



ANNO QUINQUAGESIMO QUARTO

GEORGI III. REGIS.

Cap. 50.

An Act for making and maintaining a Turnpike Road from *Swindon* to or near *Knighton* Farm, in the Parish of *Ramsbury*, and from *Liddington* to the Road leading from *Swindon* to *Marlborough*, in the County of *Wilts*. [18th May 1814.]

WHEREAS the Road leading from *Swindon*, in the County of *Wilts*, to or near *Knighton*, in the Parish of *Ramsbury*, in the County of *Wilts*, passing out of, through, or into the several Townships, Parishes, Vills, Hamlets, Tythings, or Places of *Swindon* aforesaid, *Coate*, *Liddington*, *Aldbourne*, *Baydon*, *Preston*, *Wittonditch*, and *Ramsbury*, in the said County of *Wilts*; and also the Road leading from *Liddington* aforesaid to the Turnpike Road leading to and from *Swindon* and *Marlborough*, at or near the *Burderop* Turnpike Gate, passing out of, through, or into the several Parishes, Vills, Hamlets, Tythings, or Places of *Liddington*, *Medbourn*, *Badbury*, *Chisledon*, and *Burderop*, in the said County of *Wilts*, are in a very ruinous Condition, in many Places narrow, incommodious, and very dangerous to Travellers, Cattle, and Carriages; and the same cannot be effectually amended, widened, turned, altered, repaired, and kept in good Repair, by the present Methods prescribed by Law: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons,

[Loc. & Per.] 9 K

Trustees.

mons, in this present Parliament assembled, and by the Authority of the same, That *Paul Methuen* Esquire, *Richard Godolphin Long* Esquire, *Daniel Jones Long* Esquire, *John Long* Esquire, *Sir Francis Burdett* Baronet, Major General *Edward William Leyborne Popham*, Lieutenant General *Henry Read*, *Edward Popham* D.D. *Charles Dundas* Esquire, *Thomas Calley* Esquire, *John Calley* Esquire, *Joseph Pitt* Esquire, *William Dyke* Esquire, *Cornelius Pitt* Esquire, *John Pearse* Esquire, *Fuliver Craven* Esquire, *William Hallett* Esquire, *Silvanus Bevan* Esquire, *Matthew Loder Smith* Esquire, *Ambrose Goddard* the elder, Esquire, *Ambrose Goddard* the younger, Esquire, *Henry Bullock* Esquire, *Thomas Goddard Vilett* D. D. *William Codrington* Esquire, *William Jones* Clerk, *Sir James Graham* Baronet, *Thomas Baskerville* Esquire, *Robert Gordon* Esquire, *Edward Graves Meyrick* D.D. *James Blackman* M.D. *Arthur Meyrick* Clerk, *Richard Crabtree*, *James Russell*, *Robert Kerlake Marsh*, *John Harding Sheppard*, *Robert Hughes*, *William Brown*, *John Smith*, *Nathaniel Atherton*, *Thomas Canning*, *William Spearing*, *Joseph Spearing*, *Jasper Rumboll*, *Richard Strange*, *John Strange*, *Henry Cooke*, *James Wells*, *Stephen Neate* the elder, *Stephen Neate* the younger, *Broome Wetts*, *George Church*, *Robert Church*, *Richard Church*, *Joseph Wentworth*, *William Hilliar*, *John Hazell*, *George Frederick Hewitt*, *John Wells*, *Briant Buwley*, *Joseph Brind* the younger, *William Crowdy*, *James Crowdy*, *William Morse Crowdy*, *Nathaniel Wells*, *John Woodman*, *William Woodman*, *Thomas Neate Woodman*, *Richard Canning*, *John Washbourn*, *James Wyld*, *George Wyld*, *Roger Montgomery*, *John Trevena Trenchard*, *William Farmer*, *Thomas Viner*, *William Ruddle Brown*, *Anthony Woodroffe*, Reverend *Charles Francis*, A.M., *William Lanfear*, *Robert Howard*, *John Hunt Watts*, and *Richard Kemm*, being qualified in the Manner herein-after mentioned, shall be and they are hereby appointed Trustees for making, maintaining, widening, and otherwise improving the Roads herein-before mentioned and described, and for otherwise putting this Act and all the Powers and Provisions thereof in Execution.

Appointing
Ten additional
Trustees.

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

For electing
others on
Vacancies.

III. And be it further enacted, That when and so often as any of the said Trustees herein-before named, or to be elected as herein-after mentioned, shall die, or be disqualified, or by Writing under his or their Hand or Hands, delivered to the Clerks to the said Trustees for the Time being, Notice of his or their Intention of declining or refusing to act, it shall be lawful for the surviving or remaining Trustees, by Writing under their Hands, to elect and appoint One other Person to be a Trustee in the room of every Trustee so dying, being disqualified, or refusing to act; but Notice of the Time and Place of the Meeting for every such Election shall be given by the Clerks to the said Trustees for the Time being, by affixing the same in Writing upon all the Turnpike Gates to be erected

upon or across the said Roads, at least Ten Days before every such Meeting; and all and every Person and Persons who shall be so elected and appointed, shall be and 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 a Trustee or Trustees in this Act.

IV. Provided nevertheless, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, whilst he holds any Place of Profit under the same; nor in any Case wherein he shall be personally interested (except as a Mortgagee or Creditor); nor unless he shall, at the Time of his acting, be, in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, situate in the said County of *Wilts*, of the clear yearly Value of Fifty Pounds above Reprizes; or shall be Heir Apparent of a Person having such Estate of the clear yearly Value of One hundred Pounds; or be possessed of or entitled to a Personal Estate to the Amount or Value of One thousand Pounds; nor (if not such Heir Apparent as aforesaid, and except in administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed, before some or One of the said Trustees, an Oath or Affirmation in the Words or to the Effect following; (that is to say)

‘ I *A. B.* do swear [*or*, being one of the People called *Quakers*, do solemnly affirm] That I truly and *bonâ fide* am, in my own Right [*or*, in the Right of my Wife], in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, situate in the County of *Wilts*, of the clear yearly Value of Fifty Pounds above Reprizes [*or*, possessed of or entitled to a Personal Estate, of the Amount or Value of One thousand Pounds.]

Oath.

‘ So help me GOD.’

And if any Person unqualified by any of the Causes aforesaid, or not being qualified as before mentioned, shall nevertheless presume to act contrary to the true Intent and Meaning of this Act, every Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Complaint, Suit, or Information, wherein no Effoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act: Provided always, that any Mortgagee, or any Assignee of any Mortgagee or other Security, or any Tender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall not on that Account be deemed unqualified, or defeated from acting as a Trustee in the Execution of this Act: Provided also, that all such Trustees as are 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.

Penalty on acting if unqualified.

Trustees may act as Justices.

V. And

Trustees to
sue or be sued
in the Name
of their Clerk.

V. And be it further enacted, That the said Trustees shall and may in all Cases sue or be sued in the Name of their Clerks or Treasurers, or Clerk or Treasurer; and that no Action which may be brought or commenced, or Indictment which may be preferred or prosecuted by or against the said Trustees or any of them, by virtue or on account of this Act, in the Name of their Clerks or Treasurers, or Clerk or Treasurer, shall abate or be discontinued by the Death, Removal, or Act of such Clerks or Treasurers, or Clerk or Treasurer, without the Consent of the said Trustees; but the Clerks or Treasurers, or Clerk or Treasurer to the said Trustees for the Time being, shall always be deemed the Plaintiffs, Prosecutors, or Defendants, or Plaintiff, Prosecutor, or Defendant, in such Action or Indictment, as the Case may be; and that every such Clerks or Treasurers, or Clerk or Treasurer, in whose Names or Name any Action, Indictment or Suit shall be commenced, preferred, prosecuted, or defended in pursuance of this Act, shall be reimbursed and paid out of the Monies to be raised by virtue of this Act, all such Costs, Charges, and Expenses, as they or he shall be put unto or become chargeable with, by reason of their or his being so made Plaintiffs, Prosecutors, or Defendants, or Plaintiff, Prosecutor, or Defendant, as aforesaid.

Trustees First
and other
Meetings, &c.

VI. And be it further enacted, That the said Trustees shall meet together at the House of *Jane Noade*, known by the Sign of *The Bell Inn* in *Swindon* aforesaid, on the Second *Monday* next after the passing of this Act, or as soon after as conveniently may be, and proceed in the Execution hereof; and shall then and from Time to Time afterwards adjourn themselves, to meet at the same, or at such other Place or Places, upon or near the Side or Sides of the said Roads, and not exceeding the Distance of One Mile from some Part thereof, and at such Time or Times as the said Trustees, or the major Part of them present at such Meeting, shall appoint; and if there shall not appear at any Meeting a sufficient Number of Trustees to act, or to adjourn to another Day, (Two Trustees being deemed sufficient for the Purpose of Adjournment only); or in case the Trustees at any Time assembled shall not adjourn themselves, then and in every such Case the Clerks or Clerk to the said Trustees shall, by Notice in Writing to be affixed on all the Turnpike Gates then erected on the said Roads at least Seven Days before the next proposed Meeting, appoint the Trustees to meet at the House where their then last Meeting was held, or was appointed to have been held, on that Day Three Weeks next after the Day for which such last Meeting was appointed, or was held; and in case the said Clerks or Clerk shall by any Means neglect or omit giving such Notice as aforesaid, then it shall and may be lawful for any Three or more of the said Trustees (although not assembled at a Meeting), at any Time or Times after the Space of Seven Days from such Neglect or Omission, by Notice in Writing under their Hands, to be affixed in Manner aforesaid, to appoint the said Trustees to meet at such Time or Place in or near the said Road as they shall think proper, not later than Twenty-one Days from the Time of the last Default; and the said Trustees shall at all their Meetings defray their own Expenses; and all Orders and Determinations of the Trustees in the Execution of this Act shall be made at Meetings to be held in pursuance of this Act, and not otherwise (except in Cases hereby particularly provided for); and that no Order or Determination shall be made, unless the major Part of the Trustees present shall concur therein; and that all Acts, Orders, and Proceedings, relating to
this

this Act, which are directed to be made or done by or before the said Trustees, and all the Powers and Authorities hereby in them vested, shall and may be had, made, done, and exercised by or before any Five or more of the said Trustees (except in such Cases where any other Number is herein named); and that all Acts, Orders, or Proceedings had, made, or done, by or before such Five Trustees, shall have the same Force and Effect, and be binding and conclusive to all Intents and Purposes whatsoever, as fully and effectually as if the same were had, made, done, or executed by or before all the said Trustees; and that a Chairman shall and may, in the first Place, be appointed at every such Meeting; and in case of an equal Number of Votes upon any Occasion (including the Chairman's Vote) the Chairman shall have the casting or decisive Vote.

VII. And be it further enacted, That if after any Adjournment of the Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than that to which such Meeting shall have been adjourned, the Clerks or Clerk by an Order in Writing, signed by Three or more of the said Trustees (although not assembled at a Meeting), mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice of such earlier Meeting, by affixing the same upon all the Turnpike Gates then erected upon the said Roads, at least Six Days before such Meeting; and that all Proceedings of the Trustees at such Meetings shall be as valid and effectual as they would have been, in case the Trustees had met in pursuance of Adjournment, but no other Business shall be proceeded upon but what shall have been specified in such Notice. Meetings on Emergencies.

VIII. And be it further enacted, That no Order or Determination made by or before any Five or more of the said Trustees, shall be revoked or altered, unless Nine Trustees at the least shall be present and concur therein, at a Meeting to be held for that Purpose, of which intended Revocation or Alteration Twenty-one Days Notice at least shall be given at a previous Meeting of the Trustees, and entered in their Book of Proceedings; and such Notice, specifying the Revocation or Alteration intended to be made, shall likewise be affixed on all the Turnpike Gates then erected on the said Roads, Fourteen Days at least before such Meeting. No order to be revoked, unless by Nine Trustees.

IX. And be it further enacted, That all Orders and Proceedings of the Trustees at their several Meetings, shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered and signed by a competent Number of the said Trustees (as the Case shall require), or by their Clerks or Clerk by their Order, shall be deemed to be Originals; and such Book or Books, and also the Book or Books herein-after directed to be kept for registering or entering Mortgages, Assignments, or Transfers, shall be admitted as Evidence in all Courts whatsoever, touching any Thing that shall have been done in pursuance of this Act. Orders and Proceedings to be entered in Books.

X. And be it further enacted, That in all Cases where any Notice or Notices of Meeting of the said Trustees, or for any other the Purposes of this Act, shall be requisite to be given, affixed, or published, pursuant to the Directions of this Act, it shall be lawful for any Clerk or Clerks Clerk to sign Notices, &c. for Trustees.

to the said Trustees for the Time being, to sign any such Notice or Notices; and every such Notice so signed by the said Clerk or Clerks, shall be as good and effectual to all Intents and Purposes, as if the same had been signed by the said Trustees or any Number of them.

Trustees may appoint Officers, and may remove them, &c.

XI. And be it further enacted, That the said Trustees shall and may at their First or at any subsequent Meeting, by Writing under their Hands in the Book of Proceedings, appoint One or more Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors, and such other Officer or Officers as they shall think necessary; and from Time to Time afterwards, when they shall think fit, remove them or any of them, or any other their Clerks, Treasurers, Collectors, Surveyors, or other Officers; and upon such Removal, or when any of them shall die, misbehave, or resign their Office, or be incapable of performing it, may by Writing as aforesaid, appoint One or more fit Person or Persons to be their Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and Surveyor or Surveyors, or other Officers, in the room of the Person or Persons so removed, or that shall die, misbehave, or resign his or their Office, or be incapable of performing it.

Trustees to take Security from the Treasurer, &c.

XII. And be it further enacted, That the said Trustees shall and they are hereby authorized and required, to take such Security from the said Treasurer or Treasurers, and Collectors or Receivers of the Tolls, and other Officers to be appointed for the Purposes of this Act, for the due Execution of his or their Office or Offices, as to the said Trustees shall seem meet; and may, by and out of the Tolls arising by virtue of this Act, allow and pay to such Clerks, Treasurers, Collectors, and Surveyors, and such other Persons as shall be aiding or assisting them in their respective Offices, or that shall be anyways employed in the Execution of this Act, such Salaries, Rewards, and Allowances, for their respective Attendance, Care, and Service, as to the said Trustees shall seem meet and reasonable: Provided always, that no Person shall be capable of acting as a Trustee, or of holding any Place of Profit under this Act, during the Time he shall sell any Wine, Cyder, Perry, Ale, Beer, or Spirituous Liquor, by Retail.

For appointing Collectors temporarily in case of Death or Removal.

XIII. And be it further enacted, That as often as any Collector of the Tolls shall die, become insolvent, misbehave himself, neglect his Duty, or be incapable of performing it, it shall be lawful for any Three or more of the said Trustees (although not assembled at a Meeting to be held pursuant to this Act), by Writing under their Hands, to displace such Collectors, and appoint others in the stead of such Persons so dying or displaced; and all such Collectors so appointed, shall have the same Authority to act in the Execution of their respective Offices, as the Persons they shall succeed was or were vested with, and shall continue in such Office until the Trustees shall (at a Meeting to be held in pursuance of this Act) appoint a Collector of such Tolls; any Thing herein contained to the contrary notwithstanding.

Any Justice by Warrant may remove any Gate

XIV. And be it further enacted, That if any Collector or Receiver of the Tolls appointed under the Authority of this Act, shall, for any of the Causes aforesaid, be discharged from his said Office by the said Trustees,
or

or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver, who shall die or be discharged as aforesaid, or any other Person or Persons being in Possession thereof, shall refuse to deliver up the Possession of any Toll House, Building, Turnpike Gate or Premises, erected, set up, or made by virtue of this Act, for the Space of Three Days after Demand thereof made, and Notice in Writing given for that Purpose, by any Three or more of the said Trustees, or by their Clerks or Clerk, or Treasurers or Treasurer; then and in either of the said Cases, it shall be lawful for any One or more Justice or Justices of the Peace for the said County of *Wilts*, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer of the same County, with such Assistance as shall be necessary, to enter into and upon such House, Building, Turnpikes, and Premises, with their Appurtenances, in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees or their new appointed Officer into the Possession thereof.

Keeper on
his refusing
to quit after
Notice.

XV. And be it further enacted, That all such Officers and other Persons shall from Time to Time, when thereunto required by the said Trustees, within Six Days after Notice in Writing, signed by them or their Clerks or Clerk by their Order, to them respectively given or left at their usual Place of Abode for that Purpose, deliver to such Trustees, or to such Person or Persons as they shall for that Purpose 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, how and to whom, and for what Purpose the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments, and shall verify all such Accounts upon Oath if thereunto required by the said Trustees; and all such Officers and Persons shall and they are hereby respectively required to pay all such Monies, as upon the Balance of such Account or Accounts shall appear to be in their Hands, to such Person or Persons as the said Trustees shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or refuse to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof upon Oath, or to pay the Balance remaining in their Hands when thereunto required in Manner aforesaid; or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after such Notice given as aforesaid, all Books, Accounts, Papers, and Writings in their Custody or Power in anywise relating to the Execution of this Act, or to the said Roads, and Complaint shall be made of any such Neglect or Refusal, to any Justice of the Peace for the County, Borough, City, or Place, where the Officer or Officers, Person or Persons, so neglecting or refusing shall be or reside, by or on Behalf of the said Trustees, such Justice may and is hereby authorized and required by a Warrant or Warrants under his Hand and Seal, to cause such Officer or Officers, Person or Persons, to be brought before him, and upon his or their appearing or not 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 might have done; and if upon the Confession of the Officer

Officers to
account.

or

or Officers, Person or Persons, against whom any such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been collected or received 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 a Warrant or Warrants 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; or if no Goods or Chattels can be found sufficient to answer and satisfy the said Money, and the Charge of distraining and levying the same, or if such Officer or Officers, Person or Persons, shall not appear before the said Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to give and deliver to the said Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to verify the Truth of such Account or Accounts, or of the Articles thereof, upon Oath as aforesaid, or to produce and deliver up to the said Justice (to be by him delivered to the said Trustees) 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 Roads, then and in either of the Cases aforesaid, the said Justice may and he is hereby authorized and empowered by a Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Common Gaol or House of Correction of the County, City, Borough, or Place where he or they shall be or reside, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his or their Accounts, and have verified the same upon Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his or their Hands respectively, and the reasonable Charges of such Distress and Sale, as shall in that respect have been made, or until he or they shall have compounded with the said Trustees for the same, and paid the Sum compounded for to the said Trustees, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees are hereby empowered to make) or until he or they shall have delivered up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees; but no Person who shall be committed for Want of sufficient Distress only, shall be detained in Prison for any longer Space of Time than Six Calendar Months.

Trustees to
erect Turn-
pikes, &c.

XVI. And be it further enacted, That the said Trustees shall and may erect, set up, and build, or cause to be erected, set up, or built upon or across the said Roads by this Act intended to be widened, varied, repaired, and maintained, or any Part or Parts thereof, and at or near the Side or Sides of the said Roads, in, upon, or across any Lane or Lanes, Bye Way or Ways leading into or out of the same, such and so many Gates and Turnpikes, and a Toll House to each Gate or Turnpike, with Out-buildings suitable thereto, in such Situations as they the said Trustees shall think proper and direct or appoint, and may afterwards cause any such Gates, Turnpikes, Toll Houses, or other Buildings respectively, from Time to Time to be taken down, removed, rebuilt, altered, or discontinued, as they shall judge expedient: Provided always, that no Gate or Turnpike when once erected by virtue of this Act, shall be afterwards

removed or discontinued without the Consent in Writing of the Persons entitled to at least Two Third Parts of the Principal Money then due and owing upon the Credit of the Tolls payable at such Gate or Turnpike respectively: Provided always, that no Toll shall be paid at any Turnpike Gate to be erected across the said Road, or across any Lane or Byeway leading into or out of the same for any Horse, Beast, Cattle, or Carriage crossing the said Road, or travelling over or along the same, a Distance not exceeding Three hundred Yards on any Part of the said Road between *Knighton*, and One hundred Yards to the North of the Village of *Aldburn*, and that no Toll Gate be erected within One hundred Yards North of *Knighton* Farm.

XVII. And be it further enacted, That the respective Tolls following shall be demanded and taken at every such Gate or Turnpike, of the Person or Persons attending any Horse, Beast, Cattle, or Carriage, by such Collector or Collectors or Person or Persons as the said Trustees or their Lessees shall from Time to Time appoint for that Purpose, before any such Horse, Beast, Cattle, or Carriage shall be permitted to pass through the same; (that is to say) Power to take Tolls.

For every Horse, Mare, Gelding, Mule, Ass, Ox, or other Beast of Draught, drawing any Carriage, the Sum of Sixpence: Tolls.

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Eight-pence *per* Score, and so in Proportion for any greater or less Number: And,

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

XVIII. And be it further enacted, That notwithstanding any Thing herein contained to the contrary, no Horses, Cattle, or Carriages shall be permitted to pass through any Turnpike or Toll Gate to be erected upon the said Roads, or any Part thereof, upon the Lord's Day, commonly called *Sunday*, without the Payment of Double the Tolls by this Act directed to be demanded and taken at such respective Gates, or of such other Tolls as the said Trustees shall direct to be collected thereat, in case the same shall be reduced in the Manner herein-after prescribed; which said respective Sums shall be demanded and taken in the Name of or as a Toll, and shall be and are hereby vested in the said Trustees, and shall be applied as herein-after is directed; and if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid, to collect such Tolls by himself or themselves, or, taking such Assistance as he or they shall think necessary, to seize or distrain any Horse or Horses or other Cattle, Beasts or Goods, or any Carriages whatsoever, upon or in respect of such Tolls as are by this Act imposed, together with their Bridles, Saddles, Gears, Harness, or Accoutrements respectively; except the Bridle, apart from the Horse or other Beast, or a sufficient Part thereof; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Five Days after such Seizure and Distress made, the

[*Loc. & Per.*]

9 M

Person

Person or Persons so seizing and distraining shall and may immediately, or at any Time thereafter, sell and dispose of the Horse or Horses, Cattle, Carriages, Goods, Chattels, or other Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money (if any) upon Demand, and what shall remain unfold to the Owner thereof, after such Tolls, and the reasonable Charges of such Seizure, Distress, and Sale shall be deducted; and in case no such Seizure and Distress can or shall be effected and secured by such Collector or Person appointed to receive the said Tolls, then the same may be recovered by Action or Suit in any of His Majesty's Courts of Record at *Westminster*, or in the County Court of *Wilts*, to be brought in the Name of any Clerk to the said Trustees, or the Collector of the said Tolls, when due.

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

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

Tolls to be
paid but Once
a Day.

XX. Provided always, and be it further enacted, That no Person or Persons who shall have paid the Toll for passing through any Turnpike or Gate to be erected across or on the Side or Sides of the said Roads, shall be liable to the Payment of any further or other Toll for passing or repassing at any Time or Times through the same Turnpike or Gate, with the same Horses, Beasts, Cattle, or Carriage, before Twelve of the Clock of the Night of the same Day; nor shall any Person or Persons who shall have paid the Toll for passing through any Turnpike or Gate to be erected on the Sides of the said Roads, across any Lane or Way leading into the same, be liable to the Payment of another Toll for afterwards passing on the same Day with the same Horses, Beasts, Cattle, or Carriage, through the next Gate or Turnpike to be erected across or on the Sides of the said Roads; nor shall any Person or Persons be liable to the Payment of Tolls at any of the Gates to be erected across or on the Side of the said Roads more than Twice a Day between the said Town of *Swindon* and *Knighton*, and Once a Day upon the said Branch of Road from *Liddington* to *Burderop* aforesaid, such Person or Persons producing a Note or Ticket to the Collector of the Tolls at such respective Turnpike or Gate, denoting Payment of such Toll having been made at such principal Turnpike or Side Gate, and which Note or Ticket the Collector of the said Tolls to whom the said Toll shall have been so paid, is hereby required to deliver *gratis* on Receipt of the Toll, if demanded.

XXI. Provided

XXI. Provided also, and be it further enacted, That if any Dispute shall arise as to the Amount of the Tolls due or the Charges of taking and keeping any Distress, it shall be lawful for the Collector or Person distraining to retain the same, or the Money arising from the Sale thereof, as the Case may happen, until the Amount of the Tolls due, and the Charges of seizing, distraining, keeping, and selling the same; (as the Case may be) shall be ascertained by some Justice of the Peace for the County of *Wilts*, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath of the Parties or other Witnesses or Witnesses, and determine the Amount of the Toll due, and also assess the Charges of such Seizure, Distress, Keeping, and Sale, and also for the Collectors and Witnesses Attendance for that Purpose on the said Justice; all which Sums so determined or assessed, shall be paid to the said Collector or other Person before he shall be obliged to return the Distress or the Overplus, after the Sale thereof, or of any Part thereof.

Disputes concerning Tolls to be settled by a Justice.

XXII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise concerning the Tolls to be taken at any of the Turnpikes or Gates to be erected as aforesaid, or any Seizure and Distress made for the Non-payment thereof, the Person or Persons appointed to collect the same, or having made such Seizure and Distress, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not on that Account be incompetent to give Evidence in or upon any such Dispute, Suit, or Litigation.

Collectors not incompetent Witnesses.

XXIII. And be it further enacted, That no Toll shall be demanded or taken for the Passage of any Cattle or Carriage which shall be going unladen or empty for, or that shall be used only in conveying or returning unladen or empty, after having been used only in conveying Stones, Bricks, Timber, Wood, Lime, Gravel, or other Materials for repairing the said Roads, or for repairing any Public Road or Highway within any of the Parishes, Hamlets, Tythings, or Places, wherein any Part of the said Roads doth lie; or Dung, Marl, Soil, Mould, Ashes, Filth, Rubbish, Compost, or other Manure of what Nature or Kind soever, for manuring or improving of Lands or Gardens; or for any Furze, Heath, Turf, Wood, Fuel, Hay, Grass, Sainfoin, Potatoes, Turnips, Fodder, Corn in the Straw, or Straw to be laid up in the Houses, Out Houses, Barns, Yards, or Lands of the respective Owners thereof, and carried for their own proper and private Use or Consumption, and not for Sale; or for any Ploughs, Harrows, Drags, or other Implements of Husbandry, or Things used therein, or employed in the Management of any Farm or Lands; nor shall any Toll be taken for any Horses or Cattle going to or returning from Plough, Water, or Pasture, or for any Horse or Cattle going to be shod or farried, or returning therefrom; or for any Horses 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 Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back therefrom; or for the Horses of any Officers or Soldiers upon their March or on Duty, or for any Carriages attending them, laden with their Arms, Ammunition or Baggage, or in carrying any sick, wounded, or disabled Officers or Soldiers, or returning empty after having been so used or employed; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse

Exemptions from Tolls.

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, for the Use of His Majesty's Forces; or for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place of Exercise, provided such Persons are 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 as aforesaid; or for any Horses, Carts, or Waggon, employed in the Conveyance of Vagrants sent by legal Passes; or for any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Horse, Mare, Gelding, Mule, or Ass, for conveying any Person possessing a Vote going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Wilts*, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded; or from any Rector, Vicar, or Curate going to or returning from his own proper parochial Church, Chapel, or other Place of Divine Worship, or visiting his sick Parishioners, or attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Roads lie; or from any Person or Persons going to or returning from his, her, or their own Parish Church, Chapel, or other Place of Worship tolerated by Law on a *Sunday*, or on any other Day on which Divine Service is or shall be ordered by Authority to be celebrated; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Military
Stores not
subject to
Penalties for
Overweight.

XXIV. 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 stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner, or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Penalty on
Persons going
through, or
permitting
private
Passages, &c.

XXV. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast, or Carriage whatsoever, go or pass through or over any Land or Ground, not being the Owner or Occupier thereof, or his, her, or their Servant or Servants, adjoining to or lying by the Side of, or near to any Part of the said Roads (the same not being a Public Highway), or if any Person or Persons shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons (except the Person or Persons appointed to collect and receive the Tolls hereby made payable) any Note or Ticket of the Day, by this Act directed to be given by the Collectors or Receivers of the said Tolls, or any Note or
Writing

Writing purporting to be such, or shall forcibly pass through any Turnpike or Gate with any Horse, Carriage, Cattle, or Beast, or shall take off or cause to be taken off any Horse or other Cattle or Beast from any Carriage, or after having passed through any Turnpike or Gate, shall put on an additional Horse or Beast to any such Carriage, or shall leave or cause to be left upon or near the said Roads, any Horse, Cattle, Beast, or Carriage, or shall unload or cause to be unladen any Goods, Merchandize, or other Things, from or out of any Carriage whatsoever, thereby avoiding Payment of any of the Tolls or any Part thereof by this Act granted, or whereby the same or any of them shall or may be evaded or lessened, or in order to avoid or evade paying the same, or any of them, or any Part thereof, such Persons and every of them so offending in any of the Cases aforesaid, shall for each Offence forfeit and pay any Sum not exceeding Forty Shillings over and besides such Damages or Punishments as he or they shall be otherwise liable to by Law.

XXVI. And be it further enacted, That in case any Part or Parts of the Roads by this Act directed to be made Turnpike, shall lead over or by the Side of any Common or Waste Land, by which the Tolls hereby granted may be evaded, it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered to erect and make or cause to be erected and made, any and such Fences and Ditches in, upon, or over such Part or Parts of such Commons or Waste Grounds, as they shall think necessary, in order to prevent Payment of Tolls being evaded or avoided; and if any Person or Persons shall pull down, displace, damage, take or carry away any such Fence or any Part thereof, or shall fill up or spoil any such Ditch, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

To prevent
Evasion of
Tolls on
Commons.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees to take in and inclose (where the same can be done) from any Common or Waste Land lying near to or whereon any Turnpike House shall be built by virtue of this Act, a Garden Plot to each such Turnpike House suitable and convenient thereto, and to continue the same and every of them for the Use of the Gate Keeper or Collector there, without paying any Thing for the same (except a Rent to the Lord of the Soil thereof for every such Garden Plot so taken in and enclosed), so as such Garden Plot shall not exceed Five Poles square; and also to provide and maintain a Lamp or Lamps with proper Furniture, at or near each Turnpike, for the better lighting the same; and if any Person or Persons shall break, throw down, or damage any such Lamps, or the Posts or Irons thereof, or wilfully or maliciously extinguish any such Lamps, he, she, or they shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, over and above the Costs and Charges of replacing or repairing or amending such Lamps, Posts, Irons, Furniture, or Work so broken, thrown down or damaged as aforesaid.

Power to
inclose a
Garden Plot,
and provide a
Lamp at each
Turnpike
House.

XXVIII. And be it further enacted, That the Right and Property of and in all the Turnpikes, Gates, Bars, Rails, Fences, Toll Houses, and Buildings, with their Appurtenances, which shall be erected or provided by virtue of this Act, and also of and in the Timber, Wood, Stone, and other Materials which shall be provided for erecting, building, or repairing the same, and for making, completing, and repairing the said Roads, or

Turnpikes,
&c. vested in
the Trustees.

[Loc. & Per.]

9 N

either

either of them, and also of and in the Lamps, Lamp Posts, Lamp Irons, Cotton, Oil, and Furniture, for lighting the said Turnpikes, and also of and in all working Tools, Implements, Materials, and other Things which shall be got, collected, or provided, for any of the Purposes of this Act, shall be and every of them, and every Part and Parcel thereof respectively, is and are hereby vested in the said Trustees, and they are hereby authorized and empowered to dispose thereof as they shall think proper, and to bring or cause to be brought any Action or Actions in the Names or Name of their Clerks or Clerk, Treasurers or Treasurer, or to prefer or order to be preferred any Bill or Bills of Indictment against any Person or Persons who shall dig, break up, or pull down, steal, take, carry away, spoil, damage, injure, or destroy the same, or any of them, or any Part or Parts thereof, or disturb them the said Trustees, or any of their Agents or Servants in the Possession thereof.

Trustees may reduce the Tolls with Consent of Mortgagees.

XXIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, from Time to Time assembled at any Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls hereby granted, and to take the Tolls so lessened or reduced for such Time or Times as they the said Trustees, or any Seven or more of them, shall think proper, and may afterwards from Time to Time again advance or raise all or any of the Tolls so lessened or reduced, to any Sum or Sums of Money not exceeding the respective Rates herein-before granted, and to order and direct such Tolls so lessened, reduced, or advanced, again to be collected, received, taken, laid out, and applied for the Purposes of this Act, in such Manner as the said Tolls are herein-after directed to be collected, levied, and applied; but no such Reduction shall be made unless the Person or Persons who shall be entitled to Two Third Parts of the Money which shall have been lent on the Credit of the Tolls intended to be reduced, shall be consenting thereto.

Trustees may compound for Tolls.

XXX. And be it further enacted, That the said Trustees may and are hereby empowered from Time to Time, as they shall think convenient, to compound and agree for any Term not exceeding One Year at any one Time, with any Person or Persons for any Carriages, Horses, Beasts, or Cattle travelling on the said Roads, or any Part thereof, for all or any of the Tolls to be paid for and in respect of such Carriages, Horses, Beasts, or Cattle; but all such Composition Money shall be paid in Advance; and in default thereof the Composition or Agreement with the Person or Persons making such Default, shall thenceforth be void, and all such Composition Money shall be applied in the same Manner as the Tolls in respect whereof such Composition is made, are directed to be applied.

Trustees may let the Tolls.

XXXI. And be it further enacted, That it shall be lawful for the said Trustees, upon Ten Days Notice to be given thereof in Writing, to be affixed upon all the Turnpikes then erected on the said Roads, from Time to Time, by Writing under their Hands, to let and demise, or agree to let and demise the Tolls arising at all or any of the Turnpikes or Gates erected by virtue of this Act, together with the Toll Houses and Appurtenances for collecting the same, or any Part or Parts thereof respectively, to any Person or Persons who shall be willing to take or farm the same from Year to Year, or for any Part of the Term hereby granted, not exceeding Three Years at any One Letting, upon Public Bidding, to the best Bidder,

Bidder, and for the best Price that shall be offered for the same, payable at such Times, to such Person or Persons, under such Conditions and Agreements, and with such Sureties for the Payment thereof as the said Trustees shall think fit; and which Money so to be paid shall be applied and disposed of in such Manner as the Tolls so leased are hereby directed to be applied.

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

For letting
Weighing
Engines.

XXXIII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to borrow and take up at Interest, upon the Credit of the Tolls arising by virtue of this Act, at all or any of the Gates or Turnpikes to be erected upon the said Roads, and across any Lane or Way leading into the same, such Sum or Sums of Money as they shall think necessary for carrying this Act and the Powers and Authorities hereby in them vested, into full and complete Execution and Effect; and for that Purpose they may and are hereby empowered by Writing under their Hands, to demise or mortgage the said Tolls, or any Part or Parts thereof, and the Turnpikes and Toll Houses for collecting the same (the Costs and Charges whereof to be paid out of such Tolls), as a Security or Securities to any Person or Persons, or their Trustee or Trustees, who shall advance any Sum or Sums of Money, by the following Form or any other Form of Words to the like Effect, as the said Trustees making the same shall think proper; (that is to say,)

For borrow-
ing Money.

‘ BY virtue of an Act passed in the Fifty-fourth Year of the Reign of
 ‘ King George the Third, intituled *An Act* [here insert the Title of this
 ‘ Act] We of the Trustees for executing the
 ‘ said Act, whose Names are hereunto subscribed, in Consideration of the
 ‘ Sum of to the Treasurers of the said Roads in
 ‘ Hand paid by A. B. of do grant, bargain, sell,
 ‘ and demise unto the said A. B. his Executors, Administrators, and
 ‘ Assigns, such Proportion of the Tolls arising at the several Turnpikes or
 ‘ Gates erected upon or on the Sides of the said Roads in the said Act
 ‘ mentioned, and of the Turnpikes and Toll Houses for collecting the same,
 ‘ as the said Sum of doth or shall bear to the whole
 ‘ Sum due and owing on the Credit thereof, or charged upon the Term
 ‘ of the said Act; to be had and holden from the Day
 ‘ for and during the Continuance of the said Act,
 ‘ unless

Form of
Mortgage.

unless the said Sum of _____ with Interest at the Rate of

per Centum per Annum, shall be sooner paid and satisfied.
 In Witness whereof, we have hereunto subscribed our Hands this

 Day of _____ in the Year of our
 Lord _____

No Money
 to be borrow-
 ed after the
 first Meeting
 without
 Notice.

Copies of all which Mortgages shall be entered in a Book or Books to be
 kept for that Purpose by the Clerks or Clerk, Treasurers or Treasurer to
 the said Trustees; but no Money shall be borrowed upon the Credit of
 the said Tolls after the First Meeting of the said Trustees, unless Notice
 in Writing be for that Purpose affixed upon all the Turnpikes across the
 said Roads, at least Twenty-one Days before the borrowing thereof; but
 Securities for such Money then borrowed or agreed to be advanced, or
 any of them, may be executed by the said Trustees at any subsequent or
 future Meeting, than the Meeting or Meetings at which the same shall be
 so borrowed or agreed to be advanced, if it shall be found requisite or
 convenient: Provided nevertheless, that no Interest thereon shall com-
 mence except only from the Time or respective Times of Advancement
 thereof, and actual Payment of such Principal Money to the Treasurers or
 Treasurer, or other Person or Persons appointed by the said Trustees to
 receive the same; and all Persons to whom any Mortgage shall be made
 as aforesaid, or who shall be entitled to the Money thereby secured, may
 from Time to Time transfer his, her, or their Right, Title, Interest, or
 Benefit in or to such Mortgage, and the Principal and Interest Money
 thereby secured, to any Person or Persons whomsoever, either by a separate
 Instrument or by Indorsement on such Security, in the Form or to the
 Effect following; (that is to say)

Mortgages
 may be
 assigned.

Form of
 Transfer
 where the
 Sum exceeds
 100l.

I *A. B.* do hereby transfer the within Mortgage [if by Indorsement;
 or, if by a separate Instrument a certain Mortgage, bearing Date
 the _____ Day of _____] of the Tolls arising at the
 several Turnpikes or Gates erected upon or at the Sides of the Roads
 directed to be widened, varied, repaired, and maintained by virtue of
 an Act passed in the Fifty-fourth Year of the Reign of His Majesty King
 George the Third, intituled *An Act [here insert the Title of this Act]*
 to _____ made, and all my Right and Title to the Principal
 Money thereby secured, and all Interest now due and henceforth to grow
 due upon the same, unto _____ of
 his Executors, Administrators, and Assigns: As Witness my Hand this

 Day of _____

Which Transfer shall be produced and notified to the Clerks or Clerk
 of the said Trustees within Thirty Days after the Date thereof; who shall
 cause an Entry and Memorial thereof containing the Numbers of the Se-
 curities, and the Dates, Names, and Additions of the Parties, and the
 Sums of Money therein mentioned to be assigned or transferred, to be
 made in the Book or Books to be kept for entering the said Original Mort-
 gages, for which the Clerks or Clerk shall be paid such Sum as the said
 Trustees shall appoint, not exceeding Five Shillings, by the Person or
 Persons to whom such respective Transfer shall be made; which said
 Book or Books shall and may at all seasonable Times be perused and in-
 spected by any of the said Trustees or their Treasurer, or any Mortgagee
 or Assignee, or other Person interested or claiming to be interested therein,
 without Fee or Reward; and after such Entry made (but not till then)
 every

every such Transfer shall entitle such Assignee or Assignees, his, her, and 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, except the Person or Persons to whom the same shall be last transferred, to make void, cancel, or discharge the original Security, or any Money thereby due, or any Part thereof; and all Persons to whom any Mortgage or Transfer shall be made as aforesaid, shall be, in Proportion to the Sum or Sums therein mentioned, Creditors on the Tolls by this Act granted, in equal Degree one with another, and shall have no Preference in respect to the Priority of any Monies advanced.

No Priority
of Mortgages.

XXXIV. And be it further enacted, That all the Costs, Charges, and Expences relating to the applying for, obtaining and passing this Act, shall in the first place be paid out of the Tolls arising on the said Roads, or out of the Money to be first borrowed on the Credit thereof; and that after Payment thereof, the said Trustees shall from Time to Time apply the Tolls arising on the said Roads, and the Money to be borrowed on the Credit thereof, and all other Monies which shall come to their Hands under or by virtue of this Act, in defraying the Expences of erecting Turnpikes and Toll Houses, and making, repairing, widening, turning, altering, and improving the said Roads, and in paying the Interest and Principal of the Money borrowed, and in defraying all other necessary Costs, Charges, and Expences attending the same, and carrying the Purposes of this Act into Execution, in such Manner as the said Trustees shall from Time to Time direct or appoint; but no Part of the said Monies shall be laid out or applied to the paving or repairing any Pavement or Causeway in any Town or Street through which any Part of the Roads by this Act directed to be made, amended, and kept in Repair, doth lead, except where any shall have been before, which shall be taken up, removed, or altered, for the Purpose of widening the said Roads, or any Part thereof, and in the stead or place of such old Pavement or Causeway.

Application
of the Money
raised.

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

To compel
Payment of
Subscriptions.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered from Time to Time, as they shall think proper, to make, widen, divert, turn, shorten, vary, or alter, within the Distance herein-after mentioned, the Course or Path of any

Trustees may
widen or alter
the Roads.

[Loc. & Per.]

90

Part

Part or Parts of the Roads comprized in this Act, and by this Act intended to be made and kept in Repair; and that the said Roads by this Act intended to be amended and kept in Repair, and any new Road or Variation of Road, may be made of any Width not exceeding Thirty Feet through any Common or Waste Grounds without making any Satisfaction for the same, and through any private or inclosed Grounds or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein, for the Damage they may sustain thereby; and for that Purpose, it shall and may be lawful for the said Trustees, or for their Clerks or Treasurers or Clerk or Treasurer, or any other Person or Persons by them duly authorized and appointed in their stead, to treat, contract, and agree with the Owners or Persons interested in any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons interested may sustain by the making, widening, diverting, turning, shortening, varying, or altering the Course or Path of any Part or Parts of the said Roads through such Lands and Hereditaments; and it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, and Committees, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Infant Wards, Femes Covert, Cestuique Trust, Lunatics, Idiots, or Persons of unsound Memory and Understanding, and to and for any Tenants in Fee Tail General or Special, for Life or Lives, or for Terms of Years, and all other Persons whomsoever, being respectively seized, possessed of, or interested in any such Lands or Hereditaments, to contract and agree with the said Trustees, or any Person or Persons by them authorized as aforesaid, for the Satisfaction to be made for such Damages as aforesaid, or to exchange with, sell, or convey unto them, all or any of such Lands or Hereditaments, or any Part thereof, or for their Interest therein for any of the Purposes of this Act; and all Contracts, Exchanges, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, and other Persons respectively, shall be and are hereby indemnified for what they shall do by virtue and in pursuance of this Act; and if any such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice in Writing that the said Trustees or some Person by them duly authorized, and therein named, are willing to treat for the same, to him, her, or them given or left at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Body Politic, Corporate, Ecclesiastical or Civil, or at the House of the Tenant or Tenants in Possession of the Lands or Hereditaments, through or over which any Part of such Roads are to be made, widened, diverted, turned, or altered, shall for the Space of Thirty Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or any such Case, the said Trustees shall cause such Damage and Recompence to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the said County

Where Persons neglect or refuse to treat,

Recompence to be settled by a Jury, &c.

County of *Wilts*, who shall fix, assess, and determine what Damage will be sustained by, and what Recompence and Satisfaction shall be made to such Owners and other Persons interested for or on account of the taking of such Lands or Hereditaments into the said Roads, or of the making, widening, diverting, turning, or altering such Roads, or any Part thereof through or over the same; and in order thereto, the said Trustees are hereby empowered and required from Time to Time, as Occasion shall be, to summon and call before such Jury, and examine upon Oath any Person or Persons whomsoever who shall be thought necessary to be examined concerning the Premises; and they the said Trustees shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as for the said Jury's better Information in the Premises; and after the said Jury shall have enquired of and assessed such Damage and Recompence, the said Trustees shall thereupon order, adjudge, or determine the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners, and other Persons interested in the Lands or Hereditaments, according to the Verdict and Inquisition of the said Jury; which said Verdict or Inquisition and Judgment, Order or Determination thereupon, shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever, claiming or to claim in Possession, Remainder, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any Disability whatsoever, Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and for summoning and returning such Juries, the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the said County of *Wilts*, requiring him to impanel, summon, and return Twenty-four Persons qualified to serve upon Juries, to appear before the said Trustees at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff or his Deputy or Deputies, is and are hereby required to summon and return such Number of Persons accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and are hereby empowered and required to draw by Ballot, and to swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen so returned, the said Sheriff or his Deputy or Deputies, or the said Trustees, shall return such other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend, to make up the Number of Twelve, and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiff or Agents making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, who shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give a Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, or Expences, or appearing shall refuse to be sworn and examined, or to give Evidence;

Sheriff, Jurymen, or Witnesses making Default, may be fined.

and from Time to Time to levy and apply such Fine or Fines in such Manner as other Penalties and Forfeitures are herein-after directed to be levied and applied, so that no such Fine be more than Ten Pounds upon any one Person for one Offence.

For paying
the Expences
of the Jury
and Wit-
nesses.

XXXVII. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money, as a Recompence for the Right, Interest or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than shall have been agreed to and offered by the said Trustees, or other Person or Persons by them authorized as aforesaid, before the summoning and returning of the Jury, as a Recompence and Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid; that then and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses, shall be borne and paid by the said Trustees or their Treasurer, out of any Money in his Hands, or to arise by virtue of this Act; but if such Jury shall give and deliver a Verdict and Assessment for the same, or a less Sum of Money than shall have been agreed to and offered by or on behalf of the said Trustees, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person or Persons with whom the Trustees shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the said County of *Wilts*, not interested in the Matter in Question (who is hereby required to settle and examine the same,) shall and may be deducted out of the Money so assessed, and adjudged as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Money, shall be deemed and taken to all Intents and Purposes to be a Payment and 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 upon Demand, after having been so ascertained and settled as aforesaid, may be levied and recovered by the like Ways and Means as herein-after provided for the levying and recovery of Fines, Penalties, and Forfeitures: Provided always, that in all Cases where any Person or Persons shall, by reason of Absence out of the Kingdom, have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

On Payment
or Tender of
Money
assessed, Truf-
tees may
enter.

XXXVIII. And be it further enacted, That all and every such Sum or Sums of Money for Purchase, Recompence, or Satisfaction, to be agreed for or ascertained or assessed as aforesaid, shall be paid out of the Tolls or other Money arising as aforesaid, to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents; and upon Payment or Tender thereof to such Persons or their Agents, or paying the same into the Bank of *England* in Manner herein-after mentioned, as the Case may be, for the Use of such Parties or Persons, and after Ten Days Notice thereof given to such Parties or Persons, or his, her, or their Agent or Agents, or left at his, her, or their usual Place or Places of Abode, or with the Tenant in Possession of such Lands or Hereditaments,
to

to receive such Money for Purchase, Recompence, or Satisfaction, or that the same is so paid into the Bank, as the Case may require, it shall be lawful for the said Trustees, their Surveyors, Workmen, or Agents, or any of them; to enter into and upon such Lands or Hereditaments, and to make, widen, divert, turn, or alter such Road through or over the same, in such Manner as the said Trustees shall think proper; and after the Purchase of the said Lands or Hereditaments, or Adjudication of the Value of such Lands or Hereditaments made, and Tender of Payment or Payments into the Bank, and Notice given as aforesaid, the said Trustees shall cause such Parts of the said Roads as shall be made, widened, diverted, turned, or altered through and over any private and inclosed Ground, to be well and sufficiently ditched and quick-setted, or otherwise fenced from the adjoining Lands, which said Fences shall be made immediately upon the Land or Ground being taken for the Use of the Road, at the Expence of the said Trustees, and shall for ever afterwards be supported and kept in Repair by the Occupiers of the respective Lands from whence taken; and all Lands or Hereditaments which shall be made a Part or Parts of any Road by virtue of this Act, shall for ever thereafter to all Intents and Purposes become and be deemed a Public Highway, and as such shall be amended and kept in Repair, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Interest to or in such Lands and Hereditaments.

XXXIX. And whereas by reason of the Purchases which the said Trustees are empowered and required to make by virtue of this Act, or by reason of the diverting of some Part or Parts of the said Roads, they may happen to be seized of some Piece or Pieces of Ground, over and above what shall be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees to sell and dispose of such Pieces or Parcels of Ground, either together or in Parcels, as they shall find most convenient and advantageous to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees, before they shall sell and dispose of any Piece or Pieces of Ground as aforesaid, shall offer the same to the Person or Persons from whom the same shall have been purchased; or where the same shall arise by reason of diverting any Part or Parts of the said Roads, then to the Person or Persons whose Lands shall adjoin thereto; and in case such Person or Persons respectively shall not then and thereupon agree (except with respect to and on account of the Price thereof as herein-after mentioned), or shall refuse (except with respect to and on account of the Price thereof) to purchase or repurchase the same respectively, any 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 Land or Ground shall be situate (who are hereby empowered and required to take the same), by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the behalf of the Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the

Trustees em-
powered to
sell overplus
Grounds, and
directing the
first Offer to
be made to
the Person
from whom
the same was
purchased,
&c.

[Loc. & Per.]

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same,

same, and he, she, or they, and the said Trustees shall differ and not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner in this Act directed with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales of such Piece or Parcel of Roads or Grounds 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.

The Trustees not to take down Buildings, &c. without Consent;

nor open the New Road over private Lands for travelling with Carriages till the Fences are made.

Trustees not to deviate beyond a certain Distance of the Line described in the Plan.

XL. Provided always, and be it further enacted, That nothing herein-before contained shall extend or be deemed or taken to extend to authorize or empower the said Trustees to take down or remove any Dwelling House or other Building, nor to the taking in of any Land that is a Garden or Orchard adjoining to any Dwelling House, or any Yard, Park, Paddock, planted Walk, inclosed Nursery for Trees, or Avenue to a House, or any Part thereof, without the Consent in Writing of the Owners or Proprietors thereof respectively; nor shall it be lawful for the said Trustees to open or cause to be opened any new Road, or any Part or Parts thereof which they shall have made or begun to make through any Private Lands or Grounds to be travelled upon and made use of as a Road for Carriages, (except only in hauling Stone or other Materials for the making the same, and the Fences on each Side thereof); nor shall it be lawful for any Person or Persons, with Carriages of any Kind, to travel upon and use the same as a Road, until the same shall be properly fenced from the adjoining Lands as herein-before directed; and that the Owners or Proprietors of such adjoining Lands respectively, may and are hereby empowered to obstruct and stop up such Road, by such Ways and Means as they may think proper, and to continue and keep the same stopped up, until the same shall be fenced in Manner aforesaid.

XLI. Provided also, and be it further enacted, That the Map or Plan describing the Line of the said Roads, and the Lands through or over which any new Part or Parts thereof is or are to be carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, which have been deposited at the Office of the Clerk of the Peace for the said County of *Wilts*, shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at any reasonable 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 One Hundred Words or Figures of such Copies or Extracts of the said Map or Reference; and that the said Trustees in making such new Roads shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Map or Plan, without the Consent in Writing of the Person or Persons, or under the Seal of any Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

XLII. Provided

XLII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said new Roads into, through, across or over the several Lands or Grounds of any Person or Persons who is or are or may be Owners or Occupiers of any Land over which the same is set out and described in the said Map or Plan as aforesaid, notwithstanding any future change in the Owners or Occupiers thereof, or although such Person or Persons respectively shall or may happen to be misnamed or inaccurately described, or the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified by Writing under their Hands that such Misnomer, Error, or Omission proceeded from Mistake or Misinformation.

Trustees may make Roads, although Owners, &c. omitted in Plan.

XLIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as herein-before mentioned, such Money shall, in case the same shall amount to 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 Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, or Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith, to the same or to 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 the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Messuages, Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined, and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money by Order of the said Court of Chancery, upon Application thereto, shall 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 thereof shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application of Money awarded amounting to or above 200*l.*

XLIV. Provided

Where less
than 200l.
and above
20l.

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

Where less
than 20l.

XLV. Provided also, and be it further enacted, That where such Money so agreed or adjudged to be paid as before mentioned shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used, for the Purposes of this Act, in such Manner as the said Trustees shall think fit, or in case of Infancy, Idiocy, 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.

Directions in
Cases of not
making out
Titles, &c.

XLVI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be assessed and adjudged for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased, taken, or used as aforesaid, shall for the Space of Thirty Days after Notice thereof neglect or refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or be not known or discovered, or cannot be found, then and in every such Case it shall be lawful for the said Trustees, to order the said Sum or Sums of Money so adjudged to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, [describing them] subject to the Order, Controul, and Disposition of the said Court of Chancery, which 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, 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 any of the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, accord-
ing

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

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

Respecting
disputed
Titles.

XLVIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the 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 and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as 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.

Court of
Chancery
may direct
Payment of
Expences.

XLIX. 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 or any of them 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, from the said Trustees, or any Person authorized by them, of paying the Sum or Sums of Money which shall have been agreed on or assessed and adjudged to be paid by the said Trustees for the Purchase, or

Mortgagee to
convey.

[*Loc. & Per.*]

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in

in recompence for the Lands, Tenements, or Hereditaments by them purchased, taken, or used for the Purposes of this Act as aforesaid, either in full Discharge or in Part, (as the Case may be) of the Principal and Interest Money which shall be due on such Mortgages respectively, shall at the End of the said Six Calendar Months next after such Notice, on Payment or Tender of the said Money, assign and convey his, her, and their respective Estates and Interests, in and to the said Lands, Tenements, or Hereditaments, so mortgaged and purchased, or taken and used as aforesaid, to the said Trustees, 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, or 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, determine, and be irrecoverable either at Law or in Equity.

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

L. And be it further enacted, That it shall be lawful for the said Trustees, their Surveyor and Workmen respectively, with or without Carriages and Cattle, from Time to Time to enter upon the Lands, Grounds, and Premises, for making, widening, varying, or altering in Manner by this Act directed, the said Roads herein-before mentioned, or any of them, and to stake out the same in such Manner as the said Trustees shall think necessary or proper, without being subject or liable to be deemed a Trespasser or Trespassers, or to any Action, Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands, Grounds, and Premises respectively, for any of the Purposes of this Act, making Satisfaction to the Occupiers of such Lands, Grounds, and Premises, for the Damage that shall be done to the Land, Ground, or Premises on the Sides of any such Road that shall be made, widened, turned, varied, or altered, whilst the same shall be making, in case such Damage shall exceed the Sum of One Shilling; and if any Person shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used in laying out or marking any such Road, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Forty Shillings.

Surveyor to
get Materials,
make and
repair Roads,
&c.

LI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, and such Persons as shall be employed by him or them, or by the said Trustees, to search for, cut, dig, get, gather, take, and carry away any Furze, Heath, Gravel, Stones, Sand, Mould, and other Materials, requisite or proper for the making, repairing, widening, or altering of the said Roads, out of or from any Common or Waste Ground, Common, River, or Brook, situate in any Parish, Township, Hamlet, or Place, in which any Part of the said Road shall lie or be situate, or in any adjoining Parish, Township, Hamlet, or Place, without paying any Thing for the same, they the said Surveyors or other Persons, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall have been taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and where there is not sufficient of any such Materials to be procured in any Common or Waste Ground, Common, River, or Brook, near to such respective Part or Parts of the Roads so to be made or amended, and so that the same may be had cheaper therefrom

than from inclosed Grounds, the said Surveyors or other Persons aforesaid may, by Order of the said Trustees, search for, cut, dig, get, gather, take, and carry away, all or any such Materials as aforesaid, in, upon, out of, or from and over the Lands or Grounds of any Person or Persons where the same may be found or had, situate in any Parish, Township, Hamlet, or Place, in which any Part of the said Road shall lie or be situate, or in any adjoining Parish, Township, Hamlet or Place, (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any House, or any enclosed Ground planted and set apart as a Nursery for Trees), paying or tendering Payment for such Materials, for the Damage done thereby to the Owners and Occupiers respectively of the Lands or Grounds where or from whence the same shall be cut, dug, gotten, gathered, taken, or carried away, or, upon, over, or through which the same or any other Materials so cut, dug, and gathered as aforesaid shall be conveyed, such Equivalent in Money as the said Trustees shall adjudge reasonable; and they the said Surveyors or other Persons filling up the Pits or Quarries, and levelling the Ground from which such Materials shall be so taken, or causing the same to be done forthwith on discontinuing such Pits or Quarries, or any Part or Parts thereof, or from Time to Time, as the longer keeping open the same shall become useless or unnecessary; and in case of any Difference between the Trustees or Surveyors, and the Owners or Occupiers of Private Lands, or any of them, concerning such Payments or Damages as aforesaid, any Justice or Justices of the Peace for the said County of *Wilts* shall and may, on Ten Days Notice thereof being given in Writing by either Party to the other, or to be left at their respective Places of Abode with some or One of their respective Families, hear, settle, and determine the Matter of such Payments and Damages; and the Judgement or Order of the said Justice or Justices shall be final and conclusive to all Parties, and the Money so adjudged shall be paid by the said Trustees, their Treasurer or Surveyor, on Demand.

LII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or other Person or Persons under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing the said Roads, out of or from any enclosed Lands or Grounds, until Notice in Writing signed by the Surveyor shall have been given to the Land Owner or his known Agent, or to the Occupier of the Premises from which such Materials are intended to be taken, or left at such Occupier's usual Place of Residence, to appear before any Two or more 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, or any Agent of them respectively, shall attend pursuant to such Notice, such Justices shall, if they think it right so to do, authorize such Surveyor or other Person or Persons to dig, get, gather, take, and carry away such Materials, at such Time or Times as to such Justices shall seem proper, or they may order him and them to desist therefrom; and if such Owner or Occupier shall neglect or refuse to appear by himself or his Agent, such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier or his Agent had attended.

Occupiers of
Lands to have
Notice before
Materials are
taken.

LIII. And

Penalty on taking away Materials belonging to the Road.

LIII. And be it further enacted, That if any Person whomsoever shall take away any Materials which shall have been dug, got, or gathered in any Lands, Fields, Wastes, Commons, River, or Brook, for the Purpose of making or amending any of the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made or opened for the Purpose of raising or procuring Materials for the said Roads, before the Surveyors or their Workmen shall have discontinued working therein, for the Space of Thirty Days (except the Owner or Occupier of any Private Ground, and any Person authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale) every Person so offending shall forfeit for every such Offence any Sum not exceeding Ten Pounds.

Trustees may contract for making and repairing the Roads.

LIV. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, is and are hereby empowered to contract or agree with any Person or Persons for making, widening, altering, or repairing the said Road, or any Part or Parts thereof, and for erecting any Turnpikes, Gates, Toll Houses, Mile Stones, or Direction Posts thereon, or on the Side or Sides thereof, or for doing any other Work to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper; and that all Contracts and Agreements in Writing, entered into in pursuance of any Order of the said Trustees, shall be binding upon all Parties signing the same, his, her, or their Executors or Administrators; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Party or Parties failing in the Execution of such Contract or Agreement.

Trustees may compound for Penalties on Breach of Contracts.

LV. Provided always, and be it further enacted, That in all Cases where any Action or Actions, Suit or Suits, shall be brought, commenced, or prosecuted against any Person or Persons, for any Penalty or Penalties, contained in this Act, or for Breach or Non-performance of any Contract or Contracts entered into, it shall and may be lawful for the said Trustees from Time to Time to compound and agree for the same, for such Sum or Sums of Money as they shall think proper; instead of receiving the whole of such Penalty or Penalties, so as the Sums so compounded or agreed for, shall not be less than the Injury or Damage sustained by the Breach or Non-performance of any such Contract, and all the Costs, Charges, and Expences which shall be occasioned thereby.

Surveyor may make Causeways, Drains, &c,

LVI. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors to be appointed under the Authority of this Act, or such Person or Persons as he or they shall employ, from Time to Time (by Order of the said Trustees) to make or cause to be made, Causeways, Drains, and Ditches, and to erect or build Arches and Bridges of Stone, Brick, or Timber, in and upon or on the Sides of the said Roads, or in any Ground lying contiguous thereto; and to scour, cleanse, and keep in Repair, such Ditches, Drains, Causeways, Arches, and Bridges; and also to make or cause to be made a Road through the Ground adjoining, to any narrow or ruinous Part of the said Roads (not being the Ground whereon any House or Houses, or other Buildings stand, or a Garden, Orchard, Yard, Paddock, planted Walk, or Avenue to any House, or an enclosed Ground planted and set apart as a Nursery for Trees,) to be made

made use of as a public Highway whilst the old Road is repairing or widening, and until such Time as it shall be fit for Passengers and Carriages to pass along the same, making such reasonable Satisfaction to the Owners and Occupiers of any private Grounds respectively, through which any such Drain or Ditch shall be cut or made, or on which any such Arch or Bridge shall be built or erected, or through which any such temporary Road shall be made, for the Damages which such Owners and Occupiers respectively shall thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, that then it shall be lawful for the Justices of the Peace, or the major Part of them assembled at the next General Quarter Sessions of the Peace for the said County of *Wilts*, or at their Second Quarter Sessions of the Peace at farthest (on Twenty-one Days previous Notice by either Party given to the other), to hear, settle, adjudge and finally determine the Recompence which shall be made to such Owners or Occupiers, for the Damages they shall have sustained as aforesaid.

Making Satisfaction to the Owners of Grounds.

Justices to determine Differences.

LVII. And be it further enacted, That it shall be lawful for the said Trustees or their Surveyor or Surveyors, and such Persons as they or he shall appoint (such Surveyor or Surveyors having an Order from the said Trustees for that Purpose), from Time to Time to remove and prevent all Annoyances, Nuisances, and Obstructions which are or shall be made, of or to any Part or Parts of the said Roads, by Timber, Stones, Carriages, Saw-pits, Hovels, Filth, Dung, Ashes, Rubbish, Straw, or of any other Kind or Thing whatsoever, erected, set up, laid down, put or placed thereon, or on the Side or Sides thereof, and to dispose of the same for the Benefit of the said Roads; and to turn any Watercourses, Sinks, or Drains running into or along the said Roads to the Prejudice thereof, and open, scour, cleanse, widen, or make deeper the same or any of them, or any other Watercourses or Ditches adjoining or lying near the said Roads, in such Manner as he or they shall think necessary; and to cut down, lop or top, at proper Seasons of the Year, any Branches, Shrubs or Brushes growing in the said Roads, or in the Hedges or Banks adjoining thereto, and being within Fifteen Feet of the Centre of the said Road (not growing in a Park, Avenue, Plantation or Garden), and to take and carry away the same respectively; and to dispose thereof for the Benefit of the said Roads; and to cut down and reduce all Hedges adjoining the said Roads to the Height of Five Feet, in case the Persons occasioning such Annoyances shall neglect to remove the same, or the Owners or Occupiers of the Lands shall neglect to open, scour, cleanse, widen or deepen such Watercourses, Ditches, Sinks or Drains, or to cut down, lop or top, and to remove such Branches, Shrubs or Bushes, or reduce such Hedges in such Manner as the said Surveyor or Surveyors shall require, for the Space of Twenty-one Days next after Notice in Writing given for any the respective Purposes aforesaid, under the Hand or Hands of such Surveyor or Surveyors; the Charges whereof to be ascertained and settled by the said Trustees, shall be reimbursed to such Surveyor or Surveyors by such Owner or Occupiers, and be recovered in such Manner as Penalties and Forfeitures are herein-after directed to be recovered; and such Owners or Occupiers so neglecting to open, scour, cleanse and deepen such Watercourses, Ditches, Sinks or Drains, and to cut down and reduce such Hedges at the proper Season of the Year,

For removing Annoyances.

[Loc. & Per.]

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within

within the Time aforesaid after such Notice given, shall likewise forfeit for every Foot in Length of the same, any Sum not exceeding Two-pence over and besides the Charges to be settled as aforesaid; and if after Removal of any of the said Annoyances, Nuisances, or Obstructions, any Person shall in the like Kind again offend, every such Person shall, for every such subsequent Offence, forfeit and pay any Sum not exceeding Five Pounds.

Penalty for drawing Timber on Roads if not drawn on Wheels.

LVIII. And be it further enacted, That if any Person or Persons shall draw or cause to be drawn upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon any Wheel Carriage, to drag or trail upon any Part of the said Roads, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Bridges, &c. to be maintained as heretofore.

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

Disputes concerning them to be determined by Justices.

LX. Provided always, and be it further enacted, That in case any Dispute or Difference shall arise of or concerning the Repair of any such Bridge, Causeway, Arch, Drain or Sewer as last herein-before mentioned, it shall be lawful for the said Justices of the Peace for the said County of *Wills*, or any Two or more of them, and they are hereby required and empowered at their Petty or Special Sessions, upon Application made to them by the said Trustees, their Clerks or Clerk, or Surveyor or Surveyors for the Time being, to adjudge and determine where, how, and in what Manner such particular Part or Parts of the said Roads, and the said Bridges, Causeways, Arches, Drains and Sewers, shall from Time to Time be respectively maintained and kept in repair by such County, District, Town, Parish, Hamlet, Tything, Place, Persons, Body Politic or Corporate, who are or shall be chargeable with or liable to repair the same by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by reason of any Trust or otherwise howsoever.

Persons liable to do Statute Labour so to remain.

LXI. And be it further enacted, That all Persons who by Law are or shall be obliged to do Statute Work, or are or shall be chargeable towards the repairing and amending of any Highway in the several Parishes, Townships, Hamlets, Tithings or Places, through which the Roads directed by this Act to be made, amended, widened, diverted, altered, improved and kept in repair, do or shall pass, shall be liable to the Repair of the said Roads so to be made, amended, widened, diverted, altered, improved and

and kept in repair, and to perform their respective Work thereon, in such and the like Manner, in every respect, as they are liable to the Repair of any other common Highway within such Parish, Township, Hamlet, Tithing or Place respectively.

LXII. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace for the said County of *Wills*, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Treasurer, Clerk or Surveyor, by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the said Roads lie; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her or them paid to the said Trustees, or their Treasurers or 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 List 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 the said Justices shall and may allot, appoint and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads, as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and in such Parts of the said Roads as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject or liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees, or their Treasurers or Treasurer, at such Time or Times as the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them at his, her, or their last or usual Place or Places of Abode, for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her or them, be subject and liable to such Pains, Penalties and Forfeitures as such Person or Persons

sons may be subject or liable to by any Law or Statute in force or effect for Repair of the Public Highways; and if any Person shall come to or work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor of the said Trustees, such Surveyor is hereby empowered to remove and dismiss 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 refused or neglected to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurers or Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the Surveyor or Surveyors for the Highways of any of the said Parishes or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false and imperfect Lists, every such Surveyor so offending, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Trustees may compound for Statute Work.

LXIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to compound and agree by the Year or otherwise with the Possessors, Occupiers, Grantees, Trustees, Feoffees and Committees of Lands, Tenements or Hereditaments, which are or shall be liable to or chargeable with the Repair of any Part of the said Roads, or of any Bridge, Arch or Sewer, or with any Person or Persons for the Performance of his, her, or their Statute Work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships or Places, or the Churchwardens or Overseers of the Poor respectively as aforesaid, by and with the Consent of the Majority of the Inhabitants of such Parishes, Townships or Places first had at any Vestry or other public Meeting of such Inhabitants, to compound and agree by the Year or otherwise with the said Trustees for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part or Parts of the said Road; all which Composition Monies shall be from Time to Time paid in advance, and shall be applied in Repair of the said Roads; and all such Surveyors, Churchwardens, and Overseers of the Poor, shall be reimbursed the Money so by them paid, in such Manner as Surveyors of Highways are by Law to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Mile Stones and Direction Posts to be erected.

LXIV. And be it further enacted, That the said Trustees shall cause the Roads by this Act directed to be made, amended, and kept in Repair, to be measured, and Stones or Posts to be set up or placed in or near the Sides thereof, at the Distance of One Mile from each other, denoting the Distance of any such Stone or Post from any Town or Place, and also such Direction Posts at the several Roads leading out of the said Roads hereby made Turnpike with Inscriptions thereon, denoting to what Place or Places the said Roads respectively lead, of such Height or Size, and to be erected in such Situations as they the said Trustees shall think proper; and if any Person or Persons shall wilfully break, cut down, pull up or damage any Post or Stone, or shall obliterate, deface, or spoil any of the Letters, Figures, or Marks, which shall be inscribed thereon, and be thereof convicted before any Justice of the Peace for the said County of *Wilts.* by the Confession of the Party, or by the Oath of One credible Witness; such Person

Penalty on damaging them.

Person or Persons so offending shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

LXV. And be it further enacted, That if any Person or Persons shall assault, interrupt, hinder, or disturb, or cause, promote, or encourage to be assaulted, interrupted, hindered, or disturbed, or shall aid or assist any other Person or Persons in assaulting, interrupting, hindering or disturbing the Collectors of the Tolls, or any or either of them, in the Execution of any Part of this Act; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on assaulting any Officer in the Execution of this Act.

LXVI. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (the Manner of levying and Recovery whereof is not herein otherwise directed) shall, upon Proof of the Offences respectively before any one Justice of the Peace for the said County of *Wilts*, or where the Offender shall be or reside, either by the Confession of the Party or Parties offending, or by the Oath of one or more credible Witnesses or Witnessess, be recovered by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels; and the Money arising by or from such Penalties, Forfeitures and Fines, when levied and paid, if not by this Act otherwise directed to be applied, shall be from Time to Time paid to the Treasurers or Treasurer to the said Trustees, and applied for the Purposes of the said Roads and this Act; and in case sufficient Distress cannot be found, and such Penalties, Forfeitures, or Fines shall not be forthwith paid, with the Costs and Charges attending the same, it shall be lawful for any such Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place where the Offender shall be or reside, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the same, shall be sooner paid and satisfied.

Penalties, &c. how to be recovered and applied.

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

For convicting Offenders.

‘ **B**E it remembered, That on the _____ Day of _____
 ‘ in the Year of our Lord One thousand eight hundred and _____
 ‘ *A. B.* is convicted before me *C. D.* One of His Majesty’s Justices of the
 ‘ Peace for the County [*or*, Borough of _____ *as the Case may be*]
 ‘ in the Sum of _____ for _____ [*specify the Sum, the Na-*
 ‘ *ture of the Offence, and the Time and Place when and where the same was*
 ‘ *committed, as the Case may be*]. Given under my Hand and Seal, the
 ‘ Day and Year first above written.’

Form of Conviction.

[*Loc. & Per.*]

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LXVIII. And

Justices may mitigate Penalties to One Fourth ;

and they or the Trustees may reward Informers,

and allow Expences of Constables and Witnesses.

Persons aggrieved may appeal to the Quarter Sessions.

Proceedings not to be quashed for want of Form.

LXVIII. And be it further enacted, That it shall be lawful for any Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence or Offences against this Act (if he or they shall think proper, but not otherwise) to mitigate, lessen and reduce the Penalty, Forfeiture, or Fine by this Act inflicted, incurred, or authorized to be levied or paid, to any Sum not being less than One Fourth of such Penalty, Forfeiture, or Fine, as he or they the said Justice or Justices shall in his or their Discretion think fit ; and it shall also be lawful for any such Justice or Justices, or for the said Trustees, to reward any Informer or Informers, as he or they shall think proper, so as such Reward does not exceed One Moiety of the Penalty, Fine, or Forfeiture arising from the Information of such Informer or Informers ; and likewise to reimburse and allow any Constable or other Officer or Officers, or any Witness or Witnesses, for his or their Loss of Time, Trouble, or necessary Expences incidental to the due Execution of his or their Duty or Attendance, in Obedience to any Warrant, Summons, or Precept issued in pursuance of this Act, such Sum or Sums of Money as such Justices or Trustees respectively shall think reasonable.

LXIX. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been hereby already appointed (save and except the Verdict of a Jury, and any Determination, Proceeding, Matter and Thing hereinbefore directed to be final), it shall be lawful for such Person or Persons to appeal to the Justices of the Peace at the then next Quarter Sessions of the Peace to be holden for the said County of *Wilts*, or if the said Cause of Complaint shall arise within Fourteen Days next before such General Quarter Sessions, then such Appeal may be made to such Justices at the Second General Quarter Sessions of the Peace to be holden for the said County, next after such Cause of Complaint shall have arisen ; such Appellant or Appellants first giving or causing to be given Twelve Days Notice in Writing at the least, of his, her, or their Intention to bring such Appeal and the Matter thereof to the Clerks or Clerk to the said Trustees, and within Four Days after such Notice enter into a Recognizance in the Sum of Twenty Pounds, before some Justice of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal, and abide the Orders of and pay such Costs as shall be awarded by the Justices at such Sessions ; and the said Justices at such Quarter Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing or appealed against, as they the said Justices shall think proper ; and the Determination of such Justices shall be final, binding, and conclusive unto and upon all Parties, to all Intents and Purposes whatsoever.

LXX. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into

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

LXXI. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act, until Ten Days Notice of an Intention of bringing the same shall be given to the Clerks or Clerk to the said Trustees; nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved; nor after the Expiration of Six Calendar Months next after the Fact committed; and every such Action shall be laid, brought, or tried in the said County of *Wilts*, and not elsewhere; and the Defendant or Defendants in every such Action or Suit, shall or may at his, her, or their Election, plead Specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done by the Authority and in pursuance of this Act; and if the same shall appear to have been so done, or that such Action or Suit hath been brought before Ten Days Notice thereof shall have been so given, or after a sufficient Satisfaction made or tendered, or after the Time herein-before limited for bringing the same, or shall be brought or laid in any other County or Place than in the said County of *Wilts* as aforesaid, then the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if such Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared, or filed Common Bail thereon; or if upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, upon Affidavit made, or Certificate of the Judge before whom such Cause shall be tried, whereby it shall appear that such Suit was prosecuted against such Defendant or Defendants for any Matter contained in this Act, and shall have such Remedy for recovering the same, as any other Defendant or Defendants hath or have or may have by Law, in any other Case.

Limitation of
Actions.

LXXII. 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.

LXXIII. And

Commence-
ment and
Duration of
this Act.

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

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