Anno quinto

Georgii III. Regis.

An Act to continue the Term, and enlarge the Powers, of an Act paſſed in the Second Year of the Reign of His preſent Majeſty, for repairing and widening the Road from *Mullens Pond*, in the County of *Southampton*, to the Eighteen Mile Stone from the City of *Salisbury*, and ſeveral other Roads in the ſaid Act mentioned; and alſo for repairing and widening ſeveral other Roads leading out of the ſaid Roads, and for other Purpoſes therein mentioned.



WHEREAS by an Act paſſed in the Second Year of the Reign of His preſent Majeſty, for repairing and widening the Roads from Mullens Pond, in the County of Southampton, to the Eighteen Mile Stone from the City of Saliſbury, near Willoughby Hedge, and from Weſt Ameſbury to Anſtlow Hill, and from Ameſbury to Fiddleton, and from the New Inn in Ameſbury, to the End of the Pariſh leading to Durrington, and from Wily to Cook's Houſe and Landford, and from Beacon Hill to the Nag's Head, and from Preamble.

from thence One Mile of the Road leading to Shrewton, in the County of Wilts, several Tolls or Duties were made payable, and several Powers were granted for repairing the said Roads; which Act was to take Place and have Continuance from the passing thereof for the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament: And whereas the Trustees appointed for that Purpose by the said Act have proceeded in some Manner towards putting the same in Execution, and have borrowed a considerable Sum of Money upon the Credit of the Tolls thereby granted; but forasmuch as the Objects of the said Act are not sufficiently ascertained and defined, and the Powers thereby given are not so limited as to ensure a direct and steady Execution thereof, insomuch that the said Roads cannot be competently repaired, nor the Money borrowed be repaid, unless the Term and Continuance thereof shall be prolonged, and the Powers thereby created shall be corrected, extended, and enlarged: And whereas a certain high Road leading out of the aforesaid high Road from Amesbury to Mullens Pond on the North Side thereof, at or near a certain Place called the Thruxton Inclosures, over an open Ground called the Cow Downs, to a certain other Place called Kempton Bushes; and from thence across another Ground called Kempton Field, to the Blacksmith's Shop in Littleton, in the said Parish of Kempton; and from thence Eastward along the high Road to Weyhill, for the Length of Fifty Yards; and also a certain other Road leading out of the said Road from Amesbury to Mullens Pond, on the South Side thereof, at a Place about half a Mile to the West of the said Pond, and leading to a Place called Jennings's Well; and from thence through a Lane called Salters Lane, in the Parish of East Cholderton; and from thence Northwards, through another Lane directly to Mullens Pond aforesaid; and also a Third high Road leading out of the said last mentioned Lane on the East Side thereof, into the Turnpike Road to Andover; are narrow, ruinous, inconvenient to Travellers, and not capable of sufficient Repair by any Means hitherto provided in the Law, and it will be convenient to the Inhabitants of the Country, that the Road leading from the Top of Anstrow Hill, to the Junction of the Roads leading from Amesbury and Salisbury, near the East End of the Town of Heytesbury, should be repaired by virtue of this Act: 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 ſeveral Roads mentioned in the Act herein before recited and made in the Second Year of his preſent Majeſty's Reign; and alſo the ſeveral other Roads herein before mentioned, ſhall be widened, altered, repaired, and ſuſtained, in as ample and beneficial a Manner for Travellers, as in and by the ſaid Act is provided; and that this Act ſhall continue in Force during the Term now to come and unexpired of the ſaid recited Act, and from thence for and during the further Term of Twenty one Years, and from thence to the End of the then next Seſſion of Parliament, and that all other Powers, Puniſhments, Forfeitures, Penalties, Proviſions, Clauſes, and Matters therein contained, ſhall from henceforth ſtand fully and abſolutely repealed; and that the ſaid Roads ſhall be widened, altered, repaired, and ſuſtained, and the Tolls hereby granted, ſhall be received, collected, applied, and managed, by and according to the Powers and Proviſions herein after for that Purpoſe ſet forth, and not otherwiſe; any thing in the ſaid recited Act, or any Law to the contrary in any wiſe notwithſtanding.

And, to the End that this Act of Parliament, and the ſeveral Powers and Proviſions thereof, may be carried into faithful, perfect, and immediate Execution; be it further enacted, 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, the Honourable Robert Sawyer Herbert, the Honourable Nicholas Herbert, the Honourable Edward Boverie, the Honourable Thomas Arundell, the Honourable James Everard Arundell, the Honourable and Reverend Thomas Howe, Lieutenant General A'Court, Henry Archer, Pierce A'Court Aſhe, Ambroſe Audry junior, John Audry, Eſquires; John Ametts, Charles Aldridge junior Gentleman, Sir Brian Broughton Baronet, Sir Edward Bayntun Baronet, Peter Bathurſt, William Blackſtone, Anthony Blagrave, Charles Berkeley, William Bleeck junior, Harry Earl Benſon, John Bradford, Thomas Buckler, Humphrey Buckler, William Buckler, William Beach of Fiddleton, Thomas Bennett, John Bennett junior, Robert Balch, William Beckford, William Burleton, John Butcher, Peregrine Bertie, Eſquires; John Ballard Doctor in Divinity, the Reverend Doctor Barnes, William Bowles, Montagu Barton, William Barford, John Barton, Richard Barford, Clerks; William

Truſtees Names.

William Bowlting, John Birckendon, John Butt, Kittle Burton, Jonathan Butler, Richard Bird, John Berrott, Samuel Berrott, Samuel Biggs, Edward Butler, Thomas Biggs, William Bayley, Balch of Stockton, James Bloxham, William Bracher, John Bracher, Nicholas Baverſtock, William Blake, Gentlemen; James Calthorpe Eſquire, Abraham Clavey Clerk, Roger Cannon, James Cockle, Nicholas Cockle, Richard Child, William Cooper of Munſter, Thomas Cannings, Thomas Collet, Thomas Compton the elder, Edward Cockey, Thomas Compton the younger, Thomas Chivers, Henry Cooper, Thomas Clifton, Richard Crowch, John Crouch, John Crouch junior, Simon Jude Cole, Gentlemen; Henry Coulthurſt, Thomas Earl Drax, George Dewar, Peter Delme, John Duke, Robert Duke, Henry Edgell, Eſquires; John Dobſon Clerk, the Reverend John Eyre, William Eames, Ralph Etwall, Thomas Everett, William Everett, William Everett junior, Joſeph Everett, Joſeph Everett junior, John Eyre, Ralph Etwall, Henry Eyre, Edward Eyles, Gentlemen; Sir Samuel Fludyer Baronet, George Flower, James Frampton, Gorgus Foyle, Eſquires; the Reverend Foyle, Thomas Fiſher, Clerks; Iſaiah Farrington, Henry Ferris, Samuel Fennell, Edward Fricker, Edward Frowd, Thomas Fricker, Gentlemen; John Garth, Hugh Grove, William Chafin Grove, Fulke Greville, William Gore, Eſquires; the Reverend William Grove, Charles Gibbs, Clerks; John Gale, John Goddin, Joſeph Goddin, William Grey, John Goddin junior, William Gilbert, Thomas Gilbert, Gentlemen; Sir Edward Hulſe Baronet, James Harris, Henry Hoare, James Harding, Richard Hoare, Edward Hooper, Edward Hearſt, John Holder, Eſquires; the Reverend John Hawes, Charles Humphrys, Clerks; Edward Harvey, John Hughes, Henry Hindley, Giles Hillman, Roger Hall, Edward Hinton, Edward Harding, Hopkince, Thomas Hinwood, Thomas Hull, Gentlemen; the Reverend William Ingram Clerk, Robert Jennings, John Jones, Henry Ingram, William Jones, John Jennings, George Jennings, Richard Jervoiſe, Gentlemen; Joſhua Iremonger, Laſcelles Iremonger, Eſquires; Triſtram Huddleſton Jervoiſe, Thomas Johnſon, Gentlemen; Iſaac King Eſquire, George Kellow Gentleman, Sir Robert Long Baronet, Walter Long, James Long of Bratton, Richard Long, William Long of Baynton, Benjamin Lethieullier, Thomas Lockyer, Richard Lamborne, Edmund Lambert, J. Tolſon Lockyer, Eſquire; Thomas Lampard of Reyhill, Benjamin Ludlow, Richard Leverſuch, Edward Larkham, Edward Lambert, Wadham

Lock of the Devizes, William Lock, Richard Lock, Henry Lock, Thomas Lucas, Gentlemen; Henry Morley, Carey Harvey Mildmay, Paul Methuen, Edward Medlicott, Edward Morant, Eſquires; John Maſkelyn, Thomas Maſkelyn, Moulton Meſſiter, John Matrevers, Benjamin Mundy, Uriah Meſſiter junior, Robert Mills, Henry Mills, Gentlemen; John Noyes junior, Francis Newman, Paul Newman, Eſquires; William Neate, Denis Newman, John Noyes, Gentlemen; John Newman, John Overton, Thomas Prowſe, George Prowſe, John Pollin, Edward Popham, Pitt, Edward Poore of Saliſbury, William Phipps, Paul Phipps, Thomas Phipps, Thomas Phipps of Haywood, Charles Penruddock, Alexander Powel, Eſquires; Joſeph Payne Doctor in Divinity, the Reverend Charles Plucknett, the Reverend Price, the Reverend David Price, the Reverend Thomas Price, Clerks; Benjamin Peach, William Gaisford Peach, John Pugh, John Pyle, John Pollin junior, Edward Pugh junior, Nathaniel Palmer, William Potwary, Abraham Poore, Gentlemen; Chriſtopher Rawlinſon Eſquire, Richard Ring, John Rolt, John Rogers, Clerks; the Reverend John Ruſs, William Rabbits, Joſeph Rebeck, Richard Randle, Gentlemen; Sir Simon Stuart Baronet, Francis Seymour, Henry Seymour, Prince Sutton, Eſquires; Thomas Smith Doctor in Divinity, the Reverend Shepard, William Slade, Clerks; William Sanders, James Sanders, John Smith, John Sanders, William Slade, Henry Slade, John Strong, Gentlemen; Sir Charles Kemys Tynte Baronet, William Temple, John Talbot ſenior, John Talbot junior, Chauncey Townſend, Eſquires; Charles Taplin, William Tinker ſenior, William Tinker junior, Thomas Tibbs, Broncher Thring, Wrench Thring, George Tibbs, Gentlemen; Sir Thomas Webb Baronet, George Willy, William Willy, Nathaniel Webb, Michael Webb, Benjamin Webb, Thomas Walker, Nathan Wrighte, Gifford Warrener, John Wadman, Henry Wyndham, Henry Penruddock Wyndham, William Wyndham, William Wyndham junior, George Wroughton, Eſquires; the Reverend Charles Wake LL. D. the Reverend William Waterman, Thomas Whitford, Clerks; J. Wragge, Thomas Warren junior, William Way, William Whiting, John Webb, Richard Samuel Wyche, Simon Webb, Joſeph Wakeford, Jonathan Woodman, John Wallis, James Wells, Alexander Willis, Edward Wilton, John Wanſey, George Wanſey, Pitman Warren, Robert Waneſborough, Thomas Waters, William Warne, Gentlemen; Edward Young Eſquire, ſhall be, and they and their Succeſſors, to be elected in Manner hereafter to be mentioned,

mentioned, are hereby appointed Trustees, and impowered to survey, order, widen, alter, repair, and sustain the said Roads, and to receive and collect, apply and manage the several Tolls and other Sums of Money raised and to be raised by this and by the said recited Act, and also to put into Execution all other the Powers in and by this Act given.

Qualification of Trustees.

And be it further enacted, That no Person shall be qualified or 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, Enjoyment, and Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds above Reprizes to his own Use; or unless he shall be Heir Apparent of some Person having such Estate of the clear yearly Value of Eighty Pounds above Reprizes; or unless he shall be possessed of, and intitled unto, a Personal Estate to the clear Amount and Value of Eight hundred Pounds: And if any Person or Persons, so unqualified, or made incapable to act for the Causes aforesaid, shall nevertheless presume to act as a Trustee in any Meeting to be holden by virtue of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person who shall inform and sue for the same, to be recovered by Information, Action of Debt, or on the Case, in any of His Majesty's Courts at Westminster, in which Action or Suit no Essoin, Protection, Wager at Law, or more than One Imparlance shall be allowed; and in which Action or Suit it shall be sufficient for the Plaintiff or Prosecutor to prove that the Party Defendant acted as Trustee, and the Party prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the Penalty.

Penalty on acting if not qualified.

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

And be it further enacted, That such of the Trustees appointed or to be appointed by virtue of this Act for putting the same in Execution, who is, are, or shall be a Justice or Justices of the Peace, may nevertheless, and is and are hereby authorized and required to act as a Justice or Justices of the Peace, in all Things relative to the Execution of this Act, and may and shall also continue to act as Trustees.

Justices, &c. not to act where interested.

Provided always, That no Person shall act either as a Justice or as a Trustee, in putting any Part of this Act in Execution, in any Matter in which such Person shall have any private Interest.

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

Provided also, That if any such Trustee shall accept, use, hold, or enjoy any Office, Employment, or Place of Profit for which the Salary, or other Profit or Reward,

ward, shall be paid or payable out of the Tolls or Money granted or arising by Means of this Act, such Person and Persons shall immediately, upon his or their accepting, using, holding, or enjoying, such Office, Employment, or Place, and for so long as he or they shall use, hold, or enjoy the same, become incapable of acting as a Trustee or Trustees in, under, or in Execution of the Trust, Authorities, and Powers to him or them hereby given.

Mortgagees, &c. not to be deemed unqualified.

Provided always nevertheless, That any Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the said Tolls, on receiving Interest thereout for the same, shall not therefore be deemed unqualified.

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

And be it further enacted, That when and as often as any of the Trustees named, or to be named and appointed by virtue of this Act, shall die or refuse to act (such Refusal being declared by Writing under the Hand of such Trustee) the Clerk of the said Trustees, to be appointed in Manner hereafter mentioned, shall, upon a Requisition made to him for that Purpose by Three of the surviving Trustees, affix a Note in Writing, signed by him the said Clerk on the several Turnpike gates erected on the said Roads, purporting such Vacancy of the Place of a Trustee, and declaring the Time of the Election of a Successor, and shall also publish such Notice in the Salisbury Journal; and at the next General Meeting, which shall be holden in pursuance of this Act, after such Notice affixed upon the said several Gates, the Trustees there assembled, or the major Part of them, such major Part being of the Number of Four at the least, shall and may elect and nominate One or more fit Person or Persons, to be a Trustee or Trustees, in the Place and Stead of such Trustee or Trustees so dying or refusing to act; and such Person or Persons so elected, shall be joined with the surviving or remaining Trustees in the Execution of all and singular the Trusts and Powers in them reposed by this Act, and shall and may, and is and are hereby authorized and impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees herein before named and appointed are by this Act impowered to do.

Notice of such Election to be given.

Time and Place of Trustees Meeting.

And be it further enacted, That a General Meeting of the said Trustees shall be held at the House of William Warne, commonly known by the Sign of the George, in the Town of Amesbury, on the Seventh Day next after the Day of the passing of this Act, where they shall proceed to execute the several Powers hereby created and given to them, and to make such Orders for that Purpose as to them,

them, or the major Part of them then assembled, shall seem just and convenient; after which they shall adjourn themselves and their said Meeting, to be holden again at such Time as to them, or the major Part of them, shall seem good, and as shall be expressed in the Act of Adjournment; and the said Meeting shall thenceforward be adjourned in like Manner from time to time at the Pleasure of the said Trustees.

Adjourned Meetings to be held at *Amesbury*, &c.

Provided always, That such Adjournment shall not be for a longer Time than Eight Weeks, and that such Meetings and Adjournments thereof respectively, shall be holden at the several Towns of Amesbury, Heytesbury, Chicklade, Andover, Wiley, Debtford, and Shrewton, in Succession of Order, as they are herein named, and perpetual Rotation, and at such Houses there as by the said Act of Adjournment shall be appointed, so that no Two Meetings shall be holden successively at the same Place; and that no Part of the Expence of any Meetings of the said Trustees, shall be paid out of the Tolls or other Money to be raised by virtue of this Act, but the said Trustees shall bear their own Expences thereat.

Trustees not to act but at a publick Meeting.

And be it further enacted, That no Trustee named in or to be appointed by virtue of this Act, shall make any Order, or do any Matter whatsoever, in Execution of any of the Powers or Trusts hereby given them, or any of them (except only to appoint Meetings as herein after-mentioned) unless it be at a General Meeting to be holden in pursuance of this Act: And that no Order, Proceeding, or other Matter, shall be made, concluded, or agreed upon, but by a Majority of the said Trustees assembled by virtue of this Act; which Majority shall consist at least of Three Trustees.

In Default of a sufficient Number to act,

Provided always, That if it shall happen on any Day of such Meeting, that by the Hour of Twelve of the Clock at Noon a less Number of the said Trustees than Five shall meet at the Place appointed for that Purpose,

Meeting to be adjourned, &c.

in such Case it shall lawful for the said less Number of Trustees, or the major Part of them, to declare the said Meeting adjourned, and the same shall be adjourned accordingly to the Place next in Order of Succession and Rotation as above expressed, to that at which such incompetent Meeting shall then have been appointed: And if it shall happen that only One such Trustee shall be there at such Time, he may in like Manner declare the same adjourned; and if no such Trustee shall come to such Meeting before the Hour of One of the Clock in the Afternoon of such Day, the Clerk shall declare the same adjourned: And if it shall happen that no Meeting

shall

shall be had or Adjournment made on any Day so appointed as aforesaid, it shall and may be lawful for any Nine Trustees named or to be appointed by virtue of this Act, to call together and appoint a General Meeting of all the said Trustees, by affixing a Notice thereof on the several Turnpike Gates erected on the said Roads, and which Notice the said Clerk is hereby required to give at least Fourteen Days before such Meeting; and such Meeting so assembled shall be competent and sufficient to do and execute all the Trusts and Powers given by this Act to the said Trustees.

Trustees to appoint Officers;

And it is further enacted, That the said Trustees assembled in Manner above-mentioned, shall and they are hereby required to proceed forthwith to elect some Person to be their Clerk, who shall be called Clerk of the Amesbury Road, and some Person to be their Treasurer; and some Persons to be the Collectors of the Tolls by this Act imposed and granted at the several Gates now erected or hereafter to be erected on the Roads hereby intended to be repaired, and every of them; which said several Persons shall continue in, and hold their respective Offices and Employments, till their Deaths or Removal by the said Trustees assembled as aforesaid, who are hereby impowered to remove them, or any of them, at their Pleasure, and to elect others in their Places.

and remove them, and appoint others.

No Officer to be removed, unless such Removal shall have been proposed at a previous Meeting.

Provided always, That no such Officer or Servant shall be removed, unless such Removal shall have been proposed at a Meeting previous to that wherein such Removal shall be finally agreed upon by the Majority of the said Trustees assembled at such previous Meeting, such Majority consisting at least of Six; and that no such Officer or Servant shall be removed, or any new Officer or Servant be elected in the Place of any Officer to be removed or dead, unless a Notice in Writing of such Removal and Election, or of such Election in case of the Death of any Officer or Servant, signed by the Clerk of the Amesbury Turnpike, or in case of the Death or Absence of the Clerk, by some other Officer, shall have been affixed at least Ten Days previous thereto, at the said several Turnpike Gates erected on the said Roads, which Notice the said Clerk or other Officer is hereby required to sign and affix to the said Gates; and the said Trustees assembled as aforesaid, or the major Part of them, may and are hereby authorized and impowered, by and out of the Money which shall arise out of the said Tolls, or by Means of this Act, to allow and pay to the Clerk, Treasurer, Surveyors, and Collectors, such Salaries, Rewards, and Allowances, not

Notice thereof to be given.

Trustees to allow Officers Salaries.

exceeding

exceeding Fifty four Pounds Twelve Shillings a Year to any One of them, as they in their Discretion shall think meet, and shall and may contract for, allow, and pay to such other Officers, Servants, Workmen, and others, who shall be assisting to their said Surveyor, or shall be employed by them in and about the Repair of the said Roads, or other Matters to be done in pursuance of this Act, such Wages and Allowance for their Attendance, Care, Labour, and Services, in these Respects, as to the said Trustees assembled as aforesaid, or the major Part of them, shall seem meet.

No Victualler, &c. to hold any Place of Profit.

Provided always, That no Person keeping an Inn, Alehouse, or other House of publick Entertainment, or who shall sell Ale, Wine, Brandy, or other Spirituous Liquors by Retail, shall be capable of taking, holding, or enjoying any Place or Places of Trust or Profit, under or by virtue of this Act.

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

And be it further enacted, That the said Clerk of the Amesbury Turnpike shall forthwith after his Election and Acceptance of the said Office, procure and prepare a fair Book or Books, in which he shall, in a plain, distinct, and regular Manner, set down a full and true Account of the several Meetings holden and to be holden by virtue of this Act, expressing therein the Number and Names of the Trustees who shall meet and vote at each respectively, and likewise shall insert therein distinctly all such Orders, Elections, and other Matters and Proceedings, as shall then and there respectively be made, concluded, and agreed upon by them, or the greater Number of them so assembled; which said Orders, Elections, and other Matters and Proceedings, shall be signed by at least Five of the said Trustees then and there present, and be countersigned by the said Clerk, or otherwise they shall be totally null and void, and as if they had never been made or agreed upon.

Provided always, That nothing herein contained shall extend to avoid or annul the Adjournments to be made in Manner herein before provided; but the said Adjournments shall be written in the said Book or Books, and signed by the said Trustee or Trustees, who shall make the same, and countersigned by the said Clerk, or shall be signed by the said Clerk only, as the Case may require; and the said Clerk shall also insert in the said Book or Books true Copies of all such Notices and Requisitions as shall be made and given to him by any of the said Trustees in pursuance of this Act; and also true Copies of all such Notices as he shall publish in Manner before-mentioned, which shall be entered in the

said

said Book or Books forthwith after the Receipt or Publication of the same respectively, and be dated accordingly, and signed by him the said Clerk.

And be it further enacted, That all Orders, Appointments, Elections, Resolutions, Compositions, Contracts, Acts, Matters, and Proceedings, of the said Trustees, or of the said Trustees and others, which shall be entered in the said Book or Books in pursuance or by virtue of this Act, shall be deemed and taken to be Originals, and be of the same Force as if the same were under the Hands and Seals of the said Trustees, and shall and may be read in Evidence accordingly, in all Cases of Appeals, Suits, and Actions, touching the same, and touching any Thing done in Pursuance and by Authority of this Act; and the same shall and may be seen and perused at all seasonable and convenient Times by any Person or Persons whomsoever, such Person or Persons paying each the Sum of Two Shillings and Six Pence, for such Perusal to the said Clerk, and also the further Sum of Two Shillings and Six Pence for every half Hour after the First, during which such Person shall require to peruse the same; and every Person whomsoever may demand and have Copies of the same, or any Part of the said Book or Books, paying after the Rate of Two Pence for every Hundred Words, and in Proportion for any greater or less Number. Books may be read in Evidence.

Provided always, and it is hereby enacted, That the said Clerk shall deliver out gratis to the Treasurer, Surveyor, and Collectors, true Copies of all such Orders as relate to them, or any of them respectively, forthwith after making of the same. Proviso.

And be it further enacted, That every Clerk or Clerks appointed or to be appointed by virtue and in pursuance of the said recited Act, or this Act, shall, in case of his or their Removal from such Office, or his Executors in case of Death, immediately deliver up to the said Trustees at their next General Meeting after such Death, or at the Meeting at which he shall be removed, the Books wherein their said Proceedings shall have been entered and kept, and also all other Books and Papers relating to the said Trust, without altering or in any Manner defacing the same; and the Party offending in the Premisses, and being thereof convicted before any One or more Justices of the Peace in and for the County wherein such Offender shall dwell, upon the Oath of One or more credible Witness or Witnesses, or other legal Evidence (which Oath such Justice or Justices is and are Clerks, &c. to deliver up Books without altering or defacing them.

hereby impowered to administer) shall forfeit and pay the Sum of Twenty Pounds to be paid to the said Trustees, or any Five or more of them, and applied to the Purposes of this Act.

And be it further enacted, That after any Order, Appointment, Composition, Contract, Matter, or Proceeding, in Execution of this Act, shall have been made, had, done, and agreed upon, in Manner herein mentioned, and shall have been duly and regularly entered in the said Book or Books, as is herein directed, the same shall not be repealed or altered by Two General Meetings of the said Trustees to be holden according to this Act, nor unless the Majority of the said Trustees present at the First of such Meetings, such Majority consisting of Four Trustees at the least, shall declare that such Order or other Matter ought to be repealed or altered, and in what Article the same ought to be altered; in which Case such Declaration shall be entered in the said Book or Books, and signed in such Manner as the Proceedings of the said Trustees are herein before directed to be entered and signed; and the Repeal or Alteration of the said Order or Matter so questioned shall be taken up, considered, and decided, at the then next and Second of such Meetings; and the said questioned Order or Matter may then and there be repealed or altered, if it shall seem good to the Majority of the said Trustees at such Meeting assembled, such Majority consisting at the least of Nine; and Notice shall be affixed Fourteen Days before such Second Meeting on the several Turnpike Gates erected on the said Roads, containing the Order proposed to be repealed or altered, and purporting that it is to be considered at the then next Meeting whether the same shall be repealed or altered, and also expressing the Article in which it shall have been declared that the same ought to be repealed or altered; which Notice the said Clerk is hereby required to affix accordingly.

Order may be repealed or suspended till next Meeting.

Provided always, That after it shall have been declared that any Order or other Proceeding ought to be repealed or altered, the Effect thereof shall be suspended, nor shall the same or any Part thereof be put in any Manner of Execution till after the next Meeting, after which, if the same shall not have been repealed or altered, it shall again take Effect, and be put into immediate and perfect Execution, as if no such Declaration had been made concerning it.

Treasurer to give Security.

And be it further enacted, That the said Treasurer, Surveyor, and Collectors, of the Tolls, and all other Persons

Persons who shall be appointed by virtue of this Act to collect, receive, and hold, any Tolls, Duties, Loans, or other Money to be raised by virtue of this Act, shall give such Security in such Manner, and to such Persons being Trustees herein appointed by virtue hereof, as the said Trustees, or the Majority of them, such Majority consisting at least of Five Persons, in a General Meeting assembled, shall appoint and order; and if it shall happen that such Treasurer, Collector, or other Officer, shall not give such Security within such Time as shall be by the said Trustees so assembled limited for that Purpose, such Appointment and Election shall be totally and ipso facto void, and another shall be elected in the Room of such Person so making Default, in such Manner as is appointed before for the Election of such Officer or Servant.

And be it further enacted, That the said Treasurer shall receive and dispose of all the Tolls, Loans, and other Monies arising by this Act, at such Times and in such Manner as the said Trustees, or any Five or more of them, shall direct and order; and that all and every the Collectors and Receivers of the Tolls, and all 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, assembled as aforesaid, produce, render, and give up, to them the said Trustees at their then next General Meeting, 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 to pay all such Money, as upon the Balance of such Accounts shall 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 or Persons so accounting or to account as aforesaid, shall, if required, upon their several Oaths (which Oaths the said Trustees so assembled, or any of them, are and is hereby impowered to administer) verify their Accounts,

Officers to account upon Oath.

counts, 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 said Officers or Persons, so accounting or to account as aforesaid, being required so to do, shall refuse or neglect to render or give up such Account or Accounts as aforesaid, or to produce or deliver to the said Trustees the Receipts or Vouchers relating to the same, or to verify the Items and Articles thereof upon his or their Oath or Oaths, or shall refuse or neglect to pay such Money as upon the Balance of any Account or Accounts shall be in his or their Hands to the said Trustees, or as they or the Majority of them so assembled shall direct or appoint; then, and in either of the said Cases, such Trustees, or the major Part of them so assembled, 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 One 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 that shall be in the Hands of such Officer or Officers, Person or Persons respectively, the Order for bringing such Action being entered in their said Book, and signed as aforesaid; or if Complaint shall be made of any such Refusal or Neglect as aforesaid, to any Justice or Justices of the Peace of the County or Place where the Officer or Officers, Person or Persons, neglecting or refusing shall be or reside, such Justice or Justices may, and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause to be brought before him or them such Officer or Officers, Person or Persons, so refusing or neglecting, and upon his or their appearing, or not being to be found, to hear and to determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees, or the major Part of them as aforesaid, by virtue of this Act, might have done; and if upon Confession of the Officer or Officers, Person or Persons, against whom such Complaint or Complaints shall be made, or by the Testimony of One or more Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer gratis) it shall appear to such Justice or Justices, that any of the Money which shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person

may be sued;

of Complaint be made,

Justices to enquire into the Default,

and levy the Balance by Distress and Sale.

son or Persons, such Justice or Justices may, and is and are hereby authorized and required upon Non-payment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods of such Officer or Officers, Person or Persons respectively; and if no Goods of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of such Distress and Sale, or if such Officer or Officers, Person or Persons, shall not appear before the said Justice or Justices at the Time and Place by him or them appointed for that Purpose, upon Notice thereof in Writing being delivered to such Officer or Officers, Person or Persons, or left at their last Place or Places of Abode respectively, or if appearing, shall refuse or neglect to give or deliver to the said Justice or Justices such Account or Accounts of the Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, and of the Items and Articles thereof upon Oath as aforesaid, or to produce or to deliver up to the said Justice or Justices the several Receipts and Vouchers relating to such Accounts respectively; then, or in either of the Cases aforesaid, the said Justice or Justices may, and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Officer or Officers, Person or Persons, to be committed to the Common Gaol of the said County, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his or their respective Accounts, and verified the same and the Items thereof upon Oath, and shall have produced and delivered up the Receipts and Vouchers relating to such Accounts respectively, and shall have paid all the Money which shall appear to be in their respective Hands, and the reasonable Charges of such Distresses and Sales, or shall have compounded with the said Trustees, or any Five or more of them, for the same, and paid the Money which shall be thereby stipulated to be paid them; which said Composition and Money the said Trustees, or any Five or more of them, are hereby authorized and impowered to make and receive.

For want of Distress, the Offender to be committed,

until Payment or Composition be made.

Provided always, and be it further enacted, That all Persons who shall have been employed, or who shall have received any Tolls or other Sum of Money by virtue or on account of the said recited Act made in the Second Year of the Reign of His present Majesty, shall account for the same, and every Part thereof, to the said Trustees

Persons who have received Tolls, &c. by virtue of former Act to account with Trustees.

stees in this Act named and appointed, in like Manner, and under the like Penalties, as the several Collectors, and others receiving any Money by virtue of this Act, are herein before directed to account.

And whereas a Treasurer was appointed and acted in receiving and disbursing the several Sums of Money advanced to and paid on account of the several Powers and Trusts in the said recited Act made in the said Second Year of His present Majesty's Reign, and received a certain Salary for the same; be it therefore further enacted, That the said Treasurer shall deliver up to the Trustees herein named, at their Second Meeting, the Book or Books in which such Account is or are written or kept, and all Vouchers in his Possession, for Monies by him paid; and shall also deliver, upon Oath (which Oath the said Trustees, or any One of them, are and is hereby impowered to administer) a full and true Account in Writing of all Monies by him received and paid, from the Time of making up the last Account before the Trustees, in and by the said recited Act appointed in Manner therein mentioned, down to the Day of such First Meeting; in which Account he shall be charged with all Money in Hand, or received in the said Period, on Account of the said Trust, and shall be allowed all such Sums of Money as he shall be paid conformably to any Order in Force at the Time of such Payment, made by such Trustees under the said recited Act, and also all such Money as shall be due to him for his said Salary; and if, upon the Balance of such Account, any Thing shall appear to be due to the said Treasurer, the same shall be paid to him out of the first Money arising by virtue of this Act; and if, upon such Balance, the said Treasurer shall appear indebted to the said Trust, he shall forthwith pay the same to the Treasurer to be appointed by virtue of this Act.

Treasurer appointed by former Act to account on Oath,

and pay the Balance;

Provided always, That if the said Treasurer shall not make up such Account at the said Second Meeting of the said Trustees, or shall not, within One Month after such Meeting, pay into the Hands of the said Treasurer to be appointed by this Act such Sum as shall appear due from him on such Balance, he shall forfeit and pay double the Sum due on such Balance, to be recovered by Action of Debt, or on the Case, in any of His Majesty's Courts of Record at Westminster; in which no Essoin, Protection, Wager of Law, or more than One Imparlance, shall be allowed; such Action to be directed to be brought by the said Trustees in a General Meeting assembled, and to be brought in the Name of

Penalty in case of his Refusal.

of any One of them, who shall sign the Order for bringing the same; and the Money so recovered, deducting the Costs of Prosecution, shall be applied to the Purposes of this Act.

Trustees may bring Actions,

And be it further enacted, That the said Trustees may (an Order being first made for that Purpose at a General Meeting in Manner herein mentioned) in the Name of the said Trustees, or in the Name of the Clerk of the Amesbury Turnpike, or of their Treasurer to be appointed in Manner herein before mentioned, who are hereby authorized and required to proceed therein as they shall be directed by the Orders of the said Trustees; and they are hereby impowered to bring, or cause to be brought, any Action or Actions at Law against any Person or Persons who shall contract with the Trustees appointed, or to be appointed, to put this Act in Execution, or with them, or any of them, or with their Clerk, Treasurer, or Surveyor, or other Officer or Officers for the time being, on account of the said Trust, or shall by them, or any of them, be employed in, or undertake, any Matter or Thing relative to the said Trust, and shall fail to perform and fulfil such Contract, Employment, or Undertaking; and also to bring, or cause to be brought, any Action or Actions, and to prefer and prosecute, or order to be preferred and prosecuted, any Bill or Bills of Indictments, or other Prosecutions, against any Person or Persons who shall dig up, break, pull down, steal, carry away, destroy, or spoil, any Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, which shall be erected by virtue of this Act, or any of the Materials of which the same shall be built, made, or consist, or who shall be in any Manner indebted to the said Trust, or who shall commit any Trespass or other Injury against the same; and the several Parties above mentioned shall be and are hereby enabled to maintain such Actions, and shall recover such Damages, as the Trust shall appear to have sustained, and shall and may obtain Judgement for the same, together with the Costs of Suit, and sue out Execution thereupon, and shall defray the Expence of bringing and proceeding on such Actions, Prosecutions, or Suits, out of the Money arising by virtue of this Act.

(Proviso.)

Provided always, That all such Sums of Money as shall be recovered therein shall, when received, be applied to make good the same Damages, or to some other Purposes of this Act.

and erect Turnpikes.

And be it enacted, That the said Trustees may, and they are hereby impowered, by Order to be made at

at any General Meeting in Manner aforesaid, to erect, or cause to be erected, a Gate or Gates, Turnpike or Turnpikes, Toll bar or Toll-bars, and Toll-houses, upon, in, or across, or on the Side of the several Roads hereby intended to be repaired, in any Part or Parts thereof, and as many as to them shall seem meet; and also in like Manner upon, in, or across, any Road, Lane, or By-way, which doth or shall lead into or out of the said Roads, or any of them, and such Gate or Gates, Turnpike or Turnpikes, Toll-bar or Toll-bars, Toll-house or Toll-houses, shall in like Manner remove or take away whenever they shall think fit; and the said Trustees are hereby impowered in like Manner to continue, or remove, or take away, any Gate or Gates, Turnpike or Turnpikes, Toll-bar or Toll-bars, Toll-house or Toll-houses, now erected on or by the Side of the said Roads, or on any Lane, Road, or other Way, leading into or out of the same.

Proviso. Provided always, That nothing herein contained shall extend to empower the said Trustees to erect any Gate, Toll-bar, or Turnpike, in, upon, or across, any Part of the Turnpike Road leading from Fisherton Bridge to Willoughby Hedge, or from Wilton Bridge to the Turnpike Road at the West End of Heytesbury, or from Salisbury to Red Hone.

Property of Turnpikes and Toll-houses invested in Trustees. And be it further declared and enacted, That the several Gates, Turnpikes, Toll-bars, and Toll-houses now erected on the said Roads, and hereafter to be erected thereon, or on the Roads or Ways leading into and out of the same, and the Soil on which the same do or shall stand, shall be and are hereby invested in the Trustees, who shall be and are hereby enabled, they, or the major Part of them, at such General Meeting as aforesaid, to dispose of the same for the Purposes of this Act, as to them shall seem good.

Former Tolls to be taken by present Trustees. And be it further declared and enacted, That the several Tolls granted and imposed by the said recited Act made in the Second Year of His Majesty's Reign, shall be taken and received by the Trustees appointed or to be appointed by this Act in Manner herein provided for that Purpose, and that such Tolls are and shall be such as are herein after-mentioned, and no other.

Collector to take the following Tolls. And be it further enacted, That a Collector, to be appointed in Manner herein before-mentioned, shall be placed by Order of the said Trustees at each of the said Gates, Turnpikes, and Toll-bars; and such Collector is hereby authorized and required to demand and levy in the Name, and on the Account and Behalf, of the

said Trustees, the following Tolls and Duties at each of the said Gates, Turnpikes, and Toll-bars respectively, before any Cattle, Litter, or Carriage shall be permitted to pass through the same; that is to say,

The Tolls.

For every Horse, Mare, Gelding, Mule, Ass, or other Beast, drawing any Carriage, the Sum of Three Pence.

For every Horse, Mare, Gelding, Mule, Ass, or other Beast of Burthen, 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 less Number.

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

And for every Drove of Sheep, or Lambs, the Sum of Two Pence Half Penny per Score; and so in Proportion for any less Number.

Which said respective Sum or Sums of Money shall be demanded and taken in the Name of or as a Toll; and shall be paid accordingly to such Collector or Person as shall be appointed by the said Trustees to receive the same in Manner above-mentioned, and by the Owner of such Carriage or Cattle, or by some Person driving, leading, riding, or otherwise attending the same; and if any Person, subject to the Payment of the said Tolls, or any of them, shall, after Demand made, neglect or refuse to pay the same, it shall be lawful for the said Collector or Person appointed as aforesaid to demand and receive the said Tolls, by himself, or, taking such Assistance as he shall think necessary, to seize and distrain any of the Cattle or Beasts upon which such Toll is by this Act imposed, together with the Saddle, Bridle, Harness, Furniture, or other Burden upon the same, or any other Goods and Chattles of such Person or Persons so neglecting or refusing, and the same to keep as and in the Name of a Distress, until such Toll, and the reasonable Charge of seizing, distraining, and keeping the said Distress shall be paid; and if the same shall not be paid within the Space of Four Days from the Day of making such Seizure, the said Collector or Person so seizing and distraining, shall and may sell the Things so distrained, returning the Overplus, if any, upon Demand, to the Owner thereof, after such Toll and all reasonable Charges shall be deducted: Provided, That if there shall be any Dispute about the Quantity of the

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

Tolls due, or of the Charges of seizing, distraining, keeping, and selling the said Distress, that it shall be lawful for the said Collector or other Person so impowered to seize and distrain, to retain the same, and also the Money arising from the Sale thereof, till the Quantity of the Tolls, and of the Charge of seizing, keeping, and selling the same, if the Case shall so happen, shall be ascertained by some Justice of the Peace for the County where the Gate shall stand at which the said Toll became due, who shall examine the said Collector upon Oath, and assess the Charges of such Seizure, Distress, Keeping, and Sale, and also of the Collector's Attendance for that Purpose upon the said Justice; all which Sum or Sums so assessed shall be paid to the said Collector before he shall be bound to return the said Distress or the said Overplus: And the said Tolls, and the Term and Powers hereby granted, shall be subject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the said recited Act, and the Interest due and to grow due on the same, and to all Sums of Money which shall be borrowed for the Purposes of this Act, and the Interest thereof.

Appropriation of the Tolls on the *West Amesbury* Road.

Provided always, and be it further enacted and declared, That the Tolls or Duties to be collected on the Road leading from West Amesbury to the Junction of the said Road with the Salisbury Road near the East End of the Town of Heytesbury, and the Money which shall be borrowed upon the Credit thereof, shall be laid out and applied in the repairing and widening the said Road, and other Expences attending the same, and to no other Purpose whatsoever.

Tolls to be paid but Once a Day.

And be it further enacted, That if any Person shall have paid the Toll by this Act granted for the passing of any Cattle or Beast through any Gate or Turnpike erected by virtue of this Act, the same Person, upon producing a Note or Ticket of the Day denoting such Payment, shall be permitted to pass and repass through the same Gate or Turnpike, with the same Cattle or Beast 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 Note or Ticket the Collectors or Receivers of the said Tolls at the several Gates or Turnpikes erected now or hereafter to be erected on the said Roads by virtue of this Act, are hereby required to give gratis, if demanded, on Payment of such Toll.

And be it further enacted, That if any Person shall have paid the Toll by this Act granted at any Gate or Turn-

Turnpike erected by virtue of this Act, for any Cattle or Beast drawing any Carriage laden with Corn or other Grain to Warminster Market, the same Person, upon producing a Note or Ticket denoting such Payment, shall be permitted to pass through the same Gate or Turnpike with the same Cattle or Beast and Carriage unladen or laden with Coals Toll-free, in the Day next after the Day in which such Toll shall have been paid; which said Note or Ticket the Collector of the Tolls is hereby required to give gratis upon the Payment of such Toll. Carriages carrying Corn to *Warminster* Market to pass Toll-free next Day.

And be it further enacted, That no Toll shall be demanded or taken for any Cattle drawing any Carriage laden with Materials for repairing any Road or Highway, or Compost of any Nature or Kind whatsoever for manuring of any Garden or other Land or Ground, or Hay, Straw, or Corn in the Straw, not sold or disposed of, but to be laid up in the Houses, Outhouses, Barns, Yards, or Backsides, of the Owners thereof, or drawing any Plough, Harrow, or other Implement of Husbandry, or for any other Thing whatsoever employed in Husbandry, or for manuring or stocking of Land in the several Townships, Parishes, Hamlets, or Places, in which the said Roads hereby intended to be repaired do lie, or drawing any Coaches or other Carriages, or from Passengers on Horseback going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Southampton, Wilts, or Somerset, or for any Cattle drawing the Coach or other Carriage of any Person or Persons going to and from Church, or other Place of Religious Worship they usually resort to on Sundays, or attending the Funeral of any Person who shall die and be buried in any Parish through which the said Roads lead, or for the Cattle of any Person or Persons who shall cross any of the said Roads only, or for any Cattle going to or returning from Pasture or Water, or for any Post-horse or Cattle drawing any Carriage with the Mail, or for the Horses of any Officers and Soldiers on their March, or for any Cattle drawing the Carts or Carriages attending them, or for Horses or Cattle drawing Carriages travelling with Vagrants sent by Passes. Exemptions from Tolls.

Provided nevertheless, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer, Penalty of making illegal Claims.

former, and the other Moiety shall be applied in repairing the said Roads.

Penalty on going through or permitting private Passage, &c.

And be it further enacted, That if any Person occupying any Land near to any Gate or Turnpike erected in pursuance of this Act, shall permit or suffer any Person or Persons to pass through any Gate, Passage, or private Way with any Cattle; or if any Person shall with any Cattle pass through any Gate, Passage, or private Way; or if any Person shall take off, or cause to be taken off, any Horse or other Beast from any Carriage on either Side of any Gate or Turnpike erected by virtue of this Act, in order to avoid the Payment of any of the Tolls hereby granted; or if any Person shall give to or receive from any Person any Note or Ticket by this Act directed to be given, or shall forge or counterfeit any such Ticket; or if any Person shall forcibly pass through any such Gate or Turnpike with any Cattle, whereby the Payment of any of the Tolls by this Act granted shall be avoided; every Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

or taking off Horses, &c.

to avoid Payment of the Tolls.

Trustees may vary the Tolls.

Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees, or the major Part of them assembled at a General Meeting as aforesaid, from time to time, to vary or alter all or any or either of the several Tolls aforesaid, as they shall think proper and see Occasion; provided they do not any Time exceed the Tolls granted by this Act, nor lessen or reduce the same until the Money borrowed on the Credit thereof, with its Interest, be repaid, unless the Person or Persons to whom the same shall at the Time of such Reduction be due, consent thereto.

Trustees may lease the Tolls.

And be it further enacted, That the said Trustees, or the major Part of them, in such General Meeting as aforesaid assembled, may at any Time during the Continuance of this Act, let the Tolls hereby granted, or any Part thereof, on Lease to any Person or Persons by the Year or otherwise, for such Sum or Sums of Money as the said Trustees, or any Seven or more of them, shall think reasonable; which Sum or Sums of Money shall be paid to the Treasurer to be appointed as aforesaid, and shall be applied as the Tolls hereby granted are to be applied, and to no other Use or Purpose whatsoever.

Tolls vested in the Trustees.

And be it further enacted, That the several Tolls or Duties granted and imposed by this Act, are and shall be vested in the said Trustees, and that out of the First Money arising therefrom, or which shall be borrowed upon

upon the Credit thereof, the ſaid Truſtees ſhall and may, by Order made at a General Meeting to be holden purſuant to this Act, in the Firſt Place, pay and diſcharge all the Coſts and Charges of procuring and paſſing this Act, and the Remainder of the Money ſhall be laid out and applied in defraying the Expences of erecting Gates, Turnpikes, Toll-bars, and Toll-houſes, and repairing and widening the Roads hereby intended to be repaired purſuant to Orders to be given for that Purpoſe, and to the neceſſary Expences attending the ſame, and to no other Uſe or Purpoſe whatſoever.

And whereas, in caſe an Act of Parliament ſhall paſs in this preſent Seſſion of Parliament, whereby ſo much of 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 *Heyteſbury*; and alſo the Road from the Turnpike Road at the Top of *Red Hone Hill*, in the Pariſh of *Urſhfont*, to the Mile-ſtone at the Weſt End of *Fiſherton Street*, in the County of *Wilts*, as relates to 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, ſhall be repealed, and Compenſation ſhall be directed to be made to the Truſtees appointed by the ſaid recited Act, in lieu of the Tolls which they now receive at a Turnpike erected within the ſaid Town of Heyteſbury: And whereas it is reaſonable that Part of the ſaid Compenſation ſhould be paid by the ſaid Truſtees hereby appointed: Be it therefore further enacted by the Authority aforeſaid, That the Truſtees appointed by this preſent Act, 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 Truſtees appointed to put the ſaid Act of this preſent Seſſion of Parliament in Execution, or to their Treaſurer, the Sum of Four hundred Pounds, and alſo ſuch Charges and Expences as may be by them incurred upon account of removing the Turnpike and Toll-houſe now erected in the ſaid Town of Heyteſbury, and the ſame ſhall be paid out of the Tolls hereby granted, or out of any Money which ſhall be borrowed upon the Credit thereof; and the ſame ſhall be applied and diſpoſed of as the Tolls granted by the ſaid Act of this preſent Seſſion are hereby directed to be applied and diſpoſed of, and to no other Uſe or Purpoſe whatſoever.

400 *l.* to be paid to the Truſtees of the *Warminſter* Road.

Order of repairing the Roads.

Provided always, and be it further enacted, That the Great Road leading from Mullen's Pond through Amesbury, to the Eighteen Mile-stone near Willoughby Hedge, and the Great Road leading from Amesbury to Heytesbury, shall be first put in good and sufficient Repair; and that the said Tolls, or any Part thereof, or any Money to be raised on the Credit thereof, shall not be applied to the Repair of any other Roads, till the said Two Roads shall have been declared sufficiently repaired at a General Meeting by the Majority of the said Trustees then present; which Declaration shall not be made or be deemed effectual, unless Notice in Writing, signed by at least Five Trustees and the said Clerk, that such Declaration is to be proposed, shall be published, by affixing the same on the several Turnpike Gates erected on the said Roads at least Three Weeks before such Meeting at which the same is to be made.

Tolls may be assigned for Money borrowed.

And be it further enacted, That the said Trustees, or the Majority of them, at a General Meeting assembled, such Majority to consist of Six Trustees at the least, may and they are hereby impowered from time to time, upon the Credit of the Tolls hereby made payable, to contract for, and borrow, and take up, at such Rate of Interest as shall be for that Purpose agreed upon, any such Sums of Money as they shall think needful, and also may and they are hereby impowered to assign, grant, and transfer, to such Person or Persons as shall lend the said Money, or to any Person or Persons in Trust for them, their Executors, Administrators, or Assigns, the said Tolls, or any Part or Parcel thereof, and also the said Gate or Gates, Turnpike or Turnpikes, Toll-bar or Toll-bars, Toll-house or Toll-houses, where the same are to be collected, and all the Right, Title, Interest, and Estate, of the said Trustees therein, for any Term or Number of Years, not exceeding the Term hereby granted for the Continuance of the said Tolls, with Powers for the said Grantees, upon Non-payment of the Money so from time to time advanced and lent, together with Interest thereof, at the Time in such Grant and Mortgage specified for the Payment therein, to enter upon the same, and hold the said Premisses, and every Part and Parcel thereof, as their own private and peculiar Estate, and by Writing under their respective Hands and Seals, to appoint such Collectors as they shall think fit; which said Premisses, so granted, assigned, and mortgaged, are to be a Security or Securities for such Sum or Sums of Money as shall be so borrowed; which said Grants, Assignments, or

Mortgages

Mortgages respectively, shall be signed by at least Five of those Trustees, who shall agree for and borrow the Sum or Sums of Money, by them respectively secured and delivered to the said Lender and Mortgagee of or for each Sum respectively, and a true and perfect Copy of each of the said Grants, Assignments, or Mortgages, shall be transcribed and entered in the aforesaid Book or Books, to be kept by the Clerk appointed in Manner aforesaid. Assignments to be entered in a Book.

Provided also, and it is hereby declared and enacted, That the said Trustees who shall contract for the borrowing Money, and shall execute such Assignment, shall not, nor shall any of them, be bound or affected in their Persons or Property, but the same shall extend to bind and affect the said Tolls, Gates, Turnpikes, and Toll-houses, and the Interest, Right, Title, and Estate, of the said Trustees therein only; any thing herein, or in the said Contracts and Mortgages to be contained, to the contrary notwithstanding. Trustees not subject to Payment of Debts contracted under this Act.

And be it further enacted, That no Preference shall be given to any Person or Persons whatsoever, who hath advanced or shall advance any Sum or Sums of Money upon the Credit of the said recited Act or this Act, in respect to the Priority of advancing his, her, or their Part or Parts thereof; but that all Persons to whom Assignments hath been or shall be made, shall be and are hereby declared to be Creditors on the said Tolls in equal Degree one with another. All Creditors to be deemed equal in Degree.

Provided always, and be it further enacted, That all such Sums of Money as shall have been bona fide advanced by any Person or Persons whomsoever, for the Repair of that Part of the Road, or for the Building of any Bridge or Bridges upon, in, or across, that Part of the Road that leads from Beacon Hill, through Bulford, towards Shrewton, shall be a Charge on all and every the Tolls granted by this Act; and the several Persons who shall have advanced any Money for the Purposes aforesaid, shall be paid, in Proportion to the Sums they shall respectively have so advanced, Interest after the same Rate that other Money borrowed upon the Credit of this Act shall be paid, until their principal Money shall respectively be paid off and discharged. Money laid out upon the *Burford* Road, how to be repaid.

Provided always, and be it further enacted, That after all the Sums of Money borrowed, and now due and payable upon the Credit or Account of the said recited Act, shall have been secured or paid, no other Money shall be borrowed on the Credit of the said Tolls hereby granted, unless Notice for that Purpose in Writing, 15 Days Notice to be given of borrowing Money.

signed

ſigned by the Clerk and Treaſurer by Order of any Five or more of the ſaid Truſtees, ſhall have been affixed on the ſeveral Turnpike-gates erected on the ſaid Roads, at leaſt Fifteen Days before the borrowing of the ſame.

Aſſignments may be tranſferred.

And be it further enacted, That all and every Perſon and Perſons to whom any Aſſignment or Aſſignments of the Tolls ſhall be made by the ſaid Truſtees, as a Security or Securities for any Sum or Sums of Money lent by him, her, or them, on the Credit of the ſaid Tolls, and his, her, or their Executors or Adminiſtrators, Aſſignee or Aſſignees, may and are hereby impowered from time to time, by proper Words of Aſſignment to be indorſed on his, her, or their Security or Securities, or by any Deed or Deeds, Writing or Writings, under his, her, or their Hands and Seals, to be duly executed in the Preſence of Two or more credible Witneſſes, to aſſign and transfer ſuch Security and Securities, and all the Money that ſhall be due thereon, to any other Perſon or Perſons whomſoever; provided that all and every ſuch Transfer or Aſſignment of any Security of the ſaid Tolls ſhall from time to time be produced or notified to the ſaid Clerk to the ſaid Truſtees for the time being, within the Space of Three Months after the reſpective Dates thereof, who ſhall make, or cauſe to be made, a proper Memorial or Entry of all and every ſuch Aſſignment or Transfer, containing the Date thereof, and the Names, Additions, and Places of Abode of the ſeveral Parties thereto, and the Sum or Sums of Money, and Term or Terms of Years therein mentioned and contained, and other the material Contents of the ſame, and the Names, Additions, and Places of Abode of the Witneſſes to the Execution thereof, in the Book or Books to be kept for entering the ſaid original Aſſignments made by the ſaid Truſtees as aforeſaid; for which the ſaid Clerk or Clerks, Treaſurer or Treaſurers, ſhall be paid the Sum of Five Shillings and no more, by the reſpective Perſons to whom ſuch Aſſignments ſhall be transferred, for each and every ſuch Entry: And after ſuch Entry made, but not otherwiſe, ſuch Aſſignment ſhall intitle ſuch Aſſignee or Aſſignees, his, her, or their Executors or Adminiſtrators, to the Benefit thereof and Payment thereon, and it ſhall not be in the Power of the Perſon or Perſons making ſuch Aſſignment to make void, releaſe, or diſcharge the ſame, or any Part thereof; but the ſaid Perſon to whom ſuch Aſſignment ſhall have been made in Manner aforeſaid, ſhall ſtand in all Reſpects in the Place and Stead of the original Grantee or Aſſignee,

Entries of all Aſſignments to be made.

Clerk's Fee.

and shall from thenceforth have and enjoy all the Right, Title, Interest, and Estate, which such Grantee or Assignee had before transferring the same, and all the same Remedies by Entry, Action, or otherwise.

And be it further enacted, That the Surveyor or Surveyors appointed by the said Trustees, or the Majority of them at a General Meeting assembled, in Manner before-mentioned, or any Person or Persons appointed by such Surveyor or Surveyors, may and is and are hereby authorized and impowered to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Materials proper for repairing of Roads, in, upon, out of, or from, any River or Brook, Waste, Common, or Wood, in any Parish, Town, or Place, in, adjoining to, or lying near the Roads aforesaid, to be used in repairing the said Roads, without paying any thing for the same; they the said Surveyors, or other Persons, filling up the Pits and Holes, and levelling the Ground, or making a sufficient Fence, to prevent any Misfortune or Accident happening in the Pits or Holes from which such Materials shall be taken, or causing the same to be done: And if such Quantities of Materials sufficient for that Purpose cannot be found in or upon such Rivers or Brooks, Waste, Common, or Wood, then and in such Cases to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of Materials proper and sufficient for that Purpose, in, upon, or out of, and from any River or Brook, or the Lands or Grounds of any Person or Persons where the same may be had or found, to be used towards repairing the said Roads (such Lands and Grounds not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, or Nursery) they the said Surveyors, or other Person or Persons, paying or offering to pay to the respective Owners or Occupiers of such Lands or Grounds such Damages for getting the said Materials, and for carrying the same over their Grounds, as the said Trustees, or any Seven or more of them, shall think reasonable: And in case of any Difference between the said Trustees, Surveyors, or Person or Persons by them appointed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, any Two or more Justices of the Peace for the County where the said Materials shall be so cut, digged, gathered, taken, and carried away, shall and may, on Fourteen Days Notice thereof, to be given by the said Surveyor or Surveyors to the said

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

without paying for the same;

levelling the Pits, &c.

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

making Satisfaction to the Owners.

Justices to determine Differences.

Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, to be left at their respective Places of Abode, with some or One of their respective Families, hear, settle, and determine the Matters of the said Damages; and the Judgement or Order of the Justices therein shall be final and conclusive to all Parties.

Surveyors to make Causeways, cut Drains, &c.

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

and make a temporary Road;

making Satisfaction to the Owners.

Surveyors may remove Annoyances, &c.

And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to remove all Annoyances on the said Roads, and to cut down Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto; the Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances for the Space of Fourteen Days after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors; the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers

and cut down Trees,

the Owners neglecting to remove the same after Notice;

the Charges to be reimbursed the Surveyor.

cupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances as aforesaid: And in case such Owners or Occupiers shall not upon Demand pay and reimburse to the Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County where the Offence shall be committed, from time to time, to levy the Charges thereof upon such Owners or Occupiers, by Distress and Sale of his and their Goods and Chattles, rendering the Overplus (if any be) to the Owners or Occupiers thereof, upon Demand, after all Charges paid: And if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted upon Oath, before Two or more Justices of the Peace for the said County, shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or more of them, the Sum of Forty Shillings, to be levied and recovered in Manner aforesaid.

Penalty of a Second Offence.

And be it further enacted, That if any Person or Persons, who of Right ought to scour or cleanse any Ditch, Drain, or Watercourse, which shall lead into or out of any Part or Parts of the said Roads, shall not in a proper Manner cause the same to be scoured and cleansed within the Space of Ten Days next after Notice in Writing shall for that Purpose be given to him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode, by the said Surveyor or Surveyors; then the said Surveyor or Surveyors may cause such Ditches, Drains, and Watercourses, to be scoured and cleansed, and pay for the scouring and cleansing the same: And if the said Person or Persons shall not repay the Money paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them respectively made, either in Person, or by Writing to be left at his, her, or their respective Place or Places of Abode, the said Money, and every Part thereof, upon Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Non-payment thereof as aforesaid, by the Oath of One or more Witness or Witnesses, before any Justice of the Peace of the County or Place where such Person or Persons respectively shall live, shall and may, by Warrant or Warrants under the Hand and Seal of such Justice,

Owners of Watercourses, &c. neglecting to scour the same, after Notice given for that Purpose,

Surveyors may cleanse them, and levy the Charges by Distress and Sale.

Juſtice, be raiſed and levied by Diſtreſs and Sale of the Goods and Chattles of ſuch Perſon or Perſons, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

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

And be it further enacted, That in caſe the ſaid Truſtees, or the Majority of them, at a General Meeting aſſembled in Manner before-mentioned, ſhall, at any Time or Times during the Continuance of this Act, think proper to widen, turn, or alter, any Part or Parts of the ſaid Roads, for the better Accommodation of Paſſengers; and ſhall make an Order for doing the ſame, declaring what Land ought to be purchaſed for that Purpoſe; that then the ſaid Truſtees, or any Seven or more of them, ſhall have full Power and Authority to treat, contract, and agree with the ſeveral Owners, Proprietors, Occupiers of, and Perſons intereſted in, any Lands, Grounds, or Hereditaments, for the Purchaſe of any ſuch Lands, Grounds, or Hereditaments; and for the Loſs or Damage ſuch Owners, Proprietors, Occupiers, and Perſons intereſted, or any of them, ſhall or may any ways ſuſtain by ſuch widening, turning, or altering, any Part of ſuch Roads; and out of the Tolls by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for ſuch Lands, Grounds, or Hereditaments, and for ſuch Loſs or Damage, ſuch Sum or Sums of Money as ſhall be agreed upon between ſuch Owners, Proprietors, Occupiers, and Perſons intereſted as aforeſaid, and the ſaid Truſtees, or any Seven or more of them, and alſo the Coſts and Charges attending ſuch Agreement and Purchaſe.

And whereas it may happen that ſome Perſons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, or others, are or may be ſeiſed or poſſeſſed of Lands, Grounds, or Hereditaments, which may by the ſaid Truſtees be thought neceſſary or proper to be taken in and added to the ſaid Roads, or through which the ſaid Roads may be turned, and ſuch Perſons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing to treat and agree for the Sale of ſuch Lands, Grounds, or Hereditaments, but may be incapable of granting or conveying the ſame, by reaſon of Infancy, or other Diſability; be it further enacted, That it ſhall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators,

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

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

Persons refusing to treat,

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

Jury to settle the Recompence.

Hereditaments, into the said Roads, or of turning such Road into or through any such Lands, Grounds, or Hereditaments; and in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person or Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses, touching or concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer) and they shall also order and cause the said Jury to view the said Places in Question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premisses, as they the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have inquired of, ascertained, and settled such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the said Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Proprietors, or Occupiers of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury's which said Verdict or Inquisition, and Judgement, Order, or Determination so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever; and all and every such Owners, Proprietors, and Occupiers, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, be thereby from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of the same: And for the summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County, wherein such Lands, Grounds, or Hereditaments shall lie, thereby commanding and requiring him to impanel, summon, and

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be final.

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

and return any indifferent Jury of Twenty four Persons to appear before the Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid: and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the 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 the major Part of them, at a General Meeting assembled, in Manner above-mentioned, shall have full Power from time to time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or that shall refuse to be sworn on the said Jury, or being so sworn, refusing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, or appearing, shall refuse to be sworn and give Evidence, and from time to time to levy such Fine or Fines, in the same Manner as any other Forfeiture or Penalty herein before mentioned is hereby directed to be levied, so that no such Fines shall exceed the Sum of Ten Pounds upon any One Person for One Offence; and all such Fines shall be applied for such Uses, and in such Manner, as the Tolls granted by this Act are to be applied.

Jurors may be challenged.

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

Fine not to exceed 10 *l.*

And be it further enacted, That all and every Sum and Sums of Money, so assessed as aforesaid, is hereby charged upon the Monies which shall be raised by virtue of this Act, and shall be paid thereout accordingly by the Treasurer, appointed as aforesaid, to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof,

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

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

to such Persons or their Agents, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Treasurer to the said Trustees for the Use of such Persons, such Lands, Grounds, or Hereditaments shall be laid into and made Part of the said Roads, and shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said Road for ever after, and shall be repaired and kept in Repair by such Ways and Methods, and in all Respects in such Manner, as the old Road so widened, altered, or turned, was and ought to have been kept in Repair.

and deemed a publick Highway.

Buildings, &c. not to be injured.

And be it further enacted, That in widening, turning, or diverting, any Part or Parts of the said Roads, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, Garden, Orchard, Park, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto.

Bodies Politick, &c. liable to do Statute-work, to continue so.

And be it further enacted, 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 of this Act, hath or have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or 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 with, the repairing and keeping in Repair the same Parts of the same Road, in the same Manner as they, or every of them, hath or have heretofore actually done or ought to do; and that the Inhabitants of and Occupiers of Lands, Tenements, and Hereditaments, in the several Towns, Parishes, Hamlets, and Places, through which the Roads hereby intended to be repaired do lie, who, by the Laws and Statutes of this Realm, are or shall be obliged or liable to perform the Work in the Highways for the repairing thereof, commonly called Statute-work, shall still be subject and liable to do and perform 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 directed to be repaired, and lying within the said Towns, Parishes, Hamlets, or Places, in which such Inhabitants respectively shall live, or shall occupy such Lands, Tenements, or Hereditaments, as the said

Trustees,

Trustees, or any Five or more of them, shall direct or appoint, and at such Times, and in such Manner, as the Surveyor or Surveyors appointed in Manner above-mentioned shall direct or appoint: And that every Inhabitant of or Occupier of Lands, Tenements, and Hereditaments, in the said Towns, 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 the repairing the Highways of the several Towns, Parishes, Hamlets, and Places, in which they respectively shall live, or shall occupy any Lands, Tenements, or Hereditaments, as Persons keeping Teams are obliged by Law and ought to do; that is to say, for every Fifty Pounds a Year he, or they shall rent, hold, or occupy.

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

And, to the End that the said Trustees may know the Inhabitants of, and Occupiers of Lands, Tenements, and Hereditaments, in all the Towns, Parishes, Hamlets, and Places, wherein the Roads by this Act directed to be repaired do lie, who are liable to do Statute-work in their Highways, and what Sort of Duty they ought respectively to do; be it further enacted, That the Surveyors of the Highways of and for every of the said Towns, Parishes, Hamlets, and Places, shall, and they are hereby required, at the First Meeting of the said Trustees after the Twenty fifth Day of March in every Year, or at any other Meeting of the said Trustees, if thereunto required by the said Trustees, or any Five or more of them, during the Continuance of this Act (Ten Days Notice of such Meeting being fixed on all the Turnpikes erected by virtue of this Act) to deliver unto the said Trustees true and perfect Lists in Writing, under their respective Hands, of the Names of all the Inhabitants of and Occupiers of Lands, Tenements, and Hereditaments, in such Towns, Parishes, Hamlets, and Places respectively, who are liable to do their Statute-duties in and upon the said Highways; and shall in such Lists, and every of them, distinguish and set forth which of such Inhabitants and Occupiers 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.

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

And be it further enacted, That the said Trustees, or the major Part of them at a General Meeting assembled, shall, from and after the First Day of January One thousand seven hundred and sixty six, annually ad-

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

judge what Proportion of the Statute Labour is fit to be employed on the Road hereby intended to be repaired, in the Course of the ensuing Year, within the several Parishes, Hamlets, or Places, in which the Road hereby intended to be repaired lies, or such of them from which the said Trustees think proper to require any Part of the Statute Labour to be performed on the said Road, not more than Four nor less than Two Days of such Labour, and of such Adjudication shall cause Notice in Writing under their Hands, or the Hand or Hands of their Clerk or Clerks, Treasurer or Treasurers for the time being, to be delivered to the Surveyor or Surveyors of the Highways for the time being for such Parishes, Hamlets, or Places respectively, at least Twenty Days before the General Easter Quarter Sessions of the Peace to be holden in and for the said County of Wilts; and in case such Surveyor or Surveyors shall be dissatisfied with any such Adjudication, it shall and may be lawful for such Surveyor or Surveyors to appeal to the said Sessions; and the Justices in such their Sessions are hereby authorized and impowered to adjust and determine what Proportion of the Statute Labour in such Parish, Hamlet, or Place, shall be done on the Road hereby intended to be repaired; such Surveyor or Surveyors of the Highways as aforesaid having first given Ten Days Notice in Writing of such Appeal to the said Trustees, or to their Treasurer or Treasurers, Clerk or Clerks, for the time being.

Penalty on Surveyors neglecting to deliver Lists;

And be it further enacted, That if the Surveyor or Surveyors of the several Towns, Parishes, Hamlets, or Places, through which the said Roads lead, shall not deliver in to the said Trustees Lists of the Inhabitants of and Occupiers of Lands, Tenements, and Hereditaments, in their said several Towns, Parishes, Hamlets, or Places, at 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 Five Pounds: And

and on Persons not performing Statute-work.

if any or either of the Inhabitants of or Occupiers of Lands, Tenements, or Hereditaments, in the said several Towns, Parishes, Hamlets, or Places, being obliged or liable by Law to do Statute-work in and upon the Highways, shall not do such Statute-work in and upon the said Roads, at such Times and Places, and in such Manner, as they shall by the Surveyor or Surveyors appointed by the said Trustees, be directed or appointed to do, such Inhabitants and Occupiers, and every of them, shall, for every such Neglect or Default,

shall, 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 or Teams, for every Day's Work for each Team, the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep, a Team, for every Day's Work the Sum of One Shilling: And if any Person or Persons who shall come to work as a Labourer or Labourers, or be sent with any Team, Draught, or Cart, to work on the said Road for the Repairs thereof, commonly called Statute-work, are found idle and negligent, or shall not properly perform such Statute-work, the Surveyor or Surveyors may and is and are hereby impowered and required to remove and discharge such Person or Persons; and it shall be deemed and taken as if such Person or Persons had not come or sent any Team, Draught, or Cart, to work on the said Roads, and he, she, or they shall be subject and liable to the respective Forfeitures, as if he, she, or they had neglected or refused to do or perform the said respective Days Work.

Persons found idle to be turned off.

And be it further enacted, That the said Trustees, or the major Part of them, at a General Meeting assembled, may, and are hereby authorized and impowered, to compound with the several Inhabitants of, and Occupiers of Lands, Tenements, and Hereditaments, in the several Towns, Parishes, Hamlets, and Places, through which the 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 Sum and Sums of Money by the Year, or otherwise, as they the said Trustees, or any Seven or more of them, and the said Inhabitants or Occupiers 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: And in case the Surveyor or Surveyors of the Highways of any Town, Parish, Hamlet, or Place, for or in respect of which such Composition shall be made as aforesaid, shall pay the Composition-money, such Surveyor or Surveyors shall be repaid or reimbursed the Composition-money which shall be so paid by, or recovered of, him or them as aforesaid, in such Manner as, by the Laws now in being, Surveyors of the Highways of this Kingdom are to be repaid or reimbursed

Trustees may compound with Parishes, &c. for Statute-work.

imburſed the Money by them expended in buying Materials for amending the Highways.

Surveyors of the Highways to give Notice of the Statute-work to be done on the Roads.

And be it further enacted, That the Surveyors appointed by the ſaid Truſtees ſhall give or cauſe to be given Notice in Writing to ſuch Pariſh Surveyor or Surveyors, at what Time and Place and on what Road within the ſaid Pariſhes, Hamlets, or Places, ſuch Proportion of the ſaid Statute Labour or Duty ſhall be done and performed, and how many Teams and Perſons ſhall be ſent out on each Day; and ſuch Pariſh Surveyor or Surveyors is and are hereby required and directed to give publick Notice thereof, and ſummons, on the Sunday before, either in the Church immediately after Divine Service, or by affixing ſuch Notice on the Church Door, ſuch Perſon and Perſons who ought to do and perform the Statute Labour aforeſaid, according to the Directions of the ſaid Surveyor or Surveyors to the ſaid Truſtees; and every ſuch Perſon or Perſons ſo ſummoned and warned out as aforeſaid, is and are hereby required to do and perform ſuch Work by himſelf, his Waggon, Cart, or Horſes, in ſuch Parts of the ſaid Roads as the ſaid Surveyor or Surveyors ſhall direct and appoint.

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

And be it further enacted, That if any Perſon ſhall hale or draw, or cauſe to be haled or drawn, along any Part of the ſaid Roads, any Tree or Trees, Piece or Pieces of Timber, or any Stone or Stones, other than and except Mill Stones, otherwiſe than upon Wheel Carriages or Sledges; every ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings.

Roads to be meaſured, and Mile-ſtones erected.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall cauſe the ſaid Roads to be meaſured, and Mile-ſtones to be ſet up on the Sides of the ſaid Roads, with Inſcriptions to be made thereon, denoting the Number of Miles, and Diſtance of Places, and alſo Poſts at the ſeveral Roads leading out of the Roads hereby directed to be repaired, with Inſcriptions to be made thereon, denoting to what Place or Places the ſaid Roads reſpectively lead; and if any Perſon or Perſons ſhall wilfully or deſignedly break or pull down, dig up, injure, or deſtroy, any or either of the Stones or Poſts that ſhall be ſo ſet up, or raſe, obliterate, or deface, any of the Inſcriptions which ſhall be made thereon, or cauſe the ſame to be done, every Perſon ſo offending ſhall forfeit and pay the Sum of Forty Shillings for every Stone or

Penalty on defacing Mile-ſtones.

Poſt

Post so wilfully or designedly broken, obliterated, defaced, or pulled down.

And be it further enacted, 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 Offenders Goods and Chattles, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County wherein the Offence shall be committed, which Warrant the said 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 paid to the said Trustees, or any Five or more of them, or their Treasurer or Treasurers, and shall be applied, if not otherwise directed to be applied by this Act, for and towards the amending the said Roads, and other the Purposes of this Act; and in case sufficient Distress cannot be found, and such Penalties or Forfeitures shall not be paid, it shall and may be lawful for such Justice or Justices, and he or they is and are hereby authorized and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender or Offenders to the House of Correction for any Time not exceeding Three Months.

Penalties and forfeitures how to be recovered and applied.

And be it further enacted, That if any Person or Persons shall think him, her, or themselves, aggrieved by any Act, Order, or Judgement of any Justice or Justices of the Peace, which shall by him or them be done, made, or awarded, by virtue of this Act, or in the Execution of any of the Powers hereby to him or them given, such Person or Persons may appeal to the Justices of the Peace, at the next then General Quarter Sessions of the Peace for the County or Place where the Matter or Thing, for or by reason of which such Act, Order, or Judgement, shall be so done, made, or awarded, and which shall be holden next after the doing, making, or awarding, of such Act, Order, or Judgement, he, she, or they, causing Eight Days Notice, in Writing, of such Appeal, and of the Cause or Matter thereof, to be given to the Person or Persons on whose Oath or Oaths, or

Persons aggrieved may appeal to the Quarter Sessions.

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Evidence, such Act, Order, or Judgement, shall be so done, made, or awarded, and to some or One of the Collectors or Receivers of the said Tolls; which said Justices, at their said Session, upon due Proof of such Notice being given, shall proceed in, and hear, and determine, the Causes and Matters of the said Appeals, and every of them; and the Orders and Judgements of the said Justices shall be final and conclusive to all Parties concerned or interested therein.

Notice of Appeal to be given.

Proceedings not to be quash'd for want of Form, nor removeable by *Certiorari*;

And be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed to be unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereunto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

Distress not unlawful for want of Form;

nor the Parties distraining deemed Trespassers *ab initio*.

Provided, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity as aforesaid, if Tender of Amends hath been made by or on Behalf of the Party distraining before such Action brought.

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

And be it further enacted, That full, true, and fair, Accounts and Entries of all the Monies which shall be collected and received, laid out, expended, and paid, by virtue of this Act, shall, from time time, be duly and regularly entered in Books which shall be kept for those Purposes.

Proceedings to be entered in a Book.

And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, or Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them,

Writings to be without Stamps.

them, or any of them, touching, concerning, or in Execution of, any of the Powers or Authorities hereby vested in such Trustee or Trustees, Justice or Justices of the Peace, or any of them, or Transfer or Assignment of any of the Securities aforesaid, made by any Person or Persons, shall be charged or chargeable with any Stamp Duty whatsoever.

Limitation of Actions.

And be it further enacted, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons, for any thing done in pursuance of this Act, or in relation to the Matters herein contained, such Actions and Suits, and every of them, shall be commenced within Six Months next after the doing the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, and not afterwards; and shall be brought, laid, and tried, in the County or Place where such Matters and Things respectively shall be committed or done, and not in any other County or Place; and that the Defendant or Defendants in such Actions and Suits, and every of them, may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial or Trials which shall be had thereupon; and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become Nonsuit, or suffer a Discontinuance of such Action or Actions; or if, upon any Demurrer or Demurrers in such Action or Actions, Judgement shall be given for the Defendant or Defendants therein; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs; and shall have such Remedy for recovering the same, as any Defendant or Defendants hath or have for his, her, or their Costs in any Cases by Law.

General Issue.

Treble Costs.

Publick Act.

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

FINIS.