Anno secundo

Georgii III. Regis.

An Act for repairing the Road from the Turnpike Road on the Top of *Whitesheet Hill*, to a Place called the *Hare Warren*; and from thence to the *Index Post*, standing near the *Blandford* Turnpike Road on the Side of *Harnham Hill*; and also for repairing and widening the Road from the said *Index Post*, to a House called *Master Baker's Farm House*, in the County of *Wilts*.



WHEREAS the Road leading from the present Turnpike Road on the Top of Whitesheet Hill, to a Place called the Hare Warren, and from thence to the Index Post standing near the Blandford Turnpike Road, on the Side of Harnham Hill in the County of Wilts, is become very deep and ruinous, and cannot be sufficiently repaired and kept in 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 the Right Honourable Webb Seymour commonly called Lord Webb Seymour; the

Preamble.

Trustees Names.

the Right Honourable William Seymour commonly called Lord William Seymour; the Right Honourable and Reverend Francis Seymour commonly called Lord Francis Seymour; the Right Honourable Henry Lord Digby, the Honourable Henry Seymour, the Honourable Robert Sawyer Herbert, the Honourable Nicholas Herbert, the Honourable William Bouverie, the Honourable Edward Bouverie, the Honourable Thomas Arundell, the Honourable James Everard Arundell; Sir Robert Long, Sir Thomas Webb, Baronets; the Dean and Chapter of the Cathedral Church of New Sarum for the time being; the Mayor and Commonalty of the City of New Sarum for the time being; the Mayor and Burgesses of Wilton for the time being; James Atchinson, William Armstrong, John Awdry, Robert Bird of Andover, Reverend Bristed, Reverend William Bowles, Reverend Richard Blackmore, Barford, John Bailey, John Bennett, Mathew Bowles, Reverend Richard Blackmore junior, John Budden, Thomas Baskerville, Charles Brune, Robert Barber, William Burnet, Reverend Stephen Bolton, William Beckford, Julines Beckford, Francis Beckford, Peter Bathurst, Henry Brook, Thomas Bennett, Joseph Bennett, John Baker of New Sarum, William Bennett, Edward Baker of Bullbridge, John Baker of Bullbridge, Walter Barnes, William Burleton, Anthony Burleton, William Boucher, Reverend Richard Clark, Benjamin Collins, Joshua Churchill, Reverend Edward Coates, William Coles, Thomas Cooper, William Clare, Robert Curtis, John Chaffie, Henry Coulthurst, Robert Cooper of the Market Place, Sarum, Robert Cooper junior, Robert Cooper of Milford Street, Sarum, the Honourable and Reverend William Digby, the Honourable Stephen Digby, George Dodington, John Derbie, Henry Dampier, Ludwell Dampier, Morgan Dove, Reverend Doctor Eyre, Richard Ewen, Harry Earle, Dodington Egerton, William Earle, Thomas Eyre, Henry Edwards, John Roberts Everett, Reverend John Freke, John Farr, Samuel Foot, Henry Foot of Berwick Saint John, John Foot, Reverend Foulkes, Francis Fane, Henry Fane, John Fullerton, Thomas Freke, George Fort, George Fort junior, Henry Good of Devizes, Reverend Henry Good, John Good, John Grove, Chafin Grove, Robert Gooden, Henry Gapper, Henry Glover, Charles Garth, George Godden, Reverend Hall of Milbourn, Henry Hele M. D. William Hancock M. D. William Hiley, Haviland Hiley, Henry Hoare, Richard Hoare, James Harris, Thomas Hayter, Thomas Hayter junior, Edward Hearst, Reverend Walter Hill, Reverend William Hammond, Edward Hallett, John

Harvey, Thomas Hamilton, William Helyar, John Hunt, William Hanham, John Jacob, D. D. Richard Jackson D. D. John Jones of Melksham, Stephen James, Robert James, John Johnson, Richard Jervoise, Tristram Huddleston Jervoise, Reverend John King, Godfrey Kneller Kneller, Walter Long, William Long of Melksham, Henry Lamb, Edmund Lambert, John Lawes junior, Richard Long, Carew Harvey Mildmay, Thomas Medlycott, James Millar, Matthew Merefield, William Matthews, William Matthews junior, John Mitchell, William Moody, Robert Noake, Paul Newman, Dennis Newman, John Newman, Edward Popham, Thomas Prowse, Charles Penruddock, Reverend Edward Place, Reverend Conyers Place, Reverend John Perne, Charles Pinhorne, John Pickfatt, Alexander Powell, William Pitt, George Pitt, Edward Poore, Reverend Richard Ring, James Rolleſtone Archdeacon of Sarum, Reverend , Roles, Reverend Thomas Read, Richard Riggs, John Roberts, Everett Willy Sutton, Reverend Thomas Read junior, Reverend Henry Sampſon, John Shirley, Reverend Peter Smith, Reverend Thomas Smith, William Salkeld, Nathaniel Still, Humphry Sturt, John Stacey, James Still, Thomas Swyer, Robert Swyer, Robert Swyer junior, Mathew Spencer, William Snooke, Matthew Snooke, Samuel Legge Samber D. D. Henry Saunders, Edward Philips, Thornhill, John Tylee, John Tucker, Thomas Tucker, Thomas Tucker junior, John Tatum, Reverend Narciſſus Whitaker, Reverend , Wetham, Edward Walter, Thomas Weſton, Walter Whitaker, Richard Willoughby, Henry Wyndham, John Wickham, Reverend Anthony Wickham, Richard Wilkins, John White, Reverend John Wickham, William Wyndham, Henry Penruddock Wyndham, Charles Wake L. D. Reverend Thomas Whitford, Reverend William Waterman, Francis Yerbury, George Young, John Young of Marnhull Fifehead; Reverend Robert Yeatman, Morgan Yeatman junior, ſhall be, and they and their Succeſſors, to be elected in Manner herein after mentioned, are hereby appointed Truſtees for ſurveying, ordering, altering, and repairing, and keeping in Repair, the ſaid Road, and for putting in Execution all other the Powers by this Act given.

Qualification of Truſtees.

Provided nevertheleſs, and be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Truſtee 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 or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of

the clear yearly Value of Forty Pounds above Reprizes, or possessed of, or intitled unto, a Personal Estate alone, or Real and Personal Estate together, of the Value of Eight hundred Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds. And if any Person, not being so qualified, shall presume to act contrary to the Intent and Meaning hereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered in any of his Majesty's Courts of Record by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so prosecuted, shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in Execution of this Act.

Times and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet together at a House, known by the Name of Fauvant Hutt, the Sign of the White Hart, on Salisbury Plain, on the Day Fortnight after the passing of this Act, and proceed to the Execution of this Act: And shall then chuse a Clerk or Clerks, to write their Orders, and take Minutes and make Entries of their Proceedings, and for other Purposes; and shall then adjourn themselves, and meet at such other House or Place, upon or near the said Road, as the said Trustees, or any Five or more of them, shall think most convenient; and shall proceed to the further Execution of this Act; and shall then adjourn themselves, and, from time to time, hold their Meetings at the said Fauvant Hutt, and such other House or Place as aforesaid in Rotation, so as every other of such Meetings be at the said Fauvant Hutt: 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, and to adjourn to another Day, or in case the Trustees, at any Time so assembled, shall omit or neglect to adjourn themselves, the Clerk or Clerks to the said Trustees, shall, from time to time, in either of such Cases, by Notice in Writing, to be affixed upon all the Turnpikes which shall then be erected upon or across the said Roads, at least Ten Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to be held, on the Twenty first Day after the Day for which such last Meeting was appointed: And the

In Default of a sufficient Number of Trustees to act,

Notice to be given of another Meeting.

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 shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein, 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 shall be present; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act; but all such Trustees as are 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, be, upon any Account, begun to be held before the Hour of Ten in the Forenoon, or after Four 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 null and void.

Trustees to defray their own Expences.

No Order to be repealed unless Nine Trustees are present.

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

Trustees who are in the Commission of the Peace to 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, or 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 Ten 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 Fortnight 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, 2 Trustees may appoint a Meeting.

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Nine or more of them, by Writing

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

Writing under their Hands and Seals, to elect One other Person, qualified as aforesaid, to be a Trustee in the Room of such Trustee so deceased, or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpikes in or upon the said Road, at least Twenty one 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.

21 Days Notice of Election to be given.

Trustees may erect Turnpikes and Toll-houses;

And be it further enacted by the Authority aforesaid, That the said Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, shall and may build and erect, or cause to be built and erected, a Gate or Gates, Turnpike or Turnpikes, upon, in, or across, any Part or Parts of the said Road; and also a Toll-house or Toll-houses in and upon the same; and from time to time to remove or alter the same, as they the said Trustees, or any Five or more of them, shall think meet or expedient; and shall and may demand and take, at all the Turnpike or Turnpikes to be erected as aforesaid, the following Tolls, before any Cattle or Carriage shall be permitted to pass through the same; that is to say,

and take the following Tolls thereat.

The Tolls.

For every Horse, or other Beast or Cattle, drawing in every Carriage, the Sum of Three Pence.

For every Horse, or other Beast or Cattle, 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.

And for every Drove of Calves, Hogs, Lambs, Sheep, or Swine, 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 or Duty; and the Money so to be raised and collected shall be, and is hereby, vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, disposed of, and assigned, to and for the several Uses, Intents, and Purposes, and in such Manner as is herein after mentioned: And it shall and may be lawful to and for the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall, under their Hands and Seals, from time

Tolls vested in Trustees.

to

to time authorize and appoint, to demand and take the Tolls hereby granted and made payable; and to levy such Tolls upon any Person or Persons, who shall, after Demand made thereof, refuse or neglect to pay the same, by Distress of any Horse or Horses, or other Cattle or Carriages, upon which such Tolls are by this Act imposed, or by Distress of any of the Goods or Chattles carried or drawn by or on such Cattle or Carriage, or of any other Goods or Chattles of or belonging to the Person or Persons who ought to pay the same, and to detain the same until such Tolls or Duties, with the reasonable Charges of detaining and keeping the same, shall be paid: And such Person or Persons, after the Space of Four Days next after the Day on which such Distress shall be taken, shall and may sell the Cattle, Carriage, or Goods so distrained, returning the Overplus, if any there be, upon Demand, to the Owner thereof, after such Tolls and reasonable Charges of detaining, keeping, and selling the same, shall be deducted and paid.

Tolls to be levied by Distress and Sale.

Distress may be sold after 4 Days.

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 erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, and Toll-house or Toll-houses, and Fences, on the Side or Sides of any Part of the said Road, and upon, in, at the End of, or across, any Lane or Way leading into, or out of, the same, or upon any Common, Down, Sheep Slaite, or Waste Ground, over which any Part of the said Road leads; and there to take and levy, or cause to be taken and levied, such Tolls as are by this Act made payable at any Turnpike to be erected by virtue hereof, so as the same do not extend to a Double Charge upon any Person or Persons passing through any other of the Gates or Turnpikes erected by virtue of this Act.

Trustees may erect Side-gates,

and take Tolls thereat.

Provided always, and be it further enacted by the Authority aforesaid, That no Gate or Turnpike shall be erected or set up, by virtue of this Act, nearer to the Town of Salisbury than the West End of the Hare Warren.

Proviso.

And be it further enacted by the Authority aforesaid, That no Person or Persons shall be liable to pay Toll more than Once for passing or repassing at any Time or Times in any One Day, to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night, with the same Cattle or Carriage, through all or any of the Turnpikes to be erected by virtue of this Act; but all and every such Person and Persons, after having paid Toll Once, and upon producing a Note or

Tolls to be paid but Once a Day.

Ticket, Notes or Tickets, denoting the Payment of such Toll Once, shall afterwards pass with such Cattle or Carriage Toll-free, during such Day, through all the Turnpikes erected by virtue of this Act, and which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on Receipt of the Toll.

Trustees may vary the Tolls.

Provided also, and it is hereby enacted and declared by the Authority aforesaid, That the said Trustees, or any Seven or more of them, are hereby authorized and impowered, from time to time, if they shall think proper, to lessen, vary, or alter, all or any Part or Parts of the several Tolls hereby granted, and to raise the same again, so as the same do not exceed the Tolls by this Act granted, so as such Reduction be with the Consent of the several Persons who shall have advanced any Money on the Credit of the said Tolls, or who, at the Time of such Reduction, shall have any Money secured thereon; but such Reduction shall not be made, unless Notice in Writing be given for that Purpose, by affixing the same upon all the Turnpikes then erected upon the said Road, and in the Salisbury Journal, at least Fourteen Days before making such Reduction; and such Tolls, so lessened or altered, shall be collected, recovered, and applied, in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That out of the first Money arising by the Tolls by this Act granted, or out of such Money as shall be borrowed upon 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 Charges of procuring and passing this Act, and the Remainder of the Money so raised shall be, from time to time, applied in erecting Turnpikes and Toll-houses, and repairing the said Road, and defraying the necessary Costs, Charges, and Expences attending the same, and the Execution of this Act, in such Manner as the said Trustees, or any Five or more of them, shall direct, and to no other Use or Purpose whatsoever.

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

And be it further enacted by the Authority aforesaid, That all the Gates, Turnpikes, and Toll-houses, to be erected by virtue of this Act, and the Right and Property to and in the same, and the Materials of which the same shall consist, and of Materials actually got 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 to be brought, any Action or Actions in their own Names, or in the Name or Names of any One or more of them, or of

their Treasurer or Treasurers, Clerk or Clerks, for the time being, or to prefer, and order and direct the preferring of Indictments or other Prosecutions against any Person or Persons who shall dig up, break, pull down, steal, take, carry away, destroy, spoil, or injure, any or any Part thereof, or any of the Materials of which the same shall be made, built, or consist.

Penalty on Persons avoiding the Tolls.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall forcibly or wilfully go or pass with any Horse, Beast, or Carriage, through any or either of the Turnpikes, or Fences, by virtue of this Act to be erected, without paying the Toll or Tolls by this Act directed or appointed to be paid for the same; or shall assault, or 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 or their Office or Offices of Collector or Collectors; or shall with any Horse Beast, or Carriage on which a Toll is hereby laid, go or pass through any Ground, Field, Gate, private Passage, or other Place adjoining or lying near to any or either of the Gates or Turnpikes, to be by virtue of this Act erected, the same not being a common Road; or if any Owner or Occupier of any Tenement, Field, Sheep Slaite, Land or Ground, which shall adjoin or lie near to any or either of the said Gates or Turnpikes, shall knowingly or willingly permit or suffer any Person or Persons, with any such Horse, Beast, or Carriage, to go or pass through the same Tenement, Field, Sheep Slaite, Land, or Ground, or any Field, Gate, or private Passage, or other Place belonging to such Owner or Occupier; or if any Person or Persons shall give, or offer to, or receive of, any other Person or Persons, except the Person or Persons appointed to collect or receive the Tolls hereby made payable, any Note or Ticket of the Day, by this Act directed to be given by the Collectors or Receivers of the Tolls, or shall make use of any forged Note or Ticket; or if any Person or Persons driving or owning any Carriage shall, at any Time or Times, take off, or cause or suffer to be taken off, from such Carriage, any Horse, Ass, Mule, Ox, or other Cattle, at or before the same shall come to any of the Gates or Turnpikes to be erected by virtue of this Act, or put on, after passing the same; or if any Person or Persons shall leave, in any House or Place upon or near the Road, any Carriage or Cattle chargeable with, or liable to pay, any or either of the Tolls by this Act imposed, whereby, or by Means whereof, or of either of the Offences aforesaid, the Payment of any,

any, or either, or any Part of the ſaid Tolls ſhall be evaded or leſſened; that then, and in either of the Caſes aforeſaid, every Perſon ſo offending, and being thereof convicted upon the Oath of One or more Witneſs or Witneſſes, before any One or more Juſtice or Juſtices of the Peace of and for the ſaid County of Wilts, which Oath the ſaid Juſtice or Juſtices is and are hereby impowered and required to adminiſter gratis, ſhall, for every ſuch Offence, forfeit the Sum of Five Pounds, and pay the ſame to the ſaid Truſtees, or to their Treaſurer or Treaſurers for the time being; which Sum, in caſe the ſame be not forthwith paid, ſhall be levied and recovered in the Manner herein after directed; and when recovered, ſhall go and be applied, One Moiety thereof to the Uſe of the Informer, upon whoſe Oath ſuch Offender or Offenders ſhall be convicted, and the other Moiety towards amending the ſaid Road.

Tolls may be levied by Diſtreſs and Sale.

Truſtees may leaſe, &c. the Tolls.

And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, from time to time, by Writing under their Hands and Seals, to leaſe the Tolls ariſing within, or in relation to the ſaid Road, or any Part or Parts of ſuch Tolls, unto any Perſon or Perſons from Year to Year, or for any Term of Years not exceeding Three Years, for the beſt Rent that can be got for the ſame, payable at ſuch Times, and under ſuch Covenants, and to ſuch Perſon or Perſons, as they the ſaid Truſtees, or any Seven or more of them, ſhall direct or appoint; and the Monies ariſing thereby ſhall be applied in ſuch Manner as the Tolls ſo leaſed are directed to be applied.

Tolls to be paid but Once a Day.

Provided always, and be it further enacted by the Authority aforeſaid, That if any Perſon ſhall pay the reſpective Tolls, by this Act granted, for the paſſing of any Cattle or Carriage at any Gate or Turnpike that ſhall be erected by virtue of this Act, ſuch Perſon, upon producing a Note or Ticket of the Day, denoting ſuch Payment, and at what Gate the ſame was made, ſhall be permitted to paſs, return, or repaſs through the ſame Turnpike with the ſame Cattle or Carriage (but not with any other Cattle or Carriage) Toll-free, at any Time or Times during the ſame Day, to be computed from Twelve of the Clock in one Night, to Twelve of the Clock in the next Night; which ſaid Notes or Tickets the Collectors or Receivers of the ſaid Tolls are hereby required to give gratis, on Receipt of the Tolls, if demanded.

Exemptions from Toll.

And be it further enacted by the Authority aforeſaid, That no Toll ſhall be demanded or taken for any Carriage or Cattle going for, or returning unloaden or loaden

only with Stones, Gravel, or other Materials, for the repairing of any Road or Highway, or in the Carriage of any Lime, Dung, Mould, Soil, Sand, or Compoſt of any Kind, for the manuring of any Garden, or other Land or Ground, or that ſhall be uſed or employed in the plowing, ſowing, tilling, or cultivating of any Land or Ground; or going for or returning unloaden, or only loaden with Hay, Straw, or Corn in the Straw, not ſold or diſpoſed of, but to be laid up in the Houſes, Outhouſes, Yards or Backſides of the Owner or Owners thereof; nor for any Plough, Harrow, Dray, or other Implement of Husbandry, nor for any Horſe or other Beaſt or Cattle drawing or carrying the ſame, in order for the repairing thereof, or uſing the ſame in Husbandry, nor for any Thing whatſoever that ſhall be uſed or employed in Husbandry or manuring of Land, nor for any Horſe or other Beaſt or Cattle going to or returning from Water or Paſture, nor for any Poſt Horſe carrying any Mail or Packet, nor for the Horſes of Soldiers upon their March; nor for any Coach or other Carriage, or Paſſengers on Horſeback, that ſhall be 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 on the Day before or Day after ſuch Election ſhall begin and be concluded; and if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being intitled to the ſame, or ſhall make uſe of any Fraud whatſoever, whereby the Payment of the ſaid Tolls, or any Part thereof, ſhall be evaded, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Two Pounds, whereof One Moiety ſhall go and be applied to the Uſe of the Informer, upon whoſe Oath ſuch Offender ſhall be convicted, and the other Moiety towards amending the ſaid Road.

Penalty on Perſons making illegal Claims.

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

Tolls may be aſſigned for Money borrowed.

under their Hands, or by any other Words for that Purpoſe.

Form of Aſſignment.

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 Centum 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.

Aſſignments to be entered in a Book.

And Copies 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; but no Money ſhall be borrowed upon the Credit of the ſaid Tolls after ſuch Firſt Meeting, unleſs Notice be for that Purpoſe fixed in Writing upon all the Turnpikes in or upon the ſaid Road, at leaſt Twenty one Days before the borrowing thereof; 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 may be tranſferred.

Form of the Tranſfer.

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

Witneſs *G. H.* *J. K.*

Entries to be made of all Aſſignments.

Which ſaid Transfer or Aſſignment ſhall be produced and notified to the ſaid Clerk or Clerks, Treaſurer or Treaſurers, who ſhall cauſe an Entry or Memorial to be made of ſuch Aſſignment or Transfer, containing the Dates, Names of the Parties, and Sums of Money therein transferred, in the ſaid Book or Books to be kept for the entering the ſaid original Aſſignments; for which the

ſaid

ſaid Clerk or Clerks, Treaſurer or Treaſurers, ſhall be paid ſuch Sum as the ſaid Truſtees, or any Five or more of them, ſhall appoint, not exceeding the Sum of Two Shillings and Six Pence; and after ſuch Entry made, but not till then, every ſuch Aſſignment ſhall intitle ſuch Aſſignee, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon; and every ſuch 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 Fifty 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 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.

Clerk's Fee.

No undue Preference to be given.

Provided always, and be it enacted by the Authority aforeſaid, That no more than the Sum of Two thouſand Pounds ſhall be borrowed on the Credit of the ſaid Tolls, unleſs the Perſon or Perſons intitled to Two Thirds of the Money, which ſhall at that Time be due and owing on the Credit thereof, ſhall conſent thereto, and ſhall ſignify ſuch Conſent under his, her, or their Hand or Hands, to the ſaid Truſtees, or any Five or more of them.

Limitation of the Sum to be borrowed on the Credit of this Act.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, may, and are hereby authorized and impowered, from time to time, to elect, and, by any Writing or Writings under their Hands and Seals, appoint fit and proper Perſons to be Collectors and Receivers of the Tolls hereby made payable, and alſo One or more fit and proper Perſon

Truſtees may appoint Officers;

ſon or Perſons to be Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors, of the ſaid Road, and ſuch other Officer or Officers as they the ſaid Truſtees, or any Five or more of them, ſhall think neceſſary; and ſuch Collectors, Receivers, Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors, and other Officer or Officers, or any or either of them, from time to time, to remove or diſplace as they ſhall think fit, and to chuſe and appoint others in the Room and Place of ſuch of them as ſhall be ſo removed, or ſhall die; Notice in Writing of ſuch Removal or Death, and of the Time and Place of Meeting, for the Purpoſe of filling up the Vacancy thereby occaſioned, being fixed on all the Turnpike-gates to be erected by virtue of this Act, at leaſt Fourteen Days before ſuch Election; and may and are hereby authorized and impowered, by and out of the Money which ſhall ariſe by and from the ſeveral Tolls aforeſaid, to contract for, allow, and pay to the ſeveral Collectors, Receivers, Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors, and other Officer or Officers appointed as aforeſaid, and to ſuch other Perſon or Perſons as ſhall be aſſiſting to them, or either of them, in or about the Repair of the ſaid Road, or any Part thereof, ſuch Salaries, Rewards, and Allowances for their Attendance, Care, and Services in thoſe Reſpects, as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem reaſonable.

and remove them, and appoint others.

Truſtees to allow Officers Salaries.

And be it further enacted by the Authority aforeſaid, That all and every the Collectors and Receivers of the ſaid Tolls, and all and every the Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors, and other Officers who ſhall be appointed as aforeſaid, and all and every Perſon and Perſons who ſhall have or receive any of the Money which ſhall be collected, borrowed, raiſed 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, or to whom they, or any Five or more of them, ſhall appoint, full, true, fair and perfect Accounts in Writing, under their reſpective Hands, of all the Money which ſhall have been by them reſpectively had, collected, or received, and how, to whom, and for what, ſuch Money, and every Part thereof, hath or ſhall have been paid, diſpoſed of, or applied; together with proper Receipts and Vouchers for ſuch Payments; and ſhall, and are hereby reſpectively required

Officers to account upon Oath.

quired to pay all such Money 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 whom 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 Two or more 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 or either of the Officers or Persons aforesaid shall refuse or neglect to give a true Account or Accounts as aforesaid, or shall knowingly deliver a false or imperfect Account, or shall refuse or neglect to produce or deliver up the Receipts or Vouchers relating to the same, or to verify the Items and Articles thereof upon Oath, or shall refuse or neglect to pay such Money as upon the Balance of any Account or Accounts shall appear to be in his, her, or their respective Hands, to the said Trustees, or as they, or any Five or more of them, shall direct or appoint; and if any Clerk or other Officer to the said Trustees, shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, within Ten Days after being thereunto required by any Five or more of the said Trustees, all the Books, Papers, and Writings in his Custody, or relating to the Execution of this Act; that 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 Names of such Trustees, or in the Name or Names of any Two or more of them, against the Officer or Officers, Person or Persons so refusing or neglecting, as aforesaid, in order for the Recovery of the Money, Books, Papers, or other Writings as aforesaid, that shall 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 Two or more Justices of the Peace, at any special Sessions or other Meeting of them, to be held for the County or Place where the Officer or Officers, Person or Persons neglecting or refusing shall be or reside, such Justices may, and are hereby authorized and required to make Inquiry of and concerning such Default, in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath such Justices are hereby impowered

Officer refusing to account,

may be sued;

or, if Complaint be made,

Justices may enquire into the Default;

and commit the Offender, powered and required to adminiſter gratis:) And if any Perſon ſhall be thereof convicted, ſuch Juſtices ſhall commit the Party to the Common Gaol of the County or Place, until he or they ſhall have made a true and perfect Account and Payment, or ſhall have compounded for the ſame, and paid ſuch Compoſition; which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby impowered to make and receive; or until he or they ſhall have delivered up ſuch Books, Papers, and Writings, as aforeſaid, or given Satisfaction in reſpect thereof, to the ſaid Truſtees, or any Five or more of them.

until Payment or Compoſition made.

Penalty on Gate-keepers refuſing to deliver Poſſeſſion thereof, when required.

And be it further enacted by the Authority aforeſaid, That if any Toll-gatherer, or Perſon appointed by the ſaid Truſtees, or any Five or more of them, in Manner herein before mentioned, to collect and receive any of the Tolls by this Act granted, ſhall, at any Time or Times, neglect or refuſe to quit his Employment, conformable to the Orders of the ſaid Truſtees, or any Five or more of them, and to deliver up the Poſſeſſion of the Turnpike, or Toll-gate and Toll-houſe, to the ſaid Truſteees, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint; and ſhall be convicted of ſuch Neglect or Refuſal, before One or more Juſtice or Juſtices of the Peace of the ſaid County of Wilts, either upon Confeſſion of the Party, or by the Oath of One or more credible Witneſs or Witneſſes; then it ſhall and may be lawful to and for ſuch Juſtice or Juſtices, and he and they is and are hereby required to iſſue his or their Warrant or Warrants to the Conſtable, Tythingman, or other Officer or Officers of the Peace of the ſaid County, to turn ſuch Toll-gatherer or Collector out of the Poſſeſſion of the ſaid Turnpike or Toll-gate, and Toll-houſe, and to deliver the Poſſeſſion thereof to ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall have directed and appointed in Manner aforeſaid; and alſo to bring the Toll-gatherer or Toll-gatherers, or Collectors, before ſuch Juſtice or Juſtices, who is and are hereby impowered and required to commit him or them to the Houſe of Correction, there to be kept to hard Labour for any Time not exceeding the Space of Two Months.

Truſtees may appoint Collectors tho' not at a publick Meeting.

Provided always, and be it further enacted by the Authority aforeſaid, That as often as any Collector of the Tolls ſhall die, or be incapable of performing his Duty, it ſhall be lawful for any Five or more of the ſaid Truſtees, though not aſſembled at a Meeting purſuant to this Act, by any Writing under their Hands, to appoint another Perſon to collect ſuch Tolls; and ſuch Perſon ſhall continue to collect the ſame until the Truſtees ſhall, at a

Meeting

Meeting to be held in pursuance of this Act, appoint a Collector of such Tolls; any thing herein contained to the contrary notwithstanding.

Surveyors may dig Gravel, &c.

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 by them appointed, or any other Person or Persons who shall be employed or appointed for that Purpose by the said Trustees, or any Five or more of them, or by the said Surveyor or Surveyors, or either of them, may and is, and are hereby authorized and impowered from time to time, to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Sand, or other Materials proper for the Repair of Roads in, upon, out of, or from any Waste or Common, River or Brook, in any Parish, Town, Village, Hamlet, or Place, adjoining to or lying near the said Road, or in any neighbouring Parish, Town, Village, Hamlet, or Place, to be used, disposed of, and applied in repairing the said Road, without paying any Thing for the same; they, the said Trustees, Surveyors, or other Persons, filling up or fencing off the Pits, and levelling the Ground from which such Materials shall be taken; and may also carry the same Materials through any Field, Meadow, or private Way, making such reasonable Satisfaction to the Owners or Occupiers for the Damages done, as the said Trustees, or any Five or more of them, shall judge reasonable; or in case it shall be judged more expedient by the said Trustees, or any Five or more of them, it shall and may be lawful for their Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, by Order of the said Trustees, or any Five or more of them, to cut, dig, gather, take, and carry away, any Quantity or Quantities of Furze, Heath, Stones, Gravel, Sand, or other Materials proper and sufficient for that Purpose, in, upon, out of, or from the Lands, Fields, or Grounds of any Person or Persons, where the same may be had or found, to be used, disposed of, and applied, in or towards repairing the said Road; such Lands, Fields, or Grounds, or either of them, not being the Site of any House or Houses, or a Yard, Garden, Orchard, Park, Paddock, Meadow, or planted with Trees, as an Avenue to or for the Ornament of any House, or inclosed, set apart, and used, as a Plantation or Nursery for Trees; they the said Trustees, Surveyor or Surveyors, or other Person or Persons, or some or One of them, paying, or offering to pay, such Rates for such Materials, and for the Damage done to the Owners or Occupiers of the Ground where and from whence the same shall be digged,

without paying for the same.

making Satisfaction to the Owners of the Grounds.

If sufficient Materials cannot be had there,

the same may be taken from private Grounds;

making Satisfaction to the Owners of the Grounds.

ged, gathered, or carried away, or over which the ſame ſhall be carried, as the ſaid Truſtees, or any Five or more of them, ſhall judge reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyor or Surveyors, or other Perſon or Perſons appointed and employed as aforeſaid, and the ſaid Owners or Occupiers, or any or either of them, concerning ſuch Damages as aforeſaid, the Juſtices of the Peace at their next General Quarter Seſſions to be holden in and for the ſaid County of Wilts, or the major Part of them then preſent, on Ten Days Notice thereof to be given in Writing by the ſaid Surveyor or Surveyors, to the ſaid Owner or Occupier, Owners or Occupiers, or by the ſaid Owner or Occupier, Owners or Occupiers, to the ſaid Surveyor or Surveyors, or to be left at their reſpective Places of Abode, with ſome or One of their reſpective Families, ſhall hear, ſettle, and determine the Matter of ſuch Damages; and the Judgement or Order of the ſaid Juſtices therein ſhall be final and concluſive to all Parties.

Juſtices to determine Differences.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, to be appointed as aforeſaid, or any other Perſon or Perſons by him or them appointed or employed, having a Warrant or Order from and under the Hands of the ſaid Truſtees, or any Five or more of them, for thoſe Purpoſes, from time to time, to remove, or cauſe to be removed, all Annoyances, Filth, Dung, Aſhes, or Rubbiſh, and all other Nuiſances or Obſtructions whatſoever, which are or ſhall be in or upon any Part or Parts of the ſaid Road hereby intended to be repaired; and to cut down, top, or lop, and carry away, any Trees, Boughs of Trees, or Buſhes, growing in the ſaid Road, or in the Hedges or Banks adjoining thereto; and to open, ſcour, or cleanſe, any Ditch, Drain, or Watercourſe, lying, or which ſhall lie, in, or leading, or which ſhall lead, into, or out of, the ſaid Road, or any Part thereof, in caſe the Owners or Occupiers, or Perſon or Perſons, occaſioning ſuch Annoyances, or who ought to remove the ſame, or to cut, top, or lop, and carry away, ſuch Trees, Boughs of Trees, or Buſhes, or to open, ſcour, or cleanſe, ſuch Ditch, Drain, or Watercourſe, ſhall refuſe or neglect ſo to do for the Space of Ten Days after Notice in Writing to him, her, or them reſpectively given for that Purpoſe, or left at his, her, or their reſpective Place of Abode, under the Hand or Hands of the ſaid Surveyor or Surveyors, or of the ſaid Truſtees, or any Five or more of them, or of their Clerk or Clerks for the time being, the Charges whereof, to be ſettled by the ſaid

Surveyors may remove Annoyances,

cut down Trees,

and cleanſe Ditches,

the Owners neglecting to remove the ſame after Notice;

said Trustees, or any Five or more of them, by Writing under their Hands, shall be reimbursed and paid to the said Surveyor or Surveyors by the respective Person or Persons so refusing or neglecting, as aforesaid: And in case such Person or Persons so refusing or neglecting shall not, upon Demand, pay and reimburse to the said Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by a Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the said County, which Warrant or Warrants the said Justice or Justices is and are hereby impowered and required to grant, from time to time, to levy the said Charges upon the Person or Persons so offending as aforesaid, by Distress and Sale of his and their respective Goods and Chattles, returning the Overplus, if any be, after all Charges paid, to the Owner or Owners thereof, upon Demand: And if, after the Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted upon Oath before any Justice or Justices of the Peace for the said County, shall, for every such Offence, forfeit to the said Trustees, or to any Five or more of them, or to their Treasurer or Treasurers for the time being, the Sum of Forty Shillings, to be levied and recovered in Manner aforesaid.

Surveyors to be reimbursed the Charges

to be levied by Distress and Sale.

Penalty of a Second Offence.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to make, or cause to be made, any Causeway or Causeways, Ditches, Drains, or Trenches, in or along the Side or Sides of any Part or Parts of the said Road hereby intended to be repaired; and to make, erect, or build, or cause to be made, erected, or built, any Bridge or Bridges, or Arch or Arches of Stone, Brick or Timber, upon, in or across the same Road, or any Part or Parts thereof; and to dig, cut, or make, or cause to be digged, cut or made, any Ditches, Drains, or Watercourses, in, through, or across, any Lands or Grounds, to prevent the said Road, or any Part thereof, from being overflowed with Water; and to erect, or cause to be erected, Bridges over such Watercourses, if necessary; and also to make, or cause to be made, a Road or Way, by, through, or over the Grounds adjoining to any ruinous Part or Parts of the Road hereby intended to be repaired, to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a publick Highway, whilst the old ruinous Road is repairing, and until such Time as it shall be safe

Surveyors may make Causeways, &c.

and erect Bridges, &c.

and make a temporary Road,

making Satisfaction to the Owners.

and convenient for Paſſengers and Carriages to travel through the ſame; making ſuch Satisfaction to the Owners or Occupiers of ſuch Lands and Grounds as ſhall be ſo made uſe of, or through which any ſuch Ditches, Drains, or Watercourſes ſhall be cut, or on which any ſuch Bridge or Bridges ſhall be erected, or through which ſuch Road or Roads ſhall be made, for the Damages they may thereby ſuſtain, as by the ſaid Truſtees, or any Five or more of them, ſhall be adjudged reaſonable; which Satisfaction the ſaid Truſtees, or any Five or more of them, are hereby impowered to pay out of the Money which ſhall be borrowed, collected, or raiſed, by virtue of this Act; and in caſe of any Difference between the ſaid Truſtees, Surveyor or Surveyors, or Perſon or Perſons by them appointed and employed, as aforeſaid, and the ſaid Owners or Occupiers, or any or either of them, concerning ſuch Damages, or the Satisfaction to be made therefore, the Juſtices of the Peace, at their next General Quarter Seſſions, to be holden in and for the ſaid County, or the Majority of them preſent at ſuch Seſſions, on Ten Days Notice thereof to be given in Writing by the ſaid Surveyor or Surveyors to the ſaid Owner or Occupier, Owners or Occupiers, or by the ſaid Owner or Occupier, Owners or Occupiers, to the ſaid Surveyor or Surveyors, or to be left at their reſpective Place or Places of Abode, with ſome or One of their reſpective Families, ſhall hear and finally determine the ſame.

Juſtices to determine Differences.

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

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall be and are hereby fully empowered to divert, turn, or alter the Courſe or Path of any Part or Parts of the ſaid Road, over and through, and alſo to fence or ditch off, or otherwiſe ſecure any Part or Parts of the ſaid Road leading over any Down, Common, Moor, or Waſte Ground, without making any Satisfaction for the ſame, and alſo through or upon any Fields, 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 Five or more of them, to contract and agree with the Owners of, and Perſons intereſted in, any Fields, Lands, or Hereditaments, for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners or Perſons may ſuſtain by the diverting, turning, or altering, the Courſe or Path of any Part or Parts of ſuch Road through ſuch Fields, Lands, or Hereditaments; or by the fencing or ditching off, or otherwiſe ſecuring the ſaid Road: And it ſhall be lawful for all Bo-

dies

bies 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 Feme Coverts, Infants, or Issue unborn, Lunaticks, Idiots, 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 Fields, Lands, or Hereditaments, to contract with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Five 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 Fields, Lands, or Hereditaments through which any Part of such Road is intended to be diverted, turned, or altered, or whereupon any such Fence, Ditch, or other Security shall be made, shall, for the Space of Thirty Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating; then, and in every such Case, the said Trustees, or any Five or more of them, shall cause such Damage and Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County wherein such

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

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

Damages to be settled by a Jury.

Fields, Lands and Hereditaments do lie; and in order thereto the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall 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 Two or more of the said Trustees are hereby impowered to administer; and such Trustees, or any Five or more of them, shall, by ordering a View or otherwise, use all Ways and Means, as well for their own, as for the said Jury's Information of the Premisses; and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners and other Persons interested in the said Fields, 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 other 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 Five or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the County wherein such Lands or Hereditaments do lie, commanding 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 Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall, and they are hereby impowered and required to 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, shall return other honest and indifferent

Verdict of the Jury to be binding.

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

different Men of the Standers-by, or that can speedily be procured, to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen, when they come to be sworn; and the said Trustees, or any Five or more of them, acting in the 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 Money which shall be borrowed, raised, and collected by virtue of this Act, to such Parties, 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 Clerk or Clerks 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 divert, or turn, such Road through such Fields, Lands or Hereditaments, and to do all and every Act, Matter, and Thing, with relation to such Fields, Lands, or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit: And the said Trustees, or any Five or more of them, shall cause such Parts of the said Road as shall be 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;

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

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

and deemed a publick Highway,

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 Five or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied to the Repair of that Part of the said Road so diverted and turned; but this Act shall not extend to the taking down any Dwelling-house or other Building, or to take in any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, without the Consent of the Owner or Proprietor thereof; any thing herein contained to the contrary notwithstanding.

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 Down, Common, 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 Owners and Occupiers of Land, and Inhabitants in and of the Townships, Parishes, and Places, in which any Part of the said Road lies, and that are or shall be liable to perform the Work, commonly called Statute Work, upon the Highways, shall, for the first Year after the passing of this Act, be obliged to do Two full Days of such Statute-work or Labour and no more, and yearly, and every Year afterwards, not exceeding Two full Days, nor less than One full Day, of such Statute-work or Labour, in such Part or Parts of the said Road as doth or do lie in or near such Townships, Parishes or Places respectively; and in such Parts thereof, at such Times, and in

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

such

such Manner as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors shall direct or appoint; 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, 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, 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, of the Christian and Surname of every Person who, within such respective Townships, Parishes, 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 said Surveyor or Surveyors of the Highways, Churchwardens or Overseers of the Poor, for such Townships, Parishes, 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 Notice thereof to such Persons: And if any Surveyor, Churchwarden, or Overseer of the Poor, for any such Township, Parish, 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, 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:

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

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

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

and on Persons not performing Statute-work.

And

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 Six Pence: 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 any One or more Truſtees, or by the ſaid Turnpike Surveyor or Surveyors, where the Work is to be done, or ſhall not do Eight Hours Work in each Day, 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 Penalty before-mentioned: And all Perſons doing ſuch Days Work on the ſaid Road ſhall not be liable to do any other Statute-work thereon.

Perſons found idle to be turned off.

Truſtees may compound with Pariſhes for Statute-work.

Provided always, and be it enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Truſtees, or any Nine 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, 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, or Places, or ſuch Churchwardens, or Overſeers of the Poor reſpectively as aforeſaid, by and with the Conſent of the Majority of the Inhabitants of ſuch Townſhips, Pariſhes, 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 Nine 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 Compoſition-monies ſhall be, from time to time, paid in Advance, and ſhall be applied in the Repair of the ſaid Road, in reſpect whereof ſuch Compoſition-monies are paid; 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.

Surveyors with Conſent of Inhabitants may compound for Statute-work.

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

Provided

Provided always, That nothing herein contained shall extend, or be construed to extend, to compel, subject, or oblige, any of the Inhabitants of the Parish of Dornhead Saint Andrew to do or perform any Statute Labour upon any Part of the Road hereby directed to be repaired, after the First Year. Proviso.

Provided also, That no Person shall be capable of acting as a Trustee in any case relating to compounding for Statute Labour, who shall be Owner or Occupier of any or of Part of any Lands, Tenements, or Hereditaments, for which any such Composition shall be made; any thing herein contained to the contrary notwithstanding. Trustees not to act where interested.

And be it further enacted by the Authority aforesaid, That if any Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Road, any Tree or Piece of Timber, or any Stone, otherwise than on Wheel Carriages, or shall suffer any Part of any Trees or Piece of Timber or Stone, which shall be conveyed upon Wheel Carriages, to drag upon any Part of such Road, to the Prejudice thereof, or shall shovel up, take, or carry away, any Stones, Gravel, Sand, or Soil, from off or on the Sides of the said Road; 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 shall, for every such Offence, forfeit and pay the Sum of Forty Shillings. Penalty on haling Timber, &c. otherwise than on Wheel Carriages.

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 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, Road to be measured, and Mile-stones erected. Penalty on defacing Mile-stones, &c.

ward; 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 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 Common Gaol of the County or Place, there to remain without Bail or Mainprize for any Space not exceeding Three Months, nor less than One Month, 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 Justice of the Peace for the County or Place wherein the Offence shall be committed, or any 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, 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 that Part of the Road in relation whereunto, or in respect whereof, such Offence shall be committed; and in case sufficient Distress shall not be found,

found, or ſuch Penalties and Forfeitures ſhall not be forthwith paid, it ſhall be lawful for any 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, 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.

Perſons aggrieved may appeal.

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 Twenty one Days 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 of that Part of the ſaid Road where ſuch Cauſe of Complaint ſhall ariſe, and within Three 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.

10 Days Notice of Appeal to be given.

Diſtreſs not to be deemed unlawful for want of Form only;

And be it further enacted by the Authority aforeſaid, 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 unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Default or Want of Form in the Summons, Conviction, Notice, Warrant of Diſtreſs, or other Proceedings relating thereto; 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,

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

diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the Special Damage in an Action on the Caſe.

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

Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action for any ſuch Irregularity, Treſpaſs, or other Proceedings, if Tender of ſufficient Amends ſhall be made by or on the Behalf of the Party or Parties, who ſhall have committed, or cauſed to be committed, any ſuch Irregularity, Treſpaſs, or wrongful Proceedings, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful for the Defendant or Defendants in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he or they ſhall ſee fit; whereupon ſuch Proceedings or Orders and Judgements ſhall be had, made, and given, in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Writings to be without Stamps.

Provided always, and be it enacted by the Authority aforeſaid, That no Mortgage, Aſſignment, Transfer, or other Security for borrowing Money, or any Nomination, Contract, Bond, Warrant, Judgement, or other Writing whatſoever, under the Hand and Seal, or Hands and Seals of, or only ſigned by, any Truſtee or Truſtees, or Juſtice or Juſtices of the Peace, or exhibited before them, or under the Hands and Seals, or Hand and Seal of, or only ſigned by, any other Perſon or Perſons whatſoever, relating to the Execution of this Act, ſhall be chargeable with any Stamp Duty whatſoever.

Proceedings to be entered in a Book.

Provided alſo, and it is hereby further enacted by the Authority aforeſaid, That all Orders and Proceedings of the ſaid Truſtees, at their Meetings, ſhall be entered in a Book or Books to be kept for that Purpoſe; and ſuch Orders and Proceedings ſo entered ſhall be ſigned by the Clerk or Clerks, at any Meeting of Five or more of the ſaid Truſtees aſſembled, as the Caſe ſhall require, and ſuch Orders ſhall be deemed and taken to be original Orders; which ſaid Book or Books, and alſo the ſaid Book directed to be kept for regiſtering the ſaid Mortgages, Aſſignments, and Transfers, ſhall and may be produced and read in Evidence in all Courts whatſoever.

Books to be read in Evidence.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforeſaid, That this Act ſhall commence and have Continuance from the Day of paſſing thereof, for and during the Term of Twenty one Years, and from thence to the End of the then next Seſſion of Parliament.

And

And be it further enacted by the Authority aforeſaid, That no Proceeding to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Order made, or other Matter or Thing to be done or tranſacted in or relating to the Execution of this Act, ſhall be vacated or quaſhed for Want of Form, or be removed 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.

Proceedings not to be quaſh'd for want of Form, or removable by *Certiorari*.

And whereas the High Road leading from the Index Poſt on the Side of Harnham Hill in the County of Wilts, to a Houſe called Maſter Baker's Farm Houſe, in the ſaid County, is in a ruinous Condition, narrow in ſome Places and incommodious to Paſſengers, and cannot be effectually repaired and widened without the Aid of Parliament: And whereas the Truſtees appointed to put in Execution an Act paſſed in the Twenty ninth Year of the Reign of His late Majeſty, For repairing and widening the Road from the Top of *Harnham Hill* near the City of *New Sarum*, in the County of *Wilts*, through the Towns of *Blandford Forum* and *Dorcheſter*, to a certain Intrenchment on *Aſkerwell Hill*, in the County of *Dorſet*, are willing and deſirous, for the Accommodation of the Publick, to take upon them the repairing and widening the ſaid Road, and to pay for the ſame out of the Monies to ariſe by virtue of the Powers granted by the ſaid Act, without laying any additional Burthen upon the Publick; be it therefore further enacted by the Authority aforeſaid, That the ſaid Truſtees appointed to put in Execution the ſaid Act, ſhall be, and they are hereby declared to be Truſtees for repairing and widening the ſaid Road from the ſaid Index Poſt to Maſter Baker's Farm Houſe; and that the ſaid Act, and all and every the Tolls or Duties, Clauſes, Powers, Authorities, Articles, Rules, Penalties, and Forfeitures therein contained, ſhall be executed by the ſaid Truſtees, upon, and in reſpect of the ſaid Road, in as full and ample Manner, during the Continuance of the ſaid Act, as if the ſaid Road had been particularly ſpecified, deſcribed, and directed to have been repaired and widened in and by the ſaid Act; any Thing in the ſaid Act contained to the contrary notwithſtanding.

Act 29 *Geo.* II.

Truſtees for the recited Act of 29 *Geo.* II. appointed Truſtees for repairing the ſaid Road from the *Index Poſt* to *Baker's Farm Houſe*.

Provided always, and be it further enacted by the Authority aforeſaid, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Twenty one Days Notice ſhall be thereof given to the Clerk or Clerks to the ſaid Truſtees, or after ſufficient Satisfaction or Tender thereof hath been made to the Party or Parties

Limitation of Actions.

d

ties aggrieved, or after Six Months next after the Fact committed; and every ſuch Action or Suit ſhall be laid or brought in the County of Wilts, and not elſewhere; and the Defendant and Defendants, in every ſuch Action or Suit, ſhall and may at his Election plead ſpecially, or the General Iſſue, Not Guilty, 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 the ſame ſhall appear to be ſo done, or that ſuch Action or Suit ſhall be brought before Twenty one Days Notice ſhall be thereof given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County, then the Jury ſhall find for the Defendant or Defendants: And upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be Nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared, or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall recover Treble Coſts; and have ſuch other Remedy for the ſame as any Defendant or Defendants hath or have in other Caſes by Law.

General Iſſue.

Treble Coſts.

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

FINIS.