Anno ſecundo

Georgii III. Regis.

An Act for amending and widening the Road from the Turnpike Road at or near the Town of *Swindon*, to the North End or Side of the Town of *Marlborough*, and from the ſaid Town of *Marlborough* to the Village of *Everley* in the County of *Wilts*.

WHEREAS the Road leading from the Turnpike Road at or near the Town of Swindon, in the County of Wilts, to the North End or Side of the Town of Marlborough, and from the ſaid Town of Marlborough to the Village of Everley, in the ſaid County, is in a ruinous Condition, and in many Places narrow and incommodious for Carriages and Paſſengers, and cannot be properly amended, widened, and kept in good Repair, by the ordinary Courſe of Law: May it therefore pleaſe your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That Preamble.

Truſtees Names.

the Right Honourable John Manners commonly called Marquis of Granby; the Right Honourable Webb Seymour Eſquire commonly called Lord Webb Seymour; the Right Honourable William Seymour Eſquire commonly called Lord William Seymour; the Right Honourable John Montagu commonly called Lord Brudenell; the Right Honourable William Lord Viſcount Barrington in the Kingdom of Ireland, the Right Honourable Henry Fox, Sir Robert Long, Sir Michael Earnle, Sir Mark Stuart Pleydell, Sir Benet Garrard, Sir John Aſtley, Baronets; Sir John Mordaunt Knight of the Bath, Sir Sydney Meadows Knight, the Honourable Robert Brudenell, the Honourable Henry Saint John, Ferdinando Aſkew, Ambroſe Awdry, Ambroſe Awdry junior, John Awdry, Townſend Andrews, John Bull, Daniel Bull, Eſquires; the Reverend Charles Brindſden Clerk, Thomas Batſon Eſquire, William Buy, Thomas Brown, John Brathwaite, Cornelius Bradford, Bartholomew Buckerfield, Thomas Baſkerville, John Baverſtock, Charles Bill, John Bloxham, Gentlemen; William Calley, Oliver Calley, William Hippiſly Cox, Charles Coxe, Thomas Eſtcourt Creſwell, Henry Coulthurſt, Eſquires; John Coleman, John Chandler, Thomas Cannon, Gentlemen; the Reverend Thomas Clavering Clerk, Peter Delme, John Delme, Eſquires; Chriſtopher Duck, Richard Dore, the Reverend John d'Scrambes Clerk, Arthur Evans, Arthur Evans junior, William Earle, Michael Ewen, William Rawlinſon Earle, Giles Earle, Eſquires; Thomas Frankłyn, William Freke, Eſquires; William Francis Gentleman, the Reverend Matthew Frampton Clerk, John Garth, Thomas Goddard, Ambroſe Goddard, Edmund Goddard, Edward Goddard, Thomas Hunt Grubble, Eſquires; Richard Goddard Batchelor of Phyſick, George Goldwyre Surgeon, John Griffin, Edmund Goatley, Joſeph Gilmore, Gentlemen; George Hungerford Eſquire, Thomas Hedges, Walter Hardyman, Eſquires; Henry Hope, Samuel Hawkes, Hill Haggard, Robert Harding, Thomas Hancock, William Horne, Samuel Highams, Henry Hill, Charles Hunt, Gentlemen; the Reverend Julines Herring, the Reverend Henry Howard, Clerks; the Honourable and Reverend William Harley, the Reverend William Harriſon D. D. William Jones, William Jones of Ramſbury Manor, John Jacob, Eſquires; Peter Legh Eſquire, James Long of Draycott, Lewis Long, Walter Long, William Long of Melkſham, William Long of Baymon, James Long of Bratton, Richard Long, James Long of Baynton, Thomas Liddiard, Stratton Liddiard, Eſquires; Wadham Locke,

Locke, Chriſtopher Lipyeatt, the Reverend Thomas Lipyeatt, the Reverend Noyes Lloyd, Clerks; Timothy Lucas Gentleman, Paul Methuen, Neville Maſkelyne, Thomas Maundrell, William Morſe, John Mordaunt, Mitchell, Eſquires; Benjamin Merriman, Richard Mills, Gentlemen; the Reverend Meyler, the Reverend William Mills, Clerks; the Mayor and Juſtices of the Peace of the Town of Marlborough for the time being; William Northey, Paul Newman, John Newman, Dennis Newman, Eſquires; John Neat Gentleman, Francis Popham, John Powell, Walter Parker, Edward Pleydell, Thomas Phipps, Paul Phipps, Edward Popham, James Pulſe, Philip Pulſe, Edward Poore of Ruſhall, Eſquires; William Pinckney, Daniel Pearce, John Phelps, Gentlemen; the Reverend George Palmer, the Reverend Henry Peers, the Reverend Richard Pocock, Clerks; Henry Read Eſquire, Richard Richens, Ruſh, Timothy Rumboll, Gentlemen; the Reverend Thomas Smyth D. D. the Reverend Thomas Smith of Draycott, the Reverend William Stone, Clerks; John Stone Eſquire, Robert Scoles, Prince Sutton, John Smith, Richard Southby, Henry Southby of Highworth, Gentlemen; John Ivory Talbot, John Talbot, Eſquires; Thomas Tomlins, Benjamin Tarrant, Samuel Tucker, Gentlemen; the Reverend William Tomkins Clerk, Thomas Vilett Eſquire, John Walker, Wadham Wyndham, George Willy, William Willy, Philip Worlidge, John Richmond Webb, Eſquires; George White, John Wentworth, John Wooldredge, William Weſtmacott, Gentlemen; the Reverend Francis Marias Weſt Clerk, Charles Young Gentleman, the Reverend John Pocock, Walter Gilmore, the Reverend Richard Brickenden, Edward Lucas, the Reverend Thomas Baker, Edward Bayntun Rolt Eſquire, ſhall be, and they and their Succeſſors to be elected in Manner as herein after is mentioned, are hereby conſtituted and appointed Truſtees for the ſurveying, ordering, amending, and keeping in Repair the ſaid Road, and for putting this Act, and all the Powers hereby given, in Execution.

Truſtees may erect Turnpikes and Toll-houſes;

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

and take the following Tolls thereat.

And be it further enacted by the Authority aforesaid, That the respective Tolls following shall be demanded and taken by such Person or Persons as the said Trustees, or any Five or more of them, shall from time to time appoint for that Purpose, before any Coach, Landau, Berlin, Chariot, Chaise, Calash, Caravan, Chair, Hearse, Waggon, Wain, Cart, Dray, Litter, or any other Carriage, Horse, Mare, or Gelding, Ox, Mule, Ass, or other Beast of Burden, or any Cattle whatsoever, shall pass or be permitted to pass through any Gate or Turnpike to be erected in pursuance of this Act; that is to say,

The Tolls.

For every Horse, Mare, Gelding, Ox, Steer, Gale, or Bull, Mule, or Ass, drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Caravan, Chair, Hearse, Waggon, Wain, Cart, or other Carriage, the Sum of Three Pence.

For every Horse, Mare, Gelding, Mule, or Ass, not drawing, the Sum of One Penny.

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

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

Tolls may be levied by Distress and Sale.

Which said respective Sums of Money shall be demanded and taken in the Name of, and as a Toll: And if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall and may be lawful for such Person or Persons as shall be appointed to collect the said Tolls, to levy the same by Distress of any Horse or Horses, or other Cattle, together with their Furniture, or of any Carriage upon which any Toll is by this Act imposed; or by Distress of any of the Goods and Chattles carried or drawn by or on such Cattle or Carriage, or of any of the Goods and Chattles of such Person and Persons who ought to pay the said respective Tolls; and if such Tolls, and the reasonable Charges of such Distress, shall not be paid within the Space of Four Days next after such Distress made, such Person or Persons so distraining may sell the Horses, Cattle, Furniture, Carriages, and Goods, so distrained, returning the Overplus (if any) upon Demand to the Owner thereof, after such Tolls, and the reasonable Charges of distraining, keeping, and selling the

Distress may be sold after 4 Days.

ſame, ſhall be deducted and paid: And that all the Tolls and Monies ſo to be collected or levied, and the Monies borrowed on the Credit thereof, ſhall be and are hereby veſted in the ſaid Truſtees, and ſhall be paid, applied, and diſpoſed of, to and for the ſeveral Uſes, Intents, and Purpoſes, and in ſuch Manner as is herein after mentioned. Tolls veſted in the Truſtees.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to cauſe to be erected, ſet up, and provided, One or more Gate or Gates, Turnpike or Turnpikes, Toll-houſe or Toll-houſes, on the Side or Sides of the ſaid Road, upon any Common, or croſs any Street, Lane, or Way, leading into or out of the ſaid Road; and to cauſe ſuch Tolls to be collected and levied at ſuch reſpective Gates or Turnpikes as are by this Act made payable upon the ſaid Road. Truſtees may erect Side-gates, and take Tolls thereat.

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

Provided always, and be it further enacted by the Authority aforeſaid, That no more than One Toll ſhall be paid in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night) for the ſame Horſe, Beaſt, Cattle, or Carriage, at all or any of the Turnpikes erected or to be erected acroſs or on the Sides of any Part of the Road between the Turnpike Road at or near the Town of Swindon and the North End or Side of the Town of Marlborough aforeſaid; nor more than One Toll in any One Day (to be computed as aforeſaid) for the ſame Horſe, Beaſt, Cattle, or Carriage, at any of the Turnpikes erected or to be erected acroſs or on the Sides of any Tolls to be paid but Once a Day.

any Part of the Road, between the said Town of Marlborough and the Village of Everley aforesaid; but that all Persons, after Payment of One Toll as aforesaid, shall afterwards, during the Day on which such Toll shall have been paid, pass Toll-free, with the Horse, Beast, Cattle, or Carriage, in respect whereof such Toll was paid, through all the Turnpikes erected or to be erected in pursuance of this Act, upon that Part of the Road for which such Toll shall have been paid, such Person or Persons producing a Note or Ticket denoting the Payment of such Toll; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on Receipt of the Toll.

Trustees may compound for Toll between *Marlborough* and *Everley*;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and they are hereby impowered, from time to time, as they shall see convenient, to compound and agree for any Term, not exceeding Two Years at any One Time, with any Person or Persons, for any Carriages, Horses, or Cattle, for passing through any Turnpike or Gate to be erected between the said Towns of Marlborough and Everley, for all or any of the Tolls to be paid for or in respect of such Carriages, Horses, or Cattle, so that no such Composition shall be made for any Cattle or Carriages travelling for Hire; and all such Composition-money shall be paid quarterly or annually in Advance, to the Treasurer for the time being: And in Default thereof, the Composition or Agreement with the Person or Persons making such Default, shall from thenceforth be void, and all such Composition-monies shall be applied in such Manner as the Tolls, in respect whereof such Composition shall be made, are directed to be applied.

and between *Marlborough* and *Swindon*.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, and they are hereby authorized and required, upon Application to them made for that Purpose by any Person or Persons inhabiting and keeping a House or Houses within the said Town of Marlborough, or within Half a Mile of the Town Hall of Marlborough, to compound with every such Person and Persons by the Year for the Payment of Tolls for the Passage of their Cattle and Carriages, except Cattle and Carriages travelling for Hire, through all and every Turnpike or Toll-gate which shall or may be erected in pursuance of this Act upon the said Road, or on the Sides thereof, between Marlborough and Swindon, within the Distance of Two Miles of the said Town of Marlborough, for any Sum or Sums of Money, not exceeding

ing Six Pence, in every Year, to be paid by every ſuch Inhabitant to the ſaid Truſtees, or to ſuch Perſon as they ſhall appoint to receive the ſame; any thing contained in this Act to the contrary notwithſtanding.

Only 1 Moiety of the Tolls to be paid for Cheeſe Waggons going to *Marlborough* Market.

And be it further enacted by the Authority aforeſaid, That no more than One Moiety of the Tolls by this Act granted ſhall be paid for any Waggons or Carriages paſſing on the South Side of a certain Houſe called Totterdown Houſe, or for any Waggons or Carriages belonging to the Inhabitants of the Pariſh of Wotton Baſſet, ſuch Waggons and Carriages not paſſing more than Three Miles upon the ſaid Road, and going to Marlborough Market, upon the Market-day, or upon any other Day, ſuch Waggons or Carriages being laden with Cheeſe only, to be ſold within the ſaid Town of Marlborough only; nor ſhall any Toll whatſoever be demanded or taken for any Horſes above the Number allowed by Law to be uſed in drawing Carriages upon Turnpike Roads, which ſhall have been taken off from any of the Carriages aforeſaid before their Arrival upon the Turnpike Road, and ſhall be attending ſuch Carriages to and from the ſaid Market; any thing herein contained to the contrary notwithſtanding.

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

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

Penalty on Perſons going thro' or permitting private Paſſage,

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

or taking off Horſes, &c.

shall leave, or cause to be left, upon or near to any Part of the said Road, any Cattle or Carriage, with Intent to avoid the Payment of any of the said Tolls, or any Part thereof, every such Person offending in any of the Cases aforesaid, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Penalty on Persons passing forcibly thro' the Gates.

And be it further enacted by the Authority aforesaid, That if any Person, liable to the Payment of any of the Tolls aforesaid, or any Part thereof, shall forcibly pass, or attempt to pass, any of the said Gates or Turnpikes, where such Tolls ought to be paid, every such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings.

Exemptions from Tolls.

And be it further enacted by the Authority aforesaid, That no Toll shall be demanded or taken for any Cattle or Carriage going empty or unloaden for, or returning loaden only with, Clay, Chalk, Stones, Bricks, Gravel, Sand, Lime, Timber, or other Materials for repairing the said Road, or any Part thereof, or for repairing the Highways in any Parish through which the said Road hereby directed to be repaired doth lead, or in any of the adjoining Parishes; or for any Cattle or Carriages used or employed only in drawing or carrying of any Dung, Soil, Mould, Rubbish, Compost, or other Manure whatsoever, to be used in manuring or improving of Lands, or any Hay, or Corn in the Straw, to be laid up in the Houses, Outhouses, or Grounds, of any Person or Persons inhabiting within the several Parishes in which any Part of the said Road hereby directed to be repaired doth lie (but not to exempt any Carts or Carriages loaden with Hay or Straw for Sale) nor shall any Toll be demanded or taken of any Person or Persons inhabiting within the Places aforesaid, who shall be going to or returning from Church, or attending the Funeral of any Person who shall die in any of the said Parishes; nor for any Ploughs, Harrows, or Implements of Husbandry, or other Utensils whatsoever employed therein, or in manuring or stocking of Lands within the several Parishes and Places aforesaid; nor shall any Toll be demanded or taken for any Horse, Cattle, or other Beast, going to or returning from Water or Pasture; or for any Post-horse carrying the Mail or Packet; or for the Horses of any Soldiers who are on their March, or for Cattle and Carriages attending them, or loaden only with their Arms or Baggage, or for Horses or Carriages travelling with Warrants sent by Passes; nor for any Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Chairs, or Passengers on Horseback, going to or returning from any

Election of a Knight or Knights of the Shire to serve in Parliament for the County of Wilts, on the Day or Days of such Election, or on the Day before or Day after any such Election shall begin or be concluded: And if any Person shall claim and take the Benefit of any of the Exemptions by this Act given, not being intitled to the same, every such Person, for every such Offence, shall forfeit and pay the Sum of Forty Shillings. Penalty on claiming Exemptions, not being intitled thereto.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at any Meeting to be held for that Purpose (whereof Ten Days Notice shall be affixed in Writing upon all the several Turnpikes which shall be erected in pursuance of this Act), may, and they are hereby impowered, from time to time, by Writing under their Hands, to lease, demise, and let to Farm, the several Tolls by this Act granted, or any Part or Parts thereof, for any Term of Years, not exceeding Seven Years, for the best Price that can be gotten for the same, payable at such Times, to such Person, in such Manner, and under such Covenants, and with such Securities for the due Payment thereof, as the said Trustees, or any Seven or more of them, shall think fit; which Money shall be applied in such Manner, and to such Uses, as the Tolls by this Act granted are directed to be applied, and to no other Use or Purpose whatsoever. Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That out of the first Tolls which shall be collected at the several Turnpikes to be erected as aforesaid, or out of the first Money which shall be borrowed or received on the Credit of this Act, the said Trustees, or any Five or more of them, shall, in the first Place, pay and discharge all the Expences of procuring and passing this Act, and of erecting and setting up such Turnpikes and Toll-houses as aforesaid; and from and after such Charges and Expences shall be fully paid and satisfied, then, and from thenceforth, the said Tolls shall be applied and disposed of in the Manner following; that is to say, All the Tolls which shall be collected upon that Part of the Road which lies between the Turnpike Road at or near the Town of Swindon, and the North End or Side of the Town of Marlborough, and the Money to be borrowed on the Credit thereof, shall be applied in amending and widening that Part of the said Road only; and that all the Tolls which shall be collected upon that Part of the Road which lies between the Town of Marlborough and the Village of Everley, and the Money to be borrowed on the Credit thereof, shall be applied in amending and widening that Part of the said Road only, according to the true Intent and Meaning of this Act. Application of the Monies.

And,

Tolls may be assigned for Money borrowed.

And, for the more speedy repairing and widening the said Road, be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from time to time, upon the Credit of the said Tolls hereby made payable, to borrow and take up at Interest any Sum or Sums of Money which they, or any Seven or more of them, shall think needful; and may, and they are hereby authorized and impowered, to mortgage or assign over the said Tolls, or any Part or Parts thereof, 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 as aforesaid; which said Sums of Money so to be borrowed (the Charges of procuring and passing this Act as aforesaid being thereout first paid) shall be laid out and applied in and for the repairing and widening the said Road, in such Manner as the said Tolls are hereby directed to be laid out and applied, and to and for no other Use or Purpose whatsoever.

Assignments may be transferred.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons, to whom any such Mortgage or Mortgages, Assignment or Assignments, of the said Tolls shall be made as aforesaid by the said Trustees, or any Seven or more of them, as a Security or Securities for any Sum or Sums of Money lent by him, her, or them, on the Credit of the said Tolls, and his, her, or their Assignee or Assignees, may and are hereby impowered, from time to time, to transfer or assign over such Security or Securities, and all the Monies which shall be due thereon, to any Person or Persons.

Entries to be made of all Assignments.

Provided always, and be it further enacted by the Authority aforesaid, That regular and proper Memorandums and Entries of all Assignments and Transfers of any Securities of the said Tolls, which shall be executed or made by virtue of this Act, either by the said Trustees, or by their Assignee or Assigns, containing the Dates thereof, and the Names, Additions, and Places of Abode, of the several Parties thereto, and the several Sums and Terms of Years therein mentioned, and other the material Contents of the same; and the Names, Additions, and Places of Abode, of the Witnesses to the Execution thereof, shall, from time to time, be made by the Clerk or Clerks to the said Trustees, in a Book or Books, within the Space of Twenty eight Days next after such Assignments, Transfers, or Securities, shall be executed and made; and which said Clerk or Clerks shall be paid Two

Clerk's Fee.

Shillings

Shillings and Six Pence, and no more, by the reſpective Perſons in whom ſuch Aſſignments, Transfers, and Securities, ſhall be veſted, for each and every ſuch Entry.

Notice to be given of another Meeting.

Provided always, and it is hereby declared, That no Money ſhall be borrowed on the Credit of this Act by the ſaid Truſtees at their Firſt or any ſubſequent Meeting, unleſs Notice in Writing, under the Hand of the Clerk or Clerks to the ſaid Truſtees, be, by Order of ſuch Truſtees, or any Seven or more of them, for that Purpoſe fixed on the common Market-houſe in the Town of Marlborough, and the Market-croſs in Swindon, at leaſt Ten Days before the borrowing of ſuch Money.

Truſtees may appoint Officers;

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, at any of their Meetings to be held as aforeſaid, may, and are hereby authorized and impowered, from time to time, to elect and appoint fit and proper Perſons to be Collectors and Receivers of the ſaid Tolls by this Act made payable at the ſeveral Gates or Turnpikes, and alſo proper Perſons to be Clerks, Treaſurers, and Surveyors, of the Road hereby intended to be repaired, and ſuch other Officers, as they the ſaid Truſtees, or any Seven or more of them, ſhall think neceſſary and convenient; and ſuch Collectors, Receivers, Clerks, Treaſurers, Surveyors, and other Officers, or any or either of them, from time to time, to remove and diſplace, and to elect and appoint others in the Rooms and Places of ſuch of them as ſhall be ſo removed, or ſhall die; and may and are hereby authorized and impowered, by and out of the Monies which ſhall ariſe by and from the ſeveral Tolls aforeſaid, to contract for, allow, and pay, to the ſeveral Collectors, Receivers, Clerks, Treaſurers, Surveyors, and other Officers, which ſhall be appointed as aforeſaid, and to ſuch other Perſon and Perſons as ſhall be aſſiſting to them, or any or either of them, in or about the repairing or widening the ſaid Road, or any Part thereof, ſuch Salaries, Rewards, and Allowances, for their Attendance, Care, and Service therein, as to them the ſaid Truſtees, or any Seven or more of them, ſhall ſeem reaſonable.

and remove them, and appoint others.

Truſtees to allow Officers Salaries.

Officers to account upon Oath.

And be it further enacted by the Authority aforeſaid, That all and every the Collectors and Receivers of the Tolls made payable by this Act, and alſo the Clerks, Treaſurers, Surveyors, and other Officers, who ſhall, from time to time, be appointed as aforeſaid, and all and every other Perſon and Perſons whomſoever, who ſhall have or receive any of the Monies which ſhall be raiſed, collected, or received, by virtue of this Act, ſhall, from time to time, when and as often as he or they ſhall

be thereunto required by the ſaid Truſtees, or any Five or more of them, produce, render, and give up to them the ſaid Truſtees; or any Five or more of them, full, true, and perfect Accounts in Writing, of all the Monies which ſhall have been by them reſpectively had, collected, or received, and how, to whom, and for what Purpoſes, ſuch Monies and every Part thereof ſhall have been paid, diſpoſed of, or applied, together with proper Receipts and Vouchers for ſuch Payments; and ſhall and are hereby reſpectively required to pay all ſuch Monies as, upon the Balance of ſuch Accounts, ſhall appear to be in their reſpective Hands, to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons, and for ſuch Uſes and Purpoſes, as they, or any Five or more of them, ſhall direct or appoint; and that all and every the ſaid Officers and Perſons, ſo accounting or to account as aforeſaid, ſhall, if required, upon their ſeveral Oaths (which Oaths the ſaid Truſtees, or any One of them, are hereby authorized and impowered to adminiſter) verify their Accounts and the particular Items and Articles thereof, and the ſeveral Receipts and Payments which ſhall be therein contained; and if any ſuch Officer or Perſon ſo accounting or to account, being required ſo to do, ſhall refuſe or neglect to render or give up ſuch Account or Accounts as aforeſaid, or to produce and deliver up to the ſaid Truſtees, or any Five or more of them, the Receipts and Vouchers relating to the ſame, or to verify the ſame in Manner aforeſaid, or ſhall refuſe or neglect to pay ſuch Money as, upon the Balance of any Account or Accounts, ſhall appear to be in their reſpective Hands, to the ſaid Truſtees, or any Five or more of them, or as they ſhall direct and appoint, that then, and in either or any of the Caſes aforeſaid, upon Application of the ſaid Truſtees, or any Five or more of them, unto any One or more Juſtice or Juſtices of the Peace for the ſaid County of Wilts, and Proof thereof, either by the Confeſſion of the Party or Parties, or by the Oath of One or more Witneſs or Witneſſes (which Oath ſuch Juſtice or Juſtices are hereby impowered to adminiſter) ſuch Juſtice or Juſtices may, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, commit the Perſon or Perſons ſo refuſing or not rendering ſuch Account as aforeſaid to the Common Gaol of the ſaid County of Wilts, until he, ſhe, or they, ſhall render ſuch Account, and verify the ſame in Manner as aforeſaid; and ſuch Juſtice or Juſtices may alſo, by Warrant under his or their Hand and Seal or Hands and Seals, cauſe ſuch Sum or Sums of Money, as ſhall appear to be in the Hands of ſuch Perſon or Perſons

Officer refuſing to account,

and may the Balance,

may be committed,

until he ſhall conform, &c.

on such Accounts, to levied by Distress and Sale of the Goods and Chattles of such Person or Persons, together with the reasonable Charges of such Distress and Sale.

Trustees impowered to compound.

3 Provided always, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, if they shall think fit, to compound and accept a less Sum or less Sums from such Person or Persons, than what shall be really due from them.

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

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors which shall be by them appointed, or any or either of them, or any Person or Persons who shall be by them, or by the said Surveyor or Surveyors, employed for that Purpose, may and are hereby authorized and impowered to dig, pick, gather, cut, take, and carry away, any Gravel, Flints, Furze, Heath, Sand, Stones, or any other Materials, proper for repairing and amending the said Roads, out of any Common or Waste Ground, in any Parish, Town, Township, Village, or Tything, lying near any Part of the said Road, without paying any thing for the same; such Surveyor or Surveyors causing to be levelled, or otherwise to be fenced about, all such Holes or Pits from whence such Materials shall be digged, gathered, and taken away, in such Manner as that the same may not be dangerous for Cattle or Travellers; and also that it shall and may be lawful to and for the said Surveyor and Surveyors, and such Person and Persons as he and they shall appoint (such Surveyor or Surveyors first having an Order from any Five or more of the said Trustees for that Purpose) to enter into the Lands and Grounds of any Person or Persons (not being a Garden, Orchard, Park, Court-yard, Farm-yard, Rick-yard, planted Walk or Walks of Trees, or Avenue to an House, or any Piece of Ground inclosed, planted, and set apart, as a Nursery for Trees) and there to search for, dig, gather, take, and carry away, such Materials as they shall think proper for repairing the said Road, paying such Rates for such Materials, and for the Damage done to the Owners or Occupiers of such Lands and Grounds, where and from whence the same shall be digged, gathered, taken, and carried away, or over which the same, or any other Materials for the Repair of the said Road, shall be carried, as the said Trustees, or any Five or more of them, shall judge reasonable: And, in case of any Difference concerning the same, the Justices of the Peace, at their next General Quarter Sessions, or at the Second General Quarter Sessions at the furthest, to be holden

without paying for the same;

levelling the Pits.

Or Materials may be taken from private Grounds;

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

holden for the ſaid County of Wilts, after ſuch Difference ſhall ariſe (and on Six clear Days Notice thereof to be given by the ſaid Surveyor or Surveyors to the ſaid Owners or Occupiers, or by the Owners or Occupiers to the ſaid Surveyor or Surveyors, as the Caſe may be, or to be left at their reſpective Places of Abode, with ſome or One of their reſpective Families) ſhall hear, ſettle, and determine, the Matters of the ſaid Damages; whoſe Judgement and Order therein ſhall be concluſive to all Parties.

Surveyors may remove Annoyances,

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

and cleanſe Ditches;

and cut down Buſhes, &c.

the Owners neglecting to remove the ſame after Notice.

Surveyors to be reimburſed the Charges.

Penalty of a Second Offence.

forfeit

forfeit unto the said Trustees, or to their Treasurer for the time being, the Sum of Twenty Shillings.

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

Trustees may make Causeways,

and erect Bridges, &c.

and make a temporary Road,

making Satisfaction to the Owners.

Justices to determine Differences.

And whereas it may be proper to widen the said Road, and in some Cases to alter the Course of the same, by carrying the said Road over and through certain Lands or Hereditaments which are contiguous or near to the same, in order to render the said Road more proper and convenient for Travellers and Carriages than the present Road; be it therefore enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them,

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

are hereby authorized and impowered, in case they shall think proper, at any Time or Times during the Continuance of this present Act, to widen the said Road, or any Part or Parts thereof, or to turn or alter the Course of the said Road, or any Part or Parts thereof, and to make any new and additional Road or Roads contiguous or near to the said Road hereby directed to be amended or repaired, or any Part thereof, for the better Accommodation of Coaches, Carriages, and Travellers: And, for that Purpose, they the said Trustees, or any Seven or more of them, shall have full Power and Authority from time to time, during the Continuance of this present Act, to treat, contract, and agree, with the several Owners, Proprietors, Occupiers of, and Persons interested in, any Lands, Grounds, or Hereditaments, lying contiguous or near to any Part of the Road so to be widened, turned, or altered, or through or over which any new Road or Roads shall or may be made, for the Purchase of any such Lands, Grounds, or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers of, and Persons so interested, or any of them, shall or may any ways sustain by such widening, turning, or altering, the said Road, or any Part or Parts thereof, or by making any such new and additional Road or Roads as aforesaid; and out of the Tolls and Duties by this Act granted, or out of any Monies to be borrowed on the Credit thereof, to pay for such Lands, Grounds, and Hereditaments, and for such Loss and Damage, such Sum and Sums of Money as shall be agreed upon between the Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the said Trustees, or any Seven or more of them; and also the Costs and Charges attending such Agreement and Purchase.

And whereas it may happen that some Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, Feoffees in Trust, or others, are or may be seised or possessed of Lands, Grounds, or Hereditaments, which may by the said Trustees be thought necessary or proper to be taken in, and added to, the said Road, for turning, widening, altering, or amending the same, or for making a new Road or Roads as aforesaid, and may be incapable, by reason of Infancy, or other Disability, of granting or conveying such Lands, Grounds, or Hereditaments, for the Purposes aforesaid; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and other

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

Trustees whatsoever, for and on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree, with the said Trustees, or any Seven or more of them, for the Purchase of such Grounds, Lands, or Hereditaments, or any Part or Parts thereof, and for their Interest therein, for the Purposes aforesaid; and to sell and convey the same, as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid and effectual in the Law to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding: And all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations Aggregate and Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

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

And be it further enacted by the Authority aforesaid, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Trustees, or other Person or Persons, interested in any Lands, Grounds, or Hereditaments, upon Notice to them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in and added to the said Roads, or into which any Road is to be turned or altered, or through or over which such new and additional Road or Roads shall be made as aforesaid, shall, by the Space of Ten Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or by reason of Absence shall be prevented from treating, then, and in every or any such Case, the said Trustees, or any Seven or more of them, shall cause it to be inquired into, and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the County of Wilts, (which Oaths any One or more of the said Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Occupiers, or Proprietors, or other Person or Persons interested as aforesaid, for or upon account of the taking of such Lands, Grounds, or Hereditaments, into the said Road or Roads, or of turning such Road

Damages to be settled by Jury.

or

Witneſſes to be ſummoned and examined upon Oath.

or Roads into, or of making ſuch new Road or Roads over the ſame: And in order thereto, the ſaid Truſtees, or any Seven or more of them, are hereby impowered and required, from time to time, as Occaſion ſhall be or require, to ſummon and call before the ſaid Jury, and examine upon Oath, all and every Perſon and Perſons whatſoever who ſhall be thought neceſſary or proper to be examined as a Witneſs or Witneſſes, touching or concerning the Premiſſes (which Oath any One or more of the ſaid Truſtees are hereby impowered and directed to adminiſter) and they ſhall alſo order and cauſe the ſaid Jury to view the ſaid Places in Queſtion, if there be Occaſion; and uſe all other lawful Ways and Means, as well for their own as for the ſaid Jury's better Information in the Premiſſes, as they the ſaid Truſtees, or any Seven or more of them, ſhall think fit: And after the ſaid Jury ſhall have enquired of, aſcertained, and ſettled ſuch Damage and Recompence, they the ſaid Truſtees, or any Seven or more of them, ſhall thereupon order, adjudge, and determine the ſaid Sum or Sums of Money, ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners, Occupiers, or Proprietors of, or other Perſons intereſted in, the ſaid Lands, Grounds, or Hereditaments, according to ſuch Verdict or Inquiſition of the ſaid Jury; which

Verdict of the Jury to be binding.

ſaid Verdict or Inquiſition, and Judgement, Order, or Determination, ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever, claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, and Perſons under any other Diſabilities whatſoever, Bodies Politick, Corporate, or Collegiate, as well as all and every other Perſon or Perſons whomſoever; and all and every ſuch Owners, Occupiers, and Proprietors, and all and every Perſon and Perſons any ways intereſted in ſuch Lands, Grounds, or Hereditaments, ſhall thereby be from thenceforth, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, and Property, of, in, to, or out of the ſame: And for the ſummoning and returning ſuch Jury or Juries, the ſaid Truſtees, or any Seven or more of them, are hereby impowered to iſſue out a Warrant or Warrants to the Sheriff of the ſaid County of Wilts, thereby commanding and requiring him to impanel, ſummon, and return, an indifferent Jury of Twenty four Perſons, or more, to appear before the ſaid Truſtees, or any Seven or more of them, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and the ſaid

Truſtees to iſſue their Warrants to the Sheriff, to impanel and ſummon a Jury.

Sheriff,

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

Jurors may be challenged.

Provided always, and be it further enacted by the Authority aforesaid, That all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Seven or more of them, acting in the Premisses, shall have Power from time to time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs, or Agents, making Default in the Premisses, and on any Person or Persons who shall be summoned and returned on such Jury, and shall not appear, or who shall refuse to be sworn on the said Jury, or being so sworn, shall refuse or neglect to give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons, who, being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, or who shall refuse to be examined and give Evidence; and from time to time to levy and recover such Fine or Fines, in the same Manner as any other Forfeiture or Penalty is herein after directed to be levied and recovered, so as no such Fine shall exceed the Sum of Ten Pounds, nor be less than Forty Shillings, upon any One Person for One Offence; and that all such Fines shall be applied for such Uses and in such Manner as the Tolls granted by this Act are to be applied.

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

Fine not to exceed 10*l.*

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

And be it further enacted by the Authority aforesaid, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed, as aforesaid, shall be, and is hereby charged and chargeable upon the Monies which shall by raised, received, or borrowed, by virtue of this Act, and shall be paid thereout accordingly to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof, to such Persons or their Agents, and in case of Refusal to accept

kept the ſame, then upon leaving the ſame in the Hands of the Clerk or Clerks to the ſaid Truſtees for the Uſe of ſuch Perſons, and after Six Days Notice thereof given to ſuch Perſons, or their Agents, to receive ſuch Money, Conſideration, Recompence, or Satisfaction, it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, their Surveyors, Workmen, or Agents, to take into and add ſuch Grounds, Lands, and Hereditaments, to the ſaid Road, or to make any new and additional Road or Roads over and through ſuch Grounds, Lands, and Hereditaments; and to do all and every ſuch Act, Matter, and Thing, with relation to ſuch Grounds, Lands, or Hereditaments, as the ſaid Truſtees, or any Five or more of them, ſhall think fit; and after the Purchaſe of the ſaid Lands, Grounds, or Hereditaments, or Adjudication of the Value thereof made, and Tender of Payment, and Notice given as aforeſaid, ſuch Lands, Grounds, and Hereditaments, ſhall be laid into or added to, and made Part of the ſaid Road hereby directed to be repaired, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall order and direct; and ſhall be by them, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, ſufficiently drained, ditched, fenced, and ſet out, for that Purpoſe; and after ſuch draining, ditching, fencing, and ſetting out, the ſaid Lands, Grounds, or Hereditaments, ſhall, to all Intents and Purpoſes whatſoever, become, and be deemed and taken to be, a publick and common Highway, and be from thenceforth deemed to be Part of the ſaid Road by this Act directed to be repaired for ever after, and ſhall be repaired and kept in Repair by ſuch Ways and Methods, and in all Reſpects as the old Road, lying near or adjoining to any ſuch new or additional Road or Roads, is and ought to be kept in Repair.

Lands when purchaſed to be made Part of the Roads, and deemed a publick Highway, and kept in Repair as ſuch.

Old Road may be ſold.

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

Buildings, &c. not to be injured.

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

Truſtees not to act where intereſted.

And

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

Lands, &c. chargeable to the Highways to continue ſo.

Inhabitants to do Statute-work.

And, to the End that the ſaid Truſtees may the more certainly know the Inhabitants of all the Pariſhes, Tythings, and Places, wherein the Road intended to be repaired by this Act doth lie, who are liable to do Statute-duty in their Highways, and what Sort of Duty they ought reſpectively to do; be it further enacted by the Authority aforeſaid, That the Surveyors of the Highways of and for all the Pariſhes, Tythings, and Places, wherein any Part or Parts of the ſaid Road doth lie, ſhall and are hereby required, within the Space of Ten Days next after the Firſt Meeting of the ſaid Truſtees, and yearly afterwards, before the Twenty fifth Day of March, in every Year, during the Continuance of this Act, to return and deliver in to the ſaid Truſtees, at ſome of their Meetings to be by them held, or to the Collectors or Receivers of the Tolls by this Act made payable at the reſpective Gates or Turnpikes to be erected by virtue of this Act, true and perfect Liſts in Writing, under their reſpective Hands, of the Names of all the Inhabitants of ſuch Pariſhes, Tythings, and Places reſpectively, who are liable to do Statute-work in and upon the Highways; and ſhall, in

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

in ſuch Liſts, and every of them, diſtinguiſh and ſet forth which of ſuch Inhabitants do keep a Team or Teams, and which of them are Labourers only.

Penalty on Surveyors neglecting to deliver in ſuch Liſts, &c.

And be it further enacted by the Authority aforeſaid, That if the Surveyor or Surveyors of the ſeveral Pariſhes, Tythings, or Places, through which the ſaid Road by this Act intended to be repaired doth lead, ſhall not deliver in Liſts of the Inhabitants of the ſaid ſeveral Pariſhes, Tythings, or Places, to the Perſon or Perſons, or by ſuch Times, and in ſuch Manner, as by this Act is directed and required to be delivered in, ſuch Surveyor and Surveyors, and every of them, ſhall forfeit and pay, for every ſuch Default, the Sum of Five Pounds: And if any of the Inhabitants of the ſaid ſeveral Pariſhes, Tythings, or Places, being obliged or liable by Law to do Statute-duty in and upon the Highways, ſhall not do ſuch Statute-duty in and upon the ſaid Road, at ſuch Times or Places, and in ſuch Manner, as they ſhall by the ſaid Truſtees, or any Five or more of them, or by the Surveyor or Surveyors by them authorized, be directed or appointed to do by virtue of this Act, ſuch Inhabitants, and every of them, ſhall, for every ſuch Neglect or Default, forfeit and pay the ſeveral Sums herein aftermentioned; that is to ſay, Every ſuch Inhabitant or Perſon who ſhall keep a Team or Teams, for every Day's Default for each Team or Teams, the Sum of Ten Shillings; and every other Inhabitant or Perſon not keeping a Team, for every Day's Default, the Sum of One Shilling and Six-pence.

and on Perſons not performing Statute-work.

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

Provided always, and be it further enacted by the Authority aforeſaid, That if the Surveyor or Surveyors of the Highways for the time being of the ſeveral Pariſhes, Tythings, or Places, in which any Part or Parts of the ſaid Road doth lie, ſhall think the ſaid Truſtees, or the Surveyor or Surveyors by them authorized, have directed too large a Proportion of Statute-work for any Pariſh, Tything, or Place, to be done on the ſaid Road, ſuch Surveyor or Surveyors of the Highways may appeal to any Two or more Juſtices of the Peace for the ſaid County of Wilts, at their private Seſſions to be held in and for the Diviſion wherein the ſaid Pariſh, Tything, or Place, doth lie, who are hereby authorized to direct and appoint the Proportion of Statute-work to be done by ſuch Pariſh, Tything, or Place, on the ſaid Road: And if the ſaid Truſtees, or their Surveyor or Surveyors, or the Surveyor or Surveyors of the Highways for ſuch Pariſh, Tything, or Place, ſhall think the ſaid Juſtices, at ſuch private Seſſions, have directed or appointed too great

or too ſmall a Proportion of Statute-labour to be done as aforeſaid, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors, or for the Surveyor or Surveyors for ſuch Pariſh, Tything, or Place, to appeal to the Quarter Seſſions of the Peace to be held for the ſaid County of Wilts, next after ſuch Direction or Appointment; and the Juſtices, in their Quarter Seſſions, are hereby authorized and impowered finally to adjuſt and determine what Proportion of the Statute-work in any Pariſh, Tything, or Place, ſhall be done on the ſaid Road, the Party ſo appealing having firſt given Six Days Notice to the other Party of ſuch Appeal: And if the ſaid Juſtices, in their Quarter Seſſions, ſhall adjudge ſuch Appeal to be frivolous or veratious, they are hereby authorized and impowered to award ſuch Coſts to be paid by the Party appealing to the Party aggrieved, as the ſaid Juſtices ſhall think reaſonable.

Juſtices to determine Differences relating to Statute-work.

Provided always, and be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Surveyor or Surveyors of the Highways, or other Perſon or Perſons, by and with the Conſent of the Inhabitants of ſuch Pariſhes, Tythings, or Places reſpectively, firſt had at any Veſtry or other publick Meeting of ſuch Inhabitants, who ſhall be ſummoned together for that Purpoſe, to compound and agree from time to time with the ſaid Truſtees, or any Five or more of them, for a certain Sum of Money, by the Year, or otherwiſe, in lieu of the Statute-work to be performed by ſuch reſpective Inhabitants upon any Part or Parts of the ſaid Road: And in caſe ſuch Compoſition-money ſhall not be paid to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon as they ſhall appoint to receive the ſame, within Ten Days after the ſame ſhall be due and demanded, it ſhall be lawful for any One or more Juſtice or Juſtices of the Peace for the ſaid County of Wilts (upon Oath made before him or them of ſuch Default, which Oath the ſaid Juſtice or Juſtices is and are hereby impowered to adminiſter) and he or they is and are hereby required to iſſue a Warrant under his or their Hand and Seal, or Hands and Seals, impowering ſuch Perſon ſo by the ſaid Truſtees, or any Five or more of them, appointed to receive ſuch Compoſition-money, to levy the ſame by Diſtreſs of the Goods and Chattles of the Perſon or Perſons who ſhall have made ſuch Compoſition as aforeſaid; and ſuch Goods and Chattles ſo diſtrained, after the Space of Six Days (ſuch Compoſition-money, and the reaſonable Charges of ſuch Diſtreſs not being paid) to ſell, returning the Overplus

Truſtees may compound with Pariſhes, &c.

Compoſition-money how to be recovered and applied.

(if any) to the Owner or Owners thereof, upon Demand, after the Composition-money, and all reasonable Charges of such Distress and Sale, shall be deducted; which Composition-monies shall be applied in such Manner, towards repairing the said Road, as the said Tolls are herein before directed to be applied, and to no other Use or Purpose whatsoever; and such Surveyors, and other Persons, by whom such Composition shall be made on the Behalf of any Parish, Tything, or Place as aforesaid, shall be reimbursed such Composition-money in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Money by them expended in buying Materials for repairing the Highways.

Surveyors paying the Composition-money, how to be reimbursed.

Road to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall cause the said Road to be measured, and Stones or Posts to be set up on or near the Sides of the said Road, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from any Town or Place, as to the said Trustees, or any Five or more of them, shall seem meet: And if any Person or Persons shall wilfully pull down or damage any Stones or Posts so to be erected as aforesaid upon the said Road, or any Part of such Stones or Posts, or shall obliterate or deface any of the Letters, Figures, or Marks, which shall be inscribed thereon, and be convicted thereof by the Confession of the Party, or by the Oath of One credible Witness, before One or more Justice of Justices of the Peace for the said County of Wilts (which Oath the said Justice or Justices is and are hereby impowered to administer) every such Person shall forfeit the Sum of Forty Shillings for every such Offence, to be levied by Distress and Sale of the Goods and Chattles of such Offender; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in repairing such Stones or Posts, or in supplying of new ones in their Stead; and if there shall be any Overplus, the same shall be laid out in repairing the said Road: And in case sufficient Distress cannot be found, it shall be lawful for the said Justice or Justices, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender or Offenders to the House of Correction, there to be kept to hard Labour for any Time not exceeding One Calendar Month, or until he, or they shall have paid the said Sum of Forty Shillings.

Penalty on defacing Mile-stones, &c.

Penalty on having Timber, &c. otherwise than on Wheel Carriages.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, during the Continuance of this Act, shall haul or drawn or cause to be

haled or drawn upon, in, or along, any Part of the said Road hereby intended to be repaired, any Tree or Trees, or Piece or Pieces of Timber, otherwise than upon Wheel Carriages, every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Penalties and Forfeitures how to be recovered and applied.

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

Persons aggrieved may appeal to the Quarter Sessions, &c.

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

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10 Days Notice of Appeal to be given.

think fit; but the Perſon ſo appealing ſhall give Notice in Writing to the ſaid Treaſurer or Treaſurers to the ſaid Truſtees, of ſuch his or her Intention of bringing ſuch Appeal, and the Cauſe or Matter thereof, Ten Days at leaſt before the ſaid Quarter Seſſions.

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

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

nor be removeable by *Certiorari*.

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

And, for continuing a ſufficient Number of Truſtees to put this Act in Execution, be it further enacted by the Authority aforeſaid, That when and as often as any Truſtee ſhall die or refuſe to act, it ſhall and may be lawful for the ſurviving or other Truſtees, or any Seven or more of them, from time to time, to elect, nominate, and appoint, One other fit Perſon living in the County of Wilts, and qualified as herein after mentioned, in the Place of each Truſtee ſo dying or refuſing to act: But Notice in Writing of the Time and Place of Meeting for the Election of all ſuch new Truſtees, ſhall be fixed on all the Turnpikes to be erected by virtue of this Act, at leaſt Ten Days before the Meeting for ſuch Election; and all and every ſuch Perſon and Perſons, who ſhall, from time to time, be ſo choſen and appointed, ſhall be joined with ſuch ſurviving or other Truſtees, and they are hereby impowered to act, to all Intents and Purpoſes, in as full, large, and ample Manner, as if ſuch Perſon or Perſons ſo elected had been particularly named and appointed a Truſtee or Truſtees in and by this Act.

10 Days Notice of Election to be given.

Truſtees not to act except at a publick Meeting.

Provided always, That no Truſtee appointed, or to be elected as aforeſaid, ſhall be capable of acting as a Truſtee for the Purpoſes aforeſaid, except it be at ſome Meeting to be held in purſuance of this Act.

Qualification of Truſtees.

Provided always, and be it enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Truſtee in any Caſe in the Execution of this Act, unleſs at the Time of his acting therein he ſhall be, in his own Right, or in the Right of his Wife, in the actual Poſſeſſion, Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, Tythes, or Hereditaments, being Freehold, or Copyhold of Inheritance, of the clear yearly Value of Eighty Pounds above Reprizes; or be Heir

Apparent of a Perſon having ſuch Eſtate of the yearly Value of Two hundred Pounds; or be the Son of a Perſon having ſuch Eſtate of the yearly Value of Four hundred Pounds; or poſſeſſed of a Perſonal Eſtate to the Amount of One thouſand five hundred Pounds: And if any Perſon or Perſons made incapable to act, for the Cauſes aforeſaid, ſhall nevertheleſs preſume to act in the Truſt aforeſaid, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall inform or ſue for the ſame, to be recovered by Action of Law to be brought in any of His Majeſty's Courts of Record at Weſtminſter; and the Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act. Penalty on acting if not qualified.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall meet at the Angel Inn in the Town of Marlborough, upon the Firſt Monday in May, in the Year of our Lord One thouſand ſeven hundred and ſixty two, and proceed to the Execution of this Act, and adjourn themſelves from time to time, and afterwards meet there, or at any other Place in or near any Part of the ſaid Road, as the ſaid Truſtees, or the major Part of them preſent at any ſuch Meeting, ſhall think moſt convenient, as often as it ſhall be neceſſary for putting this Act in Execution: And if it ſhall happen that there ſhall not appear at any Meeting a ſufficient Number of Truſtees to act, and to adjourn to another Day, the Clerk or Clerks to the Truſtees ſhall, by publick Notice in Writing to be affixed upon the Market-houſe in Marlborough, and the Market-croſs in Swindon, at leaſt Ten Days before the next Meeting, appoint the ſaid Truſtees to meet at the Houſe where ſuch laſt Meeting was appointed to have been held, or at ſome other convenient Houſe in or near any Part of the ſaid Road, on that Day Three Weeks from the Day on which ſuch Meeting was appointed to have been held; and that the ſaid Truſtees at all their Meetings ſhall defray their own Charges and Expences. Time and Place of Truſtees Meeting. In Default of a ſufficient Number to act, Notice to be given of another Meeting.

Provided always, That in caſe the Clerk or Clerks to the Truſtees ſhall refuſe or neglect to give ſuch Notice for the Space of Ten Days, that then it ſhall and may be lawful for any Five or more of the ſaid Truſtees appointed to put this Act in Execution, at any Time or Times (the Space of Ten Days after ſuch Neglect or Refuſal of their Clerk or Clerks having firſt intervened) On Clerks Neglect, Truſtees may appoint a Meeting.

to appoint such Trustees to meet at any Place that they shall appoint on that Day Three Weeks after the Date of such Notice, which said Notice shall be in Writing, and shall be affixed on the Market-house in Marlborough, and the Market-cross in Swindon, and the same shall be deemed and taken to be sufficient Notice of any such Meeting.

No Order to be repealed unless 13 Trustees are present.

And be it further enacted by the Authority aforesaid, That no Order made by the said Trustees, or any Five or more of them, in Execution of any of the Trusts, Powers, or Authorities of this Act, shall be revoked, repealed, or set aside, by any subsequent Order of the said Trustees, unless Thirteen or more Trustees shall be then present; and also unless Notice in Writing shall be affixed upon the Market-house in Marlborough and the Market-cross in Swindon, at least Ten Days before any Meeting for that Purpose, specifying the Reason of such Meeting.

Trustees not to accept of a Place of Profit arising from the Tolls.

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

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

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

Treasurer to give Security.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, and they are hereby authorized and required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his and their said Office or Offices, as to the said Trustees, or any Five or more of them, shall seem meet.

No Victualler, &c. to have a Place of Profit,

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

Proceedings to be entered in a Book.

And be it further enacted by the Authority aforesaid, That full, true, and particular Accounts and Entries of all the Monies which shall be received and expended by virtue of this Act, and all Orders and Proceedings whatsoever of the said Trustees, relating to the Execution thereof, shall be entered in a Book or Books to be kept

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

Provided also, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of, any Power or Authority hereby granted, shall be charged or chargeable with any Stamp Duty whatsoever. Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That this Act, and all the Tolls, Powers, and Authorities hereby granted, shall take place and have Continuance, from and after the First Day of May, in the Year of our Lord One thousand seven hundred and sixty two, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament. Commencement and Continuance of this Act.

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

Treble Coſts. tiffs; the Defendant and Defendants ſhall and may have and recover Treble Coſts, and have the like Remedy for the ſame, as any Defendant or Defendants hath or have for his or their Coſts in other Caſes by Law.

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

FINIS.