Anno quinto

Georgii III. Regis.

An Act for enlarging the Term and Powers of Two Acts of the Thirteenth of *George* the First, and of the Sixteenth of His late Majesty, for repairing several Roads leading from the Town of *Warminster*, in the County of *Wilts*; and for amending several other Roads near the said Town; and for repealing so much of an Act made in the First Year of the Reign of His present Majesty, for repairing several Roads therein mentioned, in the said County, as relates to the Road within the Town of *Heytesbury*; and for other Purposes therein mentioned.



WHEREAS by an Act of Parliament made in the Thirteenth Year of the Reign of His late Majesty King George the First, intituled, An Act for repairing the several Roads leading from the Town of *Warminster*, in the County of *Wilts*; several Roads therein mentioned and described were directed to be amended and repaired; videlicet, The Road leading from the House then Thomas Ludlow's, at the East End of the said Town to Heytesbury in the said County; and from the Lamb Inn in the said Town of Warminster, to the Preamble.

the Quarries on Sack Hill in the Parish of Warminster; and from Alms House Bridge in the said Town of Warminster, to the Top of Cradle Hill in the Parish of Warminster; and from the Foot of Elm Hill in the said Parish of Warminster, to a Furlong beyond Coleway, in the Parish of Upton Skidmore; and from the Pound in Pound Street in the Town of Warminster aforesaid, to Two Furlongs beyond the Gate called Common Gate, at the End of Pound Street aforesaid; and from the East End of Back Lane in the said Town, to the House then of late in the Possession or Occupation of John Ford in Crockerton, in the Parish of Deverel Longbridge; and from the then Dwelling-house of Thomas Thatcher at the South End of Bishopstrow Street, through Sutton's Common, to Newnham Street in the Parish of Sutton; and from the East End of the Parish of Heytesbury aforesaid, to the Top of Anstrow Hill in the Parish of Knook; and from Newnham Street in the Parish of Sutton, to about Eight Furlongs beyond the Top of a certain Hill called Corton White Sheet; and from a Field called Hill Close, in the Parish of Upton Skidmore, to Madbrooke in the Parish of Westbury, in the said County of Wilts; which said Act was to take Place and have Continuance from and after the Twenty fourth Day of June, One thousand seven hundred and twenty seven, for and during the Term of Twenty one Years: And whereas by an Act made in the Sixteenth Year of the Reign of His late Majesty King George the Second, intituled, An Act for enlarging the Term and Powers granted by an Act passed in the Thirteenth Year of the Reign of His late Majesty King *George* the First, intituled, *An Act for repairing the several Roads leading from the Town of* Warminster *in the County of* Wilts, the said first mentioned Act, and all and every the Authorities, Powers, Penalties, Forfeitures, and Clauses therein contained, were further continued from and after the Expiration of the Term by the said Act granted, for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; and several further Powers were granted to the Trustees appointed by the said former Act: And whereas there is now owing on the Credit of the said Acts, the Sum of Twelve hundred Pounds, which cannot be discharged, and the said several Roads kept in good Repair, during the subsisting Terms of the said Acts; and the said several Acts are in many Respects defective for the Purposes thereby intended: And whereas the Roads hereafter mentioned, that is to say, The Road leading from the

Turnpike Road at Boreham, to the South End of Bishopstrow; and also the Road leading from the West End of the Town of Heytesbury, to the Unicorn at the East End of the said Town of Heytesbury; and also the Road from a House late John Ford's at Crockerton, to and through Deverel Longbridge, and through a Lane called Dan's Lane, to the Top of Lord's Hill; and from thence by Pertwood Cowlease, to the Direction Post at East Knoyle, where the Shaftsbury Turnpike Road ends; and from the Turnpike Road leading over Warminster Common, to the Direction Post at the End of Shute Lane in the Parish of Horningsham; and from the East End of Back Lane to the Lamb Inn in Warminster; and from the Quarries on Sack Hill, to the Turnpike Road leading from Bolesborrow to Westbury; and from One Furlong beyond Coleway to a Field called Hill's Close, in the Parish of Upton Skidmore, in the said County of Wilts; are in a ruinous Condition, and cannot be effectually amended and kept in good Repair by the ordinary Course of Law: To the End therefore, that the said several Roads comprised in the said first mentioned Act (except such Part thereof as lies between the Direction Post where the Salisbury and Amesbury Roads divide, and the Top of Anstrow Hill) and also the new or additional Roads aforesaid, may be amended, widened, and kept in good Repair, and the Money now due on the Credit of the said Acts be discharged, 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 Terms granted by the said recited Acts made in the Thirteenth Year of the Reign of His late Majesty King George the First, and in the Sixteenth Year of the Reign of His late Majesty King George the Second, shall be, and the same are hereby further continued from the Expiration thereof, and also of the additional Term granted by an Act made in the Twenty eighth Year of the Reign of His said late Majesty King George the Second, intituled, An Act to amend an Act made in the Twenty sixth Year of the Reign of His present Majesty, intituled, *An Act for the Amendment and Preservation of the Publick Highways and Turnpike Roads of this Kingdom, and for the more effectual Execution of the Laws relating thereto*; for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Former Acts further continued for 21 Years.

The new Provisions, &c. to take Place immediately from the passing of this Act.

And be it further enacted by the Authority aforesaid, That instead of the several Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Payments, Punishments, Exemptions, Matters and Things contained in the said recited Acts, or either of them, this present Act, and the several Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Payments, Punishments, Exemptions, Matters, and Things herein contained shall, for the Purpose of repairing, widening, and keeping in Repair the said several Roads by the said Two recited Acts directed to be repaired (except as before excepted) and also for the Purpose of repairing, widening, and keeping in Repair the said new or additional Roads herein described, and hereby intended to be amended, take place, and shall commence from and immediately after the passing of this present Act, and shall continue in Force until the Expiration of the said Terms granted by the said recited Acts, and also for a further Term of Twenty one Years, and to the End of the then next Session of Parliament.

Trustees Names.

And be it further enacted by the Authority aforesaid, That the Right Honourable Webb Seymour, commonly called Lord Webb Seymour; the Right Honourable William Seymour, commonly called Lord William Seymour; the Right Honourable and Reverend Francis Seymour, commonly called Lord Francis Seymour; the Honourable Henry Frederick Thynne, Sir Robert Long Baronet, Sir Edward Baynton Baronet, Pierce A'Court Ashe, General A'Court, Charles Aldridge, John Awdry, Ambrose Awdry junior, William Beckford, Thomas Buckler, William Buckler, Benjamin Buckler D. D. William Barford Clerk, Richard Barford Clerk, William Bayly, John Buckler, Humphry Buckler, Robert Bleeck, William Bleeck, William Bleeck junior, John Bleeck, John Bennett, John Bennett junior, Thomas Biggs, John Barton, William Aldridge Ballard, Anthony Blagrave, Edward Butler, Anthony Burleton, Abraham Clavey Clerk, John Crowch junior Clerk, Richard Crowch, Edward Cockey, Thomas Chivers, Simon Jude Cole, James Cockle, Nicholas Cockle, John Crosby, Thomas Crosby, John Dobson Clerk, John Davis, Jeremiah Dicks, Peter Delme, Harry Edgell, William Everett, Joseph Everett, Joseph Everett junior, Thomas Everett, William Everett junior, James Frampton, Thomas Fisher Clerk, Edward Frowd, Henry Ferris, Thomas Frieker, Henry Fricker Clerk, Walter Folliatt, Jonathan Folliatt, John Frowd, Edward Fitz, William Chaffin Grove, Gaisford Gibbs, Thomas Gaisford, Thomas Gaisford junior, James Harding, Daniel Hinton, Henry

Henry Hoare, Richard Hoare, James Harris, Richard Head Clerk, John Hughes, Edward Hinton, John Holder, Thomas Hayter, Josiah Hinton, William Jones, Thomas Kellow junior, Clerk, Anthony Kington, Edward Lambert, Edmund Lambert, James Long, Richard Long, Benjamin Ludlow, John Langley, Edward Larkham, John Love, Thomas Lampard, Paul Methuen, Edward Middlecot, John Madox, Thomas Malkelyn, John Maxfield, Uriah Messiter junior, John Matravers, Jeremiah Morris, Mathew Merefield, Paul Newman, Dennis Newman, John Newman, William Newman, Edward Popham, Francis Popham, Thomas Prowse, George Prowse, Thomas Phipps, Thomas Phipps of Heywood, William Phipps, Paul Phipps, Charles Penrudocke, Charles Penrudocke junior, Joseph Payne D. D. Benjamin Peach, John Phelps, John Rolt Clerk, John Rogers Clerk, Richard Randal, William Rabitts, Thomas Smith D. D. William Slade Clerk, John Smith, John Slade, John Shoare, James Still, Thomas Seagram, Henry Seymour, William Selward, John Sturgis, John Sturgis junior, Robert Swyer, William Temple, John Talbot, John Talbot, Brounker Thring, Thomas Tucker, John Tucker, James Viney Clerk, Henry Wyndham, William Wyndham, Henry Penrudocke Wyndham, Charles Wake LL. D. Thomas Webb, Michael Webb, Thomas Warren, Thomas Warren junior, Pittman Warren, William Whiting, William Wansbrough, James Wilton, Edward Wilton, James Wilton junior, Richard Samuel Wyche, John Wansey, Thomas Whitaker, William Whitaker, Thomas Whitaker junior, Jeffery Whitaker, John Watts, John White, Edward Younge, Thomas Walter Younge, shall be, and they and their Successors, to be elected in Manner herein after-mentioned, are hereby appointed Trustees for surveying, ordering, altering, turning, widening, and keeping in Repair all the said Roads, and for putting in Execution all other the Powers by this Act given,

Qualification of Trustees.

Provided always, and be it enacted, That no Person shall be capable of acting as a Trustee in any Case in the Execution of this Act, unless at the Time of his acting therein he shall have or be seised of in his own Right, or in the Right of his Wife, and in the actual Possession, Enjoyment, or Receipt of the Rents and Profits of a Real Estate in Law or Equity, of the clear yearly Value of Fifty Pounds above Reprizes, or be Heir Apparent of a Person seised of an Estate in Lands of the yearly Value of One hundred Pounds, or possessed of a Personal Estate to the Amount of One thousand Pounds: And if any Person or Persons so made incapable, shall presume to act in the Trust aforesaid, every such Person shall,

Penalty on acting if not qualified.

shall, for every such Offence, forfeit the Sum of Fifty Pounds, to be recovered by Action of Law, to be brought in any of His Majesty's Courts of Record at Westminster; and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act; One Moiety of which Forfeiture shall be paid to the Prosecutor, and the other Moiety shall be applied in Repair of the said Roads.

1 *Geo.* III. re-relating to the Road within the Town of *Heytesbury*, repealed.

And whereas by an Act passed in the First Year of the Reign of His present Majesty, intituled, An Act for amending, widening, and keeping in Repair, the Road leading from *Fisherton Bridge*, to the Turnpike Road at *Willoughby Hedge* in *West Knoyle*; and from *Wilton Bridge* to the Turnpike Road at the West End of *Hesterbury*; and also the Road from the Turnpike Road at the Top of *Red Hone Hill*, in the Parish of *Urchfont*, to the Milestone at the Western End of *Fisherton Street*, in the County of *Wilts*; the Road leading from the Unicorn at the East End of the Town of Heytesbury, to the Turnpike Road at the West End of the Town of Heytesbury leading to Warminster (being about Three Quarters of a Mile in Length) is, amongst other Roads therein described, directed to be repaired; and the Trustees appointed by the said Act have caused a Turnpike to be erected upon the said Road, where all Carriages and Cattle passing through the said Town are charged with a Toll: And whereas it will be a great Ease and Advantage to all Persons travelling from Warminster towards Amesbury, if the Road lying within the Town of Heytesbury was put under the Direction of the Trustees appointed to put this Act in Execution, and that no Toll should for the future be paid there: Be it therefore enacted by the Authority aforesaid, That from and after the passing of this present Act, so much of the said recited Act, of the First Year of the Reign of His present Majesty, as relates to the said Road leading from the Unicorn, at the East End of the Town of Heytesbury, to the Turnpike Road at the West End of the Town of Heytesbury, leading to Warminster, shall be and the same is hereby repealed.

And, in order that Compensation may be made to the Trustees appointed by the said Act of the First Year of the Reign of His present Majesty, for the Loss they may sustain thereby, be it further enacted by the Authority afore-

aforesaid, That the Trustees appointed to put this Act in Execution, or any Five or more of them, shall, and they are hereby authorized and required, within One Month after the passing of this Act, to pay, or cause to be paid, to the said Trustees appointed to put in Execution the said Act of the First Year of the Reign of his present Majesty, or to their Treasurer, out of the Tolls hereby granted, or out of any Money to be borrowed on the Credit thereof, the Sum of Five hundred Pounds; which Money so to be paid, shall be applied as the Tolls granted by the said Act of the First Year of the Reign of his present Majesty are thereby directed to be applied, and to no other Use or Purpose whatsoever.

500*l.* to be paid to the Trustees of the former Act.

And be it further enacted by the Authority aforesaid, That the Trustees hereby appointed, or any Five or more of them, shall, within the Space of Two Months next after the passing of this Act, cause the Turnpike and Toll-house now erected within the said Town of Heytesbury to be taken down, and to be erected upon such Part of the Roads directed to be repaired by the said recited Act of the First Year of the Reign of his present Majesty, as the Trustees for putting the said Act in Execution shall direct and appoint; provided the same shall not be removed above the Distance of One Mile from the Place where they are now erected.

Turnpikes may be removed, &c.

And be it further enacted by the Authority aforesaid, That from and after the passing of this present Act, the said Road leading from the Unicorn at the East End of the Town of Heytesbury, to the Turnpike Road at the West End of the Town of Heytesbury, leading to Warminster, shall be under the Care and Management of the Trustees appointed to put this present Act in Execution; and they, or any Five or more of them, are hereby authorized and impowered to cause the said Road to be repaired, and kept in Repair, out of the Tolls to be collected by virtue of this Act, upon the Road leading from Warminster to the Direction Post, where the Roads divide which lead to Salisbury and Amesbury, or out of any Money which shall be borrowed on the Credit thereof.

Road within the Town of *Heytesbury* to be under the Management of the Trustees.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may cause to be erected and set up One or more Turnpike or Turnpikes, Toll-house or Toll-houses, in and across any Part or Parts of the said Roads; and that the respective Tolls following shall be demanded and taken by such Person or Persons as the said Trustees, or any Seven or more of them, shall, from time

Trustees may erect Turnpikes and Toll-houses;

and take the Tolls following thereat,

to time, appoint for that Purpose, before any Horse, or other Cattle, Coach, Waggon, or other Carriage, shall be permitted to pass through any Turnpike to be erected in pursuance of this Act; that is to say,

The Tolls.

For every Horse, Mare, Gelding, Mule, or Ass, drawing any Waggon, Wain, Cart, or other Carriage, Four Pence.

For every Horse, Mare, Gelding, Mule, or Ass, drawing any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Hearse, or Litter, Three Pence.

For every Horse, Mare, Gelding, Mule, Ass, or other Beast of Burden, laden or unladen, and not drawing, One Penny.

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

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

Tolls may be levied by Distress and Sale.

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll: And if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed to collect the said Tolls, to levy the same by Distress of any Horse or Horses, or other Cattle, or of any Carriage, upon which any Toll is by this Act imposed, or by Distress of any of the Goods and Chattles of such Person and Persons respectively; and if such Tolls, and the reasonable Charges of such Distress, shall not be paid within the Space of Four Days, such Person or Persons so distraining may sell the Horses, Cattle, Carriage, and Goods, so distrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Toll, and reasonable Charges of distraining and keeping the same, shall be deducted and paid: And that all the Tolls and Monies so to be collected or levied, and the Monies borrowed on the Credit thereof, shall be, and are hereby, vested in the said Trustees; and shall be paid, applied, and disposed of, to and for the several Uses, Intents, and Purposes, and in such Manner, as is herein mentioned.

Distress may be sold after 4 Days.

Tolls vested in the Trustees.

No Turnpike to be erected across the Road within a certain Distance of *Heytesbury*.

And be it further enacted by the Authority aforesaid, That no Turnpike shall be erected across the Road which leads from Warminster to the Direction Post where the

Roads

Roads divide which lead to Salisbury and Amesbury, within the Distance of One Mile from the Town of Heytesbury.

Provided always, That the Trustees shall not be restrained from erecting any Number of Side-gates, which they shall think fit, upon any Part or Parts of the said Road, to prevent Persons evading the Payment of the Tolls hereby granted, or any Part or Parts thereof; any thing herein contained to the contrary notwithstanding. Proviso.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, and they are hereby impowered to order such Part and Proportion of the Tolls hereby made payable, to be collected at such and so many Gates to be erected in pursuance of this Act as they shall think proper. Trustees may apportion the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to cause to be erected, set up, and provided, One or more Turnpike or Turnpikes, Toll-house or Toll-houses, on the Side or Sides of any of the said Roads, cross any Lane or Way leading into the same, and to cause such Tolls to be collected and levied at such respective Turnpikes as are by this Act made payable upon the said respective Roads, so as that the same do not extend to a Double Charge, or subject any Person to the Payment of a larger Toll than is herein before appointed to be paid for afterwards passing or repassing the same Day through all or any of the Turnpikes herein before authorized to be erected cross the said respective Roads. Trustees may erect Side-gates, and take Tolls thereat; so as the same do not extend to a Double Charge.

And whereas the Trustees may find it necessary, in order to prevent evading the Tolls by this Act granted, to erect a Side-gate at or near Heytesbury across the Road which leads from Maiden Bradley through Longbridge Deverel, over Sutton Common, through Newnham, in the Parish of Sutton Veny, over Norton Water, to join the Turnpike Road at or near Heytesbury aforesaid; and if any Act of Parliament should hereafter be made for repairing that Road, and a Turnpike should be erected at or near Heytesbury, such Side-gate would then be unnecessary; be it therefore enacted by the Authority aforesaid, That if any Act of Parliament shall hereafter be made for repairing the Road from Maiden Bradley through Longbridge Deverel, over Sutton Common through Newnham, in the Parish of Sutton Veny, over Norton Water, to join the present Turnpike Road at or near Heytesbury, and a Turnpike should be erected there, that then, Trustees may make a temporary Side-gate.

for

for and during such Time only as such Turnpike shall continue, no Side-gate as aforesaid shall be suffered to remain there; any thing contained in this Act to the contrary notwithstanding.

Tolls to be paid but Once a Day.

Provided always, and it is hereby further enacted and declared, That no Person or Persons who shall have paid the Tolls hereby granted, at any Turnpike to be erected cross or on the Sides of the said Roads, shall be liable or subject to the Payment of any further or other Toll for passing or repassing any Time or Times through the same, or any other Turnpike or Turnpikes to be erected as aforesaid, with the same Horse, Mare, Gelding, or other Cattle, Coach, Waggon, or other Carriage, on the same Day before Twelve of the Clock at Night, such Person or Persons producing a Ticket denoting that the said Toll has been paid; which Ticket the said Collector and Collectors is and are hereby required to give gratis on the Receipt of such Toll.

Coaches, &c. lying on the Road, not to pay Toll the next Morning.

Provided always, That if any Coach, Chariot, Berlin, Calash, Chaise, Chair, Waggon, Car, Cart, Wain, or other Carriage, Horse, Mule, Ass, or Drove of Cattle, Calves, Hogs, Sheep, or Lambs, shall pass through any Gate or Turnpike, to be erected by virtue of this Act, (for which the Tolls hereby imposed have been paid,) and shall stay the Night following at Warminster; that then and in such Case the Owner or Driver of such Coach, Chariot, Berlin, Calash, Chaise, Chair, Waggon, Wain, Cart, or Carriage, Horse, Mule, Ass, or Drove of Cattle, Calves, Hogs, Sheep, or Lambs, (upon producing a Ticket or Tickets denoting such Payment,) shall not be obliged the next Day to pay any Toll hereby imposed for passing through any Turnpike or Gate so to be erected, provided the same pass or return before Twelve of the Clock at Noon; any thing herein contained to the contrary notwithstanding.

Exemptions from Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be charged with any of the Tolls aforesaid, for any Horses or Carriage passing through any of the Turnpikes, to be erected by virtue of this Act, carrying any Quantities of Stones, Gravel, or other Materials for repairing of the said Roads, or any of the Roads in the Parishes in which the same do lie, or in any of the neighbouring Parishes, or that shall carry through the said Turnpikes any Dung, Mold, Rubbish, or Compost of any Nature or Kind whatsoever, for manuring of Gardens or Land; nor shall any Person or Persons be chargeable with the said Tolls for any Waggons or Carriages carrying any

Wood, Hay, or Corn in the Straw, to be laid up in the Houses, Outhouses, or Barns, of the respective Inhabitants of the several Parishes, Liberties, Divisions, and Appendices, in which the said Roads, hereby intended to be repaired, do lie; provided such Hay be the Produce of Lands occupied or rented by such Person or Persons as aforesaid, for the Space of One Year at least before such Hay or Straw was cut or mowed; nor for any Horses, Mules, or Asses, carrying Coals into or out of the said Town of Warminster, or carrying any Grist to or from any Mill within Three Miles of the said Town; nor for any Ploughs, Harrows, or other Implements of Husbandry, nor for any other Things whatsoever employed in Husbandry, or in manuring and stocking of Lands in the respective Parishes through which the said Roads do lead; nor shall any Toll be demanded or taken for any Waggons or Carriage which shall pass empty into the said Town of Warminster, in order to be loaded with Coals there, and shall return so loaded through any Turnpike or Turnpikes; or for any Horses, Waggons, or Carriages, carrying Timber or other Materials for Building, within any of the Parishes through which any of the Roads aforesaid lead; nor for any Horse or Cattle going to or from Water or Pasture, or for any Post-horse carrying the Mail or Packet; or for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, or Passenger on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Wilts, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded; or for the Horses of any Soldiers upon their March, or for Carts, Carriages, or Waggons attending them; or for Horses, Carts, or Waggons travelling with Vagrants sent by legal Passes; or for any Horse which is used only to be rode by the Owner or Driver of any Waggon, Cart, or Carriage, passing through any of the said Turnpikes, provided such Horse pass with such Waggon, Cart, or Carriage: And if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person for every such Offence shall forfeit and pay the Sum of Twenty Shillings.

Penalty of making illegal Claims.

And be it further enacted by the Authority aforesaid, That if any Person shall with any Horse, Cattle, or Beast, or Carriage, pass through any Land, Ground, or Hereditaments, lying near any Turnpike, which shall be erected by virtue of this Act, the same not being a publick Highway, or if any Owner or Occupier of any such Ground,

Penalty on passing thro' private Passage.

Ground, Land, or Hereditaments, shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same, or if any Person or Persons shall give to or receive from any Person or Persons, or forge or counterfeit any Ticket, by this Act directed to be given, whereby the Payment of any of the said Tolls, or of any Part thereof, shall be avoided, or if any Person or Persons shall forcibly pass through any such Turnpike with any Horse, or other Cattle or Beast, or shall take off or cause to be taken off any Horse or other Cattle from any Carriage, or shall leave or cause to be left upon or near to any Part of the said Road any Carriage, Horse, Cattle, or Beast, with Intent to avoid the Payment of any of the said Tolls, or of any Part thereof, or with such Intent, shall unload any Goods from any Horse, Cattle, Beast, or Carriage, or secrete any Goods chargeable with any such Toll, every Person, so offending in any of the Cases aforesaid, shall for every such Offence forfeit the Sum of Twenty Shillings; whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties and Forfeitures are herein after directed to be applied.

to avoid paying the Tolls.

Trustees may lessen the Tolls.

And be it further enacted and declared by the Authority aforesaid, That the said Trustees, or any Nine or more of them, at any Meeting to be held for that Purpose, whereof Twenty Days Notice shall be affixed in Writing upon the Town Hall in Warminster, may and they are hereby impowered from time to time to reduce all or any of the several Tolls hereby granted; and to order such Tolls so reduced to be collected and received in such Manner, Parts, and Proportions, as they shall think fit, so as such Reduction be no Prejudice to, or be with the Consent of, the several Persons who shall have advanced any Money on the Credit of the said Tolls, or to any Person or Persons who at the Time of such Reduction shall have any Money secured thereby; and to raise the same again, or any Part thereof, so as the same do not exceed the respective Rates herein before granted; and such Tolls so reduced or raised again, shall be collected, recovered, and applied, in the same Manner as the Tolls herein before granted are directed to be collected, recovered, and applied.

Tolls to be a Security for Money due.

Provided always, That the Tolls to be collected by virtue of this Act, shall be, and the same are hereby declared to be, a Security as well for the Repayment of all the Money now due upon the Credit of the said former

mer Acts, as for the Money which shall or may be borrowed upon the Credit of this Act.

Charges of passing this Act to be first paid.

And be it further enacted by the Authority aforesaid, That out of the First Tolls to be collected at the several Turnpikes so to be erected as aforesaid, the said Trustees, or any Five or more of them, shall first pay and discharge the Expences of procuring and passing this Act, and of erecting and setting up such Turnpikes and Toll-houses as aforesaid, together with such other Sums as are by this Act directed to be paid; and from and after such Charges, Expences, and Payments, shall be made and satisfied, then and from thenceforth the said Tolls shall be applied and disposed of in the repairing, widening, and keeping in Repair, the said several Roads, according to the true Intent and Meaning of this Act.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That the Money received and arising at each and every separate Gate upon the said Roads, after defraying the Expences of collecting the same, and after paying a proportionable Part of the Interest of the Money borrowed and to be borrowed, and of the Expences of the Clerk and Surveyor's Salary (which Proportion shall be settled by the said Trustees, or any Seven or more of them) shall be separately, particularly, and distinctly applied towards repairing and amending that Part of the Road only on which such Gate doth stand, and to no other Use or Purpose whatsoever: And the respective Clerks and Surveyors of the said Roads are hereby required to keep separate and distinct Accounts of the Money received at each and every separate Gate, and of the Disbursements on each and every Branch of Road respectively, and to deliver in the same to the Trustees at their respective Meetings for the Purposes aforesaid.

Application of the Surplus.

Provided always, and be it further enacted by the Authority aforesaid, That if at any Time there shall be any Surplus of Tolls collected at the Gate called and known by the Name of the East Gate, more than shall be necessary for repairing and keeping in Repair the several Roads leading to and from the said East Gate, and other necessary Expences relating thereto, that then the said Trustees, or any Five or more of them, may apply the Surplus of such Tolls to the Repair of the Road leading from the Gate called the South Gate to East Knoyle aforesaid; any thing in this Act to the contrary notwithstanding.

Property of Turnpikes and Toll-houses vested in Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the said Turnpikes and Toll-houses, and of the Materials for building

the

the ſame, and for repairing the ſaid Roads, ſhall be veſted in the ſaid Truſtees, and they, or any Five or more of them, are hereby authorized and impowered to bring Actions in the Name or Names of any One or more of them, or of their Clerk or Clerks, Treaſurer or Treaſurers, or to prefer Bills of Indictment againſt any Perſon or Perſons, who ſhall ſteal, take away, break down, or damage, any ſuch Turnpikes, Toll-houſes, or Materials, or diſturb them in the Poſſeſſion thereof.

Tolls may be aſſigned for Money borrowed.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, at any Meeting to be held for that Purpoſe (whereof Twenty Days Notice ſhall be given in Writing to be affixed upon the Town Hall in Warminſter) may and they are hereby impowered, from time to time, by any Writing or Inſtrument under their Hands and Seals, to aſſign over or mortgage the Tolls to be collected and levied at the ſaid Turnpikes, or any Part thereof (the Charges of aſſigning or mortgaging the ſame to be paid out of ſuch Tolls) for any Term during the Continuance of the ſaid former Acts and of this preſent Act, as a Security or Securities for any Sum or Sums of Money to to be borrowed by the ſaid Truſtees, or any Seven or more of them, upon the Credit of ſuch Tolls, to ſuch Perſon or Perſons, or his, her, or their Truſtee or Truſtees, who ſhall advance and lend the ſame, to ſecure the Repayment thereof, with legal or leſs Intereſt; which ſaid Money ſo borrowed ſhall (after paying the Expences of procuring this preſent Act) be applied and diſpoſed of for the Purpoſes of this Act, according to the true Intent and Meaning thereof, and to no other Uſe or Purpoſe whatſoever; and that the ſaid Mortgages or Aſſignments may be, from time to time, aſſigned over by the Perſon or Perſons to whom the ſame ſhall be reſpectively made, his, her, or their Executors, Adminiſtrators, or Aſſigns, to any other Perſon or Perſons whomſoever; and that Copies of all and every the Mortgages or Aſſignments, ſo to be made as aforeſaid, ſhall be entered at Length in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks to the ſaid Truſtees, who ſhall be paid Two Shillings and Six Pence, and no more, by the reſpective Perſons in whom ſuch Mortgages or Aſſignments ſhall be veſted for every ſuch Entry; which ſaid Book or Books ſhall and may be peruſed at all ſeaſonable Times, by any Perſon or Perſons whomſoever, without Fee or Reward.

Aſſignments to be entered in a Book.

And

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at a Meeting to be held for that Purpose (whereof Ten Days Notice shall be given in Writing, affixed upon the Town Hall in Warminster) by any Writing under their Hands and Seals, shall and may nominate and appoint One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, and Collector or Collectors of the Tolls aforesaid, and shall take such Security for the due Execution of their respective Offices as they the said Trustees shall approve of, and that such Securities shall be lodged with the Clerk of the Peace for the said County of Wilts; and also One or more fit Person or Persons to be Surveyor or Surveyors, to view the Condition of the said Roads, and to see that the same be duly repaired and widened, and also such other Officers as they shall think necessary to employ in the Execution of this Act; and from time to time to remove such Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers, as they shall see Occasion, and appoint new ones in Cases of Death, or such Removal; but no Person shall be capable of holding any Place of Profit under the said Trustees, who shall sell any Ale, Wine, or other Spirituous Liquors by Retail; and the said Tolls shall be paid, after the Rates aforesaid, to such Person or Persons as shall from time to time be so appointed to receive the same: And the said Treasurers, Receivers, Collectors, Surveyors, and other Officers, and all other Persons who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall from time to time, as often as they, or any of them, shall be thereunto required by the said Trustees, or any Five or more of them, give unto such Trustees true and perfect Accounts in Writing, under their respective Hands, of all the Monies which shall have been by them respectively collected or received, and how and to what Uses the same have been paid and applied, together with proper Receipts and Vouchers for such Payments, and shall pay all such Monies as shall remain in their Hands to the said Trustees, or any Five or more of them, or to such Person or Persons, or to such Uses and Purposes, as they, or any Five or more of them, shall direct and appoint; and that all such Officers and other Persons shall verify such Accounts upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oath any One of the said Trustees is hereby impowered to administer); and if any of the said Officers,

Trustees to appoint Officers,

and remove them, and appoint others.

Officers to account upon Oath.

or other Persons, shall not give such Account, or shall refuse to verify the same in Manner aforesaid, that then, and in any or either of the said Cases, it shall be lawful for any Two Justices of the Peace for the County or Division where such Officer or other Person shall reside; and such Justices are hereby authorized and required to make Enquiry 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 the said Justices are hereby impowered and required to administer without Reward) and if any such Person shall be thereof convicted, such Justice shall commit the Party to the common Gaol of the County of Wilts, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account, and verify the same in Manner as aforesaid: And in case any of the said Officers, or other Persons shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, it shall be lawful for any Two Justices of the Peace for the County or Division where such Person or Persons shall reside, to make Enquiry touching such Neglect or Refusal in a summary Way, in Manner as aforesaid; and by Warrant under their Hands and Seals to cause such Sum or Sums of Money, as shall appear to them to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattles of such Person or Persons, rendering the Overplus (if any) after the Money remaining due, and the Charges of making such Distress and Sale shall be deducted, unto such Person or Persons upon Demand; and if sufficient Distress cannot be found, then the said Justices, or any other Two Justices of the Peace, shall commit such Person or Persons to the common Gaol of the County of Wilts, there to remain without Bail or Mainprize, until he or they shall have paid over such Monies in Manner as aforesaid, or compounded for the same, and paid such Composition Money to the said Trustees, or any Five or more of them, or to such Person as they, or any Five or more of them, shall appoint to receive the same; which Composition the said Trustees, or any Five or more of them, at any Meeting assembled, are hereby impowered to make.

Officers refusing to account,

Justices to enquire into the Default,

and levy the Balance by Distress and Sale.

For want of Distress, the Offender to be committed.

until Payment or Composition be made.

And be it further enacted by the Authority aforesaid, That out of the said Tolls, or out of the Monies to be borrowed on the Credit thereof, such Allowances and Compensation shall be made to the Collector and Collectors, Surveyor and Surveyors, Clerk and Clerks, Treasurer and Treasurers, Receiver and Receivers, and other

Trustees to allow Officers Salaries.

other Officers to be appointed and employed as aforesaid, for and in Consideration of his and their Care and Pains respectively taken in the Execution of his and their respective Offices; and to such other Person and Persons as shall be assisting in and about procuring the said Roads to be amended, widened, or repaired, by advancing or laying out any Money, or otherwise relating thereto, as to the said Trustees, or any Five or more of them, shall seem reasonable.

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

Provided always, That as often as any Collector of the said 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 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 Seven of more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls.

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

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor and Surveyors, and such Persons as he or they shall appoint, to search for, dig, gather, and take away any Gravel, Furze, Heathy Sand, Stones, or other Materials for repairing the said Roads, in, and out of any River or Brook, or out of any Waste or Common of or in any Parish, Town, Village, or Hamlet, in or near which any Part of the said Roads doth lie, without paying any thing for such Materials; such Surveyor or Surveyors causing to be levelled all such Holes and Pits, or otherwise to be fenced or railed about, where and from whence any such Materials shall be digged, gathered, or taken away, in such Manner as that the same shall not be dangerous to Travellers or Cattle, and paying for the Damages done by Landing, and for going over or through any Lands or Grounds for or with such Materials, to be ascertained as after-mentioned; and also it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person and Persons as he or they shall appoint (such Surveyor or Surveyors first having an Order from any Five or more of the said Trustees for that Purpose) to search for, dig, gather, and take away such Materials, in and out of the several Grounds of any Person or Persons (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Walks, or Avenue to a House, or any Piece of Ground inclosed, planted, and set apart as a Nursery for Trees)

without paying for the same; levelling the Pits, &c.

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

paying

paying such Rates for such Materials, and for the Damages done to the Owners or Occupiers of such Grounds where and from whence the same shall be digged, gathered, and carried away, or over which the same or any other Materials for repairing of the said Roads shall be carried, as the said Trustees, or any Five or more of them, shall adjudge reasonable: And in case of any Difference concerning the same, the Justices of the Peace, or the major Part of them, at the next General Quarter Sessions, or at the Second General Quarter Sessions at the farthest, to be holden in and for the said County of Wilts, shall and may adjudge, assess, and finally determine the same.

Justices to determine Differences.

Surveyors may remove Annoyances, &c.

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

and cut down Trees,

the Owners neglecting to remove the same after Notice;

the Charges to be reimbursed the Surveyor.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, Causeways and Drains in and upon the said Roads, and also Ditches and Drains through any Grounds lying contiguous thereto, and to erect Arches upon the said Roads; making such reasonable Satisfaction to the Owners or Occupiers of such Grounds respectively through which any such Drain shall be made, or on which such Arches shall be erected, for the Damages which such Owners or Occupiers respectively shall or may sustain thereby, as shall be adjudged reasonable by the said Trustees, or any Five or more of them: And in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, that then it shall and may be lawful for the Justices of the Peace, or the major Part of them assembled at the then next General Quarter Sessions for the said County of Wilts, or at their Second Quarter Sessions at the farthest, to settle and adjudge and finally determine what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid.

Surveyors may make Causeways, &c.

making Satisfaction to the Owners.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That in case the said Trustees appointed or to be appointed to put this Act in Execution, or any Seven or more of them, shall at any Time or Times hereafter, during the Continuance of this Act, think proper to enlarge or widen any Part or Parts of the Roads, or make any new Road or Roads contiguous or adjacent to the said Roads hereby directed to be repaired, or any of them, for the better Accommodation of Coaches, Carriages, and Passengers, that then it shall and may be lawful for the said Trustees, or any Seven or more of them, and they are hereby authorized and impowered to contract with the Owner or Owners of the Lands lying on either Side of the Road or Roads to be enlarged or widened, or through which any new Road or Roads made contiguous or adjacent to any Part or Parts of the Roads hereby directed to be repaired shall lead, for the absolute Purchase of so much and such Part or Parts of such Lands, as they the said Trustees, or any Seven or more of them, shall think proper and necessary for the enlarging, widening, or making any new Road or Roads, or any Part thereof; and if the said Trustees and Owner or Owners cannot agree as to the Price or Prices, or Values of the Lands so intended to be purchased, then, and in such Cases, the said

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

Owners neglecting to treat, &c.

Trustees, or any Seven or more of them, may, and are hereby authorized and impowered, Six clear Days before any General Quarter Sessions of the Peace to be holden for the said County of Wilts, to give or cause to be given to such Owner or Owners, and other Persons interested in such Lands, or to be left at their last Places of Abode respectively, with some or One of their respective Families, a Notice in Writing, denoting and describing the respective Quantities of Land so intended to be purchased and laid into the said Roads, and the Places where the same shall lie, and purporting, that the Value and Values of such Lands respectively will be adjusted and settled by a Jury at the said Sessions; and the Justices at the said Sessions, upon Proof to them then and there made of such Notice or Notices having been so given, shall, and are hereby authorized and required to charge the Jury, which shall attend at such Sessions, or some other Jury of Twelve honest and substantial Men (to be then and there impanelled and returned by the Sheriff of the County without Fee or Reward) and cause them to be sworn well and truly on their Oaths, to assess the Value of the Lands comprised in the said Notices, and the Damage and Recompence to be given for the same to the respective Owner or Owners thereof, according to their respective Interests therein; which Oath the said Justices are hereby impowered and required to administer to the said Juries; and to which said Juries the said Trustees, and all Parties interested in the said Lands, shall have their lawful Challenges; and the said Jury, being so charged and sworn as aforesaid, and after proper Evidence upon Oath to them given concerning the Nature and Quantity and Value of the said Lands, shall by their Verdict assess the Damages and Recompence to be given for the said Lands to the respective Owner or Owners thereof, according to their respective Interests therein; which Verdict of the said Jury, and the Judgement of the said Justices upon the same, shall finally bind, and be conclusive to the said Trustees, and all Persons and Parties interested in the said Lands; and that from and after such Verdict and Judgement, and after Payment or Tender of the Damages and Recompence therein and thereby found, or directed to be given for the said Lands to the respective Owner or Owners thereof, or after the Execution of any Conveyance of the said Lands to the said Trustees, or any Five or more of them, by the respective Owner or Owners thereof, and Payment or Tender of the Money thereby stipulated to be paid for the same, and which Money, Damages,

Damages to be assessed by a Jury.

Jurors may be challenged.

Verdict of the Jury to be binding and conclusive.

Damages, and Recompence the said Trustees, or any Five or more of them, are hereby impowered to pay out of the Monies which shall be borrowed, raised, and collected by virtue of this Act, the said Lands, and every Part thereof, and the Fee-simple and Inheritance thereof, and every Part thereof, shall be vested in the said Trustees and their Successors, without any Fine or Recovery, notwithstanding the same shall or may be limited and settled to, for, or upon any Use, Trust, or Limitation, in Tail, Remainder, or otherwise, and notwithstanding any Politick, Corporate, or other Interest therein; and that then, and from thenceforth, the said Trustees, or any Five or more of them, or any Person or Persons by them, or any Five or more of them, for that Purpose impowered or employed, may, and is and are hereby authorized and impowered to take and lay the said Lands, and every Part thereof, into the said Road or Roads; and then, and from thenceforth for ever afterwards, the same Lands, and every Part thereof, shall be deemed, taken, and used, and the same are and is hereby made and declared to be a Part or Parts of such Road or Roads, and shall for ever thereafter be repaired, and kept in Repair, as Part of such Roads respectively; any Right, Title, Interest, Law, Custom, or Usage, to the contrary thereof in any wise notwithstanding.

Lands, &c. purchased to be laid into the Roads, and esteemed a publick Highway.

Provided always, and it is hereby enacted and declared, That the Power and Authority given to the said Trustees as aforesaid, shall not extend to the pulling down any Dwelling-house or other Building, or taking in the Site of any House or other Building, or to take any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House; any thing herein contained to the contrary notwithstanding.

Buildings, &c. not to be injured.

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

Trustees not to act where interested.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who before the making this Act hath or have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Roads hereby intended to be repaired, shall, notwithstanding this Act, be subject and liable to and charged and chargeable

Lands, &c. chargeable to the Repair of the Roads, to continue so.

ble with the repairing and keeping in Repair the same Parts of the same Roads, in the same Manner as he, they, and every of them hath or have heretofore usually done or ought to do: and that the Inhabitants of the several Parishes, Hamlets, and Places, through which the several Roads do lie, who by the Laws and Statutes of this Realm are or shall be obliged or liable to work in the Highways for the repairing thereof, commonly called Statute-work, shall still be subject and liable to do the same Work, and shall and are hereby required to do and perform such and so many Days Work in such Parts of the said Roads by this Act intended to be repaired, and lying within the said Parishes, Hamlets, or Places, in which such Inhabitants respectively shall live, at such Times and in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them authorized, shall direct or appoint; and that every Inhabitant of the said Parishes, Hamlets, and Places, respectively, who shall rent, hold, or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team and shall do and perform such Work in and towards repairing the Highways of the several Parishes, Hamlets, and Places, in which they respectively live, as Persons keeping Teams are obliged by Law and ought to do.

Inhabitants to do Statute-work.

Persons renting 50 *l. per Ann.* deemed Team-holders.

And, to the End that the said Trustees may the more certainly know the Inhabitants of all the Parishes, Hamlets, and Places, wherein the Roads by this Act intended to be repaired do lie, who are liable to do Statute Duty in their Highways, and what Sort of Duty they ought respectively to do; be it further enacted by the Authority aforesaid, That the Surveyors of the Highways of and for every of the Parishes, Hamlets, and Places where, or in or for which any such Surveyor or Surveyors usually have been or ought to be chosen, shall and are hereby required, before the Twenty fifth Day of March, in every Year during the Continuance of this Act, to return and deliver in to the said Trustees, at their Meetings to be by them held, or to the Collectors or Receivers of the Tolls by this Act made payable at the respective Gates or Turnpikes by virtue of this Act set up, true and perfect Lists, in Writing under their respective Hands, of the Names of all the Inhabitants of such Parishes, Hamlets, and Places, respectively, that are liable to do their Statute Duties in and upon the Highways; and shall in such Lists and every of them distinguish and set forth which of such In-

Surveyors of the Highways to deliver in Lists of Persons chargeable with Statute-work.

habitants shall, and by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams.

Penalty on Surveyors neglecting to deliver in such Lists,

And be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the several Parishes, Hamlets, or Places through which the several Roads by this Act intended to be repaired do lead, shall not deliver in Lists of the Inhabitants of their several Parishes, Hamlets, or Places, to the Person or Persons, or by such Times and in such Manner as by this Act is directed and required to be delivered, such Surveyor or Surveyors, and every of them, shall forfeit and pay for every such Default the Sum of Fifty Shillings: And if any or either of the Inhabitants of the said several Parishes, Hamlets, or Places, being obliged or liable by Law to do Statute Duty in and upon the Highways, shall not do such Statute-work in or upon the said respective Roads, at such Times and Places, and in such Manner as they shall by the said Trustees, or any Five or more of them, or by the Surveyor or Surveyors by them authorized, be directed or appointed to do by virtue of this Act, such Inhabitants and every of them shall for every such Neglect or Default forfeit and pay the several Sums herein after mentioned; that is to say, every such Inhabitant or Person who shall keep or by virtue of this Act shall be deemed to keep a Team, for every Day's Default 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 Six Pence.

and on Persons not performing Statute-work.

Trustees may compound for Statute-work.

Provided always, and be it further enacted, That the said Trustees, or any Seven or more of them, or the several Surveyors to be by them appointed by virtue of this Act, being authorized or impowered so to do by the said Trustees, or any Seven or more of them, may and they are hereby authorized and impowered to compound with the several Inhabitants of the several Parishes, Hamlets, and Places, through which the several Roads hereby intended to be repaired, or any Part or Parts thereof, do or doth lie, for the several Days Statute-work to be by them respectively done upon the said Roads, at and for such Rates and Sums of Money, by the Day or otherwise, as they the said Trustees, or any Seven or more of them, or Surveyors and Inhabitants respectively shall agree upon; which said Money shall be instantly paid to the said Trustees, or any Seven or more of them, or to their Appointment.

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

Provided always, and be it enacted, That if the Surveyor or Surveyors of the Highways for the time being of the several Parishes, Hamlets, or Places, wherein the Roads intended by this Act to be repaired do lie, shall think the said Trustees, or the Surveyor or Surveyors by them authorized, have directed or appointed too large a Proportion of the Statute-work in any Parish, Hamlet, or Place, to be done on the Roads by this Act directed to be repaired, it shall and may be lawful for such Surveyor or Surveyors of the Highways aforesaid, to appeal to the Quarter Sessions of the Peace, next after such Direction or Appointment, to be held for the County of Wilts; and the Justices in their said Quarter Sessions are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work in any Parish, Hamlet, or Place, shall be done on the Roads by this Act directed to be repaired, such Surveyor or Surveyors of the Highways as aforesaid, having first given Six Days Notice in Writing of such Appeal to the Surveyor or Surveyors authorized by the said Trustees as aforesaid.

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

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

Composition-money to be levied by Distress and Sale.

as

as aforesaid; and such Goods and Chattles so distrained, after the Space of Four Days (such Composition-money, and the reasonable Charges of distraining and keeping the same, not being paid) to sell, returning the Overplus (if any) to the Owner or Owners thereof, upon Demand, after the Composition-money, and all reasonable Charges of such Distress and Sale, shall be deducted; which Composition-monies shall be applied in such Manner towards repairing the said respective Roads, as the said Tolls are herein before directed to be applied, and to no other Use or Purpose whatsoever; and such Surveyors and other Persons by whom such Composition shall be made on the Behalf of any Parish, Township, or Place as aforesaid, shall be reimbursed such Composition-money, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

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

And be it further enacted, That the said Trustees, or any Five or more of them, shall, where the same is not already done, cause the said Roads to be measured, and Stones or Posts to be set up in or near the Sides of the said Roads, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from any Town or Place, as to the said Trustees, or any Five or more of them, shall seem meet: And if any Person shall wilfully pull up or damage any of such Stones or Posts already erected or to be erected, or any Part thereof, or shall obliterate or deface any of the Letters, Figures, or Marks, which shall be inscribed thereon, and be convicted thereof by the Confession of the Party, or by the Oath of One credible Witness, before One or more Justices or Justices of the Peace for the said County (which Oath the said Justice or Justices is and are hereby impowered to administer) every such Person shall forfeit the Sum of Forty Shillings for every such Offence, to be levied by Distress and Sale of the Goods and Chattles of such Offender, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in repairing such Stones or Posts, or in supplying of new ones in their Stead; and if there shall be any Overplus, the same shall be laid out in repairing the Roads hereby directed to be repaired; and in case sufficient Distress cannot be found, it shall be lawful for the said Justice or Justices, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender to the House of Correction for the Space of One Calendar Month, there to remain without

Road to be measured, and Mile-stones erected.

Penalty on defacing Mile-stones, &c.

out Bail or Mainprize until he or she shall have paid the Sum of Forty Shillings, or until the Expiration of the said Calendar Month.

Penalty on hawling Timber otherwise than on Wheel Carriages.

And be it further enacted by the Authority aforesaid, That if any Person shall hawl or draw, or cause to be hawled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon Wheel Carriages, to drag upon any Part of such Roads to the Prejudice thereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Penalties and Forfeitures how to be recovered and applied.

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

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted, That in case any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, it shall be lawful for such Person to appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be held in and for the said County of Wilts; or in case the said Cause of Complaint shall arise within Fourteen Days next before such General Quarter Sessions of the Peace, then such Appeal may be made to the said Justices at the Second General Quarter Sessions of the Peace to be held for the said County, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any such Person in a summary Way; and, if they see Cause, may, by Order of such Sessions,

mitigate, at their Diſcretion, all or any of the Penalties aforeſaid, or vacate and ſet aſide the Conviction, and ſet the Party at Liberty, or otherwiſe may ratify and confirm the ſame, with ſuch Coſts as to them ſhall ſeem reaſonable; and to make ſuch Orders and Judgements in regard to the Premiſſes as they ſhall think fit; but the Perſon ſo appealing ſhall give Notice in Writing to the ſaid Treaſurer or Treaſurers of ſuch his or her Intention of bringing ſuch Appeal, and of the Cauſe or Matter thereof, Eight Days before the ſaid Quarter Seſſions. Notice of Appeal to be given.

Provided alſo, 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 of any Offender or Offenders againſt this preſent Act, ſhall be quaſhed or vacated for want of Form only; or be removed or removable 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 quaſhed for want of Form, nor removable by *Certiorari*.

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

And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall meet at the George Inn in Warminſter, on the Firſt Tueſday in April, One thouſand ſeven hundred and ſixty five, and proceed to the Execution of this Act, and adjourn themſelves from time to time, and afterwards meet there, or at any other Place in or near any of the ſaid Roads, as the ſaid Truſtees, or any Five or more of them, ſhall think moſt convenient, Time and Place of Truſtees Meeting.

nient, as often as it shall be necessary for putting this Act in Execution: And if it shall happen, that there shall not appear at any Meeting a sufficient Number of Trustees to act, and to adjourn to another Day, the Clerk or Clerks to the Trustees shall, by publick Notice in Writing to be affixed on all the said Turnpikes at least Ten Days before the next Meeting, appoint the said Trustees to meet at the House where the last Meeting was appointed to be held, or at some other convenient House in or near any of the said Roads, on that Day Month from the Day on which such Meeting was appointed to have been held; and that the said Trustees, at all their Meetings, shall defray their own Charges and Expences.

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

Trustees to defray their own Expences.

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

Trustees not to accept of a Place of Profit under this Act.

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

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

Provided also, and be it further enacted, That all Orders and Proceedings of the Trustees 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 said Trustees at any Meeting of Five or more of them; which said Book or Books, and also the said Book directed to be kept for registering the said Mortgages and Assignments, shall and may be read in Evidence in all Cases of Appeal, and in all Suits or Actions touching any Thing done in pursuance of this Act.

Proceedings, &c. to be entered in a Book.

Provided also, and be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any Power or Authority hereby granted, shall be charged or chargeable with any Stamp Duty whatsoever.

Writings to be without Stamps.

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

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

FINIS.