ANNO TERTIO

GEORGII IV. REGIS.

****

Cap. xc.

An Act for more effectually repairing the Road from the Guide Post near the End of *Drayton Lane*, near *Banbury* in the County of *Oxford*, to the House called *The Sun Rising*, at the Top of *Edge Hill* in the County of *Warwick*.

[24th *June* 1822.]

WHEREAS an Act was passed in the Twenty-sixth Year of the Reign of His Majesty King *George* the Second, intituled *An* 26 G. 2. c. 78.
Act to widen and repair the Road from the Guide Post, near the End of Drayton Lane, *near* Banbury *in the County of* Oxford, *to the House called* The Sun Rising *at the Top of* Edge Hill *in the County of* Warwick: And whereas an Act was passed in the Twentieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enlarging* 20 G. 3. c. 67.
the Term and Powers of an Act made in the Twenty-sixth Year of the Reign of His late Majesty, intituled '*An Act to widen and repair the Road* '*from the Guide Post, near the End of* Drayton Lane *near* Banbury *in* '*the County of* Oxford, *to the House called the* The Sun Rising, *at the Top of* ' Edge Hill *in the County of* Warwick:' And whereas an Act was passed in the Forty-first Year of the Reign of His said late Majesty King *George* 41 G. 3. c. 84.
the Third, intituled *An Act to continue for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and alter the Powers of Two Acts, one passed in the Twenty-sixth Year of the Reign of His late Majesty King* George *the Second, intituled* '*An Act to widen* '*and repair the Road from the Guide Post near the End of* Drayton Lane,

' *near* Banbury *in the County of* Oxford, *to the House called* The Sun Ris-
' ing, *at the Top of* Edge Hill *in the County of* Warwick;' *and the other passed in the Twentieth Year of the Reign of His present Majesty King* George *the Third, for enlarging the Term and Powers of the said Act:* And whereas several Sums of Money have been borrowed on the Credit of the Tolls granted by the said recited Acts, which Money still remains due and owing, and cannot be paid off, nor can the said Road be kept in Repair, unless the Term of the said Acts be further continued, and it would be more convenient to the Trustees nominated in or appointed under or by virtue of the said recited Acts, and beneficial to the said Road, if the said Acts were repealed, and further, better, and more effectual Powers granted for amending, widening, repairing, and from Time to Time improving the said Road, in One Act of Parliament; but the same 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 from and after the passing of this Act, the said recited Acts shall be and the same are hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever; and that on the same Day this Act shall commence and take effect in lieu thereof, and shall be put in Execution for and during the Term herein-after mentioned, for the Purpose of more effectually making, diverting, widening, improving, and keeping in Repair the said Road from the Guide Post near the End of *Drayton Lane*, near *Banbury* in the County of *Oxford*, to the House called *The Sun Rising*, at the Top of *Edgehill* in the County of *Warwick*; and the Tolls by this Act granted shall and are hereby declared to be charged with and made subject and liable to the Payment of all Monies which have been borrowed, and are now due and owing, on the Credit or on account of the Tolls granted by the said recited Acts, and of the Interest due and to grow due thereon respectively, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due and owing on the Credit or on account of the Tolls granted by this Act; and all Bonds, Covenants, Agreements, and Securities made or entered into by any Person or Persons to or with any of the Trustees for executing the said Acts, according to the Provisions and Directions thereof, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed; and all Contracts, Agreements, Demises, Mortgages, and Securities duly made or entered into by the Trustees for executing the said former Acts hereby repealed, to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees under this Act, and be observed and kept by them according to the Terms and Stipulations and Tenor thereof respectively.

Former Acts repealed and this Act to take effect in lieu thereof.

Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the said respective Counties of *Oxford* and *Warwick*, together with *William Henry Ashhurst*, *Richard Austin*, *Robert Barnard* Clerk, *Robert Brayne*, *Charles Brickwell*, *John Barber*, *Thomas Cobb*, *William Ralph Cartwright*, *Timothy Cobb*, *George Cobb*, Sir *John Cope* Baronet, *John Davis*, *John Fane*, *Thomas Fawcet* Clerk, *Richard Griffin*, *Richard Heydon*, *Robert Hughes* Clerk, *William Holbech*, *George Hitchcox*,

Hitchcox, William Hitchcox, William Judd, William Lloyd, Thomas William Lancaster Clerk, the Honourable *Heneage Legge, Francis Lawley, John Lamb* Doctor in Divinity, *Fiennes Sanderson Miller, Edward Miller* Clerk, *William Pearse* Clerk, *John Pain, Joseph Pain, Daniel Stuart, John Salmon, Seagrave* Clerk, *Charles Tawney, Richard Tawney, Edward Gibbs Walford* Clerk, *William Shippen Willes* Clerk, *Charles Francis Wyatt* Clerk, *Hicks Wells, Thomas Wyatt* Clerk, *William Walford, Thomas Woodroofe* Clerk, and *John West*, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for repairing, widening, altering, diverting, turning, and from Time to Time improving and keeping in Repair the said Road, and for otherwise carrying this Act into Execution.

Power to appoint additional Trustees.

III. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any of their Meetings to be holden in pursuance of this Act, from Time to Time, as Occasion shall require, to elect any Number of Persons, not exceeding Five in the Whole, to be Trustees for the Purposes of this Act.

Election of new Trustees on Vancancies arising.

IV. And be it further enacted, That when and so often as any Trustees named in this Act, or to be appointed as herein-after mentioned (except the Justices of the Peace for the Time being), shall become, by Bankruptcy, Insolvency, or in any other Manner disqualified to act, or shall die, neglect or refuse to act, then and in every such Case it shall be lawful to and for the remaining Trustees from Time to Time, at any Meeting of the said Trustees, (of the Time and Place of which Meeting Notice shall be given by the Clerk to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected upon the said Road, or on the Sides thereof respectively, and also by inserting the same in some public Newspaper circulating in the Neighbourhood through which the said Road passes, at least Ten Days previously to such Meeting), by Writing under their Hands, to elect One other Person to be a Trustee in the Room of each Trustee so disqualified to act, or dying, or neglecting or refusing to act as aforesaid; and every Person so to be elected shall be and he is hereby empowered to act in the Execution of this Act in as full and ample a Manner, to all Intents and Purposes, as the Trustee in whose Room or Stead he shall be so elected could or might have done.

Qualification of Trustees.

V. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act whilst he holds any Place of Profit, or be concerned or interested in any Contract or Contracts under this Act, nor in any Case where he shall be personally interested otherwise than as a Creditor upon the Tolls by this Act granted; nor shall any Person be qualified to act as a Trustee unless at the Time of his acting he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent to some Person having such an Estate of the clear yearly Value of One hundred and fifty Pounds, or be possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Four thousand Pounds; nor (except in administering the Oath or Affirmation

Affirmation herein-after mentioned) until he shall have taken and subscribed, before any Two or more of the said Trustees, an Oath (or being one of the People called *Quakers*, an Affirmation) in the Words or to the Effect following; (that is to say),

Oath.

'I *A. B.* do swear, [*or*, being one of the People called *Quakers*, do solemnly affirm], That I truly and *bonâ fide* am in my own Right [*or* in the Right of my Wife] in the actual Possession and Enjoyment or Receipt of the Rents and Profits issuing out of Freehold [*or* Copyhold] Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, [*or*, am possessed of a Personal Estate alone, [*or* Real and Personal Estate together], to the Amount of Four thousand Pounds], [*or*, am Heir Apparent of *A. B.* who, to the best of my Knowledge, is possessed of or in the Enjoyment or Receipt of the Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds]; and that I will truly, faithfully, and impartially act in the Execution of the Trusts and Powers reposed in me by virtue of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act, &c.* [*here insert the Title of this Act.*]

So help me GOD.'

And if any Person, not being so qualified, or being disqualified to act as a Trustee in the Execution of this Act, or shall not have taken and subscribed such Oath as aforesaid, or being a Quaker, shall not have made and subscribed such Affirmation as aforesaid, or if any Person shall act contrary to the true Intent and Meaning hereof, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall inform or 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 or 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 so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act; provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act (although not duly qualified), previously to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

Persons holding any Place of Profit not to act as Trustees.

VI. And be it further enacted, That no Person appointed or to be appointed a Trustee for putting this Act into Execution, who shall have or accept any Place of Profit under the Authority of this Act, or who shall be interested or concerned in any Contract, or a Lessee or Farmer of the Tolls granted by this Act, shall during the Continuance of such Office or Interest be capable of acting as a Trustee in the Execution of this Act.

Victuallers, &c. incapable of acting.

VII. Provided always, and be it further enacted, That no common Carrier, or any Person or Persons who shall keep any Victualling House, Alehouse, or other House of public Entertainment, or who shall sell any Wine, Cyder, Ale, Spirituous or other strong Liquors by Retail, shall be capable

capable of acting as a Trustee, or of taking, holding, or enjoying any Place or Places of Trust or Profit under the said Trustees, or of collecting the Tolls hereby granted and made payable, during such Time as he, she, or they shall be such common Carrier, or keep such Victualling House, Alehouse, or other House of public Entertainment, or shall sell any Wine, Cider, Beer, Ale, Spirituous or other strong Liquors by Retail; but no such Person shall be precluded from farming such Tolls, provided he, she, or they employ a Person to collect such Tolls who shall not be under any such Incapacity.

Trustees may act as Justices except where interested.

VIII. And be it further enacted, That such of the said Trustees as are or shall be Justices of the Peace, shall and may in their respective Jurisdictions, and they are hereby empowered to act as Justices of the Peace in the Execution of this Act notwithstanding their being Trustees, except only in such Cases where he or they shall be personally interested; and that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest for the same, shall on that Account be deemed disqualified to act as a Trustee.

Mortgagee or Assignee may act as Trustee.

Trustees and others not disqualified from being Witnesses.

IX. And be it further enacted, That the being a Trustee of the said Road, or a Mortgagee of the Tolls thereof, or being a Treasurer, or Clerk or Surveyor under this Act, or the being an Inhabitant of any Township, Parish, or Place through which the said Road does or shall pass, shall not disqualify any Trustee, or other such Persons as are herein described, from giving Evidence in any Suit, Prosecution, or other legal Proceedings under this Act, nor shall such Evidence (for any of the Reasons aforesaid) be liable to be questioned or set aside.

Meetings of the Trustees.

X. And be it further enacted, That the said Trustees shall and they are hereby required to meet at the Town Hall, or some other convenient Place in the Town of *Banbury*, on the Second *Wednesday* next after the passing of this Act, at Eleven of the Clock in the Forenoon, and afterwards meet yearly or oftener, as to them shall seem necessary, at the Place aforesaid, or at such other convenient Place upon or near the said Road as the said Trustees shall think proper, for putting this Act into Execution; and the said Trustees shall and may from Time to Time, at their Discretion, at any such Meeting adjourn themselves to some convenient Place upon or near the said Road, for putting this Act in Execution; and if it shall happen that at any such Meeting there shall not appear a sufficient Number of Trustees to proceed in the Execution of this Act, or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, the Clerk to the said Trustees shall from Time to Time, in either of such Cases (by Notice in Writing to be affixed on all the Turnpike Gates then erected on the said Road, and also inserted once in some public Newspaper circulated in the Neighbourhood through which the said Road passes, at least Ten Days before the next Meeting), appoint the Trustees to meet at the Place where the last Meeting was appointed to be held, on such Day as shall be specified in such Notice, not exceeding Three Calendar Months next after the Day on which such last Meeting was appointed to be held; and in case the Clerk to the said Trustees shall in the Cases aforesaid neglect, or shall by any Means be prevented from giving Notice as aforesaid, it shall and may be lawful for any

If Clerk shall neglect to call such Meeting,

Trustees may do it.

any Three or more of the said Trustees (although not assembled at a Meeting held pursuant to this Act), at any Time after the Space of Ten Days from such Neglect or Prevention, by Notice in Writing under their Hands to be affixed and inserted in Manner aforesaid, to appoint the Trustees to meet at the House or Place where the last Meeting was held or appointed to be held, or at some other convenient House or Place upon or near to the said Road, upon the Day Three Weeks next after the Date of such last-mentioned Notice; but no Business shall be proceeded upon by the said Trustees at any Meeting to be held under this Act, before the Hour of Ten in the Forenoon, nor later than Four of the Clock in the Afternoon of the Day on which such Meeting shall be appointed to be held; and the said Trustees at all their Meetings shall defray their own Expences; and all Acts, Orders, and Proceedings relating to this Act, which are authorized or directed to be had, made, done, or exercised by or before the said Trustees, shall and may be had, made, done, and exercised by or before the Majority of the Trustees present at their several and respective Meetings, the whole Number of Trustees present not being less than Three (except in such Cases where any other Number is herein mentioned); and all Orders and Proceedings had, made, or done by or before such Three Trustees, shall have the same Force and Effect, and be as binding on all Persons, to all Intents and Purposes, as if the same were had, made, done, or executed by or before all the said Trustees: Provided always, that no Order or Proceeding shall be valid unless made or had at a Meeting held in pursuance of this Act (except as herein is particularly mentioned), unless there shall be present at such Meeting Three Trustees at the least, nor unless the Majority of the Trustees present shall concur therein; nor shall any such Order or Proceeding be revoked or altered at any subsequent Meeting, unless Five Trustees at the least shall be present, nor unless the Trustee or Trustees, or Person or Persons desirous of having any such Order revoked or altered, shall give Notice thereof in Writing to the Clerk to the said Trustees, to be by him affixed and inserted in Manner aforesaid, nor unless a Majority of the Trustees present at such subsequent Meeting shall concur in such Revocation or Alteration; and at every Meeting of the said Trustees a Chairman shall be appointed; and when and as often as it shall happen that there shall be an Equality of Votes at any such Meeting upon any Question (including the Vote of the Chairman), then and in every such Case the Chairman shall have and he is hereby empowered to give a double or casting Vote.

Hours of Meeting.

Trustees to pay their own Expences.

Three Trustees a Quorum.

Orders to be made at Meetings only.

Orders not to be revoked unless a Majority of Five Trustees concur.

Meetings on Emergencies.

XI. And be it further enacted, That if after any Adjournment of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case the Clerk to the said Trustees, upon an Order in Writing, signed by any 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 thereof in the Manner before directed, and of the Time and Place which shall be mentioned in such Order (not being less than Ten Days next after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees thereat shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournment.

XII. And

Proceedings to be entered in a Book.

XII. And be it further enacted, That the said Trustees shall cause to be provided and kept proper Books, and fair and regular Entries to be made therein of all their Acts, Orders, Appointments, and Proceedings relative to the Execution of this Act, and of the Names of the Trustees who shall be present at their several Meetings, and all Entries in such Books, being signed by the Chairman then present, shall be deemed Originals, and shall be allowed to be read in Evidence in all Cases, Suits, Actions, Informations, Prosecutions and legal Proceedings, touching or concerning any thing done in pursuance of this Act; and that such Books shall at all seasonable Times be open to the Inspection of the said Trustees, and of the Creditors on the Tolls hereby granted; and any of the said Trustees and Creditors shall and may have and take Copies thereof, paying for every Copy not exceeding One hundred Words the Sum of Sixpence, and so in proportion for any greater Number of Words.

Books used under former Acts to be Evidence.

XIII. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

Trustees may appoint Officers.

XIV. And be it further enacted, That the said Trustees shall and may at their First or any subsequent Meeting, as Occasion shall require, elec and appoint a Clerk, Treasurer or Treasurers, Collector or Collectors, and all such other Officers respectively as they shall from Time to Time think proper; and that the said Trustees shall and may from Time to Time remove such Clerk, Treasurers, Collectors, and other Officers, or any of them, and from Time to Time appoint others in the Roomof such of them as shall be so removed, or shall die, or resign, or refuse or neglect to perform, or become incapable of performing their Duty; and the said Clerk, Treasurers, Collectors, and other Officers who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall from Time to Time, as often as they shall be called upon for that Purpose, produce unto the said Trustees true and perfect Accounts in Writing under their respective Hands of all Monies which shall have been by them respectively collected or received, and how and to what Uses the same have been paid and applied, together with proper Receipts and Vouchers for such Payments, and shall pay all such Monies as shall remain in their Hands to the said Trustees, or to such Person or Persons as the said Trustees shall direct and appoint; and if any of the said Officers shall refuse to give such Account as aforesaid, or to produce and deliver to the said Trustees the Receipts and Vouchers relating to the same, or to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, or shall not deliver to the said Trustees, within Fourteen Days next after having been thereunto required as aforesaid, all the Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, then and in any of the said Cases it shall be lawful for any One Justice of the Peace for the County or Place where such Officer shall reside (and such Justice is hereby authorized and required) to make Inquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves as by the Testimony of One or more Witness or Witnesses upon Oath (which Oath the said Justice

Justice is hereby empowered and required to administer without Fee or Reward); and if any Person shall be thereof convicted, such Justice shall commit the Party to the Common Gaol or House of Correction of the County or Place aforesaid, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account, and shall have delivered up all such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees; and in case any of the said Officers shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, it shall be lawful for any One Justice of the Peace of the County or Place where such Person or Persons shall reside, to make Inquiry touching such Neglect or Refusal in a summary Way, in Manner aforesaid, and by Warrant under his Hand and Seal to cause such Sum or Sums of Money as shall appear to him to be due and unpaid to be levied by Distress and Sale of the Goods and Chattels of such Officer, rendering the Overplus (if any) upon Demand, after the Money remaining due, and the Charges of making such Distress and Sale shall be deducted, unto the Party on whom such Distress or Distresses shall be made; and if sufficient Distress or Distresses cannot be made, then the said Justice shall commit such Person or Persons to the Common Gaol or House of Correction of the County or Place aforesaid, there to remain without Bail or Mainprize until he or they shall have paid over such Money in Manner aforesaid, or compounded 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, which Composition the said Trustees are hereby empowered to make: Provided always, that no Person who shall be committed to Prison for want of sufficient Distress shall remain in Prison for a longer Space of Time than Six Calendar Months.

Trustees to appoint temporary Collectors, and discharge those misbehaving, and appoint others till the next Meeting.

XV. And be it further enacted, That as often as any Collector of the Tolls shall die, or shall refuse, neglect, or become incapable of performing his or their Duty, or shall abscond, or absent, or misbehave himself or themselves, any Two or more of the said Trustees (though not assembled at a Meeting of the said Trustees appointed by virtue of this Act) shall and may discharge such Collector so refusing, neglecting, or becoming incapable of performing his or their Duty, or absconding, or absenting, or misbehaving himself or themselves, and shall and may nominate and appoint a proper Person to be a Collector of the said Tolls to continue until the then next Meeting of the said Trustees, in the Stead of such first named Collector, and such 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 in whose Place the was appointed; and if any Collector of the said Tolls who shall be discharged from his Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector who shall die or be discharged, or any other Person or Persons, shall refuse to deliver up the Possession of any Toll House or Building erected or being in and upon or on the Side or Sides of the said Road by virtue of this Act, for the Space of Three Days next after Demand made thereof, and Notice in Writing given for that Purpose by any Two of the said Trustees (although not assembled at a Meeting), or by their Clerk, Treasurer or Treasurers for the Time being, then and in any of the said Cases it shall and may be lawful for any Justice of the Peace for the

County or Place where such Toll House or Building shall be situate, by Warrant under his Hand and Seal, to order any Constable for the same County or Place, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and to put the said Trustees, or any One or more of them, or their new appointed Officer, into the Possession thereof.

Trustees may allow Salaries.

XVI. And be it further enacted, That out of the Money to arise by virtue of this Act such Salaries or Allowances shall be made to the Collectors, Clerk, Treasurers, Surveyors, and such other Persons as shall be assisting in the Execution of this Act, as to the said Trustees shall seem reasonable.

Treasurer, &c. to give Security.

XVII. Provided always, and be it further enacted, That the said Trustees shall take such Security from their Treasurers, Collectors, and other Officers, for the due Execution of their respective Offices, and accounting for the Money received by them respectively, as to the said Trustees shall seem meet.

Actions to be brought in the Name of any one Trustee or Treasurer, or Clerk, who are not to be personally liable.

XVIII. And be it further enacted, That the said Trustees may sue and be sued in the Name or Names of any One or more of them, or in the Name or Names of their Treasurer or Treasurers, or Clerk; and that no Action or Suit to be commenced by the Direction of or against the said Trustees, by virtue of this Act, in the Name of any Trustee, Treasurer or Treasurers, or Clerk, shall abate or be discontinued by the Death or Removal of the Person in whose Name or against whom the same shall be brought or commenced, nor by the Act of such Person or Persons done without the Consent of the said Trustees; but no Trustee, Treasurer, Clerk, or any of them, shall be subject to the Payment of any Debt, Costs, or Expences on account thereof; all which Debts, Costs, and Expences shall be wholly defrayed out of the Money arising under or by virtue of this Act.

Officers under the former Acts to account to the Trustees for executing this Act.

XIX. Provided always, and be it further enacted, That all Persons who have been employed, or who shall have received any Tolls or other Money by virtue or in pursuance of the said recited Acts, or any or either of them, or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the said Road, shall account, pay, and deliver over the same to the said Trustees, in like Manner and under the like Penalties as are herein-before inflicted in respect to the several Persons receiving any Monies, or having the Possession of any Books, Writings, or other Things by virtue of this Act.

Account to be kept of Receipts and Disbursements, to be inspected by the Trustees and Creditors.

XX. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Road, and of the several Articles, Matters and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all seasonable Times be open to the

Inspection of the said Trustees or any Creditor or Creditors on the Tolls by this Act granted, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit, the said Trustees or such Creditors to inspect such Book or Books, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Clerk restrained from acting as Treasurer, and vice versâ.

XXI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, to be the Clerk to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance, shall be allowed.

Power to continue or remove Turnpikes, and set up others.

XXII. And be it further enacted, That it shall be lawful for the said Trustees to continue every or any of the Turnpikes and Toll Gates now erected upon the said Road, and from Time to Time to erect and set up such other Turnpike or Turnpikes, Toll Gate or Toll Gates, or Bars, in, upon, across, or on the Side or Sides of the said Road, or any of them, or across any Lane or Way leading into or out of the same respectively, in such Place or Places and in such Manner as they shall think proper; and shall and may erect and make such and so many Toll House or Toll Houses, Weighing Engine or Engines, with suitable Outbuildings thereto, and add, make, and take such Garden Spots and other Conveniences, not exceeding One-eighth Part of an Acre, to and for the Use and Occupancy thereof, as they shall think expedient.

Turnpikes, Toll Houses, &c. vested in the Trustees.

XXIII. And be it further enacted, That the several Turnpikes, Toll Gates, and Toll Houses, and other Erections and Buildings, and the several Appurtenances thereto respectively belonging, now or hereafter to be erected or provided in or upon and across the said Road, or on the Side or Sides thereof, and the Materials for building or altering the same, and all Materials and Things which shall be provided, collected, or made use of for repairing the said Road, shall be and the same are hereby vested in the said Trustees; and they are hereby authorized and empowered to sell and dispose of the same, or any Part or Parts thereof, as they shall think proper, and to bring or cause to be brought any Action or Actions in the Name or Names of any One or more of them, or in the Name of their Clerk or Treasurer, or to prefer and prosecute, or cause to be preferred and prosecuted, at the Expence of the Revenues of the said Road,

any Bill or Bills of Indictment against any Person or Persons who shall steal, take, carry away, break down, or damage the same, or any Part thereof, or disturb them or their Agents or Servants in the Possession of the same, or any Part thereof, in which Bill or Bills of Indictment it shall be sufficient to state generally such Articles, Matters and Things to be the Property of any One or more of the said Trustees, or of the Clerk or Treasurer for the Time being to the said Trustees.

Power to take Tolls.

XXIV. And be it further enacted, That the respective Tolls following shall be demanded and taken (subject to the Orders, Regulations, and Resolutions of the said Trustees), by such Person or Persons as the said Trustees shall from Time to Time appoint for that Purpose, before any Horse or Beast, or any Cart or Carriage, shall be permitted to pass through any of the several Turnpike Gates or Toll Gates now erected and set up on the said Road; (that is to say),

Tolls.

For every Horse, Mule, or other Beast drawing any Coach, Barouch, Berlin, Landau, Chariot, Chaise, Curricle, Caravan, Chair, Gig, or other such like Carriage, the Sum of Three-pence:

For every Horse, Mule, or other Beast drawing any Waggon, Cart, Wain, Tumbrel, or other such like Carriage, the Sum of Three-pence:

For every Horse, Mule, or other Beast, laden or unladen, and not drawing, the Sum of One Penny:

For every Drove of Oxen, Cows, or other Neat Cattle, and Hogs, the Sum of Ten-pence *per* Score; and so in proportion for any greater or less Number: And,

For every Drove of Calves, Sheep, or Lambs, the Sum of Five-pence *per* Score; and so in proportion for any greater or less Number.

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll or Duty, and the Money so to be raised and collected shall be and is hereby vested in the said Trustees, and the same and every Part thereof shall be paid, applied, and disposed of to and for the several Uses, Trusts, Intents, and Purposes as is by this Act mentioned.

Power to erect Side Bars.

XXV. And be it further enacted, That it shall be lawful for the said Trustees to cause to be erected and set up and provided One or more Turnpike Gate or Turnpike Gates, Toll House or Toll Houses, on the Side or Sides of the said Road, or across any Lane or Highway leading into the same respectively, and to cause such Tolls to be collected and levied at such respective Turnpikes or Sidegates as are by this Act made payable at the other Turnpikes or Toll Gates upon or across the same Road.

Table of Tolls to be put up.

XXVI. And be it further enacted, That a Table of the Tolls payable under this Act shall be affixed on all the Toll Houses erected or to be erected on the said Road, and the Name of the Turnpike Gate adjoining thereto respectively shall be placed over the said Table of Tolls.

On Non-payment of Toll, Collectors may distrain.

XXVII. Provided always, and be it further enacted, That if any Person subject to the Payment of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same, or any Part or Parts thereof, it shall be lawful for the Person or Persons authorized and appointed to collect

collect such Tolls, by himself, herself, or themselves, and with such Assistance as he, she, or they shall think necessary (and which Assistance all Persons are hereby required to give if called upon) to seize and distrain any Horse or Horses, Beast or Beasts, Cattle, or other Thing or Things, upon or in respect of which such Toll is hereby imposed, together with its or their respective Bridles, Saddles, Gears, Harness, Accoutrements, or Loading, (except the Bridle, Halter, or Reins of any Horse or Beast separate from such Horse or Beast); and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may as soon as convenient afterwards sell the Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any), and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

Exemptions from Toll.

XXVIII. And be it further enacted, That no Toll shall be demanded or taken for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Road, or any Bridge or Bridges thereon, or any of the Roads in the Townships or Parishes in which any Part of the said Road lies, or with Seed for seeding the Ground, or Hay, Turnips, Straw, or Corn in the Straw only, not sold or disposed of but passing to be laid up or placed in the Houses, Barns, Outhouses, or Yards, or on the Lands of the Owners thereof; or for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, or Manure (Lime only excepted) employed in Husbandry for manuring or improving Land, or any other Thing employed in the Management of any Farm or Lands; or for any Horses or other Beasts going to or returning from Pasture or Watering Place, or going to be or returning from being shoed or farried, or from any Person or Persons going to or returning from his, her, or their proper Parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship, tolerated by Law, on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or going to or returning from attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Road lies, or from any Clergyman going to visit or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty; or for any Horses or Carriages of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses, under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails and Expresses, or in returning back from conveying or guarding the same; or for any Horse or Carriage attending His Majesty or any of the Royal Family, or returning after having so attended; or for the

Horse

Horse or Horses of any Officers or Soldiers on their March or on Duty; or for any Horse or Horses, or other Beast, or any Cart, Carriage, or Waggon, employed in carrying or conveying or returning therefrom, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying or conveying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance or Barrack or Commissariat or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from having been so employed; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall be equipped with and have his Arms, Furniture, and Accoutrements according to the Regulations of such Corps at the Time of claiming the Exemption; or for Horses, Carts, or Waggons travelling with Vagrants sent by legal Passes, or returning after having been so employed; or for Horses or Carriages conveying Prisoners under any legal Warrant; or for any Horses, Coaches, or other Carriages going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Oxford* or *Warwick*, on the Day or Days of such Election, or the Day before or Day after such Election shall begin or be concluded; and if any Person shall, by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act, and in all Cases the Proof of Exemption shall lie on the Person or Persons claiming the same.

Owners or Drivers of Waggons in the King's Service not subject to Penalties for Overweights.

XXIX. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat or other public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight in any such Waggon, Wain, Cart, or other Carriage, or for being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage to put any Number of Horses or Oxen to any such Waggon, Wain, Cart, or other Carriage, any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Abatement of Tolls in certain Cases.

XXX. And be it further enacted, That for and in respect of all Waggons, Carts, and other Carriages having the Wheels of the Widths and Descriptions and the Axletrees fixed as mentioned and set forth in and by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*; and for and in respect of the several Horses or other

55G.3.c.119.

other Beasts drawing such Waggons, Carts, and other Carriages, there shall be allowed the several Privileges and Exemptions granted by such Act.

Exempting Return Chaises and Post Horses from Payment of Toll for repassing, &c.

XXXI. And be it further enacted, That all Horses travelling for Hire, and drawing or having drawn any Chaise or other Carriage, for which any Toll shall have been paid at any Turnpike erected or to be erected on the said Road, shall, on returning within the Space of Twelve Hours, without a Ticket denoting a fresh Hiring being produced, be permitted to repass Toll-free, although such Horses, Chaise, or Carriage shall not have passed through such Turnpike on the same Day.

Tickets to be provided denoting Payment of Tolls.

XXXII. And be it further enacted, That upon Payment of the Tolls by this Act granted, the Collector or Receiver thereof shall and he is hereby required to deliver *gratis*, to the Person paying such Toll, a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the said Trustees, and there shall be printed and specified thereon the Name or Names of the Gate or Gates at which the Toll shall have been paid, and also of the Gate or several Gates which ought to be passed free for One Payment of Toll.

For settling Disputes concerning Tolls.

XXXIII. And be it further enacted, That if any Dispute shall happen about the Amount of Tolls due, or the Charges of taking or keeping any Distress, it shall be lawful for the Collector or Persons so distraining to retain such Distress or the Money arising from the Sale thereof, as the Case may happen, until the Amount of the Tolls, or the Charges of the Distress and Sale, and of keeping the Distress, as the Case may happen, be ascertained by some Justice of the Peace for the County or Place wherein the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties or other Witness or Witnesses (which Oath such Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Trustees may let the Tolls.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time, to demise or let to farm, in such Manner and Form as they shall think fit, by Writing under their Hands and Seals, all or any of the Tolls arising by virtue of this Act, and all or any of the Toll Houses and the Conveniences and Appurtenances thereto belonging, for any Term not exceeding Three Years at any one Time, upon public Bidding, to the highest Bidder, and for the best Rent or Price that can be gotten for the same, payable at such Times, to such Person or Persons, under such Conditions and Agreements, and with such Sureties for the Payment thereof, as the said Trustees shall think fit, without being compelled to put up the said Tolls at the Sum at which they were last let, or to have any other Meeting for the Letting thereof; and in case at any

Time or Times hereafter when the said Tolls shall be put up to Auction, there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees to accept a private Tender for the same, and to demise or let to farm, or agree to demise or let to farm, all or any of such Tolls at any Sum not less than the Sum at or for which they shall have been last let, any thing in any Law or Statute to the contrary notwithstanding, and the Money arising thereby shall be applied in such Manner as the Tolls under this Act are directed to be applied.

Trustees may bid at the Letting of Tolls.

XXXV. And be it further enacted, That when the Tolls payable by virtue of this Act shall be put up to be let to farm, the said Trustees may, if they shall think fit, appoint some Person to bid for the same, to the Intent that such Tolls may not be let for less than an adequate Value.

Rent of Tolls to be paid always One Month in advance.

XXXVI. Provided always, and be it further enacted, That on every Letting of Tolls the said Trustees shall take from the respective Renters or Farmers thereof One Month's Rent in advance before they shall put such Renters or Farmers in Possession of the Toll Gate, Toll House, or Turnpike at which Tolls are to be collected; and that in every Agreement to be entered into for letting any Tolls, the Rent or Money payable for such Tolls shall be made payable monthly and in advance; and that there be contained in such Agreement Clauses and Conditions that if the Rent or Money to be paid at the Commencement of any Month shall not be paid within Three Days after the same shall become due and payable, the said Agreement shall be void if the Trustees shall think proper; and they shall be entitled to take Possession of the Toll Gate, Toll House, or Turnpike at which such Tolls shall be received, and the respective Renters or Farmers of such Tolls shall produce Two sufficient Sureties to join in the said Agreement, undertaking on their Parts for the due and punctual Payment of the Rent or Sum of Money to be paid for the said Tolls; and in every Case where the Terms of such Agreement shall not be fulfilled, the said Trustees shall and they are hereby empowered, if they shall think proper, to re-enter and take Possession of any such Toll Gate or Toll House, and the Tolls there collected, and to re-let the same in manner herein-before directed, or to appoint a Collector to receive the same; and it shall be lawful for any Justice of the Peace acting for the County or Place in which such Lessee or Lessees, Farmer or Farmers of the said Tolls shall live or reside, by Warrant under his Hand and Seal, (which Warrant such Justice is hereby empowered and required to grant upon the Request of the said Trustees), to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such Toll House or Toll Houses, and take Possession of such Gates, Turnpikes, or Bars, and Premises, and to remove the Person and Persons who shall be found in such Toll House or Toll Houses, together with his, her, and their Goods, out of the said Houses and Premises, and to put such Person or Persons into Possession of the said Toll House or Toll Houses, Gates, Turnpikes, Bars, and Premises, and into the Receipt and Collection of the said Tolls, and to do such other Acts in the Premises as the said Trustees shall appoint.

XXXVII. And

Penalty on permitting private Passage, &c. or evading Tolls.

XXXVII. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle, or Carriage through or over any Gate, private Passage, Land, Ground, or Place, lying by the Side of or near to any Part of the said Road (except the Owner or Occupier of such Land, Ground, or Place, or any of his, her, or their Family, Servant or Servants); or if any Person or Persons owning or occupying any Passage, Land, Ground, or Place situate as aforesaid, shall knowingly or wilfully permit or suffer any Person or Persons, not being of his, her, or their Family, or his, her, or their Servant or Servants, to go or pass with any Horse, Beast, Cattle, or Carriage through or over such Gate, private Passage, Land, Ground, or Place, in order or with Intent thereby to evade the Payment of the Tolls hereby granted, or any of them, or any Part thereof; or if any Person shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons, (except a Collector of the Tolls) any Ticket by this Act directed to be given by the Collectors or Receivers of the said Tolls, or any Note or Writing purporting to be such for the Purpose of evading the said Tolls or any of them; or shall forcibly, fraudulently, or wilfully pass through or over any Turnpike Gate with any Horse, Carriage, Cattle, or Beast, without Payment of Toll, or shall not pay such Toll upon Demand; or shall take off or cause to be taken off any Horse, Beast, or other Cattle from any Carriage, or after passing through any Turnpike Gate shall put on an additional Horse or Beast to any such Carriage; or shall unload or cause to be unladen any Goods, Wares, Merchandize, or other Things from or out of any Carriage, in order to evade the Payment of any of the Tolls herein-before mentioned, or any Part thereof, all and every such Person or Persons so offending in any of the Cases aforesaid shall for each and every Offence forfeit and pay any Sum not exceeding Five Pounds, over and besides such Damages or Punishments as he, she, or they shall be otherwise liable to by Law, and over and besides any Tolls or Duties which upon the Hearing of any of the Matters aforesaid shall appear due from such Person or Persons, which Tolls or Duties shall be paid to the Collector or Person entitled thereto, and recoverable and enforced by such Means as any Penalty hereby inflicted can or may be recovered.

Penalty on Persons obstructing the Execution of this Act.

XXXVIII. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any Collector of the Tolls, or other Person employed in the Execution of this Act, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to reduce the Tolls.

XXXIX. Provided always, and be it further enacted and declared, That the said Trustees may and they are hereby authorized and empowered, from Time to Time during the Continuance of this Act, to reduce all or any of the several Tolls hereby granted, and to raise the same again, so as that the same do not exceed the Tolls hereby authorized to be taken, and so that such Reduction be made with the Consent of the several Persons who shall be entitled to Five-sixth Parts of the Money then due and owing upon the Credit of the said Tolls, and such Tolls so reduced shall be collected, levied, and applied respectively, in the same Manner as the Tolls by this Act granted are directed to be collected, levied, and applied respectively.

XL. And

Trustees empowered to compound for Tolls.

XL. And be it further enacted, That the said Trustees may and they are hereby empowered, 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 any Person or Persons for the Toll of any Horses or other Cattle or Beast drawing any Carriage, or not drawing, passing through any of the said Turnpikes, so that no Composition shall be made with any Person or Persons for the Toll of any Horse or other Cattle or Beast drawing any Carriage employed in carrying for Hire; and all such Composition Money shall be paid in advance, otherwise such Agreement or Composition to be void.

An Action of Ejectment may be supported by One Mortgagee.

XLI. And be it further enacted, That if any Mortgagee or Mortgagees, or Assignee of the said Tolls, Toll Gates, Bars, Chains, Toll Houses, and Buildings, shall seek to obtain the Possession of the same Toll Gates, Bars, Chains, Toll Houses, and Buildings, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of such Tolls and Premises, to obtain such Possession, but such Person or Persons who shall obtain the Possession thereof shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in Proportion to the several Sums which may be due to them as such Mortgagees or Assignees.

Toll Collectors to put up their Names.

XLII. And be it further enacted, That all and every Toll Collector appointed either by the said Trustees, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act upon the said Road, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately upon coming on Duty, each of the Letters of such Name to be at least Two Inches in Length and of a Breadth in Proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of this Act, or shall demand or take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having been paid the said Tolls, or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to deliver a Ticket *gratis*, denoting the Payment of the Toll and naming and specifying the Gate at which such Payment shall have been made, and also the Gate or several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said

said Road, or shall without sufficient Cause detain or delay any Person or Persons travelling thereon; then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be levied, recovered, paid, and applied in such and the same Manner as other Penalties are by this Act directed to be levied, recovered, paid, and applied.

To enable the Trustees to take Possession of Toll Houses.

XLIII. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act, at the said Turnpike Gates or any of them, shall be demised or let to farm to any Person or Persons in pursuance of this Act, and such Person or Persons shall neglect or refuse to perform the Terms and Conditions of the Demise or Contract by which the same are let to him, her, or them, either by taking a greater or less Toll in respect of any Kind of Carriage, Waggon, Cart, Horse, Beast, or Cattle than the Tolls demised or let to him, her, or them, or in any other Way or Manner, or in case the Rent for which such Tolls shall be demised or let, or any Instalment thereof, shall be in arrear and unpaid for the Space of Fourteen Days next after any of the Days or Times whereon the same shall become due and ought to be paid pursuant to such Demise or Contract, and the Toll House or Toll Houses appertaining to such Turnpike Gate or Gates shall be in Possession of any such Lessee or Lessees, Farmer or Farmers, or any Person or Persons by him, her, or them appointed to collect the Tolls thereat, then and in any of the said Cases it shall be lawful for the said Trustees, if they shall think proper, to vacate and determine such Demise and Contract, giving a Notice in Writing of such their Determination to such Lessee or Lessees, Farmer or Farmers, by leaving the same at the Toll House or Houses at such respective Turnpike or Turnpikes, and such Lease or Contract shall from that Time be utterly void to all Intents and Purposes, (save as to the Covenants for Payment of the Rent to the Day of such Notice being delivered) as if the same had not been made; and in case any such Lessee or Lessees, Farmer or Farmers, shall not, on Service of such Notice as aforesaid, deliver the Possession of the Toll House or Toll Houses, and the Turnpike Gate or Gates, with the Appurtenances, so demised or let to him, her, or them; it shall be lawful for any Justice of the Peace for the County in which such Toll House or Toll Houses, Turnpike Gate or Gates with the Appurtenances shall be situate, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such Toll House or Toll Houses and Premises in the Daytime, and to remove the Person or Persons who shall be found therein, together with their Goods out of such House or Houses and Premises, and to put such other Person or Persons into the Possession thereof as the said Trustees shall appoint.

Trustees may borrow Money.

XLIV. And be it further enacted, That the said Trustees or any Five or more of them shall and may and they are hereby authorized and empowered to borrow and take up at Interest such Sum or Sums of Money as they may think necessary upon the Credit of the Tolls arising by virtue of this Act; and at any Meeting or Meetings to assign over or mortgage all or any of the Tolls to be collected and arising under and by virtue of this Act, and also the Turnpike Gates, Toll Houses, Erections, and Buildings for collecting the same, (the Charges of such Mort-

gages or Assignments to be paid out of the said Tolls) for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money so to be borrowed, to such Person or Persons, his, her, or their Executors, Administrators, and Assigns, who shall advance and lend the same, to secure the Repayment thereof, with such legal Interest as the said Trustees or any Five or more of them shall think proper, which said Money so to be borrowed shall be applied and disposed of in such Manner as the Tolls to arise or be collected at the said several Turnpikes are hereby directed to be applied and disposed of; and that such Mortgage or Mortgages, Assignment or Assignments, shall and may be in the Form following, or such other Form as the Trustees making the same shall think proper; (that is to say),

Form of Mortgage.

'BY virtue and in pursuance of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act, &c.* [*here insert the Title of this Act*], and in consideration of the Sum of to *A. B.* the Treasurer appointed by the said Trustees for putting the said Act into Execution, having been on the Day of paid by *C. D.* of we whose Names are hereunto subscribed, and Seals affixed, being of the said Trustees, do grant and assign unto the said *C. D.* Executors, Administrators, and Assigns, such Proportion of the Tolls arising upon the Road in the said Act mentioned, and of the Turnpikes and Toll Houses for collecting the said Tolls, as the said Sum of doth or shall bear to the whole Sum due and owing on the Credit of the said Tolls, or charged thereupon for the Term of this Act: To have, hold, receive, and take such Proportion of the said Tolls, Turnpikes, Toll Houses, and Premises, with the Appurtenances, unto the said *C. D.* Executors, Administrators, and Assigns, for the Residue and Remainder now to come of the Term of Years for which the said Tolls are granted by the said Act, subject to the Proviso following, (that is to say), Provided always, that if the said Sum of shall be repaid to the said *C. D.* Executors, Administrators, or Assigns, together with Interest for the same, after the Rate of *per Centum per Annum*, without any Deduction whatsoever, on or before the Day of next ensuing, then this Assignment shall be void, or else shall remain in full force. In witness whereof we have hereunto set our Hands and Seals, this Day of One thousand eight hundred and '

Copies to be entered.

Trustees not liable in their private Capacities.

Copies of all which Mortgages or Assignments shall be entered in a Book to be kept for that Purpose by the Clerk to the said Trustees, for which the said Clerk shall be paid the Sum of Ten Shillings and Sixpence and no more; but nothing in this Act contained shall extend or be construed to extend to charge the said Trustees or any of them, or the Persons appointed to receive the said Money, or any Part thereof, to any Repayment of the same by reason of their or any of their signing any such Mortgages, Assignments, or other Securities to be made in pursuance of this Act; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be possessed of any Mortgage made by virtue of the said recited Acts or any of them, or who shall be entitled to the same, or to the Money thereby secured,

Mortgages may be assigned.

secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to the said Mortgage, and the Principal and Interest thereby secured, to any Person whomsoever, by Indorsement on the Back of such Security, or any Assignment thereof, or by any other Writing or Writings, before Two credible Witnesses in the following Words, or in Words to the like Effect; (that is to say),

Form of Transfer.

'I do transfer this Mortgage [*or* a certain Mortgage, &c. *as the Case may be*,] with all my Right and Title to the Principal 'thereby secured, and to all Interest now due and to become due upon 'the same, unto Executors, Administrators, and As- 'signs. Dated this Day of One thousand 'eight hundred and *A. B.*'

All which Assignments or Transfers shall be produced to the Clerk to the said Trustees within Sixty Days after the Date thereof, who shall cause an Entry to be made thereof in the before mentioned Book, containing the Dates, Names, and Additions of the Parties, and Sums of Money therein mentioned to be assigned or transferred, for which the said Clerk shall be paid the Sum of Ten Shillings and no more, and which said Book shall and may at all seasonable Times be perused and inspected by the said Trustees and Creditors without any Fee or Reward; and after such Entry so made and not otherwise, such Assignment or Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, or Assigns, to such Mortgage or Assignment, and the Monies thereby secured and so assigned or transferred, and to the Benefit thereof and Payment thereon; and such Assignee or Assignees, his, her, or their Executors or Administrators, shall and may in like manner assign or transfer again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons who shall have made any such Assignment or Transfer to make void, release, or discharge the same, or any Monies due thereon.

No Priority of Mortgages.

XLV. Provided nevertheless, and be it further enacted, That no Preference shall be given to any Person who shall advance any Sum or Sums of Money upon the Credit of this Act, or who shall have already advanced any Sum or Sums of Money on the Credit of the said former Acts, in respect to the Priority of advancing or of having advanced any such Sum or Sums of Money, but that all Persons to whom such Mortgages or Assignments have been or shall be made as aforesaid, shall be (in Proportion to the Sums of Money due to them) Creditors on this Act, in equal Degree one with another.

Application of Tolls.

XLVI. And be it further enacted, That all the Tolls, Monies, and other Effects which the said Trustees or any of them, or any Treasurer, or other Person on their Behalf, are or is possessed of or entitled to by virtue of the said recited Acts, shall be by the said Trustees applied for the Purposes of this Act; and that out of the Monies arising or to arise by virtue of the said Acts and this Act, the Expences of procuring and passing this Act shall be first paid and discharged; and the Remainder thereof shall from Time to Time be applied in paying the Principal and Interest of all Monies now due and owing on the Credit of the said Acts, or which may hereafter become due and owing on the Credit of this Act, in making, repairing, widening, altering, diverting, turning, and from Time

Time to Time improving the said Road, and afterwards in otherwise defraying the Expences attending the Execution of this Act, and to and for no other Use or Purpose whatsoever.

Surveyors may make Causeways, &c.

XLVII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Trustees, or such Person or Persons as he or or they shall appoint, to make Causeways and Footpaths, and also Ditches and Drains in and upon the said Road, and also through any Grounds lying contiguous thereto; and also to make a Road through any Ground adjoining or lying near to any hollow Way, or narrow or ruinous Part of the said Road (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees), to be made use of as a public Highway whilst the old Road is repairing; and also to build, erect, and repair any Bridge or Bridges, Arch or Arches, Culvert or Culverts, upon any Part of the said Road, and across any River, Brook, Stream, Water, Ditch, or Drain thereon or contiguous thereto; making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damage they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case of any Difference concerning the Amount of such Damages, any One Justice of the Peace for the County or Place where such Difference shall arise (on Six clear Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at his or their respective Places of Abode) shall hear, settle, and determine the Matter of such Damages, and the Costs attending the Hearing and determining the same, whose Judgment and Order therein shall be final and conclusive to all Parties; but no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon or through any Common or Waste Lands.

Surveyors to get Gravel, &c.

XLVIII. And be it further enacted, That the said Surveyor or Surveyors, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, is and are hereby empowered to cut, dig, gather, take, and carry away any Materials proper for making and repairing the said Road, in, upon, and out of or from any Commons or Waste Grounds, common River or Brook, in any Parish, Township, Hamlet, or Place in which any Part of the said Road lies, or in any adjoining Parish, Township, Hamlet, or Place, to be used in the making and repairing of the said Road, without paying any thing for the same; and to cart and carry away the same over the Lands or Grounds (not being a Garden, Orchard, Yard, Paddock, Park, or planted Walk, or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees) of any Person or Persons, making Satisfaction as herein-after mentioned, such Surveyor or Person filling up the Pit or Pits, and levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pit or Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Furze, Heath, Gravel, Stones, Sand, or other Materials, proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Grounds, Commons, Rivers, or Brooks, contiguous to the said Road therewith to be made and repaired, then and in such Case the said Surveyor or Surveyors, or other Person or Persons as aforesaid, may cut, dig, and make any

any Pit or Pits, and get, gather, take, and carry away such Materials as aforesaid, in, upon, or out of, from, and over the private Lands or Grounds of any Person or Persons, where the same may be had or found within any Parish, Township, or Place in which the said Road, or any Part thereof, do or shall lie or be situate, or in any adjoining Parish, Township, or Place (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted or set apart as a Nursery for Trees), paying or tendering Payment to the respective Owners and Occupiers of such Lands or Grounds such Damages for cutting, digging, gathering, taking, and carrying away the said Materials, and for carrying the same, or the Materials gotten in any Commons or Waste Grounds, common Rivers or Brooks as aforesaid, over their Lands or Grounds, as the said Trustees shall think reasonable; and in case of any Difference between the said Trustees, or their Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, or the Value of such Materials, then and in every such Case any Justice of the Peace of the County or Place wherein such Lands or Grounds shall lie, within Forty Days next after such Difference shall arise (on Three clear Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at his or their respective Places of Abode), shall hear, settle, and determine the Matter of the said Damages, and the Value of such Materials, and the Costs attending the hearing and determining the same.

Surveyors not to carry away Materials out of private Grounds without giving Notice to the Occupier.

XLIX. Provided always, and be it further enacted, That it shall not be lawful for any such Surveyor or Surveyors, or any other Person under the Authority of this Act, to dig, gather, take, or carry away Materials for repairing the said Road, out of or from any inclosed Lands or Grounds, without the Consent of the Owner or Occupier thereof, until Notice in Writing, signed by the Surveyor, shall have been given to the Owner or his Agent, or to the Occupier of the Land from which such Materials are intended to be taken, or left at such Occupier's usual Place of Abode, to appear before any One or more Justice or Justices of the Peace acting for the County or Place where such Land shall lie, to show Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, such Justice or Justices shall, if he or they shall think proper, authorize such Surveyor or Surveyors, or other Person or Persons, to dig, gather, take, and carry away such Stone and Materials, at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, such Justice or Justices shall and may make such Order therein as he or they shall think fit, as fully and effectually to all Intents and Purposes, as if such Owner or Occupier, or his or her Agent had attended.

Penalty on taking away Materials gotten by Surveyor.

L. Provided also, and be it further enacted, That if any Person whomsoever shall take and carry away any Materials which shall have been provided or gathered for the Purpose of making, improving, and repairing 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 Workmen shall have discontinued working therein for the Space of Thirty Days (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials for his own private Use only, and not for Sale), every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Surveyors may remove Annoyances.

LI. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances on any Part of the said Road, by Rails, Steps, Cellar-holes, Signpost, Walls, Windows, Shutters, Projections, Watering Troughs, or otherwise, and to turn, stop, or cover, any Watercourse, Ditches, Sinks, or Drains, running into, along, out of, or by the Side of any Part of the said Road, to the Prejudice or Injury thereof, and to open, scour, and cleanse any Sough, Ditch, or Watercourse adjoining to or leading into or out of any Part or Parts of the said Road, not being in any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, and to make the same as deep and large as the said Trustees shall think proper and necessary; and at proper Seasons of the Year to cut down, lop, or top any Branches of Trees, Shrubs, or Bushes growing in or by the Side of any Part of the said Road, or in the Hedges or Banks adjoining thereto, not being Shrubs or Bushes planted as a Shelter or Ornament to a House or other Building, or standing in any Garden, Orchard, Yard, Paddock, planted Walk, or Avenue to a House (in case the Person or Persons who ought to cleanse such Ditch or Watercourse, or to cut down or lop such Branches of Trees, Shrubs, or Bushes, shall neglect so to do for the Space of Fourteen Days next after Notice in Writing given for that Purpose, signed by the Surveyor or Surveyors for the Time being, the reasonable Charges whereof shall be reimbursed to the said Surveyor or Surveyors by the Person or Persons refusing or neglecting as aforesaid; and in case any such Person or Persons shall not upon Demand pay and reimburse to such Surveyor or Surveyors such Charges as aforesaid, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Person or Persons, in like Manner as is herein authorized or directed for the Recovery of any Penalty inflicted by this Act); and if after the Removal of any of the said Annoyances any Person shall again offend in like Manner, every such Person shall for every such Offence (over and above such Charges as aforesaid) forfeit and pay any Sum not exceeding Five Pounds.

Power to widen any Part of the Roads.

LII. And be it further enacted, That it shall be lawful for the said Trustees, at any Time during the Continuance of this Act, and they are hereby authorized and empowered, to widen any Part or Parts of the said Road to be made, repaired, and kept in Repair by this Act, so as to make such Parts of the said Road, not exceeding Sixty Feet in Width, for the Accommodation of Passengers, and for that Purpose it shall be lawful for the said Trustees, and for their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon any such private Lands, Grounds, and Hereditaments, and stake out and make the same in such Manner as the said Trustees shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment for entering

ing or continuing upon any Part or Parts of such Lands, Grounds, or Hereditaments respectively, first making or tendering Satisfaction to the Owners thereof and Persons interested therein for the Damage they may thereby sustain.

Trustees may divert the Road.

LIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby fully authorized and empowered, from Time to Time to divert, shorten, vary, alter, and improve the Course or Path of any Part or Parts of the said Road herein-before mentioned and described, through any Waste Grounds or uncultivated Lands, without making Satisfaction for the same, and also through any private Grounds or Hereditaments within the Limits herein-after mentioned, first tendering Satisfaction to the Owners thereof and Persons interested therein, for the Damage they shall sustain thereby; and such Road, when diverted and turned under the Authority of this Act, shall and they are hereby declared to become common Highways to all Intents and Purposes, and shall be thenceforward repaired and maintained by the Inhabitants of the respective Townships, Hamlets, or Places in which the same are situate, by such Means as the common Highways of this Kingdom are by Law to be repaired and maintained by the Inhabitants of the Parishes in which they are situate.

Trustees not to pull down Houses, &c. without Consent of the Owners, &c.

LIV. Provided always, and be it further enacted and declared, That the Powers and Authorities herein given to the said Trustees shall not extend to taking down any Dwelling House or other Buildings, or to the taking in of any Orchard, Yard, Court, Park, inclosed Shrubbery, planted Walk, or Avenue to a House, without the Consent of the Owners and Proprietors thereof respectively.

For restricting Trustees from deviating beyond certain Distances of the Line without Consent.

LV. And be it further enacted, That the said Trustees in widening, diverting, or improving the said Road, shall not deviate more than One hundred Yards from the Line or Path of the present Road, without the Consent in Writing of the Person or Persons, Bodies Politic, Corporate, and Collegiate, through whose Lands or Grounds such Deviation shall be made.

Trustees may purchase, and incapacitated Persons sell, Lands and other Hereditaments wanted for the Purposes of this Act.

LVI. And be it further enacted, That for the Purposes of this Act, it shall be lawful for the said Trustees to contract with the Owners of and Persons interested in any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by making, diverting, turning, or altering the Course or Path of any Part or Parts of the said Road through such Lands or Hereditaments, and to pay for the same by and out of the Tolls and other Monies to be raised by virtue of this Act; and it shall be lawful for all Bodies Politic and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for and on the Behalf of any Infants, Femes Covert, Cestuique Trusts, and all other Persons whomsoever, to contract and agree with the said Trustees for the Purchase of such Lands, Grounds, or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be and require; and all such Contracts, Agreements, Sales, and Conveyances, shall be valid to all Intents and Purposes, any Law, Statute, Usage,

Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Persons shall be and they are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

If Parties cannot agree, or the Owner cannot make a Title, the Value of the Premises to be settled by a Jury.

LVII. And be it further enacted, That if any such Bodies Politic or Corporate, Ecclesiastical or Civil, or any other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to him or them given, or left in Writing at the Dwelling House or Dwelling Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic or Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands, Grounds, and Hereditaments which the said Trustees are by this Act empowered to purchase, shall, for the Space of Ten Days after such Notice given or left 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 such Damage, Value, or Recompence to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Persons, Men of the County of *Oxford* or *Warwick* (as the Case may be), from the Neighbourhood of the Place where such Lands and Hereditaments do lie; 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 such Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary or proper to be examined concerning the Premises (which Oath any One or more of the said Trustees is and are hereby empowered to administer), and such Trustees shall, by ordering a View or otherwise, use all Ways and Means as well for their own as for the said Jury's better Information in the Premises; and after the said Jury shall have inquired of and assessed such Damage, Value, or Recompence, they the said Trustees shall thereupon order, adjudge, and appoint the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners and other Persons interested in the said Lands and Hereditaments respectively, according to the Verdict or Inquisition of such Jury, which said Verdict or Inquisition, and Judgment, Order, and Determination thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic, Corporate and Collegiate, Corporations Aggregate and Sole, as well as all and every other Person and Persons whomsoever; and for summoning and returning such Juries the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the respective County (as the Case may be), thereby commanding him to impannel, summon, and return an indifferent Jury of Twenty-four Persons from the Neighbourhood of the Place where such Lands lie, qualified to serve upon Juries, to appear before such Trustees at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, summon, and return such Number of Persons accordingly, and out of the Persons so impannelled, summoned and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and they are hereby empowered and required to swear or cause to be sworn Twelve Men, who shall

Trustees to issue Warrants to the Sheriff to impannel a Jury.

shall be a Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, or his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence before the said Jury, shall refuse or neglect to appear after having been paid or tendered a reasonable Sum for their Costs, Charges, and Expences, or appearing shall refuse to be sworn and examined, or to give Evidence, so that no Fine be more than Five Pounds on any One Person for One Offence, which said Fine or Fines shall be levied and applied as the Penalties for Offences against this Act are herein-after directed to be levied and disposed of.

Jury may be challenged.

Trustees may impose Fines on the Sheriff making Default, or on the Jury or Witnesses.

How the Expences of the Jury and Witnesses are to be borne and paid.

LVIII. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of this Act shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands or Hereditaments, or for any such Loss or Damage, than what shall have been agreed to and offered by the said Trustees, before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case the 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 Tolls, Duties, or Monies arising by virtue of this Act, or out of any Money borrowed upon the Credit thereof; but if any Jury or Juries so summoned and sworn as aforesaid shall give in 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 or returning the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property in any such Lands or Hereditaments, or Loss or Damage as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences aforesaid, shall be borne and paid 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 some Justice of the Peace for the respective County, not interested in the Matter in question, who is hereby required to 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 Money shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums of Money so assessed and

adjudged, or otherwise such Costs and Expences, in case the same be not paid upon Demand, after having been so ascertained and settled as aforesaid, may be levied and recovered by the Ways and Means herein-after provided for levying and recovering of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence out of the Kingdom have been prevented from treating about such Recompence or Satisfaction as aforesaid, such Costs and Expences shall be borne and paid by the said Trustees as aforesaid.

Money allowed for Lands how to be paid.

LIX. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed and ascertained as aforesaid shall be paid out of the Tolls and Duties hereby granted, or out of the Money borrowed or to be borrowed on the Credit thereof, to the Parties or Persons respectively entitled thereto, or to their Agents; and upon Payment thereof, or depositing the same in the Bank of *England* as herein-after directed (as the Case may be), and after Eight Days Notice thereof given to such Parties or Persons, or their Agents, or to the Tenant in possession of the Premises, such Lands or Hereditaments 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 to all Intents and Purposes whatsoever become and be deemed and taken to be a common Highway, and be from thenceforth Part of the said Road for ever thereafter.

Lands purchased to become Part of the Roads.

Application of Compensation when exceeding 200*l.*

LX. 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 the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity, as herein particularly mentioned, such Money shall, in case the same shall amount to 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 applied, 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, and Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, 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 therewith to the same or the like Uses, Intents, and Purposes, or where such Money shall not be so employed, 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, and 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

taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, 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 meantime, 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 Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation is less than 200*l.* but not less than 20*l.*

LXI. Provided always, 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 amount to 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, Tenements, and 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 of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, 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 Two or more of the Trustees for executing this Act (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 manner herein-before directed, so far as the Case 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.*

LXII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next 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 Lands, Tenements, and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as 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.

Respecting disputed Titles.

LXIII. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees,

Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the Lands, Tenements, and Hereditaments (describing them), subject to the Order, Controul, or Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

If Persons cannot be found, Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery on Motion or Petition.

LXIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Monies, and also the Capital of such Bank Annuities, shall be applied and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Persons in Possession to be deemed presumptively entitled, &c.

LXV. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied

Court of Chancery may direct Payment of Expences.

applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of the said Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

LXVI. And whereas by reason of the Purchases which the said Trustees are empowered to make, or by reason of the diverting of some Part or Parts of the said Road, or otherwise, they may happen to be seised of some Piece or Parcel of the said old Road, or of some other Piece or Parcel of Land over and above what may 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 the said Piece or Pieces of Ground, or Piece or Pieces of the said old Road, either together or in Parcels, as they shall think proper, to such Persons as shall be willing to contract for and purchase the same; provided that the said Trustees, before they shall sell and dispose of any such Piece or Pieces of the said old Road or other Land, shall first offer the same to the Person whose Lands shall adjoin thereto; and that the said Trustees, before they shall sell or dispose of any Piece or Pieces of overplus Ground, shall first offer to resell the same to the Person from whom they shall have purchased such Piece or Pieces of Ground; and in case such Persons shall refuse to purchase or repurchase the same respectively, on an Affidavit being made and sworn to before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County or Place where such Piece or Parcel of old Road or Ground shall lie, by some Person or Persons not interested in the said Piece or Pieces of old Road or 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 to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and refused by the Person to whom it was made (as the Case may be), and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Pieces or Parcels 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 Nonapplication of such Money.

Persons whose Lands adjoin to have the Preference.

Gates not to swing or open into the Road.

LXVII. And be it further enacted, That all Gates to be hereafter set up in any Field, Ground, or Place adjoining any Part of the said Road, shall be made and hung to open and swing inward towards such Field, Ground, or Place and not towards the said Road; and it shall be lawful for the said Trustees to order all such Gates, save and except such Gate or Gates, the Hanging Post or Hanging Posts whereof shall be so far distant from the Centre of the said Road, so that when such Gate or Gates shall be opened the same or any Part thereof shall not swing or open on or into any Part of the said Road, as are now erected or may hereafter be erected and open to swing towards the said Road, to be altered and made to open and swing inwards, as they the said Trustees shall think pro-

per; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is or are or shall be constructed so as to open and swing outward towards the said Road, shall, after Ten Days Notice from the Surveyor of the said Road, requiring him, her, or them to alter any such Gate or Gates, and make the same to open and swing inwards, refuse or neglect to make such Alterations, or after such Alterations shall have been once made shall again alter the same, every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

For impounding Cattle or Swine, Sheep or Lambs, on the Road.

LXVIII. And be it further enacted, That if any Cow, Horse, Ass, Swine, Sheep, or other live Stock or Cattle, shall at any Time be found tied or fastened, or wandering, straying, or lying upon, about, or on the Sides of the said Road, or any Part thereof respectively, it shall be lawful for the Surveyor of the said Road for the Time being, or other Person or Persons whomsoever, to seize and impound every such Cow, Horse, Ass, Swine, Sheep, or other live Stock or Cattle in the Common Pound (if any) of the Hamlet, Township, Parish, or Place in which the same shall be found tied or fastened, or wandering, straying, or lying about, or on the Sides of the said Road or any Part thereof, or in such other Place or Places as the said Trustees, although not assembled at a Meeting, or the said Surveyor shall find convenient, and the same there to detain until the Owner or Owners thereof shall for every and each Cow, Horse, Ass, Swine, Sheep, or other live Stock or Cattle so impounded, pay the Sum of Five Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Three Days after such impounding, it shall be lawful for any One or more Justice or Justices of the Peace for the County or Place where the Offence shall have been committed, by an Order or Warrant under his or their Hand or Hands, to sell or cause every such Cow, Horse, Ass, Swine, Sheep, or other live Stock or Cattle, to be sold, and the Money, arising from such Sale, after deducting the said Penalty and the Charges and Expences of impounding, keeping, and selling every such Cow, Horse, Ass, Swine, Sheep, or other live Stock or Cattle, and all Expences respecting the same, shall (on Demand) be paid to the Person whose Property the same so sold shall appear to have been.

Punishment of Persons guilty of Pound Breach.

LXIX. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or other live Stock or Cattle, which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine, or other live Stock or Cattle seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon the Confession of the Party or Parties offending, or upon the Oath of One credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer,

administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of such of the said Counties wherein the said Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Penalty on Persons not keeping on the Left Side of the Road, when meeting or being overtaken by another Carriage, and Penalty on Persons committing Nuisances on the Road.

LXX. And be it further enacted, That if any Person or Persons driving any Coach, Chaise, Waggon, Cart or other Carriage upon the said Road, (except when overtaking in order to pass any other Coach, Chaise, Waggon, Cart, or other Carriage), shall not drive or keep his Carriage on the Left Hand Side of the Middle of the said Road; or if any Person shall ride upon any Footway on the Side of or adjoining to the said Road, or shall drive any Horse or other Cattle, or any Swine or Sheep, or any Cart or other Carriage upon any such Footway, or shall cause any Damage to be done thereto; or if any Person driving any Waggon or Cart shall absent himself therefrom, or shall not drive on the Left Hand Side of his Horse or Horses; or if any Person or Persons, driving or riding upon any Horse or other Beast carrying Milk Pans, Crates, Cans, or Panniers, shall not, on being overtaken by or meeting any other Person riding or driving any other Horse, Beast, or Carriage, keep the said Horse or other Beast on the Left Hand Side of the Middle of the said Road; or if any Person shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Fire-work whatsoever, within Eighty Feet of the Centre of the said Road, or shall play at Football, or any other Game or Games upon the said Road, or any Part thereof, to the Annoyance of any Passenger or Passengers; or if any Person shall in or upon any Part of the said Road, or by or on the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, burn, or dress or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or if any Person, riding, attending, or driving any Horse or other Beast on the said Road, and carrying any Iron Bar or Rod, or any Pannier or Panniers, or any other Matter or Thing, shall place such Bar or Rod, Pannier or Panniers, or other Matter or Thing across such Horse or other Beast in such Manner as that the same shall project more than Thirty Inches from either Side of such Horse or other Beast, or so as in any Manner to obstruct, impede, or endanger the Passage or Progress of any other Person, or any Horse, Beast, Cattle, or Carriage travelling or going along the said Road; or if any Hawker, Pedlar, Gipsy, or other Person or Persons travelling with any Machine, Vehicle, Cart, or other Carriage whatsoever, with or without any Horse, Mule, Ass, or other Beast, shall pitch or place any Tent, or shall encamp upon or by the Side or Sides of the said Road or any Part thereof; or if any Blacksmith or other Person occupying a Blacksmith's Shop situate near or on the Side of the said Road, and having a Window or Windows fronting the said Road, shall not by good and close Shutters every Evening after it shall become Twilight, sufficiently bar, exclude, and prevent the Light from such Shop shining or reflecting into or upon the said Road; or if any Person or Persons shall lay any Hay, Straw, or other Matter or Thing upon any Part of the said Road or on the Sides thereof, to be made into Manure, or shall scrape off the same any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Road, without Leave of the Surveyor of the said Road; or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, or Soil, or leave any Cart, Carriage,

Carriage, or Wheelbarrow, Rubbish, or other Matter or Thing whatsoever, (except Materials for the Repairs of the said Road deposited by or by the Order of the Surveyor thereof for his immediate Use), on any Part of the said Road, or on the Side or Sides thereof, to the Prejudice or Injury thereof, or to the Annoyance or Prejudice of any Person or Persons travelling thereon; or if any Person or Persons, after having blocked or stopped any Waggon, Cart, or other Carriage whatsoever in going up any Hill or rising Ground, shall leave, or suffer or permit to lie and remain, on any Part of the said Road, the Stone or other Matter or Thing used in blocking or stopping, or shall do any other wilful Act, Damage, or Injury to the said Road, or any Part thereof, every Person so offending shall for every such Offence forfeit and pay any Sum of Money not exceeding Five Pounds.

Roads to be measured, and Milestones or Posts to be set up; and Penalty on Persons damaging Direction Posts.

LXXI. And be it further enacted, That the said Trustees shall cause the said Road to be measured, and Stones or Posts to be set up in or near the Sides of the said Road, at the Distance of One Mile from each other, with such Inscriptions thereon, denoting the Number of Miles, and Distances of Places, as they the said Trustees shall think proper; and if any Person or Persons shall pull up or damage any Direction Posts, Mile Posts, or Mile Stones, now erected or to be erected upon or on the Side or Sides of or adjoining the said Road, or any Part thereof; or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Witnesses not attending when summoned.

LXXII. And be it further enacted, That if any Person or Persons, after having been summoned as a Witness or Witnesses to give Evidence before any Justice of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, shall refuse or neglect to appear at the Time and Place for that Purpose appointed (after having been paid or tendered a reasonable Sum of Money for his, her, or their Expences), without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath, or being a Quaker on Affirmation, and give Evidence before such Justice of the Peace, then and in either of the said Cases every Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Statute Labour.

LXXIII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereto in like manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the County or Place in which the said Road lies, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Treasurer, Clerk, or Surveyor, by their Order yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road lies; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or to their Treasurer;

Treasurer; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons, within Ten Days after the serving of such Summons, of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute in force or effect for the Repair of the public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as to the said Justices shall seem reasonable, and the same shall be done on such Days, and at such Times (not being Haytime or Harvest), and in such Parts of the said Road, as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct or appoint; and the said Justices shall and may order and direct the Persons who by such Lists shall be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the Surveyor or Surveyors of such Parish, Township, or Place respectively, to be by him, her, or them paid over to the said Trustees, or their Treasurer or Surveyor, at such Time or Times as the said Justices shall direct, and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like manner as any Penalty is by the said Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her or them, be subject and liable to such Fines, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute now in force and effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person employing or sending such Labourer shall be subject and liable to the respective Forfeitures and Payments as aforesaid, in such and the same Manner as if he had neglected or refused to come, or such Team or Draught had not been sent to work on the said Road; and all such Forfeitures shall be paid to the Treasurers of the said Trustees, and applied towards amending the said Road; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in any such Lists as aforesaid, or shall knowingly or

wilfully give in false and imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Trustees may compound for Statute Work.

LXXIV. Provided always, and be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors of any Township or Place through which the said Road passes, or any other Person or Persons, appointed for that Purpose at any Vestry or other public Meeting of the Inhabitants of such Township or Place, who shall be summoned together for that Purpose, to compound and agree from Time to Time with the said Trustees, for a certain Sum of Money by the Year or otherwise, in lieu of the Statute Work to be performed by such respective Inhabitants upon any Part of the said Road; and in case such Composition Money shall not be paid to the said Trustees, or to such Person as they shall appoint to receive the same, within Ten Days next after the same shall become due and be demanded, it shall be lawful for any One or more Justice or Justices of the Peace for the said County of *Oxford* or *Warwick*, (as the Case may be) upon Oath made before him or them of such Default, which Oath the said Justice or Justices is or are hereby empowered to administer, and he or they is and are hereby required to issue a Warrant under his or their Hand and Seal, or Hands and Seals, empowering such Person so by the said Trustees appointed to receive such Composition Money, to levy the same by Distress of the Goods and Chattels of the Person or Persons who hath or have made such Composition as aforesaid, and such Goods and Chattels so distrained, after the Space of Five Days, (such Composition Money, and the reasonable Charges of such Distress and keeping the same, not being sooner paid) to sell, rendering the Overplus (if any there be) to the Owner or Owners thereof upon Demand, after the Composition Money, and all reasonable Charges of such Distress and Sale shall be deducted, which Composition Money shall be applied to the Purposes of this Act; and such Surveyors and other Persons, by whom such Composition shall be made on behalf of any of the said Townships or Places as aforesaid, shall be reimbursed such Composition Money in such manner as the Surveyors of the Highways are by the Laws now in being to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Trustees may contract for Repairs.

LXXV. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose delegate or appoint, are hereby empowered to contract with any Person or Persons for the altering, widening, repairing, improving, and cleansing the said Road, or any Part thereof, and for the erecting and setting up Mile and Direction Stones or Posts thereon, or for doing any other Work to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the Trustees shall think proper; and all the Contracts and Agreements and Writings entered into pursuant to any Order of the said Trustees, by their Clerk, Treasurer, Surveyor, or other Officer, with any Workmen or other Person or Persons relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Persons who shall sign the same, his, her, or their Executors or Administrators, and that Actions and Suits shall and may be maintained thereon by the said Trustees, or by their Clerk, Treasurer or Treasurers, in his or their Name

or

or Names respectively, and Damages and Costs recovered against the Party or Parties, or Person or Persons failing in the Performance of such Contracts or Agreements respectively; and such Sum or Sums of Money as shall or may be requisite for altering, widening, repairing, improving, and cleansing the said Road, or any Part thereof, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against such Party or Persons as aforesaid making default in fulfilling his, her, or their Contract or Agreement, any Law or Usage to the contrary in anywise notwithstanding.

Distress not to be deemed unlawful for want of Form.

LXXVI. And be it further enacted, That where any Distress shall be made for any Penalty or Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action on the Case: Provided always, that no Plaintiff shall recover in any Action for such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on behalf of the Party or Parties who shall have committed or cause to be committed any such Irregularity, Trespass, or wrongful Proceeding before such Action brought; and the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, may at any Time before Issue joined pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings, Orders, or Judgments shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiff not to recover, if Tender of Amends.

In case of Nonpayment of Compensation for Materials, Damages or Injury done by the said Trustees, &c. the same to be levied by Distress and Sale of the Goods of such Trustees or their Treasurer.

LXXVII. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus

Overplus shall remain after Payment of such Sum or Sums of Money and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees or to their Treasurer for the Time being, as the Case may be.

Recovery and Application of Penalties.

LXXVIII. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed, if the Manner of levying and recovering thereof is not herein otherwise directed, upon Proof of the Offences respectively before any One Justice of the County or Place where the Offence shall be committed, either by Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses (which Oath such Justice is hereby empowered and required to administer without Fee or Reward), shall be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending by Warrant or Warrants which such Justice is hereby empowered to grant for those Purposes; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines when paid or recovered, shall be, if not otherwise directed to be applied by this Act, from Time to Time paid, Half to the Informer and Half to the said Trustees or to their Treasurer or Clerk, and applied in the Repair of the said Road; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Ten Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by Way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then and in such case it shall be lawful for any One Justice of the Peace as aforesaid, and he is hereby authorized and required by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the common Gaol or House of Correction of the said County or Place wherein the Offence shall be committed, 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, shall be sooner paid and satisfied.

For securing transient Offenders.

LXXIX. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put the same in Execution, be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as they or any of them shall call to their or any of their Assistance, without any other Warrant or Authority than this Act, to seize and detain any such unknown Person or

Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace for the County near to the Place where the Offence or Offences shall have been committed; and such Justice is hereby empowered to proceed to the hearing and determining of the Complaint.

For the more easy Conviction of Offenders.

LXXX. And for the more easy and speedy Conviction of Offenders against this Act, be it enacted, That all and every Justice or Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Words, or in any other Form of Words to the like Effect, as the Case shall happen; (that is to say),

Form of Conviction.

'County of } BE it remembered, That on the Day of
'to wit. } in the Year of our Lord
'*A. B.* is convicted before me *C. D.* One of His Majesty's
'Justices of the Peace for the County of [*specifying the*
'*Offence, Time and Place when and where the same was committed, (as the*
'*Case may be) without further setting forth the Information or Evidence*
'*against the Defendant.*] Given under my Hand and Seal the Day and
'Year first above mentioned.'

Proceedings not to be quashed for want of Form.

And that no Objection shall be made or Advantages taken for want of Form in any such Conviction, by any Person or Persons whomsoever; and that no Proceedings of any Nature or Kind soever to be had touching any Offender or Offenders against this Act shall be quashed, vacated, or discharged for want of Form only.

Allowing an Appeal.

LXXXI. And be it further enacted, That if the said Trustees or any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done by virtue or in pursuance of this Act, and for which no particular Method of Relief hath been herein-before appointed, such Trustees or Person and Persons shall and may appeal to the Justices of the Peace at the First General Quarter Sessions of the Peace to be holden in and for the County or Place where the Cause of Appeal shall arise, within Six Calendar Months next after the Matter of such Complaint shall have arisen; such Appellant or Appellants first giving or causing to

Twenty-one Days Notice of Appeal to be given.

be given Twenty-one Days Notice to the other Party at the least, in Writing, of his, her, or their Intention to bring such Appeal, and of the Cause or Matter thereof, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of the said Quarter Sessions; and the said Justices at their said Sessions, upon due Proof of such Notice having been given, and of the entering into such Recognizance, shall hear and finally determine such Appeal in a summary Way, and if they see cause may by Order of such Session mitigate at their Discretion all or any of the said Penalties, or quash and annul any Conviction or Convictions, Orders or other Proceedings of any Justice or Justices of the Peace, or otherwise may ratify and confirm the same, and award such Costs to either of the Parties, or otherwise as they may think proper, and may also order such further Satisfaction to be made to the Party injured as they shall think reasonable; and the Determination of the said Justices shall be binding and conclusive upon all Parties to all Intents and Purposes.

LXXXII. And

Limitation of Actions.

LXXXII. And be it further enacted, That no Action or Suit shall be brought or commenced by any Person or Persons for any thing done by virtue of this Act, till after Fourteen clear Days Notice thereof in Writing shall be given to the Person or Persons against whom such Action or Suit shall be intended to be so brought or commenced, thereby fully setting forth the Cause of such Action or Suit, and the Nature thereof, or left at his or their last or usual Place of Abode; and that every Action or Suit commenced or brought for any thing done as aforesaid, shall be brought within the Space of Three Calendar Months next after the Cause thereof shall arise, and shall be laid and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants therein may plead the General Issue, and give this Act and the Special Matter in Evidence, and that the same was done by virtue thereof; and if on the Trial of such Action it shall appear that the same was brought before the Expiration of Fourteen Days next after such Notice shall have been so given or left as aforesaid, or after the End of Three Calendar Months next after the Cause thereof shall have arisen; or if such Action shall be brought or laid in any other County than as aforesaid, or if after sufficient Tender of Amends shall have been made to the Party or Parties aggrieved, then and in every of the Cases aforesaid, the Jury on the Trial of such Action shall find for the Defendant or Defendants therein; and in all Cases where any Verdict shall be found for any Defendant or Defendants in such Action, or the Plaintiff or Plaintiffs therein shall discontinue the same after the Defendant or Defendants shall have appeared thereto, or shall be nonsuited, or if upon Demurrer Judgment shall be given against such Plaintiff or Plaintiffs, the Defendant or Defendants in such Action shall have Treble Costs, and shall also have the like Remedies for recovering the same as Defendants have for recovering their Costs in other Cases by Law.

General Issue.

Treble Costs.

For paying the Expences of this Act.

LXXXIII. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, together with lawful Interest from the Time of advancing the same until Payment thereof, shall be paid and discharged by the said Trustees, out of the Monies already collected or received under or by virtue of the said recited Acts, or any or either of them, or out of the first Monies to be collected or received by virtue of this Act, in preference to all other Payments whatsoever.

Public Act.

LXXXIV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such, by all Judges, Justices and others without being specially pleaded.

Continuance of this Act.

LXXXV. And be it further enacted, That this Act shall commence and take effect from the passing thereof, and shall continue and be in force and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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