Anno tricesimo primo

Georgii II. Regis.

An Act for amending, widening, and keeping in Repair, the Roads leading from *Christian Malford Bridge*, in the County of *Wilts*, to *Shillingford Gate*, in the County of *Berks*; and also from *Swindon*, to *Lyddenton Wall*, in the said County of *Wilts*.

WHEREAS the Roads leading from Christian Malford Bridge, in the County of Wilts, to and through Wotton Bassett, Blagrove Lane, and Shrivenham, in the Counties of Wilts and Berks, to Shillingford Gate, in the Turnpike Road which leads from Farringdon to Wantage, in the said County of Berks, and from Swindon to Lyddenton Wall, in the said County of Wilts, are in a ruinous Condition, in many Places narrow, steep, and uneven, and very dangerous to Travellers, and cannot be effectually repaired and widened, and kept in good Repair, by the present Methods prescribed by Law, without the Aid of Parliament; May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable John Earl of Shelburne, the Right Honourable Charles Lord Viscount Fane in the Kingdom of Ireland, the Right Honourable William Lord Viscount Barrington in the Kingdom of Ireland, the Right Honourable George Villiers, commonly called Lord Viscount Villiers; the Right Honourable Thomas Parker, commonly called Lord Viscount Parker; Preamble.

Trustees Names.

Parker; the Right Honourable William Pulteney, commonly called Lord Viscount Pulteney; the Right Honourable William Petty, commonly called Lord Viscount Fitzmaurice; the Right Honourable Henry Fox, William A'court, Richard Nevill Aldworth, Esquires; Thomas Alexander, William Arnold, Gentlemen; Pierce A'court Ashe, Ferdinando Askew Esquire, John Batten Gentleman, Thomas Batson, Edward Bayntun, Julines Beckford, Peregrine Bertie, Esquires; the Reverend Philip Bearcroft Doctor in Divinity, Thomas Bigg, Thomas Blagrove, Esquires; the Honourable William Bouverie, Edmund Bridges, Francis Bridges, John Brown, Gentlemen; the Reverend Charles Brinsden Clerk, Ralph Brome of Cleeve, John Brome, Gentlemen; the Honourable Robert Brudenell, John Bull, Daniel Bull, Esquires; Robert Butler, William Buy, Gentlemen; William Calley, Oliver Calley, Esquires; Robert Carter Gentleman, Hawkins Chapman, Joseph Colbourne, the Reverend Caleb Colton Clerk, John Spencer Colepepper, William Hippesley Cox, Esquires; Joshua Cox Gentleman, Thomas Cox Gentleman, Thomas Estcourt Creswell Esquire, William Cripps senior, Jasper Cripps, William Cripps junior, the Reverend Simon Crooke, Peter Delme, John Delme, John Dodd, Esquires; Peter Dorn, Thomas Draper Gentleman, Christopher Duck, Giles Earle Esquire, William Rawlinson Earle, Giles Earle junior, Esquires; Thomas Edridge, William Fairthorne, the Reverend William Fifield, Thomas Figgins, Brice Fisher Esquire, the Honourable John Fitzwilliam, Sir Samuel Fludyer Knight, William Folkes Esquire, the Reverend Paul Forrester, the Reverend Algernoon Frampton, the Reverend William Frampton, the Reverend John Frampton, Clerks; Richard Franklin, Thomas Franklin, Gentlemen; William Freke, Peregrine Furye, Esquires; the Reverend Edmund Estcourt Gale Clerk, Ralph Gale Gentleman, John Garth Esquire, Sir John Glanville Knight, the Reverend Wallinger Goodinge Clerk, Wallinger Goodinge junior Gentleman, Edmund Goddard, Charles Gore, Thomas Gore, John Gore, Edward Goddard, Thomas Goddard, Esquires; the Reverend Richard Goddard Clerk, Richard Goddard Esquire, Samuel Gray, James Green, John Griffin, Gentlemen; John Gunning, Robert Harding, Walter Hardyman, Thomas Hayward, James Hayes, Esquires; Hill Haggard, William Haggard, Gentlemen; John Harding, William Hayward Gentleman, Thomas Hedges Esquire, Thomas Henley Gentleman, Robert Hardinge, the Reverend Julines Herring Clerk, Thomas Herring, William Heath, Mathew Hopkins, Gentlemen;

the Honourable Robert Sawyer Herbert, the Honourable Nicholas Herbert, John Hervey Esquire, Sir Robert Hildyard Baronet, Rogers Holland Esquire, William Horne Gentleman, Robertus Houlton, George Hungerford, Thomas Hubbert, John Jacob, John James, William Jenner, Nathaniel Jenner, Esquires; George Jones Gentleman, William Jones Esquire, Henry Kennier, Thomas Knighton, Gentlemen; the Reverend Master Gilbert Lake Clerk, John Large Gentleman, Peter Legh Esquire, the Reverend John Lewis Clerk, the Reverend John Leyson Clerk, Sir Robert Long Baronet, Lewis Long, James Long of Dracot, Walter Long, Esquires; Samuel Martyn Gentleman, Neville Maskelyne Esquire, Edmund Maskelyne, Joseph Maskelyne, Gentlemen; Thomas Maundrell Esquire, the Reverend Timothy Meredith Clerk, John Merrewether, Aldworth Merrewether junior, Thomas Melmoth, William Morse, Esquires; Anthony Morse Gentleman, John Morton Esquire, the Honourable Sir John Mordaunt Knight of the Bath, John Mordaunt Esquire, Francis Mundee Gentleman, William Neale, Robert Neale, Esquires; John Newell Gentleman, William Norris, William Northey, Esquires; John Nott Gentleman, Robert Nugent Esquire, Abbott Osborne Gentleman, Walter Parker Esquire, Francis Pearce Gentleman, the Reverend Henry Peers Clerk, Broome Pinneger, Richard Pinneger, Jacob Pinneger, Gentlemen; Sir Mark Stuart Pleydell Baronet, Edward Pleydell Esquire, Joseph Ponting Gentleman, Edward Poore, Edward Popham, John Probyn, Henry Pye, Francis Popham, Esquires; the Reverend Robert Pye Clerk, the Reverend Benjamin Pye Clerk, Thomas Pyke, Joshua Ralph, William Robbins, Gentlemen; Charles Richards, Reverend John Rolt Clerk, Charles Rumboll, Timothy Rumboll, Bryant Rumboll, Charles Rumboll junior, the Honourable Henry Saint John, the Reverend Samuel Salter Doctor in Divinity, the Reverend Master Nathaniel Sandford Clerk, John Say, John Savage, Gentlemen; Robert Scoles, Germanicus Shepherd, John Shipton, Esquires; Thomas Smart, John Smith, William Spackman, Roger Spackman, Thomas Spackman, Gentlemen; Anthony Southby Esquire, Richard Southby, Henry Southby, Gentlemen; the Reverend [illegible] Stevens, Richard Stratton Gentleman, John Stone, Richard Stonehouse, John Talbot, Evan Thomas, Chauncey Townsend, John Talbot junior, Esquires; John Townsend Gentleman, Robert Tuckey, Sir Edward Turner Baronet, John Tyrrell, Avery Tyrrell, Arthur Vansittart, Thomas Vilett, Esquires; John Waldron Gentleman, John Walker senior,

senior, John Walker junior, Esquires; the Honourable John Ward, the Reverend Francis Warneford Clerk, Thomas Warner, Roger Warne, Gentlemen; the Reverend George Watts, Richard Watts Gentleman, John Weeks, the Reverend Francis Marias West Clerk, Thomas West Esquire, John Wheeler, George White, Gentlemen; the Reverend William Willes Clerk, William Willey, Charles Williamson, Edward Williams, Esquires; John Wirdman, William, Jonathan Wirdman, Philip Worlige, Gentlemen; the Mayor, Aldermen, and Capital Burgesses of the Borough of Wootton Basset for the time being, shall be, and they are hereby nominated and appointed Trustees, for the effectually repairing, amending, widening, levelling, and keeping in Repair, and making passable at all Times and Seasons, the said Roads leading from Christian Malford Bridge, to and through Wotton Basset, Blagrove Lane, and Shrivenham, to Shillingford Gate aforesaid; and from Swindon, to Lyddenton Wall aforesaid; and likewise for putting in Execution all and every the Powers in and by this Act given and granted; and the said Trustees, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall authorize and appoint, shall and may erect and build, or cause to be erected and built, One or more Gate or Gates, Turnpike or Turnpikes, upon or cross the Road between Christian Malford Bridge, and Wotton Basset aforesaid, at which Gate or Gates, Turnpike or Turnpikes, One Toll, and no more, shall be taken; and One or more Gate or Gates, Turnpike or Turnpikes, between Wotton Basset aforesaid, and the Foot of Swindon Hill, West of the said Town of Swindon, at which last-mentioned Gate or Gates, Turnpike or Turnpikes, One other Toll, and no more, shall be taken; and One or more other Gate or Gates, Turnpike or Turnpikes, upon or cross the Road between Swindon and Shrivenham aforesaid, at which last-mentioned Gate or Gates, Turnpike or Turnpikes, One other Toll, and no more, shall be taken; and also shall and may erect and build, or cause to be erected and built, One or more other Gate or Gates, Turnpike or Turnpikes, between Shrivenham and Shillingford Gate aforesaid, at which One other Toll, and no more, shall be taken; and also shall and may erect and build, or cause to be erected and built, One other Gate or Turnpike at or near the South End of Swindon aforesaid, and One other Gate or Turnpike between the last-mentioned Gate or Turnpike and the Town or Village of Lyddenton, at and for which Two last-mentioned Gates or Turnpikes, One Toll only, shall be taken; and also shall

Trustees may erect Turnpikes and Toll-houses on the Roads herein described;

shall and may erect and build, or cause to be erected and built, such other Gate or Gates, Turnpike or Turnpikes, in, upon, cross, or on the Sides, or near any Part or Parts of the said Roads; and also Toll-houses in and upon such Roads, at or near such and so many of the said Gates or Turnpikes, as to them the said Trustees, shall seem meet and convenient; and in every of the said Toll-houses, shall and may place One or more Collector or Collectors; which Collector or Collectors, shall and may demand, receive, and take the Tolls following, before any Horse, Cattle, or Carriage, shall be permitted to pass through the same; that is to say, and take the following Tolls thereat.

The Tolls.

For every Horse, Mare, Gelding, Mule, Ass, or Pair of Oxen, Bullocks, or other Beasts of Draught, drawing any Carriage, Three Pence.

For every Horse, Mare, Gelding, Mule, Ass, or Beast of Burthen, not drawing, One Penny Halfpenny.

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

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

Which said respective Sum and Sums of Money shall be demanded and taken in the Name of, or as a Toll or Duty; and all the said Tolls shall be and are hereby vested in the said Trustees, and in the Survivors of them, and shall be applied in such Manner, as is herein after mentioned and directed; and it shall and may be lawful to and for the said Trustees, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, under their Hands and Seals, shall from time to time nominate and appoint, to demand and take the same Tolls and Duties hereby granted and made payable; and after Demand thereof made, to levy the same upon any Person or Persons who shall neglect or refuse to pay the same, by Distress of any Horse or Horses, or other Cattle, upon which such Tolls or Duties are by this Act imposed, or by Distress of any other the Goods or Chattles of such Person or Persons who ought to pay the same; and such Distress to detain, until the said Tolls or Duties, with the reasonable Charges of making and detaining such Distress, shall be paid; and after the Space of Four Days next after such Distress made, to sell the same, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Tolls or Duties,

Tolls vested in the Trustees.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

and the Charges of making, keeping, and selling such Distress, shall be deducted.

Qualification of Trustees.

Provided, and be it further enacted, That no Person shall be qualified or capable of acting as a Trustee in any Case, in the Execution of this Act, unless he shall during all the Time he shall so act, be seised in his own Right, or in the Right of his Wife, and be in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Sixty Pounds, above Reprizes; or shall be Heir Apparent to some Person having such Estate of the yearly Value of One hundred and fifty Pounds; or be possessed of, or intitled to, Personal Estate alone, or Real and Personal together, to the Amount or Value of One thousand five hundred Pounds; and unless (not being such Heir Apparent) he shall, before he acts as such Trustee, take and subscribe an Oath of his Qualification before any Two or more of the said Trustees, appointed or to be appointed by or in pursuance of this Act, who are hereby authorized and required to administer the same; which Oath shall be in the Words or to the Effect following; that is to say,

Trustees to take the Oath following, before they act.

The Oath.

I *A. B.* do swear, 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, of the yearly Value of Sixty Pounds; or possessed of, or intitled to, Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Five hundred Pounds.

So help me God.

Penalty on Persons acting, if not qualified.

And if any Person, not being so qualified as aforesaid, shall presume to act as a Trustee contrary to the true Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of his Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Persons and Things exempted from Tolls.

Provided always, and it is hereby declared, That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid for passing through any of the Turnpikes to be erected by virtue of this Act, with or for any Cattle or Carriage going empty or unloaden for, or carrying

rying any Stone, Bricks, Lime, Timber, Wood, Gravel, or other Materials for repairing the said Roads, or any Dung, Mould, Lime, or Compost for manuring of Lands or Gardens; or for any Cattle or Carriage going empty or unloaden for, or carrying any Hay during Hay-Harvest, or Corn in the Straw during Corn Harvest, for the Use of the Grower only, to be laid up in the House, Outhouses, Barns, or Yards, of or belonging to any Inhabitant of any Parish, Townships, or Place, through which the said Roads hereby intended to be repaired, or any of them, do lead, but not to exempt any Cattle, Carts, or Carriages laden with Hay or Straw for Sale; nor shall such Tolls be taken for any Horse or other Cattle drawing any Plough, Harrow, or other Implement employed by such Inhabitants in Husbandry; or for any Horses, Cattle, or Sheep, going to or returning from Pasture or Watering-places belonging to such Parishes, Townships, or Places; or for any of the neighbouring Inhabitants near the said Roads, who shall pass through the said Turnpikes, or Cross-gates to or from Church, Chapel, or other Place of Religious Worship on Sundays, or who shall attend the Funeral of any Person or Persons who shall die, or be buried in any of the said Parishes in which the said Roads hereby intended to be repaired, or any of them, do or doth lie; or for any Cattle or Carriage belonging to any Inhabitant of any Township, Parish, or Place, wherein any such Turnpike or Gate shall be erected, which shall be only passing unladen to any Smith's or Wheelwright's Shop in order to be shod or repaired, or returning unladen from the same; or for any Post-horses carrying the Mail or Packet; or for the Horses of any Soldiers on their March, or for any Horse or other Cattle used in the drawing or carrying the Arms or Baggage of such Soldiers; or for any Horse or other Cattle or Carriage going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Wilts and Berks, or either of them, on the Day of such Election, or on the Day before or Day after such Election.

Provided nevertheless, That if any Person shall claim and take the Benefit of any of the said Exemptions, not being intitled thereto, every such Person shall forfeit the Sum of Ten Shillings, to be recovered and applied in such Manner as the other Penalties by this Act imposed are directed to be recovered and applied. Penalty on Persons making illegal Claims.

And be it also further enacted by the Authority aforesaid, That the said Trustees for repairing the said Roads, or any Seven or more of them, out of the first Monies Charges of passing this Act, to be first paid.

arising by the Tolls and Duties which shall be collected at the Turnpike or Turnpikes to be erected on the same Roads, or out of the Monies which shall be borrowed on the Credit of the same Tolls or Duties, shall, in the first Place, pay and discharge the Expences and Charges of procuring and passing this Act, and of erecting such Turnpikes and Toll-houses on the same Roads, and the Charges of surveying, mapping, and measuring the said Roads previous to the obtaining this Act; and shall then lay out and apply the same for and towards the repairing, opening, widening, levelling, and making of the said Roads passable, and in defraying other necessary Charges relating thereto.

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

And be it further enacted by the Authority aforesaid, That if any Person whatsoever owning, renting, or occupying any Tenements, Lands, or Grounds, near to the said Roads, shall knowingly or willingly permit or suffer any Person or Persons to pass through any Ground, Gate, Passage, or Way, with any Coach, Waggon, or other Carriage, or with any Horse or other Cattle, with Intent that the Payment of any of the said Tolls shall be avoided; or if any Person or Persons owning, riding, or driving any Coach, Waggon, or other Carriage, or owning, riding, or driving any Horse or other Cattle, shall therewith pass through any such Ground, Gate, Passage, or Private Way, with an Intent to evade the Payment of the said Toll or Duty; or if any Person or Persons shall, with such Intent, take off, or cause to be taken off, any Horse, or other Cattle, from any Coach, Waggon, or other Carriage; or if any Person or Persons, with the like Intent, shall leave upon, or near to, any Part of the said Road or Roads, any Coach, Waggon, or other Carriage, or any Horse or other Cattle; every Person so offending in any of the Cases aforesaid, being thereof convicted on the Oath of One or more Witness or Witnesses before the said Trustees, or before any Two or more of them, or before any One or more Justice or Justices of the Peace for either of the said Counties of Wilts and Berks, or for the said Town or Borough of Wotton Bassett; which Oath any Two of the said Trustees, or the said Justice or Justices, is and are hereby impowered and required to administer without Fee or Reward; shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings to the said Trustees, or any Two or more of them, or to their Treasurer; which Sum, in case the same be not forthwith paid, shall be levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal or Hands and Seals, of any Two or

or taking off Horses, &c. to avoid Payment of the Tolls.

or more of the said Trustees, or of the said Justice or Justices, rendering the Overplus (if any) to the Owners after deducting the reasonable Charges of making such Distress and Sale, to be settled by any Two or more of the said Trustees, or by the said Justice or Justices; which said Penalty of Twenty Shillings, when recovered, shall go and be applied, One Moiety thereof to the Use of the Informer, and the other Moiety towards amending the said Roads.

Trustees to appoint Officers,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them at their First or any subsequent Meeting to be held for the Purposes in this Act, by any Writing under their Hands and Seals, shall and may chuse and appoint such Collector and Collectors, Receiver or Receivers, of the said Tolls, and such Treasurer or Treasurers thereof, and such Surveyor or Surveyors of the said Roads, and also such Clerk or Clerks of the said Trustees, and such other Officer or Officers as they the said Trustees, or any Seven or more of them, shall think necessary for putting this Act in Execution, taking such Security for the due Execution of their respective Offices, as they the said Trustees, or any Seven or more of them, shall think needful, and approve of; allowing to such Officers, and every of them, and to all other Persons to be employed in and about the Execution of this Act (other than to the said Trustees) such proper and convenient Salaries, Stipends, or other Gratuities and Rewards, as to them the said Trustees, or any Seven or more of them, shall seem reasonable; and shall and may from time to time remove such Treasurers, Receivers, Surveyors, Clerks, or other Officers aforesaid, or any of them, as they the said Trustees, or any Seven or more of them, shall see Occasion; and as often as any of the said Officers shall die or be removed, or shall resign their said Offices and Employments, then, and in every such Case, it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to appoint others in their Stead, first causing Fourteen Days Notice in Writing to be placed or stuck upon every of the said Turnpikes or Toll-gates, to be erected by virtue of this Act, of the Time and Place of Meeting of the Trustees for the Choice and Appointment of every such Officer.

Penalty on Perſon perſiſting, or going through, private Paſſage, &c.

allow them Salaries;

and diſplace them, and elect others.

Officers to account upon Oath.

And be it further enacted, That every Person to be appointed to collect and receive the said Tolls and Duties, or any of them, and also every such Officer and other Person aforesaid, who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this

Act, shall from time to time, as often as the said Trustees, or any Seven or more of them, at any Time assembled, shall require, make, and render to them, or any Seven or more of them, a true, perfect, and exact Account in Writing under his Hand, of all Monies by him collected, received, and disbursed, with proper Vouchers, and of all other Matters and Things committed to his Charge, by virtue or under the Authority of this Act; and shall render the Overplus (if any) remaining in his Hands, to such Person or Persons as the said Trustees, or any Seven or more of them, shall direct or appoint; and that every such Officer and Person so accounting as aforesaid, shall (if thereunto required by the said Trustees, or any Seven or more of them) upon his Oath, which Oath any Two or more of the said Trustees are hereby impowered to administer, verify his said Account, and the particular Items or Articles thereof; and if any such Officer or Person being required in Manner aforesaid so to do, shall refuse or neglect to render and give up such Account as aforesaid, or shall give in a false, defective, or imperfect, Account, to the said Trustees, or any Seven or more of them, or shall refuse or neglect to produce and shew to, and permit to be inspected and examined, by, the said Trustees so assembled, his Books or Papers of Account, Receipts, and Vouchers relating thereto, or to verify the Items or Articles thereof upon his Oath; then in any or either of the said Cases it shall be lawful for any Justice of the Peace for the County, Division, or Place, where such Officer or Person shall be or reside, and such Justice is hereby required, by Warrant or Summons under his Hand and Seal, upon the Complaint of any Seven or more of the said Trustees, or any Person or Persons by them employed for that Purpose, to cause the said Officer or other Person (who shall have so neglected or refused) to appear or to be brought before him, and shall, in the Presence of any Seven or more of the said Trustees, or of the Person or Persons by them employed to make such Complaint, and of the Party or Person complained of, make Enquiry of and concerning such Default in a summary Way, as well by the Confession of the Party complained of, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath and Oaths the said Justice is hereby impowered and required to administer without Fee or Reward) and if any such Officer or other Person complained of, shall be convicted by such Justice of having neglected or refused to give such Account, or of having delivered a false, defective, or imperfect Account, or of having refused or neglected to produce, and permit to be inspected, any such Books

Officers not making Account and Payment,

Justices to enquire into the Default,

Books or Papers of Account, Receipts, or Vouchers, which at or after the Time when such Cause of Complaint arose, or he was first required to account, were in his Custody or Power to produce; or of having neglected or refused to pay the Money due on such Account, within Twenty Days next after the same shall have been demanded, that then in every of the said Cases it shall and may be lawful for any such Justice of the Peace to commit the Offender to the Common Gaol of One of the said Counties of Wilts or Berks, there to remain, without Bail or Mainprize, until he shall have given, made, and delivered a true, exact, and perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with such Trustees, or any Seven or more of them, and have paid such Composition to the said Trustees, or as they shall appoint, or to the Treasurer or Treasurers of the said Roads for the time being; which Composition the said Trustees, or any Seven or more of them, at any Meeting assembled, are hereby authorized and impowered to make and receive.

and commit the Offender to Gaol;

until he shall conform,

or compound with the Trustees.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors of the said Roads, and such Person and Persons as he or they shall direct or appoint, to cut, gather, dig, take, and carry away, any Bushwood, Furze, Heath, Gravel, Sand, Stones, Chalk, or other Materials, out of any Common, Heath, or Waste Ground, River or Brook, of or in any Parish, Town, Village, or Hamlet, wherein, or near which, the said Roads, or any Part or Parts thereof, do lie, proper and convenient for repairing and amending of the same Roads; and for want of sufficient Bushwood, or other such Materials, there found, to dig, cut, gather, take, and carry away, the same, in and out of any Common, Heath, or Waste Ground, River, or Brook, of or in any neighbouring Parish, Town, Village, or Hamlet, without paying any Thing for the same; levelling the Grounds, and filling up, sloping down, or fencing off, the Holes and Pits whence such Materials shall be taken, in such Manner as by Law is required: And where the said Materials shall not be found in any of the Places aforesaid, then, and so often as Need shall be and require, it shall and may be lawful for the said Surveyor and Surveyors, and all and every Person and Persons employed in repairing the said Roads, to cut, dig, take, and carry away, such Quantities of any of the said Materials, for the Purposes aforesaid, as shall be found needful, in, upon, or from, any the Lands of any Person or Persons where the same may be had, within

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

without paying any thing for the same;

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

any Parish, Town, Village, or Hamlet, wherein or near which the said Roads, or any Part thereof, do lie; other than in, out of, or from a certain Meadow or Pasture Ground called Hughes's Field, in the Parish of Swindon adjoining to the Mansion House of Thomas Goddard Esquire; or in a Field called West Swindon Field, in the Parish of Swindon aforesaid; and other than in, out of, or from the Scite of any House or any Yard, Orchard, Garden, Park, Paddock, Meadow, planted Walk or Row of Trees, Wood, Coppice, Nursery, or Avenue or Walk leading to any House or Garden; paying such Rates for the said Materials, and for the Damages done to the Owners and Occupiers of such Grounds, and of the Grounds over which the said Materials shall be carried, as the said Trustees, or any Seven or more of them, shall adjudge to be reasonable; and in case any such Owner or Occupier shall think himself or herself aggrieved by such Adjudication or Determination, it shall and may be lawful for him or her to appeal against the same to the Justices of the Peace, at any General Quarter Sessions to be holden within Six Months in and for the County where such Grounds do lie, he or she giving Notice in Writing of such Appeal to the Surveyor of the said Roads, Six Days at the least before such Sessions; and such Justices, or the major Part of them then present, are hereby authorized and impowered to hear, adjudge, assess, and finally determine the same, and to award reasonable Costs to either Party as they shall see Occasion, from which Determination there shall be no Appeal.

making Satisfaction to the Owners.

Justices to determine Differences.

Surveyors may remove Annoyances,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors of the said Roads, and such Person or Persons as he or they shall appoint as aforesaid, by the Direction of the said Trustees, or any Seven or more of them, under their Hands, from time to time, to remove and prevent all Annoyances on or in any Part of the said Road or Roads, by Filth, Dung, Ashes, Rubbish, or otherwise; and to turn any Watercourses, Sinks, or Drains, running into, along, or out of, the said Road or Roads, to the Prejudice thereof; and to cleanse any Ditch or Watercourse next adjoining thereunto; and to cut down, lop, or top, any Trees or Bushes growing in the said Road or Roads, or in the Hedges or Banks adjacent thereto, and to take and carry away the same, in case the Owners or Occupiers of the Premisses respectively neglect to remove such Annoyances, or to cut, fell, or take away such Trees, Loppings, Boughs, or Bushes, for the Space of Twenty Days next after Notice in Writing given for that

turn Watercourses,

cleanse Ditches, &c.

cut down Bushes, &c.

the Owners neglecting to remove the same after Notice,

that Purpose, under the Hand of the Surveyor, or Surveyors, or of the said Trustees, or any Seven or more of such Trustees; the Charges whereof shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to cut down, top or lop such Trees or Bushes, or to remove such other Annoyances as aforesaid; and if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like kind, every such Person so offending, and being thereof convicted, upon Oath, before the said Trustees, or any Seven or more of them, or any One or more of the said Justices, shall, for every such Offence, forfeit and pay unto the said Trustees, or to their Treasurer or Treasurers for the time being, the Sum of Twenty Shillings, to be recovered and levied in Manner as by this Act is hereafter directed.

Surveyors to be reimbursed the Charges.

Penalty of a Second Offence.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Surveyor and Surveyors of the said Roads, and such Person or Persons as he or they shall appoint, by Order of the said Trustees, or any Seven or more of them, to make, by cause to be made Causeways, and to cut and make Drains through any Grounds lying contiguous to the said Roads, or any Part thereof, and to make and erect Arches or Bridges of Brick, Timber, or Stone, upon the said Roads, or any Part thereof, and also to widen any of the narrow Parts of the said Roads, by opening, clearing, and taking into the same, any Grounds of any Person or Persons lying contiguous thereto, not being the Site of or Ground whereon any House or Houses stand, or Garden, Orchard, planted Walk, Yard, Park, or Paddock, or planted Avenue to any House, or any Piece or Parcel of Ground planted, set apart, and used as a Plantation or Nursery for Trees, and also to cause Ditches or Trenches to be made in such Manner as such Surveyor or Surveyors, by Order of the said Trustees, or any Seven or more of them, shall adjudge necessary for the better amending and keeping the Roads aforesaid, and every Part thereof, in good Repair; and also to make, or cause to be made, a Road or Way through, over, and along, the adjoining Grounds, to any narrow or ruinous Part or Parts of the Roads hereby intended to be repaired, to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a publick Highway, whilst such old, narrow or ruinous Road is repairing, and till such Time as it shall be convenient and safe for Passengers and Carriages to travel and go along the said Roads hereby intended to be repaired, making such reasonable Satisfaction to the Owners and Occupiers of such Grounds respectively, as shall be so

Surveyors may make Causeways,

cut Drains, &c.

and widen the narrow Parts of the Roads;

making Satisfaction to the Owners of the Grounds.

so laid in or unto the said Roads, or through which any Drain or Drains shall be cut, or on which any such Arch or Arches, Bridge or Bridges, shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged by the said Trustees, or any Seven or more of them; and in case any Difference shall happen to arise between such Owners or Occupiers, and the said Trustees, touching such Damages, that then it shall and may be lawful to and for the Justices of the Peace, at the next General Quarter Sessions to be holden for the County or Place wherein such Ground so laid into the said Roads, or any Part of such Grounds shall lie, or through which any such Drain or Drains, Ditch or Ditches, shall be cut or made, or on which any such Arch or Arches, Bridge or Bridges, Causeway or Causeways, shall be erected or made, or through which any such Roads shall be made, or the major Part of such Justices present at such Quarter Sessions, to hear, settle, adjudge, and finally determine the same; and if any Owner or Owners, Occupier or Occupiers, of any Watercourse or Watercourses, Ditch or Ditches, adjoining to the said Roads hereby intended to be repaired, or any Part thereof, shall neglect or refuse to scour and cleanse such Watercourse or Watercourses, or to make such Ditch or Ditches so deep, and in such Manner as the said Surveyor or Surveyors of the said Roads shall, from time to time, judge proper and convenient, after Twenty Days Notice shall be given for that Purpose by such Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, to such Owner or Owners, Occupier or Occupiers, it shall and may be lawful to and for such such Surveyor or Surveyors to set any Man or Men at work to scour, cleanse, and deepen the same, and, by Warrant from any Seven or more of the said Trustees, to levy the Charge thereof upon the Owner or Owners, Occupier or Occupiers, of such Watercourse or Watercourses, Ditch or Ditches, by Distress and Sale of his, her, or their, Goods and Chattles, rendering the Overplus (if any) after all Charges of such Distress and Sale thereout deducted, to the said Owner or Owners, Occupier or Occupiers, when by him, her, or them demanded.

Justices to determine Differences.

Persons neglecting to scour their Ditches, &c. after Notice given for that Purpose;

Surveyors may set Men to cleanse the same,

and levy the Charges by Distress and Sale.

And, forasmuch as the Money so to be collected by the Receipt of the Tolls or Duties, by this Act made payable for the said Roads, as aforesaid, will not at present be sufficient for the speedy repairing of the same; be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, at any of their publick Meetings, shall and may, and they are hereby impowered

Trustees impowered to borrow Money on the Credit of the Tolls.

powered from time to time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage the said Tolls or Duties arising by virtue of this Act, or any Part thereof, the Costs and Charges of such Assignment or Mortgage to be borne and paid out of such Tolls and Duties, for the Term for which the same are hereby made payable, or any Part of such Term, as a Security for any Sum or Sums of Money to be borrowed by the said Trustees, to such Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance and lend the same, to secure the Repayment thereof, with such Interest as shall be agreed on, not exceeding Five Pounds per Centum per Annum; which said Money so to be borrowed, shall be applied and disposed of in the first Place to pay off the Charges and Expences of obtaining this Act of Parliament, and of surveying, mapping, and measuring the said Roads, previous to the passing the same; and the Residue shall be applied in such Manner, and for such Purposes, as the said Tolls and Duties are by this Act directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Tolls collected at any One Gate, may be assigned for Money borrowed.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may, from time to time, if they shall think fit, at their first or any other subsequent Meeting, assign over the Tolls or Duties to be collected or gathered at any One or more of the said Gates or Turnpikes, to be erected by virtue of this Act, separately from, and without any other of the Tolls or Duties by this Act to be raised, collected, or gathered, to any Person or Persons, his, her, or their Trustee or Trustees, as a Security or Securities, for any Sum or Sums of Money by them to be borrowed upon any One of the said Tolls or Duties, with Interest for the same, upon such Notice, and by such Ways and Means as the Tolls by this Act are assignable; of which said Monies so to be borrowed, and the Tolls or Duties assigned for the Security thereof, separate Accounts shall be kept; and the same Monies so to be borrowed, and the separate Tolls or Duties on the Credit whereof the same shall be so borrowed (after the Expences of procuring and passing this Act, and of erecting the several Turnpikes and Toll-houses on that Part of the Roads on the Credit whereof the same shall be borrowed) and the Charges of surveying and measuring the said Roads, and the Costs and Charges of assigning the last mentioned Tolls or Duties shall be paid or satisfied, shall be applied for and towards repairing, widening, levelling, and making passable, that Part of the said Road, upon which the said Tolls or Duties

shall be so separately assigned as aforesaid, during so long Time only, and until that Part of the said Road last-mentioned, shall, in the Judgement of the Justices of and for the said several Counties of Wilts and Berks respectively, at their General Quarter Sessions of the Peace, be sufficiently repaired; and from time to time, and at all Times thereafter, during the Continuance of this Act, the Surplus of the Monies so borrowed, and of the said Tolls or Duties (if any be) over and above what shall be necessary to pay the Interest of the Monies so borrowed on the Credit of the said separate Tolls, shall, from time to time, together with the other Monies to be collected and raised by virtue of this Act, be applied and laid out in and about the repairing, widening, levelling, and keeping in Repair, the rest of the said Roads hereby directed to be repaired, in such Manner as the said Trustees, or any Seven or more of them, shall think fit.

If 500 *l.* shall not be raised on any One of the Tolls within 3 Years, the Gates are to be thrown open, and the Tolls to cease, till Money shall be borrowed to make up the said Sum.

Provided always, That if within Three Years, to be computed from the Commencement of this Act, the Sum of Five hundred Pounds shall not be raised, on any One of the said Tolls or Duties, then and in such Case, the Gates or Turnpikes to be erected for the Purpose of collecting such Tolls or Duties respectively, shall be thrown and kept open, and the said Tolls or Duties to be thereat collected, shall cease and be no more taken, until such further Sum or Sums of Money shall be borrowed and raised on the Credit of such Tolls or Duties respectively, as shall make up the said Sum of Five hundred Pounds.

Assignments to be entered in a Book.

And it is hereby further enacted by the Authority aforesaid, That all and every Mortgage and Mortgages, Assignment and Assignments, so to be made by the said Trustees, shall be entered at Length by the said Clerk or Clerks, in a Book or Books to be kept for that Purpose, by the said Clerk or Clerks, or Treasurer; which said Books shall and may be seen and perused at all reasonable Times, by any Person or Persons whatsoever, without Fee or Reward.

Tolls to be paid but Once a Day.

Provided always, and it is hereby declared, That no Person passing through any Turnpike where any Tolls shall be taken by virtue of this Act, who shall return the same Day before Twelve of the Clock at Night, with the same Coach, Waggon, or other Carriage, or with the same Horse or other Cattle, for which such Toll had before been paid that Day, and producing a Ticket for the Day (which Ticket the Collectors or Receivers at the said several Gates are required to give gratis, if demanded, on receiving the said Toll) shall be liable to pay the same again the same Day.

And,

And, for preventing Frauds or Abuses in the said Tolls or Duties hereby granted; be it further enacted by the Authority aforesaid, That if any Person or Persons having paid the Toll or Duty by this Act laid, and having a Note or Ticket, Notes or Tickets, signifying the Payment of such Toll or Duty, shall give or dispose of the same, to any other Person or Persons, to the Intent that the Person or Persons to whom the same shall be given and disposed of, may avoid the Payment of the said Toll or Duty, every such Person so giving or disposing of such Note or Ticket, Notes or Tickets, and the Person receiving and making use of the same, being thereof respectively convicted, upon Oath before the said Trustees, or any Two or more of them, or before One or more of the said Justices (which Oath the said Trustees, or any Two or more of them, or the said Justice or Justices, are and is hereby impowered and required to administer) shall respectively forfeit and pay the Sum of Twenty Shillings, in such Manner as is herein after mentioned; and which said Penalty shall go and be paid One Moiety to the Informer, and the other Moiety thereof to the Receiver or Collector of the said Tolls or Duties, and shall be applied towards the repairing the said Roads. Penalty on giving or receiving Tickets, to evade Payment of the Tolls.

And be it further enacted by the Authority aforesaid, That in case the Trustees for putting this Act in Execution, or any Seven or more of them, shall at any Time or Times hereafter, during the Continuance of this Act, think proper to widen, turn, or alter the Way or Path of any Part or Parts of the said Roads hereby directed to be repaired, for the better Accommodation of Coaches, Carriages, and Passengers, that then it shall and may be lawful to and for the said Trustees, or any Seven or more of them, and they are hereby authorized and impowered from time to time, to treat, contract, and agree for the Purchase of any Lands, Grounds, or Hereditaments, lying contiguous to the said Roads, or any Part thereof (except any Lands belonging to the Governors of the Hospital of King James founded in Charterhouse, in the County of Middlesex, by Thomas Sutton Esquire, and except also the aforesaid Meadow or Pasture Ground called Hughes's Field) and for a Recompence for the Loss or Damage the Owners or Occupiers thereof may sustain, by such widening, altering, or turning such Way or Path; and to pay for the same, out of the Tolls and Duties by this Act granted, or out of the Money borrowed on the Credit thereof, such Sum or Sums of Money as shall be agreed upon between such Owners and Occupiers, and Persons interested as aforesaid, and the said Trustees, or any Seven or more of them; and, the Costs and Charges attending Trustees may contract for the Purchase of Lands to be taken into the Roads. Exception.

tending such Purchase; and further that such Lands and Grounds when purchased, as aforesaid, by Order and Direction of the said Trustees, or any Seven or more of them, shall be laid into, and made Part of, the said Roads so directed to be amended by this Act, in such Manner as the said Trustees, or any Seven or more of them, shall think convenient; and shall by them, or by such Person or Persons as they, or any Seven or more of them, shall order and appoint, be sufficiently drained, ditched, and fenced out, for that Purpose; and after the said Lands and Grounds shall be so drained, ditched, and fenced out, the same shall, to all Intents and Purposes whatsoever, become and be, and shall be esteemed and taken a Publick and Common Highway, and shall be amended and kept in Repair by such Ways, and in such Manner, as other Highways are amended and kept in Repair by the Laws now in being.

And whereas it may happen, that some Persons, or Bodies Politick, or Corporate, or Collegiate, Feoffees in Trust, Guardians or Trustees for Infants, Femes Covert, Lunaticks, Ideots, or others, are seised or possessed of Lands, Grounds, Tenements, and Hereditaments, which may by the said Trustees be thought necessary or proper to be taken in or added to the said Road or Roads, for widening, turning, altering, or amending the same, but by reason of Infancy, Coverture, Lunacy, Ideotcy, or other Disability, a good Title cannot be made thereto; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole (other than the said Governors of the Hospital of King James) and all Feoffees in Trust, Executors, Administrators, Guardians, Committees of Ideots, Lunaticks, and Husbands, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, Ideots, Lunaticks, and for all and every Person and Persons whatsoever, who are, or shall be seised, possessed of, or interested in, any such Lands, Grounds, Tenements, or Hereditaments, to treat, contract, and agree with the said Trustees, or any Seven or more of them, for the absolute Purchase of such Lands, Grounds, Tenements, and Hereditaments, or any Part thereof, or for their Interest therein, for the Purpose aforesaid, and to sell and convey the same, as Occasion shall be or require; and that all Covenants, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever,

Bodies Politick, or Corporate, &c. impowered to sell Lands, &c.

to

to the contrary thereof in any wise notwithstanding; and that all such Feoffees in Trust, Executors, Administrators, Guardians, Committees, and Trustees, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Where Persons refuse or neglect to treat, &c. for the Sale of such Lands;

And it is hereby further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Husbands, Guardians, Trustees, Committees, or other Person or Persons interested in such Lands, Grounds, Tenements, or Hereditaments, upon convenient Notice to them given or left in Writing at the Dwelling-house or Place of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, Tenements, and Hereditaments, so to be taken in and added to the said Roads as aforesaid, or into which such Way, Path, or Road, shall be so turned or altered as aforesaid, shall, by the Space of Twenty Days after such Notice given or left as aforesaid, 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 every such Case, the said Trustees, or any Seven or more of them, shall cause it to be inquired into, and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of One, some, or all of the Parishes in or near which the said Way, Path, or Road, so to be turned or altered, doth lie (which Oath the said Trustees, or any Seven or more of them, are hereby impowered and required to administer) what Damages shall be sustained by, and what Recompence or Satisfaction shall be made to, such Owners, Proprietors, or other Person or Persons interested for or upon account of the taking of such Lands Grounds, or Hereditaments, into the said Road, or of turning the same; and in order thereto, the said Trustees, or any Seven or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before them all and every Person or Persons whatsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premisses, and shall examine all and every such Witness or Witnesses before the said Jury upon Oath (which Oath the said Trustees, or any Two or more of them, are hereby impowered and required to administer) and they shall also order and cause the said Jury to view the said Places in Question, and to

the Damage and Recompence to be assessed by a Jury.

Witnesses may be summoned and examined on Oath;

use all other lawful Ways and Means, as well for their own as the said Jury's Information in the Premisses as they the said Trustees, or any Seven or more of them, shall think fit; and after the said Jury shall have so inquired of, ascertained, and settled, such Damages and Recompence, they the said Trustees, or any Seven or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors, of the said Lands, Grounds, Tenements, and Hereditaments, or other Persons interested therein, according to such the Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination so had and made, shall be final, and binding, and conclusive, to all Intents and Purposes, against all Parties or Persons whatsoever claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunaticks, Ideots, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, as well as all other Person and Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Lands, Grounds, Tenements, and Hereditaments, shall thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, or Property, of, in, to, or out of the same. And, for summoning and returning such Jury or Juries, the said Trustees, or any Seven or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of either of the said Counties of Wilts or Berks, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in such Warrant shall be appointed; which Sheriff, or his Deputy or Deputies, is and are hereby required thereupon to impanel, summon, and return, such Twenty four Persons accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees, or any Seven or more of them, shall swear, or cause to be sworn, Twelve Persons, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured or summoned,

Verdict of the Jury to be binding and conclusive.

Trustees to issue their Warrants to the Sheriff, &c. of the County to impanel a Jury.

summoned, to attend that Service, to the Number of Twelve.

Jury may be challenged.

Provided always, and it is hereby declared and enacted, That all Persons concerned shall, from time to time, and at all Times, have their lawful Challenges against any of the Jurymen to be summoned in pursuance of this Act, in such and the like Manner as any Party in any Action brought, or to be brought, depending, or to be depending, in any of His Majesty's Courts of Record at Westminster, is or shall be by Law intitled to; and the said Trustees, or any Seven or more of them, are hereby impowered, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputies or Bailiffs respectively, who shall make Default in the Premisses, as also on any of the Persons who shall be summoned and returned to serve on such Jury, and shall not appear, or after having appeared, shall refuse to be sworn on the said Jury; or, after having been sworn, shall refuse, or not give his or their Verdict of and upon the Matter in Question, or the Damages he or they shall be sworn to try or to inquire of, or in any other Matter wilfully neglecting 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 or Testimony before the said Jury touching the Premisses, shall refuse to be examined, or to give Evidence or Testimony touching the same.

Trustees may impose a Fine on the Sheriff, &c. making Default in the Premisses.

Provided, and it is hereby further enacted and declared, That no such Fine shall exceed the Sum of Ten Pounds upon any such Person for any single One Offence; all which Fine and Fines shall be recovered, levied, and applied, in such Manner, as any other Fines and Penalties is or are by this Act directed to be recovered, levied, and applied.

Fine not to exceed 10*l.*

And be it further enacted by the Authority aforesaid, That the Right and Property of all and every the Gates, Turnpikes, and Toll-houses, which shall be erected by virtue of this Act, shall, during the Continuance of this Act, be vested in the said Trustees; and they, or any Seven or more of them, are hereby authorized and impowered to dispose thereof, and in their Names, or in the Names of any Seven or more of them, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, for the time being, to bring Actions against any Person or Persons who shall disturb them in the Enjoyment of the Property thereof, or to prefer and prosecute Bills of Indictment against any Person or Persons who shall steal, take away, break down, or spoil, such

Property of the Turnpikes &c. vested in Trustees.

Gates,

Gates, Turnpikes, or Toll-houses, or any of them, or any Part of them, so to be erected as aforesaid.

Persons liable to do Satute-work, to continue so.

Provided always, and be it further enacted and declared by the Authority aforesaid, That all and every Person and Persons who by Law are obliged to do Statute-work, or are chargeable towards the repairing and amending the said Roads, or any Part thereof, shall still remain chargeable, and do their respective Days Works, in such Manner as he, she, or they, was or were obliged to do, or ought to have done, before the passing of this Act; any thing herein before contained to the contrary notwithstanding.

And, for preventing Differences which may arise between the said Trustees and the Surveyors of the Highways for the time being for the several Parishes or Places through which the said Roads do lead, touching the Statute-work the Inhabitants of each Parish or Place ought to do on the said Roads, or any Part thereof, by this Act directed to be repaired; be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Two or more Justices of the Peace for the said County of Wilts for and in respect of the several Parishes and Places in the said County of Wilts, in which the said Road or Roads doth or do lie; and for any Two or more Justices of the Peace for the said County of Berks, for and in respect of the several Parishes or Places in the said County of Berks, in which the said Road or Roads doth or do lie; and they are hereby respectively required and impowered, upon Application made to them by the said Trustees, or any Seven or more of them, to adjudge and determine what Part or Proportion of the Statute-work shall yearly and every Year be done in the Road and Roads aforesaid by the Inhabitants of each or any of the Parishes or Places in which the said Road or Roads hereby directed to be amended doth or do lie; and that it shall and may be lawful for any Two or more of the said Justices of the Peace, at any of their Petty Sessions, or Special Sessions, or General Quarter Sessions of the Peace, upon Application made to them by the said Trustees, or any Seven or more of them, to summon the Surveyor or Surveyors of the Highways of or for any Parish, Township, or Place, wherein the said Road or Roads doth or do lie; and in case no Surveyor shall be then appointed for any such Parish, Township, or Place, then to summon the Churchwardens or Overseers of the Poor of any such Parish, Township, or Place, to bring in Writing before such Justices, upon Oath, within Six Days after such Summons, a List of the Names of the several Persons who within each Parish,

Justices may determine the Statute-work to be done on the Roads.

Surveyors of the Highways to give in Lists of Persons who are chargeable to do Statute-work.

rish, Township, or Place respectively, are obliged by Law to do their Statute-work for that Year with Teams and Draughts, or otherwise; and also the Number of Days Work which, with such Teams or Draughts or otherwise, each Person ought to do on the said Road and Roads; out of which Lists the said Justices shall and may allot, appoint, or order; such and so many Persons to do their Statute-work on the said Roads, as the said Justices shall think fit; which said Statute-work shall be done by such of the said Persons as shall be appointed to do the same on such several Days, and at such several Times, and in such Parts of the said Roads, as the Trustees, or any Seven or more of them, or their Surveyor or Surveyors, shall, from time to time, direct and appoint; and if any Person or Persons shall neglect or refuse to do such Statute-work so allotted, appointed, and ordered to be done as aforesaid, every such Person and Persons, for every Day he, she, or they, shall make Default, shall forfeit and pay the Sum of Ten Shillings, for every Team or Draught; and every Householder and Person liable to do Statute-work making Default, shall forfeit and pay the Sum of One Shilling and Six Pence for each Day's Default; and if any Person or Persons who shall come to work as a Labourer or Labourers, or be sent with any Team or Draught to work on the said Road or Roads, shall be found idle or negligent by the Surveyor or Surveyors of the said Roads, such Surveyor or Surveyors is and are hereby impowered to remove and turn off such Person or Persons, who shall, in that Case, be subject or liable to the respective Forfeitures and Payments afore-mentioned, as if he, she, or they, had neglected or refused to come, and such Team or Draught had not been sent to work on such Roads; all which said Forfeitures shall be recovered, levied, and disposed of, in such Manner as is herein after mentioned and declared; and in case the said Surveyor or Surveyors of the High-ways, for any of the said Parishes, Townships, or Places, or the said Churchwardens or Overseers of the Poor, or any of them, shall refuse or neglect to give a List of the Names as aforesaid, to such Justices, then each and every of such Surveyor and Surveyors, Church-wardens or Overseers, so refusing or neglecting, shall, for every such Neglect or Refusal, being thereof lawfully convicted, upon Oath, before any One or more of the said Justices, forfeit and pay the Sum of Five Pounds.

Penalty on Persons not performing Statute-work.

Penalty on Surveyors neglecting to deliver in such Lists, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from time to time,

Trustees may compound with Parishes, &c.

during the Continuance of this Act, to compound and agree with the Surveyors of the Highways of any of the Parishes or Townships, through which the said Road or Roads doth or do lead, for any certain Sum or Sums of Money, or otherwise, by the Year, as the said Trustees, or any Seven or more of them, shall think reasonable, in lieu of the Statute-work to be done by the Inhabitants of such Parishes, Townships, or Places; Copies of all which said Compositions or Agreements so to be made by the said Trustees, as aforesaid, shall be entered at Length in a Book or Books to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees; which said Book or Books, shall and may be seen and perused by any Person or Persons whomsoever, without Fee or Reward.

Compositions to be entered in a Book.

And be it further enacted by the Authority aforesaid, That in case any such Composition-money agreed to be paid in lieu of any Statute or Days Work of the Inhabitants of any Parish, Township, or Place, wherein the Road or Roads to be amended by virtue of this Act doth or do lie, shall not be paid within Fifteen Days next after the same shall become payable, according to such Agreement or Composition, that then it shall and may be lawful to and for any One of such Justices aforesaid, by Warrant under his Hand and Seal, to impower the Persons authorized by the said Trustees, or any Seven or more of them, to receive such Composition-money, Oath being first made that the same has been demanded and remains unpaid (which Oath such Justice is hereby authorized and required to administer) to levy such Composition-money by Distress and Sale of the Goods of the Person or Persons who shall so compound for or in respect of the said Statute or Days Work, or of any Surveyor or Surveyors of the Highways for the time being of such Parish, Township, or Place, in respect of whose Statute or Days Work such Composition shall be made, returning the Overplus (if any) after the Charges of such Distress and Sale thereout first deducted.

Composition-money how to be recovered.

Provided always, and be it further enacted by the Authority aforesaid, That if any Surveyor of the Highways of and for such Parish, Township, or Place, for which any such Composition shall be made for any Statute or Days Work as aforesaid, shall pay the Composition-money, or in case such Composition-money shall be levied on him in the Manner herein before provided, all and every such Surveyor and Surveyors shall and may be reimbursed the Composition-money he shall so pay, or which shall be so levied on him, together with the Charges of levying the

Surveyors, paying the Composition-money, to be reimbursed.

the same, in such Manner as, by the Laws now in being, Surveyors of the Highways of this Kingdom are to be reimbursed the Monies by them expended in buying Materials for amending the said Highways.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed or incurred, touching which no other Provision is herein made, shall be levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant or Warrants under the Hands and Seals of Two or more of the said Justices of the Peace, which Warrant or Warrants the said Justices are hereby impowered and required to issue, upon the Information of One or more credible Witness or Witnesses upon Oath; which Oath the said Justices are hereby impowered and required to administer, without Fee or Reward; and the Penalties and Forfeitures, when levied, after rendering the Overplus (if any be) to the Party or Parties whose Goods and Chattles shall be so distrained and sold, the Charges of such Distress and Sale being first deducted, shall go, be applied, and laid out, if not otherwise directed to be applied and disposed of by this Act, for and towards amending the said Roads, or such Part or Parts thereof, as the said Trustees, or any Seven or more of them, shall direct.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Collector or Collectors, Receiver or Receivers, or other Person or Persons, shall think him, her, or themselves, aggrieved by any thing done in pursuance of this Act, it shall and may be lawful for him, her, or them, within the Space of Six Months, to appeal to the Justices of the Peace at their General Quarter Sessions of the Peace to be held for the County wherein the Cause of Complaint shall arise, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint or Complaints of any Person or Persons so aggrieved, in a summary Way, and if they see Cause, shall and may, by Order of such Session, mitigate, at their Discretion, all or any of the Penalties and Forfeitures laid on or incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify and confirm the same, with such Costs as to them, in their Discretion, shall seem reasonable; and shall and may also levy, by their Order or Orders, Warrant or Warrants, such Costs so awarded, by Distress and Sale of the Goods and Chattles of any Person or Persons who shall refuse to obey the same, and, for want of sufficient Distress, may commit the Party to the Common Gaol for the County

for

for any Time not exceeding Three Months, or until Payment of such Costs shall be made; but the Person or Persons so appealing shall, and they are hereby respectively directed to give Notice in Writing to the Treasurers or Treasurer for the time being, of the several Tolls and Duties granted by this Act, of such their Intention of bringing or prosecuting any Appeal, Fourteen Days before the said Quarter Sessions, and shall within Five Days after such Notice given, enter into a Recognizance before some Justice of the Peace within the County where the said Offence was committed, with sufficient Sureties with Condition to try such Appeal at the Quarter Sessions of the Peace which shall be held next and immediately after the bringing such Appeal; and every such Appeal shall, at the then next General Quarter Sessions, be there heard and finally determined.

Notice of Appeal to be given, and Recognizance to be entered into.

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

Proceedings not to be quashed for want of Form, nor removeable by *Certiorari*.

Provided always, and it is hereby further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees, shall be entered in a Book or Books to be kept for that Purpose, and such Orders so entered shall be signed by the Clerk or Clerks to the said Trustees, at any Meeting of Seven or more of the said Trustees assembled, as the Case shall require, and such Orders shall be deemed and taken to be original Orders, as if the same were under the Hands and Seals of Seven or more of the Trustees; which said Book or Books, and also the said Book directed to be kept for registering and inrolling the said Assignments, Mortgage-Deeds, and Transfers, shall and may be produced and read in Evidence in all Cases of Appeals, Suits, or Actions, touching any thing done in pursuance and by the Authority of this Act.

Proceedings, &c. to be entered in a Book.

Provided also, and it is hereby enacted and declared, That no Order made by the said Trustees or their Successors, or any Seven or more of them, in, for, or concerning the executing the Trusts, Powers, and Authorities, of this present Act, or any of them, shall be revoked, repealed, or set aside, by any subsequent Order of

No Order to be repealed, unless 11 Trustees be present.

the Trustees, unless Eleven Trustees shall be then present.

No Act valid except done at a publick Meeting of the Trustees, and by Consent of the Majority present.

Provided also, and be it further enacted by the Authority aforesaid, That no Act, Order, or Determination, to be made or done by the said Trustees in the Execution of this Act, in the doing whereof it is hereby made necessary that Five or more of the said Trustees shall join, shall be deemed valid or of Force, unless the same shall be done at the first, or some subsequent Meeting of the said Trustees held by Adjournment, or upon Notice to be given by the Clerk in such manner as is herein before prescribed; and that no Act, Order, or Determination, shall be done or made at any of the said publick Meetings, without the Consent of the Majority of the Trustees present at such Meeting or Meetings, who shall be disinterested in the Matter or Matters in Question.

Trustees, with Consent of the Creditors, may lessen the Tolls.

Provided also, and it is hereby enacted and declared by the Authority aforesaid, That the said Trustees, or any Seven or more of them, are hereby authorized and impowered, from time to time, in case it shall appear requisite and expedient, with the Consent of the Mortgagee or Mortgagees, to lessen or reduce the Tolls or Duties hereby granted and made payable, and that such Tolls and Duties so lessened and reduced, or any of them, shall be collected, recovered, laid out, and applied, in the same Manner as the Tolls and Duties hereby granted are directed to be collected, recovered, and applied.

Commencement and Continuance of this Act.

And it is hereby further enacted by the Authority aforesaid, That this Act, and all the Tolls or Duties hereby granted and made payable, and all other the Powers hereby given, shall take Place and have Commencement and Continuance from and after the Fourteenth Day after the Day of passing this Act, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; but if at any Time before the Expiration of the said Term of Twenty one Years, the said Roads shall be sufficiently amended and repaired, and so adjudged by the said Justices of and for the said several Counties of Wilts and Berks, at their respective General Quarter Sessions of the Peace, that then, and from and after such Adjudication made, and Repayment of all such Monies as shall have been borrowed on the Credit of the said Tolls and Duties hereby granted, with the Interest for the same, and the Costs and Charges thereof, and of obtaining this Act of Parliament, and all other Charges hereby provided for or directed to be paid, the aforesaid Tolls and Duties shall

cease and determine; any thing herein contained to the contrary notwithstanding.

Trustees in the Commission of the Peace may act as Justices.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any of the Trustees appointed or to be appointed to put this Act in Execution, who is, are, or shall be, in the Commission of the Peace for the said Counties of Wilts and Berks, or either of them, to act as a Justice or Justices of the Peace in all Cases, Matters, and Things, relating to any or either of the said Roads intended to be repaired by virtue of this Act, as may be necessary for the more speedy and effectually putting in Execution the several Authorities and Powers in this Act mentioned and contained.

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

And, for continuing a sufficient Number of Trustees for putting this Act in Execution, be it further enacted by the Authority aforesaid, That when and as often as any of the said Trustees shall die, or refuse to act, it shall and may be lawful to and for the surviving or remaining Trustees, or any Seven or more of them, by any Writing or Writings under their Hands, from time to time, and at all Times hereafter during the Continuance of this Act, to nominate, elect, and appoint One or more fit Person or Persons, qualified as aforesaid, in the Room and Place of every such Trustee or Trustees so dying or refusing to act; and such Person or Persons so nominated, elected, and appointed, shall be joined with such surviving or remaining Trustees in the Execution of all the Powers hereby granted; but Notice of the Time and Place of Meeting for the Election of all and every such new Trustee or Trustees, shall be given in Writing under the Hand of the Clerk to the Trustees for the time being, to be fixed at or on all and every Turnpike and Turnpikes which shall be erected by virtue of this Act, at least Ten Days before the Meeting for such Election; and all and every such Person and Persons as shall, from time to time, be chosen and appointed to be joined with such surviving or remaining Trustees, shall and may, and he and they are hereby authorized and impowered to act, to all Intents and Purposes, in as full, large, and ample Manner as the said Trustees hereby appointed are impowered to act.

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

Times and Places of Trustees Meetings.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall meet together at the House known by the Name or Sign of the Royal Oak, in the Town of Wootton Basset in the said County of Wilts, on the Twenty first Day after the Day of passing this Act, and shall then adjourn themselves,

themselves; and shall afterwards meet at the House known by the Name or Sign of Lord Barrington's Arms, at Shrewsbury aforesaid, and shall then adjourn themselves from time to time to meet there, or at any other Place or Places in or near the said Roads, as the said Trustees, or any Seven or more of them, shall think convenient, as often as it shall be necessary for putting this Act in Execution: And if it shall happen that there shall not appear at any Meeting which shall be appointed to be held by the said Trustees, a sufficient Number of Trustees to act at such Meeting, to adjourn to another Day; then, and in every such Case, the Clerk to the said Trustees, by Notice in Writing under his Hand, to be fixed on the said Turnpike-gates to be erected by virtue of this Act, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the House and Place where the last Meeting of the said Trustees was appointed to be held, on that Day Three Weeks on which such last Meeting of the said Trustees was appointed to be held; and that the Trustees, at their first, and at all their subsequent Meetings, shall defray their own Charges and Expences.

Ten Days Notice to be given of such Meeting.

Provided always, and be it further enacted and declared, That no Person or Persons appointed or to be appointed by virtue of this Act, a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of, or by reason of, any Toll or Duty by this Act laid or granted, but such Person or Persons shall be incapable of acting as a Trustee or Trustees from the Time of accepting and during the Enjoyment of such Place of Profit as aforesaid.

No Trustee to accept of any Place of Profit arising from the Tolls.

Provided also, and it is hereby further enacted, That the said Trustees, or any Seven or more of them, shall and may, and they are hereby required to cause the said Roads to be measured with a Chain, and not otherwise, and Stones or Posts to be thereon, or in or near the Sides thereof, to be erected, each Stone or Post at the Distance of One Mile from the other, and upon which shall be denoted the Distance of any One Town or Place, from any other Town or Place, as to the said Trustees shall seem meet; and if any Person or Persons shall voluntarily and maliciously break or pull up any of the Stones or Posts, or any Part thereof, which shall be so erected and set up, or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be engraved or inscribed thereon, and shall be convicted thereof by the Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, before the said Trustees, or any Seven or more of them, or before

Roads to be measured, and Mile-stones erected.

Penalty on defacing Mile-stones, &c.

before One or more of the said Justice or Justices of the Peace; which said Oath any Two or more of the said Trustees, or the said Justice or Justices, are and is hereby impowered and required to administer; every such Person so offending, and being thereof convicted as aforesaid, shall respectively forfeit and pay the Sum of Forty Shillings for each Stone or Post so voluntarily and maliciously broken, pulled up, obliterated, or defaced, to be levied by Distress and Sale of the Goods and Chattles of every such Offender, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of the said Trustees, or any Two or more of them, or of any Justice or Justices before whom such Conviction shall be made; One Moiety of such Forfeiture and Forfeitures to be paid to and for the Use of the Informer, and the Residue to be applied in repairing the Stones or Posts so broken or defaced, or in supplying new ones in their Stead; and if there shall be any Overplus thereof, the same shall be laid out in repairing the said Roads; but in case no sufficient Distress can be found whereby to levy the same, then it shall and may be lawful to and for the said Trustees, or any Seven or more of them, or any One or more of such Justice or Justices, by Warrant under their Hands and Seals, or Hand or Seal, to commit the Person or Persons so offending, to any House of Correction within the County wherein the said Offence was committed, to be there kept to hard Labour for any Time not exceeding One Month, or until he, she, or they, shall have fully paid the Money which he, she, or they, shall forfeit, or be liable to pay, on such Conviction as aforesaid.

No Money to be borrowed on the Credit of the Tolls, unless Notice be given for that Purpose.

Provided always, and it is hereby declared, That no Money shall be borrowed by the said Trustees on the Credit of the said Tolls or Duties after their first Meeting, unless Notice for that Purpose be fixed in Writing, under the Hand of the Clerk to such Trustees, upon all the Turnpike-gates then erected by virtue of this Act, at least Fourteen Days before the borrowing such Money.

Writings to be without Stamps.

Provided also, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Oath, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing of any Sum or Sums of Money, under and by virtue of this Act, or other Writing whatsoever, 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 Execution of, any of the Powers hereby granted,

ed,

ed, shall be charged or chargeable with any Stamp Duty whatsoever.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons to whom any Mortgage or Mortgages, Assignment or Assignments, shall be made by the said Trustees, or any Nine or more of them, as a Security for any Sum or Sums of Money lent and advanced on the Credit and for the Purposes mentioned in this Act, or who shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Transfer or Assignment to be indorsed on such 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, assign or transfer the same Security or Securities, and all Benefit and Advantage thereof, and all his, her, or their Right, Title, and Interest, to the Principal and Interest-money thereby secured, or any Part thereof, to any Person or Persons whomsoever: Which said Transfer or Assignment shall be produced or notified to the Clerk or Clerks, Treasurer or Treasurers, appointed as aforesaid, within Forty Days next after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Date, Parties Names, and Sums of Money therein mentioned to be transferred, in the said Book or Books to be kept for entering the said Original Mortgages and Assignments made by the said Trustees, and shall indorse or write thereon a Memorial or Memorandum of such Entry, referring to the Book and Folio wherein the same is entered, and the Time or Date of such Entry; and for which such Clerk or Clerks, Treasurer or Treasurers, shall be paid Two Shillings, and no more; and after such Entry made, such Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in like manner assign the same again, and so toties quoties.

Assignments may be transferred, and the Manner of doing so.

Clerks Fee.

And be it further enacted by the Authority aforesaid, That if any Person or Persons during the Continuance of this Act, shall in any manner or wise draw, drag, or cause to be drawn or dragged, with any Horse or Horses, or other Cattle, any Timber along the said Roads by this Act directed and intended to be repaired, or any Part thereof, unless it be upon some Carriage which will prevent the same from lying on and breaking up the said Roads; every such Person so offending, and being thereof convicted, upon Oath, before any One or more Justice

Penalty on drawing Timber otherwise than on Wheel Carriages.

or Justices of the Peace for the County in which such Offence shall be committed, shall for every such Offence forfeit and pay the Sum of Twenty Shillings, to be recovered and levied in such Manner as any other Penalty is by this Act directed to be recovered and levied; which said Penalty when paid One Moiety thereof shall go to the Use of the Informer, and the other Moiety shall be applied towards repairing the said Roads, and to no other Use or Purpose whatsoever.

Act 24 Geo. II. & 26 Geo. II. & 28 Geo. II. extended to the Roads to be amended under this Act.

And be it further enacted by the Authority aforesaid, That an Act passed in the Twenty fourth Year of his present Majesty's Reign, intituled, An Act for the more effectual Preservation of the Turnpike Roads, in that Part of *Great Britain* called *England*; and an Act passed in the Twenty sixth Year of the Reign of his said present Majesty, intituled, An Act for the Amendment and Preservation of the publick Highways and Turnpike Roads of this Kingdom, and for the more effectual Execution of the Laws relating thereto; and also an Act passed in the Twenty eighth Year of his said Majesty's Reign, to amend the said last-mentioned Act, and every Provision, Matter and Thing, in all or any of the said Acts contained, relating to the Reparation and Preservation of the then Turnpike Roads, shall extend, and be construed to extend, to the Roads intended to be amended by virtue of this Act.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, every such Action or Suit shall be brought within Six Calendar Months next after the Fact committed, and not afterwards; and shall be laid and brought in the County wherein the Cause of Action arose, and not elsewhere; and the Defendant or Defendants, in such Action or Suit to be brought, shall and may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act: And if the same shall appear to have been so done, or that such Action or Suit shall be brought after the Time before limited for bringing the same, as aforesaid, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff

General Issue.

or

of Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same, as any Defendant or Defendants hath or have in any Cases by Law. Treble Costs.

And be it further enacted by the Authority aforesaid, That 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 to be 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 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, shall and may recover full Satisfaction for the Special Damage only in an Action upon the Case. Distress not to be deemed unlawful for want of Form, nor the Party distraining be deemed a Trespasser, *ab initio*.

Provided nevertheless, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or other wrongful Proceeding, if before such Action brought, Tender of sufficient Amends hath been made by or on Behalf of the Party or Parties who shall have committed, or caused to be committed, any such Irregularity, Trespass, or wrongful Proceeding. Plaintiff not to recover, if Tender of Amends shall be made.

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

FINIS.