hereditaments, and Premises through which or whereupon the said Roads and Alterations pass or are intended to pass, and to stake out and make the same in such Manner as the said Trustees or any Seven or more of them shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands, Grounds, and Hereditaments respectively, for any of the Purposes of this Act, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the Damage they may thereby sustain; and if any Person or Persons shall wilfully pull up, re-

move, or destroy any of the Stakes or other Marks used in laying out making, widening, altering, or improving such Roads, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding the Sum of Forty Shillings.

Premises may be used notwithstanding Errors in the Description.

LIV. Provided always, and be it further enacted, That in case any of the herein-before mentioned Premises, or the Places wherein they are situate, or the Person in whose Possession they are stated to be, shall happen to be improperly described or to be misnamed, it shall not prevent or retard the making the Road through or over any such Premises, but the same may for the Purposes of this Act be taken and used notwithstanding such improper Description or Misnomer, in case it shall appear to any Two or more Justices of the Peace for the County or Place where the Land or Premises shall be situate, and be certified by Writing under their Hands, that such improper Description or Misnomer proceeded from Mistake.

Trustees restrained from taking down Dwelling Houses not herein-before mentioned.

LV. Provided also, and be it further enacted, That the Powers and Authorities hereby given for making, widening, and altering the said Roads shall not extend or be construed to extend to empower or 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, Garden, Yard, Paddock, Park, planted Walk or Avenue to a House, or any inclosed Ground planted as Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, other than and except such Dwelling Houses and Premises as are herein-before mentioned or described.

Incapacitated Persons empowered to treat.

LVI. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or Lives or in Tail, Husbands, Guardians, Trustees or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Femes Covert, Infants or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised of or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be possessed of or interested in any such Lands, Houses, Buildings, Tenements, Hereditaments, or Premises, or who shall sustain any Damage as aforesaid, to contract with the said Trustees for the Sale thereof, or for the Satisfaction to be made for the same, or for such Damages as aforesaid, or to sell and convey unto the said Trustees all or any such Lands, Houses, Buildings, Tenements, Hereditaments, or Premises, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made shall be good, valid, and effectual to all Intents and Purposes, 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 Lives or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they or any of them shall do by virtue or in pursuance of this Act.

LVII. And

When Persons interested neglect or refuse to treat.

LVII. And be it further enacted, That if any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or sustaining any Damage as aforesaid, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in possession of any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, shall for the Space of Thirty Days next after such Notice given or left as aforesaid neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees shall cause such Damage, Value, or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County or Place wherein any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises do lie; and in order thereto the said Trustees or any Seven 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 the said Trustees or any or either of them are and is hereby empowered to administer); and such Trustees or any Seven or more of them shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have inquired of and assessed such Damage and Recompence they the said Trustees shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners or other Persons interested, according to the Verdict or Inquisition of such Jury; and such Verdict or Inquisition, and Judgment, Order, and Determination thereon, shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever claiming or to claim any Estate in possession, reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole as well as all and every Person and Persons whomsoever; and for summoning and returning such Juries the said Trustees are hereby empowered to issue their Warrant or Warrants, signed by any Seven or more of them, to the Sheriff of the County wherein such Lands, Houses, Buildings, Hereditaments, and Premises do lie, commanding him to impannel, summon, and return any indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before such Trustees at such Time and Place as in such Warrant or Warrants shall be appointed, and such Sheriff or his Deputy or Deputies is and are hereby required to impannel, summon, and return such Number of Persons accordingly; and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and are hereby empowered and required to swear or cause to be sworn Twelve Men, who shall be a Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen the said Sheriff or his Deputy or Deputies shall return other honest and indifferent Men of the Standers-by, or that can be speedily

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

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

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

LVIII. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Directions and Authority of this Act shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees or any Seven or more of them before the summoning or returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Treasurer to the said Trustees out of any Money which shall then be in his Hands, or out of any Monies to be received by virtue of this Act; but if any Jury or Juries so summoned and sworn as aforesaid shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees or any Seven or more of them, before the summoning and returning of the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or Losses or Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne or paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute, which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the County or Place wherein the Cause of Dispute shall arise, not interested in the Matter in question, (who is hereby required to examine and settle the same,) shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences,

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

in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Clerks to the said Trustees by the Ways and Means herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating such Costs and Expences shall be borne and paid by the said Trustees in manner aforesaid.

Money allowed for Lands how to be charged and tendered.

LIX. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid shall be paid out of any Monies in the Hands of the said Trustees, or out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties or Person or Persons respectively entitled thereto, or to their Agents, or into the Bank of *England*, in manner by this Act directed (as the Case may be); and upon such Payment to such Parties or Persons, or their Agents, or into the Bank of *England*, and after Thirty Days Notice thereof given to such Parties or Persons, or to their Agents, or left at their respective usual Places of Abode, or with the Tenant or Tenants in possession of such Lands, Houses, Buildings, Tenements, Hereditaments and Premises, then such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises respectively shall and may be taken and used for the Purposes of this Act; and such Lands, and the Scite of such Houses, Buildings, Tenements, Hereditaments, and Premises, shall be laid into and made Part of the said Roads, in such Manner as the said Trustees or any Seven or more of them shall direct, and shall be by them, or such Person or Persons as they or any Seven or more of them shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes whatsoever become and be deemed and taken to be a common Highway, and be from thenceforth Part of the said Roads for ever thereafter, and the said Roads shall be repaired and kept in repair by the said Trustees, and also by the same Ways and Means as any other Highway is or ought by Law to be kept in repair, and all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after such new Roads shall be completed the Lands constituting any former Road or Roads which may thereby become useless or unnecessary shall or may be stopped up or discontinued, unless leading over some Moor, Common, uncultivated Land or Waste Ground, or to some Village, Town, or Place to which such new Road or Roads doth not or do not lead, and shall be vested in and shall and may be sold and conveyed by the said Trustees or any Seven or more of them in the Manner herein-after mentioned, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the Purposes of this Act; and all Conveyances, being executed by the said Trustees or any Seven or more of them, and enrolled in the Office of the Clerk of the Peace for the County wherein such Road shall be situate, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

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

LX. Provided always, and be it further enacted, That before the said Trustees or any Seven or more of them shall sell and dispose of any Piece or Pieces of Ground not wanted for the Purposes of this Act as aforesaid they shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or in case such Ground shall

be a Piece or Pieces of old Road, to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, an Affidavit, to made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, City, or Place where such Ground is situate, (who are hereby respectively empowered to take such Affidavit,) by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of such Trustees, and that such Offer was then and thereupon refused or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in manner in this Act directed with respect to disputed Value of Premises to be taken and used in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in manner herein-before directed with respect to such Purchases made by the said Trustees, *mutatis mutandis;* and the Money to arise by the Sale or Sales of such Pieces or Parcels of Ground shall be applied by the Trustees to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money; and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof, and in such Manner and Form as is herein-before directed with respect to the Conveyances to be made of the Land constituting any Part of the Roads herein-before directed to be sold.

original Proprietor.

LXI. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Houses, Buildings, Tenements, Hereditaments, and Premises are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts or other Incumbrances affecting the same Lands,

Application of Compensation if amounting to 200*l.*

Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or affecting other Lands, Houses, Buildings, Tenements, Hereditaments, and Premises standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Houses, Buildings, Tenements, Hereditaments, and Premises which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said High Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises so to be purchased, in case such Purchase or Settlement was made.

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

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

LXIII. Pro-

When under 20*l.*

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

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

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

In case of disputed Titles.

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

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

Court may order reasonable Expences to be paid by Trustees.

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

Power to get Materials.

LXVII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Trustees, and all such Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any Materials for making or repairing the said Roads or any of them, or any Part or Parts thereof, and Footways and Paths on the Sides thereof, or building, rebuilding, or repairing any Toll House or Toll Houses, Fence, Wall or Walls, on or by the Sides thereof respectively, or any Bridge or Bridges, Culvert or Culverts thereon, out of any common River or Brook, or out of or from any Waste or Common in any Parish, Township, Hamlet, or Place in which any Part of the said Roads lies, or in any adjoining Parish, Township, Hamlet, or Place, without paying any thing for such Materials, the said Surveyor or Surveyors or other Person or Persons filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks wherefrom such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying for the Damages done by going through or over any inclosed Lands or Grounds for or with such Materials, such Damages to be ascertained as herein-after mentioned; and also that it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, to search for, dig, get, gather, take, and

carry away any such Materials in or out of the Land of any Person or Persons in any Parish or Place in which any Part of such Roads is situate, (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees, and which shall have existed as such for One Year at least previous thereto,) making or tendering such Satisfaction for the Materials and for the Damages done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees or any Five or more of them shall judge reasonable; and in case of any Difference between such Trustees, Surveyors, or other Persons appointed or employed as aforesaid, and the Owners and Occupiers of such Lands or any of them, concerning such Payments and Damages as aforesaid, any Two or more Justices of the Peace for the County wherein the Place from whence such Materials shall have been taken shall be situate, on Fourteen Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages, and the Costs attending the hearing and determining the same: Provided nevertheless, that nothing herein contained shall extend or be construed to extend to authorize the said Trustees or any of them, or any other Person or Persons, to enter into or upon any Lands in *Seend*, *Seend Row*, or in the Chapelry of *Seend* aforesaid, not being Commons or Waste Ground, to collect, gather, pick, dig, or quar Stones in or upon any such Lands, without the Consent of the Owner or Owners of such respective Lands, unless such Owner or Owners shall refuse to sell to the said Trustees, or any other Person or Persons legally authorized to put this Act in execution, hard Stones ready dug at or after the Rate of Three Shillings by the Waggon Load, any thing herein contained to the contrary notwithstanding.

Exception as to Seend, &c.

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

Notice to be given before Materials taken.

LXIX. And

Penalty on taking away Materials raised by Surveyors.

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

For abating Nuisances.

LXX. And be it further enacted, That shall be lawful for the said Trustees or any Five or more of them, or their Surveyor or Surveyors, and such Person or Persons as they or he shall appoint, from Time to Time to remove and prevent all Annoyances by Timber, Stone, Carriages, Hovels, Lime, Mortar, Filth, Dung, Ashes, Rubbish, Straw, or other Things being laid on any Part of the said Roads, or upon any open, common, or waste Land within Thirty Feet of the Centre thereof, and to dispose of the same for the Benefit of the said Roads respectively, in case the Owners thereof shall neglect to remove the same for the Space of Four Days after Notice in Writing, signed by the Surveyor, given to such Owners for that Purpose, or, in case the Owners are not known, after a like Notice affixed for Seven Days on the nearest Turnpike Gate, and to turn any Watercourses, Sinks, or Drains running along, into, or out of the said Roads, to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining or near thereto, and to make the same as deep and large as he or they shall think necessary, and to cut down, lop, or top any Branches, Shrubs, or Bushes growing on or over the said Roads, or in the Hedges or Banks adjacent thereto respectively, (not being a Garden, Orchard, Plantation, Walk or Avenue to a House, or any Trees being an Ornament or Shelter to a House,) and to take and carry away the same, and to cut and reduce all such Hedges to the Height of Five Feet, in case the Owners or Occupiers of the Premises shall, for the Space of Ten Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to top, lop, cut down, or remove such Branches, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Annoyances in such Manner as the said Trustees or any Five or more of them or the said Surveyor or Surveyors shall require, the Charges whereof, to be settled by the said Trustees or any Five or more of them, shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein-after directed to be recovered and applied; and if after the Removal of any of the said Annoyances any Person shall again offend in like Manner, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For preventing Cattle straying on the Roads.

LXXI. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind shall at any Time be found wandering, straying, or lying about the same Roads or any Part thereof, or by the Sides thereof, it shall and may be lawful to and for the Surveyor

veyor of the said Trustees for the Time being, or any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle in the Common Pound of the Parish, Township, Tything, or Place where the same shall be, or in such other Place as the said Trustees or any Five or more of them shall appoint, and the same there to detain until the Owner or Owners thereof shall for every and each Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded forfeit and pay a Sum not exceeding the Sum of Ten Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Ten Days after such impounding it shall and may be lawful to and for the said Trustees or any Five or more of them to sell or cause to be sold every such Horse, Ass, Sheep, Swine, or other Beast or Cattle; and the Money arising from such Sale, after deducting the said Penalty, and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, or Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

And for preventing Encroachments.

LXXII. And be it further enacted, That if any Person shall from and after the passing of this Act encroach by erecting or causing to be erected any Dwelling House or other Building, or by making or causing to be made any Hedge, Ditch, or other Fence within the Distance of Fifteen Feet from the Middle or Centre of the said Roads, (except Turnpike Houses or other Buildings erected by Order of the said Trustees,) every Person so offending shall forfeit for every such Offence the Sum of Twenty Pounds to such Person as shall give Information of the same; and it shall be lawful for the said Trustees or any Seven or more of them, by Order under their Hands made at a Meeting or some Adjournment thereof, directed to such Surveyor, to cause such Dwelling Houses, Buildings, Hedges, Ditches, or other Fences to be taken down or filled up at the Expence of the Person or Persons to whom the same shall belong; and it shall and may be lawful for any Justice or Justices of the Peace in and for the County or Place where the Premises shall be situate, upon Proof thereof to him or them made upon Oath (which Oath any such Justice is hereby empowered to administer), to levy as well the Expences of taking down such Dwelling Houses, Buildings, Hedges, and Fences, and filling up of the Ditches aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus to the Owner or Owners, on Demand.

Power to make Causeways, Bridges, Drains, &c.

LXXIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, and such Persons as they shall appoint, by Order of the said Trustees or any Five or more of them, to make and keep in repair, or cause to be made and kept in repair, any Causeway or Causeways, for the Use of Foot Passengers, in, upon, or on the Sides of the said Roads, in such Manner as they shall think proper, and also Ditches or Drains in and upon the said Roads, and also through any Ground lying contiguous or near thereto (not being a Garden, Yard, Paddock, Park, planted Walk or Avenue to a House, or any inclosed Ground planted or set apart as Ornament to a House, without the Consent of the Proprietor thereof first had and obtained in Writing), and to erect, rebuild, and keep in repair all Bridges, Culverts, and Arches upon the

the said Roads, or across any of the Ditches, Watercourses, or Drains, where necessary, and also to make or cause to be made a Road through the Grounds adjoining to any ruinous or narrow Part of the said Roads (not being the Scite or Ground whereon any House or Houses stand, nor being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees), to be made use of by all Passengers, Cattle, and Carriages as a public Highway whilst the old Road is repairing or widening, and till such Time as it shall be convenient for Passengers and Carriages to pass along the same, making such Recompence to the Owners and Occupiers of such private Grounds respectively for the Damages they shall or may thereby sustain as shall be adjudged reasonable by the said Trustees; and in case of any Difference concerning such Damages between such Owners or Occupiers and such Trustees, that then it shall and may be lawful for any Two or more Justices of the Peace acting in and for the County wherein such Grounds shall be situate, on Fourteen Days Notice in Writing being given by either Party to the other, to settle, adjudge, and determine what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid.

Roads to be measured, and Mile-stones set up.

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

Gates to open inwards.

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

LXXVI. And

Persons liable to repair Roads, Bridges, &c. to continue so.

LXXVI. And be it further enacted, That where any particular Part of the said Roads, or any Bridge, Drain, or Sewer, being in and upon the said Roads, which hath been accustomed or ought to be repaired and maintained by any particular Person or Persons, Body Politic or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by any County, or any Parish, Township, or Place therein, every such Part of the said Roads, Bridge, Drain, or Sewers shall from Time to Time be maintained and kept in repair by such Person or Persons, Body Corporate or Politic, County, Parish, Township, or Place, and in such Manner as the same were respectively maintained and kept in repair before the passing of this Act; and it shall and may be lawful for the Justices of the Peace for the County wherein such particular Part of the said Roads, Bridge, Drain, or Sewer shall lie, and they are hereby required and empowered, at their Petty or Special Sessions, upon Application to them made by the said Trustees or any Five or more of them, or their Clerk or Clerks for the Time being, to adjudge and determine where, how, and in what Manner the same from Time to Time shall be maintained and kept in repair.

Statute Labour how regulated.

LXXVII. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace acting within the said County of *Wilts* or the said County of *Somerset* within their respective Jurisdictions, and they are hereby empowered and required, (upon Application made to them for that Purpose by the said Trustees or any Five or more of them, or by their Clerk or Surveyor by their Order,) from Time to Time to adjudge, apportion, and determine what Part or Proportion and how much of the Statute Work or Duty shall every Year be done and performed upon the said Roads by the Inhabitants of the Parishes, Townships, Tythings, Hamlets, Districts, Divisions, or Places in which the said Roads do lie, and also what Proportion and how much of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, Tything, Hamlet, District, Division, or Place, in lieu of or as a Composition for such Statute Work or Duty, shall be by him, her, or them paid to the said Trustees or to their Treasurer; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, Tything, Hamlet, District, Division, or Place to bring in Lists unto and before such Justices, at some Place and Time to be expressed in such Summons (within Ten Days after the serving of such Summons), containing the Names of the several Persons who within such Parish, Township, Tything, Hamlet, District, Division, or Place are by Law subject and liable to do and perform Statute Work or Duty for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work or Duty, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and specifying the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be limited, directed, and appointed by any Law or Statute in force and effect for the Repair of the public Highways; and out of such Lists the said Justices respectively shall or may allot, appoint, order, and direct such and so many of the Persons who shall appear to be subject and liable to Statute Work or Duty as aforesaid to do and perform such Number of Days Statute Work or Duty in every Year upon the said Roads as the said Justices shall think reasonable and proper, and the same shall be done on such Days, and at such Times

Times (not being Seedtime, Haytime, or Harvest), and on such Part or Parts of the said Roads as the said Trustees or any Five or more of them, or their Surveyor or Surveyors for the Time being, shall from Time to Time order, direct, and appoint; and the said Justices may also order, apportion, direct, and appoint the Persons who by such Lists shall appear to be subject or liable to the Payment of any Money in lieu of or as a Composition for Statute Work or Duty as aforesaid to pay such Proportion thereof as the Justices shall think proper to the Surveyor or Surveyors of every such Parish, Township, Tything, Hamlet, District, Division, or Place for the Time being, to be by him or them paid over to the said Trustees or their Treasurer at such Time or Times as the said Trustees or any Five or more of them shall direct, and in default of Payment thereof the same shall or may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized to be recovered; and each and every Person who shall neglect or refuse to do and perform such Statute Work as aforesaid (after Notice in Writing given to or left for him, her, or them at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees,) shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught, Horse or Beast, to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case the Person so coming to work or sending such Labourer as aforesaid shall be subject and liable to the respective Forfeitures and Penalties aforesaid as if he had neglected or refused to come or send a Labourer, or furnish such Team or Draught, Horse or Beast, to work on any Part of the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, Tythings, Hamlets, Districts, Divisions, or Places in which the said Roads lie shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse and neglect to collect and pay such Composition Money or any Part thereof in manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads.

Trustees may compound for Statute Duty.

LXXVIII. And be it further enacted, That it shall and may be lawful for the said Trustees or any Five or more of them, and they are hereby authorized and empowered, to compound or agree, by the Year or otherwise, with any of the Inhabitants or Occupiers of Lands, Tenements, or Hereditaments of or in any of the Parishes, Townships, Tythings, Hamlets, or Places in which the said Roads shall lie and be situate, for a certain Sum of Money in lieu of the whole or any Part of their Statute Work, or to compound with the Surveyor of the Highways for any such Parishes, Townships, Tythings, Hamlets, or Places for the whole or any Part of the

the Statute Work liable to be performed within the same respectively; all which Composition Monies shall be from Time to Time paid in advance, and shall be applied in repair of the said Roads.

For enforcing the Payment of Composition Money.

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

Surveyors, &c. may recover the same.

LXXX. And be it further enacted, That the respective Surveyors of the Highways, or the Churchwardens or Overseers of the Poor, who shall pay any such Composition Money, or of whom the same shall be recovered as aforesaid, shall be repaid or reimbursed the Composition Money paid by or recovered of them respectively, with the Costs and Charges attending such Recovery, by the several Ways and Means and in such Manner as by the Laws in being Surveyors of the Highways are to be repaid or reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Trustees may contract for Repairs.

Contracts to be binding.

LXXXI. And be it further enacted, That the said Trustees or any Five or more of them, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, are hereby empowered to contract with any Person or Persons for making, amending, altering, improving, and maintaining in repair the said Roads or any Part thereof, for erecting Mile and Direction Stones or Posts thereon, or for doing any other Work to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper; and that all Contracts and Agreements in Writing entered into pursuant to any Order of the said Trustees or any Five or more of them, by their Clerk or Clerks, Surveyor or Surveyors, or other Officer, with any Workmen or other Person or Persons, relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Parties or Persons as shall sign the same, his, her, and their Executors and Administrators, and that Actions and Suits shall and may be maintained thereon by the said Trustees, or by their Clerk or Clerks, and in his or their Name or Names respectively, and Damages and Costs recovered against the Party or Person, Parties or Persons, failing in the Performance of such Contracts or Agreements respectively; and such

Sum of Money as shall or may be requisite for making or repairing the said Roads, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damage to be recovered in any such Action or Suit against any such Party or Person, Parties or Persons, so as aforesaid making default in fulfilling his, her, or their Contract or Agreement, any Law or Usage to the contrary in anywise notwithstanding.

Penalties for Offences against the Act.

LXXXII. And be it further enacted, That if any Person or Persons shall ride upon any Footpath or Causeway by the Side of the said Roads made or set apart for the Use or Accommodation of Foot Passengers, or shall lead or drive any Horse, Ass, Mule, Swine, or Cattle or Carriage of any Description, upon any such Footpath or Causeway, or shall cause any Injury or Damage to be done to the same, or the Hedges, Posts, Rails, or Fences thereof, or shall wilfully pull up and damage any Direction or Mile Post or Stone erected or fixed or to be erected or fixed in or near the Side or Sides of the said Roads, or shall obliterate or deface the Letters, Figures, or Marks inscribed thereon, or shall haul or draw or cause to be hauled or drawn upon any Part of the said Roads any Timber, Stone, or other Thing, otherwise than upon Wheel Carriages, or shall suffer any Timber, Stone, or other Thing which shall be carried upon Wheel Carriages to drag or trail upon any Part of the said Roads, to the Prejudice thereof, or shall in or upon any Part of the said Roads, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle, or shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, on any Part of the said Roads, or on the Sides thereof, or on the Banks thereof, or in any exposed Situation near thereto, or play at Football or any other Game or Games upon the said Roads or any Part thereof; or if any Person shall leave any Waggon, Wain, or Cart (except in case of Accident) upon any Part of the said Roads, or on the Side or Sides thereof, longer than may be necessary to load or unload the same, or shall not place the same during the Time of loading or unloading thereof as near to the Side of the Road as conveniently may be, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or shall suffer any Water, Dirt, Matter, or Thing whatsoever to run or flow into or upon the said Roads or Footpaths from any House, Building, Erection, Lands, or Premises adjacent thereto, or if the Surveyor or Surveyors of the said Roads, or any Undertaker or Undertakers for the Repairs thereof or any Part thereof, or any Person acting by or under their Authority, shall lay or cause to be laid upon the said Roads, or the Sides thereof, any Heaps of Stones or other Materials for the Repair thereof or any Part thereof, and shall permit or suffer the same to remain in Heaps longer than shall be necessary for spreading or laying such Stones or Materials over or upon the said Roads; or if any Person shall turn any Horse, Ass, Beast, or Swine upon the said Roads or any Part thereof, or suffer any Horse, Ass, Beast, or Swine to be turned on the said Roads or any Part thereof, or to be or remain thereon or graze or depasture on the Sides thereof; or if any Person driving any Pigs or Swine upon the said Roads shall suffer such Pigs or Swine to root up or damage the said Roads

Roads or any Part thereof, or the Fences, Hedges, Banks, or Copse on either Side thereof respectively; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage used for the carrying of Goods and Merchandize shall ride on the Shafts or any other Part of such Waggon, Cart, Dray, Sledge, or other Carriage, or on any of the Horses drawing the same, upon any Part of the said Roads; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Roads or any Part thereof, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his or her Carriage on the left or near Side of the said Roads; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Coach, Chaise, Waggon, Cart, or other Carriage under his or her Care, upon the said Roads; or if any Person shall, after having blocked or stopped any Cart or other Carriage in going up a Hill or rising Ground, cause or suffer to be or remain on the said Roads or any Part thereof the Stone or other Thing with which such Cart or other Carriage shall have been blocked or stopped; every Person offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds: Provided always, that nothing herein contained shall extend to prevent or hinder the erecting, placing, or putting up any Hurdles, Coops, or Pens for Sheep, Hogs, or Cattle, or any Standings for the vending of Goods or other Purposes on any of the usual Market Days in *Trowbridge* aforesaid, that is to say, on *Tuesday*, *Thursday*, and *Saturday* in every Week, or on the usual Days of holding *Trowbridge* Fair, in any of the Streets through which the said Roads lead, in such Manner as the same hath been heretofore immemorially used and accustomed.

Recovery of Penalties and Forfeitures;

LXXXIII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein otherwise directed,) shall, upon Proof of the Offences respectively before any Justice of the Peace for the County or Place where the Offence shall be committed (as the Case may require), either by the Confession of the Party offending or by the Oath of any credible Witness or Witnesses (which Oath such Justice is in every such Case hereby fully authorized to administer), be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant); and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid, one Moiety to the Informer, and the other Moiety to the Treasurer or Treasurers to the said Trustees, and applied for the Purposes of the said Roads; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines respectively shall not be forthwith paid, it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the House of Correction of the County or Place as aforesaid, or to any Common Gaol within the same, there to remain without Bail or Mainprize for any Time not exceeding One Calendar Month,

and Application thereof.

Month, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

For securing transient Offenders.

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

Form of Conviction.

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

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

Proceedings not to be quashed for Want of Form.

LXXXVI. And be it further enacted, That no Order or Proceeding to be made concerning any Matters in this Act contained, or the Conviction or Convictions of any Offender or Offenders by virtue of this Act, shall be quashed, set aside, or vacated for Want of Form only, nor shall be removed or removable, by Certiorari or otherwise, into any of His Majesty's Courts of Record at *Westminster*; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or any other Proceeding relating thereto; and if any Irregularity shall be afterwards committed by any Person or Persons distraining, he, she, or they shall not on that Account be deemed a Trespasser or Trespassers *ab initio*, but the Party or Parties aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage sustained thereby in an Action upon the Case, but the Plaintiff or Plaintiffs shall not recover in any Action for such Irregularity as aforesaid if Tender of sufficient Amends shall be made by or on behalf of the Party distraining before such Action brought.

Appeal to Quarter Sessions.

LXXXVII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance

suance of this Act, and for which no particular Mode of Relief hath been already appointed, such Person or Persons may, within Fourteen Days next after such Cause of Complaint shall arise, appeal to the Justices of the Peace at their General Quarter Sessions to be holden for the County in which the Cause of Complaint shall arise, unless such Complaint shall arise within Twenty-eight Days preceding such Session, in which Case such Appeal may be brought at the second Session after such Cause shall arise; and the said Justices are hereby authorized and required to take cognizance thereof, and to hear and determine such Complaint or Complaints, and if they see Cause shall and may, by Order of such Session, mitigate, at their Discretion, all or any Part of the Penalties or Forfeitures laid upon or incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Parties at liberty, or otherwise may ratify or confirm the same, with such Costs as to them in their Discretion shall seem reasonable; and the said Justices are hereby authorized and required to levy, by their Order or Warrant, such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same, and for Want of sufficient Distress to commit such Person or Persons to the Common Gaol or House of Correction for such County for any Time not exceeding Six Calendar Months, or until Payment of such Costs: Provided always, that the Person or Persons so appealing as aforesaid shall and is and are hereby required to give Notice in Writing to the Clerk or Clerks of the Trustees, or other the Respondent or Respondents, of such his or their Intention of bringing and prosecuting an Appeal, and of the Matter thereof, Fourteen Days before the said Quarter Session, and shall before such Notice given enter into a sufficient Recognizance before One or more Justice or Justices of the Peace, with Two sufficient Sureties, with Condition to prosecute such Appeal, and to pay all Costs in case such Appeal shall be determined against the Party or Parties so appealing.

Notice of appealing to be given.

Limitation of Actions.

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

Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any Case by Law.

Public Act.

LXXXIX. 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 Term of this Act.

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

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1847.