Anno octavo

Georgii III. Regis.

An Act for continuing the Terms of ſeveral Acts made in the Thirteenth Year of King *George* the Firſt, and in the Seventeenth and Thirty ſecond Years of His late Majeſty, for repairing ſeveral Roads leading from and through *Chippenham*, and from *Chippenham Bridge*, in the County of *Wilts*; and for amending the ſaid Acts, and reducing them into One Act of Parliament.

WHEREAS by an Act of Parliament made in the Thirteenth Year of the Reign of King George the First, intituled, An Act for repairing the Road leading from *Studley Bridge*, through *Chippenham*, in the County of *Wilts*, to the Top of *Toghill*, in the County of *Glouceſter*; and by another Act made in the Seventeenth Year of the Reign of His late Majeſty King George the Second, intituled, An Act for continuing an Act paſſed in the Thirteenth Year of the Reign of His late Majeſty King *George* the Firſt, ſo far as the ſame relates to the repairing the Road from *Studley Bridge* to *Chippenham*, in the County of *Wilts*; and for amending the Road from *Chippenham* to *Pickwick*, in the ſaid County; and by another Act made in the Thirty ſecond Year of the Reign Preamble, reciting former Acts.

of His ſaid late Majeſty King George the Second, intituled, An Act to continue and amend Two Acts, One made in the Thirteenth Year of the Reign of His late Majeſty King *George* the Firſt, and the other in the Seventeenth Year of His preſent Majeſty, for repairing certain Roads leading from *Chippenham*; and for repairing ſeveral Roads leading from *Chippenham Bridge*; and to repeal ſo much of an Act made in the Twenty ninth Year of His preſent Majeſty, as relates to the Road between the ſaid Bridge and *Lower Stanton*, in the County of *Wilts*; ſeveral Tolls were granted, and Powers given, to Truſtees therein named, and their Succeſſors, for amending and keeping in Repair the ſaid ſeveral Roads therein deſcribed for the reſpective Terms thereby granted: And whereas there is now owing on the Credit of the ſaid Acts the Sum of Three thouſand Pounds, which cannot be diſcharged, and the ſaid ſeveral Roads kept in good Repair, during the ſubſiſting Terms of the ſaid Acts: To the end therefore that the ſaid ſeveral Roads herein after deſcribed; videlicet, The Road leading from Studley Bridge, through the Borough of Chippenham (on each Side the Shambles) and through The Butts, Saint Mary Street, and Cook Street, in the ſaid Borough, to Pickwick aforeſaid; and from the Eaſt End of Chippenham Bridge to Lower Stanton, and from the Eaſt End of the ſaid Bridge to join the Turnpike Road at Draycot Cerne, in the ſaid County of Wilts; may be effectually amended, widened, altered, and kept in Repair, and the Money due on the Credit of the ſaid Acts be diſcharged; May it pleaſe Your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Terms granted by the ſaid recited Acts, made in the Thirteenth Year of the Reign of His late Majeſty King George the Firſt, and in the Seventeenth and Thirty ſecond Years of the Reign of His late Majeſty King George the Second, ſhall be, and the ſame are hereby further continued from the Expiration thereof, and alſo of the additional Term granted by an Act made in the Twenty eighth Year of the Reign of His ſaid late Majeſty King George the Second, intituled, An Act to amend an Act made in the Twenty ſixth Year of His preſent Majeſty, intituled, *An Act for the Amendment and Preſervation of the Publick Highways and Turnpike Roads of this Kingdom, and for the more effectual Execution of the Laws relating thereto*, for and during the further

The recited Acts further continued for 21 Years.

further Term of Twenty one Years, and from thence to the End of the then next Seſſion of Parliament.

Provisions in this Act to be exerciſed inſtead of the former Acts.

And be it further enacted by the Authority aforeſaid, That inſtead of the ſeveral Clauſes, Proviſions, Tolls, Powers, Authorities, Penalties, Forfeitures, Payments, Puniſhments, Exemptions, Matters, and Things, contained in the ſaid recited Acts, or any of them, this preſent Act, and the ſeveral Clauſes, Proviſions, Tolls, Powers, Authorities, Penalties, Forfeitures, Payments, Puniſhments, Exemptions, Matters, and Things, herein contained, ſhall, for the Purpoſe of repairing, widening, altering, and keeping in Repair, the ſaid ſeveral Roads herein before deſcribed, and hereby intended to be repaired, take Place, and ſhall commence upon the Fourth Day of April, One thouſand ſeven hundred and ſixty eight, and ſhall continue in Force for and during the ſaid ſeveral Terms granted by the ſaid ſeveral recited Acts, and alſo for the ſaid further Term of Twenty one Years hereby granted, and from thence to the End of the then next Seſſion of Parliament.

Truſtees Names.

And be it further enacted by the Authority aforeſaid, That the Honourable Thomas Fitzmaurice, Sir James Long Baronet, Sir Edward Bayntun Baronet, Sir Thomas Fludyer Knight, Townſend Andrews, John Awdry, Robert Aſhe junior, Daniel Bull, Edward Bayntun, Henry Bayntun, Joſeph Colborne, Benjamin Colborne, William Colborne, Walter Coleman, Ezekiel Dickinſon, Vicaris Dickinſon, William Earle, Eſmead Edridge, William Eſſington, Anthony Guy, Grant of Cadnam, Anthony Guy junior, Rogers Holland, Heles, Robert Houlton, John Houlton, Thomas Johnſon, Charles Long, Richard Long, Paul Methuen, James Montagu, Thomas Maundrell, John Morris, William Northey, Paul Newman, Robert Neale, Robert Neale junior, John Norris, John Talbot, John Walker, Walter Wiltſhire, Henry White, Eſquires; all his Majeſty's Juſtices of the Peace for the County of Wilts, for the time being; the Reverend John Scrope D. D. Richard Scrope D. D. John Merewether D. D. Alworth Merewether D. D. the Reverend Robert Aſhe, the Reverend John Bayntun, the Reverend William Juſon, the Reverend Richard Goddard, the Reverend Higginſon, the Reverend Francis Merewether, the Reverend Pidding, the Reverend John Rolt, the Reverend Benjamin Rogers, the Reverend Thomas Smith, the Reverend William Adlam, the Reverend John Shergold, the

Reverend Edward Willes, Clerks; Richmond A'Land, Charles Arnold, William Arnold, William Brewer, George Beames, John Bennett, Richard Boucher, John Bedford, George Searle Bayliffe, Robert Colborne, Thomas Crook, John Crook, Robert Crook, William Dalmer, Philip Edwards, Benjamin Edwards, Edward Baker Eddolls, John Eddolls, John Eaton, Thomas Eaton, Thomas Edridge, John Reeve Edridge, Thomas Figgins, Thomas Figgins junior, William Gale, John Sadler Gale, John Gaby, Adam Gouldney, Gabriel Goldney, James Green, Thomas Goldney, Richard Gale, Matthew Humphrys, John Jennings, George Jones, Henry Kemm, William Lovegrove, Ambrose Lovegrove, Samuel Martin, Henry Merewether, Edward Mitchell, William Mitchell, Thomas Mitchell, William Mountjoy, Thomas Neate, Samuel Neate, Dennis Newman, John Newman, William Pinniger, Robert Pinnell, Richard Pococke, Henry Singer, Richard Singer, Richard Sainsbury, John Scott, Richard Taylor, Walter Wastfield, James Wild, Roger Warne, Stephen Wilson, James Warne, Abraham White, William Wastfield, and the Bailiff and Burgesses of the Borough of Chippenham, for the time being; shall be, and they and their Successors, to be elected in Manner herein after mentioned, are hereby appointed, and shall be Trustees for surveying, ordering, altering, turning, widening, and keeping in Repair, the said several Roads herein before described, and hereby intended to be repaired, and for putting in Execution all other the Powers by this Act given.

Qualification of Trustees.

Provided always, and be it enacted, That no Person shall be capable of acting as a Trustee in any Case in the Execution of this Act, unless at the Time of his acting therein he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds, above Reprizes; or be Heir Apparent of a Person seized of an Estate in Lands of the yearly Value of Eighty Pounds, or be possessed of a Personal Estate to the Amount of Eight hundred Pounds: And if any Person, not being qualified as aforesaid, shall presume to act in the Trust aforesaid, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same; to be recovered in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance,

Penalty on acting if not qualified.

shall be allowed; and such Person so sued or prosecuted shall prove that he is qualified as above, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Plaintiff or Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act.

Provided always, That any Mortgagee, or Assignee of any Mortgage, or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by the said former Acts, or this Act, or receiving Interest thereout for the same, shall not therefore be deemed unqualified or disabled from acting as a Trustee in the Execution of this Act. Mortgagees, &c. not unqualified.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may cause to be erected and set up One or more Turnpike or Turnpikes, Toll-house or Toll-houses, in, upon, and across, any Part or Parts of the said Roads hereby intended to be repaired, and also upon the Sides thereof, and also across any Street, Lane, Common, or Way, leading into or out of the said Roads, with suitable Out-buildings to such Toll-house or Toll-houses; and also may take in and inclose from the said Roads, or any Parts thereof, convenient Garden Spots for each of the said Toll-houses, not exceeding One Eighth Part of an Acre, as the said Trustees, or any Seven or more of them, shall direct and appoint; and that the respective Tolls following shall be demanded and taken at each of the said Turnpikes by such Person or Persons as the said Trustees, or any Seven or more of them, shall, from time to time, appoint for that Purpose, before any Horse or other Cattle, Coach, Waggon, or other Carriage, shall be permitted to pass through any Turnpike or Gate already erected, or which shall be erected, upon the said Roads, or on the Sides thereof, or cross any Street, Lane, Common, or Way, leading into or out of the said Roads; that is to say, Trustees may erect Turnpikes and Toll-houses, and take Tolls thereat.

For every Horse, Mare, Mule, or Gelding, drawing in any Waggon, Wain, Cart, or Timber Carriage, the Sum of Four Pence. The Tolls.

For every Ox or other Neat Cattle drawing in any Waggon, Wain, or Cart, or Timber Carriage, the Sum of Two Pence.

For every Horse, Mare, Gelding, or Mule, drawing in any Coach, Chariot, Landau, Berlin, Hearse, Chaise, or Chair, the Sum of Three Pence.

For

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, the Sum of One Penny.

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

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

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

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

Tolls vested in Trustees.

Provided always, and it is hereby further enacted and declared, That no Person or Persons shall be subject or liable to the Payment of any of the Tolls hereby granted more than Once in any One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, for passing with the same Horse, Mare, Gelding, or other Cattle, Coach, Waggon, or other Carriage, through all or any Turnpike or Turnpikes erected, or to be erected, upon the said Road, or on the Sides thereof, between Studley Bridge and Pickwick aforesaid; nor more than Once in any One Day, to be computed as aforesaid, for passing with the same Horse, Mare, Gelding, or other Cattle, Coach, Waggon, or other Carriage, through all or any Turnpike

Tolls to be paid but Once a Day.

pike or Turnpikes erected, or to be erected, upon the said Roads, or on the Sides thereof, between Chippenham Bridge and Lower Stanton, and between Chippenham Bridge and the Turnpike Road at Draycot Cerne, such Person or Persons producing a Ticket, denoting that such Toll was paid on that Day; which Tickets the Collectors of the Tolls are hereby required to give gratis on Receipt of such Toll.

For compounding Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to compound and agree with any of the Inhabitants within any of Parishes wherein or near to which any Part of the said Roads do lie, for the Passage of their Cattle or Carriages, except Waggons, Wains, and Carts, the Fellies of the Wheels whereof are not of the Breadth or Gauge of Nine Inches; all which Composition-money shall be paid in Advance, and shall be applied as the Tolls hereby granted are to be applied.

Exemptions from Toll.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be charged with any of the Tolls aforesaid, for any Horses, Cattle, or Carriage, passing through any of the Turnpikes already erected, or which shall be erected, by virtue of this Act, carrying any Quantities of Stones, Gravel, or other Materials, for repairing any of the said Roads, or any other Roads in the Parishes in which any of the Roads hereby directed to be repaired doth lie, or in any of the neighbouring Parishes, or that shall carry through the said Turnpikes any Dung, Mould, Rubbish, or Compost, of any Nature or Kind whatsoever, for manuring of Gardens or Land; nor shall any Person or Persons be chargeable with the said Tolls for any Waggons or Carriages carrying any Hay or Corn in the Straw to be laid up in the Houses, Outhouses, or Barns, of the respective Inhabitants of the several Parishes, Liberties, and Divisions, in which the said Roads hereby intended to be repaired do lie (except Hay or Straw sold or disposed of;) nor for any Ploughs, Harrows, or other Implements of Husbandry; nor for any other Things whatsoever employed in Husbandry, or in manuring of Lands in the respective Parishes through which the said Roads do lead; nor for any Horse or Cattle going to or from Water or Pasture; nor for any Post-horse carrying the Mail or Packet; or for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, or Passenger on Horseback, going to, or returning from, any Elec-

tion of a Knight or Knights of the Shire to serve in Parliament for the County of Wilts during the Time of such Election, or on the Day before or Day after such Election shall begin, or be concluded; or for the Horses of any Soldiers upon their March, or for Carts, Carriages, or Waggons, attending them: And if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same; such Person, for every such Offence, shall forfeit the Sum of Five Pounds.

Penalty on making illegal Claims.

Penalty on Persons evading the Tolls.

And be it further enacted by the Authority aforesaid, That if any Person shall, with any Horse, Cattle, Beast, or Carriage, pass through any Land or Ground lying near any Turnpike already erected, or which shall be erected, by virtue of this Act, the same not being a publick Highway; or if any Owner or Occupier of any such Ground or Land shall knowingly permit or suffer any Person or Persons, with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same; or if any Person or Persons shall give to, or receive from, any Person or Persons, or forge or counterfeit, any Ticket by this Act directed to be given, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall forcibly or wilfully pass through any such Turnpike with any Horse, or other Cattle or Beast; or shall take off, or cause to be taken off, any Horse, or other Cattle, from any Carriage; or shall leave, or cause to be left, upon or near to any Part of the said Road, any Carriage, Horse, Cattle, or Beast, with Intent to avoid the Payment of any of the said Tolls, or of any Part thereof; or, with such Intent, shall unload any Goods from any Horse, Cattle, Beast, or Carriage, or secrete any Goods chargeable with any such Tolls; every Person so offending in any of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Five Pounds.

Trustees may lessen the Tolls,

And be it further enacted, That the said Trustees, or any Thirteen or more of them, at any Meeting to be held for that Purpose, whereof Ten Days Notice shall be affixed in Writing upon all the Turnpike-gates erected by virtue of the said former Acts, or of this Act, may, and they are hereby impowered, from time to time, to reduce all or any of the several Tolls hereby granted, and to order such Tolls, so reduced, to be collected and received in such Manner, Parts, and Proportions, as they shall think fit; so as such Reduction be with the Consent of the Person or Persons intitled to Five Sixth Parts of the Money which shall be then due on the Cre-

dit of the said Tolls, and to raise the same again, or any Part thereof, so as the same do not exceed the respective Rates herein before granted; and such Tolls, so reduced or raised again, shall be collected, recovered, and applied, in the same Manner as the Tolls herein before granted are directed to be collected, recovered, and applied. and raise them again.

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

And be it further enacted by the Authority aforesaid, That the Right and Property of all the said Turnpikes and Toll-houses, and of the Materials for building the same, and for repairing the said Roads, shall be vested in the said Trustees; and they, or any Five or more of them, are hereby authorized and impowered to bring Actions in the Name or Names of any One or more of them, or of their Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, or to prefer Bills of Indictment against any Person or Persons who shall steal, take away, break down, or damage, any such Turnpikes, Toll-houses, or Materials, or disturb them in the Possession thereof. Turnpikes and Toll-houses vested in Trustees.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Eleven or more of them, at any Meeting to be held for that Purpose (whereof Fourteen Days Notice shall be given in Writing, to be affixed upon all the Turnpike-gates erected by virtue of the said former Acts, or of this Act) may, and they are hereby impowered, from time to time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage all or any Part of the Tolls to be collected and levied at the said Turnpikes already erected, or to be erected by virtue of this Act (the Charges of assigning or mortgaging the same to be paid out of such Tolls) for any Term during the Continuance of the Terms of the said former Acts, and of this present Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed by the said Trustees, or any Eleven or more of them, upon the Credit of such Tolls, to such Person or Persons, or his, her, or their Trustee or Trustees, who shall advance and lend the same, by the following Words of Assignment under their Hands, or by any other Words, to the following Effect; videlicet, Tolls may be assigned for Money borrowed.

Form of Assignment.

BY virtue of an Act made in the Eighth Year of the Reign of His Majesty King *George* the Third, for continuing the Terms of several Acts made in the Thirteenth Year of King *George* the First, and in the Seventeenth and Thirty second Years of His late Majesty, for repairing several Roads leading from and through *Chippenham*, and from *Chippenham Bridge*, in the County of *Wilts*; and for amending the said Acts, and reducing them into One Act of Parliament; we, of the Trustees for putting the said Act in Execution, do assign unto *A. B.* his Executors, Administrators, or Assigns, in Consideration of the Sum of from this Day of in the Year of our Lord until the said Sum of with Interest at the Rate of *per Centum per Annum*, shall be repaid, such Proportion of the Tolls arising by virtue of this Act, between as the said Sum of shall bear to the whole Sum advanced on the Credit of the same.

Given under our Hands and Seals this Day of

Assignments to be entered in a Book.

And Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; but no Money shall be borrowed upon the Credit of the said Tolls, unless Notice be for that Purpose fixed in Writing upon all the Turnpikes in or upon the Road for which such Sum or Sums of Money shall be borrowed, at least Fourteen Days before the borrowing thereof; and all and every Person or Persons, to whom any such Assignment or Assignments shall be made as aforesaid, or who shall be intitled to the Money thereby secured, may, from time to time, assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest thereby secured, or any Part thereof, to any Person or Persons whatsoever, indorsing on the Back of such Security, before One credible Witness, the following Words, or Words to the like Effect:

Notice to be given of borrowing Money.

Assignments may be transferred.

I *A. B.* do transfer this Assignment, with all my Right and Title to the Principal hereby secured, and to all the Interest now due thereon, unto *C. D.* his Executors, Administrators, or Assigns. Dated this Day of

A. B.

Witness *E. F.*

Which said Transfer or Assignment shall be produced and notified to the said Clerk or Treasurer, who shall cause an Entry to be made of such Assignment or Transfer, containing the Dates, Names of the Parties, and Sums of Money therein transferred, in the said Book or Books to be kept for the entering the said original Assignments, for which the said Clerk or Treasurer shall be paid such Sum as the said Trustees, or any Seven or more of them, shall appoint, not exceeding the Sum of Two Shillings and Six Pence: And after such Entry made, but not till then, every such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and every such Assignee may in like Manner assign again, and so toties quoties; which said Money so borrowed shall (after paying the Expences of procuring this present Act) be applied and disposed of for the Purposes of this Act, according to the true Intent and Meaning thereof, and to no other Use or Purpose whatsoever.

Entries to be made of all Assignments.

Clerk's Fee.

Provided always, That the Treasurer or Treasurers to the said Trustees shall, and he and they is and are hereby required, Once in every Year, to discharge, out of the Monies that shall come into his or their Hands by virtue of this Act, the Interest that shall have become due within the preceding Year upon all Mortgages made or secured by virtue of this Act.

Interest to be paid in Preference to other Payments.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at a Meeting to be held for that Purpose (whereof Ten Days Notice shall be given in Writing under their Hands and Seals) shall and may nominate and appoint One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and also a Receiver or Receivers, and Collector or Collectors, of the said Tolls, with such Salaries as they, or any Seven or more of them, shall think reasonable; and may take such Security for the due Execution of their respective Offices as they the

Trustees may appoint Officers.

said Trustees, or any Seven or more of them, shall approve of; and shall also appoint such other Officers as they shall think necessary to employ in the Execution of this Act, and shall have Power, from time to time, to remove such Clerks, Treasurers, Surveyors, Receivers, Collectors, and other Officers, as they shall see Occasion, and appoint new Ones in Cases of Death or such Removal; and that no Person shall be capable of holding any Place of Profit under the said Trustees who shall sell any Ale, Wine, or other Spirituous Liquors, by Retail; and the said Tolls shall be paid after the Rates aforesaid to such Person or Persons as shall, from time to time, be so appointed to receive the same: And the said respective Treasurers, Surveyors, Receivers, Collectors, and other Officers, and all other Persons, who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall, from time to time, as often as they or any of them shall be thereunto required by the said Trustees, or any Seven or more of them, give unto such Trustees true and perfect Accounts, in Writing under their respective Hands, of all the Monies which shall have been by them respectively collected or received, and how and to what Uses the same have been paid and applied, together with proper Receipts and Vouchers for such Payments; and shall pay all such Monies as shall remain in their Hands to the said Trustees, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall direct and appoint; and that all such Officers and other Persons shall verify such Accounts upon Oath, if thereunto required by the said Trustees, or any Seven or more of them (which Oath any One of the said Trustees is hereby impowered to administer;) and if any of the said Officers or other Persons shall not give such Account, or shall refuse to verify the same in Manner as aforesaid, or shall refuse to deliver up all the Books, Papers, and Accounts, belonging to the said Trustees, within Fourteen Days after being served with a Copy of an Order signed by Seven or more of the said Trustees, requiring the same, the said Trustees, or any Seven or more of them, are hereby required to make or cause Application to be made to any Two Justices of the Peace for the County, Division, or Place, where such Officer or other Person shall reside; which Justices are hereby authorized and required to make Inquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony

and remove them, and appoint others.

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

Officers to account upon Oath.

Officers refusing to account,

Justices to enquire into the Default,

timony of One or more credible Witness or Witnesses upon Oath (which Oath such Justices are hereby impowered and required to administer without Reward;) and if any such Person shall be thereof convicted, such Justices shall commit him to some Common Gaol or House of Correction within the said County, there to remain until he shall give and make a true and perfect Account, and verify the same in Manner as aforesaid, or give Security to the Satisfaction of the said Justices or Trustees to make and verify such Account within some reasonable Time to be allowed and approved by the said Justices or Trustees: And in case any of the said Officers or other Persons shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, it shall be lawful for any Two Justices of the Peace for the County or Division where such Person or Persons shall reside, to make Inquiry, touching such Neglect or Refusal, in a summary Way in Manner as aforesaid; and, by Warrant under their Hands and Seals, to cause such Sum or Sums of Money (not exceeding Thirty Pounds) as shall appear to them to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattles of such Person or Persons, rendering the Overplus (if any) after the Money remaining due, and the Charges of making such Distress and Sale, shall be deducted, unto such Person or Persons, upon Demand; and if sufficient Distress cannot be found, then the said Justices, or any Two other Justices of the Peace, shall commit such Person or Persons to some Common Gaol or House of Correction within the said County, there to remain without Bail or Mainprize until he or they shall have paid over such Monies in Manner as aforesaid, or shall have given Security, to be approved by the said Justices or Trustees, or have compounded for the same; which Composition the said Trustees, or any Seven or more of them, at any Meeting assembled, are hereby impowered to make; saving to all such Persons their lawful Appeals at the General Quarter Sessions as herein after provided.

and commit the Offender.

Balance to be levied by Distress and Sale.

For want of Distress, the Offender to be committed.

Provided always, That as often as any Collector of the said Tolls, or other Officer shall die, or shall be negligent or incapable of performing his Duty, or shall misbehave himself therein, it shall be lawful for any Three or more of the said Trustees, though not assembled at a Meeting in pursuance of this Act, by any Writing under their Hands, to displace such Collectors and other Officers, and appoint others in the Stead of such

Trustees may appoint Collectors, though not assembled at a Meeting.

such Persons so dying or displaced; and all such Collectors and other Officers, so appointed, shall have the same Authority to act in the Execution of their respective Offices, as the Persons they shall succeed was or were vested with, until the said Trustees, or any Seven or more of them, shall, at any Meeting to be held by virtue of this Act, appoint a Collector of such Tolls, or other Officers as aforesaid.

Surveyors may dig Gravel, &c.

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

without paying for the same; levelling the Pits.

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

Surveyors may remove Annoyances in the Road, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person and Persons as he or they shall appoint, from time to time (such Surveyor

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

and cut down Trees;

the Owners neglecting to remove the same after Notice;

Charges to be reimbursed to the Surveyors.

Penalty of a Second Offence.

Provided always, That nothing herein contained shall authorize the said Trustees, or any Person or Persons whatsoever, to cut down, lop, or top, any Timber Trees growing in or on the Sides of any Part of the said Roads, without the Consent of Two or more Justices of the Peace for the said County of Wilts, acting in their Petty Session, signified under their Hands and Seals first had and obtained; any thing herein contained to the contrary notwithstanding.

Timber Trees not to be cut down, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors, by Order of the said Trustees, or any Seven or more of them, to make, or cause to be made, Causeways and Drains in and upon the said Roads, and to erect Arches and Bridges over the same; and also to make Ditches and Drains through any Grounds ly-

Surveyors may make Causeways, &c.

making Satisfaction to the Owners.

ing contiguous thereto, making such reasonable Satisfaction to the Owners or Occupiers of such Grounds respectively through which any such Drain shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, or any Seven or more of them: And in case of any Difference concerning the same between such Owners or Occupiers, and the said Trustees, that then it shall and may be lawful for any Two Justices of the Peace for the said County of Wilts, to settle and adjudge and finally determine what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid.

Justices to determine Differences.

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

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

the Costs and Charges attending such Agreement and Purchase.

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

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Parsons, Vicars, and all Feoffees in Trust, Committees of Lunaticks and Ideots, Executors, Administrators, Guardians, and other Trustees whatsoever, for and on Behalf of any Infants, Femes-covert, Cestuique Trusts, and for all and every Person and 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 any Part or Parts thereof, and for their Interest therein, for the Purposes aforesaid, and to sell and convey the same, as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid and effectual in the Law, to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in any-wise notwithstanding: and all Feoffees in Trust, Committees of Lunaticks and Ideots, Executors, Administrators, Guardians, and Trustees, Corporations Aggregate and Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Where Persons refuse to treat, &c.

And be it further enacted by the Authority aforesaid, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Parsons, Vicars, Trustees, Guardians, Committees of Lunaticks and Ideots, Executors, Administrators, or other Person or Persons, interested in any Lands, Grounds, or Hereditaments, upon Notice to them given or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or at the House of the Tenant or Tenants in Possession of the Lands, Grounds, or Hereditaments, so to be taken in, and added to, the said respective Roads, or any of them, or into which such Road or Roads is or are to be turned or altered, or through or over which such new and additional Road or Roads shall be made as aforesaid, shall, by the Space of Fourteen 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

Seven

Jury to settle the Damages and Recompence.

Seven 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 of Wilts (which Oaths any Two or more of the said Trustees are hereby impowered and required to administer) what Damages shall be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Occupiers, or Proprietors, or other Person or Persons interested, as aforesaid, for or upon account of the taking of such Lands, Grounds, or Hereditaments, into the said Road or Roads, or of turning such Road or Roads into, or of making such new Road or Roads over, the same; and in order thereto, the said Trustees, or any Seven or more of them, are hereby impowered, from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons 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 and directed to administer) and they shall also order and cause the said Jury to view the said Places in Question (if there shall be Occasion) and use all other lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premisses, as they the said Trustees, or any Seven or more of them, shall think fit; and after the said Jury shall have enquired of, ascertained, and settled, such Damage and Recompence, they the said Trustees, or any Seven or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners, Occupiers, or Proprietors of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be filed with the Clerk of the Peace at the then next General Quarter Sessions for the said County of Wilts, and 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, Ideots, Lunaticks, and Persons under any other Disabilities whatsoever, Bodies Politick, Corporate, or Collegiate, as well as all and every other Person or Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every

Verdict of the Jury to be final.

Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property of, in, to, or out of, the same, and the same shall from thence forth be vested in the said Trustees and their Successors, and be deemed Part of the said Roads: And, for the summoning and returning such Jury or Juries, the said Trustees, or any Seven or more of them, are hereby impowered, to issue out a Warrant or Warrants to the Sheriff of the said County of Wilts, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons, or more, to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in such Warrant shall be appointed; and the said 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 for 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,

Trustees may issue a Warrant to the Sheriff, &c. to impanel a Jury.

Provided always, and be it further enacted by the Authority aforesaid, That all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Seven or more of them, acting in the Premisses, shall have Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses; and on any Persons who shall be summoned and returned on such Jury and shall not appear, or who shall refuse to be sworn on the said Jury, or being so sworn shall refuse or neglect to give their Verdict, or in any Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who being required to give Evidence before the said Jury touching the Premisses shall refuse or neglect to appear, or appearing who shall refuse to be examined and give Evidence; and, from time to time, to levy such Fine or Fines in the same Manner as any other Forfeiture or

Jurors may be challenged.

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

Fine not to exceed 5 *l.*

Penalty is hereby directed to be levied, so as no such Fine shall exceed the Sum of Five Pounds upon any One Person for One Offence; and that all such Fines shall be applied for such Uses and in such Manner as the Tolls granted by this Act are to be applied.

Expences of Jurors how to be borne.

And be it further enacted, That in case any Jury shall give in a Verdict for more Monies as a Recompence for the Right, Interest, or Property, of any Person or Persons in any Lands or Hereditaments, or for any such Loss or Damage to be by them sustained, than what shall have been offered by the said Trustees, or any Seven or more of them, before the summoning or returning the Jury, as a Recompence for any such Right, Interest, or Property, or Loss or Damage as aforesaid; that then, and in such Case, the Costs and Expences attending the deciding the same by such Jury and Witnesses shall be borne and paid by the said Trustees out of the Money to be raised by virtue of this Act: But if such Jury shall give a Verdict for no more or for less Monies than shall have been offered by the said Trustees, or any Seven or more of them, before the summoning and returning the said Jury, as a Recompence for any such Right and Interest, or Property, in, or Loss or Damage as aforesaid; that then the Costs and Expences attending the deciding the same by such Jury and Witnesses shall be borne and paid by the Person or Persons to whom such Lands or Hereditaments shall belong.

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

And be it further enacted by the Authority aforesaid, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed, as aforesaid, shall be and is hereby charged and chargeable upon the Monies which shall be raised, received, or borrowed, by virtue of the said former Act, and of this Act, and shall be paid thereout accordingly to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof, to such Persons or their Agents, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Clerk to the said Trustees for the Use of such Persons; and after Six Days Notice thereof given to such Persons or their Agents to receive such Money, Consideration, Recompence, or Satisfaction, it shall and may be lawful for the said Trustees, or any Seven or more of them, their Surveyors, Workmen, or Agents, to take into, and add to, the said Road or Roads, or to make any new and additional Road or Roads over and through such Grounds, Lands, and Hereditaments, and to do all

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

and

and every such Act, Matter, and Thing, with relation to such Grounds, Lands, or Hereditaments, as the said Trustees, or any Seven or more of them, shall think fit; and after the Purchase of the said Lands, Grounds, or Hereditaments, or Adjudication of the Value thereof made, and Tender of Payment, and Notice given as aforesaid, such Lands, Grounds, and Hereditaments, shall be laid into, or added to, and made Part of, the said Road or Roads in such Manner as the said Trustees, or any Seven or more of them, shall order and direct; and shall be by them, or such Person or Persons as they, or any Seven or more of them, shall appoint, sufficiently drained, ditched, fenced, and set out, for that Purpose; and after such draining, ditching, fencing, and setting out, the said Lands, Grounds, or Hereditaments, shall, to all Intents whatsoever, become, and be deemed and taken to be, a publick and common Highway, and be from thenceforth deemed to be Part of the said Road or Roads for ever after; and shall be repaired, and kept in Repair, by such Ways and Methods, and in all Respects as the respective old Roads lying near, or adjoining to, any such new or additional Road or Roads are and ought to be kept in Repair.

and esteemed a Publick Highway.

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

Buildings not to be injured, &c.

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

Trustees not to act where interested.

And be it further enacted, That a Bargain and Sale, to be inrolled by the Clerk of the Peace at the General Quarter Sessions of the said County of Wilts, pursuant to the Statute made in the Twenty seventh Year of the Reign of King Henry the Eighth, for Inrolment of Bargains and Sales, shall be sufficient and effectual for conveying all such Lands and Premisses, and the Interest of all such Persons therein, to the said Trustees and their Successors, without any Fine or Recovery; notwithstanding any Coverture, Title of Dower, Settlement, or Limitation of such Lands and Premisses, in Join-

Bargains and Sales to be inrolled.

Jointure Tail, Reversion, Remainder, or otherwise howsoever.

Statute-work how to be performed.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons who by Law are obliged to do Statute-work with Teams, Draughts, or Carts, within the Parishes of Chippenham and Kington Saint Michael, shall do and perform Three Days Statute-work upon the said Roads directed to be repaired by the said former Acts, or this present Act, with such Teams, Draughts, or Carts; and all and every Person and Persons who by Law are obliged to perform Statute-work with Teams, Draughts, or Carts, within the Parishes of Langley Burrell and Harden Huish, otherwise Harnish, shall perform Two Days Statute-work upon the said Roads; and all and every Person and Persons who by Law are obliged to perform Statute-work with Teams, Draughts, or Carts, within the Parishes of Stanton Saint Quintin, and Draycot Cerne, shall perform One Day's Statute-work upon the said Roads in every Year; and that the Inhabitants of the Parish of Corsham shall do and perform Statute-work with Three Ploughs upon the said Road in every Year; which said Statute-work shall be done at such Times, in such Manner, and on such Parts of the said Roads, within such respective Parishes, Townships, and Places, as the said Trustees, or any Seven or more of them, or their Surveyor or Surveyors, shall, from time to time, direct and appoint; and the said Surveyor or Surveyors of every such Parish, Township, or Place, for the time being, within Six Days after Notice shall be given to him or them in Writing by the said Trustees, or any Seven or more of them, or their Surveyor or Surveyors, of the Time when, and how many of the Persons, so chargeable as aforesaid, he or they would have to do such their respective Statute-work, so directed and appointed as aforesaid, in or upon any Part or Parts of the said Roads, shall summon or give Notice thereof to the said several Persons so chargeable as aforesaid; and if any Person shall, after such Summons or Notice, neglect or refuse to do such Statute-work, every such Person, for each Day he shall make Default, shall forfeit and pay the Sum of Ten Shillings for every Team and Draught; and if any Person or Persons shall be found idle or negligent in the Performance of such Statute-work, the Turnpike Surveyor may, and he is hereby required to discharge such Person or Persons, and it shall be deemed as if such Person or Persons had not come or been sent to work, and he or they shall be liable to such respective

ſpective Penalties as aforeſaid; and in caſe any of the ſaid Surveyors of the Highways for ſuch Pariſhes, Townſhips, or Places, ſhall neglect or refuſe to do as they are hereby required and directed, he and they, for every ſuch Neglect or Refuſal, ſhall forfeit and pay the Sum of Five Pounds.

Truſtees may compound for Statute-work.

Provided always, That the ſaid Truſtees, or any Five or more of them, or their Surveyors by them for that Purpoſe ſpecially authorized, are hereby authorized and impowered to compound with any Perſon or Perſons for the Statute-work to be by him or them performed upon the ſaid Roads, for ſuch Sum or Sums of Money, to be paid in Advance, as they or he ſhall think fit.

Chippenham Bridge and Cauſeway to be maintained as formerly.

Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to excuſe or diſcharge the Bailiff and Burgeſſes of the Borough of Chippenham aforeſaid, and their Succeſſors, from maintaining, repairing, and amending Chippenham Stone Bridge, and the Bank Cauſeway or Horſeway leading from Chippenham aforeſaid, to a Place called Derry Hill, being on Part of the Road before-mentioned, or the Lands, Tenements, or Hereditaments, given to, or veſted in, the ſaid Bailiff and Burgeſſes, and their Succeſſors, for that Purpoſe; but that the ſaid Bridge, Bank, or Cauſeway, ſhall ſtill continue to be maintained and amended at the Charge of the ſaid Bailiff and Burgeſſes, and their Succeſſors, in ſuch Manner as they were and ought to be repaired, maintained, and amended, before the paſſing of this Act; any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

Certain Parts of the Roads to be lighted.

And whereas certain Parts of the ſaid Roads are, in the Night-time, frequently unſafe for Travellers, be it therefore enacted by the Authority aforeſaid, That in order to render the ſaid Roads ſafe and commodious for Travellers, it ſhall and may be lawful for any Eleven or more of the ſaid Truſtees, to cauſe to be erected and ſet up upon the ſaid Roads, or on the Sides thereof, ſuch Number of Lamps as they ſhall think neceſſary, with proper Lamp Poſts and Lamp Irons, ſo as the Number of Lamps to be erected or ſet up as aforeſaid, do not exceed Thirty; and the ſame ſhall be lighted at ſuch Times, and in ſuch Manner, as the ſaid Truſtees, or any Eleven or more of them, ſhall, from time to time, direct and appoint; and all Expences attending the ſame ſhall be defrayed out of the ſaid Tolls and Money to be borrowed on the Credit thereof; any thing in this Act to the contrary notwithſtanding.

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, where the same is not already done, cause all the said Roads to be measured, and Stones or Posts to be set up in or near the Sides of the said Roads, at the Distance of One Mile from each other, with Inscriptions denoting the Distance of every such Stone or Post from any Town or Place, and also Guide and Direction Posts, where the same shall be thought necessary by the said Trustees, or any Five or more of them: And if any Person or Persons shall wilfully pull up or damage any of such Stones or Posts, or any Guide or Direction Posts, already erected or to be erected, or any of them, or shall obliterate or deface any of the Letters, Figures, or Marks, which shall be respectively inscribed thereon, or shall break, damage, or extinguish, any of the said Lamps, Lamp Posts, or Lamp Irons, and be convicted thereof by the Confession of the Party, or by the Oath of One credible Witness, before One or more Justice or Justices of the Peace for the said County (which Oath the said Justice or Justices is and are hereby impowered to administer) every such Person shall forfeit the Sum of Five Pounds for every such Offence.

Penalty on defacing Mile-stones.

Penalty on drawing Timber otherwise than upon Wheel Carriages.

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

Act 29 *Geo.* II. in Part repealed.

And whereas in the Twenty ninth Year of the Reign of his late Majesty King George the Second, an Act was made, intituled, An Act for repairing and widening the Road from the Town of *Farringdon*, in the County of *Berks*, to the Town of *Cricklade*, and from thence to the Town of *Malmesbury*, in the County of *Wilts*, and the Road from thence to join the Turnpike Road at *Acton Turville*, in the County of *Gloucester*; and also the Road from *Tetbury*, in the said County, through *Malmesbury* aforesaid, to *Chippenham Bridge*, and the Road from *Sherston*, to join the Turnpike Road leading from *Tetbury* to *Bath*: And whereas the Road lying between Chippenham Bridge aforesaid and Lower Stanton, in the Parish of Stanton Saint Quintin, is by the said last mentioned Act directed to be repaired; but nothing has been done in consequence of the said Act towards amending any

any Part of the Road between Chippenham Bridge aforesaid and Lower Stanton aforesaid; be it therefore enacted by the Authority aforesaid, That the said recited Act, and all the Powers and Authorities thereby given and granted, so far as the same relate to the Road between Chippenham Bridge aforesaid and Lower Stanton aforesaid (which Road is by this Act to be repaired) shall, and the same is and are hereby declared to be repealed.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed, (the Manner of levying and recovering whereof is not otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal, or Hands and Seals, of One or more of the Justices of the Peace for the said County of Wilts; which Warrant or Warrants, such Justice or Justices is and are hereby impowered and required to grant upon the Information of One or more credible Witness or Witnesses, upon Oath (which Oath such Justice or Justices is and are hereby impowered to administer, without Fee or Reward); and such 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 (if not otherwise directed to be applied by this Act) One half to the Informer or Informers, and the other Half to the Treasurer or Surveyor, to be applied towards the Repair of the said Roads; and if sufficient Distress shall not be found, it shall be lawful for such Justice or Justices to commit every such Offender to the Common Gaol or House of Correction within the said County of Wilts, there to remain without Bail or Mainprize for any Time not exceeding Three Months, nor less than Six Days, unless such Penalties or Forfeitures, and all reasonable Charges, shall be sooner paid.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted, That in case any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already hereby appointed; it shall be lawful for such Person to appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be held in and for the said County of Wilts; or in case the said Cause of Complaint shall arise within Six Days next before such General Quarter Sessions of the Peace, then such Appeal

peal may be made to the said Justices, at the Second General Quarter Sessions of the Peace to be held for the said County, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any such Person in a summary Way; and, if they see Cause, may, by Order of such Sessions, mitigate at their Discretion all or any of the Penalties aforesaid, or vacate and set aside the Conviction, and set the Party at Liberty, or otherwise may ratify and confirm the same, and award such Costs to the Parties appealing or appealed against as to them shall seem just and reasonable, and to make such Orders and Judgements in regard to the Premisses as they shall think fit; but the Person so appealing shall give Notice in Writing to the said Treasurer or Treasurers of such his or her Intention of bringing such Appeal, and of the Cause or Matter thereof, Six Days before the said Quarter Sessions.

Notice of Appeal to be given.

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

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

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

Form of Conviction.

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

And for continuing a sufficient Number of Trustees to put this Act in Execution, be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die, or refuse to act, it shall and may be lawful

lawful for the surviving or other Trustees, or any Seven or more of them, from time to time, to elect, nominate, and appoint, One other fit Person, living in the said County of Wilts, and qualified as aforesaid, in the Place of such Trustee dying or refusing to act; but Notice in Writing of the Time and Place of Meeting, for the Election of all such new Trustees, shall be fixed on all the Turnpikes which shall be then erected upon the said Roads, at least Ten Days before the Meeting for such Election; and all and every such Person and Persons as shall, from time to time, be so chosen and appointed, shall be joined with such surviving or other Trustees, and they are hereby impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as if such Person or Persons had been particularly named and appointed a Trustee or Trustees by this Act. On Death, &c. of Trustees, others to be chosen.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall meet at the Town Hall in Chippenham, upon the said Fourth Day of April, One thousand seven hundred and sixty eight, and proceed to the Execution of this Act; and adjourn themselves from time to time, and afterwards meet there, or at any other Place in or near any of the said Roads, as the said Trustees, or any Seven or more of them, shall think most convenient, as often as it shall be necessary for putting this Act in Execution; (provided always, that Five Trustees shall be sufficient for the Purpose of Adjournment only:) And if it shall happen that there shall not appear at any Meeting a sufficient Number of Trustees to act, and to adjourn to another Day, any Two or more of the said Trustees, or their Clerk or Clerks, shall, by publick Notice in Writing to be affixed on all the Turnpikes then erected, at least Ten Days before the next Meeting, appoint the Trustees to meet at the House or Place where the last Meeting was appointed to be held, or at some other convenient House or Place in or near any of the said Roads, on some convenient Day, not exceeding One Month from the Date of the said Notice. Time and Place of Trustees Meeting. In Default of a sufficient Number to act, Notice to be given of another Meeting.

And be it further enacted by the Authority aforesaid, That if, after any Adjournment of the said Trustees, it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall be adjourned, the Clerk to the said Trustees, upon an Order in Writing signed by Five or more of them, mentioning the Time and Place of such Meeting, shall forthwith give Notice in Writing, A Meeting may be held on an Emergency.

to be affixed upon all the Turnpikes then erected upon the said Roads, of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Ten Days after such Notice;) and all Proceedings of the Trustees at such Meeting shall be as valid as they would have been in case the Trustees had met in pursuance of any Adjournment.

Trustee not to accept a Place of Profit.

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

Trustees in Commission of the Peace may act as Justices.

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

Proceedings to be entered in a Book.

And be it further enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings, so entered, shall be signed by the said Trustees at any Meeting of Five or more of them; which said Book or Books, and also the said Book directed to be kept for registering the said Mortgages and Assignments or Transcripts thereof, signed by the Clerk to the said Trustees, shall and may be read in Evidence in all Cases of Appeal, and in all Suits or Actions, touching any thing done in pursuance of this Act.

Writings to be without Stamps.

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

No Order made to be revoked, unless 9 Trustees concur therein.

Provided always, and be it further enacted, That no Order made by any Five or more of the said Trustees shall be revoked or altered, unless Twelve Trustees at the least shall be then present, and Nine or more of them shall concur therein; and unless Notice shall have been given of the Intention to revoke or alter such Order, by affixing the same in Writing upon all the

Turnpikes then standing upon the said Roads, Ten Days before the Meeting for that Purpose.

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

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

FINIS.