Anno tricesimo

Georgii II. Regis.

An Act for repairing and widening several Roads leading to, through, and from, the Town of *Frome* in the County of *Somerset*; and for giving further Powers to the Trustees in an Act passed in the Twenty fifth Year of His present Majesty's Reign, for repairing the Roads from the Town of *Warminster* in the County of *Wilts*, to the City of *Bath* in the County of *Somerset*, and other Roads therein mentioned.

WHEREAS the Road leading from the House of Master Robert Blerk, in the Town of Warminster in the County of Wilts, through Whitborn, and over Corsley Heath, and by the Bell Inn, in the Town of Frome in the County of Somerset, through Eggford, Whatley, and Little Elme, to a Publick House on Mendip, called Tattle House, and from thence to a Place called The Beacon, on Mendip Hills, in the Road leading to the City of Wells; and also the Road leading from the Bridge in Eggford aforesaid, to the Water in Murdercomb Bottom, and from thence to the Town of Mells in the said County of Somerset; and also the Roads leading Preamble.

leading from The Swan Inn in the said Town of Frome, and from Shepherds Steps, leading into a Ground called Rack Close, to a Bridge called Murtery Bridge, and from thence to Buckland; and also the Road from the Bridge called Wallbridge, in the Parish of Frome, through the Road called Lambs Lane, to a Publick House in Chapman's Lade in the County of Wilts, called The Nagg's Head, and from thence to a Place called Pen Gate, in the Road to the Town of Westbury; and also the Road leading from the Ship Alehouse in the said Town of Frome, to a Close called Lippeat, in the Road leading from the said Town of Frome, to the Towns of Nunney and Shipton Mallet; and also so much of the Road leading from the said Town of Warminster, through Lock's Lane and Keyford, towards the said Town of Shipton Mallet, as lies between an Alehouse in the Parish of Frome aforesaid, called The Castle and Arch, and a Lane in the same Parish called Water Lane, are become very ruinous in many Parts thereof in the Winter Season, and in many Places so narrow, that Carriages cannot pass each other without great Inconvenience and Danger; that the said Roads cannot be effectually amended, and widened, and kept in good Repair, unless some Provision be made for raising Money to be applied for those Purposes; May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable Charles Boyle, commonly called Lord Dungarvan; the Honourable Hamilton Boyle, the Honourable Henry Frederick Thynne, the Honourable Charles Berkely, Sir Richard Warwick Bampfylde, Sir Abraham Elton, Baronets; Charles Aldridge junior, Richard Allen, Richard Ames, Josiah Ames, Stephen Adams, Pierce A'Court Ashe, Colonel William A'Court, William Adams, Henry Allen, Benjamin Ayres, William Bayntun, Bythesea, John Baily, John Bradley, Joseph Baily, Edmund Bayly, Thomas Bridges, Joseph Bradley, James Bunn, William Barton, William Baily, Benjamin Baily, John Bodman, Zachary Baily, William Bull, Thomas Bunn senior, Thomas Bunn junior, William Buckler, Thomas Buckler, John Buckler, Humphry Buckler, William Bayley, William Bleek, Robert Bleek, the Reverend Barry, Doctor Samuel Bowden, Richard Champneys, John Clark, George Carey, Thomas Clement, George Carter, Richard Carter, Edward Cockey junior, John Coles, John Cooth, Simon

Trustees Names.

Simon Cole, the Reverend Abraham Clavey, William Chivers, John Cook, Nicholas Cockle, Joseph Cooke, the Reverend Arthur Culme, James Clarke, Reuben Carter, Joseph Clavey, James Cockle, Thomas Davis, John Down, Harry Edgell, Edward Edney, Emblen, Edwards, the Reverend Fiddes, James Fussell, Edward Frowd, the Reverend John Floyd, James Frampton, John Gibbons, Henry Gregory, John Green, William Gaisford, William Greene, Austin Goldesbury, James Grant, the Reverend Richard Goodrick, Henry Griffith, Thomas Horner, Hoddinot, the Reverend Henry Harris, Robert Haynes, William Hughes, Charles Hill, John Humphry, John Hales, Joseph Harebottle, William Humphry, the Reverend Hewit, John Holliday, the Reverend Thomas Jenkins, William Jones, Richard Jones, Thomas Jesser, Richard Jesser, William Jesser, Samuel Jesser, Lawrence Kinton, Edward King, William Kingman, John Kilston, James Lansdown, Roger Loyd, John Langley, Benjamin Love, William Lane, George Long, John Love, John Long, Lever, Benjamin Ludlow, James Long, Paul Methuen, Edward Middlecott, John Matravers, Robert Meares, William Moore, John Maskeline junior, James Moor, Thomas Maskeline, Nathanael Mortimer, Isaac Mayes, Francis Moore, Benjamin Moore, James Matthews, William Moor, Benjamin Moor, Jacob Naish, William Norman, Samuel Norman, John Napper, William Norman, the Reverend John Oswald LL. D. Thomas Phipps, Thomas Phipps of Leigh, William Phipps, Paul Phipps, William Provis, the Reverend Thomas Paget, William Provis junior, Thomas Pratten, John Plaister, Thomas Prowse, John Prowse, Benjamin Peach, the Reverend John Rogers, the Reverend William Slade, Thomas Squire, John Slade, Henry Strachey, John Smith, the Reverend William Sainsbury, John Smith of Combhey, the Reverend Robert Smith, James Shute, John Smith, Thomas Shute, the Reverend Lionel Seaman Archdeacon of Taunton, John Shepphard, William Shepphard, John Sedgefield, William Sparks, John Stevens, Joseph Singer, Philip Stevens, Thomas Shute, Thomas Salmon, James Salmon, John Truckwell, James Theobald, John Truckwell of Mells, John Turner, William Temple, George Turner, Robert Tucker, the Reverend James Viney, John Vigor, John Vigour, the Reverend Samuel Whitchurch, George Whitchurch, James Wickham, Samuel Whitchurch, John Wilcox, William Wallen, William Whitaker, Paul Wither, Michael Webb, Henry Wansey, George Wansey, Thomas Warren, Edward Wilton, shall be, and they and their

Successors, to be elected in manner herein after-mentioned, are hereby appointed Trustees for the ordering, amending, widening, and keeping in Repair, the said several Roads, and also for putting in Execution all the Powers hereby given.

Qualification of Trustees.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons by this Act appointed, or who shall be elected in Manner as is herein after mentioned, shall be qualified or capable of acting as a Trustee, in any Case, in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession, Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, above Reprizes; or possessed of, or intitled to, Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Pounds; or be Heir Apparent of a Person possessed of an Estate in Lands of the yearly Value of One hundred Pounds above Reprizes; and unless the Person claiming to have Fifty Pounds a Year, or One thousand Pounds Personal Estate alone, or Real and Personal Estate together, as aforesaid, shall take and subscribe the Oath following; or being One of the People called Quakers, an Affirmation to the Purport of the said Oath, before any Seven or more of the said Trustees, who are hereby authorized and required to administer the same, before he takes upon himself to act in the said Trusts and Authorities of this Act; which said Oath or Affirmation shall be in the Words, or to the Effect, following:

Trustees to take the Oath following, before they act.

The Oath.

I *A. B.* do swear (or being a *Quaker* do affirm) That I truly and *bona fide* am, in my own Right, or the Right of my Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, above Reprizes; or possessed of, or intitled to, Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Pounds.

So help me God.

Penalty on Persons acting, if not duly qualified.

And if any Person or Persons, not being so qualified, shall presume to act as a Trustee in the Execution of this Act, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds, to be recovered by Action of Debt, or on the Case, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster; wherein

wherein no Essoin, Protection, Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds, 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; One Moiety of which Forfeiture shall be paid to the Prosecutor, and the other Moiety shall be applied in such Manner as the other Penalties and Forfeitures are herein after directed to be applied.

Trustees to erect Toll-gates and Toll-houses,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall or may cause to be erected or provided in, upon, and across, any of the said respective Roads, and any Lane or Way leading into, or out of, the same, One or more Gate or Gates, Turnpike or Turnpikes, and also a Toll-house at or near each of the Places where any such Gate or Turnpike shall be erected, and shall demand and take the Tolls following, before any Horse or other Cattle, or any Carriage whatsoever, shall pass through any of the said Gates or Turnpikes; that is to say,

and take Tolls thereat.

The Tolls.

For every Horse, Mare, or Gelding, drawing in every Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, or Hearse, the Sum of Six Pence.

For every Horse, Mare, Gelding, or Ox, drawing in every Waggon, Wain, Cart, or other Carriage, the Sum of Six Pence.

For every Horse, Mare, Gelding, Mule, or Ass, not drawing, and carrying Coal or Lime, the Sum of One Penny.

For every other Horse, Mare, Gelding, Mule, or Ass, not drawing, the Sum of Two Pence.

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten Pence per Score; and so in Proportion for any greater or less Number.

For every Drove of Hogs, Sheep, or Lambs, the Sum of Five Pence per Score; and so in Proportion for any greater or less Number.

Which said respective Sums of Money shall and may be demanded and taken in the Name of and as a Toll; and that the Property of all the Fences, Gates, Turnpikes, and Toll-houses, to be erected or provided by virtue of this Act, and the Materials for building the same, and for repairing any of the said respective Roads, shall be, and they are hereby vested in the said Trustees; and they, or any Seven or more of them, are hereby impowered to

Property of Turnpikes and Toll-houses vested in the Trustees.

bring,

bring, or cause any Action or Actions to be brought and prosecuted, in the Name or Names of any One or more of them, or of their Treasurer or Clerk, or to prefer, or cause to be preferred, any Indictment or Indictments, against any Person or Persons, who shall disturb them in the Possession thereof; and the said Tolls, and the Moneys which shall be borrowed on the Credit thereof, shall be, and the same are hereby, vested in the said Trustees, and shall be applied and assigned, in the First Place, to pay and discharge the Expences of procuring and passing this Act; and then for erecting Turnpikes, Fences, Toll-houses, Bridges, Tunnels, and repairing and widening any of the said respective Roads, and for keeping the same in Repair, and for executing the other Purposes of this Act: 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, it shall be lawful for such Person or Persons as shall be appointed by the said Trustees, or any Seven or more of them, to collect the said Tolls, to seize and distrain any Horse or Horses, or other Cattle whatsoever, upon which such Tolls are by this Act imposed, or any of the Carriages drawn by such Horses or other Cattle, or the Goods and Chattles of such Person or Persons, so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Distress, shall not be paid within the Space of Four Days after such Distress made and taken, the Person or Persons so distraining shall and may sell the Cattle, or other Goods, so distrained, returning the Overplus (if any there be) upon Demand, to the Owner thereof, after such Tolls, and all reasonable Charges occasioned by such Distress and Sale, shall be deducted.

Tolls vested in the Trustees.

Tolls to be levied by Distress and Sale.

Distress may be sold after 4 Days.

Provided always, That no Person shall be subject to pay Toll more than Once in any One Day (to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night) for passing with the same Cattle and Carriage, through all or any of the Turnpikes which shall be erected by virtue of this Act, such Person producing a Note or Ticket of the Payment of such Toll; which Note or Ticket, the said Collectors, are hereby respectively required to give gratis, upon the Receipt of the Toll.

Tolls to be paid but Once a Day.

And be it further enacted by the Authority aforesaid, That the Tolls hereby granted and made payable, shall be divided into Two Parts, and such Parts thereof shall be taken and received at such Turnpikes or Toll-bars, as by the said Trustees, or any Nine or more of them, shall be

Tolls to be divided into Two Parts.

be ordered and appointed for that Purpose, and not otherwise.

And be it further enacted, That it shall and may be lawful for the said Trustees, or any Nine or more of them, from time to time, at any Meeting or Meetings, whereof Ten Days Notice in Writing shall be given upon all the said Turnpikes, to reduce all or any of the Tolls hereby granted, so as such Reduction be no Prejudice to, or be with the Consent of the several Persons, who shall have advanced Money upon the Credit of this Act, and to raise the same again, or any Part thereof, so as the same do not exceed the several and respective Rates herein before granted; and such Tolls so reduced or raised again, shall be collected, recovered, and paid, in the same Manner as the Tolls hereby before granted are directed to be recovered, collected, and paid. Trustees may lessen the Tolls, &c.

Provided also, and be it enacted, That no Toll shall be demanded or taken for any Horse or other Cattle, drawing or not drawing, which shall be employed in the Conveyance or Carriage of any Stones, Gravel, or other Materials, for the repairing of any Road or Highway, in any Town or Parish in which any Part of the said respective Roads do lie; or in the Conveyance or Carriage of any Lime, Chalk, Dung, Mould, Soil, or Compost, of any Kind whatsoever, for the manuring of any Land or Ground, in any of the said Parishes; or for any Horse or other Cattle employed in the plowing, sowing, tilling, or cultivating, of any Land or Ground in such Parishes; or in the Carriage of any Hay, Straw, or Corn in the Straw, not sold or disposed of, but passing to be laid in the Houses, Outhouses, or Grounds, of the Owner or Owners thereof, in any of the said Parishes; or drawing or conveying any Plough, Harrow, Dray, or other Implement of Husbandry, or any Thing whatsoever that shall be used or employed in Husbandry, or stocking of Land by the Inhabitants of any of the said Parishes; or for any Horse or other Cattle, belonging to such Inhabitants, going to or from Water or Pasture; or for any Horse or other Cattle, drawing or not drawing, which shall be employed in the passing of Vagrants, only travelling with lawful Passes; or for the Horses of any Soldiers on their March; or for any Horse or other Cattle, which shall be employed in the Carriage or Conveyance of the Arms or Baggage only of such Soldiers; or for any Horse, or other Cattle or Carriages, conveying Persons that shall be going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament, for the said Counties Exemptions from Tolls.

of Wilts or Somerset, on the Days of such Election, or on the Day before, or Day after such Election shall begin, or be concluded; or for any Post House or Horses, carrying or drawing the Mail: And if any Person shall claim, or take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall forfeit the Sum of Forty Shillings, whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner, as other Penalties are herein after directed to be applied.

Penalty on claiming the Exemptions of this Act, not being intitled thereto.

Charges of passing this Act to be first paid.

And be it further enacted, That the Tolls hereby granted, and the Monies borrowed upon the Credit thereof, shall, after Payment of the Charges of passing this Act, and defraying the necessary Expence of putting this Act in Execution, be applied in, and upon account of, repairing, widening, and altering, any of the said respective Roads.

Penalty on Persons permitting, or going through private Passage,

And be it further enacted, That if any Person or Persons, owning or occupying any Lands, near to any of the said Turnpikes, shall permit any Person or Persons, to pass through the same, or any Part thereof, with any Horse, or other Cattle or Carriage whatsoever; or if any Person or Persons shall pass through any Lands, or any Part thereof, or any private Way, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided, with any Horse or other Cattle or Carriage whatsoever; or shall forcibly or wilfully pass through any of the said Turnpikes, with any Horse or other Cattle, or Carriage whatsoever; or shall

or giving or receiving of Tickets;

offer, give to, or receive from any Person or Persons, or shall forge, counterfeit, or alter, any Note or Ticket, by this Act directed to be given by the Collectors of the

or taking off Horses, &c.

said Tolls; or shall take off, or cause to be taken off, any Horse or other Cattle from, or unload, or cause to be unladen, any Goods, out of any Carriage, or leave, or cause

or unloading of Goods, &c. to avoid Payment of the Tolls, &c.

to be left upon, or near to any Part of the said respective Roads, any Horse or other Cattle or Carriage, with an Intent to avoid paying any of the said Tolls, or any Part thereof; or shall interrupt or disturb any Person or Persons, to be employed by the said Trustees, or any Seven or more of them, or their Surveyor, in digging or gathering any Materials, for repairing any of the said respective Roads, every Person so offending in any of the Cases aforesaid, shall for every such Offence respectively forfeit the Sum of Forty Shillings, whereof One Moiety shall be paid to the Informer, and the other Moiety shall go and be applied in such Manner, as the other Penalties and Forfeitures are herein after directed to be applied.

And

And be it further enacted, That the said Trustees, or any Nine or more of them, shall meet together at the Sign of the George, in the Town of Frome aforesaid, on that Day Month after the passing of this Act, and proceed to the Execution of this Act, and shall then adjourn themselves, from time to time, as often as it shall be necessary for putting this Act in Execution; and if there shall not appear at any Meeting appointed to be held by the said Trustees, a sufficient Number of Trustees to act at such Meeting, the Clerk or Clerks to the said Trustees shall and may by publick Notice in Writing to be fixed on all the Turnpikes, at least Ten Days before the next Meeting, appoint the said Trustees to meet at the House where the last Meeting was appointed to be held, or at some other House adjoining to the said Roads, and so often as there shall not appear a sufficient Number of Trustees to act, at any such Meeting so appointed by the Clerk; and the Trustees at all their Meetings to be held in pursuance of this Act, shall defray their own Expences.

Time and Place of Trustees for Meeting.

In Default of a sufficient Number to act, Notice to be given of another Meeting.

Trustees to bear their own Expences.

And be it further enacted, That the said Trustees, or any Nine or more of them, present at any of their Meetings, shall or may, from time to time, elect and appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, of the said Tolls, and a Surveyor or Surveyors of any of the said respective Roads, and also such other Officer or Officers, as they shall think proper to employ in the Execution of this Act; and in case of Misbehaviour, from time to time, to remove such Clerks, Treasurers, Collectors, Surveyors, and other Officers, and any or either of them, and to appoint others in the room of such of them as shall be so displaced, or shall die (Notice being first fixed upon all the said Turnpikes, of the Time and Place of such Meeting, at least Ten Days before every such Election) and out of the Monies arising by virtue of this Act, the said Trustees, or any Nine or more of them, shall and may make such Allowances to such Clerks, Treasurers, Collectors, Surveyors, and other Officers, and to such other Persons as shall be assisting in or about repairing or widening any of the said respective Roads, or any Part thereof, as to them the said Trustees, or any Nine or more of them shall seem reasonable; and that every Treasurer, Collector, Surveyor, and other Officer, and Person whatsoever, who shall have or receive any of the Monies which shall be raised by virtue of this Act, shall, Once in every Month, and oftener if thereunto required by the said Trustees, or any Seven or more of them, make and render to such Trustees, or to such Person or Persons as they shall appoint, a true and perfect

Trustees to nominate Officers;

and may remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

perfect Account in Writing under their respective Hands, of all Monies which shall have been by them respectively collected or raised, and how and to what Uses the same shall have been paid and applied, together with proper Receipts and Vouchers for such Payments; and shall pay all such Monies as shall remain in their Hands to the said Trustees, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall appoint; and the said Officers and other Persons shall, upon their several Oaths, if thereunto required (which Oath any Two of the said Trustees are hereby impowered to administer) verify such Accounts, and the particular Articles thereof, and the several Receipts and Payments which shall be therein contained; and if any such Officers or other Persons shall not give such Account, or shall refuse to verify the same in Manner aforesaid, then and in any or either of the said Cases, it shall be lawful for any Five or more of the said Trustees, or any Two Justices of the Peace for the County or Place where such Officer or Person shall be or reside; and such Trustees or Justices, are hereby required to make Inquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses, upon Oath, which Oath the said Trustees or Justices are hereby impowered and required to administer, without any Reward; and if any such Person shall be thereof convicted, such Trustees or Justices shall commit the Party to the Common Gaol of the County, where the Offence shall be committed, there to remain without Bail or Mainprize, until such Account shall be made and verified, as aforesaid; and in case any of the said Officers or other Persons shall refuse or neglect to pay any Sum or Sums of Money, which shall appear to remain in his or their Hands, it shall be lawful for Five or more of the said Trustees, or any Two Justices of the Peace, for the County or Place where such Person or Persons shall be or reside; and such Trustees or Justices are hereby required to make Inquiry, touching such Neglect or Refusal in a summary Way, in such Manner as aforesaid, and by Warrant under their Hands and Seals, cause such Sums of Money as shall appear to them to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattles of such Person or Persons, rendering the Overplus (if any) after the Money remaining due, and the Charges of making such Distress and Sale shall be deducted; and if sufficient Distress cannot be found, then any Five or more of the said Trustees, or the said Justices,

Officers refusing or neglecting to account,

Justices upon Complaint to enquire into the Default;

and levy the Balance by Distress and Sale;

and for want of Distress, or Offender refusing to appear and account,

Justices, shall commit such Person or Persons to the Common Gaol of the County, where such Person or Persons shall be or reside, there to remain without Bail or Mainprize, until he, she, or they, shall have paid over or compounded for the same, and paid such Composition-money to the said Trustees, or their Treasurer; which Composition the said Trustees, or any Seven or more of them, are hereby impowered to make. to be committed, until he shall conform, or compound with the Trustees.

Provided always, and it is hereby declared, That no Money shall be borrowed by the said Trustees, or any of them, upon the Credit of the said Tolls, after the First Meeting of the said Trustees, unless Notice in Writing under the Hand of the Clerk or Clerks to the said Trustees for that Purpose, to be fixed upon all the Turnpikes then erected by virtue of this Act, at least Fourteen Days before the borrowing of such Money. 14 Days Notice to be given of borrowing Money.

And be it further enacted, That the said Trustees, or any Nine or more of them, shall and may, and are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, to assign over the Tolls, or any Part thereof, arising by virtue of this Act, the Costs and Charges of assigning the same to be borne and paid out of such Tolls, for any Time or Term during the Continuance of this Act, as a Security for any Sum or Sums of Money, not exceeding Seven thousand Pounds, so to be borrowed by the said Trustees for that Purpose, to such Person or Persons who shall advance and lend the same, in such Manner as shall be thought most proper to secure the Payment thereof, with Interest for the same; which said Monies so to be borrowed shall be applied and disposed of, as the said Tolls are by this Act directed to be applied and disposed of. Trustees may assign over the Tolls for Money borrowed.

And be it further enacted, That all and every Person or Persons, to whom any Assignment or Assignments of the said Tolls shall be made by virtue of this Act, as a Security for any Sum or Sums of Money by any Person or Persons lent or advanced on the Credit of the said Tolls, or who shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Assignment, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, convey or transfer his, her, or their Right, Title, Interest, or Benefit, Principal and Interest-money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Indorsement, Conveyance, or Transfer, shall be produced and notified to the said Clerk or Clerks Assignments may be transferred.

Entries to be made thereof,

to the said Trustees, within Ten Days after the Date thereof, who shall cause the same to be entered at Length in a Book, in which any of the said Original Assignments shall be registered; for which the said Clerk or Clerks shall be paid the Sum of Two Shillings and Six Pence, in case the same shall not exceed Five hundred Words; and for all above that Number, the Sum of Six Pence for every hundred Words, and no more; and after such Entry made, such Indorsement, Conveyance, or Transfer, shall intitle the Person or Persons to whom the same shall be so indorsed, conveyed, or transferred, his, her, or their Executors, Administrators, or Assigns, to the Benefit thereof; and such Person and Persons may, in like Manner, indorse, convey, or transfer, the same again, and so toties quoties; and it shall not be in the Power of such Person or Persons who shall have made such Conveyance or Transfer, to make void, release, or discharge the same.

Clerk's Fee.

Proceedings to be entered in a Book.

And be it further enacted, That such Assignments, Conveyances, and Transfers, as aforesaid, and also all the Orders, Contracts, and other Proceedings of the said Trustees shall be entered at Length in One or more Book or Books to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; which Book or Books shall be seen and perused at all seasonable Times, without Fee or Reward, by any Person or Persons concerned in any of the Assignments, Conveyances, or Transfers, or their Agents; and that any such Person or Persons may take Copies of all or any Part thereof, paying to the Clerk or Clerks for every Copy not exceeding One hundred Words, Six Pence; and so in Proportion for any greater Number of Words; and the Entries of all such Assignments, Conveyances, and Transfers, and such Orders, Contracts, and other Proceedings, in such Book or Books as aforesaid, being signed by the Clerk or Clerks to the said Trustees, at a Meeting of Seven or more of the said Trustees assembled, shall be deemed and taken to be Originals; which said Book or Books shall be produced and read in Evidence in all Cases of Appeals, Suits, and Actions, touching any thing done in pursuance of this Act.

Copies may be taken thereof.

The Orders being signed at a Meeting of 7 Trustees, to be deemed Originals.

Repair of the Roads to be progressively carried on from *Frome* and *Warminster*.

And be it enacted, That the Repairs of the several Roads herein mentioned leading from the aforesaid Towns of Frome and Warminster, shall begin and be carried on progressively from the aforesaid respective Towns, as far as the Tolls hereby granted and the Money to be borrowed on the Credit of such Tolls shall allow, Regard being had

had as much as may be in the Progress of the Repairs upon each respective Road to the Proportion of Horses and Carriages supposed to pass such Road.

But forasmuch as in the Road leading from Wallbridge to Pen Gate aforesaid, there are between the Nag's Head and Pen Gate, certain deep narrow Ways which extreamly obstruct the Passage of Horses and Carriages; be it enacted, That the Trustees herein named, or any Nine or more of them, shall, out of the First Monies to be borrowed on the Credit of this Act (the necessary Charges of passing this Act, and the erecting proper Gates and Toll-houses, being first defrayed) advance the Sum of One hundred Pounds towards purchasing Lands to enlarge the said deep narrow Ways.

100 *l.* to be advanced for purchasing Lands to enlarge the narrow Ways between the *Nag's Head* and *Pen Gate*.

Provided always, That in all other Respects the Repairs of the said Road leading from Wallbridge to Pen Gate aforesaid, shall begin at Wallbridge, and shall be progressively and effectually carried on from thence as far as the Proportion of Horses and Carriages passing the said Road shall be deemed to allow, the aforesaid Sum of One hundred Pounds being first deducted from such Proportion.

The Repair of the Roads in other Respects to be made progressively from *Wallbridge* to *Pen Gate*.

And be it further enacted, That in case the said Trustees, or any Nine or more of them, at a Meeting to be held for that Purpose (whereof Ten Days Notice shall be given upon all the said Turnpikes) shall think proper to widen, turn, or alter the Path of any Part of the said respective Roads, it shall and may be lawful for the said Trustees, or any Nine or more of them, and they are authorized and impowered to purchase any Lands or Hereditaments for that Purpose; and out of the said Tolls, or the Monies borrowed on the Credit thereof, to pay for the same, and all the Charges attending such Purchase; and it shall be lawful to and for all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and all other Persons whomsoever, to contract and agree with the said Trustees, or any Nine or more of them, for the Purchase of such Lands or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be and require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding;

Trustees may purchase Land, &c. for widening the Road.

Bodies Politick, &c. may contract with the Trustees for the Sale of Lands.

standing; and that all Persons shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Persons refusing, or disabled to treat, &c.

And be it further enacted, That if any such Bodies Politick or Corporate, Ecclesiastical or Civil, or Trustee or Trustees, or any Person or Persons whatsoever as aforesaid, interested in any Lands or Hereditaments, shall neglect or refuse to treat, or shall not agree in the Premisses, or by reason of Absence shall be prevented from treating, then and in such Case, it shall and may be lawful to and for the said Trustees, or any Seven or more of them, Fourteen Days before any General or Quarter Session of the Peace to be holden for the County in which such Lands or Hereditaments shall happen to be, to give or cause to be given to such Owner, or to the Principal Officer or Officers of such Bodies Politick, Corporate, Ecclesiastical, or Civil, or leave or cause to be left at the House of the Tenant in Possession of the Lands or Hereditaments intended to be taken in or added to any of the said respective Roads, or through which any Part of any of the said respective Roads shall be intended to be turned as aforesaid, Notice in Writing denoting or describing the Lands or Hereditaments so intended to be purchased and laid into any of the said respective Roads, or through which any Part of any of the said respective Roads are intended to be turned, and purporting that the Value of such Land will be adjusted and settled by a Jury at the said Session; and the Justices at their said Session, upon Proof to them made of such Notice having been so given or left, are hereby authorized and required to charge the Jury which shall attend at such Session, or some other Jury of Twelve honest Men, to be then and there impanelled and returned by the Sheriffs of the said Counties, without Fee or Reward; and cause them to be sworn well and truly on their Oaths, to assess the Value of the Lands or Hereditaments comprized in the said Notice, and the Damages and Recompence to be given for the same to the respective Owner or Owners thereof, according to their respective Interests therein (which Oath the said Justices are hereby required to administer to such Jury) and to which said Jury, the said Trustees, and all Parties interested in the said Lands and Hereditaments, shall have their lawful Challenges; and the said Jury being so charged and sworn as aforesaid, and after proper Evidence on Oath to them given concerning the Nature, Quantity, and Value of the said Lands or Hereditaments, shall, by their Verdict, assess the Damages and Recompence to be given for the said Lands or Hereditaments,

Jury to be summoned to settle the Damages and Recompence.

Jury to be sworn.

Jury may be challenged.

ditaments, to the respective Owner or Owners thereof, according to their respective Interests therein; which Verdict of the said Jury, and the Judgement of the said Justices upon the same, shall finally bind and be conclusive to the said Trustees, and to all Persons and Parties interested in the said Lands or Hereditaments; and that from and after such Verdict and Judgement, and after Payment or Tender of the Recompence thereby ascertained or directed to be given for the said Lands or Hereditaments to the said respective Owner or Owners thereof, or their Guardians, Trustees, or Agents; or if in case of Absence, such Person or Persons, or any of them, cannot be found, whereby such Payment or Tender cannot be made, or in case of Refusal to accept such Recompence, then upon leaving the same in the Hand or Hands of the Treasurer or Treasurers of the said Trustees, for the Use of such Person or Persons; and Notice thereof in Writing by the said Treasurer or Treasurers, being given to or left at the Dwelling-house, or last Place of Abode, of the Tenant or Tenants in Possession of such Lands or Hereditaments, or after the Execution of a Conveyance of the Lands or Hereditaments to the said Trustees, or any Three or more of them, and Payment or Tender of the Money thereby stipulated to be paid for the same; and which Money and Recompence the said Trustees, or any Seven or more of them, are hereby impowered to pay out of the Money which shall be borrowed or collected by virtue of this Act, the said Trustees, or any Seven or more of them, their Surveyors, Workmen, Servants, and Agents, are hereby impowered to take and lay the said Lands or Hereditaments, and every Part thereof, into any of the said respective Roads, and to ditch and fence out the same, as the said Trustees, or any Seven or more of them, shall think fit; and then and from thenceforth, and for ever afterwards, such Lands or Hereditaments shall become and be a Part or Parts of the said respective Roads, to all Intents and Purposes; and after any such new Road shall be compleated, the Lands comprized in, or constituting the old or former Road, in lieu whereof the Lands for such new Road shall be purchased as aforesaid, shall be vested in, and shall and may be sold by the said Trustees, or any Seven or more of them, to such Person or Persons, as shall be willing to become Purchaser or Purchasers thereof, for the best Price that can be gotten for the same; and the Money arising from such Sale, shall be applied in the repairing any of the said respective Roads; and the Sale or Conveyance thereof, being exe-

Verdict of the Jury to be final.

After Payment or Tender of the Money, the Lands vested in the Trustees.

Lands, &c. purchased, to be made Part of the Roads.

Old Road may be sold.

Money arising by Sale thereof how to be applied.

cuted by the said Trustees, or any Seven or more of them, and inrolled with the Clerk of the Peace of the County in which such old Road shall happen to lie, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Not to damage any House, &c. in altering the Road.

Provided always, That in altering, widening, or turning such Road, nothing shall be done which shall in any wise injure or damage any House or Building, Yard, Garden, Orchard, Park, planted Walk, or Nursery of Trees, or Avenue to any House.

Trustees may farm, &c. the Tolls.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, upon Ten Days Notice to be given thereof upon all the said Turnpikes, from time to time, by Writing under their Hands and Seals, to lease, demise, lett to Farm, or set out the Tolls by this Act granted, or any Part thereof, 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 said Term hereby granted, not exceeding Three Years, upon publick Bidding, to the highest Bidder, and for the best Price such Trustees can get for such Tolls, or any Part thereof, payable at such Times, in such Manner, and under such Covenants, and with such Sureties for the Payment thereof, as they the said Trustees, or any Nine or more of them, shall think fit, and to be paid to the Treasurer or Treasurers, appointed by the said Trustees to receive the same; which Money so to be paid, shall be applied and disposed of, for repairing any of the said respective Roads.

Application of the Monies.

Trustees not to act where interested.

And be it further enacted, That such of the Trustees as shall be Justices of the Peace may, and are hereby authorized and impowered to act as Trustees or Justices of the Peace, according to their several and respective Qualifications, in Execution of the Powers hereby given, notwithstanding his or their being a Trustee or Trustees, except in such Matters, Things, and Respects, in which he or they shall be personally interested; in any or either of which said Matters, Things, or Respects, such Person shall not be intitled or impowered to act, either as a Trustee or Justice; nor shall any Trustee, who shall have any Place of Profit arising out of the Tolls or Monies hereby granted, or made payable, be capable of acting as a Trustee, during his Enjoyment thereof.

On Death, &c. of Trustees, others to be chosen.

And be it further enacted, That when and as often as any Trustee shall die, resign, refuse, or be disqualified to act, it shall and may be lawful for the surviving or remaining Trustees, or any Nine or more of them, from time to time, to elect and appoint One other fit Person to be a Trustee

a Trustee, in the Stead of such Trustee so deceased, resigning, refusing, or being disqualified to act; that is to say, In the Room or Place of such of them so dying, removing, or refusing to act, as at or before the Times of their respective Deaths, Removal, or Refusal to act, lived and resided in the said County of Wilts, One or more fit Persons living and residing in the same County (and qualified to act as a Trustee or Trustees, according to the Directions of this Act) and in the Room or Place of such of them so dying, removing, or refusing to act, as at or before the Times of their respective Deaths, Removal, or Refusal to act, lived and resided in the said County of Somerset, One or more fit Person or Persons residing in the same County, and qualified to act as a Trustee or Trustees, as aforesaid; and every such Person so from time to time elected and appointed, shall be joined with the surviving or remaining Trustees, and is hereby impowered to act, to all Intents and Purposes, in as full and ample Manner, as if such Person had been particularly named and appointed in this Act; but Notice in Writing of the Time and Place of Meeting, for the Election of every such new Trustee, shall be given by the Clerk or Clerks of the said Trustees, on all the said Turnpikes, at least Ten intire Days before the Meeting for such Election.

10 Days Notice to be given of the Meeting for such Election.

Provided always, and be it enacted, That it shall and may be lawful for the said Trustees, or any Nine or more of them, to compound and agree, from time to time, with such and so many of the Persons liable to do Statute-work on any of the said respective Roads, as the said Trustees, or any Nine or more of them, shall think proper, for a certain Sum of Money by the Year, or otherwise, in lieu of the Statute-work to be performed by such Person or Persons; which Composition-monies shall be applied in the amending any of the said respective Roads, and to no other Use or Purpose whatsoever.

Trustees may compound for Statute-work.

Compositions to be entered in a Book.

Provided always, and be it further enacted by the Authority aforesaid, That any or either of the Trustees, named or appointed, or which shall be named or appointed, in or by virtue of this Act, shall not act, or be impowered to do any Act, in the Execution of the Powers hereby to them given, or either of them, except it be at a Meeting to be by them held in pursuance of this Act.

Trustees not to act but at a regular Meeting.

And be it further enacted, That the said Turnpike Surveyor or Surveyors, and such other Person or Persons by him or them employed, may, by Order of the said Trustees, or any Seven or more of them, remove and prevent all Annoyances, Nuisances, and Obstructions,

Surveyors may remove Annoyances, &c.

tions, upon any Part of the said respective Roads; and turn any Watercourses, Sinks, or Drains, running into, along, or out of any of the said respective Roads, to the

scour Ditches, Prejudice thereof; and open, scour, or cleanse, any Watercourses or Ditches adjoining or near to any Part of any of the said respective Roads, and make the same as deep and as large as he or they shall think necessary; and cut down any Trees or Bushes (Timber Trees

lop or top Trees, &c. excepted) and to lop or top any Trees or Bushes growing in any of the said respective Roads, or in the Hedges

the Owners neglecting to remove the same after Notice; or Banks adjoining thereto; and take and carry away the same in case the Owners or Occupiers of the Premisses, or the Surveyor or Surveyors of the Parish to whom the Premisses belong, shall neglect to remove the same, or to cut down, or lop, or top, and carry away such Trees or Bushes as aforesaid, or to open, scour, or cleanse, such Watercourses or Ditches, or to remove such other Annoyances for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors, the

the Charges thereof to be reimbursed the Surveyors. Charges whereof (to be settled by the said Trustees, or any Seven or more of them) shall be reimbursed to the said Turnpike Surveyor or Surveyors as aforesaid, and in Default thereof, shall be recovered and applied in such Manner, as the Penalties laid by this Act are herein after directed to be recovered and applied; and

Penalty of a Second Offence. if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

Surveyors may make Causeways, and cut Drains; And be it further enacted, That the said Turnpike Surveyor or Surveyors, or other Person or Persons employed by him or them, may, by Order of the said Trustees, or any Seven or more of them, make any Causeway or Causeways in or along the Side or Sides of any Part of any of the said respective Roads;

and erect Bridges, &c. and make and erect any Bridges or Arches upon, in, or under any of the said respective Roads, or any Part thereof; and also dig or cut any reasonable or sufficient Ditches or Drains in, through, or across, any Ground or Grounds adjoining or lying contiguous to any of the said respective Roads, and also make or

and make a temporary Road; cause to be made a Road through the Grounds adjoining to any narrow or ruinous Part of any of the said respective Roads (not being a Garden, Orchard, Yard, Park, Paddock, Wood, Nursery of Trees, planted Walk, or Avenue to any House) to be made use of by all Passengers, Cattle, Carriages, or otherwise, as a Publick High-

way,

way, whilst the old Road is repairing or widening, and till such Time as it shall be convenient and safe for Passengers and Carriages to pass through the same; making such reasonable Satisfaction to the Owners or Occupiers of such Grounds respectively, through which any such Drains shall be made, or on which any such Arches shall be erected, or through which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, or any Nine or more of them; and in case of any Difference concerning the same, that then it shall and may be lawful for the Justices of the Peace at the next General or Quarter Sessions for the said Counties of Wilts or Somerset, or at their Second Quarter Sessions at the furthest, and upon Ten Days Notice in Writing to be given by the said Surveyor or Surveyors to such Owners or Occupiers, or by such Owners or Occupiers to the said Surveyor or Surveyors, or left at their respective Places of Abode, to hear and finally determine the same.

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

And be it further enacted, That the said Surveyor or Surveyors, or other Persons by him or them employed, shall and may cut, dig, gather, take, and carry away, any Gravel, or other Materials, proper for repairing any of the said respective Roads, in, upon, out of, and from any River or Brook, or any Waste or Common Ground, in any Parish, Town, or Place, in which any Part of any of the said respective Roads lie, or in any neighbouring Parish, Town, or Place, without paying any thing for the same; the said Surveyors or other Persons filling up the Pits and levelling the Ground from which such Materials shall be taken, or railing or fencing off the same, in such Manner as that such Pits shall not be dangerous to Passengers or Cattle; and if Quantities of Materials proper and sufficient for repairing of any of the said respective Roads, cannot be found in such Rivers or Brooks, or in and upon such Waste or Common Ground, then and in such Case, it shall and may be lawful for such Surveyor or Surveyors, or other Person or Persons, by Order of the said Trustees, or any Nine or more of them, to cut, dig, gather, take, and carry away any Materials in, upon, out of, from, through, and over the Lands, Fields, or Grounds of any Person or Persons whatsoever (not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery, or planted Walk or Walks of Trees, or Avenue

Surveyors may dig Gravel, &c. in Waste Grounds, &c.

without paying for the same;

and where there is not sufficient of such Materials to be had there, they may be taken from private Grounds.

to any House) paying such Rates for such Materials, and for the Damage done to the Owners and Occupiers of the Ground where and from whence such Materials shall be cut, digged, gathered, or carried away, or over which the same shall be carried, as the said Trustees, or any Nine or more of them, shall think reasonable; and in case of any Difference concerning the same, the Justices of the Peace at their next General Quarter Session for the County wherein such Materials shall be cut, digged, gathered, taken, and carried away, or at their Second General or Quarter Session at the farthest, and upon Ten Days Notice in Writing to be given by the Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Places of Abode, shall hear and finally determine the same.

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

And be it further enacted, That all Lands, Tenements, and Hereditaments, and all Rents and Profits issuing out of any Lands, Tenements, or Hereditaments, which, and also all Persons who, are or shall be subject or chargeable to the Repair of any Part or Parts of any of the said respective Roads, shall remain liable and chargeable to such Repairs; and all Persons shall do their respective Works in the Parishes or Places through which any of the said Roads do lead, in such Manner as such Persons ought to have done, in case this Act had not been made; and that it shall and may be lawful for any Seven or more of the said Trustees, by their Surveyor or Surveyors, yearly and every Year, during the Continuance of this Act, to summon the Surveyors of the Highways for their Parishes or Places, wherein any Part of any of the said Roads do lie, to bring in Writing under their respective Hands before the said Trustees, or any Seven or more of them, upon Oath, within Fourteen Days after such Summons (which Oath the said Trustees, or any Two of them, are hereby impowered to administer) a List of the Names of all the Persons who are obliged by Law to do Statute-Work for that Year, with Teams and Draughts, or otherwise, within such Parishes or Places respectively; and shall distinguish and set forth in such Lists, the Number of Days Work which each Person ought to do on any of the said respective Roads, in such Parishes or Places respectively; and also the Number of Teams and Draughts which each Person is liable to send to work on any of the said respective Roads, by virtue of this Act, or any former Acts; and the said

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

Parish Surveyors, &c. to deliver in Lists of Persons liable to do Statute-work.

said Trustees, or any Seven or more of them, shall and may order and appoint, how many Days Work shall be done in each Year, by such Persons on any of the said respective Roads; which said Statute-work shall be done by such Persons, at such Times, and in such Manner, and in such Parts of any of the said respective Roads, within such respective Parishes and Places as the Trustees, or any Seven or more of them, or the Surveyor or Surveyors, shall, from time to time, direct and appoint; and the said Parish Surveyor or Surveyors for the time being respectively, within Ten Days after Notice shall, from time to time, be given to him or them, by the said Turnpike Surveyor or Surveyors, how many of the Persons so appointed as aforesaid, are to perform the said Statute-work in or upon any Part of the said respective Roads, shall summon or give publick Notice thereof, to such respective Persons; and that every Person shall for every Fifty Pounds a Year of Lands, Tenements, or Hereditaments, which he or she shall rent or occupy within any such respective Parish or Place, send One Team and Draught to perform such Work on the said respective Roads, each Team and Draught not to consist of less than Five able Horses; and if any Person shall after such Notice as aforesaid, neglect or refuse to do such Statute-work, every such Person shall for each Day's Default forfeit the Sum of Ten Shillings for each Team and Draught; and every other Person liable to perform such Statute-work as a Labourer, shall forfeit the Sum of One Shilling and Six Pence for each Day's Default; and if any Person shall be found idle or negligent in the Performance of such Statute-work, the Turnpike Surveyor or Surveyors may, and he and they is and are hereby required to discharge such Person; and in such case it shall be deemed as if such Person had not come or been sent to work; and the Person so discharged, or the Person or Persons on whose Behalf such Person so discharged shall have been sent to work, shall be liable to such respective Penalties as aforesaid; and in case any of the said Surveyors of the Highways for any such Parish or Place, shall refuse or neglect to give in a List of the Names as aforesaid, or to give such Notice to any of the said Inhabitants, or other Persons liable to do such Statute-work for them, to perform their Statute-work as aforesaid, every such Surveyor shall for every such Neglect or Refusal forfeit the Sum of Five Pounds.

Penalty on Persons not performing their Statute-work.

Provided always, and be it further enacted, That if the Surveyor or Surveyors of the Highways for the time being

Trustees may proportion Statute-work.

being of the several Parishes, Hamlets, or Places, wherein the Roads intended by this Act to be repaired, do lie, shall think the said Trustees have directed or appointed too large a Proportion of the Statute-work to be done on the Roads by this Act directed to be repaired, it shall and may be lawful for such Surveyor or Surveyors of the Highways aforesaid, to appeal to the Quarter Sessions of the Peace next after such Direction or Appointment to be held for the said Counties of Wilts or Somerset respectively, as the Case shall happen; and the Justices in their said respective Quarter Sessions are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work in any Parish, Hamlet, or Place, shall be done on the Roads by this Act directed to be repaired, such Surveyor or Surveyors of the Highways as aforesaid, having first given Six Days Notice in Writing of such Appeal to the Surveyor or Surveyors authorized by the said Trustees as aforesaid.

No Turnpike to be removed but by Order of the Trustees.

And be it further enacted, That after the First Meeting of the said Trustees, no new Turnpike shall be ordered to be erected, nor shall any Turnpike which shall be erected by virtue of this Act, be removed, except by Order of the said Trustees, or any Nine or more of them, at a Meeting to be held for that Purpose, whereof Ten Days Notice shall be given in Writing under the Hand or Hands of the Clerk or Clerks to the said Trustees, to be fixed on all the said Turnpikes.

No Victualler, &c. capable of being a Trustee.

And be it further enacted, That no Victualler or Retailer of Beer, Ale, or Spirituous Liquors whatsoever, shall be capable of being a Trustee, or of holding any Office under the said Trustees.

Treasurers to give Security.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall, and they are hereby required to take such Security from their Treasurer or Treasurers, and Collector or Collectors, to be appointed as aforesaid, for the due Execution of their respective Offices, as to the said Trustees, or any Seven or more of them, shall seem meet.

Penalty on drawing Timber otherwise than on Wheel-Carriages.

And be it further enacted, That if any Person or Persons shall hale or draw, or cause to be haled or drawed, in, upon, or along, any Part of any of the said respective Roads, any Tree or Trees, Piece or Pieces of Timber, or any Stone or Stones (Mill-stones excepted) otherwise than upon Wheel Carriages, every such Person or Persons, for every such Offence, shall forfeit the Sum of Forty Shillings.

And

And be it further enacted, That the said Trustees shall cause the said respective Roads to be measured, and Stones or Posts to be set up in, upon, or near, the Sides thereof, at the Distance of One Mile from each other, with Inscriptions thereon, denoting the Distance of every such Stone or Post from any Town or Place, as they, or any Seven or more of them, shall think fit; and if any Person or Persons shall wilfully pull down, break, obliterate, deface, or damage, any of the said Stones or Posts, or any Inscription which shall be made thereon, or shall cause or procure the same to be done, and be thereof convicted, upon Oath of One or more credible Witness or Witnesses, or by his own Confession, before any Two of the said Trustees, or any One Justice of the Peace for the County where the Offence shall be committed, every such Person so offending shall forfeit the Sum of Forty Shillings for every such Stone, Post, or Inscription, so pulled down, broke, obliterated, defaced, or damaged, whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the other Penalties are herein after directed to be applied; and in case such Penalty shall not be forthwith paid, such Trustees, or Justice of the Peace, shall commit such Person or Persons to the House of Correction, there to be kept to hard Labour for any Time not exceeding Three Calendar Months; and every such Offender in either of the said Cases, shall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Person or Persons who shall see any such Offence committed, and shall be immediately delivered to a Constable or other Peace Officer, who shall convey every such Offender before the said Trustees, or any Two or more of them, or any such Justice of the Peace, to be dealt with according to Law.

Roads to be measured, and Mile-stones erected.

Penalty on breaking or defacing Mile-stones, &c.

And be it further enacted, That all Penalties and Forfeitures hereby inflicted (the Manner of levying and Recovery whereof is not otherwise particularly directed) shall upon Proof of the Offences respectively before any Three or more of the said Trustees, or before any One Justice of the Peace of the County or Place wherein the respective Offender or Offenders shall reside, or the Offence be committed, either by the Confession of such Party or Parties, or by the Oath of One Witness, be levied by Distress and Sale of the Goods and Chattles of the Party or Parties so offending, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of the said Justice of the Peace, or of the said Trustees, or any Three or more

Penalties and Forfeitures how to be recovered and applied.

To be levied by Distress and Sale.

of them; which Warrant or Warrants any such Justice, or any Three or more of the said Trustees, is and are hereby impowered and required to grant for those Purposes, and to administer such Oath; and the Overplus, after such Penalties and Forfeitures, and the Charges of such Distress and Sale are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattles; and the Penalties and Forfeitures, when paid or levied, shall be (if not otherwise directed to be applied by this Act) from time to time, paid to the said Trustees, or their Treasurer, and be laid out and applied in the Repair of any of the said respective Roads; and in case sufficient Distress shall not be found, and such Penalties and Forfeitures shall not be forthwith paid, it shall and may be lawful for any such Justice of the Peace, or any Three or more of the said Trustees, and he and they is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol of the County where such Offence or Offences shall be committed, there to remain without Bail or Mainprize, until he, she, or they shall have paid such Penalties and Forfeitures, or compounded for the same, and paid such Composition-money to the said Trustees, or their Treasurer; which Composition the said Trustees, or any Seven or more of them, are hereby impowered to make.

For want of Distress, Offender to be committed.

Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person or Persons may appeal to the Justices of the Peace at the next General or Quarter Session of the Peace for the said Counties of Wilts or Somerset (or in case the Cause of Complaint shall arise within Fourteen Days next before such General or Quarter Session, then such Appeal may be made to the Justices of the Peace at the Second General Quarter Session of the Peace for the said Counties) such Appellant first giving, or causing to be given, Ten Days Notice at least in Writing of the Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer to the said Trustees; and, within Five Days after such Notice, entering into a Recognizance before some Justice of the Peace for the said Counties respectively, with Two sufficient Sureties, conditioned to try such Appeal at the said Quarter Session; and the said Justices at their said Session, upon due Proof of such Notice being

Persons aggrieved may appeal to the Quarter Sessions.

Notice of Appeal to be given.

being given as aforesaid, and of the entering such Recognizance, shall hear and finally determine such Appeal in a summary Way; and, if they see Cause, may, by Order of such Session, mitigate at their Discretion all or any of the said Penalties; or vacate and set aside any Conviction or Convictions of any of the said Trustees, or any Justice or Justices of the Peace, or otherwise may ratify and confirm the same, and award such Costs as they shall think proper; and the Determination of such Quarter Session shall be binding and conclusive to all Intents and Purposes.

Distress not to be deemed unlawful for Want of Form,

And be it further enacted, That no Order, Conviction, Judgement, or other Proceedings to be had or made in pursuance of this Act, shall be quashed or vacated for want of Form; nor shall be removed or removeable by Certiorari, or other Writ or Proces whatsoever, into any of His Majesty's Courts of Record at Westminster; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any want of Form in, or Defect of Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damage in an Action upon the Case.

nor shall the Party distraining be deemed a Trespasser,

Writings to be without Stamps.

Provided also, and be it enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, or Warrant, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in the Execution of any Power or Authority hereby vested in such Trustees, or Justices of the Peace, or any of them, shall be charged and chargeable with any Stamp Duty whatsoever.

Commencement and Continuance of this Act,

And be it further enacted by the Authority aforesaid, That this Act, and all the Provisions herein contained, shall commence and have Continuance on and from that Day Month, after the passing of this Act, for and during the Term of Twenty One Years; and from thence to the End of the then next Session of Parliament.

And whereas by an Act passed in the Twenty fifth Year of His present Majesty's Reign, intituled, An Act for

Recital of a Clause in an Act of 25 *Geo.*

for repairing and widening the Road leading from the Town of *Warminster*, in the County of *Wilts*, to the City of *Bath*, in the County of *Somerset*; and also the Road from the Town of *Frome*, in the said County of *Somerset*, to the Town of *Beckington*, in the same County; and for repairing the Road from *Heytesbury* to *Anstrow Hill*, in the County of *Wilts*; the Trustees therein named, or any Nine or more of them, were impowered from time to time, in the Manner therein directed, to borrow and take up on the Credit of the Tolls or Duties arising by virtue of the said Act, any Sum of Money at an Interest not exceeding Four Pounds Ten Shillings per Centum per Annum; which said Money so to be borrowed, was to be applied and disposed of as the said Tolls or Duties by the said Act are directed to be applied and disposed of, with a Proviso that no more than the Sum of Three thousand Pounds should be borrowed on the Credit of the said Act: And whereas the Sum of Three thousand Pounds has been already borrowed on the Credit and applied according to the Direction of the said Act, but the said Sum of Three thousand Pounds is found insufficient for repairing and widening the said Roads leading from the Town of Warminster, in the County of Wilts, towards the City of Bath, in the County of Somerset; and also the Road from the Town of Frome, in the said County of Somerset, to the Town of Beckington, in the same County, appointed and directed to be amended by the said Act: To the Intent therefore that the said Roads in the said Act mentioned may be effectually amended, widened, and kept in good and sufficient Repair; be it enacted by the Authority aforesaid,

Trustees acting under the recited Act, impowered to borrow the further Sum of 1000 *l.* on the Credit thereof.

That the Trustees nominated and appointed in and by the said Act, or any other Person or Persons which have been or shall be hereafter elected, nominated, and appointed a Trustee or Trustees in the Room or Place of such of them as shall die, be removed, or refuse to act, according to the Directions given in and by the said recited Act, or any Nine or more of them, shall and may, and they are hereby impowered, from time to time, as Occasion shall require, at any General Meeting of the said Trustees, held by virtue of, and in pursuance of the said Act, to borrow and take up on the Credit of the said Tolls or Duties, any further Sum of Money not exceeding the Sum of One thousand Pounds, at such Rate of Interest as they shall think expedient, not exceeding Four Pounds Ten Shillings per Centum per Annum; any thing in the said Act contained to the contrary notwithstanding.

And

And whereas by a Clause in the said Act passed in the Twenty fifth Year of the Reign of his present Majesty, the Trustees therein named for putting the said Act in Execution, are restrained from setting up any Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, in, across, or on the Sides of any Part of the said Road from the said Town of Frome, to the said Town of Beckington, whereby the said Roads cannot be sufficiently repaired, widened, and kept amended; be it enacted by the Authority aforesaid, That the said Clause, and every Part thereof, shall be, and is hereby repealed and made void. Clause in the recited Act, prohibiting the setting up Gates between *Frome* and *Beckington* repealed.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought against any Person or Persons, for any Thing done or to be done by virtue or in pursuance of this Act, or in relation to the Matters herein contained, every such Action or Suit shall be commenced within the Space of Six Calendar Months next after the doing the Matter or Thing, for which such Action or Suit shall be so brought, and not afterwards, and shall be brought, laid, and tried, in the County where such Matters and Things shall be committed and done, and not in any other County; and that the Defendant or Defendants, in such Actions and Suits, and every of them, may plead the General Issue, and give this Act, and the Special Matter in Evidence, on any Trial or Trials, which shall be had thereupon; and that the Matter or Thing, for which such Action or Actions, Suit or Suits, shall be brought, was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall be so done, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limitted, or shall be laid in any other County, than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if the Plaintiff or Plaintiffs in such Action shall become Nonsuited, or suffer a Discontinuance of his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if a Verdict or Verdicts shall pass against the Plaintiff or Plaintiffs; or if upon a Demurrer, or otherwise, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same, as any Defendant or Defendants hath, or may have, for his or their Costs in Cases by Law. Limitation of Actions. General Issue. Treble Costs.

Publick Act. And be it further enacted by the Authority aforesaid, That this Act shall be adjudged, deemed, and taken to be, a Publick Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

FINIS.
