Anno tricesimo primo

Georgii II. Regis.

An Act for amending the Road leading from *Pengate* in the Parish of *Westbury* in the County of *Wilts*, to *Latchet's Bridge* near the East End of *Market Lavington*; and also the Road leading from *Market Lavington Down* to the Turnpike Road near *Dewey's Water*; and also the Road leading from *Bolesborough* to *Studley Lane End*; and also the Road leading from *Yarnbrook* to the Turnpike Road at *Melksham* in the said County of *Wilts*.

WHEREAS the Roads leading from Pengate in the Parish of Westbury in the County of Wilts, to and through the Town of Westbury, and through the several Parishes or Hamlets of Bratton, Edington, Tinhead, Earle, Stoke, Little Chiverel, Littleton, and the Town of Market Lavington to Latchet's Bridge, near the East End of the Town of Market Lavington aforesaid, in the Parish of West Lavington in the said County; and also the Road leading Preamble.

leading from Market Lavington Down, adjoining to Salisbury Plain, down Market Lavington Hill, through the Town of Market Lavington aforesaid, to the Turnpike Road near Dewey's Water, in the Road leading from West Lavington to the Town of Devizes; and also the Road leading from Bolesborough on the Plain leading from Salisbury down Westbury Hill, through the Town of Westbury aforesaid, and across All Marsh Field by Yarnbrook to Studley Lane-End, adjoining to the Turnpike Road leading from Trowbridge in the said County of Wilts, to Beckington in the County of Somerset; and also the Road leading from Yarnbrook aforesaid up West Ashton Hill, through Simpington, to the Turnpike Road at Melksham in the said County of Wilts, by reason of the Soil thereof, and by the many heavy Carriages frequently passing through the same, are become exceeding deep and ruinous, and are in many Parts too narrow for Cattle loaded, or for Two Carriages to pass by each other, and other Parts often so overflowed with Water, as to be impassable; and the said Roads are in General so ruinous, and out of Repair, that they cannot be effectually widened, amended, shortened, and kept in Repair for the future, without the Aid and Authority 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 Honourable Webb Seymour Esquire, commonly called Lord Webb Seymour; the Honourable William Seymour, commonly called Lord William Seymour; the Honourable and Reverend Francis Seymour, commonly called Lord Francis Seymour; the Honourable Charles Powlett Esquire, commonly called the Marquis of Winchester; the Honourable Harry Powlet Esquire, commonly called Lord Harry Powlet; the Honourable Willoughby Bertie Esquire, commonly called Lord Norreys; the Honourable Peregrine Bertie Esquire, the Right Honourable Earl Verney in the Kingdom of Ireland, the Honourable Henry Frederick Thynne Esquire, the Honourable William Bouverie Esquire, Sir Robert Long, Sir William Pynsent, Sir Richard Grosvenor, Sir Michael Ernle, Baronets; Ambrose Awdry, Ambrose Awdry junior, John Awdry, Jeremiah Awdry, Thomas a' Beckett, William Axford junior, John Aprice, Henry Aprice, Henry Flower, Edward Bayntun, John Bythesea, Thomas Bennett, Zachary Bayly of Shepton Mallet, Zachary

Trustees Names.

chary Bayly, Edmund Bayly, James Blatch, John Bennett, Thomas Burgeſs of Leigh, John Blatch, John Blatch junior, Andrew Broadribb, William Bartle, Thomas Baſkerville, Peregrine Bertie, William Ballard, the Reverend Batten, the Reverend Barry, Edward Butler, Thomas Barnes, John Bell, Thomas Coward, Thomas Coward junior, James Cockell, Nicholas Cockell, Joſeph Cuff, the Reverend Colvil, Thomas Cudden, John Croſby, Thomas Croſby, Robert Carpenter, John Cox, Richard Cockle, John Coles, Thomas Chivers, Samuel Clement, Samuel Cam, Peter Delme, the Reverend Dodſworth, John Drewett, William Whitaker of Trowbridge, James Shrapnell, Harry Edgell, John Eyres, Edmund Eyres, John Edwards, Samuel Edwards, William Eblen, Bryan Edwards, William Jones, Edward Frowd, Thomas Fowler, John Frowd, William Godolphin, William Gaiſford, Thomas Gaiſford, William Gaiſford junior, Gaiſford Gibbs, Joſeph Gibbs, the Reverend Charles Gibbs, John Gawen, Jeffery Gawen, Richard Gawen, Walter Green, Gibbs of Trowbridge, Robert Haynes, William Hales, John Humphry, the Reverend Thomas Hewitt, Thomas Hill, Thomas Huntley, John Huntley, Robert Halliday, the Reverend George Jacques, John Hales, John Hutchins, James Long of Draycott, Thomas Long, Walter Long, William Long of Melkſham, William Long of Bayntun, James Long of Bratton, Richard Long, Richard Long junior, James Long of Bayntun, the Reverend John Long, John Love, John Ledyard junior, Richard Samuel Wyche, Henry Kelſey, Paul Methuen, Edward Meddlicott, John Matravers, William Matravers, John Mackey, James Moore, Thomas Matthews, Edward Moore, William Northey, Paul Newman, Paul Newman junior, John Newman, Dennis Newman, Thomas Naiſh, Robert Neale, Robert Neale junior, Edward Popham, Thomas Phipps of Haywood, Edward Phipps, William Phipps, Thomas Phipps of Leigh, Paul Phipps, Thomas Prowſe, Nicholas Phipps, Benjamin Peach, Edward Pierce, the Reverend Walter Poſt, the Reverend Joſeph Payne, the Reverend John Rolt, Samuel Rutty, Jonathan Rutty, John Rutty, Samuel Rebbeck, Thomas Rogers, John Smith of Combhay, John Smith of Bradford, the Reverend William Sainſbury, the Reverend John Samwell, the Reverend John Shergold, Samuel Sainſbury, William Slade, John Slade, Reverend Maſter Richard Street of Little Bedwin, Chauncey Townſend, John Ivory Talbot, John Talbot, Charles Tudway, James Toogood, Tudway, William Temple of Biſhopſtrow, John Turner of Devizes, George Turner, John Turner

of Short Street, Simon Tree, James Tree, John Temple, Robert Tucker, William Turner, the Reverend William Thomas, John Trevillian, Humphrey Tugwell, the Reverend Granville Wheler, Granville Wigley, William Willy, George Willy, Gifford Warriner, Richard Woodier, Thomas Woodier, Philip Withers, James Wereat, Jeffery Whitaker, William Whitaker of the Steps, William Whitaker of Westbury, William Whitaker junior, Thomas Whitaker, Joseph Ware, Richard Whatley, Richard Weaver, John Watts, Humphry Whitaker, Henry Whitaker, Francis Yerbury, shall be, and they and their Successors to be elected in Manner herein after mentioned, are hereby appointed Trustees for altering, widening, amending, and shortening the said several Roads leading from Pengate in the Parish of Westbury, through the Town of Westbury aforesaid, to the Gate of the Warren of Matter Apreece, situate in the Parish of Edington aforesaid; and from Bolesborough on the Plain leading from Salisbury, down Westbury Hill, through the Town of Westbury, across All Marsh Field, by Yarnbrook to Studley Lane End, adjoining to the Turnpike Road leading from Trowbridge in the said County of Wilts, to Beckington in the County of Somerset; and from Yarnbrook aforesaid up West Ashton Hill, through Simington to the Turnpike Road at Melksham in the said County of Wilts, being the First District of the Roads hereby intended to be repaired; and also for putting in Execution all other Powers by this Act granted, so far as the same relate to such of the Roads; and that the Honourable Webb Seymour Esquire, commonly called Lord Webb Seymour, the Honourable William Seymour Esquire, commonly called Lord William Seymour, the Honourable and Reverend Francis Seymour, commonly called Lord Francis Seymour, the Honourable Charles Pawlett Esquire, commonly called the Marquis of Winchester, the Honourable Harry Pawlet Esquire, commonly called Lord Harry Pawlet, the Honourable Willoughby Bertie Esquire, commonly called Lord Norreys, the Honourable Peregrine Bertie Esquire, the Right Honourable Earl Verney in the Kingdom of Ireland, the Honourable Henry Frederick Thynne, Esquire, the Honourable William Bouverie, Esquire, Sir Robert Long, Sir William Pynsent, Sir Richard Grosvenor, Sir Michael Ernle, Baronets, John Awdry, Jeremiah Awdry, Townshend Andrews, Thomas a' Beckett, William Axford junior, Robert Amor, William Amor, Thomas Axford, Henry Aprice, John Aprice, Ambrose Awdry junior, Peregrine Bertie, Edward Bayntun, John Bythesea, William Buckler,

Trustees for the Second District.

Buckler, John Barter, the Reverend Robert Bennet, John Bell, the Reverend Samuel Creswick Dean of Wells, Thomas Cudden Counsellor at Law, John Cox, Peter Delmé, John Delme, the Reverend John Dobson, Edward Eyles, Michael Ewen, George Flower, the Reverend Thomas Fudge, John Frowd, Edward Frowd, John Garth, Charles Garth, William Godolphin, Thomas Hunt Grubb, the Reverend Charles Gibbs, William Gaisford junior, Gaisford Gibbs, Joseph Gibbs, John Hayward, Richard Hayward, Philip Hayward, John Holder, William Hayward, Thomas Hayward, the Reverend George Jacques, John Kingstone, Kingstone Apothecary, James Long of Draycott, James Long of Bratton, Thomas Long, Richard Long, Richard Long junior, William Long of Melksham, William Long of Baynton, Lewis Long of Witton Ballett, Walter Long, James Long of Baynton, the Reverend John Longe, Paul Methuen, the Reverend [illegible] to Mills of Pewsey, John Matravers, William Matravers, Thomas Matthews, William Northey, Paul Newman, Paul Newman junior, the Reverend John Newton, Thomas Newman, Robert Neale, Robert Neale junior, Edward Popham, Thomas Phipps of Heywood, Edward Phipps, the Reverend Walter Pope, the Reverend Joseph Payne, Benjamin Peach, Philip Pinkney, John Pinkney, William Rolfe, Prince Sutton, Michael Smith, [illegible] Smith of Combhay, James Sutton, the Reverend John Shergold, the Reverend William Sainsbury, Samuel Sainbury, the Reverend John Samwell, William Slade, John Slade, John Smith of Chittern, Samuel Salmon, the Reverend Richard Street of Little Bedwin, John Berry Talbot, John Talbot, John Turner, Chauncey Townsend, Charles Tudway, [illegible] Tudway, the Reverend William Thomas, Alexander Thistlethwaite, William Willy, George Willy, George Wroughton, Seymour Wroughton, Gifford Warriner, Philip Withers, John Winter, Jonathan Woodman, Joseph Ware, shall be, and they and their Successors to be elected in manner herein after mentioned, are hereby appointed Trustees for altering, widening, amending, and shortening the said several Roads leading from the Gate of the Warren of Market Aprice, situate in the Parish of Edington aforesaid, through the several Parishes or Hamlets of Earle, Stoke, Great Chiverel, Little Chiverel, Littleton, and through the Town of Market Lavington, lying within the Parish of West Lavington in the said County of Wilts; and from Market Lavington Down, down Market Lavington Hill, to and through Market Lavington aforesaid, to the Turnpike Road near Dewey's Water in the Road leading

leading from West Lavington aforesaid, to the Town of Devizes in the said County of Wilts, being the Second District of Roads hereby intended to be repaired, and also for putting in Execution all other Powers by this Act granted, so far as the same relate to such last mentioned Roads.

Provided always, and be it enacted by the Authority aforesaid, That no Person or Persons by this Act appointed, or who shall be elected in Manner as herein after is mentioned, as a Trustee for either of the said Districts, shall be capable or qualified to act 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 or 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 following Oath, or, being One of the People called Quakers, shall make the following Affirmation, before any Two 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 Trusts and Authorities of this Act; which said Oath or Affirmation shall be in the Words, or to the Effect, following:

I *A. B.* do swear (or, being one of the People called *Quakers*, do solemnly affirm) That I truly and *bona 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 clear yearly Value of Fifty Pounds above Reprizes; or possessed of, or intitled unto, Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Pounds.

So help me GOD.

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 any Person or Persons who

who shall inform or sue for the same; 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 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: And the said respective Trustees in their respective Districts, or any Five or more of them, shall and may cause to be erected upon and cross the Roads in each respective District, and upon, and cross, or on the Sides of any Street, Lane, Common, or Way, leading into, out of, or from any Part of, such Roads, One or more Turnpike or Turnpikes, and also build or provide a Toll-house at or near each of the said Turnpike-gates which shall be erected; and they, or any Five or more of them, in their respective Districts, are hereby authorized and impowered to continue, remove, take down, erect, set up, or order, and cause to be continued, removed, taken down, erected, set up, and ordered, such Gates, Turnpikes, and Toll-houses respectively, as to them shall seem requisite and expedient for the Purposes of this present Act.

Trustees may erect Turnpikes and Toll-houses, &c.

And be it further enacted by the Authority aforesaid, That the Property of all the Turnpikes and Toll-houses which shall be erected or provided by virtue of this Act, and of the Materials for building the same, and for repairing the said respective Roads, shall be and are hereby vested in the said respective Trustees in and for their respective Districts, and they, or any Five or more of them, are hereby impowered to bring Actions or prefer Bills of Indictment in their Names, or in the Name or Names of their respective Clerk or Clerks, Treasurer or Treasurers, against all Persons who shall disturb them in the Possession of the Property thereof; and the Tolls following shall be paid before any Horse or other Cattle, or any Carriage whatsoever, shall pass through any of the said Gates within the said respective Districts; that is to say,

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

the following Tolls to be taken thereat.

The Tolls.

For every Horse, Mare, Gelding, or other Beast of Draught, drawing in any Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Hearse, or other Carriage, the Sum of Four Pence Half-penny.

For every Horse, Mare, Gelding, or other Beast, drawing in every Waggon, Wain, Cart, or other Carriage, the Sum of Four Pence Half-penny.

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

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

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

Which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll, and shall be paid to such Person or Persons in and for each respective District as the said respective Trustees, or any Five or more of them, shall respectively appoint to receive the same, and shall be applied in such Manner as herein after is mentioned: 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 any of the Person or Persons appointed as aforesaid to collect the said Tolls, to seize and distrain any Horse or Horses, or other Cattle or Beast upon which such Tolls are by this Act imposed, or any Carriages drawn by such Horse, Horses, or other Cattle or Beast, or the Goods and Chattles of such Person and Persons so neglecting or refusing to pay such Tolls, and to sell and dispose of such Cattle, Beast, Carriages, or Goods, so seized and distrained; and if such Tolls, and the reasonable Charges of such Distress and Detainer, shall not be paid within the Space of Five Days, the Person or Persons so seizing and distraining may sell the Horse or Horses, Cattle, Beasts, Carriages, or Goods, so seized and distrained, returning the Overplus (if any be) upon Demand to the Owner thereof, after such Tolls, and all reasonable Charges occasioned by such Distress, Detainer, and Sale, shall be deducted.

Tolls may be levied by Distress and Sale.

Distress may be sold after 5 Days.

Provided always, That no Person shall be liable 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, within each respective District, such Person producing a Note or Ticket of the Payment of such Toll; which Note or Ticket the said Collectors of the said respective Districts are hereby respectively required to give upon Receipt of the Toll.

Tolls to be paid but Once a Day.

And be it further enacted, That it shall and may be lawful for the said respective Trustees, or any Nine or more

more of them, from time to time, at any Meeting or Meetings within their said respective Districts (whereof Fourteen Days Notice in Writing shall be given upon all the said Turnpikes) to reduce all or any of the said 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, or to whom Money shall be then actually due on 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 herein before by this Act granted are directed to be recovered, collected, and paid.

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

Provided always, and it is hereby declared, That no Tolls shall be taken for any Horse, Cattle, or Beast, drawing or not drawing, employed only in the Conveyance or Carriage of any Dung, Soil, or Compost of any Kind, for manuring of any Garden, or other Land or Ground; nor shall any Toll be taken at any Time for any Horse, or other Cattle or Beast, drawing or not drawing, employed only in the Conveyance or Carriage of any Stones, Gravel, or other Materials, for repairing the said Roads, or for repairing any of the Highways in any of the Parishes or Places in which any Part of the said Road is situated, or employed in the plowing, sowing, tilling, cultivating, or stocking, of any Land or Ground in any of such Parishes or Places; or in the Carriage or Conveyance of any Hay, Straw, or Corn in the Straw, not sold or disposed of, but passing to be laid up in the Houses, Out-houses, or Grounds, of the Owner or Owners thereof, in any of the said Parishes; or drawing or conveying any Plough, Harrow, or other Implements of Husbandry; or for any Horse, or other Cattle or Beast, going to or from Water or Pasture within the said Parishes or Places; or for the Horses of any Officers or Soldiers on their March, or for any Horse, or other Cattle or Beasts employed in the Conveyance or Carriage of their Arms or Baggage; or in the passing of Vagrants sent with lawful Passes; or for any Post-horse carrying or drawing the Mail; or for any Horse or other Cattle drawing or not drawing, employed in the carrying or conveying any Person or Persons going to or returning from any Election of any Knight or Knights of the Shire to serve in Parliament for the said County of Wilts, on the Days of such Election or Elections; or on the Day before or Day after any such Election shall begin and be concluded,

Persons and Things exempted from Tolls.

Provided

Penalty on Persons making illegal Claims.

Provided always, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

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

And be it further enacted by the Authority aforesaid, 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, not being a publick Highway, with any Horse or other Cattle, or Beasts or Carriage whatsoever; or if any Person or Persons shall pass through any Lands or any private Way whatsoever, with any Horse or other Cattle, or Beasts or Carriage, or put or add any Horse or Horses, or any other Beasts of Draught, to any Carriage after the same has passed through any such Turnpike, and travel therewith on any Part of the said Turnpike Road, whereby the Payment of any of the said Tolls, or any Part thereof, shall be wilfully avoided; or if any Person shall forcibly pass through any such Turnpike, with any Horse or other Cattle or Beast, or Carriage whatsoever, without Payment of the said Tolls, after the same is demanded; or shall offer, give to, or receive from, any Person or Persons, or forge, counterfeit, or alter, any Note or Ticket, given by the Collectors of the said Tolls; or shall take off, or cause to be taken off, any Horse or other Cattle or Beast, from any Carriage, or leave, or cause to be left upon, or near to any Part of the said Roads, any Horse or other Cattle or Beast, or Carriage, with an Intent to evade the Payment of any of the said Tolls, or any Part thereof, or shall interrupt or disturb any Person or Persons who shall be employed by the said respective Trustees, or their respective Surveyor or Surveyors, in searching for, digging or carrying any Materials for repairing any of the said 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 be applied in such Manner as the other Penalties are herein after directed to be applied.

counterfeiting Tickets, &c.

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

Times and Places of Trustees Meetings.

And be it enacted by the Authority aforesaid, That the said Trustees for the First District of the said Roads, or any Nine or more of them, shall meet together at the Dwelling-house of Henry Barker, known by the Name or Sign of Lord Abingdon's Arms in Westbury aforesaid, on that Day Fortnight next after the passing of this Act; and the said Trustees for the said Second District of the

said

said Roads, or any Nine or more of them, shall meet at the Dwelling-house of Henry Philpot, known by the Name or Sign of the Green Dragon in Market Lavington aforesaid, on that Day Three Weeks next after the passing of this Act, and respectively proceed to the Execution of this Act, for their said respective Districts; and adjourn then, and from time to time afterwards, and meet there, or at any other convenient Place or Places in or near their respective Districts, as they, or any Five or more of them, for their said respective Districts, shall think most convenient, as often as it shall be necessary for putting this Act in Execution; and if at any Meeting or Meetings there shall not appear a sufficient Number of the said Trustees to act and to adjourn to another Day, or being such sufficient Number, shall neglect to adjourn, the Clerk or Clerks to the Trustees for such respective District, shall and may from time to time, by Ten Days previous Notice in Writing; to be affixed on all the Turnpikes within such District, appoint such Trustees to meet at the House where the last Meeting was appointed to be held, or some other convenient House in or near such respective District, on that Day Three Weeks from the Day on which such last Meeting was appointed to be held; and the said respective Trustees at all their Meetings to be held in pursuance of this Act, shall defray their own Expences.

Ten Days Notice thereof to be given.

Trustees to defray their own Expences.

And be it further enacted, That the said respective Trustees, or any Five or more of them, at any Meeting, shall and may by any Writing under their Hands and Seals, appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the said Tolls, of and for their respective Districts, and also a Surveyor or Surveyors of the said respective Roads, and such other Officer or Officers as they shall think proper to employ in the Execution of this Act, within such respective Districts; and from time to time remove such Clerks, Treasurers, Collectors, Surveyors, and other Officers, or any or either of them, from their Office or Offices, as they shall see Occasion, and appoint others in case of Death or such Removal; and out of the Monies arising by virtue of this Act, may make such Allowances to such Officer or Officers, and to such other Persons as are or shall be assisting in and about the Amendment or Alteration of the said respective Roads, or any Part thereof, or in putting this Act in Execution, or in preventing any Abuses contrary to the Intent thereof, as they the said respective Trustees, or any Five or more of them, as is herein after mentioned, shall think fit; and such Officers, and all other Persons, who shall be employed in the Receipt or Expenditure of any of the

Trustees may appoint Officers within their respective Districts;

and displace them, and elect others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

Monies arising by this Act, within such respective Districts, shall, upon Oath, when thereunto required by the Trustees for the respective Districts in which they shall be employed, or any Five or more of them, in their respective Districts (which Oath such Trustees respectively, or any Five of them, are hereby impowered to administer) give in a true, exact, and perfect Account in Writing under their respective Hands, of all Monies which shall have been by them respectively collected and raised, and how, and to what Uses, the same have been applied, and produce proper Vouchers for such Payment (for which Oath no Reward shall be taken;) and shall pay all such Monies as shall remain in their Hands, to the said respective Trustees, or any Five or more of them, in their respective Districts, or to such Person or Persons as they shall respectively authorize to receive the same; and

Officers not making Account and Payment,

if any such Officer or other Person aforesaid, shall not give such Account, or refuse to verify the same upon Oath, as aforesaid, it shall in both or either of such Cases, be lawful

Justices to enquire into the Default,

for any Five or more of the Trustees in their respective Districts, or any Two Justices of the Peace for the County of Wilts, and such Trustees and Justices are hereby required to make Enquiry concerning such Default, in a summary Way, as well by Confession of the Party, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said respective Trustees or Justices are hereby impowered and required to administer without any Reward) and upon Conviction,

and commit the Offender to Gaol;

to commit every such Officer or other Person to the Common Gaol of the said County, there to remain, without Bail or Mainprize, until such Account shall be made and verified as aforesaid; and if any such Officer or other Person aforesaid, shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his Hands, it shall be lawful for any Five or more of the Trustees for the District where the Offence shall be committed, or any Two Justices of the Peace for the County of Wilts; and such respective Trustees or Justices are hereby required to make Enquiry touching such Neglect, in a summary Way, in Manner aforesaid, and by Warrant under their Hands and Seals, to 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 every such Officer or Person, rendering the Overplus (if any be) 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

more of the said respective Trustees, or the said Justices, or any Two other Justices for the said County, shall commit every such Officer or other Person to the Common Gaol of the County wherein such Officer or other Person shall be or reside, there to remain without Bail or Mainprize, until the Offender hath made such Payment to such respective Trustees, or according to their Appointment as aforesaid, or compounded for the same, and paid such Composition money to such respective Trustees, or their Treasurers; which Composition the said respective Trustees, or any Five or more of them, in their respective Districts, are hereby impowered to make.

Officers to account upon Oath.

until he shall conform,

or compound with the Trustees.

And be it further enacted, That the said respective Trustees, or any Seven or more of them, in their respective Districts, shall take such Security from the Treasurer or Treasurers whom they shall respectively appoint, by the Authority of this Act, for the due Execution of their respective Offices, as they the said Trustees, or any Seven or more of them respectively, shall think proper.

Treasurer to give Security.

Officers not accounting and paying.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said respective Turnpike Surveyor or Surveyors, in and for the respective Districts, and such Person or Persons as he or they shall direct, to search for, dig, cut, gather, take, and carry away, any Gravel, Furze, Heath, Sandy Stone, or other Materials, in, out of, and from, any Quarry, River, or Brook, in the Waste or Common of or in any Parish Town, Village, or Hamlet, in which any Part of the said respective Roads do lie, or in any neighbouring Town, Village, or Hamlet, which shall be proper or convenient for repairing of the said Roads, without paying any thing for the same; and also that in case no sufficient Quantity of any such Gravel, Furze, Heath, Sand, Stone, or other Materials, can be found in any Quarry, River, or Brook, in such Waste or Common, at any convenient Distance, it shall and may be lawful for such respective Surveyor or Surveyors, and such Persons as he or they shall direct, such Surveyor or Surveyors having an Order in Writing for that Purpose from the respective Trustees, or any Five or more of them, in their respective Districts, to search for, dig, cut, gather, take, and carry away, such Materials, in, out of, from, and over the Ground or Grounds of any Person or Persons whatsoever, within the several Parishes, Towns, Villages, or Hamlets, in which any Part of the said Roads do lie, or any neighbouring Parishes, Towns, Villages, or Hamlets (not being the Ground whereon any House

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;

House stands, or a Garden, Orchard, Plantation, or Nursery for Trees, or a Yard, Park, or planted Walk, or Avenue to any House) paying such Rates for such Materials, and for the Damage done to the Owners or Occupiers respectively of the Grounds where and from whence the same shall be digged, cut, and gathered, and through or over which the same shall be carried, as the said respective Trustees, or any Five or more of them, in their respective Districts, shall judge reasonable; and in case of any Difference concerning the same, between such Owners or Occupiers, and the said Trustees, the Justices of the Peace, at the next General Quarter Sessions of the Peace to be holden for the said County, shall hear and finally determine the same.

making Satisfaction to the Owners of the Grounds.

Surveyors may remove Annoyances,

And be it further enacted by the Authority aforesaid, That the respective Turnpike Surveyor or Surveyors for the said several Districts, or any other Persons by him or them employed, may, by Order of the said respective Trustees, or any Five or more of them, for their respective Districts, remove and prevent all Annoyances, Nusances, and Obstructions upon any Part of the said Roads, and open, scour, and cleanse, any Watercourse or Ditches adjoining or near to any Part of the said Roads, and make the same as deep and large as he or they shall think necessary; and cut down, lop, or top, any Timber, or other Trees or Bushes, growing in or near any Part of the said Roads, and lay down any Hedges, and take and carry away such Trees, Bushes, and other Annoyances, in case the Owners or Occupiers of the Premisses shall neglect or refuse to cut down, or lop or top, or lay down and carry away, such Trees, Bushes, or other Annoyances, or to open, scour, cleanse, deepen, or enlarge, such Watercourses or Ditches, for the Space of Ten Days next after Notice in Writing given to such Owners or Occupiers for that Purpose, under the Hand or Hands of such respective Turnpike Surveyor or Surveyors, the Charges whereof shall be settled by the said respective Trustees, or any Five or more of them respectively, and shall be reimbursed to such Turnpike Surveyor or Surveyors, by such Owners or Occupiers, and in Default of Payment thereof the same shall be recovered in such Manner as any Penalties are herein after directed to be recovered: And if after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, over and above such Charges as aforesaid, for every such Offence forfeit the Sum of Forty Shillings.

cleanse Ditches, &c.

cut down Bushes, &c.

the Owners neglecting to remove the same, after Notice.

Surveyors to be reimbursed the Charges.

Penalty for the Second Offence.

And

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the respective Turnpike Surveyor or Surveyors, by Order of the said respective Trustees, or any Five or more of them, for the said respective Districts, to make or cause to be made any new Causeways, Drains, Ditches, and Fences, in and upon the said Roads, and to turn any Watercourses, Sinks, or Drains, running into, along, or out of the said Roads, to the Prejudice thereof, and to make, erect, widen, or alter, any Arches or Bridges upon, in, or leading to the said Roads, or any Part thereof, and also to make, or cause to be made, a temporary Road through the Grounds adjoining to any narrow or ruinous Part of the said Roads (not being the Ground whereon any House or Building stands, or a Garden or Orchard, or a Yard, Park, or planted Walk, or Avenue to any House, or any Parcel of inclosed Ground set apart and used as a Plantation or Nursery for Trees) to be made use of as a publick Highway, whilst the old narrow or ruinous Road is repairing or widening, and until such Time as it shall be convenient and safe for Passengers and Carriages to pass the Road so repaired or widened; and no longer, making such reasonable Satisfaction to the Owners and Occupiers of the Grounds respectively, through or upon which any such Arch, Bridge, Causeway, Drain, Ditch, or Fence, shall be made, erected, widened, or altered, or through which such temporary Road shall be made, as shall be adjudged by the said respective Trustees, or any Five or more of them, in their respective Districts: And in case any Difference between any such Owners or Occupiers, and the said respective Trustees, touching such Damages, it shall and may be lawful to and for the Justices of the Peace, at their next General Quarter Sessions to be holden for the said County, to hear and finally determine the same.

Surveyors may make Causeways, &c.

erect Bridges, &c.

and make a temporary Road;

making Satisfaction to the Owners.

Justices to determine Differences.

But forasmuch as in that Part of the said Road in the said First District, which lies between Pengate aforesaid, and the Smith's Shop in Tinhead, in the Parish of Edington aforesaid, there are narrow and deep hollow Ways which cannot be effectually widened and kept in Repair, and the said Road might be shortened, and rendered more safe and commodious for Carriages, Cattle, and Passengers, by widening and opening the present Foot Road by Layton, and taking down or removing a few old Fruit Trees standing and being in the Corner of some Orchard or Orchards at the Entrance into the Town of Westbury aforesaid, and also by opening and making a Road through Part of an old Orchard at the East End

Fruit Trees in the Orchard at the Entrance into *Westbury*, &c. may be cut down, and the Land employed in making and turning the Road,

of Milbourn Street in Bratton aforesaid; be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors to be appointed by the said Trustees acting for the First District of the said Roads, may, by Order of the said Trustees, or any Five or more of them, if they shall judge necessary, for the shorter, better, and more commodious making, widening, and amending, the said Road, to cut down and remove such Fruit Trees, and to lay such Part of the said Orchards and Lands as may be adjudged proper into the said Road, making reasonable Satisfaction to the Owner or Owners respectively of such Orchards or Lands for such Trees so cut down or removed, and also for such Parts of such Orchards or Lands so laid into and made Part of the said Road: And in case any Difference shall arise between such Owners or Occupiers and the said Trustees, touching the Recompence to be made them for such Part of the said Orchards or Lands as shall be laid into and made Part of the said Road, as also for the cutting down and removing such Trees as shall be thought necessary, that then it shall and may be lawful to and for the Justices of the Peace, at the next General Quartet Sessions of the Peace to be holden for the said County of Wilts, not having Interest in the said Premisses, to hear, settle, adjudge, and finally determine, the same.

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

And, forasmuch as the Money to be collected by the Receipts of the Tolls by this Act made payable as aforesaid, will not for some Time be sufficient for the effectual altering, widening, amending, and shortening the said several Roads, be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Nine or more of them, shall and may, and they are hereby respectively impowered, from time to time, by any Writing or Writings under their respective Hands and Seals, to assign over the said Tolls arising by virtue of this Act, or any Part thereof, within their respective Districts (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 the Payment of any such Sum or Sums of Money as shall be necessary to be borrowed by the said respective Trustees for that Purpose, unto the Person or Persons respectively who shall advance and lend the same, together with lawful Interest; which Money so to be borrowed shall be applied and disposed of as the said Tolls by this Act are directed to be applied and disposed of, and to no other Use whatsoever.

Tolls may be assigned for Money borrowed.

And be it further enacted, That all and every Person and 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, transfer or assign his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Indorsement, Transfer, or Assignment, shall be produced, and notified to the Clerk or Clerks to the said respective Trustees within Three Months 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; and after such Entry made, such Indorsement, Assignment, or Transfer, shall intitle the Person or Persons, to whom the same shall be so indorsed, assigned, or transferred, his, her, or their Executors, Administrators, or Assigns, to the Benefit thereof; and such Person and Persons may in like Manner indorse, transfer, and assign, the same again toties quoties, and it shall not be in the Power of such Person or Persons who shall have made such Indorsement, Assignment, or Transfer, to make void, release, or discharge, the same.

Assignments may be transferred.

Entries to be made of all Assignments.

Clerk's Fee.

And be it further enacted, That the Tolls hereby granted, and the Monies borrowed on the Credit thereof, shall, after Payment of the Charges and Expences attending the procuring and passing this Act, and of surveying, mapping, planning, and measuring the said Roads, previous to passing the same, and defraying the necessary Expences of putting this Act in Execution, be applied in and upon Account of altering, widening, amending, and shortening any of the said respective Roads within the said respective Districts.

Application of the Tolls.

Provided always, and it is hereby declared, That no Money shall be borrowed on the Credit of this Act by the said respective Trustees, at their First or any subsequent Meeting, unless Notice in Writing under the Hand of the Clerk to the said Trustees, be, by Order of the

14 Days Notice to be given of borrowing Money.

the said respective Trustees, or any Five or more of them, for that Purpose fixed upon the Turnpike-gate or Gates to be erected by virtue of this Act, at least Fourteen Days before the borrowing of such Money.

Copies of Assignments of the Trustees to be entered in Books.

And be it further enacted by the Authority aforesaid, That Copies of all and every the Assignment or Assignments so to be made by the respective Trustees as aforesaid, shall be entered at Length in a Book or Books to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may be seen or perused at all seasonable Times by any Person or Persons whomsoever, requiring the same, without Fee or Reward.

Trustees may contract for the Purchase of Lands to be taken into the Roads, &c.

And be it further enacted by the Authority aforesaid, That in case the said respective Trustees for the said respective Districts, appointed or to be appointed to put this Act in Execution, or any Seven or more of them, shall from time to time, at any Meeting or Meetings to be held for that Purpose, whereof Ten Days Notice shall be fixed on all the said Turnpike-gates, think proper to widen, turn, or alter, the Way or Path of any Part of the said respective 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 respective Trustees, within their said respective Districts, or any Seven or more of them, and they are hereby authorized and impowered, from time to time, to purchase or agree for any Lands or Grounds lying contiguous to the said respective Roads of the Owners or Proprietors thereof (if such Owners or Proprietors shall be willing to sell and dispose of the same) and to pay the same out of the Tolls by this Act granted, or out of the Money by them to be borrowed on the Credit thereof, such Sum or Sums of Money as shall be agreed upon between such Owners or Proprietors and the said Trustees, or any Seven or more of them, to be paid for the Purchase of such Lands and Grounds, with the Costs and Charges attending such Purchase or Purchases; and such Lands and Grounds when purchased as aforesaid, shall, by Order and Direction of the said respective Trustees, or any Seven or more of them, be laid into and made Part of the said Roads directed to be amended by this Act, in such Manner as the said respective Trustees within their respective Districts, or any Seven or more of them, shall think convenient; and shall by them, or such Person or Persons as they the said respective Trustees, or any Seven or more of them, shall order and appoint, be sufficiently ditched

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

ditched or fenced out for that Purpose; and after the said Lands and Grounds shall be so ditched and fenced out, the same shall be, not only during the Continuance of this Act, but shall for ever thereafter, to all Intents and Purposes, be deemed and taken to be publick Highways, 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 in being. and esteemed as publick Highways.

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Feoffees in Trust, Executors, Administrators, or Guardians, or other Trustees, are seised or possessed of some Lands, Grounds, Tenements, or Hereditaments, which, according to the Powers given by this present Act, may, by the said respective Trustees, be thought necessary or proper to be taken in, or added to, the said respective Roads, either for extending, widening, enlarging, turning, altering, or amending, the same, as aforesaid, and they may be willing to treat and agree to sell such Lands, Grounds, Tenements, and Hereditaments, for the Purposes aforesaid, but are incapable of granting, selling, or conveying the same, by reason of Infancy or other Disability; 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, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for and on Behalf of any Infants, Femes Covert, or Cestuique Trusts, 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 respective Trustees of the said respective Districts, or any Seven or more of them, for Satisfaction to be made them respectively for such their Lands, Grounds, Tenements, and Hereditaments, or any Part thereof, or their Interest therein, for the Purpose aforesaid, and to sell and convey the same, as Occasion shall be or require; and that all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Statute, Usage, or any other Matter or Thing, to the contrary thereof in any wise notwithstanding: And that all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations Corporate or Collegiate, Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue of or in pursuance of this Act. Bodies Politick, &c. enabled to sell and convey Lands to the Trustees, proper to be taken into the Roads.

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

And it is hereby further enacted by the Authority aforesaid, That if any such Owner, Proprietor, Occupier, Body Politick, Corporate, or Collegiate, or other Person or Persons interested in such Lands, Grounds, Tenements, or Hereditaments, upon convenient Notice to be 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 into, and added to the said Road, as aforesaid, or into which such Way, Path, or Road, shall be turned or altered, as aforesaid, in case the Dwelling-house or Place of Abode of such Person or Persons cannot be found, shall, by the Space of Ten Days after such Notice given or left, as aforesaid, refuse or neglect to treat, or shall not agree in the Premisses, or by reason of Absence, or otherwise, shall be prevented from treating, then, and in every or any such Case, it shall and may be lawful for the said Trustees of the said respective Districts, at some Public Meeting to be held for that Purpose (whereof Notice in Writing under the Hand of the Clerk or Clerks of the said Trustees for the said Districts respectively, by Order of the said Trustees, or any Seven or more of them, shall be fixed upon the Turnpike-gates intended to be erected by this Act, at least Fourteen Days before such Meeting, under their Hands and Seals, or under the Hands and Seals of the Majority of the said Trustees, at such Meeting) to order so much and such Part of such Lands and Grounds, not exceeding Twenty Yards in Breadth, and not being the Ground whereon any Houses stand, or a Garden, Orchard, Yard, Park, or Paddock, inclosed for keeping of Deer, or planted Walk or Walks, or Avenue to any House (except such Orchards, Gardens, or Lands, as are herein before excepted) to be taken into and added to the said Road; and from and after such Order made, the said Trustees for the said respective Districts, or any Seven or more of them, shall cause it to be enquired into, and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of One, some, or all of the Parishes in which the said Road lies (which Oath the said Trustees for the said respective Districts, or any Two or more of them, are hereby impowered to administer) what Damages such Owners, Occupiers, or Proprietors, or other Person or Persons interested or concerned therein, shall or may suffer or sustain, for or by reason of the taking of any such Land, Ground, Tenements, or Hereditaments, into the

the Damage and Recompence to be assessed by a Jury.

said Road, and what Recompence or Satisfaction such Owners, Occupiers, Proprietors, or other Person or Persons, suffering thereby, shall respectively have, by reason or on account thereof; and for that Purpose, and in order thereto, the said Trustees for the said respective Districts, 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 and 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 for the said respective Districts, 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 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 respective Trustees, or any Seven or more of them, shall think fit; and after the said Jury shall have so enquired 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 Land, Ground, Tenements, and Hereditaments, or other Person interested therein, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, Order and Judgement, or Determination, so had and made, shall be final 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, and Persons under any other Disabilities whatsoever, Bodies Politick, Corporate and Collegiate, as well as all other Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons, any way 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, into, or out of the same: And, for the summoning and returning such Jury or Juries, the said Trustees for their said respective Districts, or any Seven or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the said County of Wilts, thereby requiring or commanding him to impanel, summon, and return, an indif-

Witnesses may be summoned and examined on Oath.

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.

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, who is hereby required thereupon to impanel, summon, and return, such Twenty four Persons accordingly; and out of the Persons so impaneled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees, or any Two or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve.

8 Days Notice of the Jury's Meeting to be given to the Persons interested.

Provided always, and be it further enacted by the Authority aforesaid, That Eight Days Notice at least shall be given of the Time and Place appointed for the Meeting of such Jury in Writing, to the Person or Persons interested in such Lands or Grounds, or left at the Dwelling-house or Place of Abode of such Person or Persons, or at the House of the Tenant in Possession of the Lands or Grounds intended to be added to, and laid into such Road; and that all such Persons shall from time to time have their lawful Challenges, against any of the said Jurymen when they come to be sworn; and that the said Trustees for their said respective Districts, or any Seven or more of them, acting in the Premisses, shall have Power from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs, or Agents, making Default in the Premisses, or on any of the Persons that shall be summoned and returned on such Jury not appearing or refusing to be sworn on the said Jury, and being so sworn and refusing, or not giving their Verdict, concerning the same, or in any other Manner wilfully neglecting their Duties therein, contrary to the true Intent and Meaning of this Act; and on any Person or Persons who being required to give Evidence before the said Jury touching the Premisses, shall refuse to be examined, or to give Evidence touching the same; and from time to time to levy such Fine or Fines in such Manner, as any Fine is by this present Act directed to be levied and taken, not exceeding the Sum of Ten Pounds upon any One Person for any One Offence; and all such Fines shall be employed for such Uses, and in such Manner, as the said Tolls or Monies granted by this Act, are to be laid out, disposed of, and applied.

Jury may be challenged.

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

Fine not to exceed 10 l.

And be it further enacted by the Authority aforesaid, That all and every Sum or Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed, as aforesaid, shall be and are hereby charged and chargeable upon all Tolls which shall be raised and received upon the said Road, and the Monies borrowed on the Credit thereof, shall be paid thereout accordingly, to the Persons respectively intitled thereto, or to their respective Agent; and that upon Payment or Tender thereof to the said Persons so respectively intitled thereto, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Clerk for the time being to the Trustees of such Districts respectively, for the Use of such Person or Persons as the said Trustees, or any Seven or more of them, shall appoint the same to be paid unto, and after Ten Days Notice thereof given to such Person or Persons, it shall and may be lawful to and for the said Trustees of such respective Districts, or any Seven or more of them, their Surveyors, Workmen, or Agents, to take into, and add to the said Road such Grounds, Lands, and Tenements, and to do all and every such Act, Matter, and Thing, with relation to the said Ground, Lands, Tenements, and Hereditaments, so to be taken into, and added to the said Road, and to ditch and fence out the same, as the said Trustees for their said respective Districts, or any Seven or more of them, shall think fit; and the said Ground or Grounds, Lands, or Tenements, so taken or to be taken in, when the same shall be so ditched and fenced as aforesaid, shall, to all Intents and Purposes, from thenceforth become and be, and shall be deemed and taken to be a Publick and Common Highway, and from thenceforth Part of the said Road, not only during the Continuance of this present Act, but for ever after, and shall be repaired and kept in Repair by such Ways and Methods, and in all Respects, in such Manner, as other Highways are by Law to be repaired and kept in Repair; and that the same Lands and Grounds shall be for ever after deemed, used, and applied, as and for Part of such Highways and Roads accordingly.

Money allowed for Lands, how to be charged and rendered.

Lands, &c. purchased to be taken into the Road,

and esteemed publick Highways.

And, for preventing Frauds and Abuses in the said Tolls hereby granted; be it further enacted by the Authority aforesaid, That if any Person or Persons having paid the Tolls by this Act laid, and having a Note or Ticket, Notes or Tickets, signifying the Payment thereof, shall give or dispose of the same Note or Notes, Ticket or Tickets, to any other Person or Persons, in order to avoid Payment of the said Tolls, or any

Penalty on giving or receiving Tickets, to evade Payment of the Tolls.

Part thereof; every Person or Persons so disposing of such Note or Notes, Ticket or Tickets, and the Person receiving the same, being thereof convicted upon Oath or Confession of the Party before the said Trustees of the said respective Districts, or any Five or more of them, or before One or more Justice or Justices of the Peace for the said County of Wilts (which Oath the said Trustees of such Districts respectively, or any Two or more of them, or the said Justice or Justices, is and are hereby impowered and required to administer) shall respectively forfeit and pay the Sum of Forty Shillings; to be levied, recovered, and disposed of, as any other Penalty or Forfeiture is hereby directed to be levied, recovered, and disposed of.

Bodies Politick, &c. liable to the Repair of the Roads, to continue so.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons, Towns, Parishes, Hamlets, Tythings, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who before the making of this Act, hath or have used, or of right ought, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Roads hereby intended to be repaired, or any Bridges, shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with, the repairing and keeping in Repair the same Parts of the same respective Roads, and such Bridges, in the same Manner as they, or every of them, hath or have heretofore usually done, or ought to do; and that the Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the respective Roads hereby intended to be repaired do lie, who by the Laws and Statutes of this Realm, are or shall be obliged or liable to work in the Highways, for the repairing thereof, commonly called Statute-work, shall still be subject and liable to do the same Work, and shall and are hereby required to do and perform such and so many Days Work in such Parts of the said respective Roads by this Act directed to be repaired, and lying within the said Parishes, Hamlets, Tythings, or Places, in which such Inhabitants respectively shall live, and at such Times, and in such Manner, as the said respective Trustees, or any Five or more of them, or the Surveyor or Surveyors, by them authorized, shall direct or appoint; and that every Inhabitant of the said Towns, Parishes, Hamlets, Tythings, and Places respectively, in which any Part of the said Road lies, who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of what Nature soever,

Persons renting 50*l. per Ann.* deemed Team holders.

of

of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall do and perform such Work in and towards the repairing the Highways of the several Towns, Parishes, Hamlets, Tythings, and Places, in which they respectively live, as Persons keeping Teams are obliged by Law, and ought to do.

And to the end that the said respective Trustees may know the Inhabitants of all the Towns, Parishes, Hamlets, and Places, wherein the respective Roads by this Act directed to be repaired do lie, who are liable to do Statute-work in their Highways, and what Sort of Duty they ought respectively to do; be it further enacted by the Authority aforesaid, That the Surveyors of the Highways of and for every of the said Towns, Parishes, Hamlets, and Places, where, or in, or for which any such Surveyor or Surveyors usually have been or ought to be chosen, shall and are hereby required at the First Meeting of the said respective Trustees, after the Twenty fifth Day of March, in every Year, during the Continuance of this Act, Ten Days Notice of such Meeting being fixed on all the Turnpikes to be erected by virtue of this Act, to deliver in to the said respective Trustees true and perfect Lists in Writing under their respective Hands, of the Names of all the Inhabitants of such Towns, Parishes, Hamlets, and Places respectively, that are liable to do their Statute Duties in and upon the said Highways; and shall in such Lists, and every of them, distinguish and set forth which of the said Inhabitants shall, and by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams.

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

And be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the several Towns, Parishes, Hamlets, Tythings, or Places, through which the said respective Roads do lead, shall not deliver in to the said respective Trustees, Lists of the Inhabitants of their said several Towns, Parishes, Hamlets, or Places, by such Times and in such Manner as by this Act is directed and required to be delivered, such Surveyor or Surveyors, and every of them, shall forfeit and pay for every such Default the Sum of Ten Pounds: And if any or either of the Inhabitants of the said several Towns, Parishes, Hamlets, Tythings, or Places, being obliged or liable by Law to do Statute-work in and upon the Highways, shall not do such Statute-work in and upon the said Roads, at such Times and Places, and in such Manner, as they shall by the said respective Trustees, or any

Penalty on Surveyors neglecting to give in Lists.

Penalty on Persons not performing their Statute-Work.

Five

Five or more of them, or by the Surveyor or Surveyors by them authorized, be directed or appointed to do, such Inhabitants, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums herein after mentioned; that is to say, Every such Inhabitant or Person who shall keep, or, by virtue of this Act, shall be deemed to keep a Team, for every Day's Work the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep a Team, for every Day's Work the Sum of One Shilling and Six Pence: And if any Person or Persons who shall come to work as a Labourer or Labourers, or be sent with any Team to work on the said respective Roads, shall be found idle or negligent by the Turnpike Surveyor, such Surveyor is hereby impowered to turn off such Person or Persons, and he, she, and they, or the respective Person or Persons on whose Behalf he, she, or they, shall come to work on the said respective Roads, shall in that Case be subject and liable to the respective Forfeitures and Payments before mentioned, as if he, she, or they, had neglected to come, or such Team had not been set to work on the said respective Roads.

Persons found idle to be discharged, and forfeit.

And be it further enacted, That any Five or more of the said respective Trustees are hereby impowered by themselves, or their Clerk, by them legally authorized, to give Notice in Writing to, and appoint the Person or Persons who are obliged to perform such Work on the Highways, to do and perform his, her, or their Statute-labour in such Proportion, at such Time, and in such Part of the respective Roads lying within the respective Parishes, as the said respective Trustees, or any Five or more of them, shall think proper and so direct: And if any Person or Persons keeping a Team or Teams, or holding or occupying Lands, Tenements, or Hereditaments, of what Nature soever, of the yearly Value of Fifty Pounds, who shall be chargeable towards the Repair of the Highways aforesaid, shall neglect or refuse, for each and every Fifty Pounds per Year he, she, or they, so hold or occupy, to do and perform his, her, or their, due Statute-labour in the said respective Roads, after such Appointment and due Notice thereof to them respectively sent by any Five or more of the said respective Trustees, or by their Clerk or Surveyor so authorized as aforesaid, he, she, or they, so neglecting or refusing, shall respectively forfeit and pay the Sum of Ten Shillings per Team for each of the Days that he, she, or they, shall make Default: And if any Housekeeper or other Person chargeable towards repairing

Trustees to determine the Repairs to be done on the Roads.

Penalty on Persons not performing Statute-work.

pairing the said Highways, shall at any Time after such Appointment, on Notice given as aforesaid, neglect or refuse to perform so much of his, her, or their due Statute-work in the said Roads, he, she, or they, so neglecting or refusing, shall respectively forfeit and pay the Sum of One Shilling and Six Pence for every Day that he, she, or they, shall so make Default; such Forfeitures to be levied and recovered in such Manner and to such Purposes as other Fines, Penalties, and Forfeitures are by this Act directed to be levied and recovered.

Inhabitants to do 2 Day Statute-work.

Provided always, That the said respective Trustees shall not require yearly more than Two Days of the Service of each of such Teams and Draughts, nor more than Two Days of the Service of the respective Persons chargeable with Statute-labour in any of the said respective Parishes, to work in amending the said publick Road or Roads directed to be amended and repaired by this present Act, except in the Parish of Westbury, wherein no more than Four Days Service shall be required as aforesaid.

Exception.

Trustees may compound with Persons for Statute-work.

Provided always, and be it enacted, That it shall and may be lawful for the said respective 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 respective 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 Compositionmonies shall be applied in the amending any of the said respective Roads, and to no other Use or Purpose whatsoever.

Trustees may farm, &c. the Tolls.

And be it further enacted, That the said respective Trustees, or any Nine or more of them, for their respective Districts, may, and they are hereby impowered, by Writing under their Hands and Seals, to set, demise, and to farm-let, the Tolls, which shall by virtue of this Act arise on the said respective Roads within their several Districts, 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 Term hereby granted, not exceeding Three Years, upon Fourteen Days Notice to be affixed on all the Turnpikes within such respective Districts, and published Twice in some weekly News Paper, and to the highest Bidder upon a publick Bidding, and for the best Price the said respective Trustees can get for the Tolls, or any Part thereof; and the Sums so agreed

to be paid for such Tolls in the said Districts, or any Part thereof, shall be paid from time to time by monthly Payments in Advance to such respective Trustees, or such Person or Persons as they, or any Nine or more of them, in their respective Districts, shall appoint to receive the same: And if any Person or Persons to whom such Tolls, or any Part thereof, shall be set, demised, or let, shall neglect or refuse to make any such Payment in Advance, according to the true Intent and Meaning of this Act, the Contract or Agreement for setting, demising, and letting, such Tolls, or any Part thereof, to such Person or Persons, shall from thenceforth be null and void.

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

And be it further enacted, That such of the said respective 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 the Execution of the Powers hereby given, notwithstanding his or their being a Trustee or Trustees; 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 such Enjoyment thereof.

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

Victuallers, &c. not to have a Place of Profit.

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

Penalty on drawing Timber, &c. otherwise than on Carriages.

And be it further enacted, That if any Person or Persons shall hale or draw, or cause to be haled or drawn, in, upon, or along, any Part 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 and pay the Sum of Forty Shillings.

Roads to be measured, and Mile-stones erected.

And be it further enacted, That the said respective Trustees may 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 the said respective Trustees, or any Five or more of them, shall think fit: And if any Person or Persons shall wilfully pull down, break, obliterate, deface, or damage, any or either of such Posts, or any Inscriptions 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

Penalty on defacing Mile-stones.

credible Witness or Witnesses, or by his own Confession, before any Two of the said Trustees, or any Justice of the Peace of or for the said County of Wilts, every such Person so offending shall forfeit and pay 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 respective 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 the Space of 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 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.

Penalties and Forfeitures when recovered, how to be applied.

And be it further enacted, That all the Penalties hereby inflicted (the Manner of levying and recovering whereof is not otherwise particularly directed) shall, upon Proof of the Offences respectively, before any Three or more of the said respective Trustees of the said respective Districts; or before any 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 or more Witness or Witnesses, 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 respective Trustees, or any Three or more of them; which Warrant or Warrants any Three or more of the said respective Trustees for the said respective Districts, or any such Justice, 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 unto the respective 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 Three or more of the said respective Trustees for their said respective Districts, or any such Justice of the Peace, and he and they is and are hereby authorized and required, by a Warrant or Warrants under his and their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol of the County of Wilts, 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 respective Trustees, or any Three or more of them, are hereby impowered to make.

Proceedings not to be quashed for want of Form,

nor removeable by *Certiorari*.

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 Process 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.

Distress not to be deemed unlawful for want of Form,

nor the Party distraining be deemed a Trespasser *ab initio*.

Plaintiff not to recover, if Tender of Amends shall be made.

Provided always nevertheless, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity as aforesaid, Trespass, or other wrongful Proceedings by virtue of this Act, if Tender of Amends shall be made by or on Behalf of the Party or Parties who shall or may commit, or cause to be committed, any such Irregularities, Trespass, or wrongful Proceedings, before such Action brought.

And

And be it enacted by the Authority aforesaid, That no Order made by the said respective Trustees, or any Five or more of them, within their respective Districts, for or concerning the executing of the Trusts, Powers, and Authorities by this Act, or any of them, shall be revoked, repealed, or set aside, by any subsequent Order of the Trustees, unless Thirteen Trustees shall be then present, and a Majority of them shall agree thereto. No Order to be repealed, unless 9 Trustees be present.

And be it further enacted, That when and as often as any of the said respective Trustees shall die, resign, refuse, or be disqualified to act, it shall and may be lawful for the surviving or remaining Trustees, or any Five or more of them, from time to time, to elect and appoint One other fit Person to be a Trustee in the Stead of such Trustee so deceased, resigning, refusing, or being disqualified to act; 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 (being first qualified as aforesaid) 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 respective Trustees on all the said Turnpikes of the said respective Districts at least Ten intire Days before the Meeting for such Election. On Death, &c. of Trustees, others to be chosen. Notice to be given of future Elections of Trustees.

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 of the said respective Districts 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 respective Trustees or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever. Writings to be without Stamps.

And whereas by an Act passed in the Twenty fifth Year of His present Majesty's Reign, intituled, An Act for repairing and widening the Roads from *Tinhead Hill* to the *Round Stone* in *Trowbridge*; and from *Flinty Nap* to *Western Down* in the Parish of *Edington* in the County of *Wilts*; and other Roads in the Counties of *Wilts* and *Somerset*, leading towards the Cities of *Bristol* and *Bath*; and by another Act passed in the same Twenty fifth Year of Act 25 *Geo.* II. Act 25 *Geo.* II.

His present Majesty's Reign, intituled, An Act for repairing the Road leading from the *Green Man* in the Chapelry of *Seend* in the County of *Wilts* through *Trowbridge*, to a Place called *White Trough* in the Parish of *Trowbridge* in the same County; and from thence by *Road Church* to *Beckington* in the County of *Somerset*; and by another

Act 24 *Geo.* II. Act passed in the Twenty fourth Year of His present Majesty's Reign, intituled, An Act for repairing the Road leading from *West Lavington* to the *Devizes*; and from the *Devizes* to *Seend* in the County of *Wilts*; the Trustees nominated and appointed to put in Execution the said several Acts, are authorized and impowered to erect and set up Turnpikes or Toll-gates in, upon, or on the Sides of, the said respective Roads, or any Part thereof, and to collect, or cause to be collected, certain Tolls from all Persons travelling with Horses, Cattle, and Carriages through the same: And whereas the said several Roads mentioned and comprized in the said recited Acts, do cross or intersect the Roads hereby intended to be repaired; be it enacted by the Authority aforesaid, That no Turnpike or Toll-gate shall be set up or erected, or permitted to remain if already erected, in, upon, or on the Sides of, the said several and respective Roads, comprized in the said respective Acts, or in, upon, or on the Sides of, the Roads hereby intended to be repaired, or any of them, where the said Roads do cross, or intersect each other, so as to subject any Person to the Payment of any Toll by virtue of this Act, or of the said recited Acts, or any of them, only for crossing over any of the said several and respective Roads, with Horses, Cattle, and Carriages, where they cross and intersect each other.

No Toll gate to be set up where the Roads in the recited Acts intersect the Roads to be amended by this Act.

Trustees under the recited Acts may erect, or continue a Toll-gate at *Simington*, so as not to increase the Tolls upon Persons travelling between *Westbury* and *Melksham*, &c.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained, shall be construed to restrain the Trustees nominated and appointed to put in Execution the said recited Acts of the Twenty fourth and Twenty fifth Years of His present Majesty's Reign, or any of them, from erecting or setting up, or continuing, if already set up by Authority of any of the said recited Acts, any Turnpike or Toll-gate, at or near Simington in the County of Wilts, so as the Toll or Tolls payable at such Gate, do not extend to charge any Person or Persons travelling upon that Part of the Road hereby intended to be repaired, which leadeth from Yarnbrook up West Ashton Hill to Melksham, with the Payment of any more Money in the Name of Tolls, for

travelling upon the Road hereby intended to be repaired, between Westbury and Melksham, or Melksham and Westbury, than such Person or Persons would be liable unto, in case the said Gate at Simington was not erected, or to be erected; and that all Persons travelling upon the Road hereby intended to be repaired, between Westbury and Melksham as aforesaid, and paying a Toll for passing any Gate that shall be erected by virtue of this Act at or near Yarnbrook, upon the Road last mentioned, and taking a proper Ticket or Tickets specifying the same, shall, by virtue of such Ticket or Tickets, be exempted on the same Day, from the Payment of any Toll or Tolls at the said Gate erected, or to be erected, at or near Simington; and in like Manner all Persons travelling from Melksham to Westbury, and paying a Toll at the Gate erected, or to be erected, at Simington, and taking a proper Ticket, testifying the same, shall, by virtue of such Ticket, be exempted from the Payment of so much of the Toll at the Gate that shall be erected by virtue of this Act, upon the Road hereby intended to be repaired, at or near Yarnbrook, as shall appear to have been paid; and to compensate for the Loss of the Tolls which would otherwise be received at such Gate, and applicable to the repairing and keeping in Repair the Roads hereby intended to be repaired, all the Tolls which shall be collected or received at the Gate erected, or to be erected, at or near Simington, from any Person or Persons travelling upon the Road hereby intended to be repaired, and taking such Ticket or Tickets, at Simington Gate as aforesaid, shall be accounted for, and paid over by the Collector or Collectors, Receiver or Receivers thereof, to the Treasurer of the Tolls granted by this Act for the said First District, in such Manner, and at such Time and Times, as the Trustees nominated and appointed to put this Act in Execution for such District, or any Five of them, at some publick Meeting, shall order and direct, and under and subject to such Penalty and Penalties for neglecting or refusing to account, or pay over the said Tolls, pursuant to such Order as aforesaid, as the Collectors and Receivers of the Tolls granted by this Act are subject and liable unto; and the Tickets received by the Collector or Receiver of the Tolls at the said Gate to be erected at or near Yarnbrook, shall be a Charge upon the Collector or Receiver of the Tolls, at the Gate erected, or to be erected, at or near Simington, for so much Money received by such Collector and Receceiver, to and for the

Tolls to be paid at One Gate only between *Yarnbrook* and *Simington*;

and Abatement to be made to Person's travelling from *Melksham* to *Westbury*, and paying Toll at *Simington* Gate, &c.

Monies collected at the said Gate to be paid over to the Treasurer for the First District of the Roads to be amended under this Act.

Tickets received at *Yarnbrook* to be charged upon *Simington* Toll.

the Use of the Treasurer of the Tolls of the said First District granted by this Act, to be applied to and for the Purposes of this Act, and none other Purpose whatsoever.

The Exemptions from the Tolls at *Simington* Gate not to take Place, until 500 *l.* shall have been expended on the Roads from *Yarnbrook* to *Melksham*.

Provided always, That such Exemption from the Payment of the Tolls at the Gate erected or to be erected at Simington as aforesaid, by the Person or Persons traveling from Westbury to Melksham, or from Melksham to Westbury, shall not commence or take Effect until after the Sum of Five hundred Pounds at the least shall appear, by an Account thereof to be produced and verified upon Oath before the Justices of the Peace who shall be assembled at some Quarter Sessions to be held for the said County of Wilts, to have been laid out and expended upon such Part of the Roads hereby intended to be repaired, as leads from Yarnbrook up West Ashton Hill, to Melksham.

Trustees for the First District of the Roads under this Act, may erect a Gate between *Pengate* and *Edington*, and Side gates on any of the Roads where they do not interfect the Roads of the recited Acts;

Provided also, That nothing herein contained shall extend, or be construed to extend, to obstruct or hinder the said Trustees and their Successors, for the said First District of Roads hereby intended to be repaired, from erecting or setting up any Turnpike or Toll-gate cross or on any Part of the Strait Road that lies between Pengate aforesaid, and the Gate of the Warren of the said Walter Aprice, in Edington aforesaid; nor shall obstruct or hinder the said Trustees of the said respective Districts from setting up or erecting any Turnpikes or Toll-gates on the Side or Sides of any of the said Roads hereby intended to be repaired, except on such Parts of the said respective Roads as are crossed or intersected by the said several and respective Turnpike Roads herein before mentioned.

but they may not erect any Gate on the Road between *Melksham* and *Steeple Ashton*, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees, appointed and to be appointed for putting in Execution the Powers and Authorities hereby granted for the First District of the said Roads, shall not erect or set up, or cause to be erected or set up, any Turnpike or Toll-gate in or upon any Part of the Road within the said First District that lies between the present Turnpike Road at Melksham, and the Turnpike Road leading from Steeple Ashton to Trowbridge, where the said Roads cross and intersect each other.

Application of the Monies.

Provided always, and be it enacted by the Authority aforesaid, That out of the First Monies which shall arise by or on account of the Tolls within the said respective District, or out of the Monies which shall be borrowed on the Credit of such Tolls, or any of them, the said Trustees

tees respectively, or any Seven or more of them, shall and are hereby impowered and required to pay and discharge all reasonable Expences attending the procuring this Act, and of surveying, mapping, planning, and measuring the said Roads, previous to the passing the same, which said Expences shall be borne and paid in the following Proportions; that is to say, One Moiety of such Expences out of the Tolls which shall be collected and levied within the said First District, or the Money to be borrowed on the Credit thereof, and the other Moiety of such Expences out of the Tolls which shall be collected and levied on the Roads within the said Second District, or the Money to be borrowed on the Credit thereof.

Commencement and Continuance of this Act.

And be it further enacted, That this Act, and all the Provisions herein contained, shall commence and have Continuance on and from that Day Fortnight next 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.

Limitation of Actions.

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 any of the Matters herein contained, every such Action or Suit shall be commenced within the Space of Six Calendar Months next after 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 Matter and Thing 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 for that Purpose limited, 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 or Suit shall become nonsuited, or suffer a Discontinuance of his 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,

General Issue.

murrer, 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 any Cases by Law.

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.