ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 92.

An Act for amending, widening, improving, and keeping in Repair, the Road leading from the *London* Turnpike Road near the South or upper End of *Harwell* Town, in the Parish of *Harwell* in the County of *Berks*, to the Turnpike Road near the Village of *Streatley* in the said County. [24th *June* 1803.]

WHEREAS the Road leading from the *London* Turnpike Road, near the South or upper End of *Harwell* Town, in the Parish of *Harwell* in the County of *Berks*, through a Part of the said Parish of *Harwell*, and to and through the several Parishes, Townships, Hamlets, and Places of *West Hagbourn*, *Upton*, *Blewberry*, *Aston Upthorpe*, *Aston Tirrold*, *Cholsey*, *Moulsford*, and a Part of the Parish of *Streatley*, all in the said County of *Berks*, to the *Reading* Turnpike Road; at or near a certain Place called *The Lanes End*, in the said Parish of *Streatley*, is greatly out of Repair, circuitous, and in many Parts narrow and incommodious, and cannot be effectually amended, widened, improved, and kept in Repair by the ordinary Course of Law; but if the said Road

was properly amended, widened, improved, and kept in Repair, it would be of great Utility and Advantage to the Publick, and would be the Means of facilitating and improving the Communication between the said several Parishes, Townships, Hamlets, and Places, and Parts adjacent, with the Towns of *Abingdon*, *Reading* and *Wantage*, and various other Parts of the Country; but the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: 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 Representatives serving in Parliament for the County of *Berks* for the Time being, the Representatives serving in Parliament for the Boroughs of *Reading* and *Abingdon* for the Time being; the Right Honourable *Pleydell Bouverie*, commonly called Lord Viscount *Folkstone*, Sir *Francis Sykes*, Sir *Thomas Theophilus Metcalfe*, Baronets; *John Allin*, *John Allin* the younger, *William Allnatt*, *Thomas Ansell* of *Wantage*, *William Ansell*, *Atkins Edwin Martin Atkins*, *Michael Anthony*, *Robert Baker*, *John Richard Barrett*, *Benjamin Banner* Clerk, *John Pollexfen Bastard*, *Richard Badcock*, *William Collins Badcock*, *Adam Blandy*, *Richard Benyon*, *William Blandy*, *John Blandy*, *John Brown*, *Symonds Breedon* Doctor in Divinity, *Stephen Brown*, *John Bunce*, *John Bunce* the younger, *James Beaver* Clerk, *Ferdinando Bullock*, *John Bushnell*, *William Bushnell*, *Robert Baker*, *William Beckett*, *Edward Child*, *John Collins* Clerk, *Barefoot Colton* Clerk, *William Wiseman Clarke*, *Charles Dundas*, *Charles Dewe*, *Francis Elderfield*, *William Eldridge*, *John Eldridge*, *Francis Elderfield*, *George Elwes*, *Basil Eyston*, *John Fuller*, *Thomas Fuller*, *Thomas Gabbitt*, *Thomas Goodlake*, *William Goddard*, *William Hallett*, *Robert Harris*, *Robert Hayward*, *Richard Hopkins* of *Milton*, *Robert Hopkins* of *Tidmarsh*, *Henry Hopkins*, *Francis Hopkins*, *Richard Hopkins* of *Cholsey*, *Joseph Hopkins*, *Robert Hopkins* of *Harwell*, *Thomas Hughes* Clerk, *Thomas Humfrey*, *John Peter Hunt*, *Francis Justice*, *Morgan Jones* Clerk, *Joseph Kingham*, *William Knapp*, *Thomas Lanfear*, *John Lempriere* Doctor in Divinity, *William Morland*, *Benjamin Morland*, *Pearson*, *Pitcher*, *John Phillips*, *John Phillips* the younger, *John Blagrave Pocock*, *Richard Pocock*, *Head Pottinger* Clerk, *John Pottinger*, *Barrington Price*, *William Henry Price*, *William Price*, *Thomas Prince*, *Charles Rainsford*, *Robert Reynolds*, *Richard Robinson*, *Thomas Robinson* Clerk, *Henry Sellwood*, *Richard Sellwood*, *Edward Shaw* Clerk, *John Slade*, *Robert Southby*, *Richard Stone*, *William Stone* the elder, *John Francis Spenlove*, *John Stephens*, *William Stephens*, *William Blackall Symonds*, *Joseph Tanner*, *Richard Taylor*, *Edward Thornhill*, *Thomas Thornhill*, *William Tomkins* the younger, *Joseph Tomkins*, Sir *John Throckmorton* Baronet, *William Trinder*, *Edward Tull*, *Richard Valpy* Doctor in Divinity, *George Vansittart*, *George Watts* Clerk, *Henry Wilder* Doctor in Divinity, *Philip Wroughton* Clerk, *George White*, *Bartholomew Wroughton*, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for amending, widening, improving, and keeping in Repair the said Road leading from the *London* Turnpike Road near the South or upper End of *Harwell* Town, in the Parish of *Harwell* aforesaid, to and through the said several Parishes, Townships, Hamlets, and Places, to the *Reading* Turnpike Road, at or near the said Place called *The Lanes End*, in the Parish of *Streatley* aforesaid, and for putting this Act in Execution; and that the said Road shall for ever be deemed and taken to be a common pub-

Trustees.

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lick Highway for Horſes, Cattle, and Carriages, to all Intents and Purpoſes whatſoever.

Power to appoint new Truſtees.

II. And be it further enacted, That when and as often as any of the Truſtees hereby appointed, or to be elected and appointed as herein-after mentioned, ſhall die, or refuſe to act in the Execution of this Act, it ſhall be lawful for the ſurviving or remaining Truſtees, from Time to Time, at any Meeting to be holden in purſuance of this Act, by any Writing under their reſpective Hands, to elect and appoint ſome fit Perſon to be a Truſtee in the room of every Truſtee ſo dying or refuſing to act, (Ten Days previous Notice in Writing of the Time and Place of Meeting of the ſaid Truſtees, for every ſuch Election, being given by the Clerk or Treaſurer for the Time being to the ſaid Truſtees, by affixing ſuch Notice upon all the Turnpike Gates then erected acroſs the ſaid Road, and alſo by inſerting the ſame in the Newſpaper called *The Reading Mercury*, or in ſome other Newſpaper printed or uſually circulated in the ſaid County of *Berks*); and every Perſon who ſhall be elected and appointed a Truſtee in Manner aforeſaid, ſhall and may act with the ſurviving and remaining Truſtees in the Execution of this Act, in the ſame Manner as if he had been originally named and appointed a Truſtee in and by this Act.

All Acts may be done by Three Truſtees, unleſs otherwiſe directed.

III. And be it further enacted, That all Powers and Authorities relative to the Execution of this Act, may be done and executed by any Three or more of the Truſtees hereby appointed and to be elected and appointed as aforeſaid, except only in the Caſes herein-after particularly mentioned, as requiring a greater or leſs Number of them; and that all Orders and Proceedings ſo had, made, or done, ſhall have the ſame Force and Effect as if had, made, or done by or before all the ſaid Truſtees.

Qualification of Truſtees.

IV. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act during the Time he ſhall hold any Place of Profit under the ſame, nor in any Caſe wherein he ſhall be perſonally intereſted; nor ſhall any Perſon be qualified to act as a Truſtee in the Execution hereof, unleſs he ſhall at the Time of his acting, be entitled to ſome Eſtate for Life or of Inheritance in Poſſeſſion, of or to Meſſuages, Lands, Tenements, Tythes, or Hereditaments, ſituate in that Part of the United Kingdom called *England*, of the clear yearly Value of One hundred Pounds above Reprizes, or ſhall be Heir Apparent to ſome Perſon who ſhall be truly and *bonâ fide* ſeiſed or entitled to ſome Eſtate for Life, or of Inheritance in Poſſeſſion, of or to Meſſuages, Lands, Tenements, Tythes, or Hereditaments, in that Part of the ſaid United Kingdom called *England*, of the clear yearly Value of Three hundred Pounds, above Reprizes; or ſhall be poſſeſſed of or entitled to a Perſonal Eſtate alone, or to Real and Perſonal Eſtate together, to the Amount of Three thouſand Pounds over and above what ſhall be ſufficient to pay all his juſt Debts; nor (except in adminiſtering the Oath following, and giving Notice of the firſt Meeting of the Truſtees herein-after mentioned) until he ſhall have taken and ſubſcribed before any Three or more of the ſaid Truſtees who are hereby authorized to adminiſter the ſame, an Oath in the Words or to the Effect following, as the Caſe may require; (that is to ſay),

'I do

Oath.

'I do swear, That I am truly and *bonâ fide* seised or entitled for 'some Estate for Life, or of Inheritance in Possession, of or to Mes- 'suages, Lands, Tenements, Tythes, or Hereditamets, in that Part of the 'United Kingdom called *England*, of the clear yearly Value of One hun- 'dred Pounds above Reprizes; [*and in the Case of an Heir Apparent*, I 'do swear, That I am Heir Apparent to *C. D.* who, to the best of 'my Knowledge, Information, and Belief, is truly and *bonâ fide* seised or 'entitled to some Estate for Life or of Inheritance in Possession, of or to 'Messuages, Lands, Tenements, Tythes, or Hereditaments, in that Part 'of the United Kingdom called *England*, of the clear yearly Value of 'Three hundred Pounds above Reprizes; *and in the Case of Personal Estate 'alone, or of Real and Personal Estate together*, I do swear, That 'I am truly and *bonâ fide* possessed of a Personal Estate (*or*, of Real 'and Personal Estate together) of the Amount or Value of Three thou- 'sand Pounds, above what will be sufficient to pay all my just Debts;] 'And that I will faithfully and impartially, according to the best of my 'Judgement, act in the Execution and Performance of the several Trusts, 'Powers, and Authorities, reposed in me as a Trustee by virtue of an Act 'passed in the Forty-third Year of the Reign of His Majesty King *George* 'the Third, intituled, [*here set forth the Title of the Act*].

'So help me GOD.'

Penalty for acting if not qualified.

And if any Person, not being duly qualified as aforesaid, shall presume to act as a Trustee in the Execution of this Act, every such Person so offending shall 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 at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Plaintiff or Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless,

Acts and Proceedings previous to Conviction deemed valid.

that such Acts and Proceedings as shall have been done and performed by any such Person, touching this Act, previous to his being convicted of the Offence before mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act: Provided always, that any Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by this Act, or receiving Interest thereout for the same, shall not, on that Account, be deemed unqualified to act as a Trustee; and that such Trustees as are or shall be in the Commission of the Peace for the said County of *Berks*, may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees.

Trustees may sue and be sued.

V. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk for the Time being (in whom the Right, Interest, and Property of and in all the Toll Gates or Turnpikes and Toll Houses which shall be erected and provided in pursuance of this Act, with the several Conveniencies and Appurtenances thereunto belonging respectively, and the Materials of which the same shall consist, and all other Materials, Implements, and Things which shall be purchased or provided for

for the Purpoſes of this Act, ſhall be veſted, for the proſecuting or defending any Indictment, Suit, or Action ordered by the ſaid Truſtees by or againſt any Perſon or Perſons whomſoever); and that no Indictment, Suit, r Action which ſhall be brought or commenced by or againſt the ſaid Truſtees, or any of them, by virtue or on Account of this Act, in the Name of their Clerk, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk, or by the Act or Default of ſuch Clerk, without the Conſent of the ſaid Truſtees at a Meeting to be held for that Purpoſe; but the Clerk for the Time being to the ſaid Truſtees ſhall be deemed Plaintiff or Defendant in ſuch Indictment, Suit, or Action, as the Caſe may be: Provided always, that every ſuch Clerk by whom or in whoſe Name any Indictment, Suit, or Action ſhall be commenced, proſecuted, or defended, in purſuance of this Act, ſhall be advanced or reimburſed and paid out of the Monies to be raiſed by virtue of this Act, all ſuch Coſts, Damages, and Charges as by every ſuch Proceeding he ſhall be put to or become chargeable with by Means or on Account of his being ſo made Proſecutor, Plaintiff, or Defendant.

Clerk to be paid his Expences.

VI. And be it further enacted, That the ſaid Truſtees, or any Three or more of them, ſhall meet at the Houſe of *John Dandridge*, known by the Name of *The White Hart* ſituate in the Town of *Harwell* aforeſaid, on the Second *Tueſday* next after the paſſing of this Act, or as ſoon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Three of the Clock in the Afternoon; of which Meeting Notice ſhall be given in the Newſpaper called *The Reading Mercury*, at leaſt Ten Days before ſuch Meeting, by One or more of the ſaid Truſtees; at which Time and Place the ſaid Truſtees ſhall proceed to the Election of a Clerk, and to carry this Act into Execution, and adjourn ſuch Meeting, and afterwards from Time to Time meet there, or at any other Place in or within the Diſtance of Eight Miles from the ſaid Road, as the ſaid Truſtees ſhall order and direct; and if it ſhall happen that at any Meeting there ſhall not appear a ſufficient Number of Truſtees to act, or to adjourn to another Day (Two Truſtees ſhall be deemed ſufficient for the Purpoſe of Adjournment only), or in caſe the Truſtees at any Time aſſembled ſhall omit or neglect to adjourn ſuch Meeting, then and in every ſuch Caſe every ſuch Meeting or intended Meeting ſhall be and is hereby adjourned to the Twenty-eighth Day next after the Day on which ſuch Meeting was held or was intended to be held, and at the ſame Place; and ſo from Twenty-eight Days to Twenty-eight Days, until a ſufficient Number of Truſtees do and ſhall meet and adjourn; but publick Notice of every ſuch Adjournment ſhall be affixed upon all the Turnpikes then erected acroſs the ſaid Road Ten Days at leaſt before the Day of Meeting; and in caſe the Clerk or Clerks to the ſaid Truſtees ſhall omit, neglect, or refuſe to give ſuch Notice, or by any Means ſhall be prevented from giving Notice as aforeſaid, it ſhall be lawful for any Three or more of the ſaid Truſtees (although not aſſembled at a Meeting), at any Time or Times after the Space of Twenty-one Days after ſuch Refuſal, Neglect, or Prevention of ſuch Clerk or Clerks, by Notice in Writing under their Hands to be affixed in Manner aforeſaid, to appoint the ſaid Truſtees to meet at ſome convenient Houſe in or near the ſaid Road, upon that Day Three Weeks after the Date of ſuch laſt mentioned Notice; and that the ſaid Truſtees at all their Meetings ſhall defray their own Charges and Expences: Provided always, that no Act, Order, or Proceeding of the Truſtees ſhall be valid, unleſs done, made, or had,

Time and Place of firſt Meeting.

Truſtees to pay their own Expences.

at a Meeting held in pursuance of this Act (except in Cases herein particularly provided for); and that no such Act, Order, or Proceeding shall be done, made, or had, unless the Majority of the Trustees present shall concur therein; nor shall any Order or Appointment made at a Meeting of the said Trustees be revoked or altered at any subsequent Meeting, unless Notice in Writing, specifying the Revocation or Alteration intended to be made, be affixed upon all the Toll Gates or Turnpikes then erected by virtue of this Act, at least Fourteen Days before such subsequent Meeting, and Nine at least of the said Trustees shall attend such Meeting, nor unless Two-thirds in Number of the said Trustees who shall be present at such Meeting shall concur in such Revocation or Alteration.

Meetings on Emergencies.

VII. And be it further enacted, That if upon any Emergency it shall be thought necessary by any Three or more of the said Trustees, that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall have been adjourned, in that Case, the Clerk, upon an Order in Writing signed by Three or more of the said Trustees, although not assembled at a Meeting, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice of such earlier Meeting in the Manner before directed, such Time not being less than Fourteen Days after such Notice; and all Proceedings of the Trustees at such earlier Meeting, shall be as valid and effectual as they would have been in case the Trustees had met in pursuance of Adjournment.

Orders and Proceedings to be entered in Books and admitted as Evidence.

VIII. And be it further enacted, That all Orders and Proceedings of the said Trustees, shall be entered in a Book or Books to be kept and provided by the Clerk to the said Trustees for that Purpose, and signed by all or the major Part of the Trustees present at the Meeting, at which each respective Order or Proceeding shall be made or had, or by their Chairman or Clerk by their Order; and that every such Book shall be open at all seasonable Times to the Inspection of any of the said Trustees, who shall be at Liberty to take Copies thereof, or Extracts therefrom, without Fee or Reward; which said Entries duly signed as aforesaid, shall be deemed Originals, and the same, or true Copies thereof, shall be read and admitted as Evidence in Cases of Appeal, and in all Suits or Actions in any Court whatsoever, touching any Thing done or to be done by virtue or in pursuance of this Act.

Trustees may make Contracts.

IX. And be it further enacted, That it shall be lawful for the said Trustees present at any Meeting which shall be held in pursuance of this Act, from Time to Time to make all Contracts, Agreements, and Appointments in the Execution of this Act, which shall be signed by the Trustees making the same; and no such Contract, Agreement, or Appointment shall be valid unless so made and signed, and the Majority of the Trustees present shall concur therein.

Trustees may appoint Officers.

X. And be it further enacted, That the said Trustees shall and may, by Writing under their Hands, nominate and appoint One or more fit and proper Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and Surveyor or Surveyors of the said Road, and other necessary Works thereof, and such other Officers as they shall think necessary to employ in the Execution of this Act, and shall take such Security for the Execution ot their respective Offices as they the said Trustees shall deem requisite; and the said Trustees may from Time

Time to Time remove any ſuch Clerk, Treaſurer, Collector, Surveyor, and other Officers as they ſhall ſee Occaſion, and appoint others in caſe of ſuch Removal or of Death; and that out of the Monies to be received by virtue of this Act, ſuch Allowances and Compenſations ſhall be made to the ſeveral Officers to be appointed as aforeſaid, and to ſuch other Perſons as ſhall be aſſiſting in and about the Execution of this Act, as to the ſaid Truſtees ſhall ſeem proper.

Officers to account.

XI. And be it further enacted, That all ſuch Officers, and all other Perſons acting by Order of or for the ſaid Truſtees, ſhall from Time to Time when thereunto required by the ſaid Truſtees, deliver to ſuch Truſtees, or to ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, a true and perfect Account in Writing under their reſpective Hands, of all Monies which ſhall have been by them reſpectively had, collected, or received by virtue or in purſuance of this Act, and how and to whom and for what Purpoſe the ſame or any Part thereof have or hath been paid or diſpoſed of, together with proper Vouchers and Receipts for ſuch Payments, and ſhall verify ſuch Accounts upon Oath (which Oath the ſaid Truſtees, or any One of them, are or is hereby empowered to adminiſter); and ſuch reſpective Officers and Perſons ſhall and they are hereby reſpectively required to pay all ſuch Monies as upon the Balance of ſuch Account ſhall appear to be in their or any of their Hands, to ſuch Perſon or Perſons as the ſaid Truſtees ſhall appoint to receive the ſame; and if any of the ſaid Officers or Perſons ſhall refuſe or neglect to render or give ſuch Account in Writing as aforeſaid, or to produce and deliver up the Vouchers and Receipts relating to the ſame, or to verify the ſame on Oath, or to pay the Balance remaining in their Hands when thereunto required in Manner aforeſaid, or if any ſuch Officers or Perſons ſhall refuſe or neglect to deliver up to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, within Twenty-one Days after being thereunto required by the ſaid Truſtees, all Books, Accounts, Papers, and Writings in their reſpective Cuſtody or Power, anyways relating to the Execution of this Act, or to the ſaid Road or Works, and Complaint ſhall be made of any ſuch Neglect or Refuſal to any Juſtice of the Peace for the County where the Officer or Officers, Perſon or Perſons ſo negiecting or refuſing, ſhall be or reſide, by any One or more of the ſaid Truſtees, or by any Perſon or Perſons on his or their Behalf, ſuch Juſtice may and is hereby authorized and required, by Warrant or Warrants, to cauſe ſuch Officer or Officers, Perſon or Perſons, to be brought before him; and upon his, her, or their appearing, or not appearing (except for ſome reaſonable Excuſe, and having been firſt duly ſummoned), to hear and determine the Matter in a ſummary Way, and to ſettle the ſaid Account, if produced, in ſuch Manner as the ſaid Truſtees might have done; and if upon the Settlement of any ſuch Account, or upon Confeſſion of the Officer or Officers, Perſon or Perſons, againſt whom any ſuch Complaint ſhall be made, or by the Oath or Oaths of any credible Witneſs or Witneſſes, it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been collected or received, ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, every ſuch Juſtice may and he is hereby authorized and required, upon Non-payment thereof, by a Warrant under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if Goods or Chattels ſhall not be found ſufficient to anſwer and ſatisfy the ſaid Money, and the

Charges of such Distress and Sale, or if such Officer or Officers, Person or Persons, shall not appear before the said Justice at the Time and Place by him appointed for that Purpose (except for some reasonable Cause or Excuse), or appearing shall refuse or neglect to give and deliver to the said Justice an Account of the Receipts and Payments as aforesaid, or to verify the Truth of any such Account, or of the Articles thereof, upon Oath as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Account, or the Books, Accounts, Papers, and Writings in his, her, or their Custody or Power, relating in anywise to the Execution of this Act, or to the said Road or Works, then and in any or either of the Cases aforesaid, the said Justice may and is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Common Gaol or House of Correction of the said County, there to remain without Bail or Mainprize, until he, she, or they shall have delivered in and settled his, her, or their Accounts, and have verified the same on Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his, her, or their respective Hands, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he, she, or they shall have compounded with the said Trustees for the same, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees are hereby in such Case empowered to make) or until he, she, or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees: Provided always, that no Person shal be committed for want of sufficient Distress, for any longer Space of Time than Six Calendar Months.

Trustees to appoint temporary Collectors.

XII. And be it further enacted, That upon the Death, Incapacity, absconding, Misbehaviour, or Absence of any Collector or Receiver of the Tolls hereby granted, or any of them, any Three of the said Trustees, though not at a Meeting of the said Trustees appointed by virtue of this Act, shall and lawfully may discharge such Collector or Receiver who shall be so incapable, abscond, misbehave, or absent himself as aforesaid, and nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, in the stead of such Collector or Receiver so dying or being discharged, and to continue until the next Meeting of the Trustees; which Person so nominated and appointed, shall have the like Power and Authority, and be answerable and accountable in the same Manner in all Respects, as the Person who shall so die or be discharged would have had or been subject to; and that if any Collector or Receiver of the Tolls who shall at any Time be discharged from his Office by the Trustees by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die, abscond, absent himself, or be discharged, or any other Person, shall refuse or neglect to deliver up the Possession of any Toll House, Building, or Toll Bar to be erected or set up by virtue of this Act, for the Space of Seven Days after Demand thereof made, and Notice in Writing given or left on the Premises for that Purpose, by or under the Hands of the said Trustees or their Clerk, then and in any of the said Cases, it shall be lawful for any Justice or Justices of the Peace for the said County, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable

Conſtable or other Peace Officer within the ſaid County, with ſuch Aſſiſtance as ſhall be neceſſary, to enter into ſuch Houſe or Building in the Day Time, and to remove the Perſon and Perſons who ſhall be found therein, and the Occupier or Occupiers thereof, together with his, her, or their Goods out of the ſame, and to put the ſaid Truſtees or any of them, or their Clerk or their new appointed Officer, into the Poſſeſſion of ſuch Toll Houſe, Building, or Toll Bar, and every of them, with their reſpective Appurtenances.

Treaſurer, &c. to give Security.

XIII. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required to take ſuch Security from the Treaſurer or Treaſurers, Receiver and Receivers, Collector and Collectors, Surveyor or Surveyors, and from any other Officers to be appointed in purſuance of this Act, for the faithful Execution of their reſpective Offices, as the ſaid Truſtees ſhall think proper.

Power to erect Toll Gates, and to take Tolls.

XIV. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, or ſuch other Perſon or Perſons as they ſhall appoint, ſhall and may erect or otherwiſe provide ſuch and ſo many Toll Gates or Turnpikes in, upon, or acroſs ſuch Parts and in ſuch Places of the ſaid Road, and alſo ſuch and ſo many Toll Gates or Turnpikes on the Sides of the ſaid Road, and in, upon, or acroſs any Lane or Byeway that doth or ſhall lead into or out of the ſame, as the ſaid Truſtees or any Seven or more of them ſhall think proper (ſubject nevertheleſs to the Reſtrictions and Directions herein after mentioned concerning the ſame); and alſo ſhall and may erect or otherwiſe provide a Toll Houſe to every or any of the ſaid Toll Gates or Turnpikes, with ſuitable Buildings and other Conveniencies thereto, and incloſe from the Sides of the ſaid Road convenient Gardens for the ſame; and that the ſeveral Tolls herein-after particularly mentioned, ſhall be demanded and taken at each of the Toll Gates or Turnpikes which ſhall or may be erected in purſuance of this Act (except as herein-after is expreſsly directed or provided to the contrary), before any Horſe, Cattle, or Beaſt upon which any Toll is by this Act impoſed, ſhall be permitted to paſs through the ſame; (that is to ſay),

Tolls.

For every Horſe, Ox, or other Beaſt, drawing in any Coach, Chariot, Chaiſe, Curricle, Chair, Landau, Berlin, Calaſh, Hearſe, or other ſuch Carriage, the Sum of Sixpence:

For every Horſe, Ox, or other Beaſt, drawing in any Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of all the Wheels thereof of the Breadth or Gauge of Six Inches or more, and ſo flat or level as not to deviate more than Half an Inch from a flat Surface, and having the interior Diameter of each Wheel not deviating more from the exterior Diameter thereof than One-ſixth Part of the Breadth of the Sole or Bottom of the Fellies, between the Firſt Day of *March* and the Firſt Day of *October* in every Year, the Sum of Fourpence; and between the Thirtieth Day of *September* and the Firſt Day of *April* in every Year, the Sum of Five-pence:

For every Horſe, Ox, or other Beaſt, drawing in any Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of any of the Wheels thereof of a leſs Breadth or Gauge than Six Inches, or deviating more than Half an Inch from a flat Surface, or having the interior Diameter of any Wheel deviating more from the exterior

terior Diameter thereof than One-sixth Part of the Breadth of the Sole or Bottom of the Felly, between the Thirty-first Day of *March* and the First Day of *October* in every Year, the Sum of Five-pence, and between the Thirtieth Day of *September* and the First Day of *April* in every Year the Sum of Sixpence:

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen and not drawing, the Sum of Two-pence:

For every Bull, Cow, Ox, Steer, Heifer, Calf, or other such Beast, the Sum of One Halfpenny.

For every Hog, Pig, Goat, Sheep, or Lamb, the Sum of One Farthing.

Power to recover the Tolls.

Which said respective Sums shall be demanded and taken in the Name of and as Toll, by such Person or Persons as the said Trustees shall from Time to Time authorize and appoint to receive the same; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made by any Person or Persons authorized to receive the same, neglect or refuse to make Payment thereof, or of any Part or Parts thereof, it shall be lawful for the Person or Persons so authorized to seize and distrain any Horse, Cattle, or Beast, upon which any Toll is by this Act imposed, or the Harness, Geers, or Accoutrements of any such Horse, Cattle, or Beast; and if such Tolls, and the reasonable Charges of such Distress and of keeping the same, shall not be paid within the Space of Three Days next after the Day of making such Distress, the Person or Persons so distraining shall and may at any Time or Times thereafter, sell the Horse, Cattle, or Beast so distrained, and out of the Money which shall arise by such Sale, pay or retain such Tolls, and all reasonable Charges incurred by such Distress and Sale, returning the Overplus of the Money which shall arise by such Sale, and what shall remain unsold (if any) upon Demand, to the Owner or Owners thereof.

For settling Disputes concerning the Tolls.

XV. And be it further enacted, That if any Disputes shall happen concerning any Tolls due, or the Charges occasioned by any such Distress as aforesaid, it shall be lawful for the Person or Persons so distraining, to retain such Distress, or the Money arising from the Sale thereof, until the Quantity of the Tolls and the Charges of such Distress shall be ascertained by some Justice of the Peace for the said County of *Berks*, who upon Application made to him for that Purpose shall examine the Matter on Oath of the Parties, or of a Witness or Witnesses, and shall determine the Toll due, and assess the Charges of such Distress, and of the Collector's Attendance upon such Justice for that Purpose; all which Sums so determined and assessed shall be paid to the said Collector before he or she shall be obliged to return the Goods so distrained, or the said Overplus or any Part thereof respectively.

Collectors declared competent Witnesses.

XVI. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting under the Authority of the said Trustees, shall be competent to give Evidence therein.

Tolls may be varied, but never to exceed certain Sums.

XVII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time when and as often as they shall think proper,

proper, to leſſen, vary, or alter, all or any of the Tolls hereby granted or made payable at all or any of the Toll Gates, or Turnpikes to be erected by virtue of this Act, and to cauſe the ſame to be collected in ſuch Manner, Parts, and Proportions as they ſhall think fit; and to raiſe, vary, or alter the ſame again, ſo that they do not at any Time exceed the Tolls by this Act granted and made payable, and ſo that every Reduction thereof be made with the Conſent of the Perſon or Perſons for the Time being entitled to Five Sixth Parts of the Money then due on Securities of the ſaid Tolls; but no ſuch Alteration ſhall be made unleſs at a Meeting of the ſaid Truſtees, at which Seven of them at leaſt ſhall attend, and unleſs Twenty-one Days previous Notice thereof in Writing ſhall be affixed upon all the Turnpikes then erected acroſs the ſaid Road, and alſo inſerted in the Newſpaper called *The Reading Mercury*, or ſome other Newſpaper printed or uſually circulated in the ſaid County of *Berks*.

Tolls to be paid but Once a Day.

XVIII. And be it further enacted, That no Perſon or Perſons ſhall be liable to pay Toll more than Once at any One Toll Gate or Turnpike to be erected by virtue of this Act, for paſſing and repaſſing at any Time or Times in One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night), with the ſame Horſes, Cattle, Beaſts, and Carriages through the ſame Toll Gate or Turnpike (except as herein is excepted); but that all and every Perſon and Perſons, having paid Toll Once as aforeſaid, and producing a Ticket denoting the Payment of ſuch Toll (which Ticket the Collector of the Tolls is hereby required to deliver *gratis* on Receipt of the Toll), ſhall afterwards paſs and repaſs with the ſame Horſes, Cattle, Beaſts, and Carriages, Toll free during the ſame Day, through the ſame Toll Gate or Turnpike where ſuch Toll was paid, or any other Toll Gate or Turnpike upon the ſaid Road: Provided always, that not more than One Toll ſhall be demanded or taken from any Perſon or Perſons for paſſing and repaſſing the ſame Day with the ſame Horſes, Cattle, Beaſts, and Carriages through all the Toll Gates or Turnpikes to be erected upon the ſaid Road; but that every Perſon having Once paid the Toll by this Act impoſed, and producing a Note or Ticket, Notes or Tickets, denoting the Payment thereof (which Note or Ticket the Collectors of the Tolls are hereby required to deliver *gratis* on the Receipt of ſuch Toll), ſhall paſs and repaſs with the ſame Horſes, Cattle, Beaſts, and Carriages, Toll free during ſuch Day, through all the other Toll Gates or Turnpikes to be erected in and upon the ſaid Road.

Number of Tolls limited.

Exemption from Toll.

XIX. And be it further enacted, That no Toll ſhall be demanded or taken for any Horſe, Ox, or other Beaſt, drawing in any Carriage employed in carrying or conveying Stones, Bricks, Lime, Timber, Trees, Wood, Gravel, or other Materials for making or repairing the ſaid Road, or any Works thereon, or any of the Highways in the ſeveral Pariſhes, Townſhips, Hamlets, and Places through which the ſaid Road ſhall paſs; or any Hay, Straw, Corn in the Straw, or other Produce of Lands to be laid up, uſed, or conſumed in the Houſes, Out-houſes, Barns, or Yards, of or belonging to the reſpective Inhabitants of the ſeveral Pariſhes, Townſhips, Hamlets, or Places; or Lime or other Manure to be uſed for the Improvement of Lands, and belonging to any Perſon or Perſons who ſhall regularly perform his, her, or their Statute Duty upon the ſaid Road hereby directed to be made and repaired; nor when returning unladen

laden after carrying or conveying any ſuch Materials or Things; nor ſhall any of the Tolls hereby granted be demanded or taken for any Horſe, Ox, or other Beaſt, drawing or not drawing and employed in carrying or conveying any Ploughs, Harrows, or other Implements of Huſbandry only, belonging to ſuch reſpective Inhabitants as aforeſaid, who ſhall regularly perform their Statute Duty upon the ſaid Road; nor for any Horſes, Mares, Geldings, Mules, or other Cattle, when going to or returning from being ſhoed or farried, or from Work in cultivating the Lands or Grounds within the ſame Pariſhes, Townſhips, Hamlets, or Places; or going to or returning from Paſture or Watering Places; provided that ſuch laſt mentioned Exemption ſhall only extend to ſuch Cattle as ſhall be driven to and from Water and Paſture, from one Pariſh to the next adjoining Pariſh; nor ſhall any of the Tolls hereby granted be demanded or taken for any Horſe, Ox, or other Beaſt which ſhall only croſs ſuch Road, and ſhall not paſs above One hundred Yards thereon; or when carrying or conveying any Perſon or Perſons reſiding in the ſame Pariſhes, Townſhips, Hamlets, or Places, who ſhall paſs on *Sundays* or on any other Day on which Divine Worſhip is or ſhall be ordered by Authority to be celebrated, through any of the ſaid Turnpikes, to or from Church, Chapel or any other Place of religious Worſhip tolerated by Law; or when going to or returning from the Funeral of any Perſon or Perſons who ſhall die and be buried in any of the ſame Pariſhes, Townſhips, Hamlets, or Places; nor for any Horſes or Carriages which ſhall be employed in conveying any Mail or Packet made up under the Authority or Direction of His Majeſty's Poſtmaſter General, or his Deputies; nor for any Horſes belonging to Officers or Soldiers upon their March or upon Duty; nor for any Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or carrying any wounded, ſick, or diſabled Officers or Soldiers, or returning empty after having been ſo employed; nor for any Horſes, Carts, or Carriages, employed only in carrying or conveying Vagrants ſent by legal Paſſes; nor for any Horſe, Mare, Gelding, or Mule, drawing or not drawing, carrying or conveying any Elector or Electors to or from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of *Berks*; and if any Perſon ſhall claim or take the Benefit of any of the Exemptions aforeſaid, or of any other of the Exemptions from Toll herein contained, not being entitled to the ſame, every Perſon ſo offending, and being lawfully convicted thereof, ſhall forfeit and pay a Sum not exceeding Five Pounds nor leſs than Forty Shillings, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted.

To prevent evading the Tolls.

XX. And be it further enacted, That if any Perſon or Perſons ſhall with any Horſe, Cattle, or Beaſt, upon which any Toll is by this Act impoſed, paſs through any Land or Ground within the Diſtance of One Mile from any Toll Gate or Turnpike which ſhall be erected by virtue of this Act, (the ſame not being a publick Road); or if any Owner or Occupier of any ſuch Land or Ground ſhall knowingly permit or ſuffer any other Perſon or Perſons with any Horſe, Cattle, or Beaſt, to paſs through the ſame, whereby Payment of any of the ſaid Tolls or any Part or Parts thereof ſhall be evaded; or if any Perſon or Perſons ſhall give to or receive from any Perſon (other than a Collector of the ſaid Tolls) any Ticket by this Act directed to be given by a Collector of the ſaid Tolls, or ſhall forge or counterfeit any ſuch Ticket, or ſhall forcibly paſs through any

such Toll Gate or Turnpike as aforesaid, with any Horse, Cattle, or Beast, or shall at any Time or Times take off any Horse, Cattle, or Beast from any Carriage, with an Intent to avoid Payment of the said Toll, whereby the Payment thereof, or any Part or Parts thereof, shall be evaded, or if any Person or Persons shall leave or cause to be left upon or near to any Part of the said Road, any Carriage, Horse, Cattle, or Beast, with an Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage, every Person offending in any of the Cases aforesaid, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Five Pounds nor less than Forty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted, One Moiety whereof shall be for the Use of the Informer or Informers, and the other Moiety thereof shall be applied for the Purposes of this Act in Manner herein-after directed.

Power to compound for the Tolls.

XXI. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time as they shall see convenient, to compound and agree for any Term not exceeding One Year at any One Time with all or any of the Inhabitants of the several Parishes, Townships, Hamlets, or Places to or through which the said Road leads, and who shall duly perform their Statute Work upon the same, for the passing of their Horses, Cattle, or Carriages through all or any of such Toll-Gates or Turnpikes as aforesaid.

Power to lease the Tolls.

XXII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, after having given Twenty-one Days previous Notice thereof in Writing, to be affixed upon all the Turnpikes erected across the said Road, and to be inserted in the said Newspaper called *The Reading Mercury*, or some other Newspaper printed or usually circulated in the said County of *Berks*, from Time to Time, to lease and demise the Tolls granted by this Act or any Part or Parts thereof, for any Term not exceeding Three Years for the best Rent or Price that can be reasonably obtained for the same, payable at such Times and in such Manner, and with, under, and subject to such Covenants, Conditions, and Agreements as the said Trustees or any Five or more of them shall think fit, they the said Trustees having a Counterpart of such Lease or Leases, and taking such other sufficient Security for Payment of the Rents, to be reserved by and for the performance of the Covenants contained in such Lease or Leases, as the said Trustees or any Five or more of them shall think fit.

Power to remove Toll Gates.

XXIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them from Time to Time, when and as often as they shall think proper, to cause any of the Toll Gates or Turnpikes which shall have been erected in, upon, across, or on the Sides of the said Road, to be removed to and erected in, upon, or across, or on the Side of such other Part or Parts of the said Road as the said Trustees or any Five or more of them shall from Time to Time order and direct; but none of the said Toll Gates or Turnpikes shall be removed as aforesaid unless Twenty-one Days previous Notice of the Intention to remove the same shall have been affixed in Writing upon all the Toll Gates or Turnpikes then erected across the said Road, and inserted in the

Newspaper called *The Reading Mercury*, or in some other Newspaper printed or usually circulated in the said County of *Berks*.

For borrowing Money on Security of the the Tolls.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees at any of their Meetings, to borrow and take up at Interest upon the Credit of the Tolls to arise by virtue of this Act, any Sum or Sums of Money which they shall think necessary for the Purposes of this Act; provided that no Money shall be borrowed after the First Three Meetings of the said Trustees, unless Twenty-one Days peevious Notice thereof shall be affixed in Writing upon all the Toll Gates or Turnpikes then erected across the said Road, and also published in the Newspaper called *The Reading Mercury*, or in some other Newspaper printed or usually circulated in the said County of *Berks*; and the said Trustees are hereby empowered by any Writing or Writings under their respective Hands and Seals, from Time to Time to assign or mortgage the said Tolls or any Part or Parts thereof during the Continuance of this Act, as a Security or Securities to any Subscriber or Subscribers as aforesaid, or other Person or Persons who shall advance such Sum or Sums of Money as aforesaid, their respective Executors, Administrators, and Assigns, for the Money so to be advanced with Interest for the same; which Writing or Writings may be made in the Form or in Words or to the Effect following; (that is to say),

Form of the Security.

'BY virtue of an Act passed in the Forty-third Year of the Reign of His Majesty King *George* the Third, intituled, [*Here set forth the Title of this Act*] We of the Trustees for putting the said Act into Execution, in Consideration of the Sum of paid by *A. B.* of to the Treasurer of the said Road, do hereby bargain, sell, and assign unto the said *A. B.* such Proportion of the Tolls to arise upon the said Road as the Sum of doth or shall bear to the whole Sum now due or hereafter to become due on the Security thereof, to hold the same unto the said *A. B.* his Executors, Administrators, and Assigns, from the Day of the Date hereof, for and during the Continuance of the said Act, unless the said Sum of with Interest for the same after the Rate of *per Centum per Annum* shall be sooner paid and satisfied. Given under our Hands and Seals the Day of in the Year of our Lord

Copies to be entered.

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer of the said Road, which Book or Books may at all seasonable Times be perused and inspected, without Fee or Reward; and it shall be lawful for all and every Person and Persons to whom any Mortgage or Security shall be made as aforesaid, his, her, and their Executors and Administrators respectively, by Writing or Writings under their respective Hands and Seals, to assign and transfer his, her, and their Right, Title, and Interest, in and to such Mortgage or Security, and the Principal Money and Interest secured thereby to any Person or Persons; which Assignment and Transfer may be made in the Form, or in Words to the Effect following; (that is to say),

Mortgages may be transferred.

Form of Transfer.

'I *A. B.* of *or*, I *C. D.* of Executor or Administrator of *A. B.* late of [*or otherwise, as the Case may happen to be*] in Consideration of the Sum of

'of to me paid by *E. F.* of
'do hereby assign and transfer unto the said *E. F.* his Executors, Administrators, and Assigns, a certain Mortgage or Security, bearing Date
'the Day of in the Year of our Lord
'under the Hands and Seals of
'of the Trustees for putting in Execution an Act,
'passed in the Forty-third Year of the Reign of His Majesty King *George*
'the Third, intituled, [*Here set forth the Title of this Act*] with all my
'Right and Title to the Principal Sum of
'thereby secured, and all Interest now due and hereafter to grow due
'thereon. Dated this Day of
'in the Year of our Lord

Which Transfer shall be produced to the said Clerk or Treasurer within Three Calendar Months next after the Day of the Date thereof, who shall enter the same in the Book or Books last-mentioned, for which Entry the Sum of Two Shillings and Sixpence and no more shall be paid; and such Transfer shall then entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the Benefit of such Mortgage or Security, and every such Mortgage or Security may be again assigned and transferred in like Manner, and so from Time to Time as often as Occasion shall require, and it shall not be in the Power of any Person other than the Person or Persons to whom the same shall be last assigned as aforesaid, his, her, or their respective Executors or Administrators, to release, discharge, or make void the original Mortgage or Security so transferred as aforesaid, or the Monies due thereon or any Part thereof; and all Persons to whom any Mortgage or Security shall be made as aforesaid, their respective Executors, Administrators, and Assigns shall, in Proportion to the Sums of Money thereby secured be Creditors on the Tolls by this Act granted, in equal Degree One with another, and shall have no Preference in respect of the Priority of advancing their Monies, or of the Dates of their respective Securities. Transfers to be entered.

XXV. And be it further enacted, That where any Person or Persons shall in Right or by virtue of his or her Marriage become entitled to any Sum or Sums of Money due on Mortgage or Security of the Tolls hereby granted, an Affidavit, containing a Copy of the Register of such Marriage, shall be made before a Judge of One of His Majesty's Courts of Record at *Westminster*, or before a Master or Master Extraordinary in Chancery in *England*, or One of the Judges of the Court of Sessions in *Scotland*, or a Magistrate or Bailiff of some Corporate Town, or One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Road, who shall make an Entry thereof in the Book or Books which shall be kept for entering Copies of such Mortgages and Transfers as aforesaid; and such Clerk shall, upon the Application of the Person or Persons entitled to such Sum or Sums of Money due on Mortgage or Security of the Tolls hereby granted, give and deliver to him, her, or them, a Certificate of such Entry; and where any Person or Persons shall, as Executor or Administrator, Executors or Administrators, of any Person deceased, become entitled to any such Sum or Sums of Money as last aforesaid, the Probate of the Will or Testamentary Instrument, or Letters of Administration under which such Persons shall be so entitled, shall be produced and shewn to the Clerk of the said Road, who shall enter the same and grant a Certificate thereof in Manner aforesaid, for which Entry and Certificate respectively, Probate of Wills and Certificates of Marriages, to be produced to the Clerk and entered.

ſpectively, the Sum of Two Shillings and Sixpence, and no more, ſhall be paid to the ſaid Clerk.

Application of the Money.

XXVI. And be it further enacted, That all the Monies which ſhall ariſe and be produced by Subſcriptions as herein-after mentioned, and from the Tolls by this Act granted, together with the Monies which ſhall from Time to Time be borrowed in purſuance of this Act, and all other Monies which ſhall ariſe and be produced by virtue of this Act, and not herein otherwiſe appropriated or directed to be applied, ſhall be veſted in the ſaid Truſtees for the Time being, and ſhall be applied to and for the ſeveral Uſes, Intents, and Purpoſes, and in the Order and Manner following (that is to ſay), in the Firſt Place, in Payment of the Coſts, Charges, and Expences of obtaining and paſſing this Act; in the Second Place, in paying the Intereſt accruing upon the ſeveral Sums of Money which ſhall from Time to Time be due and owing on the ſeveral Mortgages or Securities made in purſuance of this Act; in the Third Place, in defraying the Expences of erecting and providing Turnpikes, Toll Houſes, and other Buildings, and of making, forming, repairing, widening, and altering the ſaid Road, and purchaſing Lands for thoſe Purpoſes, and of erecting and maintaining neceſſary and convenient Bridges upon the ſaid Road, and of executing the ſeveral other Powers and Proviſions of this Act; and laſtly, in reducing, paying off, and diſcharging the ſeveral Principal Sums for the Time being, due on ſuch Mortgages or Securities as aforeſaid.

Surveyor may get Materials for the Road.

XXVII. And be it further enacted, That it ſhall be lawful for the Surveyor of the ſaid Road, and ſuch other Perſon or Perſons as ſhall be employed by ſuch Surveyor, to cut, dig, gather, take, and carry away any Furze, Heath, Stones, Gravel, Sand, or other Materials, for making, forming, and repairing the ſaid Road, Toll Houſes, and Bridges, in, upon, out of, and from any Waſte Grounds, Common Down, Commons, Common Quarries, Rivers, or Brooks, in any Pariſh, Townſhip, or Diſtrict, within or near whereto the ſaid Road paſſes, without paying any Thing for the ſame, ſuch Surveyor or other Perſon or Perſons filling up the Pits and levelling the Ground from whence ſuch Materials ſhall be taken, or ſufficiently fencing off ſuch Pits, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and in caſe ſuch Materials cannot conveniently be had in ſuch Waſte Grounds, Common Down, Commons, Quarries, Rivers, or Brooks as aforeſaid, then it ſhall be lawful for ſuch Surveyor or ſuch other Perſon as aforeſaid, to cut, dig, gather, take, and carry away any ſuch Materials as aforeſaid in, upon, out of, or from and over any other Lands, Grounds, and Quarries, (except as herein-after is mentioned) making ſuch Compenſation and Satisfaction for the Damage done to the Owners and Occupiers of ſuch Lands, Grounds, and Quarries, where, through, and from whence the ſame ſhall be digged, gathered, taken, and carried away, or over which any Materials gotten from any Waſte Ground, Common Down, Common, Common Quarry, River, or Brook, ſhall be conveyed, as the ſaid Truſtees ſhall judge reaſonable.

Materials not to be taken from incloſed Grounds, without an Order from the Truſtees or Two Juſtices.

XXVIII. Provided always nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Perſon or Perſons under the Authority of this Act, to dig, gather, take, or carry away any ſuch Materials as aforeſaid, in or from any incloſed or private Lands, Grounds, or Quarries, until after Ten Days previous Notice in Writing, ſigned by the ſaid Surveyor,

veyor, or ſome other Officer of the ſaid Truſtees, ſhall have been given to the reſpective Owners or Occupiers of the Lands or Grounds from which ſuch Materials are intended to be taken, or left at the uſual Place of Reſidence of ſuch Owners or Occupiers reſpectively, requiring them to appear before the ſaid Truſtees, or Two or more Juſtices of the Peace acting for the ſaid County of *Berks*, at a certain Time and Place to be ſpecified in ſuch Notice, to ſhew Cauſe why ſuch Materials ſhould not be taken away; and ſuch Truſtees or Juſtices, after hearing the Parties concerned, ſhall, if they think proper, authorize ſuch Surveyor or other Officer to dig, gather, take, and carry away ſuch Materials, at ſuch Time or Times, and in ſuch Manner as to ſuch Truſtees or Juſtices ſhall ſeem proper; or if ſuch reſpective Owners or Occupiers ſhall not by themſelves or their reſpective Agents attend purſuant to ſuch Notice, ſuch Truſtees or Juſtices may make ſuch Order therein, as they ſhall think fit, in the ſame Manner as if ſuch reſpective Owners or Occupiers had attended purſuant to ſuch Notice.

Penalty on taking away Materials got by the Surveyor.

XXIX. And be it further enacted, That if any Perſon or Perſons ſhall take or carry away any Materials, which ſhall have been digged or gathered for the Purpoſe of making or amending the ſaid Road, or ſhall get or take away any Materials out of any Pit or Quarry which ſhall have been made for the Purpoſe of getting Materials for the ſaid Road, before the ſaid Surveyor or his Workmen ſhall have diſcontinued working therein, for the Space of Thirty Days (except the Owners or Occupiers of any private Lands or Grounds, and the Perſon or Perſons authorized by ſuch Owners and Occupiers, who may get Materials therein for their own Uſe only, and not for the Uſe of any other Highway or for Sale), every Perſon ſo offending, and being lawfully convicted thereof, ſhall forfeit and pay a Sum not exceeding Twenty Pounds nor leſs than Five Pounds, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted.

For preventing Obſtructions on the Sides of the Roads.

XXX. And be it further enacted, That no Dung, Aſhes, Compoſt, Manure, or other Thing ſhall be unladen and laid down upon any Moor, Down, Common, or Waſte Ground, nearer to the Side of the ſaid Road than the Diſtance of Thirty Feet, upon Pain that every Perſon ſo offending, and being lawfully convicted thereof, ſhall forfeit and pay any Sum not exceeding Forty Shillings nor leſs than Twenty Shillings.

Penalty on damaging Footways or cauſing Nuiſances on the Road.

XXXI. And be it further enacted, That if any Perſon ſhall ride upon any Footway adjoining the ſaid Road, or ſhall lead or drive any Horſe, Cattle, or Swine, or any Carriage on any ſuch Footway, or ſhall cauſe any Damage to be done thereto, or ſhall put or turn or cauſe to be put or turned any Horſe, Aſs, Swine, or other Beaſt or Cattle of any Kind into or upon the ſaid Road or the Side thereof, or if any Perſon ſhall leave any Coach, Chaiſe, Waggon, Wain, Cart, or other Carriage in or upon the ſaid Road, or the Side thereof, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto (except in caſe of Accidents) every Perſon ſo offending, ſhall forfeit and pay for the Firſt Offence, any Sum not exceeding Ten Shillings, and for the Second and any ſubſequent Offence any Sum not exceeding Five Pounds nor leſs than Twenty Shillings.

Surveyor may remove Annoyances.

XXXII. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor, and ſuch Perſon or Perſons as he ſhall appoint from Time to Time, to remove and prevent all Nuiſances and Annoyances on any Part or Parts of the ſaid Road, by Timber, Stone, Carriages, Saw-Pits, or other Pits, Aſhes, Dung, Filth, Rubbiſh, or otherwiſe, and alſo to divert or turn any Watercourſes, Gutters, Conduits, or Drains running into the ſame to the Prejudice thereof, and to open, ſcour, and cleanſe, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourſe adjoining or near to any Part of the ſaid Road, and alſo to top or lop any Trees, Branches, or Buſhes growing in the ſaid Road, or in the Hedges, Fences, Banks, or Grounds adjoining thereto, and the Charges thereof (being ſettled by the ſaid Truſtees) ſhall be reimburſed to ſuch Surveyor from Time to Time by ſuch reſpective Owners or Occupiers of the Lands, Hedges, Fences, Banks, or Grounds on which ſuch Trees ſhall be growing; and in caſe ſuch Charges ſhall not be paid on Demand, the ſame ſhall be levied and recovered in the ſame Manner as the Penalties, Forfeitures, and Fines by this Act authorized to be impoſed, are hereinafter directed to be levied and recovered; and if after the Removal of any ſuch Nuiſances and Annoyances as aforeſaid, any Perſon ſhall offend again in like Manner every Perſon ſo offending, and being lawfully convicted thereof, ſhall forfeit and pay any Sum not exceeding Forty Shillings.

Surveyor empowered to remove ſudden Obſtructions without Notice.

XXXIII. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor and ſuch Perſon or Perſons as he ſhall appoint from Time to Time, (without giving any previous Notice) to remove all Earth, Trees, Roots of Trees, and other Things as ſhall ſuddenly ſlide, fall, or be blown down from any Hedge, Bank, or Land into or upon any Part of the ſaid Road ſo as to narrow or obſtruct the Paſſage along the ſame, and to carry and place the ſame on any Waſte Ground near thereto, ſo as to be no Annoyance to Travellers, and ſuch Surveyor or Surveyors ſhall forthwith give Notice thereof to the Owners or Occupiers of the Lands from whence ſuch Earth, Trees, Roots, or other Things ſhall ſo ſlide or fall or be blown down as aforeſaid, and the Charges of carrying away the ſame (to be ſettled by the ſaid Truſtees), ſhall be reimburſed and paid to ſuch Surveyor or Surveyors by ſuch Owners or Occupiers, and be recovered in ſuch Manner as the Penalties and Forfeitures for Offences againſt this Act are hereby directed to be recovered.

For making Drains, &c.

XXXIV. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor and any other Perſon or Perſons by Order of the ſaid Truſtees, to cut and make Ditches, Drains, and Watercourſes in, upon, and on the Sides of the ſaid Road, and alſo through any Grounds lying contiguous thereto, and to erect, rebuild, and keep in Repair, Bridges and Arches upon the ſaid Road and acroſs any ſuch Ditch, Drain, or Watercourſe as aforeſaid, and to make ſufficient Barriers and other Erections on any Part or Parts of the ſaid Road, in order to prevent the ſame from being flooded or overflowed with Water, as the ſaid Surveyor ſhall judge neceſſary; and alſo to make or cauſe to be made any temporary Road or Roads through, over, and along the Grounds adjoining to any narrow or ruinous Part or Parts of the ſaid Road (except as herein-after is mentioned), to be made uſe of as a Road whilſt the old Road ſhall be repairing, and until the ſame ſhall be made ſafe and convenient for Travellers and

and Paſſengers, making ſuch Satisfaction to the Owners and Occupiers of ſuch Grounds ſo to be uſed, cut through, or built upon, for the Damages which ſuch Owners or Occupiers reſpectively ſhall ſuſtain thereby, as the ſaid Truſtees ſhall judge reaſonable.

Power to widen, turn, or alter the Roads.

XXXV. And whereas ſeveral Parts of the ſaid Road herein-before deſcribed are not of ſufficient Width, and other Parts thereof are circuitous and may be conſiderably ſhortened; for Remedy of which Inconveniencies, and for enabling the ſaid Truſtees to make and complete the ſaid Road, by opening a new and convenient Carriage Road through any private or incloſed Lands or Grounds lying in or near to the Line of the Road herein-before deſcribed, be it further enacted, That it ſhall be lawful for the ſaid Truſtees at any Time or Times to widen the ſaid Road, and to divert, turn, or alter the Courſe or Direction of any Part or Parts thereof, and to make a new and convenient Carriage Road through or over any Moor, Down, or Waſte Ground, without making any Satisfaction for the ſame, and alſo through or over any private Lands or Tenements (except as hereafter is mentioned), firſt making Satisfaction to the Owners thereof and Perſons intereſted therein, for the Damages they may thereby ſuſtain; and for that Purpoſe it ſhall be lawful for the ſaid Truſtees to treat, contract, and agree with the Owners of and Perſons intereſted in any private Lands or Tenements for the Purchaſe thereof, or for the Loſs or Damage which ſuch Owners and Perſons intereſted, or any of them, ſhall or may anyways ſuſtain by making, widening, turning, or altering any Part or Parts of the ſaid Road; and it ſhall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and other Truſtees whomſoever, for and on Behalf of any Infants, Femes Coverts, *Ceſtuique* Truſts, and for all and every Perſon and Perſons whomſoever who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Lands or Tenements to contract and agree with the ſaid Truſtees for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell to them all or any of ſuch Lands or Tenements as Occaſion ſhall require; and all Contracts and Sales ſo made, ſhall, without any Conveyance or Aſſurance in the Law, be valid and effectual to all Intents and Purpoſes whatſoever, any Law, Statute, Uſage, or any other Matter or Thing to the contrary thereof notwithſtanding; and all ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act; and if any of ſuch Owners, Proprietors, Occupiers, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Truſtees, or any other Perſon or Perſons intereſted in any ſuch Lands or Tenements, upon Notice in Writing by the Clerk or Treaſurer of the ſaid Road to him, her, or them given or left at the reſpective Dwelling Houſes or Places of Abode of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Tenements ſo to be taken in and added to any Part of the ſaid Road, or into which any Part or Parts of ſuch Road are or is to be turned or altered as aforeſaid, ſhall for the Space of Ten Days after ſuch Notice given or left

The Recompence to be ſettled by a Jury in certain Caſes.

as

as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or any such Case, the said Trustees shall cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the said County of *Berks* (which Oaths any One or more of the said Trustees is and are hereby empowered and required to administer), what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or other Person or Persons interested, for or on Account of the taking of such Lands or Tenements into the said Road, or of turning any Part or Parts of such Road into the same Lands or Tenements; and in order thereto, the said Trustees are hereby empowered and required, from Time to Time as Occasion shall require, to summon and call before the said Jury, and examine upon Oath all and every Person or Persons whomsoever who shall be thought necessary and proper to be examined as a Witness or Witnesses, touching or concerning the Premises (which Oath any One or more of the said Trustees is and are hereby empowered to administer), and they shall also order and cause the said Jury to view the Places in question (if there shall be Occasion) and use all other lawful Ways and Means as well for their own as for the said Jury's better Information in the Premises as the said Trustees shall think fit; and after the said Jury shall have enquired of, ascertained, and settled such Damages, Recompence, and Satisfaction, the said Trustees shall thereupon order the Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners or Occupiers of or other Persons interested in the said Lands or Tenements, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition and Order so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming any Estate in Fee Simple or Fee Tail, for Life or Lives, or Years, in Possession, Reversion, Remainder, or otherwise, their Heirs, Successors, Executors, and Administrators, Infants, Issue unborn, Femes Covert, Persons beyond the Seas, and under any other Disability whatsoever, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and for the summoning and returning of such Jury or Juries the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the said County of *Berks*, or in case such Sheriff, or his Deputy or Deputies, shall be anyways interested in the Matter in question, then to some One of the Coroners of the said County of *Berks*, not interested in the Premises, thereby commanding and requiring such Sheriff or Coroner to empannel, summon, and return a Jury of Twenty-four honest and indifferent Men, qualified according to Law to be returned for Trials of Issues joined in His Majesty's Courts of Record at *Westminster*, to appear before the said Trustees at such Time and Place as in such Warrant shall be appointed, and the said Sheriff, his Deputy or Deputies, or Coroner is and are hereby required to empannel, summon, and return such Number accordingly; and out of the Persons so empannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any One or more of them shall swear, or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, his Deputy or Deputies, or Coroner, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured

The Verdict to be final.

to

to attend that Service (being qualified as last aforesaid) 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, but shall not challenge the Array; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, or such Coroner making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury and shall not appear (unless prevented by Illness or other sufficient Cause) or who shall refuse to be sworn on the said Jury, or being so sworn refusing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury, touching the Premises, shall refuse or neglect to appear, or appearing shall refuse to be sworn and give Evidence; provided that any such Fine shall not exceed the Sum of Ten Pounds upon any such Sheriff, his Deputy or Deputies, or Coroner, and the Sum of Five Pounds upon any other Person for any One Offence.

Sheriff, &c. may be fined on Neglect of Duty.

XXXVI. And be it further enacted, That every Sum of Money, Recompence, and Satisfaction, which shall be agreed for or assessed as aforesaid, shall be paid out of the Monies which shall arise and be produced by virtue of this Act, to the Parties or Persons respectively entitled thereto, or to their Agents, and upon Payment thereof, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Treasurer of the said Road, for the Use of such Parties or Persons, and after Ten Days Notice thereof to such Parties or Persons or their Agents, all Owners and Occupiers of and Persons interested in such Lands or Grounds shall thenceforth be divested of all Right, Title, Claim, Interest and Property, of, in, to, or out of the same, and such Lands or Grounds shall be laid into and made Part of the said Road, in such Manner as the said Trustees shall direct, and shall be by them or by such Person or Persons as they shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall thenceforth, to all Intents and Purposes whatsoever, become, and for ever afterwards be a common Highway, and Turnpike Road, and shall be deemed Part of the Road to be repaired by virtue of this Act, and shall be repaired and kept in Repair accordingly; and after such new Road shall be completed, the Lands constituting the former Road or any Part thereof, unless leading over some Down or Waste Ground, or to some Town, Village, or Hamlet, to which such new Road doth not lead, shall be vested in the Clerk or Clerks, and Treasurer or Treasurers of the said Road for the Time being, and he and they is and are hereby empowered to sell the same in such Manner as the said Trustees shall direct or appoint; and in case of any such Sale, after Payment of the Purchase Money for the Lands so sold, and upon proper Receipts being signed or given for the same by the Clerk or Clerks, Treasurer or Treasurers, for the Time being, of the said Road, the Lands so sold as aforesaid respectively, and the Fee Simple and Inheritance thereof respectively, shall be vested in the Person or Persons to whom the same shall be so sold as aforesaid.

How the Purchase Money is to be paid.

XXXVII. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money, as a Recompence for

How Expences of Jury shall be paid.

for the Right, Intereſt, or Property of any Perſon or Perſons in any Lands or Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees, before the ſummoning and returning of 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 full Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference ſhall be borne and paid by the ſaid Truſtees, out of the Money to ariſe by virtue of this Act; but if 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, before the ſummoning and returning of the ſaid Jury, as a Recompence and Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, then the full Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes and all other Expences attending the hearing and determining ſuch Difference, ſhall be paid and borne by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences having been aſcertained and ſettled by the Maſter of His Majeſty's Court of King's Bench, or any One of the Prothonotaries of His Majeſty's Court of Common Pleas at *Weſtminſter* (either of whom is hereby authorized and required, on Requeſt, to examine and ſettle the ſame) ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged; or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid on Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk to the ſaid Truſtees, in and by ſuch Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures.

Dwelling Houſes, Gardens, *&c.* not to be damaged.

XXXVIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall empower the ſaid Truſtees, or any other Perſon or Perſons to pull down or damage any Dwelling Houſe or other Building, or to take away or damage any Ground having been uſed as a Garden, Orchard, Yard, Walk, or Avenue to a Houſe or Plantation, or Nurſery for Trees, for the Space of Twelve Calendar Months then laſt paſt, without the Conſent in Writing of the Owner or Owners of every ſuch Dwelling Houſe or other Building, Garden, Orchard, Yard, Park, Paddock, Walk, Avenue or Plantation, or Nurſery for Trees reſpectively, his, her, or their Agent or Agents under their reſpective Hand or Hands for that Purpoſe firſt had and obtained.

Roads diſcontinued not to be repaired.

XXXIX. Provided alſo, and be it further enacted, That in caſe the ancient or former Road over any Down or Waſte Ground, ſhall by virtue of this Act be turned, altered, or diverted, the Inhabitants of the Pariſh, Townſhip, Hamlet, or Place wherein the ancient or former Road which ſhall thereby be left or diſcontinued lieth, ſhall not be obliged to repair ſuch ancient or former Road, unleſs the ſame leads to ſome Town, Village or Hamlet, with which the new Road doth not communicate.

XL. And

Truſtees empowered to ſell Ground not wanted for the Purpoſes of this Act.

XL. And whereas, by reaſon of the Purchaſes which the ſaid Truſtees are hereby empowered and required to make by virtue of this Act, they may happen to be ſeiſed of ſome Piece or Pieces of Ground over and above what ſhall be neceſſary for effecting the Purpoſes of this Act; be it further enacted, That it ſhall be lawful for the ſaid Truſtees to ſell and diſpoſe of ſuch Piece or Pieces of Ground, either together or in Parcels as they ſhall find moſt advantageous and convenient, to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame.

Perſons from whom ſuch Lands, *etc.* have been purchaſed to have the Preference.

XLI. Provided always, and be it further enacted, That the ſaid Truſtees before they ſhall ſell and diſpoſe of the ſaid Piece or Pieces of Ground, ſhall firſt offer to reſell the ſame to the Perſon or Perſons from whom they ſhall have purchaſed ſuch Piece or Pieces of Ground; and in caſe ſuch Perſon or Perſons ſhall not then and thereupon agree, or ſhall refuſe to re-purchaſe the ſame, any Affidavit to be made and ſworn before a Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County where ſuch Piece or Pieces of Ground ſhall lie, by ſome Perſon or Perſons no way intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Truſtees, and that ſuch Offer was not then and thereupon agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was ſo offered, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and was not agreed to, or was refuſed by the Perſon or Perſons to whom it was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of repurchaſing the ſame, and he, ſhe, or they, and the ſaid Truſtees, ſhall differ and not agree with reſpect to the Price thereof, in ſuch Caſe the Price or Prices thereof ſhall be aſcertained by a Jury in Manner herein-before directed with reſpect to diſputed Value of Premiſes to be purchaſed by the ſaid Truſtees in purſuance of this Act; and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as herein-before directed with reſpect to ſuch Purchaſe made by the ſaid Truſtees *mutatis mutandis*; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch Piece or Parcel of Ground as aforeſaid, ſhall be applied to the Purpoſes of this Act, but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Non-application of ſuch Money.

Application of Compenſation where amounting to 200*l.*

XLII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed by virtue of this Act, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatick, or Perſon or Perſons under any Diſability or Incapacity, ſuch Money ſhall, if the ſame amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Money ſhall be paid, under the Direction and with the Approbation of the ſaid Court (to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments), in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrance

brance or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the said Court upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so thereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation is less than 200*l.* and exceeds 20*l.*

XLIII. Provided also, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds then and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands) be paid into the Bank in the Name and with the Privity of the said Acountant General, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Trustees (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application where the Money is less than 20*l.*

XLIV. Provided also, and be it further enacted, That when such Money so agreed or assessed to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the

the ſaid Truſtees ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

New Roads to be fenced by the Truſtees.

XLV. And be it further enacted, That in all Caſes where the ſaid Truſtees ſhall widen, turn, or alter any Part or Parts of the ſaid Roads, or make any new Road over and through any incloſed Lands or Grounds, the ſaid Truſtees ſhall make or cauſe to be made proper Walls or Quickſet or other Fences, where neceſſary, as the Caſe ſhall require, ſo as effectually to guard and fence off the Lands adjoining to the ſaid Road, and alſo proper Gates, Bridges, and Arches, where neceſſary, out of the ſaid Road into the Lands adjoining, and ſhall keep the Quickſet Fences ſo to be made in good Order and Repair for the Term of Six Years, from the Time that ſuch Quickſet Fences ſhall have been made or planted.

Lands chargeable to the Repairs of Roads and Bridges to continue ſo.

XLVI. And be it further enacted, That where any particular Part or Parts of the ſaid Road, or any Bridges, Arches, Drains, Sewers, or Watercourſes lying in and upon the ſame Road, have been accuſtomed or ought to be repaired and maintained by any particular Perſon or Perſons, Bodies Politick or Corporate, by reaſon of the Tenure of any Lands, Tenements, or Hereditaments, or by the ſaid County of *Berks*, or any Hundred, Pariſh, or Townſhip therein or otherwiſe howſoever, all and every ſuch Part and Parts of the ſaid Road, and all ſuch Bridges, Arches, Drains, Sewers, and Watercourſes, ſhall from Time to Time be maintained and kept in Repair by ſuch Perſon or Perſons, Bodies Politick and Corporate, County, Hundreds, Pariſhes, or Townſhips reſpectively, and in ſuch Manner as the ſame ought to have been reſpectively maintained and kept in Repair, in caſe this Act had not been made.

Statute Duty to be continued.

XLVII. Provided always, and be it further enacted, That all Perſons by Law chargeable towards repairing any Part or Parts of the ſaid Road or any Bridges thereon, ſhall ſtill remain ſo chargeable, and ſhall do their reſpective Statute and other Work in or upon the ſaid Road and the other Highways of the Pariſhes, Townſhips, or Diſtricts in which the ſaid Road lies, in like Manner as before the paſſing of this Act (ſubject nevertheleſs to the Regulations herein-after expreſſed concerning the ſame); and where any old Road ſhall be diſcontinued by virtue of this Act, ſuch Statute and other Work ſhall be performed upon the new Road made in lieu thereof.

How the Statute Work ſhall be apportioned.

XLVIII. And, for aſcertaining and determining what Part of the Statute Work ought to be performed on the ſaid Road by the Inhabitants of the ſeveral Pariſhes, Townſhips, Hamlets, and Places through which the ſaid Road paſſes; be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Two of them, being acting Juſtices of the Peace for the County of *Berks*, from Time to Time to adjudge and order what Part of the Statute Work ſhall be done in or upon the Road hereby directed to be repaired, and for what Space of Time and in what Manner the ſame ſhall be done upon ſuch Road by the Inhabitants of each or any of the Pariſhes, Townſhips, Hamlets, or Places, in or through which the ſaid Road ſhall paſs.

For regulating the Performance thereof.

XLIX. And be it further enacted, That the respective Surveyors of the Highways, or the Churchwardens or Overseers of the Poor in all the Parishes, Townships, Hamlets, and Places, through which the said Road passes, shall yearly and every Year, within Ten Days after Demand made to them respectively in Writing by the Surveyor, Clerk, or Treasurer, of the said Road, in pursuance of an Order under the Hands of Two or more of the said Trustees, being acting Justices of the Peace for the said County of *Berks*, give and deliver to the Person making such Demand, a true and exact List or Account in Writing under their respective Hands of the Christian and Surname of every Person in the said respective Parishes, Townships, Hamlets, and Places who are by Law chargeable towards repairing the said Road in such Parishes, Townships, Hamlets, and Places, and shall set forth and specify in such List what each Person is respectively chargeable with for and towards the same; and such respective Parish or Township Surveyors (within Four Days after Notice to them given by the said Turnpike Surveyor, of the Time or Times when and where, and how many of the Persons so chargeable as aforesaid are to perform their respective Statute or Days Work) shall summon or give Notice thereof in the Mode prescribed by Law to the Persons so chargeable as aforesaid; and if any such Parish or Township Surveyor or Surveyors, shall neglect or refuse to do as he and they is and are hereby required and directed to do, or shall wilfully return incorrect or imperfect Lists, he and they shall respectively forfeit and pay the Sum of Five Pounds for every such Refusal or Neglect; and if any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, Wain or Wains, and chargeable towards repairing the said Road, shall, after such Summons or Notice as aforesaid, neglect or refuse to send their respective Teams, Draughts, Carts, or Wains furnished with Labourers, Oxen, or Horses, according to the Custom of the Country, and proper Tools to do and perform such their respective Days Works upon the said Road, he, she, or they so neglecting or refusing, shall forfeit and pay the Sum of Ten Shillings for every Day that each Team, Draught, Cart, or Wain shall be wanting, or shall not be duly employed in that Service; and if any Person or Persons who shall be sent with any Team, Draught, Cart, or Wain to work on the said Road, shall be found idle or negligent by the said Turnpike Surveyor, he is hereby authorized and required to discharge and dismiss every such Person or Persons so found idle or negligent, and it shall be deemed as if such Team, Wain, Draught, or Cart had not been sent to work on the said Road, and the same Sum shal be accordingly forfeited and paid; and if any Statute Work shall not be performed within the Year in which the same is due, the same shall be performed in the Course of the succeeding Year.

How Trustees may compel Surveyors of the Highways to account for Composition Money,

L. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, at any of their Meetings, by Writing under their Hands to summon all, every, or any of the Surveyor or Surveyors of the Highways of all, every, or any of the Parishes, Townships, Hamlets, or Places (the Inhabitants whereof are liable to perform Statute Work on the said Road), to appear before the said Trustees, or any Three or more of them, at any of their subsequent Meetings, and then to deliver in to them a full, true, and just Account in Writing of all Sums of Money by them respectively received, for, in lieu of, or by Way of Composition for Statute Work, in their several

and

and reſpective Pariſhes, Townſhips, Hamlets, or Places (which Account ſhall be verified upon Oath, if the ſaid Truſtees or any Two or more of them ſhall require the ſame); and in caſe the Perſon or Perſons ſo ſummoned ſhall neglect to appear at the Time and Place therein appointed, or ſhall refuſe or neglect to deliver in ſuch Account as aforeſaid, or if required to verify the ſame upon Oath or to pay to the Treaſurer of the ſaid Road, or as the ſaid Truſtees ſhall direct within Five Days from the Time of producing the ſaid Account, or whereon the ſame ought to have been produced, ſuch proportionable Part of all ſuch Compoſition Money as ſuch Surveyor or Surveyors or any of them ſhall have received, that then in all or any of the ſaid Caſes the Perſon or Perſons ſo offending ſhall for every ſeparate Offence forfeit and pay a Sum not exceeding Twenty Shillings nor leſs than Five Shillings.

Statute or any other Work may be compounded for.

LI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Three or more of them, from Time to Time to compound and agree by the Year or otherwiſe, with the Owners or Occupiers of any Lands, Tenements, or Hereditaments, or other Perſons, Bodies Politick or Corporate, liable or chargeable with or towards the Repair of any Part or Parts of the ſaid Road, or any Bridges, Arches, Drains, Sewers, or Watercourſes lying in and upon the ſame, or their Performance of Statute Work thereon, for the Payment of a Sum or Sums of Money in lieu of ſuch Repairs and Statute Work reſpectively; and alſo for the reſpective Surveyors of the Highways, Churchwardens, or Overſeers of the Poor of any of the ſaid Pariſhes, Townſhips, or Hamlets, and Places through which the ſaid Road paſſes, to compound and agree by the Year or otherwiſe, with the ſaid Truſtees for and in lieu of the Statute Work to be performed by the Inhabitants of ſuch Pariſhes, Townſhips, Hamlets, and Places upon any Part or Parts of the ſaid Road.

For recovering the Compoſition Monies.

LII. And be it further enacted, That in caſe the Compoſition Money agreed to be paid for paſſing through any Turnpikes or Toll Gates, or in lieu of any ſuch Repairs or Statute Work as aforeſaid, or any Part or Parts of ſuch Compoſition Monies reſpectively, ſhall not be paid within Fifteen Days after the ſame ſhall become payable, it ſhall be lawful for the ſaid Truſtees, or any Juſtice or Juſtices of the Peace for the ſaid County of *Berks*, by Writing under their reſpective Hands and Seals to empower the Perſon or Perſons authorized to receive ſuch Compoſition Money (Oath having been firſt made before ſuch Truſtees, or ſuch Juſtice or Juſtices, that the ſame hath been demanded and remains due, which Oath they are hereby reſpectively empowered to adminiſter), to levy ſuch Compoſition Money by Diſtreſs and Sale of the Goods and Chattels of the Surveyor or Surveyors of the Highways, or other Perſon or Perſons, or of the Churchwardens or Overſeers of the Poor having ſo compounded or agreed to pay ſuch Compoſition Money as aforeſaid, returning the Overplus (if any) upon Demand, after deducting ſuch Compoſition Money and the reaſonable Charges of ſuch Diſtreſs and Sale to the Owner or Owners thereof.

How Surveyors of the Highways are to be reimburſed, and Compoſition Money paid by them.

LIII. And be it further enacted, That the reſpective Surveyors of the Highways, or the Churchwardens or Overſeers of the Poor, who ſhall pay any ſuch Compoſition Money, or of whom the ſame ſhall be recovered as aforeſaid, ſhall be repaid or reimburſed the Compoſition Money paid by

by or recovered of them respectively with the Costs and Charges attending such Recovery, by the several Ways and Means and in such Manner as by the Laws in being, Surveyors of the Highways are to be repaid or reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Trustees may contract for Repairs.

LIV. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose appoint, are and is hereby empowered to contract with any Person or Persons for making, altering, raising, widening, and repairing the said Road, or any Part or Parts thereof respectively, or any Arches or Bridges upon the same, and for doing any other Work by this Act authorized to be done, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper; and also to contract with any Person or Persons, Bodies Politick or Corporate, for the Payment of any annual Sum or Sums in Gross, as a Compensation or Satisfaction for any Loss, Injury, or Damage, which he, she, or they shall or may sustain by carrying this Act into Execution; and all Contracts in Writing for any of the Purposes aforesaid, which shall be entered into pursuant to an Order made at any Meeting by the said Trustees, shall be binding to and upon all Parties who shall sign the same, his, her, and their Executors and Administrators; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof.

Mile Stones and Direction Posts to be erected.

LV. And be it further enacted, That the said Trustees shall cause the said Road to be measured, and Mile Stones or Posts to be set up, and from Time to Time renewed on the Sides thereof respectively, with Inscriptions thereon denoting the Number of Miles and Distance of Places; and also proper Direction Posts where any other Roads lead out of or into the said Road; and if any Person or Persons shall wilfully break, pull down, destroy, or damage any of the Stones or Posts which shall be so fixed or set up, or erase, obliterate, or deface any of the Inscriptions or Letters which shall be engraven or made thereon, or on any Part thereof, or cause or procure the same to be done, every Person so offending, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Five Pounds nor less than Twenty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Penalty on hauling Timber or Stones on the Road.

LVI. And be it further enacted, That if any Person shall haul or draw or cause to be hauled or drawn upon any Part of the said Road (except only on crossing the same) any Tree or Piece of Timber, or any Stone, otherwise than upon Wheeled Carriages, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon Wheeled Carriages to drag upon any Part of the said Road to the Prejudice thereof, every Person so offending, and being lawfully convicted thereof, shall forfeit and pay any Sum not exceeding Twenty Shillings.

How Penalties and Forfeitures are to be recovered and applied.

LVII. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act imposed or authorized to be imposed (the Manner of levying and recovering of which is not herein otherwise particularly directed) shall, upon Proof of the Offences and Conviction of the Offenders respectively before any One or more Justice or Justices of the Peace for the said County of *Berks*, either by the Confession of the Party or Parties offending,

offending, or by the Oath of One or more credible Witneſs or Witneſſes, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by virtue of a Warrant or Warrants under the Hand and Seal, or Hands and Seals of ſuch Juſtice or Juſtices (which Warrant or Warrants ſuch Juſtice or Juſtices is and are hereby authorized and required to grant, and to adminiſter ſuch Oath); and the Overplus, after ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Diſtreſs and Sale are deducted, ſhall be returned on Demand to the Owner or Owners of ſuch Goods and Chattels; and all ſuch Penalties, Forfeitures, and Fines (if not otherwiſe directed by this Act), ſhall be paid to the ſaid Truſtees or their Treaſurer, and applied for the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, and ſuch Penalties, Forfeitures, and Fines, ſhall not be forthwith paid, ſuch Juſtice or Juſtices is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cauſe ſuch Offender or Offenders to be committed to either of the Common Gaols or Houſes of Correction for ſuch County, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied.

LVIII. And, for the more eaſy Conviction of Offenders againſt this Act, be it further enacted, That the Juſtice or Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, may cauſe the Conviction to be drawn up in the Form, or in Words to the Effect following, *mutatis mutandis*, as the Caſe ſhall happen to be:

Form of Conviction.

'*Berks*, to wit. } BE it remembered, That on [*Time of Conviction*] at [*Place of Conviction*] *A. B.* [*Name of Offender*] of [*Addition of Offender*] was duly convicted before me [*or* us] [*Name and Style of convicting Juſtice or Juſtices*] for that the ſaid *A. B.* [*Name of Offender*] on [*Time of committing Offence*] at [*Place of committing Offence*] did [*Here ſtate the Offence againſt the Act, according to the Fact*] contrary to an Act paſſed in the Forty-third Year of the Reign of His Majeſty King *George* the Third, intituled, [*Here ſet forth the Title of this Act*] and I [*or*, we] do therefore declare and adjudge that the ſaid *A. B.* [*Name of the Offender*] has forfeited for the ſaid Offence the Sum of [*Fine*] *or*, ſhall be committed to [*Place of Impriſonment*] for the Space of [*Time of Impriſonment.*] Given under my Hand and Seal [*or*, our Hands and Seals] the Day and Year firſt above written.'

LIX. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Matter or Thing done in purſuance of this Act, for which no particular Relief hath been herein-before provided, ſuch Perſon or Perſons may within Six Calendar Months after the Cauſe of Complaint ſhall ariſe, appeal to the Juſtices of the Peace, at their General Quarter Seſſions to be holden for the ſaid County of *Berks*, ſuch Appellant or Appellants firſt giving or cauſing to be given Fourteen Days Notice in Writing of his, her, or their Intention to bring ſuch Appeal, and of the Cauſe or Matter thereof, to the Clerk or Treaſurer of the ſaid Road, and within Four Days after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for the ſaid

Appeal to the Quarter Seſſions.

County, with Two ſufficient Sureties conditioned to try ſuch Appeal and abide the Order of the Juſtices at ſuch Quarter Seſſion, and to pay ſuch Coſts as ſhall be awarded againſt him, her, or them, by ſuch Juſtices; and the Juſtices at their ſaid Seſſions, on due Proof of ſuch Notice having been given as aforeſaid, and of the entering into ſuch Recognizance ſhall proceed in, hear, and finally determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Party appealing or appealed againſt as they ſhall think proper; and their Determination ſhall be final, binding, and concluſive to all Intents and Purpoſes.

Limitation of Actions.

LX. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Twenty Days Notice thereof ſhall have been given to the Clerk or Treaſurer of the ſaid Road, nor after a ſufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after the Expiration of Three Calendar Months from the Time of the Fact being committed; and every ſuch Action or Suit ſhall be laid or brought in the County of *Berks*, and not elſewhere, and the Defendant or Defendants in every ſuch Action ſhall or may at his, her, or their Election, plead ſpecially or the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or that ſuch Action or Suit ſhall have been brought before Twenty Days Notice thereof was given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Expiration of 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 hath in other Caſes by Law.

For recovering the Subſcriptions.

LXI. And be it further enacted, That if the ſeveral Perſons who have become Subſcribers or ſhall become Subſcribers towards the Expences of obtaining and paſſing this Act, and of carrying the ſame into Execution, or any of them, ſhall after Fourteen Days previous Notice in Writing under the Hand of the Treaſurer or Clerk to the ſaid Truſtees, for that Purpoſe to him, her, or them given, or left at his, her, or their uſual Place of Abode, refuſe or neglect to make Payment of their reſpective Sums by him or them ſo ſubſcribed or agreed to be ſubſcribed, or ſuch Part or Parts thereof as may be required in ſuch Notice, it ſhall be lawful for the ſaid Truſtees to bring or cauſe to be brought any Action of Debt, or on the Caſe, Bill, or Suit againſt any Perſon or Perſons ſo refuſing or neglecting as aforeſaid, his, her, or their Heirs, Executors, or Adminiſtrators in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance ſhall be allowed; and on Proof of ſuch Perſon or Perſons having ſo ſubſcribed or agreed to ſubſcribe, and of ſuch Notice being given as aforeſaid, ſuch reſpective Sum or Sums ſo ſubſcribed or agreed

to

to be ſubſcribed, or ſo much thereof as ſhall be required to be paid in ſuch Notice, ſhall be recovered with full Coſts of Suit.

Commencement and Continuance of the Act.

LXII. And be it further enacted, That this Act ſhall commence immediately upon the paſſing thereof, and ſhall continue in Force from thenceforth for and during the Term of Twenty-one Years then next enſuing, and from thence to the End of the then next Seſſion of Parliament; and this Act ſhall be adjudged, deemed, and taken to be a publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without the ſame being pleaded ſpecially.

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