Anno octavo

Georgii III. Regis.

An Act to enlarge the Term and Powers of an Act made in the Twenty fifth Year of the Reign of His late Majesty King *George* the Second, for repairing the Road from the *Green Man* in the Chapelry of *Seend*, in the County of *Wilts*, to *Beckington*, in the County of *Somerset*; and for repealing so much of an Act made in the same Year, for repairing several Roads in the Counties of *Wilts* and *Somerset*, as relates to the Road from a Place in *Trowle Bridge Lane* to *Midford*, and from *Freshford* to *Hall's Close* in *Limpley Stoke*; and for amending the said Roads, and also several other Roads leading from or near the Roads included in the said Acts.

WHEREAS an Act was made in the Twenty fifth Year of the Reign of his late Majesty King George the Second, intituled, An Act for repairing the Road leading from the *Green Man* in the Chapelry of *Seend*, in the County of *Wilts*, through *Trowbridge*, to a Place called *White Trough*, in the Parish of *Trowbridge*, in the same County; and from thence by *Road Church* to *Beckington*, in the County of *Somerset*; which was to continue in Force from the First Day of May, Preamble, reciting Acts 25 Geo. II.

One thouſand ſeven hundred and fifty two, for the Term of Twenty one Years, and to the End of the next Seſſion of Parliament: And whereas an Act was made in the ſame Year of the ſaid King's Reign, intituled, An Act for repairing and widening the Roads from *Tinhead Hill* to the *Round Stone* in *Trowbridge*, and from *Flinty Nap* to *Weſtern Down*, in the Pariſh of *Edington*, in the County of *Wilts*, and other Roads in the Counties of *Wilts* and *Somerſet*, leading towards the Cities of *Briſtol* and *Bath*; which was to continue in Force from the Firſt Day of May, One thouſand ſeven hundred and fifty two, for the Term of Twenty one Years, and to the End of the next Seſſion of Parliament, upon the Condition therein mentioned: And whereas the Truſtees of the ſaid firſt recited Act have borrowed the Sum of Three thouſand Pounds upon the Credit thereof, which ſtill remains unpaid; and has, together with the Tolls collected by virtue of the ſaid Act, been duly applied, and great Progreſs has been made in widening and repairing the ſaid Roads; but the ſame cannot be compleated, and the ſaid Money, with the Intereſt thereupon, repaid, during the ſubſiſting Term of the ſaid Act; and the ſaid Act has been found in ſome Reſpects defective: And whereas the Truſtees of the ſaid laſt recited Act have borrowed One thouſand eight hundred Pounds and upwards, upon the Credit of the Tolls thereby authorized to be taken upon the following Diſtrict of Road; videlicet, the Road from a Houſe then in the Occupation of Robert Godby, ſituate in a Lane called Trowle Bridge Lane, in the Pariſh of Trowbridge, through Weſtwood, to Midford, in the County of Somerſet; and from Freſhford, in the ſaid County, to the North Weſt Corner of an Orchard called Halls Cloſe, in Limpley Stoke, in the County of Wilts; which Money, together with a large Arrear of Intereſt, now remains due; and as the ſaid Diſtrict of Road adjoins or lies near to ſome Part of the Roads directed by the ſaid Firſt recited Act to be repaired, and is ſtill much out of Repair, it would be of publick Advantage, and a better Security to the Mortgagees, if ſo much of the ſaid laſt recited Act as relates to the ſaid Diſtrict was repealed, and the ſaid Diſtrict of Road put under the Direction of the Truſtees of this Act: And whereas the Road from the preſent Turnpike-gate, at or near Keevil Lane, to the End of the Pariſh or Tything of Bulkington, towards Market Lavington; and from Trowbridge to the Turnpike Road at Hillprinton's otherwiſe Hillperton's Marſh; and from the Turnpike Road at Stallards, in the Pariſh of Trowbridge, to Robert Godby's

Godby's House before mentioned; and through a Lane called London Bridge Lane, to the End of the Parish of Hungerford Farleigh, or Farleigh Castle, leading towards Norton Saint Philips, in the said County of Somerset; and from Hungerford Farleigh, to the End of that Parish towards Telsford; and from Hungerford Farleigh to Charter House Hinton; and from the Road near a House in the Parish of Wingfield, in the Occupation of Daniel Danvers Esquire, over Wingfield and Road Common, to join the Turnpike Road leading from Trowbridge, to Beckington and Froome; and from the Turnpike Road between Westwood and Freshford, through Charter House Hinton aforesaid, to join the Turnpike Road at the Red Post in the Parish of Wellow, in the County of Somerset; and from the Wells Road, opposite the Road leading to Rodstock, turning on the Right Hand through the Three Corner Field, in the Parish of Camerton, to join the Bath Turnpike Road near Hallatrow Bridge, in the Parish of High Littleton, in the said County of Somerset; and also the Road from a Publick House called the Carpenters Arms, in the Parish of Keevil, through Hinton, to the Turnpike Road at the Foot of Haghill, in the Parish of Steeple Ashton; and also the Road leading from Studley Lane End, in the Parish of Trowbridge, to the Entrance of Out Marsh Common; and also the Road from the Turnpike Road at Southwick, over Winsham's Bridge, to the Turnpike Road at or near the Direction Post on Little Common, in the Parish of North Bradley, in the said County of Wilts, are in a ruinous Condition, narrow in many Places, and, for want of proper Bridges and Drains, are frequently so overflowed with Water as to make the Passage thereof dangerous; and the said Roads cannot be amended, widened, drained, raised, and sufficiently kept in Repair, by the ordinary Course of Law: May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said last recited Act as relates to the said Road from Robert Godby's House in Trowle Bridge Lane, in the Parish of Trowbridge, through Westwood, to Midford, in the County of Somerset; and from Freshford, in the said County, to the North West Corner of an Orchard called Hall's Close, in Limpley Stoke, in the County of Wilts, shall, as soon as a sufficient Number of Trustees appointed by this Act are assembled

The Second recited Act in part repealed.

at their First Meeting, pursuant to the Directions herein contained, and shall have proceeded to put this Act in Execution, be, and the same is hereby declared then to be, repealed.

The First recited Act further continued for 21 Years.

And be it further enacted by the Authority aforesaid, That the Term granted by the said first herein recited Act, for repairing the Road leading from the Green Man in the Chapelry of Seend, in the County of Wilts, through Trowbridge, to a Place called White Trough, in the Parish of Trowbridge, in the same County, and from thence by Road Church to Beckington, in the County of Somerset, shall be, and the same is hereby, further continued, from the Expiration thereof; and also of the additional Term of Five Years, granted by an Act made in the Twenty eighth Year of the Reign of 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 Term of Twenty one Years, and to the End of the then next Session of Parliament: And that instead of all other Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Payments, Punishments, Rules, Orders, Matters, and Things, in the said First herein recited Act contained, the Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Payments, Punishments, Rules, Orders, Matters, and Things, in this Act contained, shall, for the Purpose of repairing, widening, turning, shortening, and altering, the Roads in the said first herein recited Act contained or described; and also the said District of Road contained or described in the said last herein recited Act, and with respect thereto so much of the said Act is herein before repealed; and also the said several additional Roads herein before particularly described, and hereby intended to be amended, take place and commence upon the Day herein after appointed for the First Meeting of Trustees to put this Act in Execution, and as soon as a sufficient Number of Trustees to act shall be then and there assembled, and shall continue in Force until the Expiration of the said further Term of Twenty-one Years, and to the End of the then next Session of Parliament, as fully and effectually, to all Intents and Purposes, as if all the Roads hereby intended to be amended had been included in the said First herein recited Act; which said additional Term hereby granted, shall be, and is hereby made subject to

Provisions in this Act to be instead of those in the former Act;

and to extend to the new Roads.

the

the Payment of all Sums of Money now due and owing, as well upon the Credit of the said First herein recited Act, as upon the Credit of the said Second herein recited Act, so far as the same relates to the District of Road now comprized in this Act, and with respect whereof the said Second recited Act is herein before repealed, and to the Payment of all Interest due and to grow due on the said respective Sums.

Farleigh Castle Road to be within 300 Yards of the Bridge.

Provided always, and be it further enacted, That the intended Road through a Lane called London Bridge Lane, to the End of the Parish of Hungerford Farleigh, or Farleigh Castle, leading towards Norton Saint Philips, in the County of Somerset, shall be so made as to run within Three Hundred Yards of Farleigh Bridge, of that Side towards Stoford.

Trustees Names.

And be it further enacted by the Authority aforesaid, That the Right Honourable Webb Seymour, commonly called Lord Webb Seymour; the Right Honourable William Seymour, commonly called Lord William Seymour; the Right Honourable and Reverend Francis Seymour, commonly called Lord Francis Seymour; the Honourable Peregrine Bertie, the Honourable Henry Frederick Thynne, the Honourable and Reverend William Harley, Sir John Astley, Sir Edward Bayntun, Sir James Long, Sir Charles Kymys Tynte, Sir Richard Warwick Bampfylde, Baronets; Townsend Andrews, John Adams, John Adams junior, Ambrose Awdrey, John Awdrey, Benjamin Adamson, Thomas Bury, William Blackstone, Edward Bayntun, Andrew Bayntun, Samuel Bush, Harry Blunt, Henry Bayntun, John Bythesea, Thomas Bythesea, William Beach, Thomas Bowdler, Thomas Bush, Samuel Bush, Joseph Colborne, John Hipsley Coxe, John Hipsley Coxe junior, Richard Hipsley Coxe, Thomas Coward, Henry Coulthurst, Samuel Cam, William Coleborne, Benjamin Coleborne, Thomas Cuddon, Peter Delme, John Delme, George Dike, Daniel Danvers, Edward Eyles, William Earl, Isaac Elton, George Flower, John Flower, Thomas Goddard, Charles Garth, William Godolphin, Philip James Gibbs, John Gunning, Thomas Hunt Grubbe, Thomas Horner, James Harris, Robert Houlton, Robert Houlton, John Houlton, Joseph Houlton, Simeon Halliday, Isaac Webb Horlock, John Hervey, Robert Hervey, Thomas Johnson, Giles Jones, Morgan Keene, William Kinsmill, Anthony Kington, Norton Knatchbull, Walter Long, William Long of Melksham, William Long of Bayntun, Richard Long, James Long of Wedhamton, Richard Landsdown, Wadham Lock, Paul Methuen, Paul Methuen of Holt, James Montagu, Edward Montagu,

Montagu, Jacob Mogg, Edward Medlicot, Joſeph Mortimer, Joſeph Mortimer junior, William Northey, Robert Neale, Robert Neale junior, Paul Newman, Edward Richard Nicholas, Edward Popham, Francis Popham, Thomas Phipps of Haywood, William Provis, John Powell, Nathaniel Peach, Thomas Phipps, William Phipps, Paul Phipps, Edward Poore, John Smith, John Smith junior, Francis Smith, Philip Stephens, James Stephens, Prince Sutton, Willy Sutton, James Sutton, William Salmon, John Talbot, John Talbot junior, James Tooker, William Temple, Humphry Tugwell, William Tugwell, Ilenery Chivers Vince, George Willy, Henry Waters, John Wadman, John Wadman, John Wood, Richard Whatley, William Whitaker, John Watts, Eſquires; Reverend Henry Arnold, D. D. Reverend Arthur Anneſley, Reverend John Bayntun, Reverend Edward Batten, Reverend Edward Batchelor, Reverend Charles Cooper, Reverend Nicholas Croſs, Reverend John Chapman, Reverend John Dobſon, Reverend Robert Foulke, Reverend Thomas Fudge, Reverend James Harris, Reverend Thomas Hewet, Reverend John Newton, Reverend John Powis, Reverend John Rolt, Reverend Benjamin Rogers, Reverend Rogers, Reverend Atkinſon, Reverend Thomas Seecombe, Reverend William Sainſbury, Reverend William Stone, Reverend Robert Smith, Clerks; Charles Arnold, Richard Aldridge, Charles Aldridge, Richard Biggs, Richard Biggs junior, Edward Bowles, George Bayliff, Robert Bytheſea, Henry Bytheſea, Samuel Bytheſea, Iſaac Broadribb, Joſeph Broadribb, Abraham Broadribb, William Bennet, John Bennet, Thomas Baſkervile, Benjamin Bailey, John Baſkervile, Stephen Bourne, John Bowden, George Bethell, William Bennet junior, Samuel Bethell, William Baily, Butt of Bradford, John Bailwick, Robert Bright, George Ball, Samuel Beaven, Thomas Beaven, Thomas Beaven, George Cooper, James Cockle, Nicholas Cockle, John Croſby, Thomas Croſby, John Cook, Samuel Cook, John Crang, Thomas Clark, John Clark, John Clark Brewer, John Clark junior, Thomas Clark, Stephen Cundit, Nicholas Croſs, Harry Couſins, Samuel Cam junior, Simon Collet, Thomas Collet, William Crab, John Crook, James Coles, William Crook, Thomas Creaſer, John Chivers, Daniel Clutterbuck, Daniel Clutterbuck junior, Lewis Clutterbuck, William Dearman, William Clark Doctor in Phyſick, James Dowding, Charles Dudden, Nathaniel Dowding, Robert Davis, George Drinkwater, Thomas Drinkwater, Daniel Daniel, Charles Dilk, Anthony Dando, James

Dando, William Dando, Ralph Etwall, John Eyles, George Edwards, Edmund Eyers, Thomas Fowler, John Flower, Joſeph Greenhill, William Gaisford, Thomas Gaisford, John Gaisford, Iſaac Greene, William Greene, Benjamin Greenhill, Nicholas Greene, Nicholas Greene junior, Samuel Goldney, Gabriel Goldney, Adam Goldney, Jeremiah Goldnew, Richard Gale, John Gale, John Gale of Beanacre, John Gawen, John Gaby, John Gaby junior, John Geort, James Gibbs, Cam Gyde of Bath, Mathew Gent, John Gent, Richard Humphry, John Hawker, Mathew Humphrys, John Huntley, Auguſtine Hayter, Jonas Hewiſh, Richard Hewiſh, John Hill, William Hunt, John Hales, William Hall, John Horncaſtle, John Hughes, James Harding, Henry Halliday, Iſaac Hillier junior, Robert Halway, Edward Hinton, Edward Hinton of Warminſter, Thomas Hill, Simon Hood, John Jones, Daniel Jones, George Jones, Henry Jones, John James, Robert Jeffries, John Jeffries, Edward Jeffries, Henry Kemm, Richard Kibbey, Robert Langford, Richard Langford, William Lea, David Lea, John Ledyard, Samuel Ledyard, Richard Leverſuch, Thomas Locke, Wadham Locke, James Landſdown, John Landſdown, John Little, James Lancaſter, John Lampard, Thomas Lampard, John Langley, Edward Horlock Mortimer, Abraham Martin, Edward Morten, John Martravers, James Morgan, Thomas Martravers, William Mitchell, Thomas Mitchell junior, Thomas Martravers junior, Stephen Martravers, John Moxham, James Mathews, Edward Moore, William Mortimer, James Marſhman, Nathaniel Mortimer, Daniel Morris, Dennis Newman, John Newman, Jonathan Noade, Samuel Neate, William Naſh, William Oſgood, Samuel Peach, John Peach, Benjamin Peach, William Gaisford Peach, Joſeph Phelps, William Palmer, John Palmer, John Palmer junior, Stephen Plumer, Jonathan Reynolds, John Reynolds, Eſau Reynolds, Jacob Roberts, Richard Randall, Richard Bunter Robins, Henry Robins, James Read, Richard Roberts, John Rutty, John Rutty, Jonathan Rutty, Thomas Reed, Samſon Reynolds, Thomas Rogers, John Rogers, Charles Roſe, Walter Roome, Samuel Read, John Painter, Paul Rendal, George Rendal, James Shrapnell, Zachariah Shrapnell, Richard Singer, John Sloper, William Stillman, William Simpſon, John Stillman, Charles Simpſon, Henry Slade, William Street, John Slade, James Slade, Robert Sloper, James Self, James Self junior, Still of Hilparton, William Sprag, John Savage, Richard Stafford, John Shore, William Skey, Joſeph Saunders, Mathew Saunders, Richard Shrapnell,

nell, Sheppard, Joseph Silcox, James Symes, George Stokes, Joseph Smith, William Salmon, Bartholomew Smith, John Smith, William Savage, Francis Skurray, William Stevens, John Savage, Thomas Skurray, Stephen Skurray, James Symes, William Seldon, Samuel Sherring, Thomas Tugwell, Nicholas Tucker, John Tyle, Thomas Timbrell, Thomas Turner, John Turner, John Turner of Dilton, James Tree, James Usher, John Usher, John Vine, John Wansey, Pitman Warren, Thomas Warren, William Whitaker, William Whitaker junior, Thomas Whitaker, John Whitaker of Bratten, Thomas Whitaker, Bradley Arthur Whitaker, John Whereat, Thomas Whitaker junior, Samuel Wilkins, Walter Whitaker, Benjamin Webb, George Whatley, Richard Weaver, William Walldron junior, Thomas Whitaker, James Wild, Thomas Woodyer, Richard Woodyer, Walter Waistfield, Humphry Whitaker, James Wegstead, Thomas Whittington, Walter Wiltshire, Simon Wood, Francis Yerbury, Richard Yerbury, John Yerbury, John Yerbury of Laverton, Gentlemen; and all the Justices of the Peace of Wilts and Somerset, and their Successors, to be elected in Manner herein after mentioned, are hereby appointed Trustees for surveying, ordering, altering, widening, turning, shortening, making, repairing, and keeping in Repair, the several Roads comprized in this Act, and hereby intended and directed to be amended, and for putting in Execution all other the Powers by this Act given.

Qualification of Trustees.

Provided nevertheless, and be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, above Reprizes; or possessed of, or intitled unto, a Personal Estate of the Value of One thousand Pounds; or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds: And if any Person, not being so qualified, shall presume to act contrary to the Intent and Meaning hereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of his Majesty's Courts of Record by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so

Penalty on acting, if not qualified.

so prosecuted, shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in Execution of this Act.

Time and Place of their Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet together at The George Inn at Trowbridge, on the Day Fortnight after the passing of this Act, and proceed to the Execution of this Act; and shall then, and from time to time afterwards, adjourn themselves to meet at such House or Place near some Part of the said Roads, as the said Trustees, or any Five or more of them, shall think most convenient: And if at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, and to adjourn to another Day; or in case the Trustees, at any Time so assembled, shall omit or neglect to adjourn themselves; the Clerk or Clerks to the said Trustees shall, from time to time, in either of such Cases, by Notice in Writing, to be affixed upon all the Turnpikes which shall be erected cross the said Roads, or by Advertisement in some Weekly Journal or News Paper, usually circulated in the Neighbourhood of the said Roads, at least Ten Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to be held, on that Day Three Weeks upon which such last Meeting was appointed; and the said Trustees, at all their Meetings, shall defray their own Expences; and that all Orders and Determinations of the said Trustees, in Execution of this Act, shall be at a Meeting to be held in pursuance of this Act, and not otherwise, except as herein after is excepted; and that no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting (every Trustee composing such Majority, not being personally interested in the Matter or Matters in Question) shall concur therein, and such Majority not being less than the Number of Trustees by this Act authorized to make such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Thirteen Trustees, neither of them being personally interested as aforesaid, shall be present, nor unless the Person or Persons applying to revoke or alter any such Order or Determination, shall give Notice in Writing to the Clerk of the said Trustees, to be by him fixed up at all the Gates or Turnpikes then standing cross the said Roads, or advertised in Manner aforesaid, at least Ten Days previous to any Meeting to be held for such Purpose; Nor shall

In Default of a sufficient Number to act,

Clerk to give Notice of another Meeting.

Trustees to defray their own Expences.

Trustees not to act but at a publick Meeting.

No Order to be valid, unless made by the Majority of the Trustees present.

No Order made to be repealed, &c.

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

shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act; but all such Trustees as are Justices of the Peace, may act in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested; nor shall any Meeting of Trustees by virtue of this Act be, on any Account, begun to be held before the Hour of Ten in the Forenoon, or after Four in the Afternoon: And if any Meeting shall at any Time be held contrary to this Direction, all Business which shall be done or transacted at such Meeting shall be, and the same is hereby declared to be, null and void.

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

Time limited for holding Meetings.

Mortgagees not therefore deemed unqualified.

Provided nevertheless, 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.

In case the Clerk neglects to give Notice, Trustees may do it.

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

Meetings may be called upon an Emergency.

Provided likewise, and be it further enacted and declared by the Authority aforesaid, That if, after any Adjournment by virtue of this Act, or after such Refusal or Neglect as aforesaid, it shall at any Time be thought necessary for the better Execution of this Act, that an early Day of Meeting should be appointed, the Person acting as Clerk to the said Trustees, upon an Order in Writing, signed by Five or more of them, naming the

Time and Place of such Meeting, shall, as soon as may be, give Notice thereof, by Advertisement in some Journal or News Paper, as aforesaid; and thereby appoint a Meeting of Trustees, to be held at such Time and Place as shall be by such Order directed, such Time not being less than Fourteen Days after the Publication of the respective Journal or News Paper; and all Business done and concluded upon at such Meeting, shall have the same Effect as it could have had in case it had been done at any Meeting of Trustees herein otherwise authorized or directed to be held.

On Death or Removal, others to be chosen.

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, by Writing under their Hands and Seals, to elect One other Person, qualified as aforesaid, to be a Trustee in the Room of each Trustee so deceased or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpikes across the said Roads, and by advertising the same in Manner aforesaid, at least Fourteen Days before every such Meeting; and all Persons, who shall be so elected, are hereby vested with the same Powers for putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

Notice thereof to be given.

Trustees may erect Turnpikes and Toll-houses,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may continue the Turnpikes already erected upon any of the said Roads; and may and shall cause to be erected any Turnpike or Turnpikes in, upon, or cross, any Part or Parts of the Roads by this Act directed and intended to be made and repaired; and also upon the Side or Sides of any of the said Roads, and cross any Street, Lane, or Way, leading into or out of the same respectively; and also to be erected or provided a Toll-house or Toll-houses, with suitable Out-buildings at or near each Turnpike; and also to take in and inclose from the Common or Waste near the said Roads, a Garden Spot to each Toll-house, suitable and convenient thereto, so as such Garden Spot does not exceed Four Poles square; and also to provide and maintain a Lamp or Lamps, with proper Furniture, at or near each Turnpike; and, from time to time, to remove such Turnpike or Turnpikes, and Toll-houses, or to alter the same, or any Part or Parts thereof respectively, as

they the said Trustees, or any Five or more of them, shall think meet or expedient; and that the Tolls following shall be demanded and taken at every such Turnpike, by such Person or Persons as the said Trustees, or any Five or more of them, shall, from time to time, appoint for that Purpose, or to whom the same shall be lett, before any Cattle or Carriage, Dray or Sledge, shall be permitted to pass through the same; that is to say,

and take the following Tolls thereat.

The Tolls.

For every Horse, Mare, Gelding, or other Cattle, drawing in every Waggon, Wain, Cart, Sledge, or Dray, Four Pence Halfpenny.

For every Horse, Mare, or Gelding, drawing in every Coach, Chariot, Landau, Berlin, Hearse, Curricle, Chair, or any other Carriage whatsoever, the Sum of Three Pence.

For every Horse, Mare, Gelding, Mule, or Ass, not drawing, One Penny.

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

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

Tolls to be levied by Distress and Sale.

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll; and if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid to collect such Tolls by himself, or taking such Assistance as he shall think necessary, to seize and distrain any Horse or Horses, or other Cattle, together with their Bridles, Gears, Harness, or Accoutrements, or their Loading, or any Goods or Carriage upon which such Toll is by this Act imposed; or any of the Goods or Chattles of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons, so seizing and distraining, shall and may sell the Horse or Horses, Cattle, Carriages, Goods, Chattles, or Things, so seized and distrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure,

Distress may be sold after 4 Days.

Seizure, Diſtreſs, and Sale, ſhall be deducted; and that all the Tolls, collected or levied by virtue of this Act, ſhall be, and are hereby veſted in the ſaid Truſtees, and ſhall be applied, or may be aſſigned, in ſuch Manner as is herein after mentioned. Tolls veſted in Truſtees.

Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to take away any Exemption or Exemptions of any Perſon or Perſons from paying Tolls at the Gate at or near Simington; which Exemptions are granted and provided by an Act made in the Thirty firſt Year of His late Majeſty, For amending the Road leading from Pengate, in the Pariſh of Weſtbury, in the County of Wilts, to Latchets Bridge, near the Eaſt End of Market Lavington; and alſo the Road leading from Market Lavington Down, to the Turnpike Road near Dewy's Water; and alſo the Road leading from Boleſborough to Studley Lane End; and alſo the Road leading from Yarnbrook to the Turnpike Road at Melkſham, in the ſaid County of Wilts. Exemptions concerning the *Weſtbury* Act continued.

Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to impower the ſaid Truſtees to erect any Gate or Turnpike at Pow's Aſhes, in the Tything of Welton, acroſs the Road leading from Tinſbury to Radſtock. No Gate at *Pow's Aſhes*.

Provided alſo, and be it further enacted, That nothing herein contained ſhall enable the ſaid Truſtees, or any of them, to erect any Gate, or take any Toll for the Paſſage of any Cattle or Carriage whatſoever, at or between certain Houſes ſituate in Trowbridge, commonly called or known by the Name or Sign of the Swan Inn, and the Hare and Hounds; and the Gate now erected on the South Eaſt Side of Aſhton Common, leading to Steeple Aſhton, during ſuch Time or Term as the preſent Turnpike-gate in Poll Barn Lane, in the Pariſh of Trowbridge, is or ſhall be continued, and full Tolls taken thereat. No Gate to be erected between *Trowbridge*, and the South Eaſt Side of *Aſhton* Common.

Provided always, That no Turnpike or Toll-gate ſhall be ſet up or erected, or continued if already erected, by Order of the ſaid Truſtees, or any of them, in, upon, or croſs, a certain Lane called Guy's Lane, leading out of the Road hereby intended to be repaired, or at either End thereof, without the Conſent of the Truſtees appointed by an Act of Parliament made in the Twenty fifth Year of King George the Second, for repairing the Road from Combe Bridge through Bradford, and the ſaid Lane called Guy's Lane; and ſo far over Aſhton Common as to join the Road which leads from Steeple Aſhton to Trowbridge, in Writing under their Hands, No Gate to be erected in *Guy's* Lane, without Conſent of Truſtees to *Combe* Bridge;

or between *Cockhill* Gate and *Ilford* Hill;

Hands, or the Hands of Five or more of them, at some General Meeting, first had or obtained; or on the Side of any Part of the Roads which lies between a Place called Cockhill Gate and the Top of Iford Hill; or in or upon, or on the Side of, the Road which lies between the House in the Occupation of Robert Godby and Cockhill Gate; nor shall any Turnpike be erected by

or between *Lavington* and *Seend.*

virtue of this Act, so as to subject any Person, Cattle, or Carriage, to the Payment of any Toll, for travelling between Market Lavington, through Worten, to the Turnpike Road at Seend.

In case of Dispute concerning Tolls and Charges, Matter to be settled by a Justice.

Provided always, and be it further enacted by the Authority aforesaid, That if any Dispute shall happen about the Quantity of the Tolls due, or the Charges of keeping the said Distress, it shall be lawful for the said Collector or Person distraining to retain the same, or the Money arising from the Sale thereof, as the Case may happen, till the Quantity of the Tolls, or Charges of distraining and selling the Distress, as the Case shall happen, shall be ascertained by some Justice of the Peace for the County where the Gate shall stand at which the said Tolls became due, who shall examine the said Collector upon Oath, and assess the Charges of such Distress and Sale; and also 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 Overplus, after Sale thereof.

Turnpike to be erected at *Stallards.*

Provided likewise, and be it further enacted by the Authority aforesaid, That a Turnpike or Turnpikes shall, within Two Months after the passing of this Act, be erected, and shall be continued during the Term of this Act, cross the Road or Roads at a Place called Stallards, in the Parish of Trowbridge; and the Tolls by this Act granted shall be payable and paid thereat.

No Gate to be removed, but by Consent of Mortgagees.

Provided always, and be it further enacted by the Authority aforesaid, That no Gate or Turnpike already lawfully erected, or hereafter to be lawfully erected, upon any Part of the said Roads, except the Gate on the Side of the Road at or near Simington, shall be removed without the Consent in Writing of the Persons intitled to at least Two Third Parts of the Principal Money then due and owing upon the Credit of the Tolls payable at such Gate or Turnpike respectively.

Turnpikes and Tollhouses vested in Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Tollhouses already erected, or to be by virtue of this Act erected, upon the said Roads; and the Right and

Property of the Materials provided for building or repairing the same, or any the Out-buildings, Lamps, and other Conveniences and Requisites; and of all Materials which shall be actually got or collected for repairing the said Roads, shall be, and are hereby vested in the said Trustees: and they, or any Five or more of them, are hereby impowered to bring, or cause to be brought, an Action or Actions in the Name or Names of any Two or more of them, or of their Treasurer or Treasurers, Clerk or Clerks, or to prefer, or order the preferring of, Indictments against any Person or Persons who shall injure the same, or any Part or Parts thereof, or disturb them in the Possession thereof, or to take, or retain, or hold, Possession thereof, after being required by the Order of any Five or more of the said Trustees to deliver up the same.

Charges of passing this Act how to be paid.

And be it further enacted by the Authority aforesaid, That out of the Money already raised upon the Credit of the said recited Acts, with respect to any of the Roads included in this Act, or out of the First Monies to be raised by virtue of this Act, the said Trustees, or any Five or more of them, shall, in the First Place, pay and discharge all the Expences and Costs relative to procuring and passing this Act; and the Remainder of the Money so raised shall, from time to time, be applied in putting this Act in Execution, and in repaying the Principal Monies borrowed, and the Interest due thereupon.

Interest to be paid in Preference to other Payments.

Provided always, That the Treasurer or Treasurers to be continued or appointed by virtue of this Act shall, and he and they is and are hereby required, Twice 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 be then due upon all Mortgages made or secured by virtue of this Act, if the same shall be demanded, in preference to any other Payment whatsoever.

Application of the Tolls.

Provided always, and be it further enacted, That the Tolls to be collected by virtue of this Act upon the Road leading from the Top of Iford Hill to Hallatrow Bridge, and the Money borrowed upon the Credit thereof, shall be laid out and applied in erecting Gates, Turnpikes, and Toll-houses, thereon, and in repairing and widening the said Road only, and other the Purposes of this Act relating to the said Road, and to no other Use or Purpose whatsoever.

Provided always, and be it enacted and declared by the Authority aforesaid, That out of the Monies that

160*l.* to be applied in amending *Wingfield* Road.

shall be borrowed upon the Credit of the Tolls by this Act granted, the said Trustees, or any Five or more of them, shall, within the Space of Twelve Months next after the passing of this Act, lay out and expend the full Sum of One hundred and sixty Pounds, at the least, in and about the amending the Road by this directed to be amended, which leads from the Road at Wingfield, near to the House in the Occupation of Daniel Danvers Esquire, over Wingfield Common and Road Common, to the Turnpike Road leading from Trowbridge to Beckington, in the County of Somerset; but that it shall not be lawful for the said Trustees, or any of them, to set up or erect, or cause to be set up or erected, any Turnpike or Toll-gate, or to collect any Toll upon or on the Sides of any Part of the Road which leads from Bradford, over Road Common, to join the Turnpike Road leading from Trowbridge to Beckington, until, by and out of such Monies so borrowed, the Sum of Eighty Pounds shall be laid out in making, repairing, and amending, the said Road at Wingfield aforesaid, over Wingfield Common, and Road Common, to the Turnpike Road on Road Common, leading from Trowbridge to Beckington aforesaid; and that from and after such Road shall be so made, repaired, and amended, all and every Person and Persons travelling the said Road, and paying a Toll at any Turnpike or Toll-gate to be erected or set up by virtue of this Act, at or near the said Road at Wingfield aforesaid, shall be exempted from the Payment of any further or other Toll on the same Day, for travelling with the same Horse, Horses, Cattle, or Carriage, through any Turnpike or Toll-gate, either already erected, or which shall or may hereafter be set up or erected by, or by Order of, the said Trustees, at, or between, Wingfield aforesaid, and Beckington aforesaid; And, in like Manner, all and every Person and Persons travelling on any Part of the said Roads, and producing a Ticket, denoting the Payment of any Toll at any Turnpike or Toll-gate, either already erected or set up, or to be erected at, upon, or on the Side of any Part of the said Road leading from Beckington aforesaid, or towards Wingfield, shall be also exempted from the Payment of any Toll on the same Day, with the same Cattle or Carriage, at any Gate either already erected, or which shall or may hereafter be set up by, or by Order of, the said Trustees, or any of them, between, or on the Side of, any Part of the said Roads which leads from the present Turnpike-gate at Beckington, through Road Common

and Wingfield Common, to the End of the Parish of Wingfield, towards Bradford.

Keevil Road not to be amended, till judged necessary by the Trustees at their Meeting.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained is intended, or shall be obligatory upon the said Trustees, to carry into Execution the same, or any Clause thereof, so far as relates to the Amendment of that Part of the Road as leads from the present Turnpike-gate, at or near Keevil Lane, to the End of the Parish or Tything of Bulkington, towards Market Lavington, unless the same shall be deemed and judged necessary by such Trustees as shall or may be assembled for that Purpose, and which said Meeting is and shall be held only at some Place within the Town of Melksham; of which publick Notice shall be given, by affixing the same upon all the Turnpikes in the County of Wilts, then erected, and advertising the same in Manner herein before-mentioned, at least Fourteen Days before such Meeting to be held.

Notice of such Meeting to be given.

80 *l.* to be laid out, in Three Years, on *Winsham* Bridge Road, *&c.*

And be it further enacted by the Authority aforesaid, That the Trustees for putting this Act in Execution, or any Five or more of them, shall, and they are hereby authorized and required, within the Space of Three Years after the passing of this Act, to lay out or expend the full Sum of Eighty Pounds, in and about amending each of the Two Branches of Road following; videlicet, The Road from the present Direction Post upon Bradley Common, over Winsham Bridge, to join the Turnpike Road at Southwick, and the Road from the Foot of Hag-hill, to join the Seend Turnpike Road, near The Carpenters Arms, in the Parish of Keevil.

Trustees may lessen the Tolls,

and raise them again, so as the same do not extend to a Double Charge.

Provided also, and it is hereby enacted and declared by the Authority aforesaid, That the said Trustees, or any Seven or more of them, are hereby authorized and impowered, from time to time, as they shall think proper, to lessen, vary, or alter, all or any Part or Parts of the several Tolls hereby granted, at any or either of the said Gates, and to raise the same again, so as the same do not exceed the Tolls by this Act granted, and so as such Reduction be with the Consent of the several Persons who shall be intitled to Two Third Parts at the least of the Money then due on the Credit of the said former Acts, with respect to the Roads included in this Act, and on the Credit of this Act; but such Reduction shall not be made, unless Notice in Writing be given for that Purpose, by affixing the same upon all the Turnpikes then erected cross the said Roads, and by advertising the same in Manner herein before-mentioned, at least Fourteen Days before making such Reduction; and such

Tolls

Tolls so lessened, varied, or altered, shall be collected, recovered, and applied, in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Tolls to be paid but Once a Day.

And be it further enacted, That if any Person or Persons shall have paid the Tolls by this Act granted, for the passing of any Cattle, Beast, or Carriage, through any Gate or Turnpike continued or erected by virtue of this Act; the same Person or Persons, 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 and Carriage, Toll-free, at any Time or Times during the same Day, to be computed from Twelve of the Clock in One Night, to Twelve of the Clock in the next Night; which said 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.

Exemptions from Toll.

Provided always, and it is hereby enacted, That no Tolls shall be taken by virtue of this Act, for any Horse, Cattle, or Beast, drawing, or not drawing, employed only in the Conveyance or Carriage of any Dung, Soil, or Compost, of any Kind (except Lime) for manuring of any Garden, or other Land or Ground, in any of the Parishes through or into which any Part of the said Roads shall lead or lie; nor for any Horse, or Cattle, or Beast, drawing or not drawing, employed only in the Conveyance or Carriage of any Stones, Gravel, or other Materials, for repairing the said Roads, or for repairing any of the Highways in any of the Parishes or Places in which any Part of the said Roads is situated, or employed in the plowing, sowing, tilling, cultivating, or stocking, of any Land or Ground, in any of such Parishes or Places; or in the Carriage or Conveyance of any Hay, Straw, or Corn in the Straw, not sold or disposed of, but passing to be laid up in the Houses, Out-houses, or Grounds, of the Owner or Owners thereof, in any of the said Parishes; or drawing or conveying any Plough, Harrow, or other Implements of Husbandry; or for any Horse, or other Cattle or Beast, going to or from Water or Pasture; or for the Horses of any Officers or Soldiers upon their March; or for the Horses, or other Cattle or Beasts, employed in the Conveyance or Carriage of their Arms or Baggage; or for any Post-horse carrying or drawing the Mail; or for any Horse or other Cattle drawing, or not drawing, employed

employed in the carrying or conveying any Person or Persons going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the said Counties of Wilts or Somerset, on the Days of such Election or Elections, or on the Day before or Day after any such Election shall begin or be concluded: And if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same; every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings. Penalty on making illegal Claims.

And be it further enacted, That if any Person or Persons shall forcibly or wilfully go or pass with any Horse, Beast, or Carriage, through any Turnpike by virtue of this Act to be continued, erected, or set up, without paying the Toll or Tolls by this Act directed to be paid for the same; or shall knowingly and designedly assault, interrupt, or obstruct, any or either of the Collectors or Persons in the collecting or receiving any or either of the said Tolls, or any otherwise in the Execution of his, her, or their Office or Offices of Collector or Collectors; or shall forge, counterfeit, or alter, or shall deliver to, or receive of, any other Person or Persons, any Ticket or Tickets, with Intent to avoid the Payment of any of the said Tolls, or any Part thereof; or if any Person or Persons shall take off, or cause to be taken off, any Horse or other Beast from any Carriage, or having passed through any Turnpike, shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of the said Roads, so as to increase the Number of Horses or other Beasts drawing the said Carriage, after the same shall have passed through the said Turnpike, with Intent to evade, or having thereby evaded, the Payment of any of the said Tolls, or any Part thereof; or if any Person or Persons shall go or pass with any Horse, Beast, or Carriage, through or over any Land, Ground, or Place, lying by the Side of, or near to, the said Roads, the same not being a public Highway; or if any Person or Persons owning or occupying any Land, Ground, or Place, not being a public Highway, shall knowingly and wittingly permit or suffer any other Person or Persons to go or pass with any Horse, Beast, or Carriage, through or over such Land, Ground, or Place, in order or with Intent that the Payment of any of the said Tolls, or any Part thereof, should be avoided; or if any Person or Persons shall do any other Act in Order, or with Intent, to avoid the Payment of the said Tolls, or any Part thereof; such Persons, and every of them, so offending, shall, Penalty on permitting, or going thro' private Passage, &c. to avoid Payment of the Tolls.

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

Penalty how to be recovered and applied.

Penalty on leaving empty Carriages, &c. in the Roads.

And be it further enacted, That if any Person shall leave any Waggon, Cart, or other Carriage, in, upon, or on the Side of, any Part of the said Roads, without any Horse or other Beast of Draught yoked thereto, or to draw the same; or shall knowingly or wilfully lay any Sort of Timber, or any Stone, Hay, Straw, Dung,

Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, in any Part of the said Roads, or on the Sides thereof, to the Prejudice or Annoyance thereof; every Person so offending shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Trustees may fence off Commons.

And whereas several Parts of the said Roads lead over Downs, Woods, Commons, Common Fields, or Waste Grounds, and the Payment of the Tolls hereby granted may, by reason of the Width of the said Downs, Woods, Commons, or Waste Grounds, be easily avoided; be it therefore enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, if they see Occasion, fence and ditch off such Parts of the said Downs, Woods, Commons, Common Fields, or Waste Grounds, as they shall think necessary, in order to prevent the Payment of the said Tolls or Duties being evaded.

Particular Exemptions.

Provided always, and be it further enacted by the Authority aforesaid, That no Toll shall be demanded or taken of any of the Inhabitants of the Parish of Farleigh, for the Passage of any of their Horses, Cattle, or Carriages, through any Gate or Turnpike, Gates or Turnpikes, which may be erected by virtue of this Act, in the said Parish of Farleigh, or between the said Parish and Charterhouse Hinton, or between the said Parish of Farleigh and Westwood, by Roughley Lane; but that such Horses, Cattle, and Carriages, shall and may pass and repass Toll-free through all and any such Gates during the Continuance of this Act; any thing herein before contained to the contrary thereof notwithstanding; nor shall the Inhabitants of the said Parish of Farleigh be subject, liable, or compellable, to repair or maintain the Bridge or Bridges at Farleigh, or to contribute any Thing or Sum of Money thereto; nor shall such Inhabitants, or any of them, at any Time be liable to any Expence that may arise or accrue by reason of any Indictment or Indictments that may be laid or brought against the said Parish, or otherwise, on account of the Want of Repair, or of the Insufficiency of any Part or Parts of the Roads by this Act intended to be made or amended, and which shall lie in the said Parish of Farleigh; but that all such Indictments, and all Expences and Charges thereabout, or any ways relating thereto, shall be borne, satisfied, and paid, by the said Trustees, or any Five or more of them, out of the Money arising by virtue of this Act, within the said Parish.

The Inhabitants of *Limpley Stoke* Tything exempted from Tolls at the Places here mentioned.

Provided also, That no Toll shall be demanded or taken of any of the Inhabitants of the Tything of Limpley Stoke, for the Passage of any of their Horses, Cattle, or Carriages, passing or repassing through any Gate or Gates, Turnpike or Turnpikes, which are already erected, or which may be erected by virtue of this Act, or any of the said recited Acts, from the North East Corner of a Ground called Wineat, adjoining to the Parish of Freshford, to the North West Corner of an Orchard called Hall's Close, being the End of the said Road leading towards the City of Bath.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and are hereby authorized and impowered, at any Time or Times during the Continuance of this Act, Twenty one Days Notice in Writing being affixed on all the Turnpike-gates which shall be then standing upon the said Roads, and also advertised in Manner aforesaid, to lease or farm by the Year all the Tolls granted by this Act, or any Part or Parts thereof, to any Person or Persons whomsoever, at or for the largest yearly Sum or Sums that can be gotten for the same, taking sufficient Security for the Payment thereof; provided that such Leases or Agreements be in Writing, and signed by the Person or Persons taking or farming the same, and by Seven of the said Trustees, and be not made for more than Three Years at any One Time; and that the Money which shall be so agreed to be paid for the said Tolls, shall be made payable, and shall be paid to the said Trustees, or any Five or more of them, or to such Person as they, or any Five or more of them, shall, by any Writing under their Hands and Seals, authorize and impower to receive the same, by Quarterly Payments; and that the Person or Persons to whom the same shall be let, shall always pay down One Quarter's Rent in Advance: And in case any Agreement shall be made for letting or farming the said Tolls, or any Part thereof, contrary to the true Intent and Meaning of this Act; or if any Default shall be made in paying the full Money agreed to be paid for the said Tolls, or any Part or Parts thereof, contrary to the true Intent and Meaning of this Act; that then, and in either of the Cases aforesaid, every such Agreement shall be void, and the Person or Persons to whom the said Tolls shall have been letten or farmed, as aforesaid, shall be liable to account for the same to the said Trustees, or any Five or more of them; and the same shall be levied and recovered upon and from him and them, by the same Ways and

and Means, and in such Manner as the Tolls granted by this Act are herein directed to be levied and recovered from the Collectors thereof.

Tolls may be assigned for Money borrowed.

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

Form of Assignment.

BY virtue of an Act made in the Year of the Reign of His Majesty King *George* the Third, intituled, *An Act* we of the Trustees 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.

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, after such First Meeting, unless Notice be for that Purpose fixed in Writing upon all the Turnpikes in or upon the Road for which such Sum of Money shall be borrowed, and advertised in Manner aforesaid, at least Twenty one Days before the borrowing thereof; and all and every Person or Persons, to whom any such Assignment or Assignments shall be made as aforesaid, or who shall be intitled to the Money thereby secured, may, from time to time, assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest thereby secured, to any Person

Notice to be given of borrowing Money.

Assignments may be transferred.

or Persons whatsoever, indorsing on the Back of such Security, before One credible Witness, the following Words, or Words to the like Effect:

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

Dated this Day of

J. K. Witness. *G. H.*

Entries to be made of all Assignments.

Which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers, who shall cause an Entry or Memorial to be made thereof, containing the Numbers, 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 Clerks, Treasurer or Treasurers, shall be paid such Sum as the said Trustees, or any Five or more of them, shall appoint, not exceeding the Sum of Two Shillings and Six Pence: And after such Entry made, but not till then, every such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and every such Assignee may in like Manner assign again, and so toties quoties: But in case any Sum or Sums so assigned shall not exceed the Sum of One hundred Pounds; it shall and may be lawful to and for the respective Person or Persons intitled to such Assignment respectively, by an Indorsement of his, her, or their proper Name, without Witness, to transfer his, her, or their Property in such Assignment or Assignments to any other Person or Persons, without an Entry to be made thereof in the said Book or Books to be kept for entering the said original Mortgages or Assignments; and all such Transfers and Assignments shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in like Manner assign or transfer the same again, and so toties quoties; and it shall not be in the Power of such Person or Persons who shall have made such Assignments respectively, to make void, release, or discharge, the same, or any Monies thereby due, or any Part thereof: And all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, shall be, in Proportion to the Sum or Sums therein mentioned,

Clerk's Fee.

All Creditors to be deemed equal in Degree.

Creditors

Creditors on such Tolls, on the Credit whereof such Sum or Sums are advanced, in equal Degree One with another, and shall have no Preference in respect of the Priority of any such Monies.

Tolls to be a Security for Money now due.

And be it further enacted and declared by the Authority aforesaid, That all and every Trustee or Trustees appointed by this Act, or which shall hereafter be appointed by virtue of any Power or Authority hereby given, shall and lawfully may, notwithstanding his or their being such Trustee or Trustees, advance and lend any Sum or Sums of Money at Interest, on the Security of the said Tolls, in such Manner as any other Person or Persons not being a Trustee or Trustees may, can, or shall, do by means or by virtue of this Act: And such Trustee or Trustees so advancing and lending such Sum or Sums of Money shall, and lawfully may, accept and take a Mortgage or Mortgages, Assignment or Assignments, of the said Tolls, from Seven other or more of the said Trustees, as a Security or Securities for the said Sum or Sums of Money so to be by him or them advanced and lent; which Mortgage or Mortgages, Assignment or Assignments, being so executed by Seven or more of the said Trustees, shall be effectual and binding to all Intents and Purposes whatsoever: And the Trustee or Trustees so advancing and lending such Sum or Sums, and accepting and taking such Security or Securities, shall by Means and Virtue thereof have and exercise such and the like Powers and Remedies for recovering and receiving the said Sum or Sums of Money, and the Interest thereof, which any other Mortgagee or Mortgagees of the said Tolls can, may, or shall, have and take by Means or Virtue of this Act.

Interest to be paid in Preference to other Payments.

And whereas there is a considerable Arrear of Interest due to the Persons who have lent or have Securities for Money upon the Credit of the Tolls, under the said last herein recited Act to be taken upon the Roads, with respect whereto the said Act is hereby repealed, the same Roads being included in this Act: And whereas it would be an Advantage to the Persons intitled to such Securities to have such Arrears of Interest added to the Principal Money so secured; be it therefore further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, and they are hereby authorized and required, forthwith to cause Notice to be given to the several Persons to whom any Money shall be due and owing as aforesaid, to produce their respective Securities at such Time and Place as the

the said Trustees, or any Five or more them, shall appoint; and then and there to exchange all such Securities for other Securities or Assignments of the Tolls to be taken on the said Roads by Virtue of this Act, properly made and executed by the Trustees appointed to put this Act in Execution, or any Seven or more of them, which they are hereby authorized and required to do; all which Securities so to be given in Exchange shall respectively comprehend the Principal Money secured by the former Securities, together with all Interest due thereon at the Time of making such Exchange.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, from time to time, by Writing under their Hands, continue or appoint One or more Collector or Collectors of the Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, and Surveyor or Surveyors of the said Roads, and such other Officers as the said Trustees, or any Five or more of them, shall think necessary; and, from time to time, to remove any or either of such Officers and other Persons, and appoint others in the Room of such of them as shall be so removed, or shall die; and out of the Monies to arise by virtue of this Act, make such Allowances to the said Officers and Persons as to them the said Trustees, or any Five or more of them, shall seem reasonable: And all such Officers and Persons shall, under their Hands, at such Time and Times, and in such Manner, as the said Trustees, or any Five or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, true and perfect Accounts in Writing, of all the Monies which shall have been by such Officer or Officers, and Person or Persons respectively, received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint; and all the said Officers and Persons so accounting as aforesaid, shall, upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer) verify their said Accounts; and if any such Officer or Person shall not make and render, or refuse to verify upon Oath any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

Officers refusing to account,

as aforesaid; or shall not deliver to the said Trustees, or any Five or more of them, within Fourteen Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as, upon the Balance of any Account or Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or as they shall direct or appoint; then and in either of the Cases aforesaid, such Trustees, or any Five or more of them, may and are hereby authorized and impowered to bring, or cause to be brought, any Action or Actions in the Name of such Trustees, or in the Name or Names of any Two or more of them, against the Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively: Or if Complaint shall be made of any such Refusal or Neglect as aforesaid to any One or more of the Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons, so neglecting or refusing shall be and reside; such Justice or Justices may, and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him or them, and upon his and their appearing, or not being to be found, to hear and determine the Matter in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the Trustees, or any Five or more of them, by virtue of this Act might have done; and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer without any Fee or Reward) it shall appear to such Justice or Justices, that any of the Monies that shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice or Justices may, and is and are hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattles of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattles of

Justices to enquire into the Default,

and levy the same by Distress and Sale.

For want of Distress, the Offenders to be committed,

such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of distraining for the same; then, and in any of the Cases aforesaid, such Justice or Justices shall commit every such Offender to the common Gaol for the County or Place where such Offender shall reside or be apprehended, until he shall give and make a true and perfect Account, and Payment as aforesaid, or until he shall compound with the said Trustees, or any Five or more of them, and shall have paid such Composition in such Manner as they shall appoint; (which Composition the said Trustees, or any Five or more of them, are hereby impowered to make) or until he shall deliver up such Books, Papers, and Writings, as aforesaid, or give Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

until Payment or Composition made.

Clerk to deliver up Books, &c.

Provided always, and be it further enacted, That all Persons who shall have been employed, or who shall have received any Tolls, or other Money, by virtue or on account of the said recited Acts made in the Twenty fifth Year of the Reign of His late Majesty, or either of them, or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or other Things, relating to the Roads included in the said Acts, which are now included in this Act, shall account for the same, and every Part thereof, to the said Trustees 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.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, and they are hereby required to, take Security by Bond, with One or more sufficient Surety or Sureties, and with sufficient Penalties suitable to the Trust to be reposed, from every Person who shall be appointed as Treasurer, Clerk, Receiver, Collector, or otherwise, under this Act, and before he and they shall enter upon such Office respectively, for the due and faithful Execution thereof, and for the making a due and satisfactory Account to the said Trustees, or any Five or more of them, for all Tolls, Duties, Loans, or other Monies, Matters, and Things, to be entrusted to their Care and Charge.

No Victualler to act under this Act.

And be it further enacted by the Authority aforesaid, That no Victualler, or Retailer of Ale, Beer, Cyder, or Spirituous Liquors, shall be capable of holding any Place of Profit under this Act.

And

And be it further enacted, That when and as often as any Collector of the Tolls directed by this Act to be taken, shall die, or be incapable of performing his or her Duty, or shall be negligent or misbehave himself or herself therein; it shall and may be lawful for any Five or more of the said Trustees, though not assembled at a Meeting in pursuance of this Act, by any Writing under their Hands, to appoint any other Person to collect such Tolls; and the Person so appointed shall have the same Authority for the Recovery thereof, as the Person he or she shall succeed was vested with, until the Trustees, or any Five or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls. On Death, &c. of Collector, another to be chosen.

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

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors for the said Roads, or any of them, and such other Person and Persons as shall be employed by such Surveyor or Surveyors, or Surveyors may dig Gravel, &c. in Waste Grounds,

by the said Trustees, or any Five or more of them, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Sand, or other Materials, proper for the repairing of the said Roads, out of and from any Waste Ground or Common, River or Brook, in any Parish, Town, or Place, in which any Part of the said Roads lie, or in any neighbouring Parish, Town, or Place, without paying any thing for the same; such Surveyors, or other Persons, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle: And if such Quantities of Furze, Heath, Stones, or other Materials, proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Grounds or Commons, Rivers or Brooks, contiguous to that Part of the said Roads intended therewith to be repaired; then, and in such Case, the said Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, dig, gather, take, and carry away, any such Materials as aforesaid, in, upon, or out of, from and over, the Lands of any Person or Persons (not being a Yard, Garden, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground, planted and set apart as a Nursery for Trees) paying or tendering Payment for the same, and for the Damage done to such private Lands over which any Materials, gotten in any Waste Ground, Common, River, or Brook, or private Ground, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons appointed and employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning such Payments and Damages as aforesaid, the Justices of the Peace, at their next General Quarter Sessions to be holden in and for the County wherein such Difference shall arise, on Six Days Notice thereof being given in Writing by the said Surveyor or Surveyors to the said Owner or Occupier, Owners or Occupiers, or by the said Owner or Occupier, Owners or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Places of Abode with some or One of their respective Families, shall hear, settle, and determine, the Matter of such Payments and Damages; and the Judgement or Order of

without paying for the same;

levelling the Pits.

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

making Satisfaction to the Owners.

Justices to determine Differences.

of the said Justices therein shall be final and conclusive to all Parties.

Provided nevertheless, That nothing herein contained shall extend, or be construed to extend, to authorize the said Trustees, or any of them, or any other Person or Persons whatsoever, to enter into or upon any Lands in Seend, Seend Row, or in the Chapelry of Seend aforesaid (not being Commons or Waste Grounds) to collect, gather, pick up, dig, or quar Stones, in or upon any such Lands, without the Consent of the Owner or Owners of such Lands, unless the Owner or Owners of such respective Lands shall refuse to sell to the said Trustees, or any other Person or Persons legally authorized to put this Act in Execution, hard Stones ready dug, at or after the Rate of Three Shillings by the Waggon Load; any thing herein contained to the contrary notwithstanding. Places excepted from whence Materials may not be taken, &c.

And be it enacted by the Authority aforesaid, That if the Owner or Occupier of any Ground or Soil, or any Person whatsoever, shall take away any Materials which shall have been digged or gathered in any Lands, Fields, Wastes, or Grounds, River, or Brook, for the Purpose of repairing the said Roads; or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials for repairing the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Six Weeks, except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale; every Person so offending shall forfeit, for every such Offence, the Sum of Five Pounds. Penalty on taking away Materials, &c. got by Order of the Surveyor.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from time to time, to remove and prevent all Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and convert the same to his or their own Use or Uses, and to turn any Watercourses, Sinks, or Drains, running along, into, or out of, the said Roads, to the Prejudice thereof; and to open, scour, cleanse, widen, or make deeper, any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary; in case the Owners or Occupiers of the Premisses shall neglect to open, scour, Surveyors may remove the same, &c.

cleanse, widen, or deepen, such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors, shall require, for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors; and, by and with the Consent of Two or more Justices of the Peace for the respective County, acting in their Petty Sessions, signified under their Hands and Seals, and not otherwise, to cut down any Timber Trees; and that it shall be lawful for such Surveyor or Surveyors, from time to time, to lop or top any Trees, Timber Trees excepted; and cut down any Shrubs or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto, and to cut down or reduce all such Hedges to the Height of Three Feet; and to take, carry away, and sell, the Wood so cut, and apply the Money arising thereby in repair of the Road whereon or near whereunto the same stood; in case the Owners or Occupiers shall neglect to lop or top, cut down, and remove, such Trees, Shrubs, or Bushes, or reduce such Hedges, in such Manner as the said Trustees, or any Five or more of them, shall require, for the Space of Thirty Days next after Notice in Writing given for that Purpose, to be left at the Capital or Mansion-house belonging to the Land on which the same shall stand, or where the Occupier or Tenant shall reside; under the Hands of Five or more of the said Trustees; the Charges whereof (to be settled by the said Trustees, or any Five or more of them) shall be reimbursed by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied; 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 the Sum of Two Pounds.

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.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors of the said Roads, or such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to make, or cause to be made, Causeways; and also Ditches or Drains in and upon the said Roads, and also through any Ground lying contiguous thereto; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Roads (such Ground respectively

Surveyors may make Causeways, &c.

and make a temporary Road;

respectively not being the Ground whereon any House stands, nor a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) to be made use of as a Publick Highway, whilst the old Road is repairing and widening; and also, by Order of any Five or more of the said Trustees, to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Roads, and cross any River, Stream, Brook, Water, Ditch, or Drain therein, or contiguous thereto, making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees, or any Five or more of them; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon or through any Wood, Common, or Waste Ground. making Satisfaction to the Owners.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any or either of the said Turnpike Surveyors, or any other Person or Persons by them, or either of them, or by the said Trustees, or any Five or more of them, employed in the cutting, digging, taking, or carrying, of any Furze, Heath, Sand, Gravel, Stones, or other Materials, for the altering, widening, or repairing, the Roads by this Act intended to be repaired, or in topping, lopping, cutting down, or carrying, of any Tree, Top, Lop, or Overhangings, or digging, cleansing, or scouring, any new or other Ditch, Drain, or Watercourse, as aforesaid, or doing any other Act in or for the repairing, widening, or altering, varying, turning, shortening, or amending, the said Roads, by virtue of the Powers by this Act given, or any of them; every such Person shall, for every such Offence, forfeit the Sum of Five Pounds. Penalty on obstructing Officers in their Duty.

And be it further enacted, That where any particular Part of the said Roads, or any Bridge, Drain, or Sewer, being in and upon the said Roads hereby intended to be repaired, which hath been accustomed or ought to be repaired and maintained by any particular Person or Persons, Body Politic or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by either of the said Counties, or any Township therein; every such Part of the said Roads, Bridge, Drain, or Sewer, so lying in and upon the said Roads, shall from time to time be maintained and kept in Repair by such Persons liable to repair Bridges, &c. to continue so.

such Person or Persons, Body Corporate or Politic, County or Counties, Township or Townships, Parishes, Tithings, and Places, and in such Manner as the same were respectively maintained and kept in Repair before the passing of this Act; and it shall and may be lawful for the Justices of the Peace for the County wherein such particular Part of the Roads, Bridge, Drain, or Sewer, shall lie, and they are hereby required and impowered at their Petty or Special Sessions, upon Application to them made by the said Trustees, or any Five or more of them, or their Clerk or Clerks for the time being, to adjudge and determine where, how, and in what Manner, the same from time to time shall be maintained and kept in Repair.

Trustees may compound for Statute-work.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, from time to time, during the Continuance of this Act, to compound and agree with all or any of the said Person or Persons, Bodies Politic or Corporate, Township or Townships, Tythings or Places, who is, are, or shall be liable or chargeable for or towards repairing of any such particular Part of the said Roads, Bridges, Drain, or Sewer (except the Bridges liable to be repaired by the County, which shall continue to be respectively repaired as aforesaid) for a certain Sum of Money, by the Year or otherwise, as the said Trustees, or any Five or more of them, shall think fit, in lieu of such particular Works or Repairs to be done by such particular Person or Persons, Body Politic or Corporate, Township or Townships, Tythings or Places, as aforesaid.

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

And be it further enacted, That if any Rents, Profits, or Sum or Sums of Money, issuing out of any Lands, Tenements, or Hereditaments, now are, or hereafter shall be, liable or chargeable towards the repairing or amending any Part of the said Roads, such Rents, Profits, Sum or Sums of Money, issuing as aforesaid, shall remain liable and chargeable; and the Possessors and Occupiers of such Lands, Tenements, and Hereditaments, are hereby directed and required to pay such Rents and Profits to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same; and upon Default of Payment thereof, it shall and may be lawful to and for any One or more Justice or Justices of the Peace of the County wherein such Lands, Tenements, or Hereditaments, shall be, by Warrant under his or their Hand and Seal, or Hands and Seals, to levy the same by Distress

Diſtreſs and Sale of the Goods of ſuch Perſon or Perſons as ſhall neglect or refuſe to make ſuch Payment as aforeſaid, together with the Coſts and Charges of ſuch Diſtreſs and Sale; and ſuch Rents, Profits, Sum or Sums of Money, when recovered, ſhall be applied from time to time for and towards the amending the Road to the Repairs of which ſuch Rents, Profits, Sum or Sums of Money, are or ſhall be ſo chargeable, and to no other Uſe or Purpoſe whatſoever.

Inhabitants to do Statute-work.

And be it further enacted, That all and every Perſon and Perſons who by Law are or ſhall be chargeable with Statute-work within the Pariſhes and Places where any Parts of the Roads hereby directed to be repaired do lie, ſhall yearly and every Year (if thereunto required by the ſaid Truſtees, or any Five or more of them) do and perform ſuch Proportion of Statute-work, and on ſuch Part or Parts of the ſaid Roads within their reſpective Townſhips, Pariſhes, Tythings, Places, and Diviſions, and in ſuch Manner, as the ſaid Truſtees, or any Five or more of them, or the Surveyor or Surveyors of the ſaid Roads by them appointed, ſhall appoint and require: And that every Perſon who ſhall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, within any of the ſaid Townſhips, Pariſhes, Places, and Diviſions reſpectively, ſhall be deemed and taken to keep a Team therein; and for every Fifty Pounds a Year which he ſhall ſo rent, hold, or occupy, ſhall do Statute-work with One Team upon the ſaid Roads, for ſo many Days as ſhall be required by the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors aforeſaid.

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 Pariſhes, Tythings, Hamlets, and Places, wherein any Part of the ſaid Roads do lie, who are liable to do Statute-work, and what Sort of Duty they ought reſpectively to do; be it further enacted, That the Surveyor or Surveyors of the Highways of and for every of the ſaid Pariſhes, Tythings, Hamlets, and Places, where, or in or for which any Surveyor or Surveyors uſually have been, or ought to be, choſen, ſhall, and they are hereby required, within Ten Days after Notice in Writing, ſigned by the Clerk, Treaſurer, or Surveyor, to the ſaid Truſtees, ſhall be given to him or them, or left at his or their Houſe or Houſes, or laſt Place of Habitation, for that Purpoſe, to return and deliver in to the ſaid Truſtees, at any Meeting to be by them held agreeable to ſuch Notice,

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

true and perfect Lists in Writing, upon Oath, if thereunto required by the said Trustees, or any Five or more of them, of the Names of all the Inhabitants of and Occupiers of Lands, Tenements, and Hereditaments, in such Parishes, Tythings, Hamlets, and Places respectively, that are liable to do their Statute-work or Duty (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer) and shall in such Lists, and every of them, distinguish and set forth which of such Inhabitants and Occupiers keep a Team or Teams, or are deemed by this Act to keep a Team or Teams, and which of them keep Pack-horses, or other Beasts of Burthen, and how many in Number, and which of them are Labourers, or liable to do their Statute-duties as Labourers only: And if the Surveyor or Surveyors of the several Parishes, Tythings, Hamlets, or Places, wherein any Part of the said Roads shall lie, shall not deliver in such Lists as aforesaid respectively, at or before such Times, and in such Manner, as by this Act are required and directed to be delivered, or shall refuse to verify the same upon Oath, if thereunto required, or if the Name or Names of any Person or Persons who ought to have been inserted in such List or Lists, are by Design omitted, or if such Surveyor or Surveyors shall refuse or decline to give publick Summons or Notices to such Person or Persons who ought by Law to do and perform such Statute-labour or Duty as aforesaid, according to the Directions of the said Surveyor or Surveyors appointed by the said Trustees; such Parish Surveyor or Surveyors, and every of them, shall forfeit and pay, for every such Default, the Sum of Ten Pounds: And if any or either of the Inhabitants of or Occupiers of Lands, Tenements, or Hereditaments, in the said several Parishes, Tythings, Hamlets, or Places, being obliged by Law to do Statute-duty in and upon the Highways, shall not do so much Statute-work in and upon the said Roads, at such Times and Places, and in such Manner, as they shall, by the said 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, forfeit and pay the several Sums hereafter 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 Default the Sum of Ten Shillings; and every Inhabitant or Person keeping a Pack-horse or Pack-horses, or other Beasts of Burden, and no Team, not by this

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

and on Persons not performing Statute-work.

Act

Act deemed to keep a Team, for every Day's Default for every such Horse or Beast, and Driver, the Sum of Three Shillings; and every other Inhabitant or Person liable to work on the said Roads as a Labourer only, for every Day's Default the Sum of One Shilling and Six Pence; and if any Person or Persons who shall come as a Labourer or Labourers, or be sent with any Team or Draught, Pack-horse or Beast of Burden, to work on the said Roads, shall not attend at the Time and Place appointed, or shall be found idle or negligent by the said Turnpike Surveyor or Surveyors, such Surveyor and Surveyors is and are hereby impowered to remove and turn off such Person and Persons; and, in that Case, the respective Forfeitures and Payments before mentioned shall be incurred and made payable as if such Person or Persons had refused or neglected to come, or such Team or Draught, Horse or Beast, had not been sent out. Persons found idle, to be turned off.

Provided always, and be it further enacted, That if the Surveyor or Surveyors of the Highways for the time being of any of the Parishes, Tythings, Hamlets, or Places, wherein the said Roads directed by this Act to be repaired do lie, shall think the said Trustees, or their Surveyor or Surveyors, have directed or appointed too large a Proportion of the Statute-work in any Parish, Tything, Hamlet, or Place, to be done on the said Roads; it shall and may be lawful for such Surveyor or Surveyors of the Highways to appeal to Two or more Justices of the Peace of the County or Place, who are hereby authorized to convene the Parties concerned before them, and to hear and determine the Matter in Dispute. Surveyors may appeal to the Quarter Sessions to proportion the Statute-work.

Provided always, That in case the Parties, or either of them, shall be dissatisfied with such Determination; it shall be lawful for them, or any of them, to appeal to the Quarter Sessions in such and the same Manner as is herein after authorized and directed in other Cases where Persons shall think themselves aggrieved. Proviso.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, from time to time, to compound and agree with the Inhabitants of all or any of the said Townships, Parishes, Places, and Divisions, from, to, or through, which the said Roads lead (their Consent being first signified in Writing at a Vestry, or other publick Meeting of such Inhabitants, summoned to assemble for that Purpose) or with any of the said Inhabitants Trustees may compound with Parishes, &c. for Statute-work.

tants respectively, for a certain Sum of Money by the Year or otherwise, as the said Trustees, or any Five or more of them, shall think reasonable, in lieu of the Statute or other Work to be by them, or any of them, done on the said Roads.

Composition-money how to be recovered.

And be it further enacted, That in case any Composition Money agreed to be paid in lieu of any Statute or Days Work to be done by the Inhabitants of any Township, Parish, Place, or Division, as aforesaid, or by any of them respectively, or in respect of any Lands, Tenements, or Hereditaments, liable or chargeable by Tenure or otherwise as aforesaid, shall not be paid within Three Calendar Months next after the same shall become payable according to such Composition or Agreement; that then it shall and may be lawful to and for any One or more Justice or Justices of the Peace of the County wherein such Township, Parish, Place, or Division, or such Lands, Tenements, or Hereditaments, shall lie, by Warrant under his or their Hand and Seal, or Hands and Seals, to impower such Person or Persons as shall be authorized by the said Trustees, or any Five or more of them, to receive such Composition Money (Oath being first made that the same has been demanded and remains unpaid, which Oath the said Justice or Justices is and are hereby impowered to administer) to levy the same by Distress and Sale of the Goods and Chattles of the Person or Persons so having compounded as aforesaid, or of the Surveyor or Surveyors of the Highways for the time being of such Township, Parish, Tything, Place, or Division, in respect of whose Statute or Days Work such Composition shall be made, returning the Overplus (if any be) upon Demand, after the Charges of such Distress and Sale shall be thereout first deducted.

Surveyors paying the Composition Money, how to be reimbursed.

And be it further enacted, That if any Surveyor or Surveyors of the Highways for the time being of any Township, Parish, Place, or Division, for, or in lieu of, whose Statute or Days Work such Composition shall be made as aforesaid, shall pay the Composition Money, or if such Composition Money shall be recovered and levied of his and their Goods and Chattles, in Manner herein before directed; then, and in either of the said Cases, such Surveyor or Surveyors shall be repaid or reimbursed the Composition Money which shall be so paid or recovered of him or them as aforesaid, together with the Costs and Charges of such Distress and Sale, in such Manner as, by the Laws now in being, Surveyors of the Highways of this Kingdom are to be repaid or reimbursed the Monies by them expended in buying Materials for amending the Highways. And

Provided always nevertheless, and be it further enacted by the Authority aforesaid, That the Inhabitants of the Parish of Farleigh, or any of them, shall not be liable or compelled to do or perform more than Two Days Statute Labour in each Year upon the said Roads, or any Part or Parts thereof. Inhabitants of *Farleigh* to do only 2 Days Statute-work.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall be, and are hereby fully impowered, from time to time, to widen the said Road, or to divert, turn, shorten, vary, or alter, the Course or Path of any Part or Parts of the said Roads, through any Wood or Waste Ground, without making any Satisfaction for the same; and also through any private Grounds or Hereditaments, except, that in the Parish of Camerton no Field shall be diagonally cut through, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and, for that Purpose, it shall be lawful for the said Trustees, or any Five or more of them, from time to time, to contract and agree with the Owners of, and Persons interested in, any Lands or Hereditaments, for the Purchase or Exchange thereof, or for the Loss or Damage such Owners or Persons may sustain by such widening, diverting, turning, shortening, varying, or altering, the Course or Path of any Part or Parts of such Roads through such Lands or Hereditaments: And it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs, and Successors, but also for and on Behalf of their Cestuique Trusts, whether Femes-covert, Infants, or Issue unborn, Lunaticks, Ideots, or other Person or Persons whatsoever, and to and for all Femes-covert who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be possessed of, or interested in, any such Lands or Hereditaments, to contract with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to exchange with, sell, and convey, unto them, or any Five or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purpose aforesaid; and all Contracts, Exchanges, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or other

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

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

other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act; And if any such Body Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons, interested in any such Lands or Hereditaments, upon Notice to him, her, or them, given, or left in Writing at the Dwelling-house or Houses, or other Place or Places of Abode, of such Person or Persons, or of the principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments, through which any Part of such Roads is intended to be diverted, turned, or altered, shall, for the Space of Twenty one Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating; then, and in every such Case, the said Trustees, or any Five or more of them, shall cause such Damage and Recompence to be enquired into, and ascertained, by a Jury of indifferent Men of the County; 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, to summon and call before such Jury, and examine upon Oath, all and every such Person and Persons whomsoever who shall be thought necessary or proper to be examined concerning the Premisses (which Oath any One or more of the said Trustees are hereby impowered to administer) and such Trustees, or any Five or more of them, shall, by ordering a View, or otherwise, use all Ways and Means, as well for their own as for the said Jury's Information of the Premisses; and after the said Jury shall have enquired of and assessed such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners and other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination thereupon, shall be final, binding, and conclusive, to all Intents and

Where Persons refuse to treat, &c.

Jury to settle the Damages and Recompence.

Witnesses may be summoned, and examined upon Oath, &c.

Verdict of the Jury to be final.

and Purposes, against all Parties and Persons whomsoever, claiming or to claim, in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, Lunaticks, Ideots, and Persons under any Disability whatsoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all other Persons whomsoever: And, for summoning and returning such Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the respective County, requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons, qualified to serve upon Juries, to appear before such Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number of Persons accordingly; and out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall, and they are hereby impowered and required to swear, or cause to be sworn, Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, or any Five or more of the said Trustees, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve: And all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn: And the said Trustees, or any Five or more of them, acting in the Premisses, shall have Power, from time to time, to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses; and on any of the Persons that shall be summoned and returned on such Jury, and who shall not appear, or appearing, shall refuse to be sworn on the said Jury, or being so sworn, shall refuse to give, or not giving, their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who being required to give Evidence before the said Jury, shall refuse or neglect to appear, or appearing, shall refuse to be examined or to give Evidence; and which Fine or Fines shall be levied, recovered, and applied, in such Manner as the

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

Jurors may be challenged.

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

Penalties

Penalties and Forfeitures are herein after directed to be levied, recovered, and applied; so that no such Fine be more than Ten Pounds, nor less than Two Pounds, on any One Person for One Offence.

Fine not to exceed 10 *l.*

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

And be it further enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid shall be paid out of the Tolls aforesaid, or out of the Monies to be borrowed upon the Credit of such Tolls, to the Parties or Persons respectively intitled to such Monies, or to their Agents; and upon Payment, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Treasurer or Treasurers to the said Trustees for the Use of such Parties or Persons; it shall be lawful for any Person or Persons authorized by Writing under the Hands of the said Trustees, or any Five or more of them, to widen, divert, or turn, such Road through such Lands or Hereditaments, and to do all and every Act, Matter, and Thing, with Relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit: And the said Trustees, or any Five or more of them, shall cause such Parts of the said Roads as shall be widened, diverted, or turned, through any private Grounds, to be ditched and fenced from the adjoining Lands; and all Lands and Hereditaments which shall be made a Part or Parts of the said Roads by virtue of this Act, shall be for ever thereafter to all Intents and Purposes a common Highway, and shall be repaired and kept in Repair in such Manner as the Roads hereby appointed to be repaired are by this Act to be amended; and from thenceforth all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments: And after any such new Road shall be compleated, the Lands constituting the former Road, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in, and shall and may be exchanged or sold and conveyed by, the said Trustees, or any Five or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied to the Repair of that Part of the said Road so diverted and turned: But this Act shall not extend to the taking down any Dwelling-house, or other Building, or to take in any Land that is a Garden, Orchard, Yard, Park, Paddock, Planted Walk, or Avenue to a House, or any Part thereof, without the Consent of the Owner or Proprietor thereof, except to the taking in certain Orchards

Lands, &c. purchased to be made Part of the Road, and deemed a publick Highway.

Old Road may be sold.

Buildings, &c. not to be injured.

chards and Gardens, and Milham, or some Part or Parts thereof, in the Parish of Farleigh aforesaid, being the Property of Samuel Bush, and in the Occupation of John Jenkins; and also Two Orchards or Gardens the Property of Charles Dingley Esquire, which Orchards and Gardens, or so much of them respectively as the said Trustees, or any Five or more of them, shall adjudge necessary to be used for the Purposes of this Act, they are hereby authorized and impowered to contract for and purchase: And in case it shall happen that the said Trustees, or any Five or more of them, and the Person or Persons intitled to the Premisses, cannot agree; or if by reason of Absence of, or legal Incapacity in, such Person or Persons, or other Impediments or Obstructions, the said Trustees are prevented from treating for the same Premisses; then the Value of so much thereof as shall be adjudged necessary for the Purposes of this Act, and also a Recompence for cutting through or separating any such Orchards and Gardens, and destroying or removing Fruit Trees, shall be inquired of, settled, ascertained, and adjudged, by a Jury in such Manner, and under and subject to such Rules, Orders, Directions, Restrictions, and Regulations, as are herein prescribed and authorized with respect to purchasing Land to widen the said Roads, or any Part thereof.

Trustees not to act where interested.

Provided always, That no Person shall act as a Trustee in any Case relating to the contracting for, exchanging, or purchasing of, any Lands or Hereditaments wherein he shall be particularly concerned or interested.

Owners of Lands to have the Preference.

Provided always, That in case the Owner or Owners of any Lands adjoining to the Lands constituting the former Road, shall signify in Writing to any Five or more of the said Trustees, before the new Road shall be compleated, his, her, or their Desire to purchase so much of the said former Road as shall adjoin to his, her, or their Lands, such Owner or Owners shall be allowed to purchase the same in Preference to any other Person.

Expences of Jurors how to be borne.

And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment 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 than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning or returning the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid; that then, and in

such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses, shall be borne and paid by the said Trustees, or any Five or more of them, out of the Tolls or Duties hereby granted, or out of any Money to be borrowed upon the Credit thereof: But if any such Jury shall give and deliver a Verdict or Assessment for no more, or for less Money than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property in, or Loss or Damage as aforesaid; that then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and they are hereby impowered and required, within Twelve Months after the passing of this Act, to cause the said Roads to be measured, and Stones or Posts to be set up, in, upon, or near, the Sides thereof, at the Distance of One Mile from each other, with Inscriptions thereon, denoting the Distance of every such Stone or Post from any Town or Place, as they shall think fit; and also within the same Time to erect Guide or Direction Posts, with such Inscriptions thereon as the said Trustees, or any Five or more of them, shall think proper: And if any Person or Persons shall wilfully pull down, break, or damage, any such Stone or Post, or obliterate any Inscription that shall have been made thereon, or shall cause or procure the same to be done, and be thereof convicted upon Oath, by One or more credible Witness or Witnesses, or by his or her own Confession, before any Justice of the Peace for the County or Place wherein such Offences shall be committed; (which Oath such Justice is hereby impowered and required to administer, without Fee or Reward) every such Person so offending, shall forfeit the Sum of Two Pounds for every such Stone or Post so pulled down, broke, or damaged, or Inscription so obliterated; whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the Penalties and Forfeitures are herein after directed to be applied: And in case such Penalties shall not be forthwith paid, such Justice of the Peace shall commit such Person or Persons to the House of Correction for any Space not exceeding Two Months, nor less than Ten Days, unless

Penalty on defacing Mile-stones.

less such Forfeitures, and all reasonable Charges, shall be sooner paid; and every such Offender in either of the said Cases shall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Person or Persons who shall see any such Offence committed, and shall be immediately delivered to a Constable or other Peace Officer, who shall convey such Offender to be dealt with according to the Directions of this Act.

Penalty on drawing Timber otherwise than upon Wheel Carriages.

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

Penalties and Forfeitures how to be recovered and applied.

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

authorized, and required by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place, there to remain without Bail or Mainprize for any Time not exceeding Two Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Constable, &c. to execute Orders of the Trustees.

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

Trustees may reward such Constables, &c.

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

BE

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

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed; such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise, and within Three Months after the Cause of such Complaint shall have arisen; such Appellant first giving, or causing to be given, Six Days Notice at the least in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees; and, within Two Days after such Notice, entering into Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by, the Justices at such Quarter Sessions: And the said Justices at such Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing, or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes. Persons aggrieved may appeal to the Quarter Sessions. Notice of Appeal to be given.

And be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be removed or 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 Tres- Proceedings not to be removed by *Certiorari*, &c.

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

nor the Parties distraining deemed Trespassers *ab initio*.

Writings to be without Stamps.

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

Proceedings to be entered in a Book.

And be it further enacted, That all Orders and Proceedings of the said Trustees, at their several Meetings to be held by Adjournment, or upon Notice to be given by the Clerk, or, in case of his Neglect or Default, by Two Trustees as aforesaid, shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings, when entered, shall be signed by the said Trustees, or any Five or more of them; and the said Orders and Proceedings so signed shall be deemed and taken to be original Proceedings; and shall and may be produced and read in Evidence in all Cases of Appeals, Suits, Actions, or other Proceedings, touching any thing done by the Authority of this Act.

Limitation of Actions.

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

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

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

FINIS.