Anno nono

Georgii III. Regis.

An Act to enlarge the Term and Powers of an Act passed in the Sixteenth Year of King *George* the Second, for repairing the Roads from *Marlborough* to *Shepherd's Shord*; and from *Beckhampton* to the Top of *Cherill Hill*; and from *Avebury* to *Beckhampton*, in the County of *Wilts*; and for repairing and widening the Road from the Turnpike Gate at *Avebury* to *Wroughton*; and from the North Side of *Swindon* to the *Carpenters Arms* in *Blunsden*, in the said County.

WHEREAS an Act was made in the Sixteenth Year of the Reign of His late Majesty King George the Second, intituled, An Act for repairing the Roads leading from *Marlborough*, through *West Kennett*, to *Shepherd's Shord*; and from the *Hare and Hounds* in *Beckhampton*, to the Top of *Cherill Hill*; and from the Town of *Avebury* to the Cross Way at *Beckhampton*, in the County of *Wilts*; for which Purposes several Tolls and Powers were granted for the Term of Twenty one Years: And whereas considerable Sums of Money have been borrowed upon the Credit of the said Act, great Part whereof still remains unpaid, but cannot be repaid, and the said Roads kept in good Repair for the future, unless the Term of the said Act is continued: And whereas the Road from the present Preamble, reciting Act 16 *Geo.* II.

Turnpike Gate at Avebury, to the Turnpike Road in the Village of Wroughton, and the Road from the Directing Post on the North Side of Swindon, to the Carpenters Arms in the Parish of Blundsden, are much out of Repair, too narrow in many Places, and cannot be sufficiently amended and kept in Repair by the ordinary Course of Law: May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, made in the Sixteenth Year of his said late Majesty, shall be, and the same is hereby further continued from the Expiration thereof, and also of the additional Term granted by an Act made in the Twenty eighth Year of the Reign of 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 the said Act, and all Clauses, Powers, Provisions, Matters, and Things therein contained, except so far as the same are hereby altered, shall, from and immediately after the passing of this Act, extend to, and be executed, as well for the Intents and Purposes in the said former Act mentioned, as for amending, widening, and keeping in Repair, the said additional Roads herein before-mentioned and described, as fully and effectually, to all Intents and Purposes, as if the said additional Roads had been included in the said recited Act; which said additional Term, hereby granted, shall be, and is hereby declared to be, subject to the Payment of all Sums of Money now due and owing upon the Credit of the said Act of the Sixteenth Year of his said late Majesty, and of such other Sum and Sums of Money as shall be borrowed upon the Credit of the said Act, or this Act, and the Interest due, and to grow due thereon.

Recited Act, &c. further continued for 21 Years.

Tolls granted by the former Act, to cease;

And whereas the Tolls by the said recited Act granted, have been found insufficient and unequal; be it therefore further enacted by the Authority aforesaid, That the Tolls by the said Act granted, shall, from and immediately after the Twenty fourth Day of March, One thousand seven hundred and sixty nine, cease, and be no longer paid; and that instead thereof, the Tolls following

ing shall from thenceforth be demanded and taken, before any Horse, Cattle, Beast, or Carriage, be permitted to pass through any Gate or Turnpike upon the Roads in the said former Act mentioned; or through any Gate or Turnpike which shall be erected by virtue of this Act, upon either of the said additional Roads hereby directed to be repaired; that is to say, and the following Tolls to take Place in lieu thereof.

For every Horse, Beast, or Cattle, drawing any Carriage, Three Pence. The Tolls.

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

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

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

Which said Tolls shall and may be collected, levied, and recovered, by such Ways and Means, and in such Manner, as the Tolls by the said recited Act granted, could or might be collected, levied, and recovered; and shall be applied in amending the Roads included in the said former Act; and this Act, under the Powers of the said former Act; but subject nevertheless to the particular Provisions and Directions in this Act contained.

Provided always, and be it further enacted by the Authority aforesaid, That it shall be lawful for the Trustees appointed by, or to be appointed by virtue of, the said recited Act, or any Seven or more of them, and they are hereby impowered, to apply any Sum or Sums of Money, not exceeding in the Whole the Sum of Five hundred Pounds, in making, widening, and compleating the said additional Road herein before mentioned, leading from the present Turnpike Gate at Avebury, to the Turnpike Road in the Village of Wroughton; and also to apply annually, any Sum or Sums of Money, not exceeding in the Whole, in any One Year, the Sum of Forty Pounds, for keeping the said Road in Repair. Application of Money on the *Avebury* Road.

And be it further enacted by the Authority aforesaid, That the Tolls to be collected upon the said Road, from the Directing Post on the North Side of Swindon, to the Carpenters Arms in the Parish of Blunsden, and the Money to be borrowed upon the Credit thereof, shall be applied in making, widening, repairing, and keeping in Repair, the said Road only, and to no other Pur- The Tolls collected upon the *Swindon* Road, to be applied to the Repair of that Road only.

pose whatsoever; and that none of the Money collected upon any other of the Roads included in the said former Act, or this Act, or borrowed upon the Credit thereof, shall be expended upon Account, or applied to the Use of the said Road, from the Directing Post to the Carpenters Arms.

Three Trustees sufficient to adjourn.

And be it further enacted by the Authority aforesaid, That Three Trustees shall be sufficient for the Purpose of adjourning, at any Meeting of Trustees; any thing in the said recited Act to the contrary notwithstanding.

Qualification of Trustees.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in the Execution of the said recited Act, or 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 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 Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so prosecuted, shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of the said recited Act, or this Act.

Penalty on acting if not qualified.

Surveyors may cut down Trees, &c.

And be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors, or such Person or Persons as he or they shall appoint (by the Direction of the said Trustees, or any Five or more of them, under their Hands) from time to time, to cut down, lop, or shrowd Trees which have been topped or headed (usually called Pollard Trees) and to cut any Bush or Bushes growing in, or adjacent to, the said Road, and also to cut any Hedge or Hedges adjacent to the said Road, so as to reduce the same Hedge or Hedges to the Height of Three Feet from the Ground, and to take and carry away the same; the Owner or Owners, Occupier or Occupiers, of the Premises,

misses, neglecting to cut such Tree or Trees, Bushes, Hedge or Hedges, for the Space of Ten Days next after Notice in Writing shall be given for that Purpose, under the Hands of the said Trustees, or any Five or more of them; the Charges whereof shall be, from time to time, reimbursed to the said Surveyor or Surveyors, by such Owner or Owners, Occupier or Occupiers, neglecting to cut down, lop, or shrowd such Trees or Bushes, or reduce such Hedges as aforesaid.

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 take such Security from their Treasurer, for the due Execution of his Office, as they, or any Five or more of them, shall think proper.

Victuallers not to hold any Place of Profit, &c.

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

Charges of passing this Act to be first paid.

And be it further enacted by the Authority aforesaid, That all the Charges and Expences in and about procuring and passing this Act, shall be defrayed out of the Money already raised or to be raised by virtue of the said former 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, 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 Non-suited, or discontinue

General Issue.

continue 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.

Treble Costs.

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

Publick Act.

FINIS.