Anno primo

Georgii III. Regis.

Act Act for amending, widening, and keeping in Repair, the Road leading from *Fiſherton Bridge*, to the Turnpike Road at *Willoughby Hedge* in *Weſt Knoyle*, and from *Wilton Bridge* to the Turnpike Road at the Weſt End of *Heytesbury*; and alſo the Road from the Turnpike Road at the Top of *Red Hone Hill*, in the Pariſh of *Urſhfont*, to the Mileſtone at the Weſtern End of *Fiſherton Street*, in the County of *Wilts*.

WHEREAS the Road leading from Fiſherton Bridge, in the Pariſh of Fiſherton Anger, near the City of New Sarum, through the Towns, Pariſhes, Tills, Tithings, or Hamlets of Fiſherton, Bemerton, Quidhampton, Fuggleſtone, Wilton, Ditchampton, Ugford, North Burcomb, Barford Saint Martin, Baverſtock, Dinton, Teffont Magna, Chilmark, Founthill Biſhop, Founthill Gifford, Berwick Saint Leonard, Chicklade, Hindon, Eaſt Knoyle, Milton, and Upton; and from thence to the Turnpike Road at Willoughby Hedge, near the North Weſt Corner of a Field called Eaſt Field, in Weſt Knoyle, leading to Mere; and alſo the Road from Wilton Bridge, otherwiſe Burdens Ball Bridge, through the Preamble.

Parishes, Tithings, or Hamlets of Burdens Ball, Chilhampton, South Newton, Stowford, Little Wishford, Stapleford, Steeple Langford, Bathampton, Deptford, Fisherton Delamere, East Codford, West Codford, Ashton Gifford, Upton Lovell, and Knook, to the cross Road leading to Anstrow Hill; and from the Unicorn at the East End of the Town of Heytesbury, to the Turnpike Road at the West End of the Town of Heytesbury, leading to Warminster; and also the Road leading from the Turnpike Road at the Top of Red Hone Hill, in the Parish of Urshfont, to the Mile-stone at the Western End of Fisherton Street, in the County of Wilts; are in a ruinous Condition, and, in many Places, very narrow and incommodious for Carriages and Passengers; and the said Roads cannot be properly amended, widened, and kept in good Repair, by the ordinary Course of Law; May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Trustees Names.

That the Right Honourable Webb Seymour, commonly called Lord Webb Seymour; the Right Honourable William Seymour, commonly called Lord William Seymour; the Right Honourable and Reverend Francis Seymour, commonly called Lord Francis Seymour; the Right Honourable Henry Bilson Legge, the Honourable Henry Frederick Thynne, the Honourable Robert Sawyer Herbert, the Honourable Nicholas Herbert, the Honourable Francis Seymour, the Honourable William Bouverie, the Honourable Edward Bouverie, the Honourable Thomas Arundell, the Honourable James Everard Arundell, the Honourable and Reverend Thomas Howe, Sir Robert Long, Sir Thomas Webb, Baronets; the Dean and Chapter of the Cathedral Church of New Sarum for the time being; the Mayor and Commonalty of the City of New Sarum for the time being; the Mayor and Burgesses of the Borough of Wilton for the time being; the Mayor of the Borough of Devizes for the time being; Major General A'Court, Pierce A'Court Ashe, John Awdry, Ambrose Awdry junior, Townsend Andrews, Esquires; Charles Aldridge junior, Gentleman, William Beckford, Julines Beckford, Francis Beckford, Edward Bayntun, Peter Bathurst, Thomas Bennet, Thomas Buckler, William Buckler, William Beach, Robert Balch, James Bartlett, William Burleton, Anthony Burleton, Esquires; John Ballard D. D. William Bowles, Montagu Barton, William Barford, Richard Barford, Robert Burnet, Clerks; Henry Biggs, Thomas Biggs, John Barton,

Barton, John Ballard, William Baily, John Buckler, Humphry Buckler, Edward Butler, John Bennett *junior*, Robert Bleek, Ebenezer Butler, Edward Blake, William Boucher, Sydenham Burrough, Ambroſe Burch, Anthony Burbidge, John Bracher, William Bracher, William Bleek, **Gentlemen**; James Calthorpe, Henry Coulthurſt, William Coles, Thomas Cooper, William Clare, **Eſquires**; Thomas Clifton **D. D.** John Crowch, John Crowch *junior*, Abraham Clavey, **Clerks**; Robert Cooper **of the Market-place**, Sarum; Robert Cooper *junior*, Robert Cooper **of** Milford Street, Sarum; Simon Jude Cole, James Cockle, Nicholas Cockle, Richard Crowch, Edward Cockey *junior*, **Gentlemen**; Peter Delme, John Duke, **Eſquires**; Dobſon Clerk, John Davis, George Durnford, Thomas Dyke, **Gentlemen**; Edward Eyles, Harry Earle, Dodington Egerton, Thomas Eyre, **Eſquires**; Henry Edwards, William Everett, Joſeph Everett, **Gentlemen**; James Frampton, George Flower, **Eſquires**; Henry Fricker, Ferris, **Clerks**; Edward Frowd, George Fort, George Fort *junior*, Thomas Frome, Thomas Fricker, John Flower, Thomas Feild, John Feild, Fricker **of** Stockton, **Gentlemen**; William Chaffin Grove, John Gore, Thomas Hunt Grubb, John Garth, Charles Garth, **Eſquires**; William Grove, Gibbs, **Clerks**; Mathew Goodfellow **Gentleman**, Henry Hele **M. D.** William Hancock **M. D.** Henry Hoare, Richard Hoare, James Harris, John Holder, Thomas Harris, Thomas Hayter, Thomas Hayter *junior*, Edward Hearſt, Edward Hopſon, James Harding, **Eſquires**; John Hawes, Richard Head, Charles Humphreys, **Clerks**; Joſeph Harbottle, Robert Hillier, John Hughes, Edward Hinton, Thomas Hayter, John Harriſon, John Harriſon *junior*, Ambroſe Harriſon, Rowland Hill, Henry Hindley, **Gentlemen**; John Jacob **M. D.** Richard Jackſon, **D. D.** Jacques Clerk, William Jones, William Ingram, Chriſtopher Ingram, **Gentlemen**; Edward Knatchbull **Eſquire**, Thomas Kellow, Thomas Kellow *junior*, **Clerks**; Lawrence Kington, Anthony Kington, **Gentlemen**; Walter Long, William Long, Edmund Lambert, **Eſquires**; Wadham Locke, John Langley, Benjamin Ludlow, James Lewis, Henry Lock, Benjamin Leigh, **Gentlemen**; Paul Methuen, John Maine, Edward Medlycott, Robert Mitchell, Henry Morley, John Madox, **Eſquires**; Uriah Meſſiter, Moulton Meſſiter, Edward Moore, Joſeph Moore, James Moore, John Maſkelyn, Thomas Merris, Jeremiah Morris, **Gentlemen**; Edward Richman Nicholas **M. D.** Paul Newman, Dennis Newman, John Newman, **Gentlemen**; Edward Popham, Thomas Prowſe, Charles Penruddock, Thomas Phipps,

William Phipps, Paul Phipps, Alexander Powell, Edmund Pytts, Edward Poore, John Powell of Marlborough, Esquires; Payne, David Price Clerk, George Patient, William Pinchard, Robert Powell, Abraham Poore, Edward Poore of Ruſſell, Edward Poore of Filedean, Smart Poore, John Powell of Devizes, Stephen Powell, Gentlemen; James Rolleſtone M. D. John Rolt Clerk, John Rogers Clerk, William Rabbitts, William Roles, Charles Roſe, Gentlemen; Samuel Legge Samber M. D. Henry Seymour, Prince Sutton, James Sutton, John Sutton, Eſquires; Henry Stebbing D. D. Thomas Smith D. D. James Sterling Samber, William Slade, Clerks; John Shoare, John Strong, John Swaine, John Smith, Nathaniel Still, Chriſtopher Slade, William Slade, Charles Simpkins, Samuel Saintſbury, Thomas South, Gentlemen; John Ivory Talbot, John Talbot, John Turner, William Temple, Charles Tudway, Tudway, Henry Threſher, Eſquires; John Tatum, Broumker Thring, Wrench Thring, Robert Tinker, John Turner, Gentlemen; George Wyndham D. D. Thomas Walker, John Wadman, Richard Willoughby, Henry Wyndham, William Willy, William Wyndham, Henry Penruddock Wyndham, George Wroughton, Seymour Wroughton, George Willy, Eſquires; Charles Wake L. D. Thomas Whitford, William Waterman, Clerks; George Whitmarſh, Michael Webb, Edward Wilton, Richard Samuel Wyche, William Wanſbrough, John Wanſey, John Wanſey, Thomas Warren, Pitman Warren, George Wanſey, William Whiting, Gifford Warner, Gentlemen; Richard Jervoiſe, Triſtram Huddleſton Jervoiſe, John Baker of New Sarum, Edward Baker of Bullbridge, Eſquires; the Reverend Thomas Smith Clerk, William Talk, William Lee, Abraham Seward, John Baker of Bullbridge, Leonard Jeſſe, John Blundell, John Fitz, Daniel Jeſſe, Henry Biggs of Little Langford, Walter Fitz, Gentlemen; ſhall be, and they and their Succeſſors, to be elected in Manner as is herein after mentioned, are hereby appointed Truſtees for the amending, widening, and keeping in good Repair, the ſaid Road, and alſo for putting in Execution all the Powers by this Act given and granted.

Truſtees may erect Turnpikes and Toll-houſes,

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall and may, from time to time, cauſe to be erected and ſet up, One or more Gate or Gates, Turnpike or Turnpikes, Toll-houſe or Toll-houſes, in, upon, and acroſs, any Part or Parts of the ſaid Roads, except as herein after is excepted; and alſo remove the ſame, from time

to

to time, as they, or any Five or more of them, shall think proper.

and take the following Tolls thereat.

And be it further enacted by the Authority aforesaid, That the respective Tolls following shall be demanded and taken by such Person or Persons as the said Trustees, or any Five or more of them, shall, from time to time, appoint for that Purpose, before any Horse, Mare, Gelding, or other Cattle, Coach, Waggon, or other Carriage, shall be permitted to pass through any Gate or Turnpike to be erected in pursuance of this Act; that is to say,

The Tolls.

For every Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Hearse, or Litter, drawn by Six Horses, the Sum of One Shilling and Six Pence; and for every Coach, Berlin, Landau, Chariot, Chaise, Calash, Hearse, or Litter, drawn by Four Horses, the Sum of One Shilling; and for every Coach, Berlin, Landau, Chariot, Chaise, Calash, Hearse, or Litter, drawn by Two Horses, the Sum of Six Pence; and for every Chair drawn by One Horse only, the Sum of Three Pence.

For every Caravan, Waggon, Cart, Dray, or other Carriage, drawn by Four or more Horses, or Oxen, or other Beasts, the Sum of One Shilling; and drawn by less than Four Horses, the Sum of Two Pence a Horse.

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

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

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

Tolls may be levied by Distress and Sale.

Which said respective Sums of Money shall be demanded and taken in the Name of, and as a Toll; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof; it shall be lawful for such Person or Persons, appointed to collect the said Tolls as aforesaid, to levy the same by Distress of any Horse or Horses, or other Cattle, together with their Furniture, or of any Carriage upon which any Toll is by this Act imposed, or by Distress of any of the Goods and Chattles carried or drawn by or on such Cattle or Carriage, or of any of the Goods and Chattles of such Person

Person and Persons who ought to pay the said Tolls respectively; and if such Tolls, and the reasonable Charges of such Distress, shall not be paid within the Space of Four Days after such Distress made, such Person or Persons, so distraining, may sell the Horses, Cattle, Furniture, Carriages, and Goods so distrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Toll, and reasonable Charges of such distraining, keeping, and selling, shall be deducted and paid; and that all the Tolls and Money so to be collected or levied, and the Monies borrowed on the Credit thereof, shall be, and are hereby vested in the said Trustees, and shall be paid, applied, and disposed of, to and for the several Uses, Intents, and Purposes, and in such Manner, as is herein after mentioned.

Distress may be sold after 4 Days.

Tolls vested in the Trustees.

Trustees may erect Side-gates,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to cause to be erected, set up, and provided, One or more Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, on the Side or Sides of any of the said Roads, across any Lane or Way leading into the same (except as herein after is excepted) and to cause such Tolls to be collected and levied at such respective Gates or Turnpikes, as are by this Act made payable upon the respective Roads, so as that the same do not extend to a Double Charge, or subject any Person to the Payment of a larger Toll than is herein before appointed to be paid for afterwards passing or repassing the same Day through all or any of the Turnpikes herein before authorized to be erected across the said respective Roads.

and take Tolls thereat,

so as the same do not extend to a Double Charge.

Trustees to erect a Gate near *Fisherton*.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, and they are hereby required forthwith to erect or cause to be erected and set up a Turnpike-gate or Gates, and to erect or provide a Toll-house, and to keep up the same at all Times, during the Continuance of this Act, at the Place where the Road leading from Fisherton to Wilton, and from Fisherton to the Devizes, separates, or within the Distance of One hundred Yards thereof, upon some Part of the Road between Fisherton Bridge and the Place where the Road separates as aforesaid.

Application of the Tolls on the several Roads.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, out of the Tolls which shall be collected at the said Turnpike-gate or Gates directed to be set up at the Place where the Road leading from Fisherton to Wilton, and from Fisherton to the Devizes, separates, or within One hundred

hundred Yards thereof, upon some Part of the Road between Fisherton Bridge, and where the Road separates as aforesaid; and also of all the Money which shall, from time to time, be borrowed on the Credit of the whole Tolls to be collected by virtue of this Act, shall (after defraying the Expences of procuring and passing this Act) cause that Part of the Road which lies between Fisherton Bridge and the Mile-stone at the Western End of Fisherton Street, to be put in Repair; and that as soon as that Part of the said Road shall be put in good Repair, the whole Tolls and Money so to be borrowed as aforesaid on the Credit thereof, shall be divided into Four equal Parts, and shall be applied in the following Manner; that is to say, One Fourth Part thereof shall be applied for and towards the amending and keeping in Repair that Part of the Road which leads from the Mile-stone near the Western End of Fisherton Street to the Turnpike Road at the Top of Red Hone Hill, in the Parish of Urshfont, in the said County of Wilts; and the Fourth Part of the said Money so borrowed shall be paid by the Treasurer or Treasurers to the said Trustees, into the Hands of such Person or Persons as the said Trustees, or any Five or more of them, shall from time to time order, direct, and appoint, to receive the same: And the said Fourth Part of the Tolls collected or to be collected at the Gate to be erected at or near Fisherton as aforesaid, shall be paid by the Treasurer or Treasurers Half-yearly, or oftener, into the Hands of such Person or Persons as the said Trustees, or any Five or more of them, shall order, direct, and appoint, to receive the same; which said Fourth Part of the said Tolls and Money shall be applied in amending and keeping in Repair that Part of the Road which leads from the Mile-stone aforesaid, to the Turnpike Road at the Top of Red Hone Hill aforesaid: And the remaining Three Fourth Parts of the said Tolls, and of the Money to be borrowed as aforesaid, shall, in the First Place, be applied in amending such Part of the Road as lies between the Mile-stone near the Western End of Fisherton Street and Wilton Bridge, otherwise Burdon's Ball Bridge: And that as soon as that Part of the Road shall be amended, the Remainder of the Money shall be equally divided and equally applied in repairing and keeping in Repair the Roads between Fisherton Bridge and Heytesbury, and between Fisherton Bridge and Willoughby Hedge aforesaid.

How the Expences of the *Fisherton* Gate are to be defrayed.

And be it further enacted by the Authority aforesaid, That One Fourth Part of all the Expences of procuring and passing of this Act, and of erecting and maintaining

the Turnpike-gate or Gates and Toll-house directed to be erected and set up near Fisherton aforesaid, and of collecting the Tolls at the said Turnpike-gate or Gates, and also of the Salaries to be paid to such Clerks and Treasurers as shall be appointed by virtue of this Act, shall be deducted and paid out of such Part of the Tolls and Money aforesaid, as are directed to be applied towards the repairing that Part of the Road leading towards the Devizes as aforesaid; and the remaining Three Fourth Parts of the said Expences shall be paid, One Half out of the Money directed to be applied in repairing the said Road leading to Heytesbury, and the other Half of the said Expences out of the Tolls directed to be applied in repairing the Road leading to Willoughby Hedge.

Application of the Tolls on the *Heytesbury* and *Willoughby Hedge* Road.

And be it further enacted by the Authority aforesaid, That all the Tolls to be collected upon such Part of the Road as lies between Wilton Bridge, otherwise Burdon's Ball Bridge, and Heytesbury (Interest of the Money borrowed being first paid) shall be applied towards repairing that Part of the Road only, and in erecting Turnpikes and Toll-houses thereon, and in defraying the Expences of collecting the said Tolls; and also that all the Tolls to be collected upon such Part of the Road as lies between the said Bridge and Willoughby Hedge, shall be applied towards repairing that Part of the Road only, and in erecting Turnpikes and Toll-houses thereon, and in defraying the Expences of collecting the said Tolls.

How the *Heytesbury* and *Devizes* Roads are to be repaired.

Provided always, and be it further enacted by the Authority aforesaid, That the First Repairs of that Part of the Road lying between Wilton Bridge and the Town of Heytesbury, shall be begun at the same Time, and be carried on progressively, from Wilton Bridge, and from the Town of Heytesbury respectively; and that the First Repairs of that Part of the Road lying between the Mile-stone near Fisherton, and the Top of Red Hone Hill, shall be begun at the same Time, and carried on progressively, from the Mile-stone near Fisherton, and from the Top of Red Hone Hill respectively; and also that all future Repairs of the said Roads shall likewise be begun at the respective Places aforesaid, and be progressively carried on from each of the respective Places from time to time.

Toll 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 by this Act directed to be repaired; 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 or to be erected in pursuance 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 shall be erected on the *Amesbury* Road.

And be it further enacted by the Authority aforesaid, That no Gate or Turnpike shall be erected by virtue of this Act on any Part of the Road hereby directed to be repaired, between a Smith's Shop, now in the Possession of Thomas Henwood, standing near the Bottom of Deptford Hill, in the Hamlet of Deptford, and a House now in the Possession of John Titts, standing near the Top of Deptford Hill aforesaid, nor within Three hundred Yards of either the said Smith's Shop or House, nor upon any other Part of the Roads aforesaid, so as to subject any Person to the Payment of any of the Tolls by this Act granted for passing or repassing on any Part of the Road which leads from Amesbury to Wiley with any Horses, Cattle, or any Carriage whatsoever; any thing contained in this Act to the contrary notwithstanding.

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall offer or dispose of any such Ticket to any Person or Persons, in order to evade the Payment of any of the said Tolls, every such Person or Persons, so offering or disposing of such Ticket, and the Person or Persons receiving and making use of the same, shall respectively forfeit the Sum of Twenty Shillings, whereof One Half shall go to the Informer, and the other Half shall be applied in such Manner as the Penalties and Forfeitures are herein after directed to be applied.

Penalty on Persons permitting or going thro' private Passage,

And be it further enacted by the Authority aforesaid, That if any Person or Persons, owning or occupying any Land near to any of the said Turnpikes, shall permit or suffer any Person or Persons to pass through any Gate, Passage, Field, Inclosure, or private Way, with any Coach, Waggon, or other Carriage, Horse, or other Cattle; or if any Person or Persons shall pass through any such Gate, Passage, Field, Inclosure, or private Way, with any Cattle or Carriage as aforesaid, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall take off, or cause to be taken off, any Horse, or other Cattle, from any such Carriage, with an Intent to avoid paying

or taking off Horses, &c.

paying any of the said Tolls, or any Part thereof; or shall leave, or cause to be left, upon or near to any of the said Roads, any Cattle or Carriage as aforesaid, with such Intent as aforesaid, every Person so offending in any of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Twenty Shillings.

Exemptions from Tolls.

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That no Toll shall be demanded or taken for any Cattle or Carriage going empty or unloaden for, and returning loaden only with, Stones, Bricks, Gravel, or other Materials, for repairing any of the said Roads, or for repairing the Highways in any Parish through which any of the said Roads, directed by this Act to be repaired, do lead, or in any of the adjoining Parishes; or for any Cattle or Carriage used or employed only in the drawing or carrying of any Dung, Mould, Compost, or other Manure, of what Nature or Kind soever, to be used in manuring or improving of Lands; or for any Cattle or Carriage used or employed in the drawing or carrying of any Hay, Straw, or Corn in the Straw, to be laid up in the Houses, Outhouses, Barns, Yards, or other Places, belonging to the respective Inhabitants of the several Townships in which any of the said Roads, hereby intended to be repaired, do lie (but not to exempt any Carts or Carriages laden with any Hay or Straw for Sale) nor shall any Toll be demanded or taken for any Ploughs, Harrows, Drays, or other Implements of Husbandry, belonging to any of the said Inhabitants, passing in order to the using or repairing the same, or any other Thing whatsoever employed in Husbandry, or for manuring or stocking of Land, in the said several Parishes and Townships in which any of the said Roads do lie; nor shall any Toll be demanded or taken for any Cattle belonging to any of the said Inhabitants, which shall be only going to, or returning from, Pasture or Water; or for any Post-horse carrying the Mail or Packet; or for the Horses of Soldiers upon their March, or for Cattle or Carriages attending them, or loaden only with their Arms or Baggage; or for Horses or Carriages travelling with Vagrants sent by Passes; nor for any Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Chairs, or Passengers on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Wilts, on the Day or Days of such Election, or on the Day before, or Day after, any such Election shall begin, or be concluded: And if any Person shall claim and take the Benefit of any of the Exemptions aforesaid,

(Exception.)

Penalty on making illegal Claims.

aforesaid, not being intitled to the same, such Person, for every such Offence, shall forfeit and pay the Sum of Twenty Shillings.

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

And be it further enacted and declared by the Authority aforesaid, That the said Trustees, or any Eleven or more of them, at any Meeting to be held for that Purpose (whereof Fourteen Days Notice shall be assixed in Writing upon all the several Turnpikes which shall be erected in pursuance of this Act) may, and they are hereby impowered, from time to time, to reduce all or any of the several Tolls hereby granted; and to order such Tolls, so reduced, to be collected and received, in such Manner, Parts, and Proportions, as they shall think fit, so as such Reduction be with the Consent of the several Persons who shall have advanced any Money on the Credit of the said Tolls, or any Person or Persons who, at the Time of such Reduction, shall have any Money secured thereby; and to raise such Tolls again, or any Part thereof, so as the same do not exceed the respective Rates herein before granted; and such Tolls, so reduced, or raised again, shall be collected, recovered, and applied, in the same Manner as the Tolls herein before granted are directed to be collected, recovered, and applied.

and raise them again.

Charges of this Act to be first paid.

And be it further enacted by the Authority aforesaid, That out of the First Tolls to be collected at the several Turnpikes to be erected as aforesaid, or out of the First Money which shall be borrowed on the Credit of this Act, the said Trustees, or any Five or more of them, shall first pay and discharge all the Expences of procuring and passing this Act.

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

And be it further enacted by the Authority aforesaid, That the Right and Property of all the said Turnpikes and Toll-houses, and of the Materials for building the same, and for repairing the said Roads, shall be vested in the said Trustees; and they, or any Five or more of them, are hereby authorized and impowered to bring Actions in the Name or Names of any One or more of them, or of their Clerk or Clerks, Treasurer or Treasurers, or to prefer Bills of Indictment against any Person or Persons who shall keep Possession of any Gate, Turnpike, or Toll-house, after Notice given by the said Trustees, or any Five or more of them, or by their Clerk or Treasurer for the time being, to such Person or Persons to quit the same; or against any Person or Persons who shall steal, take away, break down, or damage, any such Gates, Turnpikes, Toll-houses, or Materials, or disturb the said Trustees in the Possession thereof.

Trustees may borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, at any Meeting to be held for that Purpose (whereof Fourteen Days Notice shall be given in Writing, to be affixed upon some Door of the Council House of the said City of New Sarum) may, and they are hereby authorized and impowered, from time to time, to borrow and raise any Sum or Sums of Money, not exceeding Ten thousand Pounds, at Interest, on the Credit of the Tolls and Duties by this Act granted, in such Manner, and by such Ways and Means, as shall appear to them most proper and convenient; which Money, so to be borrowed, shall be applied (after paying the Expences of obtaining and passing this Act) in such Manner as the said Tolls are herein before directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at any Meeting to be held for that Purpose (whereof Fourteen Days Notice shall be given in Writing, affixed upon some Door of the Council House of the said City of New Sarum, and also upon the Church Doors of Hindon and Heytesbury, and the Devizes) by Writing under their Hands and Seals, shall and may nominate and appoint One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, and Collector or Collectors, of the Tolls aforesaid; and also to nominate and appoint One or more fit Person or Persons to be Surveyor or Surveyors, to view the Condition of the said Roads, and to see that the same be duly repaired and widened; and also such other Officers as they the said Trustees shall think necessary to employ in the Execution of this Act; and from time to time to remove such Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers, as they shall see Occasion, and appoint new ones in Cases of Death, or such Removal; and the said Tolls shall be paid, after the Rates aforesaid, to such Person or Persons as shall from time to time be so appointed to receive the same: And the said Treasurers, Receivers, Collectors, Surveyors, and other Officers, and all other Persons who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall from time to time, as often as they or any of them shall be thereunto required by the said Trustees, or any Five or more of them, give unto such Trustees true and perfect Accounts in Writing, under their respective Hands, of all the Monies which shall have been by them respectively collected or received; and how

and remove them, and appoint others.

how and to what Uses the same have been paid and applied, together with proper Receipts and Vouchers for such Payments; and shall pay all such Monies as shall remain in their Hands to the said Trustees, or any Five or more of them, or to such Person or Persons, or to such Uses and Purposes, as they the said Trustees, or any Five or more of them, shall direct and appoint: And that all such Officers, and other Persons, shall verify such Accounts upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oath any Two of the said Trustees are hereby impowered to administer): And if any of the said Officers, or other Persons, shall not give such Account, or shall refuse to verify the same in Manner as aforesaid; that then, and in any or either of the said Cases, it shall be lawful for any Two Justices of the Peace for the County, Division, or Place, where such Officer or other Person shall reside, and such Justices are hereby authorized and required to make Enquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses, upon Oath (which Oath the said Justices are hereby impowered and required to administer without Reward): And if any such Person shall be thereof convicted, such Justices are hereby required to commit the Party offending to the common Gaol of the County of Wilts, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account, and verify the same in Manner as aforesaid: And in case any of the said Officers, or other Persons, shall refuse or neglect to pay any Sum or Sums of Money to the said Trustees, or any Five or more of them, which shall appear to remain in his or their Hands, it shall be lawful for any Two Justices of the Peace for the County or Division where such Officer or Person shall reside, and they are hereby authorized and required to make Enquiry touching such Neglect or Refusal, in a summary Way, in Manner as aforesaid, and, by Warrant under their Hands and Seals, to cause all and every such Sum or Sums of Money, as shall appear to them to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattles of such Officer or Officers, Person or Persons; rendering the Overplus (if any) after the Money remaining due, and the Charges of making such Distress and Sale, shall be deducted, unto such Officer or Officers, Person or Persons, upon Demand: And if sufficient Goods and Chattles cannot be found, then the said Justices shall and may and they are hereby required to commit such Officer or

Officers to account upon Oath.

Officers refusing to account,

Justices to enquire into the Default;

and commit the Offender to Gaol,

until he shall conform,

Officers,

Officers, Person or Persons, to the common Goal of the County of Wilts, there to remain, without Bail or Mainprize, until he or they shall have paid over such Monies in Manner as aforesaid, or shall have compounded for the same, and paid such Composition-money to the said Trustees, or any Five or more of them, or to such Person as they, or any Five or more of them, shall appoint to receive the same; which Composition the said Trustees, or any Five or more of them, at any Meeting assembled, are hereby impowered to make.

Trustees to allow Officers Salaries.

And be it further enacted by the Authority aforesaid, That out of the said Tolls, or out of the Monies to be borrowed on the Credit thereof, such Allowances and Compensation shall be made to the Collector and Collectors, Surveyor and Surveyors, Clerk and Clerks, Treasurer and Treasurers, Receiver and Receivers, and other Officers to be appointed and employed as aforesaid, for and in Consideration of his and their Care and Pains respectively taken in the Execution of his and their respective Offices, and to such other Person and Persons as shall be assisting in and about procuring the said Roads to be amended, widened, or repaired, by advancing or laying out any Money, or otherwise, relating thereto, as to the said Trustees, or any Five or more of them, shall seem reasonable.

Surveyors may dig Gravel, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor and Surveyors, and such Person and Persons as he or they shall appoint, to search for, dig, gather, and take away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, for repairing the said Roads, in and out of any River or Brook, or out of any Waste or Common, of or in any Parish, Town, Village, Hamlet, or Place, in or near which any Part of the said Roads do lie, without paying any thing for such Materials, such Surveyor or Surveyors causing to be levelled all such Holes and Pits, or otherwise to be fenced or railed about, where and from whence any such Materials shall be digged, gathered, or taken away, in such Manner as that the same shall not be dangerous to any Cattle or Travellers whatsoever, and paying for the Damages done by Landing, and for going over or through any Lands or Grounds for or with such Materials, to be ascertained as after mentioned: And also it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person and Persons as he and they shall appoint (such Surveyor or Surveyors first having an Order from any Five or more of the Trustees for that Purpose) to search for, dig, gather, and

without paying for the same;

levelling the Pits.

Where sufficient Materials cannot be had there, they may be taken from private Grounds;

and take away, such Materials, in and out of the several Grounds of any Person or Persons (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Walks, or Avenue to a House, or any Piece of Ground inclosed, planted, and set apart, as a Nursery for Trees) paying such Rates for such Materials, and for the Damages done to the Owners or Occupiers of such Lands and Grounds where and from whence the same shall be digged, gathered, and carried away, or over which the same, or any other Materials for the Repair of the said Roads, shall be carried, as the said Trustees, or any Five or more of them, shall adjudge reasonable: And, in case any Difference shall arise between the said Trustees and the Owners or Occupiers of such Lands and Grounds, concerning the Price of such Materials, or the Damage done in digging for or carrying away the same, the Justices of the Peace, or the major Part of them, at any General Quarter Sessions to be holden for the said County of Wilts, within the Space of Two Years next after such Difference shall arise, shall and may adjudge, assess, and finally determine the same.

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person and Persons as he or they shall appoint, from time to time (such Surveyor or Surveyors having an Order from any Five or more of the said Trustees for that Purpose) to remove and prevent all Annoyances on any Part of the Roads aforesaid, by Filth, Dung, Ashes, Rubbish, or otherwise; and to turn any Watercourses, Sinks, or Drains, running into, along, or out of the said Roads, to the Prejudice thereof; and to open, scour, or cleanse, any Watercourses or Ditches adjoining to the said Roads, and make the same as deep and large as he or they shall think proper and necessary; and to make any new Drains in or adjoining to any Part of the said Roads, so as the same be not made through any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, or any Plantation or Nursery for Trees; and to cut down, lop, and top, any Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjoining thereto (not growing in a Park or Garden) and to take and carry away the same, in case the Owners or Occupiers of the Premisses shall neglect to remove the same, or to cut down and carry away such Trees or Bushes as aforesaid, or to open, scour, or cleanse such Watercourses or Ditches, or remove such other Annoyances, for the Space of Six Days next after Notice in Writing given for that Purpose, under the

Surveyors may remove Annoyances,

cut Watercourses, &c.

and cut down Trees, &c.

Owners neglecting to remove the same after Notice,

Hand or Hands of such Surveyor or Surveyors; the Charges whereof, to be settled by the said Trustees, or any Five or more of them, shall be reimbursed the said Surveyor or Surveyors, by such Owners or Occupiers, the same to be recovered in such Manner as the Penalties and Forfeitures 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, for every such Offence, forfeit unto the said Trustees, or to their Treasurer for the time being, the Sum of Forty Shillings.

Surveyors to be reimbursed the Charges.

Penalty of a Second Offence.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, Causeways and Drains, in and upon any Part or Parts of the said Roads, and also Ditches and Drains through any Lands or Grounds lying contiguous thereto; and to erect Arches or Bridges upon the said Roads, or any Parts thereof, or upon any Grounds lying contiguous thereto; and also to make, or cause to be made, a Road through the adjoining Lands and Grounds of any narrow or ruinous Part or Parts of the said Roads (not being the Ground whereon any House or Houses, or other Buildings, Stand, or a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground, planted and set apart as a Nursery for Trees) to be made use of by all Passengers, Cattle, Carriages, or otherwise, as a publick Highway, whilst the old Road is repairing or widening, and till such Time as it shall be convenient for Passengers and Carriages to pass along the same, making such reasonable Satisfaction to the Owners or Occupiers of such Lands and Grounds respectively, through which any such Ditch or Drain shall be made, or on which such Arch or Bridge shall be erected, or through which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may sustain thereby, as shall be adjudged reasonable by the said Trustees, or any Five or more of them; and in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, that then it shall and may be lawful for the Justices of the Peace, or the major Part of them, assembled at any General Quarter Sessions to be holden for the said County of Wilts, within the Space of Two Years next after such Difference shall arise, to settle, adjudge, and finally determine what Recompence shall be made to such

Surveyors may make Causeways,

cut Drains, &c.

erect Bridges, &c.

and make a temporary Road;

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

such Owners and Occupiers for the Damages they shall have sustained, as aforesaid.

Persons liable to repair Bridges, &c. to continue so.

Provided also, and be it further enacted by the Authority aforesaid, That where any Part or Parts of the said Roads, or where any Bridges, Brooks, or Drains, and Sewers, lying in or upon, or near unto, or leading from the said Roads, hereby intended to be repaired, and which have been accustomed or ought to be repaired, cleansed, scoured, or maintained by any particular Person or Persons, Body or Bodies Politick or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by the said County of Wilts, all and every such Part and Parts of the said Roads, Brooks, Bridges, Drains, and Sewers, shall from time to time be maintained, cleansed, scoured, and kept in Repair by such Person or Persons, Body or Bodies Politick or Corporate, in such Manner as the same were respectively maintained, cleansed, scoured, and kept in Repair, before the passing of this Act.

Trustees may contract with Persons for the Purchase of Lands, &c. to be laid into the Road, &c.

And whereas it may be proper to widen the said Roads, and, in some Cases, to alter the Course of the same, by carrying the said 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 this present Act (in case they shall think proper) to widen the said Roads, or to turn or alter the Course of any of the said Roads, or any Part or Parts thereof, and to make any new and additional Road or Roads, contiguous or near to any of the said Roads hereby 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 this present 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 sus-

stain, 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 this Act granted, and out of any Monies to be borrowed on the Credit thereof, 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 intered as aforesaid, and the said Trustees, or any Nine or more of them, and also the Costs and Charges attending such Agreement and Purchase.

And whereas it may happen that some Person or Persons, Body 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 Roads, for turning, widening, altering, or amending the same, or for making any new Road or Roads as aforesaid, and may be incapable, by reason of Infancy or other Disability, of granting or conveying such Lands, Grounds, or Hereditaments, for the Purposes aforesaid, or may refuse so to do; be it therefore 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, 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.

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

And

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 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 for 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 required to administer), 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,

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

the Damage and Recompence to be settled by a Jury,

Witnesses to be summoned and examined upon Oath.

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

Verdict of the Jury to be final and conclusive.

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

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

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 this Act are to be applied.

Verdict of the Jury to be given under Penalty.

Fine not to exceed 10 *l.*

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 this 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 such Grounds, Lands, and Hereditaments, to the said Road or Roads, or to make any new and additional Road or Roads over and through such Grounds, Lands, and Hereditaments, 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

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

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

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 and Purposes 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.

and deemed a publick Highway,

and kept in Repair as such.

Buildings, &c. not to be damaged.

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, except a Close or Rick Yard, and a Court Yard in East Codford, now or late belonging to the Reverend Doctor Smith, and also a certain Piece of Ground in East Codford aforesaid, called Broad Leaze, now planted with Two Rows of Elm Trees, Part of which Close or Rick Yard, Court Yard, and Piece of Ground aforesaid respectively, are hereby intended to be laid into and made Part of the Road by this Act directed to be repaired for the better Accommodation of Travellers and Carriages.

Exception.

Trustees not to act where interested.

Provided also, That no Person shall act as a Trustee in any Case relating to the contracting for or purchasing of any Lands or Hereditaments, where he shall be concerned in Interest.

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

And be it further enacted by the Authority aforesaid, That all and every Person and Persons, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who, before the making this Act, hath or have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Roads hereby intended to be repaired, 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 Roads, in the same Manner as he, they, and every of them, hath or have heretofore usually done, or ought to do; and that the Inhabitants of the several Parishes, Hamlets,

Hamlets, and Places, through which the said Roads do lead, 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 Roads by this Act intended to be repaired, and lying within the said Parishes, Hamlets, or Places, in which such Inhabitants respectively shall live, and at such Times and in such Manner as the said 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 Parishes, Hamlets, and Places respectively, who shall rent, hold, or occupy any Lands, Tenements, or Hereditaments, 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 repairing the Highways of the several Parishes, Hamlets, and Places, in which they respectively live, as Persons keeping Teams are obliged by Law, and ought to do.

Inhabitants to do Statute-work.

Persons renting 50*l. per Annum*, to be deemed Team-holders.

And, to the end that the said Trustees may the more certainly know the Inhabitants of all the Parishes, Hamlets, and Places, wherein the Roads intended to be repaired by this Act do lie, who are liable to do Statute-duty 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 all the Parishes, Hamlets, and Places, wherein any Part of the said Roads doth lie; or in case no Surveyors are appointed for any such Parishes, Hamlets, or Places, then the Churchwardens or Overseers of the Poor for such Parishes, Hamlets, or Places, shall, and are hereby required, before the Twenty fifth Day of March, in every Year, during the Continuance of this Act, to return and deliver in to the said Trustees, at some of their Meetings to be by them held, or to the Collectors or Receivers of the Tolls by this Act made payable at the respective Gates or Turnpikes, by virtue of this Act, true and perfect Lists, in Writing, under their respective Hands, of the Names of all the Inhabitants of such Parishes, Hamlets, and Places, respectively, that are liable to do their Statute-work in and upon the Highways; and shall, in such Lists, and every of them, distinguish and set forth which of such 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,

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

not, or by this Act are not deemed to keep a Team or Teams,

Penalty on Surveyors not delivering in such Lists,

And be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the several Parishes, Hamlets, or Places, through which the said Roads, by this Act intended to be repaired, do lead, or Churchwardens or Overseers of the Poor, as aforesaid, shall not deliver in Lists of the Inhabitants of the said several Parishes, Hamlets, or Places, to the Person or Persons, or by such Times, and in such Manner, as by this Act is directed and required to be delivered, such Surveyor and Surveyors, and Churchwardens or Overseers of the Poor, and every of them, shall forfeit and pay, for every such Default, the Sum of Forty Shillings: And if any or either of the Inhabitants of the said several Parishes, Hamlets, or Places, being obliged or liable by Law to do Statute-duty in and upon the Highways, shall not do such Statute-work in or upon the said Roads, at such Times or Places, and in such Manner, as they shall by the said Trustees, or any Five or more of them, or by the Surveyor or Surveyors by them authorized, be directed or appointed to do by virtue of this Act, 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 or Teams, for every Day's Work for each Team the Sum of Ten Shillings: And every other Inhabitant or Person not keeping, or not being by virtue of this Act deemed to keep, a Team, for every Day's Work the Sum of One Shilling and Six Pence.

and on Persons not performing Statute-work.

Surveyors may appeal to the Quarter Sessions to proportion the Statute-work.

Provided always, and be it enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways for the time being, or the Churchwardens or Overseers of the Poor, as aforesaid, of the several Parishes, Hamlets, or Places, wherein the Roads intended by this Act to be repaired do lie, shall think the said Trustees, or the Surveyor or Surveyors by them authorized, have directed or appointed too large a Proportion of the Statute-work in any Parish, Hamlet, or Place, to be done on the Roads by this Act directed to be repaired, it shall and may be lawful for such Surveyor or Surveyors of the Highways, or Churchwardens or Overseers of the Poor aforesaid, to appeal to the Quarter Sessions of the Peace next after such Direction or Appointment to be held for the County wherein any such Parish, Hamlet, or

Place, doth lie; and the Justices, in their said Quarter Sessions, are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work in any Parish, Hamlet, or Place, shall be done on the Roads by this Act directed to be repaired; such Surveyor or Surveyors of the Highways, or Churchwardens or Overseers of the Poor, as aforesaid, having first given Ten Days Notice in Writing of such Appeal to the Surveyor or Surveyors authorized by the said Trustees as aforesaid.

Surveyors, with Consent of the Inhabitants, may compound with Trustees for Statute-work, &c.

Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful for the said Surveyor or Surveyors of the Highways, or other Person or Persons, by and with the Consent of the Inhabitants of such Parishes, Townships, or Places respectively, first had at any Vestry or other publick Meeting of such Inhabitants, who shall be summoned together for that Purpose, to compound and agree from time to time with the said Trustees, or any Five or more of them, for a certain Sum of Money, by the Year or otherwise, in lieu of the Statute-work to be performed by such respective Inhabitants, upon any Part or Parts of the said Roads: And in case such Composition-money shall not be paid to the said Trustees, or any Five or more of them, or to such Person as they shall appoint to receive the same, within Fourteen Days after the same shall be due and demanded, it shall be lawful for any One or more Justice or Justices of the Peace for the County of Wilts, (upon Oath made before him or them of such Default; which Oath the said Justice or Justices is and are hereby impowered to administer) and he or they is and are hereby required to issue a Warrant under his or their Hand and Seal, or Hands and Seals, impowering such Person so by the said Trustees, or any Five or more of them, appointed to receive such Composition-money, to levy the same by Distress of the Goods and Chattles of the Person or Persons who shall have made such Composition as aforesaid; and such Goods and Chattles, so distrained, after the Space of Four Days (such Composition-money, and the reasonable Charges of distraining and keeping the same, not being paid) to sell, returning the Overplus (if any) to the Owner or Owners thereof, upon Demand, after the Composition-money, and all reasonable Charges of such Distress, Keeping, and Sale, shall be deducted; which Composition-monies shall be applied in such Manner, towards repairing the said Road, as the Tolls are herein before directed to be applied, and to no other Use or

Composition-money how to be recovered and applied.

Purpose

Purpose whatsoever: And such Surveyors, and other Persons by whom such Composition shall be made, on the Behalf of any Parish, Township, or Place, as aforesaid, shall be reimbursed such Composition-money, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Money by them expended, in buying Materials for repairing the Highways.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall cause the said Roads to be measured, and Stones or Posts to be set up, in or near the Sides of the said Roads, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post, from any Town or Place, as to the said Trustees, or any Five or more of them, shall seem meet; And if any Person shall wilfully pull up or damage any of such Stones or Posts, or any Part thereof, or any Stones or Posts which now are erected upon any Part or Parts of the said Roads, or shall obliterate or deface any of the Letters, Figures, or Marks, which are or shall be inscribed thereon, and be convicted thereof by the Confession of the Party, or by the Oath of One credible Witness, before One or more Justice or Justices of the Peace for the said County of Wilts (which Oath the said Justice or Justices is and are hereby impowered to administer) every such Person shall forfeit the Sum of Forty Shillings for every such Offence, to be levied by Distress and Sale of the Goods and Chattles of such Offender; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in repairing such Stones or Posts, or in supplying of new ones in their Stead; and if there shall be any Overplus, the same shall be laid out in repairing the Roads hereby directed to be repaired; and in case sufficient Distress cannot be found, it shall be lawful for the said Justice or Justices, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender to the Common Gaol of the County of Wilts, for the Space of One Calendar Month, there to remain, without Bail or Mainprize, until he or she shall have paid the said Sum of Forty Shillings, or until the Expiration of the said One Calendar Month.

Penalty on defacing Mile-stones, &c.

to be levied by Distress and Sale.

For want of Distress, the Offender to be committed.

Penalty on Persons assaulting the Gate-keeper, &c.

And be it further enacted be the Authority aforesaid, That if any Person shall assault any Gate-keeper or Collector of the Tolls by this Act granted, or threaten him, her, or them, in the Execution of his, her, or their Office or Offices, or shall forcibly pass through any Gate or Turnpike, or other Fence, which shall be set up by virtue

of

of this Act, without paying the Toll appointed to be paid at such Gate, Turnpike, or Fence, the Party so offending shall, upon Conviction thereof by the Oath of such Gate-keeper, or other credible Witness, or on the Confession of the Party, before One or more Justice or Justices of the Peace for the said County of Wilts; which Oath such Justice or Justices is and are hereby impowered and required to administer, forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, to be levied by Distress and Sale of the Goods and Chattles of such Offender; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in repairing the Roads: And in case sufficient Distress cannot be found, it shall be lawful for the said Justice or Justices, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender to the Common Gaol of the County of Wilts, for the Space of One Calendar Month, there to remain without Bail or Mainprize, until he shall have paid the Sum so forfeited, or until the Expiration of the said One Calendar Month.

Penalty on drawing Timber, &c. otherwise than on Wheel-carriages.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, during the Continuance of this Act, shall hale or draw, or cause to be haled or drawn, upon, in, or along, any Part of the said Roads, hereby intended to be repaired, any Tree or Trees, or Piece or Pieces of Timber, otherwise than upon Wheel Carriages, every such Person or Persons, for every such Offence, shall forfeit and pay the Sum of Twenty Shillings.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures, by this Act imposed or incurred (the Manner of levying and recovering whereof is not otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County of Wilts; which Warrants such Justice or Justices is and are hereby impowered and required to grant, upon the Information of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer without Fee or Reward) and the said Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be ap-

plied (if not otherwise directed to be applied by this Act) for and towards amending the said Roads.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, it shall be lawful for such Person to appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace, to be held in and for the County of Wilts, or in case the said Cause of Complaint shall arise within Fourteen Days next before such General Quarter Sessions of the Peace, then such Appeal may be made to the said Justices at the Second General Quarter Sessions of the Peace to be held for the said County, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any such Person in a summary Way; and if they see Cause may, by Order of such Sessions, mitigate all or any of the Penalties and Forfeitures aforesaid, or vacate and set aside the Conviction, and set the Party at Liberty, or otherwise may ratify and confirm the same, with such Costs as to them shall seem reasonable, and to make such Orders and Judgements in regard to the Premisses as they shall think fit; but the Person so appealing shall give Notice in Writing to the said Treasurer or Treasurers to the said Trustees of such his or her Intention of bringing such Appeal, and of the Cause or Matter thereof, Fourteen Days at the least before the said Quarter Sessions.

14 Days Notice of Appeal to be given.

Proceedings not to be quash'd for want of Form only;

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

nor removable by *Certiorari*.

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

And, for continuing a sufficient Number of Trustees to put this Act in Execution, be it further enacted by the Authority aforesaid, That when and as often as any Trustees shall die or refuse to act, it shall and may be lawful for the surviving or other Trustees, or any Five or more of them, from time to time, to elect, nominate, and appoint, One other fit Person living in the County of Wilts, and qualified as herein after mentioned, in the Place of such

Trustees to dying or refusing to act; but Notice in Writing of the Time and Place of Meeting for the Election of all such new Trustees, shall be fixed on all the Turnpikes to be erected by virtue of this Act, at least Fourteen Days before the Meeting for such Election: And all and every such Person and Persons who shall from time to time be so chosen and appointed, shall be joined with such surviving or other Trustees, and they are hereby impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as if such Person or Persons had been particularly named in and appointed a Trustee or Trustees by this Act.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet at the House of Richard Lock in Deptford aforesaid, known by the Sign of the Black Lion, upon Wednesday the Twenty ninth Day of April, One thousand seven hundred and sixty one, and proceed to the Execution of this Act, and adjourn themselves from time to time, and afterwards meet there, or at any other Place, in or near any of the said Roads, as the said Trustees, or the major Part of them present at any such Meeting, shall think most convenient, as often as it shall be necessary for putting this Act in Execution: And if it shall happen that there shall not appear at any Meeting a sufficient Number of Trustees to act and to adjourn to another Day, the Clerk or Clerks to the Trustees shall, by publick Notice in Writing to be affixed upon all the said Turnpikes, at least Ten Days before the next Meeting, appoint the said Trustees to meet at the House where the said last Meeting was appointed to be held, or at some other convenient House, in or near any of the said Roads, on that Day Three Weeks from the Day on which such Meeting was appointed to have been held; and that the said Trustees, at all their Meetings, shall defray their own Charges and Expences.

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

Trustees to defray their own Expences.

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 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 some House in or near the said Roads, on that Day Three Weeks after the Date of such Notice; which said Notice shall be in Writing, and shall be affixed on all the Turnpikes erected by virtue of this Act, and the

In case the Clerk shall neglect, Trustee shall appoint a Meeting.

same

same shall be deemed and taken to be sufficient Notice of any such Meeting.

Qualification of Trustees.

Provided always, and be it enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in any Case in the Execution of this Act, unless, at the Time of his acting therein, he shall be, in his own Right, or in the Right of his Wife, in the actual Possession, Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, Tythes, or Hereditaments, being Freehold, Leasehold, or Copyhold, of the clear yearly Value of One hundred Pounds, above Reprizes, or be Heir Apparent of a Person having such Estate of the yearly Value of Two hundred Pounds, or possessed of a Personal Estate to the Amount of Two thousand Pounds: And if any Person or Persons, made incapable to act for the Causes aforesaid, shall nevertheless, presume to act in the Trust aforesaid, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds, to any Person or Persons who shall inform and sue for the same, to be recovered by Action of Law, to be brought in any of his Majesty's Courts of Record at Westminster; 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.

Penalty on acting if not qualified.

No Order made shall be repealed unless Nine Trustees be present.

And be it further enacted by the Authority aforesaid, That no Order made by the said Trustees, or any Five or more of them, in Execution of any of the Trusts, Powers or Authorities of this Act, shall be revoked, repealed, or set aside, by any subsequent Order of the said Trustees, unless Nine or more Trustees be then present.

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

Provided always, and be it further enacted by the Authority aforesaid, That no Trustee shall have any Place of Profit arising out of or by reason of the Tolls hereby granted, and every Person shall be incapable of acting as a Trustee during his Enjoyment of any such Place of Profit.

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

Provided also, and be it further enacted by the Authority aforesaid, That such Trustees as are or shall be in the Commission of the Peace for the said County of Wilts, shall and may act nevertheless as Justices of the Peace, for the more speedy and effectual putting in Execution the several Powers hereby given and granted.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall

shall and are hereby authorized and required to take such Security from the Treasurer or Treasurers, to be appointed for the Purposes of this Act, with One or more sufficient Sureties, for the due Execution of his and their said Office or Offices, as to the said Trustees, or any Five or more of them, shall seem meet.

No Victualler, &c. shall hold any Place of Profit.

And be it further enacted by the Authority aforesaid, That no Person shall be capable of holding any Place of Profit under this Act, who shall sell any Ale, Wine, or Spirituous Liquors, by Retail.

Proceedings to be enter'd in a Book.

And be it further enacted by the Authority aforesaid, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered, and signed by the said Clerk or Clerks, at any Meeting of Five or more of the said Trustees, as the Case shall require, shall be deemed and taken to be original Orders, as if the same were under the Hands and Seals of the said Trustees; which said Book or Books shall and may be read in Evidence in all Cases of Appeal, and in all Suits or Actions touching any thing done in pursuance of this Act.

Writings to be without Stamps.

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

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act, and all the Tolls and Powers hereby granted, shall take place and have Continuance from and after the Twenty second Day of April, One thousand seven hundred and sixty one, 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 commenced against any Person or Persons, for any Thing done in pursuance of this Act, the same 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 any such Action or Suit, shall and may plead

General Issue. the General Issue, and give this Act, and the Special Matter in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act: And if it shall appear so to have been done, or that such Action or Suit shall be commenced after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid; that then the Jury shall find for the Defendant or Defendants: And upon a Verdict for the Defendant; or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may have and recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have for his or their Costs in other 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 be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

FINIS.