ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. lxxxvii.

An Act for more effectually repairing the Roads in and leading through and from the Town of *Warminſter*, in the County of *Wilts*. [22d *June* 1815.]

WHEREAS an Act was made in the Thirteenth Year of the Reign of His late Majeſty King *George* the Firſt, intituled *An Act for repairing ſeveral Roads leading from the Town of* Warminſter, *in the County of* Wilts: And whereas another Act was made in the Sixteenth Year of the Reign of His late Majeſty King *George* the Second, intituled *An Act for enlarging the Term and Powers granted by an Act paſſed in the Thirteenth Year of the Reign of His late Majeſty King* George *the Firſt, intituled 'An Act for repairing ſeveral Roads leading from the Town of* Warminſter, *in the County of* Wilts:' And whereas an Act was paſſed in the Fifth Year of the Reign of His preſent Majeſty, intituled *An Act for enlarging the Term and Powers of Two Acts of the Thirteenth of* George *the Firſt, and of the Sixteenth of His late Majeſty, for repairing ſeveral Roads leading from the Town of* Warminſter, *in the County of* Wilts, *and for amending ſeveral other Roads near the ſaid Town; and for repealing ſo much of an Act made in the Firſt Year of the Reign of His preſent Majeſty, for repairing ſeveral Roads therein mentioned, in the ſaid County, as relates to the Road within the Town of* Heyteſbury; *and for other Purpoſes therein mentioned:* And whereas another Act was paſſed in the Thirty-ſecond Year of the Reign of His preſent Majeſty, intituled *An Act for enlarging the Terms and Powers of an Act, of the Fifth Year of His preſent*

13 G. 1. c. 16.

16 G. 2. c. 5.

5 G. 3. c. 62.

32 G. 3. c. 141.

Majeſty, for repairing ſeveral Roads leading from the Town of Warminſter *in the County of* Wilts, *and for amending ſeveral other Roads in or near the ſaid Town; for repairing ſeveral Roads in and leading through the Town of* Warminſter; *for paving and repairing the Footways, and regulating the Market, within the ſaid Town of* Warminſter: And whereas the ſeveral Roads mentioned in the ſaid recited Acts, *videlicet*, The Road leading from the Houſe formerly *Thomas Ludlow*'s and now of *Stephen Francis Phelps*, at the Eaſt End of the ſaid Town of *Warminſter*, through *Boreham*, to and through the Town of *Heyteſbury* to the Direction Poſt where the *Ameſbury* and *Saliſbury* Roads commence; and from the *Lamb Inn* in the ſaid Town of *Warminſter*, to the Houſe now occupied by the ſaid *Stephen Francis Phelps*; and from thence to the Quarries on *Sack Hill* in the ſaid Pariſh of *Warminſter*; and from *Almſhouſe Bridge* in the ſaid Town of *Warminſter*, through *Portway*, to the Stone Quarries on *Summerſdown* in the Pariſh of *Warminſter*; and from the Foot of *Elm Hill* in the ſaid Pariſh of *Warminſter*, through the Pariſh of *Upton Scudamore*, to *Madbrooke* in the Pariſh of *Weſtbury*, in the County of *Wilts*: The Road extending from the Dwelling Houſe of *Margaret Everett* in *Portway*, through *Common Cloſe*, to a Houſe heretofore of *Hippie Edgell* and now of *Suſannah Randall*: The Road from the *Lamb Inn* in the Town of *Warminſter* to the *Caſtle Inn* in the ſaid Town; from the *Caſtle Inn* to the *Bath Arms Inn* at *Crockerton*, and from thence through *Longbridge Deverill* to the Top of *Lords Hill*, and thence through *Pertwood Cow Leaze* to the Direction Poſt at *Eaſt Knoyle*, where the *Shafteſbury* Turnpike Road begins; from the *Bath Arms Inn* at *Crockerton* to the Direction Poſt at the End of *Shute Lane* in the Pariſh of *Horningſham*; from the *Caſtle Inn* in *Warminſter*, to the *Obeliſk* oppoſite the Houſe formerly of *Michael Webb* but now of *Edward Slade*, and from thence to the Turnpike Gate at *Bugley*, which laſt deſcribed Road formerly belonged to the *Frome* Turnpike Road; from the ſaid *Obeliſk* to *Warminſter* Church Yard Gate, which laſt deſcribed Road formerly belonged to the Turnpike Road leading from *Warminſter* and *Frome* towards *Bath*: The whole of the Road called *Back Lane* in the Pariſh of *Warminſter*: The whole of the Road called *Pound Street*, beginning at the Blackſmith's Shop belonging to *Nathaniel Whittock*, and extending to the Turnpike Gate in the ſame Street, and Two Furlongs beyond the ſame Gate, and from the Pound in the ſame Street to the Brewhouſe of *Benjamin Buckler*: The Road branching Southward from *Boreham*, through *Biſhopſtrow* over *Sutton Veney Common*, through the Pariſh of *Sutton Veney*, to the Chapel at *Tytherington* within the Pariſh of *Heyteſbury*; together with the ſeveral Footways herein-after mentioned; *videlicet*, From the *Eaſt Gate* to the *Obeliſk*, and from thence to the Church from or near the *Obeliſk* to the Houſe in Poſſeſſion of *John Bleeck* at the Weſt End of *Warminſter*; from the Weſt End of *Chain Street* to the Bottom of *Back Lane*, and through the ſame from *Almſhouſe Bridge* to the *North Gate*; from *Portway* through *Common Cloſe*, to a Houſe in the Poſſeſſion of *Suſannah Randall*, and from thence through the Lane at the Back of ſeveral Tenements belonging to *Ann Edwards*, into the *High Street*, at or near a Houſe called *The Hovel*; from the Market Place to a Houſe in the Poſſeſſion of *John Robinſon* in *Meeting Houſe Lane*, from the Entrance of *Chapel Lane* to *Lawrence Mead Bridge*, and from the North End of *Pound Street* to the Turnpike Gate there; and from *Silver Street*, at the Houſe of *James Davis* through *Aſhes*

The Roads deſcribed;

and Footways.

Aſhes to the Church Yard Gate; are the ſeveral Roads and Footways comprized in this and the before recited Acts for the Purpoſe of being amended, widened, pitched, paved, and kept in Repair: And whereas the Truſtees appointed in and by virtue of the ſaid recited Acts have put the ſame in Execution, and have for that Purpoſe, in purſuance of the Powers to them thereby given, borrowed conſiderable Sums of Money to the Amount of Five thouſand Pounds, which are ſtill due and owing on the Credit of the Tolls thereby granted; and which Sums of Money cannot be paid off, nor can the ſaid Roads be properly widened, altered, repaired, and improved, unleſs the Term of the ſaid Acts be extended, and further Powers granted to the ſaid Truſtees for that Purpoſe: And whereas the Powers and Proviſions granted and contained by and in the ſaid recited Acts have been found in many Reſpects defective and inſufficient; and it would be more convenient to the Truſtees and beneficial to the ſaid Road if the ſaid recited Acts were to be repealed, and further and more effectual Powers granted in lieu thereof: And whereas it would be of great Advantage to the ſeveral Perſons who have lent Money on Security of the Tolls collected by the Authority of the ſaid Acts, and of ſuch Perſons who may hereafter advance or lend any Money on Security of the Tolls to be collected on the ſaid Road, if a Fund were to be eſtabliſhed for the gradual Redemption of ſuch Debts; but the Purpoſes aforeſaid cannot be obtained without the Aid of Parliament; May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That on the Third Day of *July* One thouſand eight hundred and fifteen, the ſaid recited Acts paſſed in the Thirteenth Year of the Reign of *George* the Firſt, of the Sixteenth Year of the Reign of His late Majeſty, and of the Fifth and Thirty-ſecond Years of the Reign of His preſent Majeſty, ſhall be and the ſame are hereby declared to be repealed; and that inſtead thereof this Act ſhall from thenceforth commence and take Effect and be put into Execution, for and during the Term herein-after mentioned, for the Purpoſe of more effectually amending, widening, altering, improving, pitching, paving and keeping in Repair the ſaid Roads and Foot Ways, and for other the Purpoſes of this Act; and that this Act and the Tolls hereby granted ſhall be and they are hereby made ſubject and liable to the Payment of all Monies which have been borrowed or are now due and owing on the Credit of the Tolls authorized by the ſaid recited Acts to be taken on the ſaid Road, and of all Monies which may hereafter be borrowed on the Credit of the Tolls hereby granted, and all Intereſt due and to grow due thereon reſpectively.

Former Acts repealed.

This Act to be executed inſtead thereof.

II. And be it further enacted, That the Repreſentatives in Parliament for the County of *Wilts* for the Time being, the Repreſentatives in Parliament and Recorder for the Time being of the Borough of *Weſtbury* in the County of *Wilts*, and the Repreſentatives in Parliament and the Bailiff for the Time being of the Borough of *Heyteſbury* in the County of *Wilts*, the Right Honourable *Webb John Seymour* commonly called Lord *Webb Seymour*, the Right Honourable *George Thynne* commonly called Lord *George Thynne*, the Right Honourable *John Thynne* commonly called Lord *John Thynne*, Sir *William Peirce Aſhe A'Court* Baronet, *Francis Dugdale Aſtley*, *John Dugdale Aſtley*, *Charles Aldridge*, *Richard Aldridge*, *Thomas Aldridge*, *Cuthbert Armſtrong*, *James*

Truſtees appointed.

James Allies, *James Bayly*, *James Buckler Bayly*, *William Bayly*, *Thomas Buckler*, *Benjamin Buckler*, *John Buckler*, *Nathaniel Barton*, *Stephen Brown*, *Robert Butt*, *John Bleeck*, *Uriah Brodribb*, *Alexander Buckler*, *John Cockell*, *James Cockell*, *John Davis*, *John Davis* junior, *William Davis*, *John Dampier* Clerk, *Matthew Davies*, *Thomas Davis*, *John Crowch*, *Thomas Chandler*, *John Crocker*, *John Gale Everett*, *William Marven Everett*, *Benjamin Everett*, *John Everett*, *Nathaniel Everett*, *Francis Everett*, *Thomas Everett*, *Thomas Evans*, *William Evans*, *James Eyres* Clerk, *Isaac Frowd* Clerk, *Isaac Flower*, *Thomas Flower*, *Ambrose Goddard*, *Charles Gordon Gray*, *Henry Goddard* Clerk, *John Griffith* Doctor in Divinity, *John Green*, *Henry Gabell* Doctor in Divinity, *Edmund Halliday*, *William Hinton*, *John Hayter*, *Thomas Hinton*, *Edward Hinton*, *John Hughes*, *William Hughes*, *Robert Herbert* Clerk, *Giles Halliday*, *Jarvis House*, *William Hillier*, *Stephen Hunt*, *William Bust Hughes*, *William King*, *Samuel Long*, *George Lye*, *Edmund Lye*, *Benjamin Lye*, *Aylmer Bourke Lambert*, *James Ludlow*, Sir *John Lethbridge* Baronet, *Thomas Lampard*, *Francis Stephen Long*, *John Lamb*, *Edward Middlecott*, *Uriah Messiter*, *Thomas Luke Meech*, *John Morgan*, *Thomas Henry Hele Phipps*, *Stephen Francis Phelps*, *Charles Pressly*, *John Methuen Rogers* Clerk, *Benjamin Rebbeck*, *William Royse* Clerk, *Michael Rowlandson* Clerk, the Honourable *Edward Seymour* Clerk, *James Charles Still*, *John Still* Clerk, *Thomas Seagram*, *Edward Frowd Seagram* Doctor in Medicine, *William Seagram*, *Edward Slade*, *George Smith* Clerk, *William Slade* Clerk, *Francis Skurray* Clerk, *William Slade*, *John Thring*, *Roger Townsend*, *William Temple*, *Henry Penruddocke Wyndham*, *Thomas Warren*, *Peter Warren*, *George Warren*, *William Williams* Clerk, *James Anthony Wickham*, *Henry Wansey*, *Henry Wansey* junior, *George Wansey*, *James Wilton*, *David Williams* Clerk, *William Wilton*, and *John Woodyear*, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for surveying, ordering, altering, turning, widening and keeping in Repair all the said Roads herein mentioned, and for putting this Act into Execution.

On Death or Disqualification of Trustees, others to be chosen.

Notice of Election to be given.

III. And be it further enacted, That when and as often as any of the Trustees herein-before named or to be elected as herein-after mentioned shall die or become unqualified to act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, at a Meeting to be held for that Purpose, to appoint by Ballot One or more fit Person or Persons resident in the Counties of *Wilts* and *Somerset*, or One of them, to be a Trustee or Trustees in the Place of every Trustee so dying or becoming unqualified to act; and thereupon Notice of the Time and Place of Meeting for the Election of all such new Trustees shall be fixed on the Town Hall in *Warminster*, and also be published in the *Salisbury* and *Winchester Journal* or other Paper, to be published within the County of *Wilts* aforesaid, at least Twenty-one Days before every such Meeting for such Election; and all and every Person and Persons being qualified as herein-after mentioned, who shall be so appointed, shall be and he and they is and are hereby vested with the same Powers and Authorities for putting this Act into Execution, as if he or they had been named in and appointed a Trustee or Trustees by this Act.

Appointing additional Trustees.

IV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, within the Space of Three Months after the passing of this Act, to elect any Number of Persons,

ſons, by Ballot, not exceeding Twenty-five in the whole, of which Number Fifteen ſhall be reſident in the County of *Wilts*, and Ten ſhall be reſident in the County of *Somerſet*, to be Truſtees for executing this Act, in addition to the Truſtees hereby nominated or appointed, and ſuch Truſtees ſo elected, and being duly qualified, ſhall be and are hereby inveſted with ſuch and the ſame Powers and Authorities for executing this Act, as if they had been hereby nominated and appointed.

Qualification of Truſtees.

V. And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs at the Time of his acting therein he ſhall in his own Right, or in the Right of his Wife, be ſeized, or be in the actual Poſſeſſion and Enjoyment and Receipt of the Rents and Profits of a Real Eſtate or Hereditaments of the clear Yearly Value of One hundred Pounds, over and above Reprizes, or be the Heir Apparent of a Perſon ſeized of an Eſtate in Lands of the Yearly Value of Two hundred Pounds, or poſſeſſed of a Perſonal Eſtate to the Amount or Value of Two thouſand Pounds over and above Reprizes; and every Truſtee herein-before named and appointed, and that ſhall be elected in Manner aforeſaid, ſhall be incapable of acting as a Truſtee in the Execution of this Act (except in adminiſtering the Oath herein-after mentioned, at the Firſt Meeting after the paſſing of this Act), until he ſhall have taken, at ſome Meeting of the ſaid Truſtees to be held purſuant to this Act, (and at which Meeting not leſs than Five Truſtees duly qualified ſhall be preſent), and ſhall alſo have ſubſcribed in a Book to be kept for that Purpoſe, an Oath or Affirmation in the Words or to the Effect following; (that is to ſay),

Oath of Truſtees.

'I *A. B.* do ſwear, (*or, being one of the People called Quakers*, do ſolemnly affirm), That I am truly and *bonâ fide* in my own Right, or in the Right of my Wife, ſeized or am in the actual Poſſeſſion or Enjoyment or Receipt of the Rents and Profits of Real Eſtate or Hereditaments of the clear Yearly Value of One hundred Pounds, over and above Reprizes; or am Heir Apparent of a Perſon ſeized in an Eſtate of Lands of the Yearly Value of Two hundred Pounds; or am poſſeſſed of a Perſonal Eſtate of the Amount or Value of Two thouſand Pounds, over and above Reprizes.' So help me GOD.'

Penalty for acting if not qualified.

Which Oath or Affirmation any One of the ſaid Truſtees or their Clerk, at any ſuch Meeting is hereby empowered to adminiſter; and if any Perſon ſhall preſume to act as a Truſtee in the Execution of this Act, without having taken and ſubſcribed ſuch Oath and Affirmation in Manner aforeſaid, 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, in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or otherwiſe: Provided nevertheleſs, that all Acts and Proceedings which ſhall have been done and performed touching the Execution of this Act, by any ſuch Perſon previous to his being convicted of the Offence before mentioned, ſhall notwithſtanding ſuch Conviction be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act.

Acts of Truſtees not qualified valid before Conviction.

Truſtees not to act when intereſted.

VI. And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, during the Time he ſhall hold, either in his own Name or in the Name of any other Perſon for his Benefit, any Place, or receive any Profit, or ſhall be directly or indirectly

the Farmer or Renter of the Tolls hereby granted, or Contractor or concerned in any Bargain or Agreement for the repairing or otherwiſe concerning the Roads comprized in this Act, nor ſhall he act or vote in any Caſe wherein he ſhall be perſonally intereſted, (otherwiſe than as a Creditor), nor act as a Truſtee at any Meeting which he ſhall attend to tranſact Buſineſs as Agent for any other Perſon.

First Meeting of Truſtees.

VII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet at the *Angel Inn* in *Warminſter* in the ſaid County of *Wilts*, on the Third Day of *July* One thouſand eight hundred and fifteen, 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 ſhall at ſuch Meeting proceed to the Execution of this Act, and ſhall from Time to Time afterward meet at the ſame or any other Place, within the Town of *Warminſter* aforeſaid, as often as they ſhall think fit, and ſhall and may from Time to Time adjourn any ſuch Meeting to a future Time, at the ſame Place or at ſome other convenient Place near to the ſaid Road as they ſhall think proper, for putting this Act in Execution; and if it ſhall happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of Truſtees to act or to adjourn, (and Two Truſtees ſhall be ſufficient for the Purpoſe of adjourning only), then the Clerk to the ſaid Truſtees ſhall adjourn the ſaid Meeting to, and appoint the Truſtees to meet on that Day Month at the ſame Place, and ſhall cauſe Notice thereof to be affixed on all the Turnpike Gates at leaſt Ten Days before ſuch Meeting; and in caſe no Adjournment, Notice, or Appointment ſhall be made or given by the Clerk or Treaſurer, then it ſhall be lawful for any Five or more of the Truſtees to cauſe Notice in Writing to be affixed upon all the Turnpike Gates, appointing the Truſtees to meet at ſuch Time and Place as they ſhall think proper, not exceeding as to Time Twenty-one Days, nor being leſs than Ten Days from the Time of affixing ſuch Notice; and that the ſaid Truſtees at all their Meetings ſhall defray their own Charges and Expences, except in paying for the Uſe of the Room or Rooms where their Meetings ſhall from Time to Time be held for the Purpoſes of this Act, and which ſhall be paid for out of the Monies to ariſe by virtue of this Act, ſo that the ſame ſhall not exceed the Sum of Twenty Shillings at each Meeting.

Truſtees to bear their own Expences.

Power to call intermediate Meetings.

VIII. And be it further enacted, That if after any adjourned Meeting of the ſaid Truſtees, made either by themſelves or their Clerk, it ſhall be thought neceſſary by Five or more of the Truſtees, upon ſome Emergency, that there ſhall be an earlier Day of Meeting than the Day appointed by ſuch Adjournment, in that Caſe the Clerk of the ſaid Truſtees, on an Order in Writing to be delivered to him ſigned by any Five or more of the acting Truſtees although not aſſembled at a Meeting, ſhall forthwith give Notice of ſuch Meeting by Writing to be affixed on all the Turnpike Gates then erected upon the ſaid Road, at leaſt Five Days before ſuch Meeting, mentioning the Time and Place and Purpoſe of ſuch Meeting, as ſpecified in the ſaid Order, and the Proceedings of the Truſtees at all ſuch Meetings, reſpecting the Matters contained in ſuch Notice, ſhall be as valid and effectual to all Intents and Purpoſes as if ſuch Meeting had been held in purſuance of Adjournment: Provided always, that no further or other Buſineſs ſhall be entered upon or taken into Conſideration at any ſuch Meetings ſo to be called upon any ſuch Emergency as aforeſaid, than

ſuch

ſuch as ſhall have been ſet forth in the Order and Notice for calling ſuch Meetings.

The Majority of Truſtees aſſembled to concur in all Orders.

IX. And be it further enacted, That all the Orders and Determinations of the ſaid Truſtees ſhall be made at Meetings to be held in purſuance of this Act, and not otherwiſe, (except as herein mentioned), and no Order or Determination ſhall be made unleſs the major Part of the Truſtees preſent at any Meeting ſhall concur therein; and all ſuch Truſtees as are or may become Juſtices of the Peace may act as Juſtices in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſes where they ſhall be perſonally intereſted.

Truſtees being Juſtices of the Peace may act as ſuch.

How Orders of Truſtees may be revoked or altered.

X. And be it further enacted, That no Order made by the ſaid Truſtees ſhall be revoked or altered unleſs the Number of Truſtees revoking or altering the ſame ſhall exceed the Number of Truſtees by whom ſuch Order ſhall be made, and unleſs Twenty-one Days Notice ſhall be given by Five Truſtees to the Clerk to the ſaid Truſtees, of their Deſire to have a Meeting, at a Time and Place to be mentioned in ſuch Notice, for the Purpoſe of taking into Conſideration the ſaid Order, with a view to revoke or alter the ſame, or that it will be propoſed to revoke or alter ſuch Order at the next adjourned Meeting, and in ſuch caſe Notice ſhall be given by the Clerk Fourteen Days at the leaſt before ſuch Meeting to ſuch Truſtees as were preſent when the Order was made, of the Intention to revoke or alter any ſuch Order.

Proceedings of Truſtees to be entered in a Book.

XI. And be it further enacted, That all Orders, Reſolutions, and Proceedings of the ſaid Truſtees, made and entered into at their ſeveral Meetings, and the Names of the Truſtees preſent at each Meeting, ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſuch Orders and Proceedings ſo entered ſhall be ſigned by a competent Number of the Truſtees ſuch as the Caſe ſhall require, and which ſaid Book or Books, and alſo the Book or Books as herein-after directed to be kept for the regiſtering the Mortgages and Transfers thereof, ſhall be deemed to be Originals, and ſhall be admitted as Evidence in all Courts whatſoever.

Power to appoint Officers who are to account upon Oath.

XII. And be it further enacted, That the Clerk, Treaſurer, Surveyor, and other Officers already appointed by virtue of the ſaid recited Acts, ſhall continue in Office until they ſhall die, reſign, or be removed by the ſaid Truſtees, or any Seven of them at a Meeting to be held for that Purpoſe, and ſhall have the like Power in all reſpects as if they had been appointed by the ſaid Truſtees, or any Seven or more of them, by virtue of this Act, and that the ſaid Truſtees, or any Seven or more of them, by any Writing or Writings under their Hands, may appoint any new Clerk, Treaſurer, Surveyors, Toll Collectors, and other Officers as they ſhall think neceſſary to employ in the Execution of this Act, and may from Time to Time remove any ſuch Officers or other Perſons from Time to Time, and out of the Monies to ariſe by virtue of this Act, may allow and pay ſuch Salaries and make ſuch Allowances to ſuch Officers and other Perſons for their Services, as to the ſaid Truſtees, or any Seven or more of them, ſhall ſeem reaſonable; and all and every ſuch Treaſurer, Surveyor, Toll Collector, and other Officer of the ſaid Roads, ſhall from Time to Time when thereunto required by the ſaid Truſtees, or any Seven or more of them, deliver to ſuch Truſtees or to ſuch Perſon

or

or Perſons as they ſhall appoint, a true and perfect Account in Writing under their reſpective Hands of all Monies which ſhall have been by them reſpectively had, collected or received, and how, when, and to whom and for what Purpoſes the ſame and every Part thereof have or hath been applied or diſpoſed of, together with proper Vouchers and Receipts for ſuch Payments, and all ſuch Officers and Perſons ſhall and they are hereby required to pay all ſuch Monies as ſhall appear to be in their reſpective Hands to ſuch Perſon or Perſons as the ſaid Truſtees ſhall appoint to receive the ſame; and if any ſuch Officers or Perſons ſhall refuſe or neglect to render ſuch Accounts, or deliver up the Vouchers, or to pay the Balance remaining in his or their Hands when thereunto required in Manner aforeſaid, or if any ſuch Officers or Perſons ſhall refuſe or neglect to deliver up all Books, Accounts, Papers, and Writings in their reſpective Cuſtody or Power, any ways relating to the Execution of this Act, and Complaint ſhall be made of any ſuch Refuſal or Neglect to any Juſtice of the Peace, ſuch Juſtice may and he is hereby authorized and required by Warrant under his Hand and Seal to cauſe ſuch Officer or Officers, Perſon or Perſons, to be brought before him, and upon his, her, or their 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 or Accounts, if produced, in ſuch Manner as the ſaid Truſtees, or any Seven or more of them, might have done; and if upon Confeſſion of the Officer or Officers, Perſon or Perſons againſt whom any ſuch Complaint ſhall be made, or by the Oath or Oaths of any Witneſs or Witneſſes, or upon Inſpection of the ſaid Accounts 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 ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice may and he is hereby authorized and required upon Non-payment thereof by Warrant under his Hand and Seal to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively, and if no Goods or Chattels can be found ſufficient to ſatisfy the ſaid Money and attendant Charges, or if ſuch Officer or Officers or other Perſon or Perſons ſhall not appear before the ſaid Juſtice, unleſs for ſome ſufficient Excuſe at the Time and Place by him appointed for that Purpoſe, or if appearing ſhall refuſe or neglect to give and deliver to ſuch Juſtice an Account or Accounts of all Receipts and Payments as aforeſaid, or to produce and deliver up to the ſaid Juſtice the ſeveral Vouchers and Receipts relating to ſuch Accounts reſpectively, or the Books, Accounts, Papers, and Writings in his or their Cuſtody or Power relating to the Execution of this Act, or to the ſaid Road, then and in either of the Caſes aforeſaid, the ſaid Juſtice may and he is hereby authorized and required by a Warrant or Warrants under his Hand and Seal to commit ſuch Officer or Officers, Perſon or Perſons to the Common Gaol of the County or Place where he or they ſhall live or reſide, there to remain without Bail or Mainprize, until he or they ſhall have delivered and ſettled his, her, or their Accounts, and have verified the ſame on Oath, and ſhall have delivered up the Vouchers and Receipts relating thereto, and ſhall have paid all the Money which ſhall appear to be in his, her, or their reſpective Hands, and the reaſonable Charges of ſuch Diſtreſs and Sale as ſhall in that reſpect have been made, or until he, ſhe, or they ſhall have compounded with the ſaid Truſtees, or any Seven or more of them for the ſame, and ſhall have paid the Compoſition Money to the ſaid Truſtees, or any Seven or more of them,

them, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees, or any Seven or more of them, are hereby empowered to make): Provided always, that no such Officer or Officers, Person or Persons who shall be committed for want of sufficient Distress shall be detained in Prison for a longer Space of Time than Six Calendar Months.

Trustees may appoint Collectors,

though not at a Public Meeting.

XIII. Provided always, and be it enacted, That as often as any Collector of the said Tolls shall die or be incapable of performing his Duty, it shall be lawful for the Treasurer, and any Five or more of the said Trustees, though not assembled at any Meeting in pursuance of this Act, by any Writing under his or their Hands, to appoint any other Person to collect such Tolls; and the Person so appointed shall have the same Authority for the Recovery thereof as the Person he shall succeed was vested with, until the said Trustees, or any Seven or more of them, shall at a Meeting held by virtue of this Act, appoint a Collector of such Tolls.

No Trustees to vote in the Election of any Officer unless he shall have acted within a certain Period.

XIV. And be it further enacted, That no Trustee shall have any Voice in the Election or Appointment of any Officer or Person to hold any Office or Place of Trust or Profit under this Act, by whatsoever Name he shall be described or called, unless such Trustee shall have been present at one or more Meeting or Meetings held in pursuance of this Act or of the said former Acts, and have acted as a Trustee within Two Years preceding the Death, Resignation, or Removal of the last Officer; and the Presence of such Trustee at such Meeting or Meetings as aforesaid, shall be ascertained by his Name appearing in the Book or Books kept for the Purpose of entering all Proceedings of the Trustees: Provided always, that no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, nor any menial Servant of any Trustee, shall be capable of holding any Place of Profit under this Act.

Treasurer to give Security.

XV. And be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby authorized and required to take sufficient Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due and faithful Execution of his and their said Office or Offices.

Actions to be brought in the Name of the Treasurer or Clerk, but neither of them to be liable to the Payment.

XVI. And be it further enacted, That in all Actions, Causes, Suits, Bills, Plaints, Indictments, Prosecutions, Trials or Proceedings at Law, to be had, brought, prosecuted, or defended in pursuance of this Act, the said Trustees shall sue and also shall be sued either in the Name or Names of their Treasurer or Clerk, and no such Action or Proceeding shall abate or be discontinued by the Death or Removal of the Person in whose Name or against whom the same shall be brought or defended, or by the Act of such Treasurer or Clerk, without the Consent of the said Trustees, or any Five or more of them, but that the Treasurer or Clerk to the said Trustees for the Time being shall always be deemed the Plaintiff or Defendant in every such Action or Suit: Provided always, that the Treasurer or Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages and Expences as by the Event or in consequence of any such Action

or Proceeding, he ſhall be put unto or become chargeable with by reaſon of his being ſo made Plaintiff or Defendant.

Turnpikes to be continued and erected.

XVII. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, may and they are hereby authorized and empowered to continue all or any of the Turnpikes now ſtanding upon or acroſs the ſaid Road, or on the Sides thereof, and may alſo cauſe to be erected any other or additional Turnpikes upon or acroſs any Part of the ſaid Road, or acroſs any Lane or Way leading into or near the ſame, as they ſhall think fit; provided ſuch Turnpike Gate or Gates ſhall not be erected acroſs any Lane or Way at a greater Diſtance than Fifty Yards from the aforeſaid Turnpike Roads comprized in this Act; and may alſo erect a Toll Houſe at each Turnpike, or at ſuch of them, as they ſhall think neceſſary, with ſuitable Out-buildings thereto; and may alſo take in and incloſe on the Sides of the ſaid Road, convenient Garden Spots to each Toll Houſe not exceeding One Quarter of an Acre, and may alſo take down and remove all or any or either of ſuch Toll Houſes, Turnpikes, and Side Gates which have been erected or ſhall be erected by virtue of the ſaid recited Acts and this Act, as they the ſaid Truſtees ſhall ſee Occaſion, and erect others in the Place thereof, or at ſuch other Place or Places as they ſhall think proper.

That no Turnpike ſhall be erected acroſs the Road within a certain Diſtance of Heyteſbury, or acroſs the Road leading from Bugley to Chain Street, or from Mr. Slade's Houſe to the Church Yard Gate. But Side Gates may be erected.

XVIII. And be it further enacted, That no Turnpike Gate ſhall be erected acroſs the Road which leads from *Warminſter* to the Direction Poſt where the Roads divide which lead to *Saliſbury* and *Ameſbury*, within the Diſtance of One Mile from the Town of *Heyteſbury*, or acroſs any Part of the ſaid Road which leads from the Houſe late of *Robert Bleeck*, but now of *John Bleeck*, to the *Frome* Turnpike Road at *Bugley*; or any Part of the ſaid Road leading from the ſame Houſe to the Weſt End of *Chain Street* in *Warminſter* aforeſaid; or acroſs any Part of the ſaid Road from or near the ſaid Houſe of the late *Michael Webb*, and now of *Edward Slade*, to the Church Yard Gate in *Warminſter* aforeſaid: Provided always, that the Truſtees ſhall not be reſtrained from erecting any Number of Side Gates which they ſhall think fit, upon any Part or Parts of the ſaid laſt-mentioned Roads, to prevent Perſons from evading the Payment of the Tolls hereby granted, or any Part or Parts thereof, any Thing herein contained to the contrary notwithſtanding.

Property of Turnpikes, Pavements, &c. veſted in Truſtees.

XIX. And be it further enacted, That the Right and Property of all the Turnpikes, Toll Houſes, Buildings, Lamps, Toll Gates, Bars, Toll Boards, Mile Stones, Direction Boards, Poſts, Rails, and Fences, Pavements, Curb Stones, and Pitchings, which already have been uſed, or which may from Time to Time hereafter be uſed, furniſhed, and ſet up on the Roads and Footways comprized in this Act; and the Materials which have been or ſhall be provided for the repairing of the ſaid Roads, and alſo all the Carts, Carriages, Tools, Barrows, and Implements of Labour uſed in the Repair of the ſame Roads and Pavements, and other Requiſites already or hereafter to be provided for the Uſe and Benefit of the ſaid Truſt; and all Books, Deeds, Writings, Maps, and Papers relating to the ſaid Roads ſhall be and they are hereby veſted in the ſaid Truſtees, and they or any Five or more of them, are hereby empowered to diſpoſe thereof, and to bring any Action, or to prefer any Indictment, or to proceed in

a ſummary

a ſummary Way before any one Magiſtrate of the County in which the Offence ſhall be committed, againſt any Perſon or Perſons who ſhall purloin, ſteal, and carry away, break down, injure, or ſpoil the ſame, or any Part thereof, or diſturb the ſaid Truſtees, their Agents or Servants in the Poſſeſſion thereof, and the ſaid Truſtees may lay the Property thereof in the Name of their Treaſurer or Clerk.

Power to ſell Toll Houſes.

XX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, abſolutely to ſell and diſpoſe of any Toll Houſe or Toll Houſes now or hereafter to be erected, and the Ground whereon the ſame ſhall ſtand, with the Out Houſes, Gardens, and Appurtenances thereto belonging (when they ſhall be conſidered by the ſaid Truſtees, or any Seven or more of them, to be uſeleſs and unneceſſary for the Purpoſes of this Act) to any Perſon or Perſons whomſoever, either by public Auction or private Sale, at or for ſuch Price or Prices as they the ſaid Truſtees, or any Seven or more of them, can obtain for the ſame; and in caſe of Sale to convey the ſaid Toll Houſes, Gardens, and Appurtenances to the Perſon or Perſons who ſhall purchaſe the ſame, as an Eſtate or Eſtates of Inheritance in Fee Simple; and the Perſon or Perſons who ſhall purchaſe the ſame, his, her, or their Heirs or Aſſigns, ſhall upon Payment of his, her, or their Purchaſe Money to the ſaid Truſtees, or to any Five or more of them, or to their Treaſurer or Treaſurers for the Time being, hold and enjoy the Premiſes by him, her, or them ſo purchaſed, diſcharged from all Truſts, and freed from all Incumbrances whatſoever, and ſhall not be obliged to ſee to the Application of his, her, or their Purchaſe Money, nor be anſwerable for the Miſ-application or Non-application thereof.

Leaſe under former Acts to remain valid.

XXI. Provided always, and be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend to prejudice, determine, or make void the Leaſe of the Tolls made and entered into by the ſaid Truſtees under and by virtue of the Powers contained in the ſaid recited Acts, nor any of the Powers, Proviſions, Covenants, Clauſes, Matters, or Things contained in the ſaid Leaſe; nor any Bond or Obligation made and entered into by the Leſſees of ſuch Tolls or other Perſon or Perſons in reſpect thereof, but the ſame and every Part thereof ſhall be of Force, Effect, and as valid in every reſpect, as if ſuch Leaſe, Bond, or Obligation were made and entered into under and by virtue of the Powers contained in this Act, and the Tolls now payable and received at the Gates erected on and by the Side of the ſaid Road, ſhall continue to be paid and received until the Expiration of the ſaid Leaſe.

XXII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, or for any Perſon or Perſons to be appointed by virtue of this Act, Leſſee or Leſſees, Farmer or Farmers, Collector or Collectors as aforeſaid, acting under and ſubject to their Order, to demand and take the ſeveral Tolls and Duties following, at each and every of the reſpective Turnpikes or Toll Gates, or Turnpike or Toll Gate, or Side Bar or Side Gate already erected, or which ſhall be erected in, upon, acroſs, or on the Side of the ſaid Road by virtue of this Act, and on every Day (ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night); that is to ſay,

For

Tolls.

For every Horſe, Mare, Gelding, Mule, Aſs, or other Beaſt drawing every Coach, Berlin, Landau, Phaeton, Chariot, Chaiſe, Curricle, Hearſe, Calaſh, or Chaiſe Marine, and every other ſuch like Carriage, the Sum of Sixpence:

For every Horſe, Mare, Gelding, Mule, Aſs, or Pair of Oxen drawing every Waggon, Wain, Cart, or every other ſuch like Carriage, the Sum of Sixpence:

For every Horſe, Mare, Gelding, Mule or Aſs, or other Beaſt of Burden, laden or unladen, and not drawing, the Sum of Two-pence:

For every Score of Oxen, Cows, or Neat Cattle, the Sum of One Shilling, and ſo in Proportion for any greater or leſs Number:

For every Score of Calves, Swine, Sheep, or Lambs, the Sum of Ten-pence, and ſo in Proportion for any greater or leſs Number:

And the ſaid reſpective Tolls ſhall be demanded and taken before any Horſe, Mare, Gelding, Mule, Aſs, Ox, Beaſt, or other Cattle whatſoever, or any Coach, Landau, Chariot, Phaeton, Chaiſe, Waggon, Cart, or other Carriage whatſoever be permitted to paſs through any ſuch Turnpike or Toll Gate, Side Bar or Side Gate.

Tolls to be paid only once a Day.

XXIII. Provided always, and it is hereby further enacted and declared, That no Perſon or Perſons who ſhall have paid the Tolls hereby granted, at any Turnpike to be erected acroſs or on the Sides of the ſaid Roads, ſhall be ſubject or liable to the Payment of any further or other Tolls, for paſſing or repaſſing any Time or Times through the ſame, or any other Turnpike or Turnpikes to be erected as aforeſaid, with the ſame Horſe, Mare, Gelding, or other Cattle, Coach, Waggon or other Carriage, on the ſame Day, before Twelve of the Clock at Night, ſuch Perſon or Perſons producing a Ticket denoting that the ſaid Toll has been paid, which Ticket ſhall ſpecify and name the Turnpikes cleared thereby, and which Ticket the ſaid Collector and Collectors is and are hereby required to give *gratis* on the Receipt of ſuch Toll.

Power of Diſtreſs.

XXIV. And be it further enacted, That the ſaid reſpective Tolls or Sums of Money ſhall be veſted in the ſaid Truſtees, and applied as herein-after directed; and if any Perſon or Perſons ſubject to the Payment of any or either of the ſaid Tolls, ſhall after Demand thereof made, either at the Turnpike where ſuch Toll ſhall be collected, or immediately after paſſing through the ſame, neglect or refuſe to pay the ſaid Tolls or any Part thereof, it ſhall be lawful for the Perſon or Perſons appointed to collect ſuch Tolls by himſelf, or themſelves, or taking ſuch Aſſiſtance as he or they ſhall think neceſſary, to ſeize and diſtrain any Horſe or Horſes, or other Cattle in reſpect whereof ſuch Tolls are payable, together with their Bridles, Saddles, Gears, Harneſs, or Accoutrements, or their Saddles, Gears, Harneſs, or Accoutrements only; and if ſuch Tolls and the reaſonable Charges of ſuch Seizure and Diſtreſs, ſhall not be paid within the Space of Four Days next after the Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining, ſhall and may ſell the Horſe or Horſes, Cattle, Carriage or Thing ſo ſeized and diſtrained, or a ſufficient Part thereof, returning the Overplus of the Money (if any be), and what ſhall remain unſold, on Demand, to the Owner thereof, after ſuch Tolls and the reaſonable Charges occaſioned by ſuch Seizure, Diſtreſs and Sale ſhall be deducted.

XXV. And

Collectors of Tolls not incompetent Witneſſes.

XXV. And be it further enacted, That in caſe any Diſpute or Suit ſhall ariſe relating to the ſaid Tolls, or any of them, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not be diſqualified from giving Evidence in any ſuch Diſpute or Suit, by reaſon of being appointed to collect ſuch Tolls, or acting under ſuch Authority as aforeſaid.

For preventing Toll Collectors from taking undue Tolls.

XXVI. And be it further enacted, That all and every Toll Collector, being Leſſee of the ſaid Tolls, or appointed either by the ſaid Truſtees, or any Seven or more of them, 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 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, 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 demand, or take a greater or leſs Toll from any Perſon than he ſhall be authorized to do by virtue of the Powers of this Act, or of the Orders and Reſolutions of the Truſtees made in purſuance of the ſame Powers, or who ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof, and claiming ſuch Exemption, or ſhall refuſe to permit or ſuffer, or ſhall in anyways hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname, to any Perſon or Perſons who ſhall demand the ſame, on having paid the ſaid Tolls, or any of them, or ſhall in anſwer to ſuch Demand, give a falſe Name or Names, or ſhall refuſe or neglect to give a Ticket to denote the Payment of the Tolls when demanded, or ſhall unneceſſarily detain any Paſſenger or Paſſengers or ſhall make uſe of any ſcurrilous or abuſive Language to any Truſtee, Treaſurer, Clerk, Surveyor or other Officer, or any Paſſenger or Paſſengers, or if any Perſon ſhall moleſt or inſult ſuch Toll Collector whilſt in the due Execution of the Powers of this Act; then and in every ſuch Caſe, every ſuch Toll Collector or Perſon or Perſons as aforeſaid, ſhall forfeit and pay any Sum not exceeding Forty Shillings for every ſuch Offence.

Exemptions from Toll.

XXVII. Provided always, and be it further enacted, That no Tolls ſhall be demanded or taken for any Horſes, Cattle, or Carriages, of whatſoever Deſcription employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſt-maſter General, either when employed in conveying, fetching or guarding ſuch Mails or Expreſſes, or in returning therefrom; nor for the Horſes belonging to any Officers or Soldiers on their March or on Duty; nor for any Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers, or returning empty after having being ſo employed; nor for any Waggon, Wain, Cart or other Carriage whatſoever, or the Horſe or Horſes, or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack or Commiſſariat, or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; nor for any Horſe, Mare or Gelding furniſhed by or for any Perſons belonging to any Corps of Yeomanry, or Volunteer

Cavalry respectively, and rode by them; nor for any Carriage conveying Volunteer Infantry, in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Person or Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption; nor for any Horse or Horses or other Beast or Cattle, or 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, Brick, Timber, Wood, Gravel, or other Materials, for making or repairing the said Road, or any of the Roads in the Townships or Parishes in which any Part of the said Road lies, or Seed for seeding the Ground in the said Parishes, or Hay, Turnips, Potatoes, Straw, Corn in the Straw only or other Agricultural Produce, not bought, sold, or disposed of, but passing to be laid up or placed in the Houses, Barns, Out Houses, or Yards, or on the Lands of the Owners thereof, or for any Horse, Beast, or other Cattle 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 Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, Manure, Chalk, or Lime employed or used in Husbandry, or for manuring or improving Lands, or for any Horses or other Beasts going to or returning from Pasture or Watering Place, or going to be or returning from being shoed or farried, or from any Person or Persons going to or returning from his, her, or their proper Parochial Church, Chapel, or other Place of Religious Worship on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated; or from any Clergyman going to visit, or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty, or for any Horses, Coaches, or other Carriages, going to or returning from any Election of a Knight or Knights of a Shire to serve in Parliament for the said County of *Wilts*, on the Day or Days of such Election; or the Day before or Day after such Election shall begin or be concluded, or carrying or conveying Vagrants sent by legal Passes; 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 a Sum not exceeding Five Pounds, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Waggons conveying Military Stores not subject to Penalties for Overweight.

XXVIII. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart or other Carriage be stopt or detained by reason of any Weight in any such Waggon, Wain, Cart or other Carriage, or being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart or other Carriage to put any Number of Horses or Oxen in such Waggon, Wain, Cart or other Carriage, any Thing in any Act or Acts of Parliament relating to High-

ways

ways or Turnpike Roads, or in this Act contained, to the contrary thereof notwithstanding.

Trustees may lessen the Tolls.

XXIX. And be it further enacted, That the said Trustees, or any Nine or more of them, at any Meeting to be held for that Purpose, whereof Twenty Days Notice shall be affixed in Writing upon the Town Hall of *Warminster*, and by Advertisement in *The Salisbury and Winchester Journal*, or some other Paper usually circulated in the said County of *Wilts*, may, and they are hereby empowered from Time to Time, to reduce all or any of the several Tolls hereby granted, and to order such Tolls so reduced to be collected and received in such Manner, Parts, and Proportions as they shall think fit, so as such Reduction be made with the Consent in Writing of the several Persons who shall have advanced Five-sixth Parts of the Money due on the Credit of the said Tolls, and upon like Notice afterwards again to increase the same or any Part thereof, so as the same do not exceed the respective Rates herein-before granted, and such Tolls so reduced or raised again shall be collected, recovered, and applied in the same Manner as the Tolls herein-before granted or directed to be collected, recovered, and applied.

Trustees may lease Tolls.

XXX. And be it further enacted, That the said Trustees, or any Seven or more of them, may, and they are hereby empowered, after giving Fourteen Days Notice in some Newspaper circulated in the County of *Wilts*, and also by Writing to be affixed upon all the Turnpike Gates erected on the said Roads, 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 to be collected or received at such Gates, and the Penalties payable for the Evasion of Tolls, by public Auction, for a Term not exceeding Three Years at one Time, for the best Price that can be gotten for the same, and to put up and offer the said Tolls to be let at such annual Sum or Sums of Money, and under such Conditions, Covenants, Reservations and Agreements, as they the said Trustees shall think fit, taking such other sufficient Security from the Person or Persons to whom any such Tolls shall be leased and demised, for Payment of such Rents and Performance of the Covenants to be reserved and comprised in such Lease or Leases, as the said Trustees shall think fit; provided that no Lessee of the said Tolls shall assign the said Lease, or let or demise the same Tolls or any Part thereof to any Person or Persons whomsoever, without the previous Consent of the said Trustees, or any Seven or more of them, obtained at a Meeting and entered into their Book, and that any Assignment, Lease, or Demise made without such Consent is hereby declared to be null and void.

Lessees or Persons appointed by them may collect Tolls.

XXXI. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof, shall be leased, demised, or in farm to any Person or Persons whomsoever, it shall be lawful 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, and to use all such Means and Methods for the Recovery thereof, in case of Non-payment or Evasion, as the Collectors to be appointed under or by virtue of this Act are by this Act empowered to use.

Power to borrow Money and mortgage Tolls.

XXXII. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, at any Meeting or Meetings to be held

held for that Purpoſe, to borrow and take up at Intereſt (ſuch Intereſt not to exceed Five Pounds *per Centum per Annum*) on the Credit of the Tolls ariſing by virtue of this Act, ſuch Sum or Sums of Money as they ſhall from Time to Time think fit; ſo that the ſame, together with the Money already borrowed and now due under the ſaid recited Acts, do not exceed in the whole the Sum of Seven thouſand Pounds; and the ſaid Truſtees may and they are hereby empowered to demiſe or mortgage the ſaid Tolls or any Part or Parts thereof, and the Turnpikes and Toll Houſes for collecting the ſame (the Coſts and Charges of ſuch Mortgages to be paid out of ſuch Tolls) as a Security to any Perſon or Perſons or their Truſtees who ſhall advance ſuch Sum or Sums of Money, which Mortgages ſhall be ſigned and ſealed by the ſaid Truſtees, or any Seven or more of them, and be in the Words or to the Effect following, (that is to ſay,)

Form of Mortgage.

'BY virtue of an Act paſſed in the Fifty-fifth Year of the Reign of His preſent Majeſty King *George* the Third, intituled *An Act* (*here ſet forth the Title of this Act*) We whoſe Hands and Seals are hereunto ſubſcribed and ſet, being Seven of the Truſtees for executing the ſaid Act, in Conſideration of the Sum of to the Treaſurer of the ſaid Road, well and truly paid by do grant, bargain, ſell and demiſe unto the ſaid Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act, and of the Turnpikes and Toll Houſes for collecting the ſame, as the ſaid Sum of doth or ſhall bear to the whole Sum now due and owing, or hereafter to be advanced on the Credit thereof; to be had and holden from this Day of for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of with lawful Intereſt, to commence and be computed from the Day of ſhall be ſooner paid and ſatisfied. Given under our Hands and Seals this Day of in the Year of our Lord .'

Mortgages to be entered in Books.

And Copies of all ſuch Mortgages ſhall be entered and numbered progreſſively in a Book or Books to be kept and provided for that Purpoſe, by the Clerk or Treaſurer to the ſaid Truſtees, and all Perſons to whom any Mortgage ſhall be made as aforeſaid, or who ſhall be poſſeſſed of any ſuch Mortgage, or of any Mortgage, Warrant, Order, or other Security heretofore made or given under the Authority of the ſaid recited Acts, or who ſhall be entitled to any Money thereby reſpectively ſecured, may from Time to Time transfer his, her, or their Right, Title, Intereſt, or Benefit, in and to the ſaid Mortgages, Warrants, Orders, or other Securities reſpectively, and the Principal Monies and Intereſt thereby ſecured, to any Perſon or Perſons whomſoever, by Indorſement on ſuch Mortgages, Warrants, Orders, or other Securities, in the Words, or to the Effect following; (that is to ſay),

Form of Transfer.

'I Do transfer this Mortgage, (or this Warrant, *et cetera, as the Caſe may be*), with all my Right and Title to the Principal Monies thereby ſecured, and all the Intereſt now due or hereafter to grow due upon, or in reſpect thereof unto Executors, Adminiſtrators, and Aſſigns. Dated this Day of in the Year of our Lord

A. B.

'Witneſs *C. D.*'

Which

Which ſaid Transfer ſhall be produced and notified to the ſaid Clerk or Treaſurer, who ſhall cauſe an Entry and Memorial to be made thereof in the before-mentioned Book or Books, containing the Number, Date, Name of the Parties, and Sum of Money therein transferred for which the ſaid Clerk or Treaſurer ſhall be paid the Sum of Five Shillings and no more which ſaid Book and Books ſhall and may at all ſeaſonable Times, be peruſed and inſpected without Fee or Reward, and after ſuch Entry made, every ſuch Transfer ſhall entitle ſuch Aſſignees, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon, and ſuch Aſſignee may in like Manner transfer the ſame again, and ſo *toties quoties*; and it ſhall not be in the Power of any Perſon or Perſons making ſuch Transfer, to make void, releaſe, or diſcharge the Original Security or any Monies due thereon, or any Part thereof; and all Perſons who ſhall be poſſeſſed of or entitled to any ſuch Mortgage, Warrant, Order, or other Security as aforeſaid, ſhall, in Proportion to the Sum or Sums thereby ſecured reſpectively, be Creditors on the Tolls by this Act granted, and on the ſaid Turnpikes and Toll Houſes, in equal Degree one with another, and ſhall have no Preference in reſpect to the Priority of advancing their Money, or of the Dates of the Securities: Provided always, that the Truſtees appointed or to be appointed by virtue of this Act, or the Truſtees who acted in the Execution of any of the former Acts relating to the ſaid Road, ſhall not be ſubject to or charged with the Payment of any Sum or Sums of Money, by reaſon of their having ſigned or executed any Mortgage, Warrant, Order, or other Security, made or to be made as aforeſaid.

Memorial of Transfer to be regiſtered.

Creditors to have no Preference.

Truſtees not perſonally liable for Money borrowed.

XXXIII. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall and may, if thereunto required, receive in, and cancel all or any Mortgages, Warrants, Orders, or other Securities now ſtanding out, that were made by virtue of the ſaid former Acts, or any or either of them, and give and execute a Mortgage or Mortgages in lieu thereof reſpectively, in the Form herein-before directed, or as near thereto as the Caſe will admit, the Perſon or Perſons requiring ſuch new Mortgage or Mortgages paying the Expences thereof, and the ſaid Truſtees are hereby authorized and empowered to order and direct that the preſent Mortgagees of the ſaid Road ſhall produce by themſelves or their Agents at a Meeting of the ſaid Truſtees their reſpective Securities, and deliver in Writing the Name and Reſidence of the Perſon or Perſons then entitled to the Money reſpectively due thereon.

Old Mortgages if required to be cancelled and new ones granted.

XXXIV. And be it further enacted and declared, That as well the Tolls already collected or levied by virtue of the ſaid former Acts, as alſo the ſeveral and reſpective Tolls hereby granted and made payable, and which have been or ſhall be collected at any of the ſaid Gates already erected, or which ſhall be continued, or erected, by virtue of this Act, upon or on the Sides of the ſaid Road, ſhall be ſubject and liable to the Payment of all Monies which have been borrowed, and are now due and owing on the Credit of the Tolls authorized by the ſaid recited Acts to be taken on the ſaid Roads, and all Intereſt due and to grow due for the ſame, in ſuch Manner as if ſuch Monies were borrowed on the Credit of this Act, and the ſaid Truſtees, or any Seven or more of them, are hereby authorized and required to pay and diſcharge the ſaid Monies ſo borrowed, and now due and owing as aforeſaid, and the Intereſt due and to grow due

Tolls liable to Payment of Money now due on Mortgage.

for the ſame, out of the Tolls which have been or ſhall be collected or received at the Gates already erected, or which ſhall be continued or erected by virtue of this preſent Act.

Application of Tolls and Money borrowed.

XXXV. And be it further enacted, That out of the Monies already received by virtue of the ſaid recited Acts, or out of the Monies which ſhall be collected, raiſed, or received by virtue of this Act, the ſaid Truſtees, or any Five or more of them, ſhall in the firſt Place pay and diſcharge all the Coſts and Expences relative to the obtaining and paſſing of this Act, together with legal Intereſt for Money advanced by any Perſon or Perſons for that Purpoſe, and the Remainder of ſuch Money ſhall be from Time to Time applied in repaying all Principal Monies by this Act charged upon the ſaid Tolls, with legal Intereſt for the ſame, and all Principal Money hereafter to be borrowed by virtue of this Act, and the Intereſt to grow due thereon, and all Monies due at the paſſing of this Act for repairing and improving the ſaid Road, and the annual Sum of Money to be inveſted as herein-after directed, for the Purpoſe of redeeming the Debt due for Money borrowed and to be borrowed on the Security of the ſaid Tolls, and in repairing, improving, and rendering commodious the ſaid Road, and putting this Act in all other Reſpects in Execution.

For Diminution of Debt.

XXXVI. And be it further enacted, That the Sum of One hundred Pounds ſhall yearly and every Year, from and immediately after the Twenty-fifth Day of *March* One thouſand eight hundred and ſixteen, be taken by the ſaid Truſtees from the ſaid Tolls, by Two Half-yearly Sums on the Twenty-ninth Day of *September*, and the Twenty-fifth Day of *March* in every Year, and ſhall be from Time to Time inveſted in the Names of any Four of the Truſtees, who ſhall be choſen for that Purpoſe at a Public Meeting, at which Nine Truſtees at the leaſt ſhall be preſent, in the Purchaſe of Three Pounds *per Centum* Conſolidated Bank Annuities, or ſuch other Stock or Government Securities, as the ſaid Truſtees, or any Nine of them, ſhall think fit, in the Purchaſe of ſo much Capital Stock of ſuch Funds as may amount to an even Fifty Pounds or One hundred Pounds Stock, and all Dividends which ſhall ariſe and be payable and received for and on account of ſuch Stock, ſhall from Time to Time be again laid out and inveſted in ſuch Stock, in the Names of the ſaid Truſtees or their Succeſſors, and ſo on from Time to Time during the Continuance of this Act, until ſuch Stock or Government Securities, ſo to be purchaſed as aforeſaid, ſhall be worth, to be ſold, the Sum of Five thouſand Pounds Sterling, or ſuch other Sum of Money as ſhall be ſufficient to reduce the Debt then due on the Security of the ſaid Tolls, to the Sum of Two thouſand Pounds Sterling, and then and not before, the ſaid Stock Monies ſo to be purchaſed as aforeſaid, ſhall be ſold, and the Money ariſing therefrom ſhall be immediately applied in Diſcharge of the Debts which ſhall be then due on the Credit of the ſaid Tolls, as far as the ſame will extend, in exact Proportion to the ſeveral Debts, ſo that the ſame Sum *per Centum* according to an equal Rate ſhall be paid or tendered to every Creditor: Provided always, that if any Creditor or Creditors ſhall refuſe to accept the Part of his or their Debt, which ſhall be ſo tendered to him or them as aforeſaid, or to ſign a proper Receipt for the ſame, then the Money ſo to be tendered to him or them as aforeſaid, may be forthwith applied in Payment or Part Payment of any other Mortgage, Debt or Debts which ſhall be due on the Credit of the ſaid Tolls, in ſuch Manner as

the ſaid Truſtees, or any Nine or more of them, ſhall think proper: Provided alſo, that if any Truſtee or Truſtees ſhall ſell out or cauſe to be ſold out, the Money to be inveſted in the Public Funds or Government Securities as aforeſaid, or any Part thereof, before the ſame ſhall amount in Value to and ſhall produce the Sum of Five thouſand Pounds Sterling, or ſuch other Sum of Money as ſhall be ſufficient to reduce the Debt to Two thouſand Pounds as aforeſaid, at the leaſt, except by way of Transfer to any new Truſtee or Truſtees to be appointed purſuant to this Act, in the Manner herein-after contained, or if any Truſtee or Truſtees ſhall ſign an Order for that Purpoſe except as aforeſaid; or if any Truſtee or Truſtees or their Treaſurer ſhall miſapply the Monies ſo directed to be laid out in the Public Funds as aforeſaid, or any Part thereof, or the Stock or Government Securities in which the ſame ſhall be ſo inveſted as aforeſaid, or any Part thereof, or the Monies which ſhall be produced by the Sale of ſuch Stock or Government Securities, or any Part thereof, then every Truſtee or Treaſurer ſo offending ſhall ſeverally forfeit Double the Sum which ſhall be ſo prematurely ſold, ordered to be ſold or miſapplied as aforeſaid, to be recovered with full Coſts of Suit, by any Four other Truſtees, in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Privilege, or Wager of Law, or any more than One Imparlance ſhall be granted or allowed, and the Money ſo to be recovered ſhall be immediately laid out and applied to the Purchaſe of like Stock or Government Securities as aforeſaid, in the Names of the ſaid Truſtees to be choſen in Manner aforeſaid, upon the Truſts, and for the Purpoſes, upon which the Money ſo prematurely ſold or ordered to be ſold or miſapplied as aforeſaid, was held.

Penalty on Truſtees for Miſapplication of the Fund for the Redemption of the Debt.

XXXVII. Provided always, and be it further enacted, That if the Treaſurer for the ſaid Truſtees for the Time being, ſhall neglect or omit to lay out the Monies, Dividends, and Accumulations in the Public Funds, as far or as near as the ſame may be inveſted in the Purchaſe of an even Fifty Pounds or One hundred Pounds Stock in Manner aforeſaid, for the Space of Six Calendar Months next after any or either of the Days herein-before appointed for that Purpoſe, then and in every ſuch Caſe, ſuch Treaſurer ſo offending ſhall forfeit and pay the Sum of Five Pounds, to be added to the Fund for the Redemption of the ſaid Debt, unleſs he ſhall prove to the Satisfaction of the ſaid Truſtees, or any Nine or more of them, that he had not in his Hands, during ſuch Period of Time any Monies ſufficient and applicable to the Purpoſe aforeſaid, ariſing from the Tolls, Dividends and other Monies to be collected and raiſed by virtue of this Act, or any other Means for procuring the ſame.

Treaſurer to forfeit 5l. for every Neglect to purchaſe Government Securities.

XXXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Four Perſons, who ſhall be choſen as aforeſaid, and their Succeſſors, by and out of the Monies which by virtue of this Act or any Truſt herein declared, ſhall come to their Hands to deduct, retain to and reimburſe themſelves, all ſuch reaſonable Coſts, Charges, and Expences as they reſpectively ſhall or may ſuſtain or be put unto in or about the Execution of all or any of the Truſts hereby in them repoſed for the Reduction of the ſaid Debt; and alſo that they ſhall be charged and chargeable only with his and their own reſpective Receipts, Payments, Acts and wilful Defaults, and not otherwiſe, and ſhall not be charged and chargeable with or for any Sums of

Truſtees for Redemption of Debt to be reimburſed Expences.

not anſwerable for Loſſes.

of Money, other than ſuch as ſhall actually and reſpectively come to his or their Hands by virtue of this Act, nor with any Loſs or Damage which may happen in placing out all or any of the Truſt Monies aforeſaid, on Government Securities or in Parliamentary Funds, or depoſiting the ſame in any Bank or Bankers Hands or elſewhere, for ſafe Cuſtody or otherwiſe, except by his or their own wilful Default.

Power to change Truſtees of the Diminution Fund.

XXXIX. Provided alſo, and it is hereby further enacted, That in caſe the ſaid Truſtees, in whoſe Names the ſaid Three Pounds *per Centum* Conſolidated Annuities, or other Stock or Government Securities, ſhall for the Time being, be purchaſed, or any or either of them ſhall die or refuſe to act, or be deſirous to be releaſed or diſcharged of and from the Truſts hereby in them repoſed as aforeſaid, or become inſolvent or incapable of acting as a Truſtee before the ſame Truſts ſhall be fully performed and executed, then and in any ſuch Caſe when and ſo ſoon and as often as the ſame ſhall happen, it ſhall be lawful to and for any Nine or more of the ſaid Truſtees, at a public Meeting aſſembled, by any Writing or Writings to be ſigned by any Nine or more of them in the Book in which their Orders are entered into, nominate, ſubſtitute, and appoint any other Perſon or Perſons to be a Truſtee or Truſtees for the Purpoſes aforeſaid, or any of them, in the Place and Stead of the ſaid Four Perſons firſt appointed, or any ſucceeding Truſtee or Truſtees, and ſo from Time to Time and as often as there ſhall be Occaſion to nominate, ſubſtitute, and appoint any other Perſon or Perſons to be a Truſtee or Truſtees for the Purpoſes aforeſaid, or any of them, in the Place or Stead of thoſe firſt or ſubſequently appointed, and thereupon the ſaid Capital Stock or other Securities ſhall be forthwith transferred in ſuch Manner, as that the ſame ſhall be legally and effectually veſted in the ſurviving or continuing former Truſtee or Truſtees, (if any ſuch there be) and ſuch new Truſtee or Truſtees, or in ſuch new Truſtees only as the Caſe ſhall happen, upon the Truſts aforeſaid, or ſuch of them as ſhall be then ſubſiſting, and that all and every ſuch new Truſtee or Truſtees ſhall and may act and aſſiſt in all Things in the managing, carrying on and Execution of the Truſts aforeſaid, as fully and effectually in all Reſpects, and to all Intents and Purpoſes, and with the like Indemnification, as if he or they had been originally nominated or appointed a Truſtee or Truſtees for the Purpoſes aforeſaid.

Alterations to be made according to the Map or Plan depoſited at the Office of the Clerk of the Peace.

XL. And whereas a Map or Plan deſcribing certain Lands, Gardens, Orchards, Meſſuages, and other Buildings and Hereditaments through which certain Alterations are propoſed to be made or carried, together with a Book of Reference containing Liſts of the Names of the Owners or Occupiers of ſuch Meſſuages, Buildings, Lands and Premiſes, have been depoſited at the Office of the Clerk of the Peace for the ſaid County of *Wilts;* be it therefore enacted, That the ſaid Map or Plan, and the Book of Reference, ſhall remain in the Cuſtody of the Clerk of the Peace for the ſaid County, to the End that all Perſons may at any ſeaſonable Times have Liberty to inſpect and peruſe the ſame, and take Copies or Extracts thereof at their Will and Pleaſure, paying the Clerk of the Peace the Sum of One Shilling for every ſuch Inſpection, and at the Rate of Sixpence for every Seventy-two Words of ſuch Copies or Extracts of the ſaid Map or Plan, and Book of Reference.

XLI. Provided

Lands marked in the Plan may be used notwithstanding Errors in the Book of Reference.

XLI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said proposed new Alterations into, through, across, and over the several Messuages, Buildings, Lands, Hereditaments, and Premises of any Person or Persons who is, or are, or may be Owner or Owners of Messuages, Buildings, Lands, or Premises over which the same is or are set out and described in the said Map or Plan as aforesaid, or in the Schedule hereunto annexed, although the Name or Names of such Person or Persons, or the Description of the said Messuages, Buildings, Lands, or Hereditaments, or any of them, or the Names of the Occupiers thereof, may happen to be omitted or mis-stated or inaccurately described in the said Book of Reference, or in the said Schedule, in case it shall appear to any Two or more Justices of the Peace for the County in which such Messuages, Lands, or Premises respectively lie, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake; and such Certificate shall be annexed to and remain deposited with the said Book of Reference, in the Custody of the Clerk of the Peace for the said County.

Power to widen or alter the Course of the Road, and to enter Lands.

XLII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, and they are hereby authorized and empowered to widen, turn, vary, alter, improve, repair, and make the Course or Path of any Part or Parts of the said Road in, upon, through, across, or over any private Lands, Gardens, Messuages, Buildings, Tenements, or Hereditaments; within the Limits herein mentioned; and also to take any Piece of Ground for the Purpose of a Garden, Spot, or Yard to any Toll House, as herein-before mentioned, not exceeding One Quarter of an Acre for every such Toll House, first making Satisfaction to the Owners of the Lands and Premises so taken or used, and Persons interested therein, for the Damage they may sustain thereby; and for that Purpose it shall be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Premises, through which or whereupon the said Roads or Alterations hereby authorized to be made, is or are intended to pass, and also upon any adjoining Lands or Grounds, and to stake out the said Alterations, and also to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the said Road; and also to make a temporary Way or Ways through or over any such adjoining Lands or Grounds, to be made use of as a public Highway, whilst the narrow or ruinous Parts of the Road are widening or repairing, and until the said Road shall be safe and convenient for the Passage of Travellers and Carriages, and to put or place any Materials thereon, in such Manner as the said Trustees shall think proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing on any Part or Parts of such Lands or Grounds respectively for any of the Purposes of this Act, making Satisfaction to the Owners and Occupiers of such Lands and Grounds for the Damages that shall be thereby occasioned, such Damages to be ascertained and settled, in case of Dispute concerning the same, in the same Manner as disputed Value of Lands to be purchased or used by virtue of this Act is herein-after directed to be ascertained and settled; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out such Alterations, every Person so offending shall forfeit and pay for every

Trustees restrained from pulling down Dwelling Houses without Consent of the Owners.

such Offence, a Sum not exceeding Ten Pounds; provided that the Powers and Authorities hereby given shall not extend to empower or authorize the said Trustees to take, damage, or pull down any Dwelling House or other Building, or to take, enter upon, or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or to any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, other than and except such as are marked or described in the said Plan and Book of Reference.

The old Road may be widened.

XLIII. And whereas by the said recited Act of the Thirty-second Year of the Reign of His present Majesty, the Trustees for executing the same were authorized to purchase, take and use Lands adjoining to the Roads, comprized in the said Act, for the Purpose of widening the same: And whereas the said Roads are still in many Parts narrow and inconvenient for the Passage of Travellers and Carriages; be it therefore further enacted, That in case the said Trustees, hereby appointed, or any Seven or more of them, at any Time or Times hereafter, during the Continuance of this Act, shall think proper to widen any Part or Parts of the said Roads, for the better Accommodation of Coaches, Carriages, and Passengers, that then it shall be lawful for the said Trustees, or any Seven or more of them, and they are hereby authorized and empowered to contract with the Owner or Owners of the Lands lying on either Side of the said Roads, for the absolute Purchase of so much and such Part or Parts of such Lands, not exceeding in Width Ten Feet, from the Side or Sides of the said Roads, (not being a Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House or Nursery of Trees), as they the said Trustees, or any Seven or more of them, shall think proper and necessary, for the widening the said Roads, or any Part thereof, and if the said Trustees, and any Owner or Owners of the said Land, cannot agree as to the Price or Prices, or Value of the Lands so intended to be purchased, then and in such Case the Value of and Recompence to be made for the same Lands, shall be ascertained and assessed by a Jury in Manner by this Act directed.

Power to purchase Lands, &c.

XLIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, and they are hereby authorized and empowered to purchase, and become seized and possessed of the Messuages, Buildings, Lands, Tenements, and Hereditaments mentioned and described in the Schedule to this Act annexed, or any Part or Parts thereof, and of the Fee Simple and Inheritance thereof, and also of all Fee Farm or other Rents issuing out of any such Hereditaments and Premises respectively, except as herein-after mentioned; and for that Purpose it shall be lawful for the said Trustees, or any Seven or more of them, to treat with, and make Compensation to the Owners and Occupiers of any other Messuages, Buildings, or Lands which shall be prejudiced by any Thing to be done by virtue of the Powers given to the said Trustees by this Act; and it shall be lawful for all Bodies Politic or Ecclesiastical, Corporations Aggregate or Sole, and all Feoffees in Trust, Trustees, Guardians, Committees for Lunaticks, or Idiots, Executors, and Administrators, and other Trustees, for and on Behalf of their *Cestuique* Trusts, whether Infants, or Issue unborn, Lunaticks, Idiots, Femes Covert, or other Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in any Messuages, Buildings,

Incapacitated Persons empowered to sell and convey.

ings, Lands, Fee Farm or other Rents and Hereditaments, to treat, contract, and agree with, and abſolutely to ſell, convey, aſſign, or ſurrender to the ſaid Truſtees, or any Seven or more of them, or to ſuch Perſon or Perſons as they ſhall nominate or appoint in Truſt for them for the Purpoſe of this Act mentioned, all or any ſuch Meſſuages, Buildings, Lands, Fee Farm or other Rents, Hereditaments, and Premiſes, or any Part or Parts thereof, or any Eſtate, Term of Years, or other Intereſt therein; and alſo for all Perſons in like Manner intereſted or concerned in ſuch other Meſſuages, Buildings, or Lands as aforeſaid, to contract with the ſaid Truſtees for ſuch Compenſation to be made as aforeſaid, and all ſuch Contracts, Agreements, Sales, and Conveyances which ſhall be ſo made, ſhall, without any Fine or Fines, Recovery or Recoveries, be good and valid in Law to all Intents and Purpoſes, to convey the ſaid Premiſes, and all the Right, Title, Property, Claim and Demand whatſoever of ſuch Perſon or Perſons, Body or Bodies Politic, or Eccleſiaſtical, or Corporations as aforeſaid, of, in, and to the ſame, any Law, Statute, Uſage, or other Matter or Thing to the contrary thereof in anywiſe notwithſtanding, and that all ſuch Bodies Politic or Eccleſiaſtical, Corporations Aggregate or Sole, Feoffees in Truſt, Truſtees, Guardians, Committees, Executors, and Adminiſtrators, and all other Perſons, ſhall be and are hereby indemnified for what they ſhall do therein, by virtue or in purſuance of this Act: Provided always, that it ſhall not be lawful for the ſaid Truſtees to purchaſe or become ſeized or poſſeſſed of the Town Hall in *Warminſter*, the Property of the ſaid Marquis of *Bath*, and particularized in the ſaid Schedule, without the Conſent in Writing of the ſaid Marquis or of the Perſon or Perſons who ſhall for the Time being be ſeized or poſſeſſed thereof.

Owners of Land empowered to treat.

XLV. And be it further enacted, That in caſe any Bodies Politic, or Eccleſiaſtical, Corporations, Aggregate or Sole, or any Feoffees in Truſt, Truſtees, Guardians, Committees, Executors or Adminiſtrators, or any other Perſon or Perſons whomſoever, intereſted in the ſaid Meſſuages, Dwelling Houſes, Cottages, Shops, Yards, Bartons, Lands, Gardens, Tenements, or Hereditaments compriſed in the ſaid Schedule, or in any Fee Farm or other Rents payable out of the ſame Premiſes or any Part thereof, or who ſhall be intereſted in any Land hereafter to be purchaſed for the Purpoſes of this Act; upon Six Weeks Notice in Writing given to him, her, or them, or left at the Dwelling Houſe or Dwelling Houſes, or other Place or Places of Abode of ſuch Perſon or Perſons, or given to or left with the principal Officer or Officers of any ſuch Bodies Politic, Corporate, Eccleſiaſtical or Civil, or at the Houſe of the Tenant in Poſſeſſion of any ſuch Meſſuages, Buildings, Lands, Tenements, or Hereditaments, ſhall for the Space of Six Weeks next after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, contract, and agree, or ſhall not contract and agree in the Premiſes, or by reaſon of Abſence, ſhall be prevented from treating and agreeing; then and in every or any ſuch Caſe, the ſaid Truſtees, or any Seven or more of them, ſhall cauſe it to be enquired into and aſcertained by and on the Oaths of a Jury of Twelve indifferent Men of the County, Liberty, or Place where the ſaid Meſſuages, Buildings, Lands, Tenements, or Hereditaments ſhall lie or be ſituate, (which Oath any One or more of the ſaid Truſtees are hereby empowered and required to adminiſter) what Damage will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Owners, Proprietors, Occupiers, or other Perſon or Perſons intereſted for or upon account of the taking of ſuch Meſſuages, Buildings,

ings, Lands, Tenements, or Hereditaments for the Purpoſes of this Act, and in order thereto the ſaid Truſtees, or any Five or more of them, are hereby impowered and required, from Time to Time as Occaſion ſhall be, or require, to ſummon and call before the ſaid Jury, and examine upon Oath all and every Perſon and Perſons whomſoever, who ſhall be thought neceſſary or proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſes, (which Oath any One or more of the ſaid Truſtees are hereby empowered to adminiſter), and they ſhall alſo order and cauſe the ſaid Jury to view the ſaid Places in queſtion, if there be Occaſion, and uſe all ſuch lawful Ways and Means, as well for their own as for the ſaid Jury's Information in the Premiſes, as they the ſaid Truſtees, or any Five or more of them, ſhall think fit; and after the ſaid Jury ſhall have had, enquired of, aſcertained and ſettled ſuch Damages and Recompence, they the ſaid Truſtees, or any Five or more of them, ſhall thereupon order, adjudge, and determine the ſaid Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners, Proprietors, or Occupiers of or other Perſons intereſted in the ſaid Meſſuages, Buildings, Lands, Tenements or Hereditaments, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, Judgment, Order, or Determination ſo had and made, ſhall be final, binding, and concluſive to all Intents and Purpoſes, againſt all Parties and Perſons whatſoever, claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, and all Infants, Femes Covert, and Perſons under any other Diſability whatſoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Perſon or Perſons whomſoever; and for the ſummoning and returning ſuch Jury or Juries, the ſaid Truſtees, or any Five or more of them, are hereby empowered to iſſue out their Warrant or Warrants to the Sheriff of the County or Place where ſuch Buildings, Meſſuages, Lands, Tenements, or Hereditaments ſhall lie or be ſituate, for the ſummoning an indifferent Jury of Twenty-four Perſons, before the ſaid Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and the ſaid 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, or any One or more of them, ſhall ſwear or cauſe to be ſworn Twelve Perſons, who ſhall be the Jury for the Purpoſes aforeſaid, and in Default of a ſufficient Number of Jurymen then appearing, the ſaid Sheriff or his Deputy or Deputies ſhall return other honeſt and indifferent Men of the Standers by, or that can ſpeedily be procured, to attend that Service to the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn, and the ſaid Truſtees acting in the Premiſes ſhall have full Power from Time to Time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default, and on any of the Jurors who ſhall not appear without ſome reaſonable or ſufficient Excuſe, or who ſhall refuſe to be ſworn, or being ſo ſworn ſhall refuſe to give or ſhall not join in giving their Verdict, or in any other Manner, ſhall 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, touching the Premiſes, having been paid or tendered a reaſonable Sum for his, her, or their Coſts and Expences,

Sheriff to impannel a Jury.

refuſing

refuſing or neglecting to appear without ſome reaſonable or ſufficient Excuſe, or appearing ſhall refuſe to be ſworn and give Evidence, and from Time to Time levy ſuch Fine or Fines in the ſame Manner as any other Forfeiture or Penalty herein-before mentioned, is hereby directed to be levied, ſo that no ſuch Fine ſhall exceed the Sum of Twenty Pounds upon any ſuch Sheriff or Deputy, or the Sum of Ten Pounds upon any other Perſon for One Offence, and all ſuch Fines ſhall be applied for ſuch Uſes, and in ſuch Manner as the Tolls granted by this Act are to be applied.

Expences of a Jury how to be defrayed.

XLVI. And be it further enacted, That in caſe any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money as a Recompence or Satisfaction for the Right, Intereſt, or Property of any Perſon or Perſons in any Lands, Tenements, or Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained, than ſhall have been agreed to and offered by or on Behalf of the ſaid Truſtees, before the ſummoning and returning of the Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining a Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be borne and paid by the ſaid Truſtees, out of the Money to ariſe by virtue of this Act; but if ſuch Jury ſhall give in and deliver a Verdict or Aſſeſſment for no more or leſs Money than ſhall have been agreed to and offered by and on Behalf of the ſaid Truſtees, before the ſummoning and returning of the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, then the full 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 paid and borne by the Perſon or Perſons with whom the ſaid Truſtees ſhall have Controverſy or Diſpute; which ſaid Coſts and Expences, having been aſcertained and ſettled by ſome Juſtice of the Peace for the ſaid County, not intereſted in the Matter in Queſtion, (who is hereby authorized and required to ſettle the ſame) ſhall be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced 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 of Money ſo aſſeſſed and adjudged, or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid on Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the ſaid Truſtees, by ſuch Ways and Means as are 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, the whole of ſuch Coſts and Expences ſhall be borne and paid by the Treaſurer to the ſaid Truſtees, out of the Money to ariſe by virtue of this Act.

Mortgagee to convey.

XLVII. And be it further enacted, That every Mortgagee of any Meſſuages, Buildings, Lands, and Hereditaments which ſhall be purchaſed or acquired by the ſaid Truſtees, in purſuance of this Act, his, her, or their Heirs, Executors, Adminiſtrators, and Aſſigns reſpectively, on having Six Calendar Months Notice in Writing given to him, her, or them, or from the ſaid Truſtees, or any Five or more of them, or any Perſon authorized by them, or any Five or more of them, of paying off the Prin-

cipal and Intereſt Money which ſhall be due on ſuch Mortgages reſpectively, ſhall, at the End of the ſaid Six Calendar Months after ſuch Notice, on Payment or Tender of the Principal Money and Intereſt which ſhall then be due, convey and aſſign his, her, and their reſpective Eſtates and Intereſts in and to the ſaid mortgaged Premiſes to the ſaid Truſtees, or any Seven or more of them, or to ſuch Perſon or Perſons as they ſhall nominate and appoint, in Truſt for the Uſes and Purpoſes of this Act; and if any ſuch Mortgagee, his, her, or their Heirs, Executors, Adminiſtrators, and Aſſigns, ſhall refuſe ſo to do, then all Intereſt on every ſuch Mortgage, from the Expiration of the ſaid Six Calendar Months after any ſuch Notice, ſhall ceaſe and determine: Provided always, that no Mortgagee ſhall be entitled to receive of the ſaid Truſtees more than the Premiſes in mortgage to him or her reſpectively ſhall be really and *bonâ fide* worth.

Power to eject Tenants, &c. after Notice to quit.

XLVIII. And be it further enacted, That in caſe the ſaid Truſtees, or any Five or more of them, or any Perſon authorized by them, or any Five or more of them, ſhall after any Meſſuages, Buildings, Lands, Tenements, or Hereditaments, or Part or Parts thereof reſpectively, be purchaſed or valued and aſſeſſed by a Jury in purſuance of this Act, give Six Calendar Months Notice in Writing to all and every the Tenants and Occupiers of any ſuch Meſſuages, Buildings, Lands, Tenements, or Hereditaments, or Part or Parts of the ſame, which ſhall be ſo purchaſed or valued and aſſeſſed, to quit or deliver up the Poſſeſſion at the Expiration of ſuch Six Calendar Months, then all and every ſuch Tenants and Occupiers ſhall at the End of ſuch Six Calendar Months after ſuch Notice, peaceably and quietly deliver up the Poſſeſſion of the Premiſes ſo by him, her, or them reſpectively occupied, to the Perſon or Perſons who ſhall be appointed by the ſaid Truſtees to take Poſſeſſion thereof; and if any Perſon or Perſons ſo in Poſſeſſion, ſhall refuſe to give up Poſſeſſion at the Expiration of ſuch Six Calendar Months, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time to iſſue a Precept or Precepts to the Conſtable or Tythingman of the Pariſh in which the ſaid Meſſuages, Buildings, Lands, Tenements, or Hereditaments ſhall be, to cauſe Poſſeſſion thereof to be delivered to ſuch Perſon or Perſons as ſhall be in ſuch Precept or Precepts nominated to receive the ſame, and the ſaid Conſtable or Tythingman is hereby authorized and required to deliver Poſſeſſion, according to ſuch Precept or Precepts, of the Premiſes therein mentioned, and to levy ſuch Coſts as ſhall accrue for and by Means of the iſſuing and Execution of every ſuch Precept or Precepts, by Diſtreſs and Sale of the Goods and Chattels of any Perſon or Perſons who ſhall have refuſed to give up ſuch Poſſeſſion as aforeſaid, and ſhall refuſe or neglect to pay the ſame Coſts, and which Coſts ſhall be aſcertained by any Two Juſtices of the Peace for the County in which the ſaid Meſſuages, Buildings, Lands, Tenements, or Hereditaments ſhall be ſituate.

Compenſation to Tenants for quitting before their Term.

XLIX. Provided always, and be it further enacted, That in caſe any Tenant, Leſſee, or other Perſon in Poſſeſſion as aforeſaid, ſhall be compelled to quit Poſſeſſion of any ſuch Lands, Tenements, or Hereditaments, before the Expiration of their reſpective Terms therein, the ſaid Truſtees ſhall make Satisfaction to ſuch Tenants, Leſſees, or other Perſons in Poſſeſſion for the Determination of their ſaid reſpective Terms, and in caſe any

any Difference or Diſpute ſhall ariſe concerning the Amount of ſuch Satisfaction, the ſame ſhall be determined and ſettled in ſuch and the like Manner, as the Satisfaction to be made for the Purchaſe of Lands or Hereditaments to be taken or made uſe of for the Purpoſes of this Act is herein directed to be determined and ſettled.

On Payment of Purchaſe Money Land may be made uſe of.

L. And be it further enacted, That all Sums of Money or Recompence to be agreed for, or aſſeſſed as aforeſaid, ſhall be and the ſame are hereby charged upon the Monies which ſhall be collected or raiſed by virtue of this Act, and ſhall be paid thereout accordingly by the ſaid Truſtees, or by their Treaſurer, to the Perſons reſpectively entitled thereto, or to their Agents, and upon Payment thereof to ſuch Perſons or their Agents, or on depoſiting the ſame in the Bank of *England*, in Manner by this Act directed, as the Caſe ſhall be, the ſaid Lands, Tenements, Hereditaments, and Premiſes, ſhall be by virtue of this Act veſted in the ſaid Truſtees, and after ſuch Notice as aforeſaid, it ſhall be lawful for the ſaid Truſtees, their Surveyors, Workmen or Agents, to enter into the Poſſeſſion of ſuch Lands, Tenements, Hereditaments, and Premiſes, and to take down and remove all ſuch Meſſuages and other Buildings and Premiſes ſo purchaſed, and to ſell and diſpoſe of the Materials thereof, and all Parties and Perſons ſhall for ever thereafter be diveſted of all Right and Title to ſuch Lands, Hereditaments, and Premiſes.

Power to ſell Surplus Ground.

LI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, to ſell and diſpoſe of any Buildings, Lands, and Hereditaments now veſted, or to become veſted, in them, as ſhall not be neceſſary for any of the ſaid Purpoſes of this Act, together or in Parcels, either at public Auction, or by private Sale, as the ſaid Truſtees ſhall adjudge advantageous and convenient, and for the beſt Price that can be reaſonably gotten for the ſame, and the Money ariſing by ſuch Sales ſhall be applied and diſpoſed of in amending and improving the Road by this Act directed to be repaired, and the Sale and Conveyance or Conveyances to be made by the ſaid Truſtees, of any Land or any Buildings, when executed by the ſaid Truſtees, or any Seven or more of them, and inrolled amongſt the Records of the Seſſions of the Peace for the County of *Wilts*, ſhall veſt the Property of the ſame Lands and Buildings in the Perſon or Perſons to whom the ſame ſhall be ſold, to all Intents and Purpoſes whatſoever.

First Offer to whom to be made.

LII. Provided always, and be it further enacted, That in caſe the ſaid Truſtees ſhall think proper to ſell or diſpoſe of any Piece or Pieces of Ground, purchaſed by virtue of and not wanted for the Purpoſes of this Act, they ſhall firſt offer the ſame for Sale to the Perſon or Perſons of whom the ſame ſhall have been purchaſed, but if the ſame ſhall be Part of the old Road, then to the Owner or Owners of the adjoining Lands, and if ſuch Perſon or Perſons reſpectively, ſhall then and thereupon refuſe or ſhall not agree (except with reſpect to or on account of the Price thereof), to purchaſe the ſame reſpectively, an Affidavit to be made and ſworn before a Maſter or Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County in which ſuch Piece or Pieces of Ground ſhall be ſituate, who are hereby empowered to take ſuch Affidavit, by ſome Perſon or Perſons no way intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by or on Behalf of the ſaid Truſtees, and that ſuch Offer was then and thereupon refuſed, or was not agreed to by the Perſon or Perſons

to

to whom the ſame was made, ſhall in all Courts whatſoever be ſufficient Evidence, and Proof that 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 by this Act directed, with reſpect to diſputed Value of the Premiſes to be purchaſed by the ſaid Truſtees in purſuance of this Act, and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as by this Act directed, with reſpect to ſuch Purchaſes made by the ſaid Truſtees *mutatis mutandis*, and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch Piece or Pieces of Road or Ground as aforeſaid, ſhall be applied to the Purpoſes of this Act, but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Non-application of ſuch Money.

Application of Money awarded above 200l.

LIII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Meſſuages, Buildings, Lands, Tenements, or Hereditaments purchaſed, taken, or uſed by virtue of the Powers of this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Perſon or Perſons under any other Diſability or Incapacity, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the ſaid Truſtees, 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 Meſſuages, Buildings, Lands, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or other Incumbrance or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Meſſuages, Buildings, Lands, Tenements, or Hereditaments, or affecting other Meſſuages, Buildings, Lands, Tenements, or Hereditaments, ſtanding ſettled therewith, to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under and with the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Meſſuages, Buildings, Lands, Tenements or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Intents, and Purpoſes, and in the ſame Manner as the Meſſuages, Buildings, Lands, Tenements, and Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance or Settlement ſhall be exiſting undetermined or capable of taking Effect; and in the mean Time, 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 mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from

Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Messuages, Buildings, Lands, Tenements, and Hereditaments so to be purchased under the Authority of this Act, in case such Purchase or Settlement was made.

Where less than 200l. and above 20l.

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

Where under 20l.

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

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

LVI. 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 Messuages, Buildings, Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make out a good Title to the Premises to the Satisfaction of the said Trustees, or any Five 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 such Messuages, Buildings, Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said Trustees,

Truſtees, or any Five 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, on the Credit of the Parties intereſted in the ſaid Meſſuages, Buildings, Lands, Tenements, or Hereditaments [deſcribing them], ſubject to the Order, Controul, and Diſpoſition of the ſaid High Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding or otherwiſe, as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title, or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England* who ſhall receive ſuch Sum and Sums of Money is and are hereby required to give a Receipt for ſuch Sum or Sums of Money, mentioning and ſpecifying for what Purpoſe and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

In caſe of diſputed Titles.

LVII. Provided always, and be it further enacted, That when 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 Meſſuages, Buildings, Lands, Tenements, or Hereditaments, or of any Eſtate, Right, Title, or Intereſt in any Meſſuages, Buildings, Lands, Tenements, or Hereditaments to be purchaſed in purſuance of this Act, 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 ſuch Meſſuages, Buildings, Lands, Tenements, or Hereditaments 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 Meſſuages, Buildings, Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid High Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Meſſuages, Buildings, Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

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

LVIII. 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 Meſſuages, Buildings, Lands, Tenements, or Hereditaments, to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the High Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful

lawful for the ſaid High Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made from Time to Time in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

As to the Compoſitions for the Frome Road.

LIX. And whereas previous to the paſſing of the ſaid Act of the Thirty-ſecond Year of His preſent Majeſty, the ſaid Road leading from the ſaid Houſe formerly of the ſaid *Robert Bleeck*, and now of the ſaid *John Bleeck*, to the Turnpike Gate at *Bugley* aforeſaid, and from the ſame Houſe to the Weſt End of *Chain Street* aforeſaid, was under the Care and Management of the Truſtees appointed to carry into Execution an Act of Parliament made in the Thirtieth Year of the Reign of His late Majeſty, intituled *An Act for repairing and widening ſeveral Roads leading to, through, and from the Town of* Frome *in the County of* Somerſet; *and for giving further Powers to the Truſtees in an Act paſſed in the Twenty-fifth Year of His preſent Majeſty's Reign, for repairing the Roads from the Town of* Warminſter *in the County of* Wilts, *to the City of* Bath *in the County of* Somerſet, *and other Roads therein mentioned:* And whereas by the ſaid recited Act of the Thirty-ſecond Year of the Reign of His ſaid preſent Majeſty, it is enacted, that from and after the Firſt Day of *June* One thouſand ſeven hundred and ninety-two, the ſaid Road which leads from the Houſe of the ſaid late *Robert Bleeck* to the Turnpike Gate at *Bugley* aforeſaid, and from the ſaid Houſe to the Weſt End of *Chain Street* in the Pariſh of *Warminſter* aforeſaid, ſhould be under the Care and Management of the Truſtees appointed to carry the ſame Act into Execution; and the Truſtees of the ſaid *Frome* Act, ſhould from and after the ſaid Firſt Day of *June* One thouſand ſeven hundred and ninety-two, and during the Continuance thereof, pay or cauſe to be paid, out of the Tolls and Duties ariſing or to be collected by virtue of the ſaid *Frome* Act, or any future Act, the yearly Sum of Forty-five Pounds by Half-yearly Payments, on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and the Truſtees named in the ſaid Act of the Thirty-ſecond Year of the Reign of His preſent Majeſty, together with the Truſtees appointed or elected by virtue of the ſaid Act of the Fifth Year of His preſent Majeſty, and all future Truſtees, ſhould be thereby declared to be Creditors for the ſaid yearly Sum of Forty-five Pounds, and ſhould and might have and take ſuch Remedies and Powers for Recovery thereof, as were or ſhould be given to any other Creditors of the ſaid *Frome* Turnpike: And whereas an Act was paſſed in the Thirty-ſeventh Year of the Reign of His preſent Majeſty, intituled *An Act for enlarging the Term and Powers of Two Acts, paſſed in the Thirtieth Year of the Reign of His late Majeſty, and the Twelfth Year of the Reign of His preſent Majeſty, for repairing and widening ſeveral Roads leading to, through, and from the Town of* Frome *in the County of* Somerſet; *and for paving the Footways, and lighting the Streets, within the ſaid Town;* whereby it was provided, that nothing in ſuch Act ſhould prejudice the Payment of the ſaid yearly Sum of Forty-five Pounds to the Truſtees for putting in Execution the ſaid Act of the Thirty-ſecond Year of His preſent Majeſty: And whereas an Act was paſſed in the Fiftieth Year of the Reign of His preſent Majeſty, intituled *An Act for amending ſeveral Acts for repairing Roads leading to and through the Town of* Frome *in the County of* Somerſet, *and for paving the Foot Ways and lighting the*

Streets within the said Town, and for removing Part of the present Market Place within the said Town: And whereas at the Time of passing the said Act of the Thirty-second Year of His present Majesty, the said Sum of Forty-five Pounds, thereby directed to be paid to the Trustees thereof by the Trustees of the said *Frome* Act, was a fair and proper Composition for the Repair of the said last mentioned Road, but by reason of the Increase of the Expences of Materials and Labour in repairing Roads, the said Sum of Forty-five Pounds is now become a very inadequate Composition and Payment from the said Trustees of the said *Frome* Act, to the Trustees of this Act, for the Repair of the said Road, and it appears from a Statement and Calculation that the yearly Expences of repairing such Road at the present Price of Materials and Labour, amounts to the Sum of Sixty Pounds: Be it therefore enacted, That the Trustees of the said Act of the Fiftieth Year of the Reign of His present Majesty shall from and after the First Day of *June* One thousand eight hundred and fifteen, and during the Continuance thereof, continue to pay or cause to be paid out of the Tolls and Duties arising and to be collected by virtue of the said Act, the yearly Sum of Sixty Pounds, by Half yearly Payments, on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*; and the First Payment to be made on the Twenty-ninth Day of *September* after the passing of this Act; and the Trustees named in this present Act, and all future Trustees, shall be and are hereby declared to be Creditors for the said yearly Sum of Sixty Pounds, and shall and may have and take such Remedies and Powers for the Recovery thereof as are or shall be given to any of the Creditors under the said Act of the Fiftieth Year of the Reign of His present Majesty.

Trustees under 50 G. 3. to be entitled to Statute Duty.

LX. Provided always, and be it further enacted, That the Trustees of the said Act of the Fiftieth Year of His present Majesty shall be entitled to the whole of their Proportion of the Statute Duty, and to all Compositions for the same Proportions for the Roads within the Parish of *Warminster* aforesaid, included in the said Acts as fully as they were entitled previous to the passing of this Act.

As to the Composition from the Warminster and Frome Roads Act.

LXI. And whereas, previous to the passing of the said Act of the Thirty-second Year of His present Majesty, the Road leading from the Town of *Warminster*, at or near the House of the late *Michael Webb*, Gentleman, and now of the said *Edward Slade*, to the Church Yard Gate in *Warminster* aforesaid, was under the Care and Management of the Trustees appointed to carry into Execution an Act of the Seventeenth Year of the Reign of His present Majesty, intituled *An Act for amending and keeping in Repair the Road from the Town of* Warminster, *in the County of* Wilts, *to a Place where the Roads to* Bath *and* Bristol *divide, and from the Town of* Frome *to the Town of* Beckington, *in the County of* Somerset, *and for repealing an Act made in the Twenty-fifth Year of the Reign of His late Majesty relating to the said Roads; and for repairing the Road from or near the* Red Lion *in the Parish of* Woolverton, *in the County of* Somerset, *to* Rode Bridge; *and from the said Bridge to the Turnpike Road leading from* Trowbridge *by* Whiterough *to* Beckington *aforesaid:* And whereas by the said recited Act of the Thirty-second Year of His present Majesty, it is enacted, that from and after the First Day of *June* One thousand seven hundred and ninety-two the said Road from or near the said House of the said *Michael Webb*, to the Church Yard Gate

Gate in *Warminſter* aforeſaid, ſhould be under the Care and Management of the Truſtees appointed to carry the ſame Act into Execution, and the Truſtees of the ſaid Act of the Seventeenth Year of His preſent Majeſty, ſhould from and after the Firſt Day of *June* One thouſand ſeven hundred and ninety-two, and during the Continuance thereof, pay or cauſe to be paid out of the Tolls and Duties ariſing or to be collected by virtue of the ſaid laſt-mentioned Act, or any future Act, the Yearly Sum of Fifteen Pounds, by Half-yearly Payments, except the Firſt Payment, (that is to ſay,) the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and the Firſt Payment of Fifteen Pounds (being One whole Year's), to be made on the Twenty-ninth Day of *September* One thouſand ſeven hundred and ninety-two, and the Truſtees named in the ſaid Act of the Thirty-ſecond Year of the Reign of His preſent Majeſty, together with the Truſtees appointed or elected by virtue of the ſaid Act of the Fifth Year of the Reign of His preſent Majeſty, and all future Truſtees, ſhould be and are thereby declared to be Creditors for the ſaid Yearly Sum of Fifteen Pounds, and ſhould and might have and take ſuch Powers and Remedies for the Recovery thereof as were or ſhould be given to any other Creditors of the ſaid Act of the Seventeenth Year of His preſent Majeſty: And whereas an Act of Parliament was made and paſſed in the Fifty-ſecond Year of the Reign of His preſent Majeſty, intituled *An Act for repairing the Roads from* Warminſter, *and from* Frome, *to the* Bath *Road, and from* Woolverton *to the* Trowbridge *Road, in the Counties of* Wilts *and* Somerſet; whereby the former Acts relating to the ſaid Roads were repealed; but it was thereby provided that nothing in ſuch Act ſhould prejudice the Payment of the ſaid Yearly Sum of Fifteen Pounds to the Truſtees for putting in Execution the ſaid Act of the Thirty-ſecond Year of His preſent Majeſty: And whereas at the Time of the paſſing of the ſaid Act of the Thirty-ſecond Year of His preſent Majeſty, the ſaid Sum of Fifteen Pounds thereby directed to be paid to the Truſtees thereof by the Truſtees of the ſaid laſt mentioned Act, was a fair and proper Compoſition for the Repair of the ſaid laſt mentioned Road; but by Reaſon of the Increaſe of the Expences of Materials and Labour in repairing Roads, the ſaid Sum of Fifteen Pounds is now become a very inadequate Compoſition and Payment from the ſaid Truſtees of the ſaid laſt mentioned Act to the Truſtees of this Act, for the Repair of the ſaid Road, as it appears from a Statement and Calculation that the Yearly Expences of repairing ſuch Road, at the preſent Price of Materials and Labour, amounts to the Sum of Twenty Pounds; be it therefore enacted, That the Truſtees of the ſaid laſt mentioned Act ſhall, from and after the paſſing of this Act, pay or cauſe to be paid out of the Tolls or Duties ariſing or to be collected by virtue of the ſaid laſt mentioned Act, the Yearly Sum of Twenty Pounds, that is to ſay, on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and the firſt Payment to be made on the Twenty-ninth Day of *September* next after the paſſing of this Act; and the Truſtees named in the preſent Act and all future Truſtees ſhall be and are hereby declared to be Creditors for the ſaid Yearly Sum of Twenty Pounds, and ſhall and may have and take ſuch Powers and Remedies for the Recovery thereof as are or ſhall be given to any other Creditors of the ſaid laſt mentioned Act.

Truſtees under 52 G. 3. to remain entitled to Sta-

LXII. Provided always, and be it further enacted, That the Truſtees of the ſaid Act of the Fifty-ſecond Year of His preſent Majeſty ſhall be entitled to the whole of their Proportion of the Statute Duty, and to all Compoſitions

tute Duty as before the passing of this Act.

Compositions for the same Proportion for the said Roads within the Parish of *Warminster* aforesaid, included in the said Act, as fully as they were entitled previous to the passing this Act.

Statute Labour.

LXIII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any

Justices to determine Differences touching Statute Work.

Two or more Justices of the Peace for the said County of *Wilts*, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road lies; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees or 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 of every such Parish or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute in force and effect for the Repairs of the Public Highways; and out of such Lists such Justices shall or may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road, as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest) and on such Parts of the said Road, as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Sum of Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct; and in default of Payment thereof, the same shall 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 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 for 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 to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid, and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid; as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Road, all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards the amending the ſaid Road; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places, ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or willingly give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

Juſtices may require Production of Rates.

LXIV. And be it further enacted, That for the better aſcertaining the Correctneſs of the Liſts to be delivered, it ſhall be lawful for the ſaid Juſtice or Juſtices to ſummon any Officer or Officers of the Pariſh or Place in which the Lands contained in ſuch Liſt ſhall lie, and to require ſuch Officer to produce before him or them Books of all Rates or Aſſeſſments in the Poſſeſſion of ſuch Officer or Officers concerning the ſaid Lands, and any Officer or Officers neglecting or refuſing to attend with ſuch Rates or Aſſeſſments or Books, as directed by ſuch Summons, ſhall forfeit for each Offence any Sum not exceeding Five Pounds.

Pariſh Surveyors may appeal to Proportion of Statute Work.

LXV. And be it further enacted, That if the Surveyor or Surveyors of the Highways for the Time being of any of the Pariſhes or Places therein, or where any Part of the ſaid Road doth lie, ſhall think the ſaid Juſtices have directed or appointed too large a Proportion of the Statute Work in any Pariſh or Place to be done on the ſaid Road, it ſhall be lawful for ſuch Surveyor or Surveyors of the Highways to appeal to the Quarter Seſſions of the Peace, next after ſuch Direction or Appointment, unleſs the ſame ſhall be made within Ten Days next preceeding ſuch Quarter Seſſion, and then to the ſecond Quarter Seſſion next after ſuch Direction or Appointment, and the Juſtices in their ſaid Quarter Seſſions are hereby authorized and empowered finally to adjuſt and determine what Proportion of the Statute Work in any Pariſh or Place ſhall be done on the ſaid Road by this Act directed to be repaired, ſuch Surveyor or Surveyors of the Highways having firſt given Ten Days clear Notice of ſuch Appeal to the Surveyor or Surveyors appointed by the ſaid Truſtees.

Truſtees may compound for Statute Duty.

LXVI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, may and are hereby authorized and empowered to compound with any Perſon or Perſons, Bodies Politic or Corporate, for the Repairs to be by him, or them, done upon the ſaid Road or any Part thereof, and alſo with the ſeveral Inhabitants of, or Occupiers of Lands, Tenements, or Hereditaments in the ſeveral Towns, Pariſhes, and Places in which the Road hereby intended to be repaired doth lie, for the ſeveral Days Statute Work to be by them reſpectively done upon the ſaid Road, at and for ſuch Sum or Sums of Money by the Year or otherwiſe

as

as they the said Trustees, or any Five or more of them, and such Person or Persons, Bodies Politic or Corporate, or Inhabitants or Occupiers respectively, shall agree upon, which said Money shall forthwith be paid to the said Trustees, or any Five or more of them, or to their Appointment.

Markets and Fairs in the Streets to be regulated.

LXVII. And whereas great Inconvenience, Difficulties, and Delays continually arise to Travellers and others, passing through the Town of *Warminster*, on Market and Fair Days, owing to Cattle, Corn, Meat, Fruit, Poultry, and other Commodities, Shows, and other Things being exposed to Sale or View in improper Parts of the public Streets and Footways of the said Town, as in the said recited Act made in the Thirty-second Year of the Reign of His present Majesty is mentioned and declared; be it therefore enacted, That it shall and may be lawful to and for the said Trustees appointed to put this Act into Execution, or any Nine or more of them, to order and direct all and every or any such Cattle, Corn, Meat, Fruit, Poultry, and other Commodities, Shows and other Things, as shall be brought to the said Market or Fair, to be exposed to Sale or View on the said Market or Fair Days in such convenient Part or Parts of the Market Place of the said Town, or at such other Place or Places near thereto, or which may at any Time or Times hereafter be erected or provided for that Purpose, which the said Trustees shall deem eligible and convenient, so as that the Tolls due to the Marquis of *Bath* Lord of the said Market, his Bailiff or Under Tenant, or other Persons entitled to the same, be not lessened or diminished thereby: Provided always, that no such Order or Direction, or Removal or Alteration, as herein-before is mentioned, so far as the same may affect the Property or Interest of the said Marquis of *Bath*, or the Lord or Lords, Lady or Ladies of the Manor for the Time being, shall be effected without the Licence and Consent in Writing of the said Marquis, or of the said Lord or Lords, Lady or Ladies, for the Time being.

Penalty on refusing to attend to Regulations.

LXVIII. And be it further enacted, That if any Person or Persons shall refuse or neglect to remove or put his or their Cattle, Corn, Meat, Fruit, Poultry, or other Commodities, Shows or other Things, to or in the Place or Places directed by the said Trustees in pursuance of this Act, on the said Market or Fair Days, every such Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Pavements to be kept in repair.

LXIX. And be it further enacted, That when and as often as need shall be, all and every the Pavements and Pitchings of the Public Footways aforesaid shall be taken up and relaid, repaired, raised, enlarged, lowered, or altered with Stone Flatners or other Pavements, and guarded by proper Curb Stones, in such Manner as the said Trustees, or any Five or more of them, in their Discretion shall order and direct; and that when and as often as any Part of the Pavements or Pitchings over which there is any Way or Passage for Carriages leading into any Gateway or private Property shall be altered, repaired, or amended, One Moiety of the Expences of and attending the same, of which a correct Account shall be kept and rendered by the Surveyor of the said Roads, and be settled by the said Trustees, or any Seven or more of them, shall be reimbursed to the said Surveyor by the Owners or Occupiers of such Gateway or private Property, within Ten Days after Notice given to him, her, or them respectively, and

in

in Default thereof, ſhall be recovered in ſuch Manner as Penalties and Forfeitures are herein-after directed to be recovered.

Surveyors of the Highways to pay an annual Sum to the Truſtees for repairing the Footways.

LXX. And be it further enacted, That the Surveyor or Surveyors of the Highways for the Time being of the Pariſh of *Warminſter* ſhall Yearly and every Year, on the Twenty-fifth Day of *March*, pay or cauſe to be paid out of the Statute Duty to be by ſuch Surveyor or Surveyors collected within the ſaid Pariſh of *Warminſter*, to the Truſtees appointed to put this Act in Execution, or their Treaſurer, the Sum of Fifteen Pounds, over and above the proportionate Part of the Statute Duty uſually paid or of Right due to the Truſtees of the ſaid Turnpike Road, as a Compenſation to the ſaid Truſtees, from the ſaid Surveyor or Surveyors, on account of his, her, or their not being liable in future to repair ſuch Footways, which ſaid Yearly Sum of Fifteen Pounds ſhall be applied as the Tolls to be collected at the Gates or Toll Houſes are directed to be applied; and the ſaid Truſtees, or any Five or more of them, ſhall and may, and they are hereby empowered, by themſelves or by any Perſon or Perſons for them thereunto authorized, at any Meeting to levy the ſaid Sum of Fifteen Pounds upon the Surveyor or Surveyors for the Time being of the Pariſh of *Warminſter*, in caſe of his or their neglecting or refuſing to pay the ſame, by Diſtreſs or otherwiſe, in the ſame Manner as the Tolls are to be levied and recovered by this preſent Act, or any General Act touching Turnpike Tolls.

Surveyors may make Cauſeways.

LXXI. And be it further enacted, That it ſhall and may be lawful to and for the Surveyor and Surveyors, by Order of the ſaid Truſtees, or any Five or more of them, to make or cauſe to be made any Cauſeways, Footways, and Drains in and upon the ſaid Roads, and alſo Ditches and Drains through any Grounds lying contiguous thereto, and to make Arches upon the ſaid Roads, making ſuch reaſonable Satisfaction to the Owners and Occupiers of ſuch Grounds reſpectively through which any ſuch Drain ſhall be made, or on which ſuch Arches ſhall be erected, for the Damages which ſuch Owners or Occupiers reſpectively ſhall or may ſuſtain thereby, as ſhall be adjudged reaſonable by the ſaid Truſtees, or any Five or more of them; and in caſe of any Difference concerning the ſame, between ſuch Owners or Occupiers and the ſaid Truſtees, that then it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for the ſaid County of *Wilts*, to ſettle and adjudge and determine what Recompence ſhall be made to the Owners or Occupiers for the Damages they ſhall have ſuſtained as aforeſaid.

Surveyors may dig Gravel, &c. in Waſte Grounds without paying for the ſame.

LXXII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Surveyor and Surveyors, and ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, gather and take away any Gravel, Furze, Heath, Sand, Stones, or other Materials for repairing the ſaid Roads in and out of any Common, River or Brook, or out of any Waſte or Common, of or in any Pariſh, Town, Village, or Hamlet in or near which any Part of the ſaid Roads doth lie, without paying any Thing for ſuch Materials, ſuch Surveyor or Surveyors cauſing to be levelled all ſuch Pits and Holes, or otherwiſe to be fenced and railed about, where and from whence any ſuch Materials ſhall be digged, gathered, or taken away, in ſuch Manner as that the ſame ſhall not be dangerous to Travellers or Cattle, and paying for the Damages done by landing, and for going over or through any Lands or Grounds

Grounds for or with ſuch Materials, to be aſcertained as after mentioned; and alſo it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and ſuch Perſon and Perſons as he or they ſhall appoint, (ſuch Surveyor or Surveyors firſt having an Order from any Two or more Juſtices of the Peace for the County of *Wilts*, as herein-after mentioned, to ſearch for, dig, take and carry away ſuch Materials in and out of the ſeveral Grounds of any Perſon or Perſons, (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Walks, or Avenue to a Houſe, or any Piece of Ground incloſed, planted or ſet apart as a Nurſery for Trees), paying ſuch Rates for ſuch Materials, and for the Damages done to the Owners or Occupiers of ſuch Grounds, where and from whence the ſame ſhall be gathered, digged, placed or carried away, or over or on which the ſame or any other Materials for repairing or ariſing from the ſaid Road ſhall be carried, as the ſaid Truſtees, or any Five or more of them, ſhall adjudge reaſonable; and in caſe of any Difference concerning the ſame, any Two or more Juſtices of the Peace for the County of *Wilts*, ſhall and may adjudge, aſſeſs, and finally determine the ſame.

Materials not to be taken out of any Garden, &c.

LXXIII. Provided always, and be it further enacted, That it ſhall not be lawful for any Surveyor or Surveyors, or for any Perſon or Perſons under the Authority of this Act, to dig, gather, take, or carry away any Materials for making or repairing the ſaid Roads, out of or from any Garden, Orchard, Yard, Park, Paddock, Plantation, planted Walk or Walks, or Avenue to a Houſe, or any Piece of Ground incloſed, planted, or ſet apart as a Nurſery for Trees.

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

LXXIV. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor or Surveyors, or for any other Perſon or Perſons under the Authority of this Act, to dig, gather, take, and carry away Materials for making or repairing the ſaid Roads, in or out of any River or Brook, until Notice in Writing ſhall have been given to the Occupier of any Mill, Flood Gate, or Dam, erected on or near, or forming Part of ſuch River or Brook, to or from any incloſed Lands or Grounds, or from any Sheep Walks or Downs, until Notice in Writing ſhall have been given to the Owner or Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Occupier at the uſual Place of Reſidence, to appear before Two Juſtices of the Peace, acting for the ſaid County of *Wilts*, to ſhew cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Owner or Occupier ſhall attend purſuant to ſuch Notice, and ſhall not ſhew ſufficient Cauſe, ſuch Juſtices ſhall, if they think fit, authorize ſuch Surveyor or other Perſons to dig, gather, take, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Truſtees, or any Five or more of them, or to ſuch Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf, or his Agent, the ſaid Juſtices or the ſaid Truſtees, or any Five or more of them, ſhall and may make ſuch Order therein, as they ſhall think fit as fully and effectually to all Intents and Purpoſes, as if ſuch Occupier or his Agent had attended.

Penalty for removing Materials from Quarries.

LXXV. And be it further enacted, That if any Perſon or Perſons ſhall take away any Materials that ſhall have been dug or gathered for the Purpoſe of amending the ſaid Roads, or ſhall get or take away any Materials out of or by the Side of any Pit or Quarry, which ſhall have been made for the

the Purpoſe of getting Materials for the ſaid Roads, before the Surveyor or Workmen ſhall have diſcontinued working therein for the Space of Twenty-one Days, except the Owner or Occupier of any private Ground, and Perſons authorized by ſuch Owner or Occupier to get Materials therein, for his or her own private Uſe only, and not for Sale, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence the Sum of Forty Shillings.

No Pent Houſes or Bow Windows to be built over the Footways;

LXXVI. And be it further enacted, That no Pent Houſes, Bow Windows, or other Buildings whatever, ſhall be erected or built over any of the ſaid Foot Ways or Pavements by any Perſon or Perſons whomſoever after the paſſing of this Act, and where it may happen that any Foot Ways or Pavements are at preſent uſed under any Pent Houſes or other Buildings already erected ſuch Foot Ways ſhall always remain for the Uſe and Benefit of the ſaid Roads; and where any Pent Houſes may project on or over any of the ſaid Foot Ways or Pavements before deſcribed, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to cauſe Notice to be given to the reſpective Owners or Occupiers of the ſeveral Houſes and Buildings having ſuch Pent Houſe, to take down and wholly remove, or to alter and regulate the ſame, at ſuch Times and in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think fit; and in caſe the reſpective Owners or Occupiers ſhall neglect or refuſe ſo to do, by the Space of Twenty-one Days next after ſuch Notice given or left, in Writing under the Hand of the Clerk or Treaſurer of the ſaid Truſtees, at the Dwelling Houſe or uſual Place of Abode of ſuch Owner or Occupier, it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, and they are hereby authorized and empowered, without any further Conſent from ſuch Owner or Occupier, to cauſe ſuch Pent Houſe, projecting over the ſaid Foot Ways or Pavement to be taken down, removed, altered, and regulated in ſuch Manner as they ſhall think proper; making ſuch Recompence in either Caſe to ſuch Owners or Occupiers reſpectively, for the Damages to be ſuſtained by him, her, or them, if any, becauſe of the Removal of ſuch Pent Houſe projecting as aforeſaid, as they ſhall think reaſonable.

and Truſtees may remove any Pent-Houſes, Bow Windows or other Projection on the ſaid Footways making Recompence to the Parties.

Surveyors may remove Annoyances;

LXXVII. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors for the Time being, and ſuch Perſon or Perſons as he or they ſhall appoint, from Time to Time to remove all Annoyances, by Timber, Stone, Bricks, Mortar, Carriages, Filth, Dung, Aſhes, Rubbiſh, Straw, or other Things whatſoever, laid, placed, or being on or by the Side of any Part of the ſaid Roads or Footways, or within Thirty Feet of the Centre thereof, in caſe the ſame are not removed within the Space of Two Hours next after Notice thereof ſhall have been given by ſuch Surveyor or Surveyors for that Purpoſe to the Owners or Occupiers thereof, and alſo that it ſhall be lawful for the ſaid Surveyor and ſuch Perſons as aforeſaid, by Order of the ſaid Truſtees, or any Seven or more of them, to remove and prevent all other Annoyances on or adjoining any Part of the Roads or Footways aforeſaid, by Pig Styes, Slaughter Houſes, Hovels, Rain-water Shoots, Signs, Sign Poſts, Spur Poſts, Sign Irons, Shew Boards, Rails, Poſts, Steps at Door Ways, or otherwiſe, and cauſe ſuch Rain-water Shoots as ſhall be neceſſary to be affixed and placed, in ſuch Manner as ſuch Truſtees ſhall direct, on or againſt the Fronts of the Houſes and Buildings where neceſſary, at the proper Coſts and Charges of the Owners and Occupiers of ſuch Houſes and Buildings;

turn Watercourſes,

Buildings; and to turn any Watercourſes, Sinks, or Drains running into, along, or out of the ſaid Roads to the Prejudice thereof, and to alter and remove any Gates opening outward on the ſaid Road, or on the Footways or Cauſeways thereof, making the ſame to turn inward; and to ſtop up all Wells and Saw Pits, or other Places within Thirty Feet from the Centre of the ſaid Roads, that may be open and dangerous to any Paſſenger or Paſſengers, and to open, ſcour, and cleanſe any Watercourſes and Ditches, and make the ſame as deep and large and of ſuch Length as

and cut down Trees.

he or they ſhall think proper or neceſſary; and to cut down, lop, and top, at proper Seaſons of the Year, any Trees or Buſhes growing in the ſaid Roads, or in the Hedges and Banks adjoining thereto (not planted for Ornament or Shelter to a Houſe, or growing in a Park or Garden, Paddock,

Reduce Hedges to Three Feet.

planted Walk, or Avenue to a Houſe); and alſo to ſhear, cut, and reduce any Hedges adjacent to the ſaid Roads, at any Time or Times of the Year, to the Height of Three Feet; and that it ſhall be lawful for the ſaid Surveyor and ſuch Perſons as aforeſaid, to take down and carry away the ſame, in caſe the Owners or Occupiers of the Premiſes ſhall neglect to remove the ſame, or to cut down and carry away ſuch Trees, Buſhes, and Hedges as aforeſaid, or to open, cleanſe, and ſcour ſuch Watercourſes or Ditches, or to remove ſuch other Annoyances, for the Space of Ten Days next after Notice in Writing given for that Purpoſe under the Hand or Hands of ſuch

The Charges thereof ſhall be reimburſed to the Surveyors.

Surveyor or Surveyors; and the Charges thereof, to be ſettled by the ſaid Truſtees, or any Five or more of them, ſhall be reimburſed the ſaid Surveyor or Surveyors by ſuch Owners or Occupiers, and in Default or on Refuſal of the ſame being diſcharged to the ſaid Surveyor or Surveyors by ſuch Owner or Occupier, the ſame ſhall be recoverable in ſuch Manner as the Penalties and Forfeitures are herein-after directed to be recovered; and if after Removal of any of the ſaid Annoyances any Perſon ſhall again offend in the like kind, every ſuch Perſon ſhall, for every ſuch Offence, forfeit unto the ſaid Truſtees, or their Treaſurer for the Time being, any Sum not exceeding Twenty Shillings.

Puniſhing Perſons unloading Coal Waggons in the Streets.

LXXVIII. And be it further enacted, That if any Perſon or Perſons, or his or their Servant or Servants, ſhall, on any Market Day or Days, place or ſuffer to be placed his, her, or their Waggon, Cart, or Carriage, Waggons, Carts, or Carriages loaded with Coal in the Market Place of the ſaid Town of *Warminſter*, and there unload or ſuffer the ſame to be unloaded, or if any Perſon or Perſons ſhall at any Time run, drive, draw, carry or place, or cauſe to be run, driven, drawn, carried or placed on any of the ſaid Foot Ways or Pavements, any Wheel or Wheels, Sledge, Wheel-barrow, Hand-barrow, Truck or Carriage whatſoever; or exhibit any Stallion in the Streets of the ſaid Town; or wilfully ride, drive, or lead, or cauſe

Riding, &c. on Footways.

to be rode, driven or led any Horſe or Cattle on any of the ſaid Foot Ways or Pavements, or on any Foot Way or Path adjoining to or made on the Side of or upon the Roads mentioned in this Act, or cauſe any Damage to be done to any ſuch Footway or Pavement, other than and in Caſes of unavoidable Neceſſity; or if any Perſon or Perſons ſhall exhibit or cauſe to

Exhibiting Horſes in the Market.

be exhibited any Horſes for Sale, or for other Gain or Profit in the Public Market Place, on any *Saturday* or Fair Day, between the Hours of Eleven and Two of the Clock, to the Detriment or Inconvenience of the ſaid Market or Fair Day, or of any Perſon or Perſons frequenting or being preſent in the

Playing in the Streets.

ſame; or if any Perſon or Perſons ſhall make any Slides or ſlippery Places on the ſaid Roads, Pavements, or Foot Ways in Froſty Weather; or if any Per-

ſon or Perſons ſhall make or be aiding and aſſiſting in playing at Balls, Hoops, or other Games, to the Annoyance of the Paſſengers within the Public Streets and Town of *Warminſter* aforeſaid; or if any Perſon or Perſons ſhall ſlaughter, burn, or dreſs any Animal in or adjoining any of the ſaid Roads and Foot Ways; or if any Perſon ſhall hale or draw, or cauſe to be haled or drawn, upon any Part of the ſaid Roads, any Tree or Piece of Timber, or any Stone, (otherwiſe than upon wheeled Carriages), or ſhall ſuffer any Part of any Tree or Piece of Timber or Stone, which ſhall be carried upon Wheeled Carriages, to drag on any Part of the ſaid Roads to the Prejudice thereof; or if any Perſon driving any Pigs or Swine upon the ſaid Roads ſhall ſuffer the ſame to root up or damage the ſaid Roads, or any Part thereof, or the Fences, Hedges, Banking, or Copſe on either Side thereof; or if any Perſon or Perſons ſhall leave or ſuffer any Horſe, Cattle, Sheep, or Beaſt to be and remain looſe on the ſaid Roads; or if any Perſon, driving any Coach, Chaiſe, Waggon, Cart, or other Carriage upon the ſaid Roads, and meeting another Coach, Chaiſe, Waggon, Cart, or other Carriage, ſhall not keep his 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 them upon the ſaid Roads, or the Coach, Chaiſe, Waggon, Cart, or other Carriage under his or their Care; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires whatſoever, or ſhall ſet fire to, or let off or throw any Squib, Rocket, Serpent, or Firework whatſoever, on any Part or Parts of the ſaid Roads; or if any Perſon or Perſons ſhall leave any Waggon, Wain, Cart, or other Carriage in, upon, or on the Side of any Part of the ſaid Roads, (except in Caſes of Accident, or other reaſonable Excuſe, to be allowed by the Juſtice or Juſtices of the Peace before whom he, ſhe, or they ſhall be ſummoned in order to his, her, or their Conviction, and except with regard to ſuch Wain, Cart, or other Carriage, during ſuch reaſonable Time as the ſame ſhall be loading or unloading, and ſtanding as near to the Sides of ſuch Roads as conveniently may be) either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto; or ſhall lay, place, or throw, or permit or ſuffer to be laid, placed, or thrown, any Piece of Timber or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever on any Part of the ſaid Roads, or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice or Annoyance of any Perſon or Perſons travelling thereon, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Slaughtering near the Roads.

Dragging Timber on the Roads.

Damaging Roads by Pigs.

Leaving Cattle looſe on the Roads.

Taking the Off Side, or obſtructing Paſſengers or Carriages on the Road.

Letting off Fire works.

Leaving Carriages on the Roads.

Laying Filth Rubbiſh, &c. on the Road.

LXXIX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees or any Five or more of them, or their Surveyor or other Perſon or Perſons authorized by them or any Five or more of them, to ſeize and take, and for any other Perſon or Perſons to aſſiſt in ſeizing and taking any Waggon, Cart, or Carriage loaded with Coal, together with ſuch Coal which on any Market Day ſhall be placed and unloaded in the Market Place of the ſaid Town of *Warminſter*; and alſo any Wheel, Sledge, Wheelbarrow, Hand-barrow, Waggon, Wain, Cart, or other Carriage, which after having been unloaded ſhall be placed or left in, upon, or on the Side of any Part of the ſaid Roads, Footways, or Pavements, and alſo any Horſe or Horſes exhibited for Sale, or other Gain or Profit in the Market Place of *Warminſter* aforeſaid, on any *Saturday* or Fair Day, be-

Surveyor may impound Carriages and other Annoyances left on the Roads.

tween the Hours of Eleven and Two of the Clock, or any such Horse, Cattle, Sheep, or Beast being or remaining loose on the said Roads, and for which such Penalty may be incurred as last herein-before mentioned, and to drive and remove, or cause to be driven and removed to some secure Pound or Place, there to be kept and impounded until the Owner or Owners thereof, or his, her, or their Servant or Servants, shall and do pay to the Person or Persons in whose Custody the same may be, the said Penalty together with the Costs and Charges of removing and keeping the same as aforesaid; and in case the same shall not be claimed, and the said Penalty and Charges paid within the Space of Five Days next after the Seizure thereof, the same shall be sold, and the Money arising therefrom shall be applied to the Discharge of the said Penalty and Charges, and the Costs of selling the same; and the Residue thereof (if any) be rendered to the Owner or Owners thereof, on Demand thereof, by him, her, or them.

No Building to be erected within 15 Feet from the Centre of the Road; nor any Building thatched within the Town of Warminster; or Trees planted within 30 Feet.

LXXX. Provided always, and be it further enacted, That from and after the passing of this Act no Building shall be erected within Fifteen Feet from the Centre of the said Road, excepting such as may be situate within the Limits of the Towns of *Warminster* and *Heytesbury*, nor shall any Buildings within the said Town of *Warminster*, not already thatched or covered with Straw or Reed, be hereafter thatched or covered with Reed or Straw; nor shall any Gate, hereafter to be erected against the said Road, be made to open into the said Road or Roads, or upon the Footways or Causeways thereof, nor shall any Tree or Trees hereafter be planted or permitted to grow up within Fifteen Feet of the Centre of the said Road, except in any Park or Garden, Paddock, planted Walk, or Avenue to a House; and if any Buildings shall be erected nearer than Fifteen Feet from the Centre of the said Road except as aforesaid, or if any Building in the said Town of *Warminster* not now covered or thatched with Reed or Straw, be hereafter thatched or covered with Reed or Straw, or if any Gate or Gates shall hereafter be made to open into the said Roads, Footways, or Causeways, or any young Tree or Trees shall be planted within Fifteen Feet of the Centre of the said Roads, it shall be lawful for the said Trustees, or any Five or more of them, or for any Person or Persons authorized by the said Trustees, or any Five or more of them, to take down and remove, or cause to be taken down and removed, any such Building or Buildings, Thatch, Reed, or Straw, Gate or Gates, Tree or Trees, as a public Nuisance, and to remove the same, and the Materials thereof, without any Compensation for Damages, Trespasses, or otherwise.

Roads to be measured and Mile Stones erected.

Penalty on defacing them.

LXXXI. And be it further enacted, That the said Trustees, or any Five or more of them, shall, where the same is not already done, cause the said Roads to be measured, and Stones or Posts to be set up, in or near the Sides of the said Roads, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from any Town or Place, as to the said Trustees, or any Five or more of them, shall seem meet; and if any Person shall wilfully pull up or damage any such Stones or Posts already erected or to be erected, or any Part thereof, or shall obliterate or deface any of the Letters, Figures, or Marks which shall be inscribed thereon, and be convicted thereof by the Confession of the Party or by the Oath of One credible Witness, before One or more Justice or Justices of the Peace, which Oath the said Justice and Justices is and are hereby empowered to administer, every such Person shall forfeit any Sum

not exceeding Forty Shillings for every ſuch Offence; One Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be applied in repairing ſuch Stones or Poſts, or in ſupplying of new ones in their Stead, and if there ſhall be any Overplus, the ſame ſhall be laid out in repairing the Roads hereby directed.

Penalty on aſſaulting Officers or other Perſons in the Execution of the Act.

LXXXII. And be it further enacted, That if any Perſon or Perſons ſhall ſtrike or aſſault any Officer or Officers or other Perſon employed in the Performance of his or their Duty under this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

All Straw, Dung, &c. laid in the Roads the Property of Truſtees.

LXXXIII. And be it further enacted, That from and after the paſſing of this Act, all Straw laid in the Market Place or Places of the ſaid Town, and all Dung, Soil, and Compoſt laid on the ſaid Roads, ſhall be the Property of the Truſtees appointed to carry this Act into Execution; and if any Perſon or Perſons ſhall take, remove or carry away any ſuch Straw, Dung, Soil, or Compoſt, without the Conſent of the ſaid Truſtees, or any Five or more of them, to be given at ſome Public Meeting previous thereto, he, ſhe, or they, ſhall forfeit any Sum not exceeding Twenty Shillings for every Offence.

Inhabitants to ſweep before their Houſes.

LXXXIV. And be it further enacted, That all and every Perſon and Perſons occupying any Houſe, Lands, or Tenements within the ſaid Town of *Warminſter*, where the preſent or future Pavement or Pitching may extend, ſhall ſweep and cleanſe, or cauſe to be ſwept and cleanſed, the Foot Ways and Drains adjoining in the whole Length of the Front of their ſaid reſpective Premiſes Once in every Week, and alſo at ſuch other Times, (not exceeding Twice in every Week) and in ſuch Manner as the ſaid Truſtees ſhall direct, upon Pain of forfeiting and paying the Sum of Two Shillings and Sixpence for every Neglect therein.

Forfeitures how recoverable.

LXXXV. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed or awarded, the Manner of levying and recovering whereof is not otherwiſe particularly directed, ſhall be levied and recovered by Diſtreſs and Sale of the Offenders Goods and Chattels, by virtue of a Warrant under the Hand and Seal, or Hands and Seals of One or more Juſtice or Juſtices of the Peace, for the County where ſuch Offender or Offenders ſhall then be and reſide, ſuch Offender or Offenders having been previouſly ſummoned or convicted of any Offence or Offences contrary to the Intent of this Act before any One or more of the ſaid Juſtice or Juſtices, on the Oath of One or more credible Witneſs or Witneſſes, (which Oath the ſaid Juſtice or Juſtices is and are hereby empowered and required to adminiſter); and the ſaid Penalties and Forfeitures when recovered ſhall be paid to the ſaid Truſtees, or any Five or more of them, or their Treaſurer, and be applied for the Purpoſes of repairing, amending, and maintaining the Roads by this Act directed to be repaired, amended, and maintained, unleſs otherwiſe directed; and in Default of ſuch Diſtreſs ſuch Juſtices ſhall and may commit ſuch Offender or Offenders or the Party or Parties convicted to the Houſe of Correction, there to be kept to hard Labour for any Time not exceeding Two Calendar Months, or until ſuch Penalty or Forfeiture ſhall be fully paid and ſatisfied.

Application of Forfeitures.

For want of Effects to be committed.

Form of Conviction.

LXXXVI. And be it further enacted, That all and every Juſtice and Juſtices of the Peace, before whom any Perſon or Perſons ſhall be convicted of

any

any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form, or to the like Effect; (that is to ſay),

to wit. } 'BE it remembered, That on the Day of in the Year of our Lord
'*A. B.* is convicted before me [*or*, us] of His Majeſty's Juſtices
'of the Peace for the , by virtue of an Act paſſed
'in the Fifty-fifth Year of the Reign of His preſent Majeſty King *George*
'the Third, intituled [*here ſet forth the Title of this Act, and ſpecify the*
'*Offence, and Time and Place when and where the ſame was committed,*
'*as the Caſe may be*]; and I the ſaid Juſtice [*or*, we the ſaid Juſtices]
'do adjudge him [her *or* them] to forfeit and pay the Sum of
'. Given under my [*or*, our] Hand and Seal, [*or*,
'Hands and Seals] the Day and Year firſt above written.'

Perſons aggrieved may appeal to the Quarter Seſſions.

LXXXVII. Provided always, and be it further enacted, That in caſe any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed, it ſhall be lawful for ſuch Perſon to appeal to the Juſtices of the Peace at their next General Quarter Seſſions of the Peace to be held in and for the ſaid County of *Wilts*; or in caſe the ſaid Cauſe of Complaint ſhall ariſe within Fourteen Days next before ſuch General Quarter Seſſions of the Peace, then ſuch Appeal may be made to the ſaid Juſtices at the General Quarter Seſſions of the Peace to be held for the ſaid County, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any ſuch Perſon in a ſummary Way, and if they ſee Cauſe may, by Order of ſuch Seſſions, mitigate at their Diſcretion all or any of the Penalties aforeſaid, or vacate and ſet aſide the Conviction and ſet the Party at Liberty, or otherwiſe may ratify and confirm the ſame, with ſuch Coſts as to them ſhall ſeem reaſonable, and to make ſuch Orders and Judgments in regard to the Premiſes as they ſhall think fit; but the Perſon ſo appealing ſhall give Notice in Writing to the ſaid Treaſurer or Treaſurers of ſuch his or their Intention of bringing ſuch Appeal, and of the Cauſe or Matter thereof, Eight Days before the ſaid Quarter Seſſions.

Notice of Appeal to be given.

Proceedings not to be quaſhed for Want of Form; nor removable by Certiorari.

LXXXVIII. Provided alſo, and be it further enacted, That no Order made touching or concerning any of the Matters aforeſaid, or any other Proceedings to be had touching the Conviction of any Offender or Offenders againſt this preſent Act, ſhall be quaſhed or evaded for want of Form only, or be removed or removable by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, any Law or Statute to the contrary notwithſtanding.

Limitation of Actions.

LXXXIX. And be it further enacted, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, the ſame ſhall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and ſhall be laid and brought in the County where the Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in any 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 happen ſo to have been done, or

General Iſſue.

that

that such Action or Suit shall be commenced after the Time before limited for bringing the same, or shall be brought in any other County than as aforesaid, that then the Jury shall find for the Defendant or Defendants, and upon a Verdict for the Defendants, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer, Judgement shall be given upon the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may have and receive Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have in other Cases of Law. Treble Costs.

XC. And be it further enacted, That this Act shall commence and take place upon the Third Day of *July* One thousand eight hundred and fifteen, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commencement and Continuance of this Act.

XCI. 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. Public Act.

The SCHEDULE to which this Act refers.

A Garden, the Property of John Daniels, and in the Occupation of William Green.

A Garden, the Property of the moſt Honourable the Marquis of Bath and Iſaac Pearce, and in the Occupation of the Pariſh Officers of Upton Scudamore, Wilts.

Two Gardens, the Property and in the Occupation of the Pariſh Officers of Upton Scudamore aforeſaid.

All which Gardens or Lands are ſituate, lying and being within the Pariſh of Upton Skidmore otherwiſe Upton Scudamore, in the County of Wilts.

Two Gardens, or Courts, with the Appurtenances, the Property of Thomas Down, and in the Occupation of Benjamin Griſt, and Jeremiah Payne.

A Garden or Court, with the Appurtenances, the Property of Richard Ford, and in the Occupation of Richard Ford and Mary Ingram.

A Stable and Garden, with the Appurtenances, the Property and in the Occupation of Matthew King.

A ſmall Piece of Garden Ground, the Property of Edward Middlecott Eſquire, and James Tucker, and in his Occupation.

A Highway leading from Common Cloſe to High Street, in the Town of Warminſter.

Two ſmall Dwelling Houſes with the Appurtenances, the Property of the moſt Honourable the Marquis of Bath and William Holton junior, and in the Occupation of William Holton junior and William Holton ſenior.

A Dwelling Houſe and Workſhops with the Appurtenances, the Property of the moſt Honourable the Marquis of Bath and John Morgan, and in the Occupation of Thomas Axford and Jacob Moore.

The Townhall in Warminſter, the Property of the moſt Honourable the Marquis of Bath.

The Plume of Feathers Inn, Four Tenements, Malt Houſe, Yard and Three Shops, with their Appurtenances, the Property of the Marquis of Bath and Stephen Hunt, and in the Occupation of Walter Cary, Thomas Payne, Henry Harris, James Loyd, Calwell, and Stephen Hunt.

Two Dwelling Houſes, Shops, and Yard, with the Appurtenances, the Property of the Marquis of Bath and Thomas Harris, and in the Occupation of Thomas Harris and John Elling.

Four Dwelling Houſes, Two Shops and a Garden, with the Appurtenances, the Property of the Marquis of Bath and James Millard, and in

the Occupation of James James, William Cox, Philip Carpenter, and Broad Croſſman.

A Tenement, Stable, Out Houſe, and Garden, with the Appurtenances, the Property of the Marquis of Bath and James Allies, and in the Occupation of James Allies and Thomas Warren.

A Dwelling Houſe and Garden, with the Appurtenances, the Property of Uriah Brodribb, and in the Occupation of Thomas Biggwood.

A Dwelling Houſe and Garden, with the Appurtenances, the Property and in the Occupation of Drew Biſhop.

A Dwelling Houſe and Garden, with the Appurtenances, the Property of the Marquis of Bath and Henry Wanſey ſenior, and in the Occupation of John Kemp junior.

A Garden with the Appurtenances, the Property of Francis Dugdale Aſtley Eſquire and William Hayward, and in the Occupation of William Hayward.

A Garden with the Appurtenances, the Property of Francis Dugdale Aſtley Eſquire and the Executors of Robert Burt deceaſed, and in the Occupation of William Smith.

All which ſaid laſt mentioned Dwelling Houſes, Shops, Yards, Gardens and Premiſes, with the Appurtenances, are ſituate and lying within the Pariſh of Warminſter, in the County of Wilts.

A Garden with the Appurtenances, ſituate in the Pariſh of Biſhopſtrow in the County of Wilts, the Property of Francis Dugdale Aſtley Eſquire and William Potticary, and in the Occupation of William Potticary.

A Garden with the Appurtenances, ſituate within the Pariſh of Sutton Veney, in the County of Wilts, the Property of Mary Arnold, and in the Occupation of Mary Arnold and John Extons.

A Dwelling Houſe with the Appurtenances, the Property of the Marquis of Bath and Johanna Leate, and in the Occupation of Johanna Leate.

A Highway or Church Road leading from Silver Street in the ſaid Town of Warminſter, through Aſhes, to Church Street.

Two Dwelling Houſes with the Appurtenances, the Property of Nathaniel Whittock, and in the Occupation of J. Gibbs and Davis.

A Garden with the Appurtenances, the Property of Ann Bleeck and William Whittock, and in the Occupation of William Eacott.

A Garden with the Appurtenances, the Property of the Marquis of Bath and James Hickman, and in the Occupation of Thomas Carter.

A Dwelling Houſe with the Appurtenances, the Property of Peter Warren, and in the Occupation of Henry Dowdell.

A Dwelling Houſe and Shop with the Appurtenances, the Property of Jane Sly, and in the Occupation of Richard Papps.

A Dwelling Houſe with the Appurtenances, the Property of John Singer, and in the Occupation of James Carter.

A Dwelling

A Dwelling Houſe with the Appurtenances, the Property of John Gulliver, and in the Occupation of Hannah Salmon.

Three Dwelling Houſes with the Appurtenances, the Property of the Marquis of Bath and Edward Mifflin, and in the Occupation of M Giles, Joſeph Taylor, and William Tabor.

A Dwelling Houſe, Shop, and Garden with the Appurtenances, the Property of Benjamin Buckler, and in the Occupation of Samuel Cray and Pinnell.

Two Dwelling Houſes with the Appurtenances, the Property of Peter Warren, and in the Occupation of Dowdell and Richard Whatley.

A ſmall Shop and Garden with the Appurtenances, the Property of James Ludlow, and in the Occupation of Abraham Silcox.

A Highway extending Three Poles in Length, from Pound Street Road in the ſaid Town of Warminſter.

A Garden or Yard with the Appurtenances, the Property of the Deviſees of Ann Webb deceaſed, and in the Occupation of Thomas Carter.

A Yard, Stable, and Hog-ſtye with the Appurtenances, the Property of the Deviſees of Ann Webb deceaſed, and Joſiah Curtis, and in the Occupation of Joſiah Taylor, all which ſaid laſt mentioned Dwelling Houſes, Shops, Gardens and Premiſes, with the Appurtenances, are ſituate and lying within the Pariſh of Warminſter, Wilts.

A Dwelling Houſe with the Appurtenances, the Property of the Marquis of Bath, and in the Occupation of Benjamin Waters.

A Dwelling Houſe with the Appurtenances, the Property of the Marquis of Bath, and in the Occupation of William Gray.

Two Dwelling Houſes with the Appurtenances, the Property of the Marquis of Bath, in the Occupation of Benjamin Waters ſenior, and Benjamin Waters junior.

A Garden with the Appurtenances, the Property of and in the Occupation of William Payne.

A Garden with the Appurtenances, the Property of and in the Occupation of Benjamin Waters.

A Dwelling Houſe with the Appurtenances, the Property of the Marquis of Bath and Joſeph Muſſell, and in the Poſſeſſion of the Pariſh Officers of Deverill Longbridge.

All which ſaid laſt mentioned Dwelling Houſes, Gardens, and Premiſes, with the Appurtenances, are ſituate and lying within the Pariſh of Longbridge Deverill, in the County of Wilts.

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