ANNO UNDECIMO

Georgii III. Regis.

An Act to enlarge the Term and Powers of an Act made in the Twenty-fourth Year of King *George* the Second, for repairing the Road leading from *West Lavington* to the *Devizes*, and from the *Devizes* to *Seend*, in the County of *Wilts*.

WHEREAS an Act was made in the Twenty-fourth Year of his late Majesty King George the Second, for repairing the Road leading from West Lavington to the Devizes, and from the Devizes to Seend, in the County of Wilts, to be in Force for the Term of Twenty-one Years: And whereas the Sum of Five thousand Pounds and upwards has been borrowed on the Credit of the said Act, which still remains unpaid: And whereas the aforesaid Road leading from Devizes to Seend is the greatest and most accustomed Road from the City of London to the Cities of Bath and Bristol: And whereas both the said Roads are very destitute of Materials, and by Means of the many heavy Carriages passing thereon, the same cannot be effectually kept in Repair, and the Money borrowed on the Credit of the said Act, Preamble. Act 24 *Geo.* II.

or the Interest thereof be paid, unless the said Act be continued and amended, and some further Powers granted: 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 said recited Act made in the Twenty-fourth Year of his said late Majesty, and all Clauses, Tolls, Powers, Provisions, Regulations, Restrictions, Matters, and Things, therein contained, shall be, and is, and are hereby further continued from the Expiration of the said Act, and of the additional Term of Five Years, granted by an Act made in the Twenty-eighth Year of his said late Majesty, intituled, An Act to amend an Act made in the Twenty-sixth Year of His present Majesty, intituled, *An Act for the Amendment and Preservation of the Publick Highways and Turnpike Roads of this Kingdom, and for the more effectual Execution of the Laws relating thereto,* for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, in as full and ample a Manner, to all Intents and Purposes, as if the same were repeated and re-enacted in this Act; but subject nevertheless to the Amendments, Alterations, Variations, and Additions herein contained, and which shall commence and take Effect immediately from and after the First Day of May, One thousand seven hundred and seventy-one, and continue during the Term hereby continued and granted; and the said additional Term hereby granted shall be, and is hereby declared to be, subject to the Payment of all Sums of Money now due and owing on the Credit of the said Act of the Twenty-fourth Year of his said late Majesty, and of such other Sum and Sums of Money as shall be borrowed on the Credit of the said Act, or of this Act, and the Interest due and to grow due thereon.

further continued.

Alterations to commence on 1 *May* 1771.

Additional Trustees.

And be it further enacted, That Edward Adlam, William Adlam, Samuel Adlam, Thomas Axford, Robert Amor, Thomas Baskerville, John Baskerville, William Butt, Samuel Bailward, John Brooks, Thomas Bush, Thomas Beaven, John Bayntun, Thomas Becket junior, George Bethel, John Barter, Samuel Cain junior, William Cullerne, Thomas Collet, Joseph Chandler, Nicholas Cross, John Cooksey, Richard Carpenter, Edward Croake, Arthur Dodwell, James Dowding, William Everett, Frys Clerk, John Fullerton Clerk, Thomas Fowler, Ambrose Goddard, Gaisford Gibbs, John Griffin, Mathew Gert,

Gent, John George, Henry Gent, Richard Gale, Richard Head, George Hillier, John Hicks of Melksham, John Hales, Francis Hill, Thomas Heath Clerk, Daniel Jones, John Jones, John Long Clerk, John Lawrance, John Ledyard, Richard Lawrance, Samuel Ledyard, Paul Methuen of Holt, Joseph Mortimer junior, John Matravers, Francis Merewether, Francis Merewether junior, John Merewether, William Merewether, Robert Mitchell, Francis Mitchell, Matthew Mitchell, William Maynard, Edward Horlock Mortimer, Thomas Newman, Edward Norris, John Nalder, Thomas Nalder, William Noyes, Robert Noyes, Charles Penruddock, Edward Popham Clerk, William Piniger, Robert Pitt, John Powell, Benjamin Peach, Joseph Phelps, Isaac Reynolds, Thomas Rogers, Henry Robins, Walter Rosine, Rooke, Richard Readle, John Rutty, Paul Randall junior, Samuel Reynolds, Joel Rowden, John Shorter, John Sainsbury, Richard Stafford, James Hume Spry Clerk, Robert Sainsbury, William Sloper, William Sloper of Lavington, James Shipton, William Salman junior, Richard Sloper, William Sayer, Willy Sutton, Benjamin Sloper, George Sloper, George Stokes, William Stone, William Street, Joseph Saunders, William Stevens, Gabriel Still, John Shergold junior, Samuel Taylor, Humphrey Tugwell, William Tugwell, Thomas Timbrell, John Walker, Sir Boucher Wray Baronet, Benjamin Willoughby, John Walts, William Whitacre, William Whitacre junior, Hezekiah White, James White, Watts Clerk, William Waylen, Thomas Whitefield, Benjamin Webb, Robert Wayler, Robert Wayler junior, Richard Watten, Francis Yerbury, Richard Yerbury, John Yerbury, **shall be, and they are hereby added to and joined with the Trustees appointed, or to be appointed, in pursuance of the said former Act, who, together with the Trustees hereby nominated and appointed, shall be the Trustees for putting the said former Act, and this Act, in Execution.**

Qualification of Trustees.

And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said former Act, or this Act, unless he shall then be in his own Right, or in Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprises, or shall be possessed of a personal Estate to the Amount of One thousand Pounds; and if any Person not being so qualified shall presume to act contrary to the Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and

pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same; to be recovered in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or other-shall pay the said Penalty, upon Proof given of his having acted in Execution of the said former Act, or of this Act.

Regulations of the Meetings of the Trustees.

And be it further enacted by the Authority aforesaid, That Two Trustees shall be sufficient for the Purpose of an Adjournment; and if it shall happen that Two Trustees shall not appear at the Time and Place appointed for any Meeting of the said Trustees, and the Clerk to the said Trustees shall neglect or omit to give Notice according to the Directions of the said recited Act, it shall and may be lawful to and for any Two of the said Trustees, by Notice, to appoint a Meeting at the same Time and Place where the said Meeting ought to have been held, on that Day Fortnight after the Date of such Notice, which said Notice shall be in Writing, and fixed on all the Turnpike-gates erected, and to be erected, by virtue of this Act, or the said recited Act; and the Proceedings of the said Trustees at such Meeting shall be valid and effectual, to all Intents and Purposes, as if the same Meeting had been regularly adjourned by a sufficient Number of the said Trustees.

Alterations in Tolls on Carriages.

And whereas the Tolls laid by the said recited Act upon Carriages, and upon Horses, Beasts, and Cattle, drawing upon the Road from the Devizes to the Green Man at Seend, called the Seend District, have been found insufficient for repairing the said Road, and unequal; be it therefore further enacted, That the said Tolls shall, from and immediately after the said First Day of May, One thousand seven hundred and seventy-one, cease, and be no longer paid, and that instead thereof the Tolls following shall from thenceforth be demanded and taken within the said District; that is to say,

The Tolls.

For every Horse, Mare, Gelding, or other Beast or Cattle, drawing any Coach, Berlin, Landau, Machine, Hearse, Chariot, Chaise, Calash, Caravan, Chaise-marine, Litter, Bed-carriage, or Chair, the Sum of Three-pence.

For every Horse, Mare, Gelding, or other Beast or Cattle, drawing any Waggon, Wain, Cart, or other Carriage, the Sum of Five-pence.

Which

Which said Tolls are hereby vested in the said Trustees, and shall and may be collected, recovered, and applied in such and the same Manner as by the said recited Act is prescribed with respect to the Tolls thereby granted, (except as herein after is excepted.)

Toll on Waggons, &c. may be increased.

Provided always, and it is hereby further enacted and declared, That if at any Time after the First Day of May, One thousand seven hundred and seventy-three, it shall appear to the said Trustees, or any Seven or more of them, that the Road included in the said recited Act, leading from the North End of the Borough of the Devises to the Green Man in the Chapelry of Seend, cannot be sufficiently repaired, and the Interest of the Monies borrowed on the Credit thereof be, from Time to Time, punctually paid; that then it shall be lawful for the said Trustees, or any Seven or more of them, and they are hereby required to raise or increase the said Toll of Fivepence for the Passage of any Horse, Mare, Gelding, or other Beast or Cattle drawing any Waggon, Wain, or other Carriage, to the Sum of Sixpence; and the Toll so raised shall be, from Time to Time, collected, recovered, and applied in the same Manner as the Tolls by the said former Act are directed to be collected, recovered, and applied.

Notice to be given of Intention to increase the Toll.

Provided always, and it is hereby declared, That the said Increase of Toll shall not be made until Thirty Days previous Notice in Writing, under the Hand of the Clerk of the said Trustees, of the Time and Place of Meeting for that Purpose, be, by the Order of the said Trustees, or any Seven or more of them, fixed on all the Turnpike-gates then erected cross the Road intended to be repaired by virtue of this or the said recited Act, nor until the like Notice be advertised in the Salisbury and Bath Journals, and in the Saint James's Evening Post, (if any such News-papers shall be then printed or published.)

No more than 2 s. to be ever laid on narrow-wheeled Carriages with 3 or 4 Horses.

Provided likewise, and it is hereby enacted and declared, That the said Trustees, and all Persons employed by them, or any of them, shall be, and are hereby prohibited from demanding or taking, on any account whatsoever, more than Two Shillings for the Passage through any Gate or Turnpike, of any Waggon, Wain, or Cart, not having the Fellies of the Wheels thereof of the Gauge or Breadth of Nine Inches, and drawn by Three or Four Horses, Beasts, or Cattle, and no more.

Tolls may be be reduced, varied, or altered.

And it is hereby further enacted and declared, That the said Trustees, or any Seven or more of them, may, from

from Time to Time, as they shall think proper, reduce, vary, or alter all or any Part or Parts of the Tolls by the said former Act and this Act granted, and from Time to Time afterwards raise the same again, so as the same do not exceed the Tolls by the said Act, and by this Act, granted, and so as such Reduction be with the Consent of the several Persons who shall be intitled to Two-third Parts at least of the Money which shall be then due on the Credit of the said former Act, or this Act; but such Reduction, Variation, or Alteration, shall not be made, unless Notice in Writing be given of the Intention, by affixing the same on all the Turnpikes erected cross the said Road at least Fourteen Days before making such Reduction, Variation, or Alteration; and such Tolls so reduced, varied, or altered, shall be collected, recovered, and applied, in the same Manner as the Tolls by the said former Act, and this Act, granted, are to be collected, recovered, and applied.

And be it further enacted by the Authority aforesaid, That all Assignments, Mortgages, and Securities for Monies hereafter to be borrowed on the Credit of the Tolls arising by virtue of this Act, or the said recited Act, shall be in the Words, or to the Effect following; (that is to say)

Form of Assignment on mortgaging the Tolls.

BY virtue of an Act made in the Eleventh Year of the Reign of His Majesty King *George* the Third, *to enlarge the Term and Powers of an Act made in the Twenty-fourth Year of King* George *the Second, for repairing the Road leading from* West Lavington *to the* Devizes, *and from the* Devizes *to* Seend, *in the County of* Wilts; We of the Trustees, in consideration of the Sum of paid into the Hands of the Treasurer for the said Roads, do assign unto *A. B.* of *C.* in the County of *D.* his Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of this Act, or the therein recited Act, as the said Sum of shall bear to the whole Sum advanced, or to be advanced on Credit of the same, to be repaid with Interest after the Rate of *per Centum per Annum.*

Given under our Hands and Seals, dated

And all and every Person and Persons, to whom any such Assignment or Assignments, or the Assignment or Assignments of any former Securities for Monies heretofore advanced upon the Credit of the Tolls, to be collected under the said recited Act, shall be made as aforesaid, or

who shall be intitled to the Money thereby secured, may, from Time to Time, assign and transfer the same to any Person or Persons whatsoever, by indorsing thereon, before One or more credible Witness or Witnesses, the following Words, or Words to the like Purport:

I *A. B.* of *C.* in the County of *D.* do transfer this Assignment, with all my Right and Title to the Principal Money hereby secured, and the Interest now due thereon, unto *C. D.* of *E.* his Executors, Administrators, and Assigns. Dated

Form of Transference.

And Copies of every such Assignment or Transfer shall be entered in the Book of Entries of the Proceedings of the said Trustees for the Time being, for which Entry Two Shillings and Sixpence, and no more, shall be demanded or taken by the Clerk to the said Trustees; and every Assignee may in like Manner assign again, and so toties quoties; and it shall not be in the Power of such Person or Persons, who shall have made such Assignments or Transfers respectively, to make void, release, or discharge the same, or any Monies thereby due; and that all and every Person and Persons to whom any Securities for Money shall heretofore have been made, or such Assignment or Transfer shall hereafter be made, shall stand and be on One and the same equal Footing and Degree, and shall have no Preference in respect of the Priority of any such Monies being lent on the Credit of this, or the said recited Act, unless the whole principal Money due on the Credit of the said former Act, and this Act, shall at any Time exceed the Sum of Two thousand Pounds, in Addition to the whole Money now due and owing upon Mortgages; in which Case, no Person or Persons then, after advancing or lending Money on the Credit of the said Act, shall have any Benefit or Advantage from the said Provision, with respect to Priority.

Assignments to be entered in a Book.

Clerk's Fee.

And be it further enacted by the Authority aforesaid, That if any Person or Persons who shall have advanced Monies on the Credit of the Tolls to arise by virtue of this Act, or the said recited Act, shall be willing to call in and be repaid the same, and shall give Notice thereof in Writing to the said Trustees, at some or One of their publick Meetings, it shall and may be lawful to and for such Person or Persons, in case the said Monies shall not be repaid within Six Calendar Months from the Delivery of such Notice as aforesaid, to take Possession of all or any of the Turnpikes or Gates erected, or to be erected,

Mortgagees may take Possession of the Turnpikes.

ed, by virtue of this Act, or the said recited Act, and to receive and take the Tolls thereof, untilt hereby, or otherwise, the Principal and Interest due to such Person or Persons respectively, shall be fully satisfied and paid.

Other Creditors allowed to come in.

Provided always, and be it further enacted, That in case any Person or Persons, as aforesaid, shall take Possession of any Turnpike or Turnpikes by virtue of the Powers given as aforesaid, and any other Creditor or Creditors shall also in like Manner signify his, her, or their Desire to be repaid the Monies due to him, her, or them respectively as aforesaid; then, and in every such Case, such Creditor or Creditors shall be intitled to, and shall have and receive from such Person or Persons so having Possession of any such Turnpike or Turnpikes as aforesaid, an equal Share of the said Tolls which shall be received thereat, in proportion to the Amount of the Money then due and owing to such Creditor or Creditors respectively; any Thing in this or the said recited Act contained to the Contrary notwithstanding.

Former Exemptions repealed, and others granted.

And whereas it would be for the Benefit of the said Road if some Alterations were made in the Exemptions granted by the said former Act from the Payment of Toll; be it therefore further enacted, That all Exemptions from the Payment of Toll by the said recited Act granted shall cease, and the same are hereby determined, and that the Exemptions following only shall be allowed; that is to say, There shall be no Toll taken by virtue of the said former Act, or this Act, of the Occupier or Occupiers of any Lands lying in the several Parishes or Places in which any Part of the Road by this and the said recited Act intended to be repaired doth lie, or in the Borough of the Devizes, or the old disparked Part of the said Borough of the Devizes, for any Horse not drawing, going to or returning from such Lands for the husbanding, occupying, manuring, or managing thereof; nor for any Horse, Cattle, or Beast, drawing or not drawing, employed only in the Conveyance or Carriage of any Stones, Gravel, or other Materials, for repairing the said Road; or employed in the plowing, sowing, tilling, cultivating, or stocking any Land or Ground in any of such Parishes or Places; or in the Carriage or Conveyance of any Corn in the Straw, or any Hay, (in the Time of Hay Harvest, or making of Hay) to be laid up in the Houses or Barns, or made up into Ricks on the Lands of the Owner or Owners thereof, in any of the said Parishes or Places; or for carrying through any of the said Turnpikes any Dung, Mould, or Compost, of any Nature or Kind whatsoever, made, or arising within the said several Parishes

and

and Places, for manuring of Lands or Gardens, or in drawing or conveying any Plow, Harrow, or other Implement of Husbandry; or for any Horse or other Cattle, or Beast going to or from Water or Pasture; or for the Horses of any military Officer or Soldier on their March, or for the Horses or other Beasts employed in the Conveyance or Carriage of their Arms or Baggage; or for any Post-horse carrying or drawing the Mail; or for any Horse or other Beast, or Cattle, drawing or not drawing, employed in the carrying or conveying any Person or Persons going to or returning from any Election of any Knight or Knights of the Shire, to serve in Parliament for the County of Wilts, on the Days of such Election or Elections, or on the Day before or Day after any such Election shall begin or be concluded.

No Toll for Materials to repair the Roads.

Provided always, and it is hereby enacted and declared, That no Tolls shall be taken by virtue of any other Act or Acts of Parliament, passed, or to be passed, for repairing Roads by Turnpike or Turnpikes, for any Horse or Beast drawing or not drawing, employed only in the Conveyance or Carriage of any Stones, Gravel, or other Materials, for repairing the Roads intended by this or the said recited Act to be repaired.

Trustees may contract for the Purchase of Lands, &c.

And be it further enacted, That the said Trustees, or any Eleven or more of them, shall be, and are hereby fully impowered, from Time to Time, to widen any Part or Parts of the said Roads, or to divert, turn, shorten, vary, or alter, the Course or Path of any Part or Parts thereof, through any common or waste Ground, without making any Satisfaction for the same, and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain, and for that Purpose it shall be lawful for the said Trustees, or any Eleven or more of them, from Time to Time, to contract and agree with the Owners of, and Persons interested in any Lands or Hereditaments, for the Purchase or Exchange thereof, or for the Loss or Damage such Owners or Persons may sustain, by such widening, diverting, turning, shortening, varying, or altering, the Course or Path of any Part or Parts of such Road through such Lands or Hereditaments: And it shall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Guardians, Trustees, and Committees, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Infant Wards,

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

Wards, Cestuique Trusts, Lunaticks, Idiots, or Persons of unsound Memory and Understanding, and to and for all Femes-covert, who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be possessed of, or interested in, any such Lands or Hereditaments, to contract with the said Trustees, or any Eleven or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to exchange with, sell, and convey unto them, or any Eleven or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purpose aforesaid; and all Contracts, Exchanges, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever, to the Contrary notwithstanding: And all such Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Guardians, Trustees, Committees, and all other Persons, shall be, and are hereby indemnified for what they shall do by virtue of this Act: And if any such Body Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Guardians, Trustees, Committees, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling-house or Houses, or other Place or Places of Abode, of such Person or Persons, or of the principal Officer or Officers of any such Body Politick, Corporate or Collegiate, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Roads is intended to be diverted, turned, or altered, shall, for the Space of Thirty Days next after such Notice given or left, 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 such Case, the said Trustees, or any Five or more of them, shall cause such Damage and Recompence to be enquired into, and ascertained by a Jury of indifferent Men of the County; and, in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from Time to Time, as Occasion shall be, to summon and call before such Jury, and examine upon Oath, any Person and Persons whomsoever, (which Oath any One or more of the said Trustees is and are hereby impowered to administer), and such Trustees, or any Five or more of them, shall, by ordering a View, or otherwise, use all Ways and Means, as well for their own as for the said Jury's Information of the Premises; and after

Where Persons refuse to treat, &c.

Jury to assess the Recompence on Oath.

Witnesses may be examined on Oath.

the said Jury shall have inquired of, and assessed such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, and other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgement, Order, and Determination thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming or to claim, in Possession, Remainder, or Reversion, their Heirs and Successors, as well absent as present, Infants, Femes-covert, Lunaticks, Ideots, and Persons under any Disability whatsoever, Bodies Politick, Corporate and Collegiate, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and for summoning and returning such Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the respective County wherein such Lands shall lie, requiring him to impannel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy of Deputies, is and are hereby required to impannel, summon, and return such Number of Persons accordingly; and out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall, and they are hereby impowered and required to draw by Ballot, and to swear, or cause to be sworn, Twelve Men, who shall be the Jury for the Purposes aforesaid: And in Default of a sufficient Number of Jurymen so returned, the said Sheriff, or his Deputy or Deputies, or any Five or more of the said Trustees, shall return other such 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 Trustees, or any Five or more of them, acting in the Premises, shall have Power, from Time to Time, to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises,

Verdict of Jury to be binding and conclusive.

Trustees impowered to issue Warrant to the Sheriff for summoning Juries.

Jurors may be challenged.

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

miſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, and who ſhall not appear, or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn ſhall refuſe to give, or not give a Verdict, or ſhall 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, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be examined, or to give Evidence; and ſuch Fine or Fines ſhall be levied, recovered, and applied in ſuch Manner as the Penalties and Forfeitures impoſed by this Act are hereinafter directed to be levied, recovered, and applied, ſo that no ſuch Fine be more than Ten Pounds, nor leſs than Two Pounds, on any One Perſon for One Offence.

Fine not to exceed 10 *l.*

And be it further enacted, That every Sum of Money or Recompence to be agreed for or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls ariſing within the reſpective Diſtrict, or out of the Monies to be borrowed upon the Credit of ſuch Tolls, to the Parties or Perſons reſpectively intitled to ſuch Monies, or to their Agents; and upon Payment, or in caſe of Refuſal to accept the ſame, upon leaving the ſame in the Hands of the Treaſurer or Treaſurers to the ſaid Truſtees, for the Uſe of ſuch Parties or Perſons, it ſhall be lawful for any Perſon or Perſons, authoriſed by Writing under the Hands of the ſaid Truſtees, or any Five or more of them, to widen, divert, or turn ſuch Road through or over ſuch Lands or Hereditaments, and to do all and every Act, Matter, and Thing, with relation to ſuch Lands or Hereditaments, as the ſaid Truſtees, or any Five or more of them, ſhall think fit; and the ſaid Truſtees, or any Five or more of them, ſhall cauſe ſuch Parts of the ſaid Road as ſhall be widened, diverted, or turned through any private Grounds, to be ditched or otherwiſe fenced from the adjoining Lands; and all Lands and Hereditaments which ſhall be made a Part or Parts of the ſaid Road, by virtue of this Act, ſhall be for ever thereafter, to all Intents and Purpoſes, a common Highway, and ſhall be repaired, and kept in Repair, in ſuch Manner as the Road hereby appointed to be repaired is by this Act to be amended; and from thenceforth all Parties and Perſons whatſoever ſhall be diveſted of all Right and Title to ſuch Lands and Hereditaments; and after any ſuch new Road ſhall be completed, the Lands conſtituting the former Road, unleſs leading over ſome Moor or Waſte Ground, or to ſome

Lands, when purchaſed, to be made Part of the Road, and kept in Repair as ſuch.

Village, Town or Place, to which such new Road doth not lead, shall be vested in, and shall and may be exchanged or sold, and conveyed by the said Trustees, or any Five or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale, shall be applied to the Repair of that Part of the said Road so diverted and turned; but this Act shall not extend to the taking down any Dwelling-house, or other Building, or to take in any Land that is a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any Part thereof, without the Consent of the Owner or Proprietor thereof. Old Road may be sold.

And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Monies, as a Recompence for the Right, Interest, or Property of any Person or Persons, in any Lands or Hereditaments, or for any such Loss or Damage, than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning or returning the Jury, as a Recompence or Satisfaction for any such Right, Interest or Property, or Loss or Damage as aforesaid; that then, and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses, shall be borne and paid by the said Trustees, or any Five or more of them, within their respective Districts, out of the Tolls hereby, or by the said former Act granted, or out of any Money to be borrowed upon the Credit thereof; but if any such Jury shall give and deliver a Verdict or Assessment for no more, or for less Money than shall have been agreed to and offered by the said Trustees, or any Five 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, or Loss or Damage as aforesaid; that then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute. Expences of the Jury how to be borne.

And it is hereby further enacted, That all Persons who shall have paid the Tolls by the said recited Act, or this Act, granted and ascertained, for the passing of any Cattle or Carriage through any Turnpike, erected by virtue of the said former Act, or this Act, shall, upon producing a Note or Ticket of the Day, denoting such Payment, be permitted to pass and repass through the same Turnpike, with the same Cattle, or with the same Carriage, Traveller or Travellers, or without any Traveller or Travellers, Tolls to be paid but once a Day.

Travellers, after having passed with some Traveller or Travellers, Toll-free, at any Time before Twelve of the Clock in the Night of the Day on which such Toll was paid, which said Note or Ticket the Collectors or Receivers of the Tolls are hereby required to give gratis, if demanded, on Payment of such Toll; and all Persons who shall have paid any Toll at any Gate or Gates within either of the Divisions of the said Roads, shall, upon producing a Note or Ticket, denoting the Payment thereof, at any Gate or Gates within the other of the said Divisions, pass through the same, and all other Gates within such other Division, with the same Cattle or Carriage as aforesaid, in the same Day, to be computed as aforesaid, paying such further Sum of Money as will make up the Sum specified by such Note or Ticket to have been before paid, the full Toll or Tolls by the said former Act, or this Act, charged upon such Cattle or Carriage.

Pengate Road Trustees may compound with Trustees to this Act for Tolls on *Deweys Water* Road.

And whereas an Act was made in the Ninth Year of His present Majesty's Reign, to enlarge the Term and Powers of an Act passed in the Thirty-first Year of His late Majesty, for amending the Road from Pengate to Latchett's Bridge, and other Roads in the County of Wilts, and for amending several Roads near adjoining to the said Roads, amongst which Roads is the Road from Deweys Water towards Melksham; be it therefore further enacted by the Authority aforesaid, That the Trustees appointed in or by the said recited Acts, or any Seven or more of them, shall and may, and are hereby impowered and authorised to agree or compound with the Trustees for putting in Execution this Act, or the said recited Act of the Twenty-fourth Year of His late Majesty, or with any Seven or more of them, who are hereby authorised and impowered to join in such Agreement or Composition, for or in respect of the Passage of Cattle or Carriages through any Turnpike or Turnpikes erected, or to be erected, on that Part of the Road which leads from Deweys Water to the Ninety-third Mile-stone on the Turnpike Road leading from Seend to Melksham, for all or any Part of the Term of Years by this Act granted; such Agreement or Composition being entered into by and with the Approbation and Consent in Writing first had of the several Persons intitled to Two-third Parts, at least, of the principal Monies then due and owing upon the Credit of this and the said former Act.

A Mistake in Act 9 *Geo.* III.

And whereas by the said Act of the Ninth Year of His present Majesty, it is provided, That no more than One

One Half of the full Tolls granted by the said Act of the Twenty-fourth Year of His late Majesty shall be taken at any Gate or Turnpike upon or across any Road or Roads, or the Side or Sides of any of the Roads directed to be repaired by the said last-mentioned Act, during such Time as the Tolls granted by the said Act of the Ninth of His present Majesty shall be collected on such Part of the Road as lies between the Road leading from the End of the Market, Lavington Road near Deweys Water, and the Turnpike Road near the said Ninety-third Mile-stone: And whereas the said Provision, so far as relates to Half Tolls only to be taken at any Gate or Turnpike upon or across any Roads, is very injurious to the Roads included in the said Act of the Twenth-fourth Year of His late Majesty, and greatly lessens the Securities to Mortgagees upon the said Roads, and was inserted in the said Act by Mistake; be it therefore further enacted by the Authority aforesaid, That so much of the said Provision as prohibits the taking of more than One Half of the full Tolls, granted by the said Act of the Twenty-fourth Year of His said late Majesty, at any Gate or Turnpike erected, or to be erected, upon or across any Road or Roads to be repaired by the said Act, or by any Act made, or to be made, for continuing or amending the said Act, during the Time, and upon the Conditions in the said Proviso mentioned, shall be, and the same is hereby repealed and absolutely null and void; any Thing in the said Act of the Ninth Year of His present Majesty, or any other Act or Acts of Parliament to the Contrary in any wise notwithstanding.

relating to some of the said Roads.

Provision repealed.

And whereas it may have happened, that, notwithstanding the said Proviso, more than such Half Toll may inadvertently, or, through Ignorance of the said Proviso, have been taken at some such Gate or Gates; be it therefore further enacted by the Authority aforesaid, That all Collectors, Receivers, and other Persons whatsoever, shall be, and they are hereby declared to be indemnified, freed, and discharged from and against all Actions, Suits, Penalties, or Forfeitures which they, or any of them, shall or may have incurred or been liable to for having taken, demanded, collected, received, or recovered more than such Half Toll as aforesaid.

Persons who have acted under the recited Proviso, indemnified.

And be it further enacted, That no Gate or Turnpike already lawfully erected, or hereafter to be lawfully erected, on any Part of the said Road, shall be removed without the Consent in Writing of the Persons intitled to at least Two-third Parts of the principal Money

No Turnpike lawfully erected to be removed without the Consent of Mortgagees.

which shall then be due and owing on the Credit of the Tolls payable at such Gate or Turnpike respectively.

Expences of this Act, how to be paid.

And be it further enacted, That the Charges and Expences in and about procuring and passing this Act shall be paid out of the Money already raised by virtue of the said former Act, or out of the first Monies that shall be raised by virtue of the said Act, or of this Act, in the Proportions following; that is to say, Two-third Parts thereof shall be paid out of the Monies arising within the Seend District, and the other Third Part out of the Monies arising within the West Lavington District of Roads.

Treasurer to give Security.

And be it further enacted, That the said Trustees, or any Five or more of them, shall take such Security from their Treasurer, for the due Execution of his Office, as they, or any Five or more of them, shall think proper.

Treasurer to pay the Interest Money in Preference to other Payments.

And be it further enacted, That from and after the Charges and Expences in and about procuring and passing this Act shall have been paid, as is before directed, the Treasurer or Treasurers of the said Road shall, and he or they is and are hereby required, Twice in every Year, to discharge out of the Monies which shall come into his or their Hands by virtue of the said recited Act, or this Act, the Interest which shall be then due on all Mortgages or Securities made or secured by virtue of this or the said recited Act, if the same shall be demanded, in Preference to any other Payment whatsoever.

Victuallers, &c. not to hold any Place of Profit.

And be it further enacted, That no Victualler or Retailer of Beer, Ale, Cyder, or Spirituous Liquors, shall hold any Place of Profit under the said recited Act, or this Act.

Writings may be without Stamps.

And be it also enacted by the Authority aforesaid, That no Assignment, Mortgage, Transfer, Security, Deed, or Writing, in pursuance of this or the said recited Act, shall be charged or chargeable with any Stamp-duty, in order to render them valid and effectual.

Proceedings of the Trustees to be entered, and allowed in Evidence.

And be it further enacted by the Authority aforesaid, That all Orders and Proceedings of the Trustees, at their several Meetings, shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings, when entered, shall be signed by the said Trustees, or such competent Number of them, as is by the said former Act, or this Act, required; and the said Orders and Proceedings, so signed, shall be deemed and taken to be original Proceedings, and shall and may be produced and read in Evidence in all Cases of Appeals, Suits, Actions, or other Proceedings, touching any Thing done by the Authority of the said former Act, or this Act.

And

And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this or the said recited Act until Twenty-one Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after sufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid in the County or Place where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in any such Action or Suit may, at his or their Election, plead specially, or the General Issue, Not Guilty, and give this and the said former 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 thereof: And if it shall appear that such Action or Suit shall be brought before Twenty-one Days Notice shall be thereof given, as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County or Place as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if, on Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

Limitation of Actions.

General Issue.

Treble Costs.

And, for the more easy Conviction of Offenders against the said former Act, and this Act, be it further enacted, That all Persons before whom any Person or Persons shall be convicted against this or the said recited Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any Form of Words to the same Effect, as the Case shall happen; (that is to say)

Form of Conviction.

BE it remembered, That on the in the *A. B.* is convicted before me (us) *(specifying the Offence, and the Time and Place where the same was committed, as the Case shall be.)*

Given under my Hand and Seal (our Hands and Seals) the Day and Year aforesaid.

And

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

FINIS.