Anno triceſimo ſecundo

Georgii II. Regis.

An Act to continue and amend Two Acts, one made in the Thirteenth Year of the Reign of His late Majeſty King *George* the Firſt, and the other in the Seventeenth Year of His preſent Majeſty, for repairing certain Roads leading from *Chippenham*; and for repairing ſeveral Roads leading from *Chippenham Bridge*; and to repeal ſo much of an Act made in the Twenty ninth Year of His preſent Majeſty, as relates to the Road between the ſaid Bridge and *Lower Stanton*, in the County of *Wilts*.

WHEREAS by an Act of Parliament made in the Thirteenth Year of the Reign of His late Majeſty King George the Firſt, intituled, An Act for repairing the Road leading from *Studley Bridge*, through *Chippenham*, in the County of *Wilts*, to the Top of *Toghill*, in the County of *Glouceſter*, ſeveral Tolls and Duties were granted and made payable, and divers Powers and Authorities were given for repairing the ſaid Road, and for putting the ſaid Act in Execution; which ſaid Act was to commence from the Firſt Day of May, One thouſand ſeven hundred and twenty ſeven, and to continue in Force for

Preamble, reciting Acts 13 *Geo.* I.

for the Term of Twenty one Years: And whereas by
and 17 Geo. II. another Act made in the Seventeenth Year of the Reign of His present Majesty, intituled, An Act for continuing an Act passed in the Thirteenth Year of the Reign of His late Majesty King *George* the First, so far as the same relates to the repairing the Road from *Studley Bridge* to *Chippenham*, in the County of *Wilts*; and for amending the Road from *Chippenham* to *Pickwick*, in the said County, the said first-recited Act, and all and every the Authorities, Powers, Penalties, Forfeitures, and Clauses, therein contained (except such Clauses, Matters, and Things, as were by the last-recited Act altered or varied) were thereby enacted to be and continue in full Force, and be executed from the Expiration of the said first-mentioned Act for and during the further Term of Four and twenty Years, and from thence to the End of the then next Session of Parliament: And whereas the Monies raised by virtue of the said Acts have been applied towards repairing the said Roads, and there is now due and owing on the Credit of the said Acts the Principal Sum of Two thousand Pounds; which Money cannot be repaid, and the said Roads be effectually repaired and rendered commodious, and kept in good Repair, for the future, unless the Terms and Powers granted by the said respective Acts are enlarged, and the said Acts made more effectual: And whereas the Road leading from Chippenham Bridge aforesaid to Lower Stanton, in the Parish of Stanton Saint Quintin; and also the Road leading from a House known by the Sign of The Plough, in the Parish of Kington Saint Michael, to join the Turnpike Road at or near Grittleton, in the said County; and also the Road leading from Chippenham Bridge aforesaid to join the said Turnpike Road at Draycot Cerne; which said respective Roads are at present very ruinous, and in many Parts narrow, or otherwise incommodious, and cannot be effectually amended, widened, and rendered commodious for Travellers and Carriages, by the Laws now in being: Therefore, and to the End the said several Roads directed to be amended in and by the said former Acts, and also that the said new or additional Roads may be severally amended, widened, altered, and repaired, so as to render the same as safe and convenient for Travellers and Carriages as may be; and that the Money now due, or hereafter to be lent or advanced on the Credit of the said recited Acts, and of this present Act, may be secured and repaid; 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 all the Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Punishments, Matters, and Things whatsoever, contained in the aforesaid Acts made in the Thirteenth Year of the Reign of His late Majesty King George the First, and in the Seventeenth Year of the Reign of His present Majesty, or either of them, and which are now in Force, shall, from and after the Expiration of the said respective Terms thereby granted, and also of the additional Term granted by an Act made in the Twenty eighth Year of the Reign of His present Majesty, intituled, An Act to amend an Act made in the Twenty sixth Year of the Reign of His present Majesty, intituled, *An Act for the Amendment and Preservation of the Publick Highways and Turnpike Roads of this Kingdom; and for the more effectual Execution of the Laws relating thereto*; be, and continue in full Force, and shall be executed, for and during the further Term of Twenty one Years, and to the End of the then next Session of Parliament, subject to the Amendments, Alterations, Variations, and Additions, herein after contained.

The recited Acts further continued for 21 Years.

And be it further enacted by the Authority aforesaid, That from and after the passing of this Act, all the Powers and Authorities, Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Punishments, Matters, and Things whatsoever, contained in the said respective Acts made in the Thirteenth Year of the Reign of His late Majesty King George, and in the Seventeenth Year of the Reign of His present Majesty, and which are now in Force (except such Parts thereof as are hereby varied or altered) shall, during the Remainder of the Terms by the said Acts respectively granted, and also of the additional Term granted by the said Act made in the Twenty eighth Year of the Reign of His present Majesty, and also by this Act, extend to, and the same is hereby extended to, and shall operate and be executed, with respect and in relation to the said several Roads herein after-mentioned; that is to say, The Road leading from Chippenham Bridge aforesaid, to Lower Stanton, in the Parish of Stanton Saint Quintin; and also the Road leading from a House known by the Sign of The Plough, in the Parish of Kington Saint Michael, to join the Turnpike Road at or near Grittleton aforesaid; and also the Road leading from Chippenham Bridge aforesaid, to join the same Turnpike Road at Draycot Cerne; and to and for all the Purposes of this Act, as fully and effectually to all Intents, and in such Manner, as if all the Clauses, Provisions, Powers, Tolls, Penal-

Powers, &c. of the recited Acts, extended to new Roads.

ties, Forfeitures, Punishments, Matters, and Things, contained in the said respective Acts of the Thirteenth Year of the Reign of his late Majesty King George, and of the Seventeenth Year of the Reign of his present Majesty, were herein repeated and re-enacted, with the Variations and Alterations herein after contained, with respect and in relation to the Purposes of this Act, and to the said Roads.

Trustees of the former Acts to put this Act in Execution.

And be it further enacted by the Authority aforesaid, That the surviving Trustees named in the said respective Acts of the Thirteenth Year of the Reign of his late Majesty King George, and of the Seventeenth Year of the Reign of his present Majesty, and either of them, and qualified as herein after is directed, together with the Trustees already appointed, or hereafter to be appointed, in pursuance of the said Acts, or either of them, and qualified as herein after is directed, shall, and they and their Successors are hereby authorized and impowered to act in the Execution of this present Act, as fully and effectually to all Intents and Purposes, as if they had been named and appointed Trustees in and by this present Act.

Qualification of Trustees.

Provided always, and be it further enacted by the Authority aforesaid, That from and after the Twenty fourth Day of June, One thousand seven hundred and fifty nine, no Person shall be capable of acting as a Trustee in the Execution of the said former Acts, or this present Act, unless he shall have or be seised of, in his own Right, or in Right of his Wife, and be in the actual Possession, Enjoyment, or Receipt, of the Rents and Profits of a Real Estate, in Law or Equity, of the clear yearly Value of Thirty Pounds, above Reprizes, or possessed of a Personal Estate alone, or a Real and Personal Estate together, to the Amount of Eight hundred Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands of the yearly Value of Sixty Pounds: And if any Person, not being qualified as aforesaid, shall presume to act in the said Trust, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds, to any Person or Persons who shall inform or sue for the same, to be recovered in a summary Way before the Justices of the Peace at their Quarter Sessions, or by Action of Debt, or on the Case, Bill, Suit, 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.

Penalty on acting, if not qualified.

And be it further enacted by the Authority aforesaid, That from and after the First Day of May, One thousand seven hundred and fifty nine, the following Tolls and

Duties shall be received and taken for and in lieu of the several Tolls and Duties granted by the said former Acts, or either of them, at each of the Gates or Turnpikes erected, or to be erected, in pursuance of the said former Acts, and of this present Act; that is to say, The following Tolls to be taken instead of those granted by the former Acts.

For every Coach, Berlin, Chariot, or Calash, drawn by Six Horses, the Sum of One Shilling. The Tolls.

For every Coach, Berlin, Chariot, or Calash, drawn by Four Horses, the Sum of Eight Pence.

For every Coach, Berlin, Chariot, or Calash, drawn by Two Horses, the Sum of Six Pence.

For every Chaise or Chair, drawn by One Horse, the Sum of Two Pence.

For every Waggon, Wain, Cart, or Carriage, drawn by Five or more Horses or Oxen, the Sum of Two Shillings; and drawn by Four Horses or Oxen, the Sum of One Shilling and Six Pence; and drawn by Three Horses or Oxen, the Sum of One Shilling; and drawn by Two Horses or Oxen, the Sum of Four Pence; and drawn by One Horse or Ox, the Sum of Two Pence.

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny.

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

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

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll and Duty; and shall be, and are hereby vested in the said Trustees, and their Successors; and shall be collected, levied, paid, and accounted for, in such and the same Manner as the Tolls granted by the said former Acts are directed to be collected, levied, paid, and accounted for: And the said Tolls and Duties hereby granted, and the Monies to be borrowed on the Credit thereof, and also all Monies which shall have been received by virtue of the said former Acts, or either of them, and remain undisposed of, shall be applied, in the first Place, in defraying all Charges occasioned by the procuring and passing of this Act, and afterwards in defraying all Expences which shall have been incurred, and remain undischarged, in or upon account of the Execution of the said former Acts, or either of them; and of erecting and maintaining Turnpikes and Toll-houses upon, and in repairing, widening, and keeping in Repair, the said Tolls vested in the Trustees.

Application of the Tolls.

said several Roads mentioned in the said former Acts, and this present Act; and in discharging the necessary Expences which shall be incurred in or upon account of the Execution of the said former Acts, and this present Act, subject to the Payment of the Interest and Principal of the Monies borrowed, and to be borrowed, upon the Credit of the said former Acts, and of this present Act.

Tolls to be paid but Once a Day.

Provided always, and be it further enacted by the Authority aforesaid, That no more than One Toll shall be paid in any One Day (to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night) for the same Horse, Beast, Cattle, or Carriage, at all or any of the Turnpikes erected, or to be erected, across or on the Sides of any Part of the Roads, directed to be repaired by the said former Acts, and this present Act, or any of them; but that all Persons, after Payment of One Toll upon any of the said Roads, shall afterwards, during the Day on which such Toll shall have been paid, pass with the Horse, Beast, Cattle, or Carriage, in respect whereof such Toll was paid, through all the Turnpikes erected, and to be erected, in pursuance of the said former Acts, and of this present Act, Toll-free, upon producing a Note or Ticket denoting the Payment of such Toll; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis, on the Receipt of the Toll.

No Gate to be erected on the Road crossing or leading from *Mead Brook* to *Christian Malford Bridge*.

And be it further enacted by the Authority aforesaid, That it shall not be lawful to set up or erect any Turnpike or Toll-gate, by virtue of this Act, upon that Part of the Road hereby directed to be repaired, which crosses or leads over the present Turnpike Road leading from Mead Brook, in the County of Gloucester, to Christian Malford Bridge, in the County of Wilts.

For want of a sufficient Number of Trustees to act, may adjourn to a future Day.

Provided always, and be it enacted by the Authority aforesaid, That if it shall happen there shall not appear, at any Meeting which shall be appointed to be held by the said Trustees, a sufficient Number of them to act at such Meeting, then, and in such Case, the Clerk or Clerks to the said Trustees shall and may adjourn the said Meeting to that Day Three Weeks, and cause Notice thereof, in Writing under his or their Hand or Hands, to be fixed on all the Turnpike-gates which shall then be erected by virtue of the said former Acts, and of this Act, at least Ten Days before the next Meeting; and shall appoint the said Trustees to meet at the usual House of Meeting in Chippenham aforesaid, at Twelve of the Clock at Noon on that Day Three Weeks on which such last Meeting of the said Trustees was appointed to be held.

10 Days Notice of such Adjournment to be given.

Provided

Provided always, That in case such Clerk or Clerks shall refuse or neglect to give such Notice for the Space of Ten Days; that then it shall and may be lawful for any Two or more of the said Trustees appointed to put the said former Acts, and this Act, in Execution, at any Time, or Times (the Space of Ten Days after such Neglect or Refusal of the Clerk or Clerks having first intervened) to appoint such Trustees to meet at such House in Chippenham as aforesaid, on the Day Three Weeks after the Date of such Notice; which said Notice shall be affixed on the several Turnpike-gates or Bars erected, or to be erected, by virtue of the said former Acts, and this Act; and the same shall be deemed and taken to be sufficient Notice; any thing in the said former Acts, or in this Act, contained to the contrary notwithstanding. On Clerk's Neglect, Trustees to appoint another Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall take such Security from their Treasurer or Treasurers, Receivers and Collectors, appointed or to be appointed, for the due Execution of their respective Offices, as the said Trustees, or any Seven or more of them, shall, from time to time, think proper. Treasurer, &c. to give Security.

And be it further enacted by the Authority aforesaid, That no Person shall be capable of holding or enjoying any Place of Profit under the said former Acts, or this present Act, by himself, or any Person in Trust for him, who shall keep any House of publick Entertainment, or who shall sell any Ale, Wine, or other Liquors, by Retail. Victuallers, &c. not to have a Place of Profit.

And whereas it may be proper in some Cases to carry the said respective Roads over and through certain Lands or Hereditaments which are contiguous or near to the same, in order to render the said Roads more proper or convenient for Travellers and Carriages than the present Roads; be it therefore enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, are hereby authorized and impowered, at any Time or Times during the Continuance of the said former Acts, and of this present Act (in case they shall think proper) to widen, turn, or alter, the Course of any of the said respective Roads, or any Part or Parts thereof, and to make any new and additional Road or Roads contiguous or near to any of the respective Roads by the said former Acts, or either of them, or by this present Act, directed to be amended or repaired, for the better Accommodation of Coaches, Carriages, and Travellers; and, for that Purpose, they the said Trustees, or any Nine or more of them, shall have full Power and Authority, from time to time, during the Continuance of the said former Acts, and of this present Act, Trustees may contract for the Purchase of Lands to be taken into the Roads.

Act; to treat, contract, and agree, with the several Owners, Proprietors, Occupiers of, and Persons interested in, any Lands, Grounds, or Hereditaments, lying contiguous or near to any Road or Roads so to be widened, turned, or altered, or through or over which any new Road or Roads shall or may be made, for the Purchase of any such Lands, Grounds, or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers of, and Persons so interested, or any of them, shall or may any wise sustain, by such widening, turning, or altering, any such Road or Roads, or any Part or Parts thereof, or by making any such new and additional Road or Roads as aforesaid; and out of the Tolls and Duties by the said former Acts, or either of them, or by this Act, granted, and out of any Monies borrowed, and to be borrowed, on the Credit of the said former Acts, and this present Act, to pay for such Lands, Grounds, and Hereditaments, and for such Loss and Damage, such Sum and Sums of Money as shall be agreed upon between the Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the said Trustees, or any Nine or more of them, and also the Costs and Charges attending such Agreement and Purchase.

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

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Feoffees in Trust, or others, are or may be seised or possessed of Lands, Grounds, or Hereditaments, which may by the said Trustees be thought necessary or proper to be taken in, and added to, the said respective Roads, for turning, widening, altering, or amending, the same, or for making any new Road or Roads as aforesaid, and may be incapable of granting or conveying such Lands, Grounds, and Hereditaments, by reason of Infancy, or other Disability; be it further 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, and other Trustees whatsoever, for and on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree, with the said Trustees, or any Seven or more of them, for the Purchase of such Grounds, Lands, or Hereditaments, or any Part or Parts thereof, and for their Interest therein, for the Purposes aforesaid, and to sell and convey the same, as Occasion shall be or require; and all Contracts, Agreements, Sales,

Sales, and Conveyances, which shall be so made, shall be valid and effectual in the Law to all Intents, and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding: And all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations Aggregate and Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

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

And be it further enacted by the Authority aforesaid, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Trustees, or other Person or Persons, interested in any Lands, Grounds, or Hereditaments, upon Notice to them given or left in Writing at the Dwelling-house or Houses, or Place or Places 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, or Hereditaments, so to be taken in, and added to, the said respective Roads, or any of them, or into which such Road or Roads is to be turned or altered, or through or over which such new and additional Road or Roads shall be made as aforesaid, shall, by the Space of Fourteen Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating; then, and in every or any such Case, the said Trustees, or any Seven or more of them, shall cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County of Wilts (which Oaths any Two or more of the said Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Occupiers, or Proprietors, or other Person or Persons interested as aforesaid, for or upon account of the taking of such Lands, Grounds, or Hereditaments, into the said Road or Roads, or of turning such Road or Roads into, or of making such new Road or Roads over the same; and in order thereto the said Trustees, or any Seven or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, 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 (which Oath any Two or more of the said Trustees are hereby impowered and directed to administer)

the Damage and Recompence to be settled by a Jury.

Witnesses to be summoned and examined upon Oath.

nister) and they shall also order and cause the said Jury to view the said Places in Question, if there be Occasion, and use all other lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premisses, as they the said Trustees, or any Seven or more of them, shall think fit; and after the said Jury shall have enquired of, ascertained, and settled, such Damage and Recompence, they the said Trustees, or any Seven or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, 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, or Collegiate, as well as all and every other Person or Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall thereby be, from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of, the same: And, for the summoning and returning such Jury or Juries, the said Trustees, or any Seven or more of them, are hereby impowered to issue out a Warrant or Warrants to the Sheriff of the said County of Wilts, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons, or more, 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; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, 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, for Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest indifferent Men of the Standers-by, or

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.

that can speedily be procured to attend that Service, to the Number of Twelve.

Jurors may be challenged.

Provided always, and be it further enacted by the Authority aforesaid, That all Persons concerned shall have their lawful Challenges against any of the said Jurymen, when they come to be sworn; and the said Trustees, 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, and on any Person or Persons who shall be summoned and returned on such Jury, and shall not appear, or who shall refuse to be sworn on the said Jury, or being so sworn, shall refuse or neglect to give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, or appearing, who shall refuse to be examined, and give Evidence; and from time to time to levy such Fine or Fines, in the same Manner as any other Forfeiture or Penalty is herein after directed to be levied, so as no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence; and that all such Fines shall be applied for such Uses, and in such Manner, as the Tolls granted by the said former Acts, and this present Act, are to be applied.

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

Fine not to exceed 10 *l.*

Money allowed for Lands, &c. how to be charged and tendered.

And be it further enacted by the Authority aforesaid, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed, as aforesaid, shall be, and is hereby charged and chargeable upon the Monies which shall be raised, received, or borrowed, by virtue of the said former Acts, and of this present Act, and shall be paid thereout accordingly to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof, to such Persons, or their Agents, and in case of Refusal to accept the same, then, upon leaving the same in the Hands of the Clerk to the said Trustees, for the Use of such Persons, and after Ten Days Notice thereof given to such Persons, or their Agents, to receive such Money, Consideration, Recompence, or Satisfaction, it shall and may be lawful for the said Trustees, or any Seven or more of them, their Surveyors, Workmen, or Agents, to take into, and add to, the said Road or Roads, or to make any new and additional Road or Roads over and through such Grounds, Lands, and Hereditaments,

Lands when purchased to be deemed a publick Highway.

diſtaments, and to do all and every ſuch Act, Matter, and Thing, with relation to ſuch Grounds, Lands, or Hereditaments, as the ſaid Truſtees, or any Seven or more of them, ſhall think fit; and after the Purchaſe of the ſaid Lands, Grounds, or Hereditaments, or Adjudication of the Value thereof made, and Tender of Payment, and Notice given, as aforeſaid, ſuch Lands, Grounds, and Hereditaments, ſhall be laid into, or added to, and made Part of the ſaid Road or Roads, in ſuch Manner as the ſaid Truſtees, or any Seven or more of them, ſhall order and direct; and ſhall be by them, or ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall appoint, ſufficiently drained, ditched, fenced, and ſet out, for that Purpoſe; and after ſuch draining, ditching, fencing, and ſetting out, the ſaid Lands, Grounds, or Hereditaments, ſhall, to all Intents whatſoever, become, and be deemed and taken to be, a Publick and Common Highway, and be from thenceforth deemed to be Part of the ſaid Road or Roads for ever after; and ſhall be repaired, and kept in Repair, by ſuch Ways and Methods, and in all Reſpects, as the reſpective old Roads lying near or adjoining to any ſuch new or additional Road or Roads, are and ought to be kept in Repair.

The Courſe of this Road not to be altered but by Conſent of the Proprietors of the Lands to be uſed therein.

And be it further enacted by the Authority aforeſaid, That nothing herein contained ſhall extend, or be conſtrued to extend, to impower the ſaid Truſtees to alter or turn the Courſe of any Part of the Road lying between Chippenham aforeſaid and Studley Bridge aforeſaid, without the Conſent, in Writing, under the Hands and Seals of the Proprietors of the Lands over which ſuch new Road ſhall be made; any thing herein contained to the contrary notwithſtanding.

Buildings, &c. not to be injured.

Provided always, and be it enacted by the Authority aforeſaid, That in widening, turning, or diverting, any Part or Parts of the ſaid Roads, or making ſuch new or additional Road or Roads as aforeſaid, nothing ſhall be done which ſhall or may in any wiſe injure or damage any Houſe or Building, or any Yard, Garden, Orchard, Park, Paddock, Plantation, or Nurſery of Trees, or any Walk of Trees, or Avenue to any Houſe.

If the Owners ſhall neglect to trim, &c. their Hedges, and ſcour their Ditches, after due Notice given for that Purpoſe,

And be it further enacted by the Authority aforeſaid, That if the ſaid Truſtees, or any Seven or more of them, ſhall, upon their View, find the Hedge or Hedges adjoining to any of the Roads by the ſaid former Acts, or this preſent Act, directed to be repaired, to be ſo high as to prevent the Benefit and Advantage which ſuch Roads would otherwiſe receive from the Sun and Winds, it ſhall and may be lawful for the ſaid Truſtees, or any

Seven

Seven or more of them, and they are hereby impowered, by Notice in Writing under their Hands and Seals, to require the Occupier or Occupiers of the Lands adjoining to such Roads, whose Hedge or Hedges shall be found upon such View to be so high as to prevent the Benefit and Advantage which such Roads would otherwise receive as aforesaid, to new make, or cut low, the said Hedge or Hedges, within Fourteen Days after such Notice given (provided that such Notice be given between the last Day of September and the First Day of February;) and in case such Occupier or Occupiers shall refuse or neglect to do the same, within Ten Days after such Notice as aforesaid, the said Trustees, or any Seven or more of them, may, by any Writing under their Hands and Seals for that Purpose, direct their Surveyor or Surveyors, or any other Person by them employed, to cause the said Hedge or Hedges to be new made, or cut low, in such Manner as the said Surveyor or Surveyors shall in their Discretion think most reasonable (which such Surveyor or Surveyors, or other Person, is hereby authorized and impowered to do) so as such Hedge or Hedges be left at least Three Feet high above the Bank; the Charges whereof to be settled by the said Trustees, or any Seven or more of them, shall be reimbursed the said Surveyor or Surveyors by such Occupier or Occupiers; and the same shall be levied and recovered in such Manner as the Penalties and Forfeitures are herein after directed to be levied and recovered.

the Surveyors may set Men to work thereon, and levy the Charges.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons who by Law are obliged to do Statute-work with Teams, Draughts, or Carts, within the Parishes of Chippenham and Kington Saint Michael, shall do and perform Three Days Statute-work upon the said Roads directed to be repaired by the said former Acts, or this present Act, with such Teams, Draughts, or Carts; and all and every Person and Persons who by Law are obliged to perform Statute-work with Teams, Draughts, or Carts, within the Parishes of Langley Burrell and Harden Huish, otherwise Harnish, shall perform Two Days Statute-work upon the said Roads; and all and every Person and Persons who by Law are obliged to perform Statute-work with Teams, Draughts, or Carts, within the Parishes of Stanton Saint Quintin and Draycot Cerne, shall perform One Day's Statute-work upon the said Roads in every Year: Which said Statute-work shall be done by such Persons, at such Times, in such Manner, and on such Parts of the said Roads, within such respective Parishes, Townships, and Places,

Inhabitants to do Statute-work.

Places, as the said Trustees, or any Seven or more of them, or their Surveyor or Surveyors, shall, from time time, direct and appoint; and the said Surveyor or Surveyors of every such Parish, Township, or Place, for the time being, within Ten Days after Notice shall be given to him or them, in Writing, by the said Trustees, or any Two or more of them, or their Surveyor or Surveyors, of the Time when, and how many of the Persons so chargeable as aforesaid, he or they would have to do such their respective Statute-work, so directed and appointed as aforesaid, in or upon any Part or Parts of the said Roads, shall summon or give Notice thereof to the said several Persons so chargeable as aforesaid; and if any Person shall, after such Summons or Notice, neglect or refuse to do such Statute-work, every such Person, for each Day he shall make Default, shall forfeit and pay the Sum of Ten Shillings for every Team and Draught; and if any Person or Persons shall be found idle or negligent in the Performance of such Statute-work, the Turnpike Surveyor may and he is hereby required to discharge such Person or Persons, and it shall be deemed as if such Person or Persons had not come or been sent to work, and he or they shall be liable to such respective Penalties as aforesaid; and in case any of the said Surveyors of the Highways for such Parishes, Townships, or Places, shall neglect or refuse to do as they are hereby required and directed, he and they for every such Neglect or Refusal shall forfeit and pay the Sum of Five Pounds.

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

Penalty on Persons not performing Statute-work.

Persons found idle to be turned off.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures by the said former Acts, or either of them, or this present Act imposed (the Manner of levying whereof is not before in this Act particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant or Warrants under the Hands and Seals of any Seven or more of the said Trustees, rendering the Overplus to the Owner or Owners of such Goods and Chattles; which Warrant or Warrants the said Trustees are hereby impowered and required to make, upon the Information of One or more credible Witness or Witnesses upon Oath (which Oath any Two of such Trustees are hereby impowered to administer) and such Penalties and Forfeitures, when paid or levied as aforesaid, shall (except such Parts thereof as are by the said former Acts or this Act otherwise directed to be disposed of) be applied in such Manner as the Tolls granted by the said former Acts and this Act are directed to be applied: And if sufficient Distress shall not be found, and such Penalties and For-

Penalties and Forfeitures how to be recovered and applied.

Forfeitures shall not be paid, it shall be lawful for any Justice of the Peace for the said County of Wilts, and he is hereby required, upon Oath made before him by any One or more credible Witness or Witnesses (which Oath any such Justice is hereby impowered and required to administer without Fee or Reward) of such Offence, and of the want of sufficient Distress, by any Warrant under his Hand and Seal, to commit every such Offender to any Common Gaol of the said County of Wilts, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, nor less than Fourteen Days, unless such Penalty or Forfeiture, and all reasonable Charges, shall be sooner paid.

Repeal of a Clause in the Act of 13 *Geo.* I.

And whereas by a Clause in the said Act of the Thirteenth Year of the Reign of His late Majesty King George, in order to prevent Differences between the Trustees thereby appointed and the Surveyors of the Highways, touching what Part of the Statute-work ought to be done in any Parish, Place, or Division, through which the Road by the said Act directed to be repaired doth lead, any Two or more Justices of the Peace for the Counties of Wilts and Gloucester, at any Petty or Special Session of the Peace, upon Application made to them by the Trustees, are impowered to determine what Part of the Statute-work should be done on the said Roads; which Method of Proceeding hath been found inconvenient; be it therefore further enacted by the Authority aforesaid, That the said Clause, and every Part thereof, is hereby repealed.

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

And be it enacted by the Authority aforesaid, That such Trustees as shall be Justices of the Peace may and are hereby impowered to act as Justices of the Peace in the Execution of the said former Acts and this Act (except in Cases where he or they shall be personally interested) and in all such Cases they shall not be intitled or impowered to act either as a Trustee or Justice; nor shall any Trustee, who shall have or accept of any Place of Profit under the said Trustees, act as a Trustee during his Enjoyment of such Place of Profit.

Trustee accepting of a Place of Profit, disqualified from acting.

Act 29 *Geo.* II.

And whereas in the Twenty ninth Year of His present Majesty's Reign, an Act was made, intituled, An Act for repairing and widening the Road from the Town of *Farringdon*, in the County of *Berks*, to the Town of *Cricklade*, and from thence to the Town of *Malmesbury*, in the County of *Wilts*, and the Road from thence to join the Turnpike Road at *Acton Turville*, in the County of *Gloucester*; and also the Road from *Tetbury*, in the said County, through *Malmesbury* aforesaid, to *Chippenham Bridge*, and the Road

from *Sherston* to join the Turnpike Road leading from *Tetbury* to *Bath*: And whereas the Road lying between Chippenham Bridge aforesaid and Lower Stanton, in the Parish of Stanton Saint Quintin, is by the said last-mentioned Act directed to be repaired; but nothing has been done in Consequence of the said Act towards amending any Part of the Road between Chippenham Bridge aforesaid, and Lower Stanton aforesaid; be it therefore further enacted by the Authority aforesaid, That the said recited Act, and all the Powers and Authorities thereby given and granted, so far as the same relate to the Road between Chippenham Bridge aforesaid, and Lower Stanton aforesaid (which Road is by this Act intended to be repaired) shall and the same is and are hereby declared to be repealed.

Powers granted by the recited Act with respect to the Road between *Chippenham Bridge* and *Lower Stanton* repealed.

And be it further enacted by the Authority aforesaid, That this Act, and all the Powers, Authorities, and Provisions, herein contained, for which no particular Commencement is herein before appointed, shall commence and take Place from the First Day of May, in the Year of our Lord One thousand seven hundred and fifty nine; and this Act shall continue for and during the Remainder of the respective Terms granted by the said former Acts, made in the Thirteenth Year of the Reign of His late Majesty King George, and in the Seventeenth Year of the Reign of His present Majesty, and also the additional Terms granted by the said Act made in the Twenty eighth Year of His present Majesty's Reign, and by this Act.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any thing to be done in pursuance of this present Act, that in every such Case the Action or Suit shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid and brought in the County of Wilts, and not elsewhere: And the Defendant or Defendants in such Action or Suit to be brought, shall and may plead the General Issue, Not Guilty; and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act: And if it shall appear so to be done, or that such Action or Actions shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place, that then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants hath or shall have appeared; or if, upon any Demurrer,

Limitation of Actions.

General Issue,

Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant and Defendants shall and may recover Treble Costs; and have the like Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law. Treble Costs.

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

FINIS.