Anno decimo

Georgii III. Regis.

An Act to continue the Term, and to vary and enlarge the Powers of Two Acts of the Twelfth Year of the Reign of King *George* the First, and the Eighteenth Year of the Reign of His late Majesty, "For repairing the "Highways from *Speenhamland*, in the Coun- "ty of *Berks*, to *Marlborough*, in the County "of *Wilts*;" and for repairing several other Roads therein mentioned.

WHEREAS by Two Acts of Parliament passed in the Twelfth Year of the Reign of His Majesty King George the First, and the Eighteenth Year of the Reign of His late Majesty, several Tolls or Duties and Powers were granted and given "For repairing the Highways "from Speenhamland adjoining to Newbury, in the "County of Berks, to Marlborough, in the County of "Wilts;" and the Terms of Years and Powers thereby granted were, by an Act passed in the Twenty-eighth Year of the Reign of His said late Majesty, further continued for the Term of Five Years: And whereas the Trustees have proceeded in the Execution of the said Acts, and have borrowed a considerable Sum of Money upon the Credit of the Tolls or Duties thereby granted, and have made great Progress in the repairing of the said Highways; but find the same cannot be effectually repaired, widened, and kept in Repair, and the Money now

Preamble, reciting Acts 12 *Geo.* I, and 18 *Geo.* II.

now owing be repaid, unless the Term granted by the said Acts be further continued, and the Powers thereof altered and enlarged: And whereas the Road leading from the West End of the said Highways, through the Town of Marlborough, to the Turnpike Road at the West End of the said Town leading to Shepherdshord, in the County of Wilts; and also the Road leading from the East End of the said Highways at Speenhamland, to the Tenement late a Blacksmith's Shop, in the Occupation of Hester Jefferies, are much out of Repair, and in some Parts narrow and incommodious to Passengers, and cannot be sufficiently repaired and widened by the ordinary Course of Law: And whereas the Purposes intended by the said recited Acts would be more effectually answered if the said Highways or Roads were divided into Two Districts, and separate Trustees were appointed for the Care and Management thereof, and the Tolls or Duties collected in each District were directed to be applied in the repairing and widening of the Highways or Roads in the District where they are collected: But as the Purposes aforesaid cannot be effected without the Aid of Parliament; may it therefore please Your Majesty, that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Term granted by the said Acts, shall, for the Purpose of repairing, widening, and keeping in Repair, as well the said Highways by the said recited Acts directed to be repaired, widened, and kept in Repair, as the said Road leading from the West End of the said Highways, through the Town of Marlborough, to the Turnpike Road at the West End of the said Town leading to Shepherdshord, in the County of Wilts; and also the said Road leading from the East End of the said Highways at Speenhamland, to the Tenement late a Blacksmith's Shop, in the Occupation of Hester Jefferies, be, and the same are hereby further continued from the Expiration thereof, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament; and instead of the Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Punishments, Matters, and Things in the said recited Acts contained, the Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Punishments, Matters, and Things in this Act contained, shall, for the Purpose of repairing, widening, altering, and keeping in Repair the Highways and Roads

The recited Acts continued for the further Term of 21 Years.

Roads within the Speenhamland District herein after-mentioned, take place and commence from the First Day of June, One thousand seven hundred and seventy; and for the Purpose of repairing, widening, altering, and keeping in Repair the Highways and Roads within the Marlborough District herein after-mentioned, shall take place and commence from the Second Day of June, One thousand seven hundred and seventy, and shall continue in Force until the Expiration of the Term granted by the said recited Acts and this Act. Commencement of this Act for each District.

And be it further enacted, That for the more effectual repairing and widening, altering, and keeping in Repair the said Roads, the same shall, from and after the said First Day of June, One thousand seven hundred and seventy, be divided into Two separate Districts; and that the Road leading from the Tenement, late a Blacksmith's Shop at Speenhamland, in the Occupation of Hester Jefferies, in the County of Berks, to Froxfield Bridge, in the County of Wilts, shall be and be called The Speenhamland District of the said Roads: And that Sir Joseph Andrews Baronet, Sir George Amyand Baronet, John Ambrose, James Pettit Andrews, John Archer, Abraham Atkins, Mark Baskett, James Burton, the Reverend Richard Brickenden D. D. Bernard Brocas, the honourable Peregrine Bertie, Richard Baily of Speenhamland, Richard Baily of Newbury, Lipyeatt Bodman, Richard Budd, John Bond, Joseph Bunny, John Butcher, John Bagnall, the Reverend Thomas Baker, William Bodman, Benjamin Barnard, the Reverend Dee Best, Lovelace Bigg, Sir William Blackstone Knight, the honourable and Reverend Henry Craven, Thomas Craven, the Reverend John Craven, John Collett M. D. the Reverend John Clark, John Collins, Robert Carr, Albon Collins, John Cowslad, Thomas Cowslad, Frederick Cowslad, Ralph Congreve, Ferdinando Collins, Thomas Coleman, Parsons Coleman, Sir Archer Croft, Croft, John Clark, Francis Cruse, the Reverend Richard Davies, the Reverend John Davies, Samuel Dixon, John Dibley, George Darby, John Elwes, the Reverend Edward Ernle D. D. Sir Thomas Frankland Baronet, Sir Michael Ernle Baronet, Edward Gale, the Reverend Thomas Gifford, the Right honourable the Earl of Fingall in the Kingdom of Ireland, Edward Goddard, Thomas Goddard, Christopher Griffith, the Reverend John Gabriel D. D. Henry Herbert, James Hayne, John Zephaniah Holwell, John Head, Sir Thomas Head, James Head, James Head of Winterbourn, John Hornblo, John Harbert, John Grantham, the Reverend Richard Garrard, the Reverend Christopher Garrard,

Roads to be divided into Two Districts.

Speenhamland District.

Trustees for the *Speenhamland* District.

rard, David Hartley, Thomas Hulbert M. D. Richard Hatt, Thomas Henſhaw, the Reverend William Harriſon D. D. Henry Henſhaw, Lawrence Head, William Jones of Ramſbury Manor, George Jones, Richard King, Ebenezer King, Manaſſeth King, Iſrael King, John Kimler, Thomas Knight of Lambourn, John King, Robert Kingſmill, Sir James Long Baronet, John Lanſdell, Chryſoſtom Lanſdell, Edward Lovelock, Thomas Lovidge, Thomas Littleboy, John Lynch, Edward Montague, John Mount, John Merriman, John Merriman junior, Joſ Millett, Peter Mathews, John Mathews, Edward Popham, Edward Popham junior, Francis Popham, Anthony Parſons, John Pearce, William Poyntz, the Reverend Thomas Penroſe, Thomas Phillips, Joſeph Pottinger, Iſrael Pottinger, James Poor, Francis Page, John Price, William Price, Francis Rawlins, Richard Robinſon, the Reverend Robert Reddy, Henry Read, the Reverend Richard Smith, the Reverend Thomas Sheppard, Edmund Seymour, William Sloper, John Sheppard, Francis Sheppard, Edward Sheppard, Anthony Smith, Richard Sellwood, Francis Stonehouſe, George Stonehouſe, Robert Southby, Samuel Southby, the Reverend Thomas Shirley, John Shirley, Samuel Slocock, the Reverend Francis Spackman, Henry Sainſbury, the Reverend Henry Stephens, Edward Stroud, Bartholomew Tipping, John Townſend ſenior, John Townſend junior, Richard Townſend, Anthony Taſſell, Joſeph Tanner, John Taylor, the Reverend Alexander Thiſtlethwayte, Sir William Saint Quintin Baronet, Arthur Vanſittart, Henry Vanſittart, Robert Vanſittart, Richard Vokins, Oſman Vincent, William Villebois, John Waters, the Reverend John Wilkes, the Reverend George Watts ſenior, the Reverend George Watts junior, Thomas Wymondeſold, Thomas Wylde, Edward Withers junior, William Withers, John Whitelock, George Wright, Pawlett Wright, Nathaniel Wright, Thomas Hayward, Robert Sloper, John Pocock Clerk, Richard Pocock Clerk, Thomas Hill Clerk, Thomas Stockwell ſenior, Clerk, Harry Cloudeſly, Joſeph Stockwell, Jegon, the Members for the Counties of Berks and Wilts for the Time being, the Mayor, Steward, Juſtice, Recorder, and Aldermen of the Borough of Newbury for the Time being, all the Juſtices of the Peace for the Counties of Berks and Wilts, and their Succeſſors, to be appointed in the Manner herein after-mentioned, ſhall be, and they are hereby appointed, Truſtees for putting this Act in Execution, ſo far as it relates to the ſaid Speenhamland Diſtrict of the ſaid Roads; and that from and after the ſaid Firſt Day of June, One thouſand ſeven hundred and ſeventy, the Road

Marlborough Diſtrict.

leading

leading from the East End of Froxfield Bridge aforesaid, over the said Bridge, to the Turnpike Road at the West End of the Town of Marlborough leading to Shepherds-hord, in the County of Wilts, shall be and be called The Marlborough District of the said Roads: And 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 Honourable Stephen Fox, the Honourable Charles Fox, Sir Edward Knatchbull Baronet, Sir James Long Baronet, Sir Edward Bayntun Baronet, Thomas Goddard, Paul Methuen, John Ivory Talbot, Thomas Metheun, Nevile Maskeline, Henry Hawson, Tristram Huddleton Jervoice John Walker, Richard Goddart, the Reverend Edward Goddard Clerk, the Reverend Charles Brinsden, the Reverend Thomas Giffard Clerk, Walter Parker, George Flower, James Sutton, Charles Garth, the Reverend Richard Brickenden D. D. the Reverend John Pococke Clerk, the Reverend Richard Pocock Clerk, Sir Michael Ernle Baronet, James Burton, the Reverend Edward Ernle D. D. the Reverend Thomas Baker Clerk, Lovelace Bigg, the Reverend John Clark, Ferdinando Collins, Henry Herbort, John Zephaniah Holwell, John Head, Sir Thomas Head, James Head, James Head of Winterbourn, the Reverend Christopher Garrard, the Reverend Richard Garrard, Henry Read, Thomas Batson, Michael Ewen, Harry Cloudesly, the Reverend William Harrison D. D. William Jones of Ramsbury Manor, Edward Popham, Francis Popham, Edmund Seymour, William Sloper, Robert Sloper, the Reverend John Wilkes, Francis Stonehouse, George Stonehouse, William Villebois, the Reverend George Watts senior, the Reverend George Watts junior, John Whitlocke, the Reverend Thomas Hill, the Reverend Thomas Stockwell senior, Joseph Stockwell, George Wroughton, Charles Penruddocke, John Waters, Michael Smith, Thomas Vilett, the Reverend John Rolt, Edward Eyles, Prince Sutton, George Wilby, Benjamin Symonds, Webb, John Wooldridge, Sir John Astley Baronet, the Honourable James Brudenell, William Burke, John Baverstock, Thomas Brunsdon, Bartholomew Buckerfield, John Braithwaite, Francis Braithwaite, George Brown, Andrew Baden, Charles Bill, John Bloxham, the Reverend Francis Cave Clerk, the Reverend Robert Clavering Clerk, the Reverend Algernon Clavering Clerk, the Reverend Caleb Colton Clerk, the Reverend Charles Curtois Clerk, John Cousins, Michael Cooke, William Clarke, John Coleman, Thomas

Trustees for the Marlborough District.

Thomas Cannon, the Reverend John D'Scrambes Clerk; William Francis, Richard Francis, William Fuidge, the Reverend George Gibbs Clerk, the Reverend Richard Garrard junior Clerk, George Goldwyer, Joseph Gillmore, John Gillmore, Walter Gillmore, Edmund Tarrant, John Appleford, Simon Appleford, the Reverend John Hort LL. D. the Reverend Thomas Hill Clerk, John Hyde, Maurice Hillier, Henry Hope, Samuel Hawkes, Henry Hill, Thomas Hancock, Thomas Hancock Grocer, Arthur Jones, the Reverend Henry Inner Clerk, the Reverend William Stratton Liddiard Clerk, Timothy Lucas, Thomas Lavington, the Mayor, Justices, and Capital Burgesses of the Town of Marlborough for the Time being, the Reverend Doctor More, the Reverend Thomas Meyler Clerk, the Reverend John Mayo Clerk, Edmund Maskelyne, Samuel Martin, Alworth Merewether, Nathaniel Merriman, Benjamin Merriman, Nathaniel Merriman junior, John Major, Richard Mills, William Northey, John Neate, Thomas Neate, James Neate, Edward Poore, John Powell, William Peck, William Parsons, Henry Pike, William Pinckney, Thomas Potter, William Pinckney junior, James Rolt, Henry Read, Henry Read junior, Richard Richens, Richard Richens junior, John Smith, James Shipton, the Reverend William Tomlins Clerk, Benjamin Tarrant, Samuel Tucker, Edward Tanner, John Whitlock, George Wroughton, the Reverend Francis Marias West Clerk, the Reverend George Wells Clerk, Thomas Warner, William Westmacott, John Wheeler, John Wells, John Wild, John Walker, Richard Goddard, the Reverend Francis Cave, Joseph Gilmore, John Gilmore, Walter Gilmore senior, Walter Gilmore junior, William Brown, Edward Brown, James Shipton of Hungerford, James Shipton of Marlborough, John Griffin, Robert Amor, John Sainsbury senior, William Stratton, John Wells, John Clark of Preshute, Sir Joseph Andrews Baronet, James Pettit Andrews John Archer, John Ambrose, James Burton, Richard Baily, John Collet M. D. the Reverend Christopher Garrard, the Reverend Thomas Baker, the Reverend and Honourable Henry Craven, Thomas Craven, the Reverend John Craven, the Reverend John Clarke, Thomas Cowslad, Frederick Cowslad, Samuel Dixon, Edward Ernle D. D. Sir Michael Ernle, Sir Thomas Frankland, the Reverend Thomas Fowle, Edward Goddard, James Hayne, John Zephaniah Holwell, Thomas Hullert M. D. William Harrison D. D. Edmund Seymour, William Sloper, Francis Stonehouse, George Stonehouse, Henry Stephens Clerk, and their Successors,

Succeſſors, to be appointed in the Manner herein after mentioned, ſhall be, and they are hereby appointed Truſtees for putting this Act in Execution, ſo far as it relates to the ſaid Marlborough Diſtrict of the ſaid Roads.

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

And be it further enacted, That as often as any Truſtee, by this Act appointed, or their Succeſſors, ſhall happen to die, or refuſe to act in the Execution of the Powers hereby granted, it ſhall be lawful for the ſurviving or remaining Truſtees, or any Five or more of them, within their reſpective Diſtricts, under their Hands and Seals, to appoint any Perſon a Truſtee in the Room of the Truſtee ſo dying, or refuſing to act; and the Perſon ſo appointed ſhall and may act in the Execution of this Act as fully as any Truſtee hereby appointed is impowered to act; and Notice of the Time and Place of Meeting for the Appointment of ſuch new Truſtee or Truſtees ſhall be given by the Clerk to the ſaid reſpective Truſtees, by affixing the ſame on all the Turnpike-gates which ſhall be then erected within the Diſtrict for which ſuch new Truſtee or Truſtees is or are to be nominated or appointed, at leaſt Ten Days before every ſuch Meeting.

Notice thereof to be given.

Qualification of Truſtees.

And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall, in his own Right, or in the Right of his Wife, be in the actual Poſſeſſion or Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments of the clear yearly Value of Sixty Pounds; or ſhall be Heir Apparent of ſome Perſon having ſuch Eſtate of the clear yearly Value of One hundred and twenty Pounds; or poſſeſſed of or intitled unto a Perſonal Eſtate to the Amount or Value of One thouſand five hundred Pounds; and if any Perſon, hereby deemed incapable to act, ſhall preſume to act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall inform or ſue for the ſame; to be recovered in any of his Majeſty's Courts of Record at Weſtminſter, by Action of Debt or on the Caſe, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is ſo qualified, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence, on the Part of the Proſecutor, than that ſuch Perſon had acted as a Truſtee in the Execution of this Act.

Penalty on acting, if unqualified.

And be it further enacted, That the ſaid Truſtees for the ſaid Speenhamland Diſtrict, or any Five or more of them, ſhall meet together at the Caſtle Inn on Speenhill

Times and Places of Truſtees Meeting for *Speenhamland* Diſtrict,

on the First Day of June, One thousand seven hundred and seventy; and the said Trustees for the said Marlborough District, or any Five or more of them, shall meet together at the Three Tuns Inn in Marlborough on the Second Day of June, One thousand seven hundred and seventy; and shall then respectively proceed to the Execution of this Act; and shall then adjourn themselves, and afterwards respectively meet at the same Place, or at any other Place near the said Roads, as the said respective Trustees, or any Five or more of them, shall think convenient, as often as it shall be necessary for the putting this Act in Execution; and if it shall happen that there shall not appear at any Meeting, which shall be appointed to be held by the said respective Trustees, a sufficient Number of Trustees to act at such Meeting, or to adjourn to any other Day; then, and in such Case, the Clerk to the said respective Trustees, by Notice in Writing to be fixed on all the Turnpike-gates which shall then be erected, by virtue of the said recited Acts or this Act, on the Road within the District wherein the same shall happen, at least Ten Days before the next Meeting, shall appoint the said respective Trustees to meet at the House where the last Meeting was appointed to be held, on that Day Three Weeks on which such last Meeting was appointed to have been held; and that the said respective Trustees, at all their Meetings, shall defray their own Charges and Expences.

and *Marlborough* District.

If a sufficient Number of Trustees do not attend,

Notice to be given of another Meeting.

Trustees to defray their own Expences.

Two Trustees sufficient to adjourn.

Provided always, That Two Trustees shall be sufficient for the Purpose of Adjournment.

Trustees not to act where interested.

And be it further enacted, That no Person shall be capable of acting as a Trustee under the Authority of this Act, who shall hold any Place of Profit arising out of the Tolls hereby granted.

Trustees may act as Justices.

And be it further enacted, That a Trustee or Trustees, appointed in or by virtue of this Act, who shall be a Justice or Justices of the Peace, may and is and are hereby authorised and impowered to act as a Justice or Justices of the Peace in the Execution of the Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding his or their being a Trustee or Trustees.

Trustees may erect Turnpikes, &c.

And be it further enacted, That the said respective Trustees, or any Seven or more of them, shall and may, within their respective Districts, continue or remove the Toll-gate and Toll-house now erected within the said respective Districts, and may cause to be erected any other Toll-gates and Toll-houses in and upon, or across any Part or Parts of the said Roads within their respective Districts;

Districts; and, instead of the Tolls or Duties granted by the said recited Acts, to cause to be demanded and taken, at each and every of the said Toll-gates within the said respective Districts, the following Tolls or Duties, before any Cattle or Carriage shall be permitted to pass through the same; that is to say, and take the following Tolls

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

For every Coach, Chariot, Chaise, Calash, Berlin, Chair, or Caravan, drawn by Four Horses, the Sum of Nine-pence.

For every Coach, Chariot, Chaise, Berlin, Calash, Chair, or Caravan, drawn by Three or Two Horses, the Sum of Sixpence.

For every Chaise, Chair, or other Carriage, drawn by One Horse, the Sum of Three-pence.

For every Waggon, Wain, Cart, or Carriage, drawn by Five or more Horses or Oxen, the Sum of One Shilling; and drawn by Four Horses or Eight Oxen, the Sum of Nine-pence; and drawn by Three or Two Horses, or Six Oxen, the Sum of Six-pence; and drawn by One Horse, the Sum of Three-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.

And 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 shall be paid to such Person or Persons as the said respective Trustees, or any Five or more of them, shall appoint to collect the same; and the Money so to be raised within each respective District, is hereby vested in the Trustees for such District, and shall be applied in such Manner as is herein after mentioned: And if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for the Person or Persons, appointed as aforesaid to collect the said respective Tolls, to seize and distrain any Horse or Horses, or other Cattle or Beast upon which such Toll is by this Act imposed, or any of the Goods or Chattels of such Person or Persons so neglect-

Tolls vested in the Trustees of the District whereon collected.

Tolls may to be levied by Distress.

lecting or refuſing: And if ſuch Toll, and the reaſonable Charges of ſuch ſeizing and diſtraining, ſhall not be paid within the Space of Four Days; the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Horſes, Cattle, Beaſts, or Goods ſo ſeized and diſtrained, returning the Overplus (if any) upon Demand to the Owner thereof, after ſuch Tolls, and all reaſonable Charges ſhall be deducted.

Truſtees may erect Side-gates,

And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, within their reſpective Diſtricts, to erect a Toll gate or Toll-gates, and Toll-houſes on the Side or Sides of any Part or Parts of the ſaid Roads or Highways, acroſs any Lane or Way leading out of the ſame;

and take Tolls thereat;

and there to cauſe to be taken and levied ſuch Tolls as are by this Act made payable at any other Toll-gate erected or to be erected by virtue hereof; ſo that the ſame do not extend to a double Charge upon any Perſon paſſing through any other Toll-gate erected or to be erected by virtue of this Act within the ſame Diſtrict.

but ſo as not to extend to a double Charge in the ſame Diſtrict.

For weighing Carriages paſſing through *Marlborough*.

And be it further enacted, That it ſhall and may be lawful for the Truſtees within the ſaid Marlborough Diſtrict, or any Five or more of them, by Writing ſigned by them, to order all Carts, Waggons, and other Carriages, for the conveying of any Goods or Merchandize which ſhall paſs along the ſaid Turnpike Road through the ſaid Town of Marlborough, to be weighed at any Engine already erected on the Side of the Turnpike Road within the ſaid Town of Marlborough, with the Conſent of the Owner or Owners, Proprietor or Proprietors of any ſuch Engine, together with the Loading thereof; and for them, or any Five or more of them, or for any Perſon or Perſons impowered by them, or any Five or more of them, to receive and take ſuch additional Tolls and Duties as are appointed to be received and taken, in and by an Act of Parliament made in the Seventh Year of His preſent Majeſty's Reign, intituled, An Act to explain, amend, and reduce into One Act of Parliament the general Laws now in being for regulating the Turnpike Roads of this Kingdom, and for other Purpoſes therein mentioned, and under and ſubject to ſuch Directions and Regulations as in the ſaid Act is or are mentioned and expreſſed.

Act 7 *Geo.* III.

No Gate to be erected between the Places here mentioned.

Provided always, and be it further enacted, That nothing herein contained ſhall impower the ſaid reſpective Truſtees, or any of them, to erect or ſet up, or cauſe

cause to be erected or set up, any Gate or Turnpike in, across, or on the Side of the Highway or Road between Hungerford Bridge and Froxfield Bridge, nor between a certain House called by the Name or Sign of the Roe Buck, in the Parish of Preshute, in the County of Wilts, and the said Turnpike Road at the West End of the Town of Marlborough; any Thing herein contained to the contrary notwithstanding.

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

And be it further enacted, That the said Toll-gates and Toll-houses, and the Materials of which the same shall consist, and all Materials which shall be provided by the said respective Trustees, or by their Surveyor or Surveyors, for repairing the said Roads, and all Mile-stones set up, and to be set up on the said respective Roads, shall be and they are hereby vested in the said respective Trustees; and they, or any Five or more of them, are hereby authorised and impowered to bring or cause any Action or Actions to be brought in the Name of their respective Treasurer or Clerk, or to prefer and order and direct the preferring of Indictments against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, injure, or destroy any Toll-gate or Toll-house which shall be erected by virtue of this Act, or any Part thereof, or any of the Materials of which the same shall be built or consist, or any of the Materials which shall be provided for the repairing of the said respective Roads.

For lighting certain Parts of the Roads.

And whereas it would tend greatly to the Safety and Accommodation of all Persons travelling the said Highways, if certain Parts thereof were properly lighted; be it therefore enacted, That in order to render the said Roads safe and commodious for Travellers, it shall and may be lawful for the said respective Trustees, or any Nine or more of them, to cause to be erected and set up upon the said Roads, or on the Sides thereof, in such Manner as shall be most effectual for the lighting the dangerous and narrow Parts of the said Road, such Number of Lamps as they shall think necessary, with proper Lamp Posts and Lamp Irons, so as the Number of Lamps to be erected or set up as aforesaid do not exceed Thirty in the said Marlborough District, and Fifteen in the said Speenhamland District; and the same shall be lighted at such Times and in such Manner as the said Trustees, in their respective Districts, or any Nine or more of them, shall from Time to Time direct and appoint; and all Expences attending the same shall be defray-

ed out of any Surplus Monies arising from the said Tolls and Duties in such of the said respective Districts where the said Lamps shall be erected and set up, after Payment of all Interest Money to be borrowed on the Credit of such Tolls, and all other Expences of repairing and amending the said Roads: And if any Person or Persons shall wilfully break, pull down damage, or destroy any such Lamps, Lamp-posts, or Lamp-irons, or any other that shall and may at any Time hereafter be erected or set up upon the said Roads, or on the Sides thereof, 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 of the County, Town, or Place where such Offence shall be committed (which Oath the said Justice or Justices is and are hereby impowered to administer) every such Person shall forfeit and pay any Sum not exceeding Five Pounds nor less than Twenty Shillings, for each and every Lamp, Lamp-post, and Lamp-iron, so wilfully broken, pulled down, damaged, or destroyed.

Penalty on breaking Lamps, &c.

Application of the Tolls collected on the *Speenhamland* District,

And be it further enacted, That all the Money arising by the Tolls to be collected by virtue of the said recited Acts and this Act upon the Road within the said Speenhamland District, shall in the First Place be subject and liable to the Payment and Discharge of One Moiety of all the Costs and Charges of procuring and passing this present Act; and shall in the next Place be subject to and charged with the Payment of the principal Sum of One thousand Two hundred Pounds now due and owing upon the Credit of the said recited Acts, and the Interest due and to grow due for the same; and also subject to the Payment of One Moiety of all such other Sums of Money which are now due and owing upon the Credit of the said recited Acts; and the Remainder thereof shall be applied in repairing, widening, altering, and keeping in Repair the said District of the said Roads, and defraying the necessary Costs, Charges, and Expences attending the same, and the Execution of this Act, so far as the same relates to the said District of the said Roads, and to no other Use, Intent, or Purpose whatsoever: And that all the Money arising by the Tolls collected by virtue of the said recited Acts and this Act, upon the Road within the said Marlborough District, shall in the First Place be subject and liable to the Payment and Discharege of One Moiety of all the Costs and Expences of procuring

and on the *Marlborough* District.

and passing this present Act; and shall in the next Place be subject to, and charged with, the Payment of the principal Sum of Eight hundred Pounds now due and owing upon the Credit of the said recited Acts, and the Interest due and to grow due for the same; and also subject to the Payment of One Moiety of all such other Sums of Money which are now due and owing upon the Credit of the said recited Acts; and the Remainder thereof shall be applied in repairing, widening, altering, and keeping in Repair the said District of the said Roads, and defraying the necessary Costs, Charges, and Expences attending the same, and the Execution of this Act, so far as it relates to the said District of the said Roads, and to no other Use, Intent, or Purpose whatsoever.

Application of the Monies collected on former Acts.

And be it further enacted, That all the Monies which shall, at the Commencement of this Act, remain in the Hands of the Treasurer appointed by virtue of the said recited Acts, shall be paid and applied in Manner following; that is to say, In the first Place in the Payment of all such Sum and Sums of Money which shall then be due and owing upon account of the Repairs of the said Roads, and other the Purposes of the said recited Acts, together with the Interest of the principal Sum of Two thousand Pounds now due and owing upon the Credit of the said Acts; and the Remainder (if any) shall immediately upon the Commencement of this Act be paid, One Moiety to the Treasurer to be appointed by the said Trustees for the said Speenhamland District, and the other Moiety to the Treasurer to be appointed by the Trustees for the said Marlborough District; and shall be by the said respective Trustees, or any Five or more of them, applied and disposed of in the same Manner as the Tolls or Duties by this Act granted are directed to be applied, and to or for no other Use or Purpose whatsoever.

Trustees may lessen the Tolls in the respective Districts.

And be it further enacted, That it shall be lawful for the said respective Trustees, or any Nine or more of them, with the Consent of the Person or Persons intitled to the Money due and to be borrowed on the Credit of the said respective Tolls, to lessen the Tolls hereby granted, or any Part thereof, for such Time as the said respective Trustees shall think proper; and such Tolls so lessened shall be collected, recovered, and applied, in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

And

Tolls to be paid but once a Day in the same District

And be it further enacted, That if any Person shall have paid the Toll by this Act granted for the passing of any Cattle or Beast through any Toll-gate continued or erected by virtue of this Act; the same Person shall be permitted to pass Toll-free with the same Cattle or Beast through the same Toll-gate, and through any other Toll-gate erected or to be erected within the same District, but no other, at any Time or Times during the same Day, to be computed from Twelve of the Clock in the Night to Twelve of the Clock in the next Night.

Trustees may lease, &c. the Tolls

And be it further enacted, That from and after the Thirty-first Day of May, One thousand seven hundred and seventy-one, it shall and may be lawful to and for the said respective Trustees, or any Seven or more of them, by Writing under their Hands and Seals, to demise, lease, and to farm let the Tolls arising within their respective Districts, to any Person or Persons willing to take or farm the same, for any Term of Years not exceeding Three Years, for the best Rent or Price which can be got for the same, to be paid monthly or otherwise to the said respective Trustees, or any Five or more of them, or their respective Treasurers; which Money so to be paid, shall be applied and disposed of as the Tolls granted by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Trustees may compound with Travellers.

And be it further enacted, That the said respective Trustees, or any Seven or more of them, shall and may, and they are hereby authorised and impowered to compound or agree by the Year or otherwise, with any Persons using to travel the said Highways or Roads (common Carriers and Stage Coaches only excepted) for any Sum or Sums of Money as the said respective Trustees, or any Seven or more of them, shall think fit, for and in lieu of Payment of any of the said Tolls or Duties; which Composition shall be instantly paid to the said respective Trustees, or any Five or more of them, or to their Appointment.

Exemptions from Toll.

And be it further enacted, That no Toll or Duty shall be demanded or taken at any Toll-gate continued or erected by virtue of this Act, for the passing of any Cattle drawing any Carriage laden with Materials for repairing any Highway or Road, or drawing Dung, Mould, Peat Ashes, or Compost of any Nature or Kind whatsoever, for manuring of Gardens or Land within the same Parish, Hay or Corn in the Straw to be laid up in the Houses of the respective Inhabitants of the

several

several Parishes through which the said Highways or Roads hereby intended to be repaired lie (except Peat Ashes carried for Hire or Sale) or any Ploughs, Harrows, or other Implements of Husbandry, in order to the using or repairing the same, or any other Things whatsoever employed in Husbandry, or for manuring or stocking of Land in the several Parishes in which the said Highways or Roads hereby intended to be repaired lie; nor for any Horses or Cattle going to or returning from the Pasture or Watering-places, or going to and returning from any Blacksmith's Shop to be shod, belonging to the respective Farms of any of the neighbouring Inhabitants; nor shall any Toll or Duty be demanded or taken at any of the said Toll-gates, for Cattle drawing any Coaches or Carriages with Passengers, or from Passengers on Horseback going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Berks or Wilts; or for any Post-horse or Carriage carrying or drawing the Mail or Packet; nor shall any Toll or Duty be demanded or taken for the Horses of any Soldiers passing that are upon their March, or for Carts, Carriages, or Waggons attending them; nor for Cattle or Carriages travelling with Vagrants sent by Passes; nor for Cattle or Carriages which shall cross any of the said Roads only.

Particular Exemptions.

Provided always, and be it further enacted, That no Toll or Duty whatsoever shall be demanded, taken, or payable for or in respect of any Horse, Mule, Ass, Cart, or other Carriage, which shall be loaded with Wood or Furze for Fuel, for the Use of any Person or Persons inhabiting or residing within the Town of Marlborough; or Peat for Firing for the Use of Persons residing within the Parishes of Speen Wellford, Kintbury, Avington, Hungerford, and Froxfield, or which shall be loaded with or carry Lime-stone or Lime or Manure only through the said Gates or Turnpikes, or any of them; or for or in respect of any such Horse, Mule, Ass, Cart, or any other Wheel-carriage, returning empty or unloaden through the said Gates or Turnpikes, or any of them, from any Place or Places to which such Horse, Mule, Ass, Cart, or other Wheel-carriage, was or were loaded with, or carried any such Lime-stone or Lime; any Thing herein contained to the contrary notwithstanding.

Penalty on making Illegal Claims.

Provided nevertheless, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall,

for every such Offence, forfeit and pay the Sum of Five Pounds; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in repairing the said respective Roads.

Penalty on permitting, or going through, private Passages, &c.

And be it further enacted, That if any Person occupying any Land near to any Toll-gate continued or erected in pursuance of this Act, shall permit or suffer any Person or Persons to pass through any Gate, Passage, or private Way, with any Cattle; or if any Person shall with any Cattle pass through any such Gate, Passage, or private Way; or if any Person shall take off, or cause to be taken off, any Horse or other Beast from any Carriage, on either Side of any Gate or Turnpike erected or continued by virtue of this Act, in order to avoid the Payment of any of the Tolls hereby granted; or if any Person shall forcibly pass through any such Toll-gate with any Cattle, whereby the Payment of any of the Tolls by this Act granted shall be avoided; every Person so offending, in each of the Cases aforesaid, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Trustees may borrow Money on the Credit of the Tolls.

And, for the more speedy repairing, widening, and altering the said Roads, be it further enacted, That it shall and may be lawful to and for the said respective Trustees, or any Eleven or more of them, from Time to Time, upon the Credit of the respective Tolls by this Act made applicable to the repairing, widening, altering, and keeping in Repair the said respective Roads, to borrow and take up at Interest any such Sum or Sums of Money as they, or any Eleven or more of them, shall think needful; and may, and they are hereby impowered to mortgage and assign over the Tolls arising within their respective Districts, to any Person or Persons for any Term or Number of Years, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof; which said Sums of Money so to be borrowed shall be laid out and applied in and for the repairing and widening the said respective Roads, and to and for no other Use or Purpose whatsoever.

Tolls may be assigned for Money borrowed.

Money due on former Acts, deemed prior Mortgage.

Provided always, That the said principal Sum of Two thousand Pounds, now due and owing on the Credit of the said former Acts, shall be and be deemed to be the prior Mortgage on the Credit of the said Acts and this Act; any Thing in the said Acts or this Act contained to the contrary notwithstanding.

And

And be it further enacted, That all and every Person and Persons to whom any Mortgage or Mortgages, Assignment or Assignments of the Tolls granted by the said recited Acts, or either of them, hath or have been made, or to whom any Mortgage or Mortgages, Assignment or Assignments, of the said respective Tolls granted by this Act shall be made, or who shall be intitled to the Money thereby secured, and his, her, and their Assignee or Assignees, may, and is and are hereby impowered, from Time to Time, to transfer or assign over such Security or Securities, or any Part or Parts thereof, and all the Monies that shall be due or owing thereon, to any other Person or Persons; so that the respective Toll-gates, and the Tolls to be collected at each of them, be not charged with or made liable to the Payment of any more or greater Part of the said principal Sums now due or owing thereon, than by this Act is before directed and appointed. Assignments may be transferred.

And be it further enacted, That in case any of the said Person or Persons who have lent such Sums of Money on Security of the Tolls granted by the said former Acts, and which Sums are by this Act charged upon the said Tolls hereby granted, separately and proportionably as aforesaid, or any other Person or Persons who shall hereafter lend and advance Money on the Credit of the Tolls granted by this present Act, and payable within either of the said Districts, or his, her, or their Assignee or Assignees, shall at any Time be desirous to be repaid the Money due thereon, and shall deliver a Notice in Writing, signed by him, her, or them, signifying such his, her, or their Desire, to the Clerk or Clerks of the Trustees acting within such District, at any Meeting of the said Trustees; then, and in such Case (unless the Principal and Interest due and to grow due to him, her, or them, on the Security of the said Tolls, shall be fully paid unto or tendered to such Creditor or Creditors so signing such Notice, within Six Months after the Delivery thereof as aforesaid) it shall and may be lawful to and for the said Creditor or Creditors to receive and collect, or cause to be received and collected, the Tolls and Duties granted by this Act, and which shall be payable at such Toll-gate or Gates on the Credit of which such Money was advanced and lent, and to apply the same to the Payment of the Principal and Interest of such Debt or Debts. Creditors, on Nonpayment after Notice, may receive the Tolls at Turnpike on which Money was lent.

And

And be it further enacted, That the Assignments or Mortgages of the Tolls to be made by virtue of this Act, shall and may be made in the Manner, or in the Form, or to the Effect following; videlicet,

Form of Assignment.

BY virtue of an Act made in the Tenth Year of the Reign of His Majesty King *George* the Third, to continue the Term and to vary and enlarge the Powers of Two Acts of the Twelfth Year of the Reign of King *George* the First, and the Eighteenth Year of the Reign of His late Majesty, for repairing the Highways from *Speenham-land*, in the County of *Berks*, to *Marlborough* in the County of *Wilts*, and for repairing several other Roads therein mentioned; we, Eleven of the Trustees, in Consideration of the Sum of to the Treasurer of the said Road in the Hand paid, do assign unto *A B*, his Executors, Administrators, or Assigns, such Proportion of the Tolls arising by virtue of the said Act as the said Sum of shall bear to whole Sum advanced on the Credit of the same; to be had and holden from this Day of in the Year of our Lord for and during the Continuance of the said Act, unless the said Sum of with Interest at the Rate of *per Centum per Annum*, shall be sooner repaid and satisfied.

Assignments may be transferred.

And that all and every Person and Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, shall be made as aforesaid, or who shall be intitled to the Money thereby secured, may, from Time to Time, assign or transfer his, her, or their Right, Title, Interest, or Benefit to the Principal and Interest thereby secured, to any Person or Persons whatsoever, by Indorsement on such Security, in the Form or to the Effect following; videlicet,

Form of Transfer.

I Do transfer this Assignment, with all my Right and Title to the Principal hereby secured, and to all the Interest now due upon the same, unto his Executors, Administrators, or Assigns. Dated this Day of

Witness, *G H.* *J R.*

Trustees may appoint Officers,

and may remove them, and appoint others;

And be it further enacted, That the said respective Trustees, or any Seven or more of them, may appoint such Officers and other Persons, as they shall think necessary to employ in the Execution of this Act; and such Officers and other Persons, and any of them, from Time to Time, to remove, and to appoint others in case of

of Death or such Removal: And all and every such Officers and other Persons, and all and every the Officers and other Persons who have had, received, or paid, by virtue of the said former Acts, or who shall at any Time or Times hereafter have, receive, or pay, any Sum or Sums of Money on account of or relating to the repairing, widening, altering, and keeping in Repair the said respective Roads, shall from Time to Time (when thereunto required by the said respective Trustees, or any Five or more of them) make and render to the said Trustees, or any Five or more of them, a true, exact, and perfect Account in Writing under their respective Hands upon Oath, to be taken before Five or more of the said respective Trustees (which Oath any Two of the said Trustees are hereby impowered to administer) of all Monies which he, they, and every of them respectively, shall to that Time have received, paid, and disbursed by virtue of the said recited Acts or this Act, or by reason of their respective Offices: And in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said respective Trustees, or any Five or more of them, or to such Person as they shall respectively appoint to receive the same: And in case any such Officer or other Person shall not make and render, or shall refuse to verify upon Oath such Account, or to make such Payment as aforesaid, then any One or more Justice or Justices of the Peace for the County where such Officer or other Person shall reside, shall make Inquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer): And if any such Officer or other Person shall be convicted of all or any of the Offences aforesaid, such Justice or Justices shall commit the Offender to the Common Gaol of the County or Place where the Offence shall be committed, there to remain without Bail or Mainprize until he or they shall make and render a full, true, and perfect Account and Payment as aforesaid, or until he or they shall have compounded and agreed with the said respective Trustees, or any Seven or more of them, and shall have paid such Composition to the said respective Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same; which Composition the said respective Trustees, or any Seven or more of them, are hereby impowered to make.

Officers to account upon Oath.

Officers not accounting, &c.

Justices to inquire into the Default,

and commit the Offender until he shall conform or compound.

Trustees to take Security from the Treasurer.

And be it further enacted, That the said respective Trustees, or any Five or more of them, are hereby authorised and required to take such Security from the Treasurer or Treasurers, and Collectors or Receivers of the Tolls, to be appointed for the Purposes of this Act, for the due Execution of his and their said Office and Offices, as to the respective Trustees, or any Five or more of them, shall seem meet.

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

And be it further enacted, That no Person keeping an Inn, Alehouse, or other House of publick Entertainment, or who shall sell Ale, Wine, Brandy, or other Spirituous Liquors by Retail, shall be capable of holding any Place of Trust or Profit under this Act.

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

And be it further enacted, That the Surveyor or Surveyors appointed by the said respective Trustees, or any Seven or more of them, or any Person or Persons appointed by such Surveyor or Surveyors, may, and is and are hereby authorised and impowered, by Warrant or Authority in Writing signed by the said Trustees, or any Five or more of them, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Materials proper for repairing of Roads, in, upon, out of, or from any Waste or Common in any Parish, Town, or Place, in, adjoining to, or lying near the Roads aforesaid; or out of the Forest or Chace of Savernake, belonging to the Right Honourable Lord Bruce, in such Parts and Places thereof only as the said Lord Bruce, or some Agent or Person by him authorised, shall direct and appoint; and in Default of such Direction or Appointment, within Ten Days after any Request shall be made by the Surveyor or Surveyors appointed by the Trustees for the said Marlborough District, or any Five or more of them, by Notice in Writing left for the said Lord Bruce at his Dwelling-house at Tottenham Park, in the said County of Wilts; then in such Part or Places of the said Forest or Chace as the said Trustees, or any Five or more of them, shall direct and appoint, to be used in repairing the said Roads, without paying any Thing for the same; they the said Surveyors or other Persons filling up the Pits or Holes, and levelling the Ground, or making a sufficient Fence to prevent any Misfortune or Accident happening in the Pits or Holes from whence such Materials shall be taken, or causing the same to be done; and if a Quantity of Materials sufficient for that Purpose cannot, in the Judgement of the said respective Trustees, or any Five or more of them, conveniently be found in or upon such Waste or Common; then, and in such Cases, to cut, dig,

or out of the Forest of *Savernake*,

without paying for the same,

levelling the Pits;

dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away any Quantity or Quantities of Materials proper and sufficient for that Purpose, in, upon, or out of and from any Lands or Grounds of any Person or Persons where the same may be had or found, to be used towards repairing the said Roads (such Lands and Grounds not being a Yard, Garden, Orchard, Park, Paddock, Plantation, Avenue or Walk of Trees, Wood, Coppice, or Nursery) they the said Surveyors, or other Person or Persons paying or offering to pay to the respective Owners or Occupiers of such Lands or Grounds, such Damage for getting and carrying away the said Materials, and for carrying the same over their Grounds, as the said respective Trustees, or any Five or more of them, shall think reasonable: And in case of any Difference between the said respective Trustees, Surveyors, or Person or Persons by them appointed as aforesaid, and the said Owners and Occupiers, or any or either of them, concerning the said Damages, any Two or more Justices of the Peace of the County where the said Materials shall be so cut, digged, gathered, taken, and carried away, shall and may, on Ten Days Notice thereof to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, to be left at their respective Places of Abode with some or One of their respective Families, hear, settle, and determine the Matters of the said Damages.

or from private Grounds,

making Satisfaction.

Justices to determine Differences.

Provided always, That nothing herein contained shall impower the said Trustees or Surveyors to pick or gather Stones or Flints in the private Lands or Grounds of any Person or Persons when the same are sown with any Kind of Corn or Grain; or whilst any Corn, Grain, or Clover is or are growing thereon; or when such Lands or Grounds are in any other State or Condition, except in Fallow or Stubble; any Thing herein contained to the contrary notwithstanding.

Stones or Flint not to be taken from private Grounds,

except when in Fallow or Stubble.

And be it further enacted, That the said respective Trustees, or any Five or more of them, or the Surveyor or Surveyors, or any Person or Persons by them or either of them appointed or employed, may, and is and are hereby authorised and impowered to make, or cause to be made Causeways in or along the Sides of any Part or Parts of the said Roads; and to cut, or cause to be cut any Watercourse in, through, or across any Lands or Grounds, in order to drain, or prevent the said Roads, or any Part or Parts thereof, from being overflowed; and erect

Surveyors may make Causeways, &c.

cut Watercourses,

erect Bridges, and make a temporary Road;

erect Bridges over such Drains or Watercourses, if necessary; and also to make, or cause to be made a Road or Way by, through, or over the adjoining Grounds of any narrow or ruinous Parts of the said Roads hereby intended to be repaired (not being the Scite of or Ground whereon any House or Houses stand, or planted Walk, Yard, Park, Paddock, or Avenue to any House) to be made use of by all Passengers with Carriages and Cattle, or otherwise, as a publick Road, whilst the old or ruinous Road is repairing, and till such Time as it shall be convenient and safe for Carriages and Cattle to pass the same; making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds for the Damages they shall thereby sustain, as to the said respective Trustees, or any Five or more of them, shall seem reasonable.

making Satisfaction for the same.

Surveyors may remove Annoyances, &c.

And be it further enacted, That it shall and may be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to remove all Annoyances on the said respective Roads, and to cut down Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto; the Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances, for the Space of Ten Days after Notice given in Writing for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors; the Charges whereof shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances as aforesaid: And in case such Owners or Occupiers shall not, upon Demand, pay and reimburse to the Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Warrant under the Hand and Seal, or Hands and Seals of One or more Justice or Justices of the Peace for the County or Place where the same shall happen, from Time to Time to levy the Charges thereof upon such Owners or Occupiers, by Distress and Sale of his and their Goods and Chattels, rendering the Overplus (if any be) to the Owners or Occupiers thereof, upon Demand, after all Charges paid: And if, upon the Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner; every such Person so offending, and being thereof convicted, upon Oath, before Two or more Justices of the Peace for the County or Place where the same shall happen, shall, for every such Offence, forfeit and pay to the said respective Trustees, or any Five or more of them,

Owners neglecting to do the same after Notice.

Charges to be levied by Distress.

Penalty on a subsequent Offence.

the

the Sum of Forty Shillings, to be levied and recovered in Manner aforesaid.

Owners neglecting to scour their Watercourses,

And be it further enacted, That if any Person or Persons, who of Right ought to scour and cleanse any Ditch, Drain, or Watercourse which shall adjoin to, or lead into or out of any Part or Parts of the said respective Roads, shall not in a proper Manner cause the same to be scoured and cleansed, within the Space of Ten Days next after Notice in Writing shall for that Purpose be given to him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode by the said Surveyor or Surveyors, then the said Surveyor or Surveyors may cause such Ditches, Drains, and Watercourses to be scoured and cleansed, and pay for scouring and cleansing the same; and if the said Person or Persons shall not repay the Money paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them respectively made, either in Person or by Writing to be left at his, her, or their respective Place or Places of Abode, the said Money, and every Part thereof, upon the Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Nonpayment thereof as aforesaid, by the Oath of One or more Witness or Witnesses before any Justice of the Peace for the County or Place where such Person or Persons respectively shall live, shall and may, by Warrant or Warrants under the Hand and Seal of such Justice, be levied by Distress and Sale of the Goods and Chattels of such Person or Persons, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

Surveyors may cleanse the same,

and levy the Charges by Distress and Sale.

Trustees impowered to purchase Lands, &c.

And be it further enacted, That in case the said respective Trustees, or any Seven or more of them, shall, at any Time or Times, during the Continuance of the said former Act or of this Act, think proper to widen, turn, or alter any Part or Parts of the said Roads within their respective Districts, for the better accommodating of Passengers; that then the said respective Trustees, or any Seven or more of them, shall have full Power and Authority to treat, contract, and agree with the several Owners, Proprietors, Occupiers of, and Persons interested in any Lands, Grounds, or Hereditaments, or for the Purchase of any such Lands, Grounds, or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may any ways sustain by such widening, turning, or altering any Part of such Roads; and out of the re-

ſpective Tolls by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for ſuch Lands, Ground, or Hereditaments, and for ſuch Loſs or Damage, ſuch Sum or Sums of Money as ſhall be agreed upon between ſuch Owners, Proprietors, Occupiers, and Perſons intereſted as aforeſaid, and the ſaid reſpective Truſtees, or any Seven or more of them, and alſo the Coſts and Charges attending ſuch Agreement and Purchaſe.

Intended Road not to be carried through Fields in *Avington*,

Provided always, That in caſe the Truſtees for the ſaid Turnpike Road ſhould think it neceſſary to turn the preſent Road leading from Hungerford Bridge towards Speenhamland, in order to avoid the Lower Dentford Lane, the ſaid Turn ſhall join the preſent London Road again at or before the Entrance into the Pariſh of Avington, and not be carried through any Fields in that Pariſh, in any different Direction than it now is, without the Conſent of the Proprietors thereof; any Thing contained in this Act to the contrary notwithſtanding.

without Conſent of Proprietors.

And whereas it may happen that ſome Perſons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, or others, are or may be ſeiſed or poſſeſſed of Lands, Grounds, or Hereditaments, which may by the ſaid reſpective Truſtees be thought neceſſary or proper to be taken in and added to the ſaid Roads, or through which the ſaid Roads may be turned; and ſuch Perſons, or Bodies Politick, Corporate, or Collegiate, Corporations, Aggregate or Sole, or Feoffees, may be willing to treat or agree for the Sale of ſuch Lands, Grounds, or Hereditaments, but may be incapable of granting or conveying the ſame by reaſon of Infancy, or other Diſability; be it further enacted, That it ſhall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, or other Truſtees whatſoever, for or 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 reſpective Truſtees, or any Seven or more of them, for the Purchaſe of ſuch Lands, Grounds, or Hereditaments, or for their Intereſt therein, for the Purpoſes aforeſaid, and to ſell and convey the ſame as Occaſion ſhall be and require; and all Contracts, Agreements, Sales, and Conveyances, which ſhall be ſo made, ſhall

Bodies Politick, &c. impowered to treat.

be

be valid to all Intents and Purposes whatsoever; any Law, Statute, Usage, or any other Matter or Thing to the contrary thereof in any wise notwithstanding: And all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, 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. neglecting to treat,

And be it further enacted, That if any such Owner, Proprietor, Occupiers, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or other Person or Persons interested in any such 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, Corporations Aggregate or Sole, 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 into or through which such Road is to be turned or altered as aforesaid, shall, by the Space of Twenty-one Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or, by reason of Absence, shall be prevented from treating; then, and in every or any such Case, the said respective Trustees, or any Five or more of them, shall cause it to be enquired into and ascertained by and upon the Oath of a Jury of Twelve indifferent Men of the County in which such Lands, Grounds, or Hereditaments, shall lie (which Oath any Two or more of the said respective 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, Proprietors, Occupiers, or other Person or Persons interested for or upon account of the taking such Lands, Grounds, or Hereditaments, into the said Roads, or of turning such Road into or through any such Lands, Grounds, or Hereditaments; and in order thereto, the said respective Trustees, or any Five 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 whomsoever who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premises (which Oath any Two or more of the said respective Trustees are hereby impowered to administer); and they shall order and

Jury to settle the Damage and Recompence.

Witnesses to be examined on Oath.

and cause the said Jury to view the said Places in Question, if there be Occasion; and use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises, as they the said respective Trustees, or any Five 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 respective Trustees, or any Five 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, Proprietors, or Occupiers 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 Person and Persons whatsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever; and all and every such Owners, Proprietors, and Occupiers, and all and every Person and Persons interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, be thereby and 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 respective Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County in which such Lands, Grounds, or Hereditaments shall lie, thereby commanding and requiring him to impannel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said respective Trustees, or any Five 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 impannel, summon, and return such Number accordingly; and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said respective Trustees, or any Two or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid: And in Default of a sufficient

Verdict of the Jury to be final.

Trustees may issue their Warrant to the Sheriff to impannel and summon a Jury.

sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said respective Trustees, or any Five or more of them, acting in the Premises, shall have full Power, from Time to Time, to impose any reasonable Fine or Fines on such Sheriff or Sheriffs, his or their Deputy or Deputies, Bailiffs, or Agents, making Default in the Premises, and on any of the 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, refusing to give or not giving their Verdict; or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear; or appearing, shall refuse to be sworn and give Evidence; and from Time to Time to levy such Fine or Fines, in the same Manner as any other Forfeiture or Penalty herein before-mentioned is hereby directed to be levied, so that no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence; and all such Fines shall be applied for such Uses and in such Manner as the Tolls granted by this Act are to be applied.

Jurors may be challenged.

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

Fine not to exceed 10*l.*

And be it further enacted, That all and every Sum and Sums of Money, so assessed as aforesaid, is hereby charged upon the Money which shall be raised by virtue of this Act, and shall be paid thereout accordingly by the said respective Trustees, or any Five or more of them, or by their respective Treasurer, 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 Treasurer to the said respective Trustees, for the Use of such Persons, such Lands, Grounds, or Hereditaments shall be laid into and made Part of the said Roads, and shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be a publick and common Highway, and be from thenceforth Part of the said respective Roads for ever after; and shall be repaired and kept in Repair by such Ways and Methods, and in all Respects in such Manner, as the old Road so widened,

Monies assessed to be charged on the Tolls.

Lands purchased to be deemed a publick Highway, and kept in Repair as such.

altered, or turned was and ought to be kept in Repair; and after such new Road shall be completed, the Lands and Grounds comprized in or constituting the old or former Road, shall be vested in the said respective Trustees, and shall or may be stopped up, or left unrepaired, or shall or may be by them, or any Five or more of them, sold and disposed of to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied and disposed of for the repairing of the said respective Roads, and other the Purposes of this Act; and the Sale or Conveyance and Conveyances to be made of such Lands or Grounds, being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the County in which such Lands, Grounds, or Hereditaments shall lie, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

Old Road may be sold.

Application of Money.

Buildings not to be injured.

And be it further enacted, That in widening, turning, altering, or diverting any Part or Parts of the said Roads, nothing shall be done which shall or may in any wise injure or damage any House, or Building, or any Yard, Garden, Orchard, Park, Plantation or Nursery of Trees, or any Walk of Trees, or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto.

Expences of Jury, how to be borne.

And be it further enacted, That in case any Jury or Juries, to be summoned and sworn pursuant to the Authority of this Act, shall give in or deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest or Property, of any Person or Persons in any such Lands, Grounds, or Hereditaments, or for any such Loss or Damage, than what shall have been agreed to and offered by the said respective Trustees, or any Seven or more of them, before the summoning or returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property in the said Lands, Grounds, or Hereditaments, or Loss or Damage as aforesaid; that then, and in such Case, the Costs and Expences of summoning and returning the Jury and Witnesses concerning the ascertaining and determining the Value of any such Right, Property, Interest, or Damages sustained as aforesaid, shall be borne and paid by the said respective Trustees, or any Five or more of them, out of the Tolls or Duties hereby granted, or out of any Money to be borrowed upon the Credit thereof: But if any Jury or Juries

so

so to be summoned and sworn as aforesaid, shall give or deliver in a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said respective Trustees, or any Seven or more of them, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property in any such Lands, Grounds or Hereditaments, or Losses or Damages aforesaid; then, and in such Case, the Costs and Expences of summoning and returning the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said respective Trustees shall have such Controversy or Dispute.

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

And be it further enacted, That all and every Person and Persons, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, 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 they and every of them hath or have heretofore usually done, or ought to do; and that the Inhabitants of and Occupiers of Lands, Tenements, or Hereditaments in the several Towns, Parishes, Hamlets, and Places through which the Roads hereby intended to be repaired do lie, who by the Laws and Statutes of this Realm are or shall be obliged or liable to perform the Work in the Highways for the repairing thereof, commonly called Statute-work, shall still be subject and liable to do and perform the same Work; and shall and are hereby required to do and perform such and so many Days Work in such Parts of the Roads by this Act directed to be repaired, and lying within the said Towns, Parishes, Hamlets, or Places in which such Inhabitants or Persons respectively shall live, or shall occupy such Lands, Tenements, or Hereditaments, as the said respective Trustees, or any Five or more of them, shall direct or appoint, and at such Times and in such Manner as the Surveyor or Surveyors by them authorised shall direct or appoint, provided the same do not exceed Three Days of such Work; and that every Inhabitant of and Occupier of Lands, Tenements, and Hereditaments in the said Towns, Parishes, Hamlets, and Places respectively, who

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

who shall rent, hold, or occupy any Lands, Tenements, or Hereditaments at the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team for every such yearly Value of Fifty Pounds he or they shall so rent, hold, or occupy, and shall do and perform such Work in and towards the repairing the Highways of the several Towns, Parishes, Hamlets, and Places in which they respectively live, as Persons keeping Teams are obliged by Law and ought to do.

Parish Surveyors to give in Lists of Persons liable to do Statute-work.

And, to the End that the said respective Trustees may know the Inhabitants of, and Occupiers of Lands, Tenements, and Hereditaments, in all the Towns, Parishes, Hamlets, and Places wherein the Roads by this Act directed to be repaired do lie, who are liable to do Statute-work in their Highways, and what Sort of Duty they ought respectively to do; be it further enacted, That the Surveyors of the Highways of and for every of the said Towns, Parishes, Hamlets, and Places, shall, and they are hereby required, at the First Meeting of the said respective Trustees after the Twenty-fifth Day of March in every Year, or oftener, if thereunto required by the said respective Trustees, or any Five or more of them, during the Continuance of the said former Acts and this Act (Ten Days Notice of such Meeting being affixed on the Toll-gate or Toll-gates erected by virtue of this Act within the District wherein such Work is to be performed) to deliver in to the said respective Trustees true and perfect Lists in Writing, under their respective Hands, of the Names of all the Inhabitants of, and Occupiers of Lands, Tenements, and Hereditaments in such Towns, Parishes, Hamlets, and Places respectively, who are liable to do their Statute-duties in and upon the said Highways; and shall in such Lists, and every of them, distinguish and set forth which of such Inhabitants or Occupiers shall, and by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams.

Penalty on neglecting to deliver in such Lists.

And be it further enacted, That if the Surveyor or Surveyors of the several Towns, Parishes, Hamlets, or Places through which the said Roads lead, shall not deliver in to the said respective Trustees Lists of the Inhabitants of, and Occupiers of Lands, Tenements, and Hereditaments, in their said several Towns, Parishes, Hamlets, or Places, at such Times and in such Manner as by this Act is required and directed to be delivered, such Surveyor or Surveyors, and every of them, shall forfeit and pay, for every such Default, the Sum of Five

Five Pounds: And if any or either of the Inhabitants of, or Occupiers of Lands, Tenements, or Hereditaments in the said several Towns, Parishes, Hamlets, or Places, being obliged or liable by Law to do Statute-work in and upon the said Highways, shall not do such Statute-work in and upon the said Roads at such Times and Places, and in such Manner as they shall, by the Surveyor or Surveyors appointed by the said respective Trustees, be directed or appointed to do, such Inhabitants, and every of them shall, for every such Neglect or Default, forfeit and pay the several Sums herein after mentioned; that is to say, Every such Inhabitant or Person who shall keep, or by virtue of this Act shall be deemed to keep a Team or Teams, for every Day's Work for each Team the Sum of Ten Shillings, and for each Horse the Sum of Three Shillings; and every other Inhabitant or Person not keeping, and not being by virtue of this Act deemed to keep a Team or Horse, for every Day's Work the Sum of One Shilling and Sixpence; And if any Person or Persons who shall come to work as a Labourer or Labourers, or be sent with any Team, Draught, or Cart, or Horse to work on the said Roads for the Repairs thereof, commonly called Statute-work, is or are found idle or negligent, or shall not properly perform such Statute-work, the Turnpike Surveyor or Surveyors may, and is and are hereby impowered and required to remove or discharge such Person or Persons, and it shall be deemed and taken as if such Person or Persons had not come, or sent any Team, Draught, or Cart, or Horse to work on the said Roads; and he, she, or they shall be subject and liable to the respective Forfeitures, as if he, she, or they had neglected or refused to do or perform the said respective Days Work.

Penalty on their Neglect.

Persons found idle, to be turned off.

And be it further enacted, That the said respective Trustees, or any Seven or more of them, may and are hereby authorised and impowered to compound with any Person or Persons, Bodies Politick or Corporate, for the Repairs to be by them done upon the said Roads; and also with the several Inhabitants of, and Occupiers of Lands, Tenements, and Hereditaments in the several Towns, Parishes, Hamlets, and Places through which the Roads hereby intended to be repaired, or any Part or Parts thereof do or doth lie, for the several Days Statute-work to be by them respectively done upon the said Roads, at and for such Sum or Sums of Money, by the Year or otherwise, as they the said respective Trustees, or any Seven or more of them, and such

Trustees may compound for Repairs.

Person or Persons, Bodies Politick or Corporate, or Inhabitants or Occupiers respectively shall agree upon; which said Money shall be forthwith paid to the said respective Trustees, or any Seven or more of them, or to their Appointment.

Persons aggrieved may appeal to the Quarter-sessions.

And be it further enacted, That if the Surveyor or Surveyors of the Highways for the Time being of any of the Towns, Parishes, Hamlets, or Places, wherein the said Roads directed by this Act to be repaired do lie, shall think the said respective Trustees have directed or appointed too large a Proportion of the Statute-work in any Town, Parish, Hamlet, or Place, to be done on the said respective Roads, it shall and may be lawful for such Surveyor or Surveyors of the Highways to appeal to the Quarter Session of the Peace next after such Direction or Appointment, unless the same shall be made within Eight Days preceding such Quarter-session, and then to the Second Quarter-session next after such Direction or Appointment; and the Justices in their said Quarter-session are hereby authorised and impowered finally to adjust and determine what Proportion of the Statute-work in any Town, Parish, Hamlet, or Place shall be done on the respective Roads by this Act directed to be repaired; such Surveyor or Surveyors of the Highways having first given Ten Days Notice of such Appeal to the Surveyor or Surveyors appointed by the said respective Trustees.

Clause for settling Composition with the Town of *Marlborough*.

And whereas the Inhabitants of the said Town of Marlborough have usually raised and levied, by Assessments, a Rate or Duty of Sixpence in the Pound upon the Occupiers of all Houses, Lands, Tenements, and Hereditaments within the said Town, for the Repairs of the Highways and Streets within the same; be it further enacted by the Authority aforesaid, That in case the Inhabitants of the said Town shall yearly pay to the said Trustees, or any Five or more them, One Third Part of the said Rate or Duty of Sixpence in the Pound, that the said Trustees shall and will accept the same in lieu of, and in full Satisfaction and Discharge of the said Duty or Work, commonly called Statute-work; any Thing herein contained to the contrary notwithstanding.

Penalty on defacing Mile-stones.

And be it further enacted, That if any Person or Persons shall wilfully or designedly break or pull down, dig up, injure, or destroy any or either of the Mile-stones set up or to be set up, or shall erase, obliterate, or deface any of the Inscriptions made, or which shall be made thereon, or cause the same to be done; every such Person so offending shall forfeit and pay any Sum not exceeding

ing Five Pounds, nor less than Ten Shillings, for each Mile-stone so wilfully or designedly broken, defaced, or pulled down.

Penalties may be levied by Distress.

And be it further enacted, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not otherwise particularly directed) shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the County or Place wherein the Offence shall be committed; which Warrant the said Justice or Justice is and are hereby impowered and required to grant, upon the Information of any 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 Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattels shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be paid to the said respective Trustees, or any Five or more of them, or their respective Treasurer, and shall be applied (if not otherwise directed to be applied by this Act) for and towards the amending the said respective Roads, and other the Purposes of this Act: And in case sufficient Distress cannot be found, and such Penalties or Forfeitures shall not be paid, it shall and may be lawful for such Justice or Justices, and he and they is and are hereby authorised and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender or Offenders to the Common Gaol of the County or Place for any Time not exceeding Two Months.

For want of Distress, Offender to be committed.

Persons aggrieved may appeal to the Quarter-sessions;

And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person or Persons may, within the Space of Six Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at any General Quarter-session of the Peace for the County or Place where the Matter or Thing shall be done, for or by reason of which such Complaint shall have arisen; such Appellant first giving, or causing to be given, Ten Days Notice at least in Writing of his or her Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer of the said Trustees; and within

giving 10 Days Notice,

and entering into Recognizance.

within Ten Days next after such Notice entering into Recognizance before some Justice of the Peace for the said County or Place, with sufficient Sureties, conditioned to try such Appeal, and pay such Costs as shall be awarded by the Justices at such Quarter-session; and the said Justices at their said Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall proceed to hear, and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter-session shall be binding and conclusive to all Intents and Purposes.

Proceedings not removeable by *Certiorari*.

And be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster: And

Distress not to be deemed unlawful for want of Form;

that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue this Act, the Distress itself shall not be deemed to be unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto;

nor the Parties distraining be deemed Trespassers *ab initio*, for subsequent Irregularity.

nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage, in an Action upon the Case.

Plaintiff not to recover, if Tender of Amends hath been made.

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity as aforesaid, if Tender of Amends hath been made by or on the Behalf of the Party distraining before such Action brought.

Proceedings to be entered in a Book.

And be it further enacted, That full, true, and fair Accounts and Entries of all the Monies which shall be collected and received, laid out, expended, and paid, by virtue of this Act, and of all Orders, Acts, Matters, Proceedings, and Things which shall be done by the said respective Trustees, in the Execution of the Powers hereby to them given, shall, from Time to Time, be duly

duly and regularly entered in Books which shall be kept for those Purposes.

Writings to be without stamps.

And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, or Assignment, Transfer, or other Security for the borrowing of Money, 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 by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any of the Powers or Authorities hereby vested in such Trustee or Trustees, Justice or Justices of the Peace, or any of them, or Transfer or Assignment of any of the Securities aforesaid, made by any Person or Persons, shall be charged or chargeable with any Stamp-duty whatsoever; any Law to the contrary notwithstanding.

No Order to be repealed unless Nine Trustees be present.

And be it further enacted, That no Order made by the said respective Trustees, in, for, or concerning the executing the Trusts, Powers, and Authorities of this Act, or any of them, shall be revoked, repealed, or set aside by any subsequent Order of the said respective Trustees, unless Nine Trustees shall be then present and consenting thereto.

Limitation of Actions.

And be it further enacted, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons for any Thing done in pursuance of this Act, or in relation to the Matters herein contained, such Actions or Suits, and every of them, shall be commenced within Six Months next after the doing of the Matter or Thing for which such Action or Actions, Suit or Suits shall be so brought, and not afterwards; and shall be brought, laid, and tried in the County or Place where such Matters and Things respectively shall be committed or done, and not in any other County or Place; and that the Defendant or Defendants in such Actions and Suits, and every of them, may plead the General Issue, and give this Act and the Special Matter in Evidence, at any Trial or Trials which shall be had thereupon; and that the Matter or Thing for which such Action or Actions, Suit or Suits shall be so brought, was done in pursuance and by the Authority of this Act: And if the said Matter or Thing shall appear to have been so done, or if any such Action or Suit shall appear not to have been commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein;

General Issue.

and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become Nonsuit, or suffer a Discontinuance of such Action or Actions; or if upon any Demurrer or Demurrers in such Action or Actions, Judgement shall be given for the Defendant or Defendants therein; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the Recovery thereof, as any Defendant or Defendants hath or have for his, her, or their Costs, in any other Cases by Law.

Treble Costs.

Publick Act.

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

FINIS.