Anno ſecundo

Georgii III. Regis.

An Act for repairing, widening, turning, and ſhortening the Road leading from the Turnpike Road on *Farrad's Common*, in the Pariſh of *Bradford*, through *Holt* and *Melkſham*, to *Homan's Stile*, in the Pariſh of *Laycock*, in the County of *Wilts*.



WHEREAS the Road leading from the Turnpike Road on Farrad's Common, in the Pariſh of Bradford, through Holt and Melkſham, to a certain Place called Homan's Stile, in the Pariſh of Laycock, in the County of Wilts, is in a ruinous Condition; and, in ſeveral Parts thereof, narrow and incommodious, and cannot be ſufficiently amended, widened, and altered, 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 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 and Reverend Francis Seymour, commonly called Lord

Preamble.

Truſtees Names.

Lord Francis Seymour, the Honourable Frederick Thynne, the Right Honourable the Earl Varney in the Kingdom of Ireland, the Right Honourable Robert Nugent, Sir Robert Long, Sir John Aſtley, Sir Boucher Wray, Sir John Morgan, Baronets; the Honourable and Reverend William Harley, Ambroſe Awdry, Ambroſe Awdry junior, John Awdry, Levi Ames, the Reverend Richard Aſhe, Edward Bayntun, Peregrine Bertie, William Beach, John Bull, Daniel Bull, John Bytheaſea, Thomas Bytheaſea, Henry Brook, Nathaniel Baily, the Reverend John Burton of Holt, Thomas Baſkervile, George Bethell, Andrew Broadribb, Thomas Beaven Clothier, Richard Bird, John Brathwaite, Thomas Bennett, John Headly Bennett, John Bennett, Anthony Burleton, Joſeph Bennett, Walter Barnes, Richard Blackburne junior, Robert Baily, John Baily of Calne, John Cooper of Comberwell, Joſeph Colberne, Henry Coulthurſt, Robert Cooper of Sarum junior, Samuel Cam, Samuel Cam junior, Daniel Clutterbuck, William Clark LL. D. Coward of Freſhford, John Catherwood, John Clark, Thomas Collet, Simeon Collet, George Cooper, Henry Ingram, John Cocks, Nicholas Croſs, Robert Colvill, John Chapman, Peter Delme, Chriſtopher Devonſhire, Ezekiel Dickinſon, Caleb Dickinſon, Vicaris Dickinſon, John Durbin, George Dike of Waterhouſe, Thomas Daniel, Thomas Dike, William Deerman, James Dowding, Edward Eyles, William Earle, William Effington, Ralph Etwall, William Everett, Thomas Everett, Joſeph Everett, Brice Fiſher, Henry Fiſher, George Flower, John Flower, John Foot, Reverend Thomas Fudge, Thomas Fowler, the Reverend Fowkes, Thomas Figgins, James Fowell, John Garth, Charles Garth, Thomas Goddard, Philip Gibbs, Gaiſford Gibbs, William Gaiſford junior, John Gent, Matthew Gent, James Gibbs, Edward Gale Clothier, John Gale, Gabriel Gouldney, George Hungerford, James Harris, Thomas Hunt Grubb, Nicholas Greene, Richard Holland, Iſaac Horlock, William Huſſey, Robert Halliday, Henry Halliday, Joſeph Houlton, John Hutchings, Matthew Humphrys junior, William Hall, Thomas Hackett, Iſaac Hillier, William Hammond Clerk, John Hodges, Richard Jenkins, George Jones, John Jones of Melkſham, Maurice Jarvis, Thomas Johnſon, the Reverend Henry Kent, Walter Long, James Long, James Long of Bratton, Charles Long, Richard Long, William Long of Melkſham, William Long of Bayntun, William Lea, David Lea, Edward Lloyd, Richard Leverſedge, John Ledyard junior, Samuel Ledyard, Paul Methuen, Joſeph Mawbey, James Montagu, Edward Montagu, Thomas

Thomas Maundrell, the Reverend William Mayo, John Matravers, John Matravers junior, Joſeph Mortimer, Joſeph Mortimer junior, James Moore, Edward Moore, Thomas Mathews, James Mathews, Matt. Merlfield, Samuel Martin, Richard Marchant, Thomas Matchall, William Northey, William Norris, the Reverend John Newton Curat of Melkſham, Robert Neale, Robert Neale junior, Paul Newman, Dennis Newman, John Newman, Thomas Neate, William Neate, William Noyes, Reverend David Owen, Edward Popham, Francis Popham, Thomas Prowſe, Thomas Phipps, William Phipps, Paul Phipps, Charles Penruddock, Edward Poor of Ruſhall, Edward Pierce, William Peviany, Scudi Perry, Edward Place, Charles Pinhorne, William Reeve, Reverend John Rolt, Reverend Benjamin Rogers, William Read, Thomas Rogers, Charles Roſe, Thomas Henry Rutty, John Rutty, Samuel Rutty, Jonathan Rutty, Stocker Robinſon, Richard Roberts, Richard Bunter Robins, John Smith of Combhay, Jarrit Smith, Prince Sutton, James Sutton, Willy Sutton, Michael Smith of Alton, Reverend Robert Smith, Charles Simpſon, John Stump, Joſeph Saunders, William Sheppard, Zach. Shrapnell, Slade, Samuel Sainſbury, William Stevens, Reverend James Sporraw, Reverend William Sporraw, John Smith of Bradford, Joſeph Smith, Samuel Shering, John Shirley, Reverend William Stone, William Stone junior, William Skey, John Talbot, John Talbot junior, Thomas Tyndal, Humphry Tugwell, Thomas Tugwell, William Tugwell, John Tylee, John Thurman, Reverend Robert Twyford, James Uſher, Thomas Whittington, John Wadman, John Walker, William Willy, George Willy, Richard Whatley, James Wilde, John Watts, John Williams, Henry Williams, Walter Waiſtfield, Philip Withers, John White, Abraham White, John Whitehead, George Whitehead, Thomas Whitehead, James York, Francis Yerbury, Richard Yerbury, ſhall be, and they and their Succeſſors, to be elected in Manner herein after mentioned, are hereby appointed Truſtees for ſurveying, ordering, widening, turning, ſhortening, altering, amending, and keeping in Repair, the Road aforeſaid, and for putting in Execution all other the Powers by this Act given.

Qualification of Truſtees.

Provided always, and be it further enacted, That no Perſon ſhall be qualified or capable of acting as a Truſtee, in any Caſe, in the Execution of this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Freehold or Copyhold Meſſuages,

Messuages, Lands, Tenements or Hereditaments of the clear yearly Value of Fifty Pounds, or shall be heir apparent of some Person having an Estate in Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds, or be possessed of Personal Estate alone, or Real and Personal Estate together, to the Amount and Value of One thousand Pounds: And if any Person or Persons made incapable to act for the Causes aforesaid, shall nevertheless presume to act in the Trust aforesaid, every such Person shall, for every such Offence, forfeit 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 at 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, That the said Trustees, or any Five or more of them, shall meet together at the House of Everrist Gibbs, known by the Sign of the King's Arms, in Mekkham, on Friday the Thirtieth Day of April, One thousand seven hundred and sixty two, and shall proceed to the Execution of this Act; and shall then, and from time to time, adjourn themselves to and meet at such Place or Places, on or near the said Road, as they the said Trustees, or any Five or more of them, shall think necessary, for putting this Act in Execution: And if at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act or to adjourn to another Day, the Trustee or Trustees then present, or the Clerk or Clerks to the said Trustees, shall, from time to time, as such Case shall happen, by Notice in Writing, to be affixed upon all the Turnpikes which shall then be erected upon or across the said Road, at least Ten Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to have been held, or at some other convenient House or Place on or near the said Road, on the Twenty first Day after the Day for which such last Meeting was appointed; and the said Trustees, at all their Meetings, shall defray their own Expences: And that all Orders and Determinations of the said Trustees, in Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination

Time and Place of Trustees Meeting.

In Default of a sufficient Number to act, Notice to be given of another Meeting.

Trustees to defray their own Expences.

No Order to be repealed unless 13 Trustees are present.

nation shall be made, unless the Majority of the Trustees present at a Meeting (every Trustee composing such Majority not being personally interested in the Matter or Matters in Question) shall concur therein; and such Majority not being less than the Number of Trustees by this Act authorized to make any such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Nine Trustees, not being personally interested as aforesaid, shall be present; but all such Trustees are as Justices of the Peace may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested; nor shall any Meeting of Trustees, which shall be held by virtue of this Act, begun to be held before the Hour of Ten in the Forenoon, or after Five in the Afternoon: And if any Meeting shall at any Time be held contrary to this Direction, all Business which shall be done or transacted at such Meeting shall be, and the same is hereby declared to be void.

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

Provided always, and be it further enacted by the Authority aforesaid, That Two Trustees shall be sufficient for the Purpose of Adjournment; and if it shall at any Time happen that no Trustee shall appear at the Time and Place appointed for any of the Meetings of Trustees to be held under this Act, then, in case the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, as shall by any means be prevented from giving Notice as aforesaid, it shall and may be lawful for any Two or more of the Trustees appointed to put this Act in Execution, at any Time or Times (the Space of Seven Days after such Refusal, Neglect, or Prevention of the Clerk or Clerks having first intervened) to appoint such Trustees to meet at some House in or near the said Road, on that Day Three Weeks after the Date of such Notice; which said Notice shall be in Writing, and shall be affixed on all the Turnpikes erected by virtue of this Act, and the same shall be deemed and taken to be sufficient Notice for any such Meeting.

On Neglect of the Clerk, Trustees may appoint a Meeting.

In Default of a sufficient Number to act, Notice to be given of another Meeting.

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die, remove, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands and Seals, or the Hands of any other Person, qualified as aforesaid, to be the Trustee in the Room of such Trustee so removed, removed, refusing to act, or dying: But Notice in Writing of the Time and Place of Meeting for every such Election shall be given by the

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

No Order to be repealed while the Trustees are [illegible]

Seven Days Notice to be given of such Election.

the Clerk or Clerks to the ſaid Truſtees, by affixing the ſame upon all the Turnpikes in or upon the ſaid Road, at leaſt Ten Days before every ſuch Meeting; and all Perſons who ſhall be ſo elected are hereby veſted with the ſame Powers for the putting this Act in Execution, as the Perſons in whoſe Places they ſhall be reſpectively choſen were veſted with.

Truſtees may erect Turnpikes and Toll-houſes;

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may cauſe to be erected One Gate or Turnpike in, upon, or acroſs the ſaid Road, at or between a Houſe now in the Poſſeſſion of Arthur Grey Blackſmith, in the Pariſh of Melkſham, and a Houſe called Dunkirk, otherwiſe Dung-Cart Houſe, in the Pariſh of Broughton Giffard, and no other Gate or Turnpike upon, acroſs, or on the Sides of any other Part or Parts of the ſaid Road (except a Side Gate in a Lane called Norrington Lane) and alſo a Toll-houſe at ſuch Turnpike; and ſhall demand and take the following Tolls at the ſaid Gates or Turnpikes, before any Cattle or Carriage ſhall be permitted to paſs through the ſame; that is to ſay,

and take Tolls thereat.

The Tolls.

For every Horſe or other Beaſt drawing any Carriage, the Sum of Four Pence.

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

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

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

Which ſaid reſpective Sum or Sums of Money ſhall be demanded and taken in the Name of, or as a Toll, and ſhall be paid to ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall appoint to collect the ſame; and if any Perſon or Perſons, ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, it ſhall be lawful for the Perſon or Perſons appointed as aforeſaid to collect the ſaid Tolls, to ſeize and diſtrain any Horſe or Horſes, or other Cattle or Beaſt, upon which ſuch Toll is by this Act impoſed, or any of the Goods or Chattles of ſuch Perſon or Perſons ſo neglecting or refuſing; and if ſuch Toll, and the reaſonable Charges of ſuch Seizure and Diſtreſs, ſhall not be paid within the

Tolls to be levied by Diſtreſs and Sale.

Diſtreſs may be ſold after 4 Days.

the Space of Four Days, the Perſon or Perſons ſo ſeizing and diſtraining, ſhall and may ſell the Horſes, Cattle, Beaſts, or Goods, ſo ſeized and diſtrained, returning the Overplus, if any, upon Demand, to the Owner thereof, after ſuch Tolls, and all reaſonable Charges, ſhall be deducted.

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

And be it further enacted, That the ſaid Turnpikes and Toll-houſe, and the Materials of which the ſame ſhall conſiſt, and all Materials which ſhall be actually got and provided by the ſaid Truſtees, or by their Surveyor or Surveyors, for repairing the ſaid Road, ſhall be and are hereby veſted in the ſaid Truſtees, and they, or any Five or more of them, are hereby authorized and impowered to bring, or cauſe any Action or Actions to be brought, in the Name of the ſaid Truſtees, or any Five or more of them, or in the Name of their Treaſurer or Clerk, or to prefer, and order and direct the preferring of Indictments againſt any Perſon or Perſons who ſhall dig up, break, or pull down, ſteal, take, or carry away, ſpoil, injure, or deſtroy, any Gate, Turnpike, or Toll-houſe, which ſhall be erected by virtue of this Act, or any Part thereof, or any thing thereto belonging, or any of the Materials of which the ſame ſhall be built or conſiſt, or any of the Materials which ſhall be provided for the repairing of the ſaid Road.

Application of the Monies.

And be it further enacted, That out of the firſt Money ariſing by the Tolls hereby granted, or out of ſuch Money as ſhall be borrowed on the Credit thereof, the ſaid Truſtees, or any Five or more of them, ſhall, in the firſt Place, pay and diſcharge all the Expences and Coſts relative to the procuring and paſſing this Act, and ſhall apply the Remainder of the Money ſo raiſed in erecting ſuch Gates or Turnpikes, and Toll-houſe, as aforeſaid, and repairing, widening, altering, and amending, the ſaid Road, and defraying the neceſſary Coſts, Charges, and Expences attending the ſame, and the Execution of this Act, and to no other Uſe or Purpoſe whatſoever.

Tolls to be paid but Once a Day.

Provided always, That no Perſon ſhall be liable to pay Toll more than Once for paſſing at any Time or Times with the ſame Horſes, Cattle, or Carriages, in the ſame Day, to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the ſucceeding Night, though any Turnpike to be erected by virtue of this Act; but all and every ſuch Perſon and Perſons, after having paid ſuch Tolls or Toll reſpectively as aforeſaid, ſhall, upon producing a Note or Ticket, Notes or Tickets, denoting ſuch Payments or Payment, afterwards paſs with ſuch Horſes, Cattle, Beaſts, or Carriage, Toll-free,

during ſuch Day, to be computed as aforeſaid, through any Turnpike or Gate erected by virtue of this Act; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on the Receipt of the Toll.

Penalty on Perſons avoiding the Tolls.

And be it further enacted, That if any Perſon or Perſons ſhall forcibly or wilfully go or paſs with any Horſe, Beaſt, or Carriage, through any Turnpike by virtue of this Act to be erected or ſet up, without paying the Toll or Tolls by this Act directed to be paid for the ſame, or ſhall knowingly and deſignedly aſſault, interrupt, or obſtruct, any or either of the Collectors or Perſons in the collecting or receiving any or either of the ſaid Tolls, or any otherwiſe, in the Execution of his, her, or their Office or Offices of Collector or Collectors; or ſhall forge, counterfeit, or alter, or ſhall deliver to, or receive of, any other Perſon or Perſons, any Ticket or Tickets, with Intent to avoid the Payment of any of the ſaid Tolls, or any Part thereof; or if any Perſon or Perſons ſhall take off, or cauſe to be taken off, any Horſe or other Beaſt, from any Carriage, or having paſſed through the ſaid Turnpike, ſhall afterwards add or put any Horſe or other Beaſt to any ſuch Carriage, and draw therewith upon any Part of the ſaid Road, ſo as to increaſe the Number of Horſes or other Beaſts drawing the ſaid Carriage, after the ſame ſhall have paſſed through the ſaid Turnpike, with Intent to evade, or having thereby evaded, the Payment of any of the ſaid Tolls, or any Part thereof; or if any Perſon or Perſons ſhall go or paſs with any Horſe, Beaſt, or Carriage, through or over any Land, Ground, or Place, lying by the Side of, or near to, the ſaid Road, the ſame not being a publick Highway; or if any Perſon or Perſons owning or occupying any Land, Ground, or Place, not being a publick Highway, ſhall knowingly and wittingly permit or ſuffer any other Perſon or Perſons to go or paſs with any Horſe, Beaſt, or Carriage, through or over ſuch Land, Ground, or Place, in order, or with Intent, that the Payment of any of the ſaid Tolls, or any Part thereof, ſhould be avoided; or if any Perſon or Perſons ſhall do any other Act, in order, or with Intent, to avoid the Payment of the ſaid Tolls, or any Part thereof, ſuch Perſons, and every of them, ſo offending, ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings, over and beſides ſuch Damages and Puniſhments as they and every of them reſpectively ſhall be liable to by Law: And it ſhall and may be lawful for the ſaid Collectors of the ſaid Tolls, and for every of them, and all other Perſons by them required to aſſiſt in that reſpect, to ſeize and diſtrain

any Horſe or Horſes, Beaſt or Beaſts, or Goods belonging to, or in the Poſſeſſion or under the Care of, any Perſon or Perſons ſo offending in the Premiſſes, and the ſame to take before any Juſtice of the Peace of the County or Place where ſuch Offence or Offences ſhall be committed, and before him to make Complaint of ſuch Offence or Offences; and ſuch Juſtice may and is hereby required to examine the Nature of the Offence or Offences ſo complained of; and by the Confeſſion of the Party or Parties complained of, or upon the Oath or Oaths of One or more Witneſs or Witneſſes, if the ſaid Juſtice ſhall ſee Cauſe, to convict the Party or Parties complained of, if he, ſhe, or they ſhall or ſhall not appear before him, in the reſpective Penalties aforeſaid; and for Non-payment thereof, and of the Tolls that ſhall be due, though the ſame ſhall not be demanded, by Warrant under his Hand and Seal, to cauſe the ſaid Horſe or Horſes, Beaſt or Beaſts, or Goods, to be ſold for Payment of the ſaid Tolls and Penalties, and the Charges of ſeizing, diſtraining, and keeping the ſame, and of ſuch Conviction; and after Payment thereof, to render the Overplus of the Money ariſing by ſuch Sale, if any there ſhall be, to the Owner or Owners of the ſaid Horſe or Horſes, Beaſt or Beaſts, or Goods, or to the Perſon or Perſons under whoſe Care, or in whoſe Poſſeſſion, they reſpectively was or were when ſo diſtrained as aforeſaid; and if no ſuch Diſtreſs as aforeſaid can or ſhall be made, then the aforeſaid Penalties, Forfeitures, and Toll, ſhall be levied and raiſed by ſuch Means and in ſuch Manner as are herein after mentioned and provided for the levying and raiſing of Penalties and Forfeitures impoſed by this Act; One Moiety whereof, when raiſed, ſhall be paid to the Informer, and the other Moiety ſhall be applied in ſuch Manner as the other Penalties are herein after directed to be applied.

Tolls may be levied by Diſtreſs and Sale.

Provided always, and it is hereby enacted, That no Tolls ſhall be taken for any Horſe, Cattle, or Beaſt, drawing or not drawing, employed only in the Conveyance or Carriage of any Dung, Soil, or Compoſt of any Kind, for manuring of any Garden, or other Land or Ground; nor ſhall any Toll be taken at any Time for any Horſe, or other 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 for repairing any of the Highways in any of the Pariſhes or Places in which any Part of the ſaid Road is ſituated, or employed in the plowing, ſowing, tilling, cultivating, or ſtocking of any Land or Ground

Exemptions from Tolls.

Ground in any of such Parishes or Places; or in the Carriage or Conveyance of any Hay, Straw, or Corn in the Straw, not sold or disposed of, but passing to be laid up in the Houses, Outhouses, or Grounds of the Owner or Owners thereof, in any of the said Parishes, or drawing or conveying any Plough, Harrow, or other Implements of Husbandry; or for any Horse, or other Cattle or Beast, going to or from Water or Pasture within the said Parishes or Places; or for the Horses of any Officers or Soldiers upon their March, or for any Horse or other Cattle or 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 Cattle, drawing or not drawing, employed in the carrying or conveying any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of Wilts, on the Days of such Election or Elections, or on the Day before or Day after such Election shall begin or be concluded.

Penalty on Persons making illegal Claims.

Provided always, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

Tolls may be assigned for Money borrowed.

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, at their First or any subsequent Meeting to be held in pursuance of this Act, upon the Credit of the Tolls arising by virtue of this Act, to borrow and take up at Interest such Sum and Sums of Money as they, or any Seven or more of them, shall think fit; and may, and are hereby impowered to assign over or mortgage the said Tolls, or any Part or Parts thereof (the Costs and Charges of such Assignments or Mortgages to be paid out of such Tolls, as a Security to any Person or Persons, or their Trustees, who shall advance the same) by the following Words of Assignment under their Hands, or by any other Words for that Purpose.

BY virtue of an Act made in the Year of the Reign of His Majeſty King *George* the Third for we of the Truſtees, do aſſign unto *A. B.* his Executors, Adminiſtrators, or Aſſigns, in Conſideration of the Sum from this Day of in the Year of our Lord until the ſaid Sum of with Intereſt at the Rate of *per Cent. per Annum*, ſhall be repaid, ſuch Proportion of the Tolls ariſing by virtue of this Act, between as the ſaid Sum of ſhall bear to the whole Sum advanced on the Credit of the ſame. Form of Aſſignment.

And a Copy of all ſuch Mortgages or Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks, Treaſurer or Treaſurers, to the ſaid Truſtees; and all and every Perſon or Perſons, to whom any ſuch Aſſignment or Aſſignments ſhall be made, as aforeſaid, or who ſhall be intitled to the Money thereby ſecured, may, from time to time aſſign or tranſfer his, her, or their Right, Title, Intereſt or Benefit, to the Principal and Intereſt thereby ſecured, to any Perſon or Perſons whatſoever, indorſing on the Back of ſuch Security, before One credible Witneſs, the following Words, or Words to the like Effect: Aſſignments to be entered in a Book. Aſſignments may be tranſferred.

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

Witneſs *G. H.* *J. K.*

And every Aſſignee may in like Manner aſſign again, and ſo toties quoties; and in caſe any Sum or Sums ſo aſſigned ſhall not exceed the Sum of One hundred Pounds, it ſhall and may be lawful to and for the reſpective Perſon or Perſons then intitled to ſuch Aſſignment reſpectively, by an Indorſement of his, her, or their proper Name, without Witneſs, to tranſfer his, her, or their Property in ſuch Aſſignment or Aſſignments to any other Perſon or Perſons, without any Entry to be made thereof in the ſaid Book or Books to be kept for entering the ſaid original Mortgages or Aſſignments; and all ſuch Tranſfers and Aſſignments ſhall intitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon; and ſuch Aſſignee may

may in like Manner assign or transfer the same again, and so toties quoties; and it shall not be in the Power of such Person or Persons who shall have made such Assignments respectively, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof; and all and every Person and Persons, to whom any such Mortgage or Assignment shall be made as aforesaid, shall be, in proportion to the Sum or Sums therein mentioned, Creditors on such Tolls (on the Credit whereof such Sum or Sums are advanced) in equal Degree one with another, and shall have no Preference in respect of the Priority of any such Monies.

No undue Preference to be given.

Creditors may take Possession of Toll-gates, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, who shall have advanced Money upon the Credit of the said Tolls, shall be willing to be repaid the same, and shall give Notice thereof in Writing, signifying such his Desire, to the said Trustees, or any Five or more of them, at some of their publick Meetings, and in case the said Money shall not be repaid within the Space of Eight Months from the Date of such Notice, that then it shall and may be lawful to and for such Person or Persons to take Possession of any Turnpike which shall be erected by virtue of this Act, and to receive and take the Tolls hereby made payable, until thereby or otherwise the Principal and Interest due to such Person or Persons respectively, and all Arrears of the same then grown due, or that during such Possession shall grow due, shall be fully satisfied and paid out of the Produce of the said Tolls.

Provided always, That in case any Person as aforesaid shall take Possession of any Turnpike or Gate, by virtue of the Power given to him as aforesaid, and any other Creditor or Creditors shall also in like Manner signify his or their Desire to be repaid the Money then due to him or them as aforesaid, that then, and in every such Case, such Creditor or Creditors respectively shall be intitled to, and shall receive from, such Person so having Possession of any such Turnpike Gate, an equal Share of the said Tolls which he shall from time to time receive, in proportion to the Amount of the Money then due and owing to such Creditor or Creditors respectively; any thing herein before contained to the contrary notwithstanding.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, from time to time, by Writing under their Hands, appoint One or more Collector or Collectors of the Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers,

surers, and Surveyor or Surveyors, of the said Road, and such other Officers as the said Trustees, or any Seven or more of them, shall think necessary; and from time to time to remove any or either of such Officers, and other Persons, and appoint others in the Room of such of them as shall be so removed, or shall die; and out of the Monies to arise by virtue of this Act, make such Allowances to the said Officers and Persons as to them the said Trustees, or any Seven or more of them, shall seem reasonable: And all such Officers and Persons shall, under their Hands, at such Time and Times, and in such Manner, as the said Trustees, or any Five or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, true and perfect Accounts in Writing of all the Monies which shall have been by such Officer or Officers, and Person or Persons respectively, received by virtue of this Act; and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint; and all the said Officers and Persons so accounting as aforesaid, shall upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oath the said Trustees, or any One or more of them, are hereby impowered to administer) verify their said Accounts: And if any such Officer or Person shall not make and render, or refuse to verify upon Oath any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees, or any Five or more of them, within Ten Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act, or shall refuse or neglect to pay such Monies 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 or appoint; then and in either of the Cases aforesaid such Trustees, or any Five or more of them, may, and are hereby authorized and impowered to bring, or cause to be brought, any Action or Actions, in the Name of such Trustees, or in the Name or Names of any One or more of them, against the Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

Officer refusing to account, may be sued; or, if Complaint be made,

be

be in the Hands of such Officer or Officers, Person or Persons, respectively; or, if Complaint shall be made of any such Refusal or Neglect, as aforesaid, to any One or more of the Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons, so neglecting or refusing, shall be and reside, such Justice or Justices may, and is and are hereby authorized and required, by a Warrant or Warrants, under his or their Hand and Seal, or Hands and Seals, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him or them; and upon his and their appearing, or not being to be found, to hear and determine the Matter in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the Trustees, or any Five or more of them, by virtue of this Act, might have done: And if, upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses, upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer, without any Fee or Reward) it shall appear to such Justice or Justices, that any of the Monies that shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Officers, Person or Persons, such Justice or Justices may, and is and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants, under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattles of such Officer or Officers, Person or Persons respectively: And if no Goods or Chattles of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of distraining the same, then and in either of the Cases aforesaid, such Justice or Justices shall commit every such Offender to the Common Gaol of the said County of Wilts, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees, or any Five or more of them, and shall have paid such Composition, in such Manner as they shall appoint (which Composition the said Trustees, or any Five or more of them, are hereby impowered to make) or until he shall deliver up such Books, Papers, and Writings, as aforesaid, and give Satisfaction in respect thereof, to the said Trustees, or any Five or more of them.

Justices may enquire into the Default;

and levy the Balance by Distress and Sale;

and commit the Offender,

until he shall conform, &c.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall take such Security from their Treasurer or Treasurers,

rers, Receiver or Receivers, or other Officer or Officers, for the due Execution of his or their Office or Offices, as the said Trustees, or any Five or more of them, shall appoint.

Trustees may appoint Officers, tho' not at a publick Meeting.

Provided always, That as often as any Collector of the Tolls shall die, or be incapable of performing his Duty, it shall and may be lawful for any Three or more of the said Trustees, though not assembled at a Meeting in pursuance of this Act, by any Writing under their Hands, to appoint any other Person to collect such Tolls, and the Person so appointed shall have the same Authority for Recovery thereof as the Person he shall succeed was vested with, until the said Trustees, or any Five or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls.

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

Provided also, and be it enacted, That no Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant, or any Trustee, shall be capable of holding any Place of Profit under this Act.

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

And be it further enacted, That the Surveyor or Surveyors appointed by the said Trustees, or any Five or more of them, or any Person or Persons appointed by such Surveyor or Surveyors, may and is and are hereby authorized and impowered to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Furze, Heath, Chalk, Gravel, Stone, or other Materials proper for the repairing of Roads, in, upon, out of, or from, any River or Brook, Waste, Common, or Moor, in any Parish, Town, or Place, in, adjoining to, or lying near the Road aforesaid, to be used in repairing the said Road, without paying any thing for the same: And if such Quantities of the Materials aforesaid sufficient for that Purpose, cannot be found in or upon such Rivers or Brooks, Waste, Common, or Moor, then, and in such Case, the said Surveyor or Surveyors, or any Person or Persons by him or them appointed, may, by Order of any Five or more of the Trustees, and not otherwise, cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of such Materials proper and sufficient for that Purpose, in, upon, or out of and from any River or Brook, or the Lands or Grounds of any Person or Persons, where the same may be had or found, to be used towards repairing the said Road (such Lands and Grounds not being a Yard, Garden, Orchard, Park, Paddock, Plantation, or Nursery for Trees) they the said Surveyors, or other Person or Persons, paying, or offering to pay, the respective Owners or Occupiers,

without paying for the same:

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

making Satisfaction to the Owners of the Ground.

Occupiers of such Lands or Grounds, such Damages for getting the said Materials, and for carrying the same over their Grounds, as the said Trustees, or any Five or more of them, shall think reasonable: And in case of any Difference between the said Trustees, Surveyors, or Person or Persons by them appointed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages as aforesaid, the Justices of the Peace, at their next General Quarter Sessions, or at the Second General Quarter Sessions at the farthest, to be holden for the said County of Wilts, shall and may adjudge, assess, and finally determine the same.

Justices to determine Differences.

And be it further enacted, That the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, by Order of any Five or more of the said Trustees, or any Person or Persons by them, or either of them, appointed or employed, may and is and are hereby authorized and impowered to make, or cause to be made, Causeways in or along the Sides of any Part or Parts of the said Road; and shall and may build, or cause to be built, any Bridge or Bridges upon, in, or across the said Road, or any Part thereof; and to cut, or cause to be cut, any Watercourses in, through, or across any Lands or Grounds, to prevent the said Road, or any Part or Parts thereof, from being overflowed; and erect Bridges over such Drains or Watercourses, if necessary; and also to make, or cause to be made, a Road or Way, by, through, or over the adjoining Grounds of any narrow or ruinous Parts of the said Road hereby intended to be repaired (not being the Site of, or Ground whereon any House or Houses stand, or planted Walk, Yard, Park, Paddock, or Avenue to any House) to be made use of by all Passengers with Carriages and Cattle, or otherwise, as a publick Highway, whilst the old, narrow, or ruinous Road is repaired, and till such Time as it shall be convenient and safe for Carriages and Cattle to pass the same, making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds, for the Damages they shall thereby sustain, as to the said Trustees, or any Five or more of them, shall seem reasonable.

Surveyors may make Causeways,

erect Bridges, &c.

and make a temporary Road;

making Satisfaction to the Owners.

And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, by Order of any Five or more of the said Trustees, and such Person or Persons as he or they shall appoint, to remove all Annoyances on the said Road, and to cut down Trees or Bushes growing in the said Road, or in Hedges or Banks on the Sides of the Banks on each Side of the said Road; the Owners or Occupiers neglecting to cut down such

Surveyors may remove Annoyances,

and cut down Bushes, &c.

the Owners neglecting to remove the same after Notice,

ſuch Trees or Buſhes, or to remove ſuch Annoyances, for the Space of Ten Days after Notice in Writing given for that Purpoſe, under the Hand or Hands of the ſaid Surveyor or Surveyors, the Charges whereof ſhall be reimburſed to the ſaid Surveyor or Surveyors, by ſuch Owners or Occupiers neglecting to cut down ſuch Trees or Buſhes, or to remove ſuch Annoyances as aforeſaid; and in caſe ſuch Owners or Occupiers ſhall not, upon Demand, pay and reimburſe to the Surveyor or Surveyors, ſuch Charges as aforeſaid, it ſhall and may be lawful for ſuch Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal of any Juſtice of the Peace for the ſaid County, who is hereby required to grant the ſame, to levy the Charges thereof upon ſuch Owners or Occupiers, by Diſtreſs and Sale of his and their Goods and Chattles, rendering the Overplus, if any be, to the Owners or Occupiers thereof upon Demand, after all Charges paid: And if, after Removal of any of the ſaid Annoyances, any Perſon or Perſons ſhall again offend in the like Manner, every ſuch Perſon ſo offending, and being thereof convicted upon Oath before ſuch Juſtice, which Oath ſuch Juſtice is hereby authorized to adminiſter, ſhall, for every ſuch Offence, forfeit and pay to the ſaid Truſtees, or any Five or more of them, the Sum of Forty Shillings, to be recovered in Manner aforeſaid.

Charges to be reimburſed the Surveyor.

Penalty on a Second Offence.

And be it further enacted, That if any Perſon or Perſons who of Right ought to ſcour or cleanſe any Ditch, Drain, or Watercourſe, which ſhall lead into or out of any Part or Parts of the ſaid Road, ſhall not in a proper Manner cauſe the ſame to be ſcoured and cleanſed within the Space of Ten Days next after Notice in Writing ſhall for that Purpoſe be given to him, her, or them reſpectively, or ſhall be left at his, her, or their reſpective Place or Places of Abode, by the ſaid Surveyor or Surveyors, then the ſaid Surveyor or Surveyors may cauſe ſuch Ditches, Drains, and Watercourſes to be ſcoured and cleanſed; and the Charges thereof, to be ſettled by the ſaid Truſtees, or any Five or more of them, ſhall be reimburſed to ſuch Surveyor or Surveyors, by ſuch Perſon or Perſons, and be recovered and applied in ſuch Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied.

Owners neglecting to ſcour their Watercourſes, &c. after Notice given for that Purpoſe,

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

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, ſhall be and are hereby fully empowered to widen the ſaid Road, and divert, turn, or alter, the Courſe or Path of any Part or Parts of the ſaid Road through any Moor or Waſte Ground, without making any Satisfaction for the ſame, and alſo

Truſtees may contract for the Purchaſe of Lands to be taken into the Roads.

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 Seven or more of them, to contract and agree with the Owners of, and Persons interested in, any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by such widening, diverting, turning, 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, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, Lunaticks, Ideots, or other Person or Persons whatsoever, 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 Seven or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Seven or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, 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, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, 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, Corporation Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, 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 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, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Here-

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

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

Tenements through which any Part of such Road is intended to be diverted, turned, or altered, shall, for the Space of Twenty Days next after such Notice given or left, 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 such Case, the said Trustees, or any Seven or more of them, shall cause such Damage and Recompence to be inquired into and ascertained by a Jury of indifferent Men of the County of Wilts; 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 require, to summon and call before such Jury, and examine upon Oath, all and every such Person and Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Premisses; which Oath any Five or more of the said Trustees are hereby impowered to administer; and such Trustees, or any Seven 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 Premisses; and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees, or any Seven 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, or 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, Reversion, or otherwise, 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 Person or Persons whomsoever: And for summoning and returning such Juries, the said Trustees, or any Seven or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the said County of Wilts, requiring him to impanel, summon, and return an indifferent Jury of Twenty four Persons qualified to serve upon Juries, to appear before such Trustees, or any Seven or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly,

Damages to be settled by a Jury.

Verdict of the Jury to be binding.

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

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 Two or more of them, shall; and they are hereby impowered and required 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, the said Sheriff, or his Deputy or Deputies, or any Seven or more of the said Trustees, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured, to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen, when they come to be sworn; and the said 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 upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury, and who shall not appear, or refuse to be sworn on the said Jury, or being so sworn, shall refuse to give, or not giving 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, shall refuse or neglect to appear, or appearing, shall refuse to be examined, or to give Evidence, and which Fine or Fines shall be levied and recovered in such Manner as the Penalties and Forfeitures are herein after directed to be levied and recovered; so that no such Fine be more than Five Pounds, nor less than Forty Shillings, on any One Person for One Offence.

Jurors may be challenged.

Penalty on Sheriff, &c. making Default.

Fine not to exceed 5*l.*

And be it further enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls aforesaid, 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 authorized by Writing under the Hands of the said Trustees, or any Five or more of them, to widen, divert or turn such Road through 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

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

Persons liable to do Statute-work to commute.

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 and 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 or any other Law, 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 compleated, the Lands constituting the former Road, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by, the said Trustees, or any Seven 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 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; any thing herein contained to the contrary notwithstanding.

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

Old Road may be sold.

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, wherein he shall be particularly concerned or interested.

Trustees not to act where interested.

Provided also, That if any new Road shall be made as aforesaid, instead of any former Road, over any Moor or Waste Ground, the Inhabitants of the Parish or Place shall not be obliged to repair such former Road, unless the same doth lead to some Town or Place with which such new Road doth not communicate.

Where a new Road shall be made, Inhabitants not liable to repair the former Road, except, &c.

And be it further enacted by the Authority aforesaid, That all the Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees, of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given, or are liable to the amending or maintaining any Part or Parts of the said Road, or any Bridge or Bridges therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the making of this Act; and that all the Inhabitants of the Townships, Parishes, Tythings, and Places in

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

which

which any Part of the said Road lies, and all other Persons liable to perform the Work, commonly called Statute-work, upon the said Road, shall remain subject to the Performance of such Work; and every Person who shall rent, hold, or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, or upwards, shall be deemed to keep a Team for every Fifty Pounds per Annum so held and occupied, and shall be liable to perform such Statute-work as Persons keeping Teams are obliged by Law to do. And that the respective Surveyor or Surveyors of the Highways for the respective Townships, Parishes, Tythings, and Places, in which any Part of the said Road doth lie, or in case no such Surveyor is or shall be appointed, the Churchwardens or Overseers of the Poor of such Townships, Parishes, Tythings, and Places, shall yearly and every Year, within Ten Days after Demand made to him or them respectively in Writing, by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors, an exact Account in Writing, under his or their Hand or Hands (and verify the same on Oath, if thereunto required by the said Trustees, or any Five or more of them, which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer) of the Christian and Surname of every Person who, within such respective Townships, Parishes, Tythings, and Places, are liable to do Statute-work, and shall distinguish in such Lists which of such Persons shall, or by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed, to keep a Team or Teams; and the Statute-work shall be done by all such Persons, on such Parts of the said Road hereby intended to be repaired, as lie within the said respective Townships, Parishes, Tythings, and Places, in such Manner and at such Times as the said Trustees, or any Five or more of them, or the said Turnpike Surveyor or Surveyors, shall, from time to time, direct and appoint, so that no more than Four or less than Two Days Work shall be done by any One Person for each Team as aforesaid, on the said Road, in any One Year: And the said Surveyor or Surveyors of the Highways, Churchwardens or Overseers of the Poor, for such Townships, Parishes, Tythings, or Places, respectively, within Ten Days after Notice shall be given to him or them by such Turnpike Surveyor or Surveyors, of the Time or Times when, where, and how many of such Persons are to do such Work, upon any Part or Parts of the said Road, shall give publick

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

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

like Notice thereof to such Persons: And if any Surveyor, Churchwarden, or Overseer of the Poor, for any such Township, Parish, Tything, or Place aforesaid, shall neglect or refuse to do as he is hereby directed and required, every such Surveyor, Churchwarden, or Overseer, shall, for every such Neglect or Refusal, forfeit and pay the Sum of Five Pounds: And every Person who shall neglect or refuse to do such Work, at such Times and Places, and in such Manner, as shall be appointed by the said Trustees, or any Five or more of them, or by such Turnpike Surveyor or Surveyors, every such Person shall forfeit and pay the respective Sums herein after-mentioned; that is to say, Every Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Default for each Team, the Sum of Ten Shillings: And every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep, a Team, for every Day's Default the Sum of One Shilling and Sixpence: And every Person who shall, according to such publick Notice as aforesaid, come as a Labourer, or with a Team, to work on the said Road, and be found idle or negligent by the said Turnpike Surveyor or Surveyors, where the Work is to be done, such Surveyor or Surveyors may and are hereby required to discharge such Person; and it shall be deemed as if such Person or such Team had not come or been sent to do such Work, and every such Labourer or Person, or the Owner of such Team, Draught, or Cart, shall be liable to the said respective Penalties before-mentioned: And all Persons doing such Days Work on the said Roads shall not be liable to do any other Statute-work thereon.

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

and on Persons not performing Statute-work.

Persons found idle to be turned off.

And whereas the Inhabitants of the Parish of Melksham are already obliged to perform a certain Proportion of Statute-labour upon Three several Turnpike Roads; be it therefore enacted by the Authority aforesaid, That the Inhabitants of the said Parish of Melksham shall not be obliged to perform any more Statute-labour in any One Year, upon the Road aforesaid, than in Proportion to the Statute-labour they are now actually obliged to perform upon the other Turnpike Roads in the said Parish of Melksham; any thing herein before contained to the contrary notwithstanding.

Trustees to direct the Proportion of Statute-work to be done by the Parish of *Melksham*.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, to compound or agree, by the Year or otherwise, with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements,

Trustees may compound with Parishes for Statute-work.

Tenements, or Hereditaments, which are or shall be liable to, or chargeable with, the Repair of any Part of the said Road, or with any Person or Persons for the Performance of his, her, or their Statute-work therein; and also, that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, Tythings, or Places, Churchwardens, or Overseers of the Poor respectively as aforesaid, by and with the Consent of the Majority of the Inhabitants of such Townships, Parishes, Tythings, or Places, first had at a Vestry or other publick Meeting of such Inhabitants, to compound and agree by the Year, or otherwise, with the said Trustees, or any Five or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants, upon any Part of the said Road; all which Compositions monies shall be, from time to time, paid in Advance, and shall be applied in the Repair of the said Road; and all such Surveyors, Churchwardens, or Overseers of the Poor, shall be reimbursed the Monies so by them paid, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Application of the Money.

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

And be it further enacted, That if any Person shall haul or draw, or cause to be hauled or drawn, along any Part of the said Road, any Tree or Trees, Piece or Pieces of Timber, or any Stone or Stones, other than and except Mill-stones, otherwise than upon Wheel Carriages or Sledges; or shall wilfully lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on the said Road; every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

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, may, and they are hereby impowered and required to cause the said Road to be measured, and Stones or Posts to be set up, in, upon, or near the Sides thereof, at the Distance of One Mile from each other, with Inscriptions thereon denoting the Distance of every such Stone or Post from any Town or Place as they shall think fit; and also to erect Guide or Direction Posts, with such Inscriptions thereon as the said Trustees, or any Five or more of them, shall think proper; and if any Person or Persons shall wilfully pull down, break, or damage any such Stone or Post, or obliterate any Inscription that shall have been made thereon, or shall cause

Penalty on defacing Mile-stones, &c.

or procure the same to be done, and be thereof convicted upon Oath by One or more credible Witness or Witnesses, or by his or her own Confession, before any Justice of the Peace for the County or Place wherein such Offences shall be committed, which Oath such Justice is hereby impowered and required to administer without Fee or Reward, every such Person so offending shall forfeit the Sum of Forty Shillings for every such Stone or Post so pulled down, broke, or damaged, or Inscription so obliterated; whereof One Moiety shall be paid 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; and in case such Penalties shall not be forthwith paid, such Justice of the Peace shall commit such Person or Persons to the House of Correction for any Space not exceeding One Month, nor less than Fourteen Days, unless such Forfeiture, and all reasonable Charges, shall be sooner paid; and every such Offender, in either of the said Cases, shall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Person or Persons who shall see any such Offence committed, and shall be immediately delivered to a Constable or other Peace Officer, who shall convey such Offender to be dealt with according to the Directions of this Act.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, if the Manner of Levying and Recovery thereof is not herein otherwise directed, shall, upon Proof of the Offences respectively, before any One Justice of the Peace for the County or Place wherein the Offence shall be committed, or any One Justice of the Peace for the County or Place wherein the Offender shall be and reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses, which Oath such Justice is hereby impowered and required to administer without Fee or Reward, be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby impowered and required to grant for those Purposes; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattles; and the Penalties, Forfeitures, and Fines, when paid or levied, shall be, if not otherwise directed to be applied by this

Act,

Act, from time to time, paid to any Five or more of the said Trustees, or to their Treasurer or Treasurers, and applied in the Repair of the said Road; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol of the County of Wilts, there to remain without Bail or Mainprize, for any Time not exceeding Three Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Penalty on Officers neglecting their Duty.

And it is hereby further enacted by the Authority aforesaid, That if any High Constable, Petty Constable, Headborough, Tythingman, or other Person whatsoever duly authorized for that Purpose, shall willingly, knowingly, or contemptuously neglect or refuse to obey and execute any Summons, Warrant, or other Precept in Writing, under the Hands and Seals of any Five or more of the said Trustees, for putting this Act in Execution, every such High Constable, Petty Constable, Headborough, Tythingman, or other Person so authorized, offending in the Premisses, shall, for each or every such Offence, forfeit and pay any Sum not exceeding Five Pounds, One Moiety to the Informer, and the other Moiety thereof to the said Trustees, or to their Treasurer or Treasurers, to be applied for and towards the amending and repairing of the Road in this Act mentioned, to be levied on such Person or Persons, in the same Manner as the other Penalties and Forfeitures are in and by this Act directed to be levied; and the said Trustees, or any Five or more of them, may and are hereby impowered to direct their Treasurer for the time being to reimburse such Constable, or other Officer or Officers, for his or their Loss of Time, Trouble, or other necessary Expences in the due Execution of his or their Duty, in pursuance of this Act, such Sum or Sums of Money as such Trustees shall think fit, and out of such Tolls or Duties as shall be collected by virtue of this Act.

Trustees may reward such Constables, &c.

And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted by the Authority aforesaid, That all and every the Justice or Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, as the Case shall happen, or in any Form of Words to the same Effect:

BE

BE it remembered, that on the in the Year of His Majeſty's Reign, *A. B.* is convicted before of His Majeſty's Juſtices of the Peace for the ſaid County of *Wilts* (ſpecifying the Offence, and Time and Place when and where the ſame was committed, as the Caſe ſhall be.) Given under our Hands and Seals, the Day and Year aforeſaid. Form of Conviction.

Provided always, and be it further enacted by the Authority aforeſaid, That if 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 appointed, ſuch Perſon may appeal to the Juſtices of the Peace, at any General Quarter Seſſions of the Peace to be held for the County or Place wherein the Cauſe of Complaint ſhall ariſe, and within Four Months after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving, or cauſing to be given, Ten Days Notice at the leaſt, in Writing, of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk or Treaſurer to the ſaid Truſtees, and within Four Days after ſuch Notice, entering into Recognizance before ſome Juſtice of the Peace for ſuch County or Place, with Two ſufficient Sureties conditioned to try ſuch Appeal at, and abide the Order of, and to pay ſuch Coſts as ſhall be awarded by, the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices, at ſuch Seſſion, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Quarter Seſſions ſhall be final, binding, and concluſive to all Intents and Purpoſes. Perſons aggrieved may appeal.

Ten Days Notice of Appeal to be given.

And be it further enacted, That no Order made touching or concerning any of the Matters aforeſaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders againſt this Act, ſhall be removed or removable by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; and that where any Diſtreſs ſhall be made, for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed to be unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers Proceedings not to be quaſh'd for want of Form; or removable by *Certiorari*. Diſtreſs not to be deemed unlawful for want of Form only;

nor the Party distraining be deemed a Trespasser *ab initio*.

on account of any Default or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereunto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action, for any such Irregularity as aforesaid, if Tender of Amends hath been made, by or on the Behalf of the Party distraining before such Action brought.

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

Writings to be without Stamps.

And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, or Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees, for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of, any of the Powers or Authorities hereby vested in such Trustee or Trustees, Justice or Justices of the Peace, or any of them, or Transfer or Assignment of any of the Securities aforesaid, made by any Person or Persons, shall be charged or chargeable with any Stamp Duty whatsoever.

Commencement and Continuance of this Act.

And be it further enacted, That this Act, and the several Authorities, Powers, and Tolls, hereby granted and made payable, shall commence and have Continuance from and immediately after the passing of this Act, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Proceedings to be entered in a Book.

And be it further enacted, That all Orders and Proceedings of the said Trustees, at their several Meetings, to be held by Adjournment, or upon Notice to be given by the Clerk, or, in case of his Neglect or Default, by Five Trustees as aforesaid, 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 any Five or more of them; 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 this Act.

Books to be read in Evidence.