ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. xxxviii.

An Act to continue the Term, and alter and enlarge the Powers of Two Acts of His present Majesty, for amending the Road from the Bottom of *Galley Hill* to the Cross in *Clanfield*, in the County of *Oxford*. [2d *May* 1815.]

WHEREAS an Act was passed in the Eleventh Year of the Reign of His present Majesty King *George* the Third, intituled *An Act for amending, widening, turning, and altering the Road from the Bottom of* Galley Hill, *near the Town of* Witney, *to the Cross in* Clanfield, *in the County of* Oxford: And whereas an Act was passed in the Thirty-third Year of His said present Majesty King *George* the Third, for continuing the Term of the said last-mentioned Act, except so much thereof as had been repealed by an Act of the Seventeenth Year of His said present Majesty, intituled *An Act for amending, widening, and keeping in Repair the Road leading from the Turnpike Road in the Parish of* Asthall, *in the County of* Oxford, *to the Turnpike Road at or near* Buckland, *in the County of* Berks; and also except so much of the said Act of the Eleventh Year of the Reign of His said present Majesty as relates to Exemptions from Stamp Duties: And whereas considerable Sums of Money have been borrowed on the Credit of the Tolls granted by the said Two first-mentioned Acts, which, with a large Arrear of Interest thereon, are now due and owing, and cannot be paid off, nor can the Road therein mentioned and comprised be kept in good and sufficient Repair, unless the Term and Powers of the same Acts are farther continued and enlarged, and the Tolls increased; but the same cannot be done without the Aid and Authority of Parliament; May it therefore please Your Majesty that it may be enacted; and be it enacted

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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 Authority of the ſame, That, from and after the paſſing of this Act, the ſaid Two firſt recited Acts and this preſent Act, and all the Powers, Authorities, Proviſions, Regulations, Payments, Penalties, Forfeitures, Clauſes, Matters, and Things therein and herein contained (except ſo much of the ſaid firſt recited Act as is repealed by the ſaid Act of the Seventeenth Year of His ſaid preſent Majeſty, and as relates to Exemption from Stamp Duties, and except ſo much thereof and of the ſaid laſt recited Act as is herein varied, altered, or repealed,) ſhall be and continue in full Force and Effect, and be put in Execution for the Purpoſes in the ſaid recited Acts and this Act mentioned, for and during the Term hereinafter mentioned, as fully and effectually to all Intents and Purpoſes as if the ſame were re-enacted in the Body of this Act, but ſubject nevertheleſs to the Amendments, Variations, and Additions herein contained; and that this Act, and the additional Term and Tolls hereby granted, ſhall be, and the ſame are hereby declared to be ſubject and liable to the Payment of all Monies which are or ſhall be borrowed on the Credit of the Tolls ariſing or to ariſe by virtue of the ſaid Two firſt-recited Acts and this Act, or any of them, and all Intereſt due and to grow due thereon reſpectively.

Extending former Acts to this Act.

II. And be it further enacted, That the Right Honourable *Francis Almaric Spencer* commonly called Lord *Spencer*, the Honourable *Philip Puſey*, Sir *John Throckmorton* Baronet, *William Throckmorton*, *Edward Loveden Loveden*, the Reverend *John Rawbone* Doctor in Divinity, *George Richards* Clerk, *Thomas Burrow* Clerk, *James Hawkins* Clerk, *John Hyde* Clerk, *Samuel James Goodenough* Clerk, *Thomas Colſton* Clerk, *Edward Colſton*, *Charles Loder*, *John Kenn*, *Thomas Neate* Clerk, *John Baniſter* Clerk, *Edward Whitaker*, *Hugh Owen* Clerk, *Bartholomew Middleton* Clerk, *Robert Symonds* Clerk, *John Bunce*, *William Harvey*, *Edward Batt*, *Auguſtine William Batt*, *Samuel Druce*, *John Leake*, *Joſeph Andrews*, *Jonathan Arnatt*, *Thomas Wright*, *John Backſhell*, *William Ellis*, *Thomas Skinner*, *Richard Staley*, *Daniel Rutter*, *John Hankins*, *John Leech*, *Frederick Whitaker*, *Thomas Fox*, *Charles Winkworth*, *Charles Leake*, *John Edmonds*, *Edward Bradſhaw*, *Charles Turner*, *George Johnſon* Clerk, *Thomas Price*, *William Fox*, *Bennett* Clerk, *Wace*, *Baker* Clerk, the Honourable *John Coventry*, *John Walker*, *Ward* of *Lechlade*, Sir *Henry Hawley*, *George Henry Elliott*, *Thomas Bennett*, *Henry Newman*, *William Collett*, *Henry Collett*, *John Higgons*, *Thomas Guy*, and *Edward Hunt Butler*, ſhall be and are hereby added to and joined with the ſurviving Truſtees named in, or appointed by virtue of, or acting under the ſaid recited Acts; and that they, and alſo all and every the Truſtees appointed, or acting under or by virtue of the ſaid recited Acts, ſhall be Truſtees for putting the ſame and this Act into Execution, to all Intents and Purpoſes whatſoever; and that it ſhall be lawful to and for the ſaid Truſtees, or any Five or more of them, and they are hereby empowered, at any Time or Times, to elect any Number of additional Truſtees, not exceeding Ten, who ſhall have the ſame Power and Authority for executing the Powers and Proviſions of the ſaid recited Acts and this Act as if they had been hereby named and appointed.

Appointing additional Truſtees.

For electing new Truſtees.

III. Pro-

Qualification of Truſtees.

III. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of the ſaid recited Acts and this Act, unleſs at the Time of his acting therein he ſhall be ſeiſed or poſſeſſed in his own Right, or in the Right of his Wife, in the actual Enjoyment or Receipt of the Rents and Profits of an Eſtate in Lands, Tenements, or Hereditaments, in Law or Equity, of the clear yearly Value of Sixty Pounds above Repriſes, or ſhall be Heir Apparent of a Perſon having ſuch Eſtate of the clear yearly Value of One hundred and twenty Pounds, or unleſs he ſhall be poſſeſſed of a Perſonal Eſtate to the Amount or Value of One thouſand two hundred Pounds, nor (except in adminiſtering the Oath or Affirmation hereinafter mentioned) until he ſhall have taken and ſubſcribed before any Two or more of the ſaid Truſtees, an Oath or 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 of Lands, Tenements, or Hereditaments of the clear yearly Value of Sixty Pounds above Repriſes, [*or*, am Heir Apparent of *A. B.*, who, to the beſt of my Knowledge and Belief, is ſeiſed of ſuch an Eſtate of the clear yearly Value of One hundred and twenty Pounds,] [*or*, am poſſeſſed of a Perſonal Eſtate of the Amount of One thouſand two hundred Pounds,] after all my Debts are paid.

'So help me GOD.'

Penalty on Perſons acting without being qualified.

Which Oath or Affirmation any or either of the ſaid Truſtees are or is hereby empowered to adminiſter; and if any Perſon not being ſo qualified ſhall preſume to act as ſuch Truſtee in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered, 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, Plaint, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecution, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act: Provided always, nevertheleſs, that all Acts and Proceedings of any Perſon or Perſons acting as a Truſtee or Truſtees in the Execution of this Act, previous 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.

For reducing the Quorum of Truſtees.

IV. And whereas for ſeveral Purpoſes mentioned in the ſaid recited Acts the Concurrence of Nine Truſtees is required, which is often found inconvenient, be it therefore further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall be, and are hereby authorized and empowered, (except as to the Election of new Truſtees,) from and after the paſſing of this Act, to do, execute, and perform all and every the Acts, Powers, and Authorities given by this and the ſaid recited Acts; and that in no Caſe it ſhall be neceſſary to have the Concurrence

currence of more than Five of the ſaid Truſtees to any Act, Matter, or Thing required or authorized by this Act, or the ſaid recited Acts, to be done, (except as aforeſaid,) unleſs a greater Number than Five Truſtees ſhall be preſent at any Meeting or Meetings for the Purpoſe of carrying this Act, and the ſaid recited Acts, into Execution, and then, and in every ſuch Caſe, the Majority in Number of the ſaid Truſtees preſent at any ſuch Meeting or Meetings ſhall alone be competent to do any Act, or make any Order or Determination touching any Matter or Queſtion ariſing or depending at ſuch Meeting or Meetings reſpectively, or for which ſuch Meeting or Meetings ſhall have been convened; and that no Mortgagee or Aſſignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by this Act, or the ſaid recited Acts, or receiving Intereſt thereout for the ſame, ſhall, on that Account, be deemed unqualified to act as a Truſtee in the Execution of the ſaid reſpective Acts, or as Clerk or Treaſurer to the ſaid Truſtees, ſave and except only in thoſe Caſes where they reſpectively may happen to be perſonally intereſted.

Treaſurer, &c. to give Security.

V. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall, and they are hereby authorized and required to take ſuch Security from the Treaſurer or Treaſurers, and Collectors and Receivers of the Tolls appointed or to be appointed for the Purpoſes of the ſaid recited Acts and this Act, for the due and faithful Execution of his or their Office or Offices, as to the ſaid Truſtees or any Five or more of them ſhall ſeem meet; and that no Perſon ſhall be capable of holding any Place of Profit under the ſaid recited Acts or this Act who ſhall ſell Wine, Cyder, Ale, Beer, or Spirituous Liquors by Retail.

Former Tolls repealed, and new ones granted.

VI. And whereas the Tolls payable by virtue of the ſaid firſt recited Act are inadequate to the Charges of keeping the ſaid Road in a proper State of Repair, and of defraying the Intereſt of the ſeveral Sums borrowed and advanced upon Security of the ſame, and other Charges incident thereto, it is therefore expedient that the ſame ſhould be increaſed, be it therefore enacted, That the ſaid ſeveral Tolls ſhall from and after the paſſing of this Act be, and the ſame are hereby declared to be repealed; and that inſtead thereof the following Tolls ſhall be demanded and taken, at each and every Gate and Gates now erected, or which may hereafter be erected, by virtue of the ſaid recited Acts and this Act, or either of them, of the Perſon or Perſons attending any Horſes, Cattle, or Carriages hereinafter mentioned, before any ſuch Horſe, Cattle, or Carriage ſhall be permitted to paſs through the ſame; (that is to ſay),

Tolls.

For every Horſe, Mare, Gelding, Mule, Aſs, Ox, Bullock, or other Beaſt of Draught, drawing any Carriage, any Sum not exceeding Sixpence:

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

For every Drove of Oxen, Cows, or Neat Cattle, any Sum not exceeding One Shilling and Eight-pence *per* Score; and ſo in Proportion for any greater or leſs Number:

And

And for every Drove of Calves, Swine, Pigs, Sheep, or Lambs, any Sum not exceeding Ten-pence *per* Score; and so in Proportion for any greater or less Number:

And that on every *Sunday*, during the Continuance of the said recited Acts and this Act, double the aforesaid Tolls shall and may be demanded and taken at each and every Gate and Gates now erected, or which may hereafter be erected upon the said Road, of the Person or Persons attending any Horses, Cattle, or Carriages, before any such Horses, Cattle, or Carriages shall be permitted to pass through the same. Double Tolls on Sundays.

Which said Tolls shall be, and the same are hereby declared to be vested in the said Trustees, and shall be demanded and taken in the Name of or as a Toll at all and every the said Gate and Gates now erected, or which may be erected and set up by Authority of the said recited Acts, on any Part of the said Road; subject to the Exemptions in the said first-recited Act and this Act mentioned and declared.

VII. And be it further enacted, That no Person shall be subject to the Payment of any Toll by virtue of this Act more than once in any one Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, for passing with the same Horse, Beast, Cattle, or Carriage, through all or any Turnpike or Turnpikes which shall be erected on the said Road, or on the Side or Sides thereof, or across any Lane or By-way leading into the same, such Person or Persons producing a Ticket denoting the Payment of the said Toll on that Day, which Ticket the Collector of the Tolls is hereby required to deliver gratis on the Receipt of such Toll; and each Ticket delivered upon receiving Toll for the Passage of any Carriage shall name and specify the several Gates through which any Person having once paid Toll shall be allowed to pass, without again paying Toll on the same Day. One Toll only.

VIII. And be it further enacted, That the said Trustees, or any Five or more of them, may and they are hereby authorized and empowered, from Time to Time as they shall think proper, to lessen, vary, reduce, or alter all or any Part or Parts of such Tolls, at all, any, or either of the said Turnpikes, and to raise the same again, so as not to exceed the Tolls by this Act granted; but no such Alteration, Variation, or Reduction shall be made unless Notice in Writing be given for that Purpose, by affixing the same upon all the Turnpike Gates erected or to be erected by virtue of the said recited Acts and this Act, at least Ten Days before the Meeting for making such Alteration, Variation or Reduction, nor shall any such Reduction be made without the Consent of the Person or Persons who shall be entitled to Two Thirds of the Money which shall have been borrowed, and be then due and owing on the Credit of the said Tolls; and such Tolls so lessened, reduced, varied, or altered, shall be collected, recovered, paid, and applied in the same Manner as the Tolls hereby granted, or any Toll by the said recited Acts or this Act is or are directed to be collected, recovered, and applied. Tolls may be lessened, &c.

Truſtees may take Poſſeſſion of Toll Houſes.

IX. And be it further enacted, That in caſe all or any of the Tolls ariſing by virtue of the ſaid recited Acts or this Act ſhall be demiſed, taken, agreed for, or let to Farm to any Perſon or Perſons in any Manner whatſoever, and if the Leſſee or Leſſees, Farmer or Farmers thereof, ſhall neglect or refuſe to perform the Terms or Conditions on which the ſame ſhall be ſo demiſed, taken, agreed for, or let to Farm, either by taking greater or leſs Tolls, or no Tolls at all, or in any other Way or Manner; or in caſe the Rent or Rents, Inſtalment or Sum or Sums of Money agreed or undertaken to be paid by ſuch Leſſee or Leſſees, Farmer or Farmers, or any of them, or any Part thereof, ſhall be in Arrear by the Space of Ten Days next after any one of the Days on which the ſame ought to be paid, purſuant to the Leaſe, Agreement, or Undertaking for demiſing, letting, taking, or holding thereof; or in caſe any Toll Houſe or Toll Houſes ſhall be in the Poſſeſſion of any Leſſee, Farmer, Collector, or Collectors who ſhall be diſcharged or removed from his, her, or their Office of Collector, or who ſhall happen to die, then and in either of thoſe Caſes it ſhall be lawful for any Juſtice or Juſtices of the Peace for the County or Place in which ſuch Toll Houſe, Building, or Appurtenances ſhall be ſituate, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Conſtable, or other Peace Officer for the ſame County or Place, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Toll Houſe or other Building, in the Day-time, and to remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers, Collector or Collectors from the Poſſeſſion thereof, and from the Collection of the Tolls; and that thereupon it ſhall be lawful for the ſaid Truſtees, (if they ſhall think fit,) or any Five of them, to vacate and determine the Contract, (if any,) Bond, Agreement, or Undertaking for demiſing, letting, taking, holding, or collecting the ſaid Tolls to or by ſuch Leſſee or Leſſees, Farmer or Farmers, or Collector or Collectors, and the ſame ſhall be from that Time utterly void to all Intents and Purpoſes, (ſave as to the Covenants, Agreements, or Undertaking for Payment up to that Time, of the Rent or Rents, Sum or Sums thereby reſerved or agreed for, or other Covenants or Agreements which on the Leſſee's or Tenant's Part ſhall have been failed in or broken,) as if ſuch Demiſe, Agreement, or Undertaking had never been made; and it ſhall be lawful for the ſaid Truſtees in every ſuch Caſe to demiſe, let, or agree for the ſaid Tolls again to any Perſon or Perſons, or to cauſe them to be collected, as if no former Demiſe, Contract, Agreement, or Undertaking, had been made relative thereto; any Law, Cuſtom, or Uſage, to the contrary notwithſtanding.

Collectors of Tolls competent Witneſſes.

X. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe, touching or in anywiſe relating to the ſaid Tolls, or any of them, the Perſon or Perſons appointed to collect or lawfully collecting the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not be incompetent to give Evidence, in any ſuch Diſpute, Suit, or Litigation.

For preventing Toll Collectors from taking undue Tolls.

XI. And be it further enacted, That all and every Toll Collector, being Leſſee of the ſaid Tolls, or appointed either by the ſaid Truſtees, or by any ſuch Leſſee or Leſſees, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, ſhall,

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 conſpicuous Part of the Toll Houſe or Toll Gate, immediately upon his coming on Duty, each of the Letters of ſuch Name or Names to be at leaſt One Inch 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 ſame 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 than he ſhall be authorized to do by virtue of the Powers of this Act, or of the Orders and Reſolutions of the Truſtees made in purſuance thereof, or ſhall demand and 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 anyways 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 paid the ſaid Tolls, or any of them, or ſhall in anſwer to ſuch Demand give a falſe Name or Names, or ſhall refuſe or neglect to give a Ticket to denote the Payment of the Toll when demanded, or upon the legal Toll being paid or tendered ſhall unneceſſarily detain, or wilfully obſtruct, hinder, or prevent any Paſſenger or Paſſengers from paſſing through any Turnpike or Toll Gate, or ſhall make uſe of any ſcurrilous or abuſive Language to any Truſtee, Treaſurer, Clerk, Surveyor, or other Officer, or any Paſſenger or Paſſengers, then and in every ſuch Caſe every ſuch Toll Collector ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge; and ſuch Penalty ſhall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Exemptions from Toll.

XII. Provided always, 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 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, ſuch Hay, Turnips, Straw, or Corn in the Straw, Seed, or Seed Corn, being

being respectively the Growth or Produce of Lands held and occupied by such Owner or Owners, and carried for his, her, or their own proper Use and Consumption; or for any Horses or other Beasts going to, returning from any 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, Chapel, or other Place of Religious Worship, 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; but none of the aforesaid Exemptions, except as to Materials for repairing the Road, shall extend or be construed to extend to any Persons, Cattle, or Carriages going or passing from and out of One Parish or Place into any other Parish or Place, and going or passing more than One Mile upon the said Road; 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 or Expresses, or in returning back from conveying or guarding the same, or for the 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 from 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 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*, 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 the said recited Acts and this Act.

Exempting Carriages conveying King's Stores, &c. from Penalties for Overweight.

XIII. 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, nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses drawing the same while so employed, be stopped or detained by Reason

of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in the said recited Acts or this Act contained to the contrary notwithstanding.

Creditors equal in Degree.

XIV. And be it further enacted, That no Preference shall be given to any Person or Persons advancing or who may have advanced any Sum or Sums of Money upon the Credit of the said recited Acts and this Act, his, her, or their Assignee or Assigns, in respect to Priority of the Mortgage or Assignment, or of the Time of Advancement of such Sum or Sums of Money, but that all Persons to whom any such Mortgages or Assignments shall be made, his, her, and their Assignee or Assigns, shall be (in Proportion to the Sum or Sums therein mentioned) Creditors on the said Tolls in equal Degree one with another.

Trustees may fence over Commons.

XV. And whereas some Part of the said Road leads over a Common, Common Fields, or Waste Grounds, and the Payment of the Tolls hereby granted may, by reason of the Width of the said Common, Common Fields, or Waste Grounds, be avoided; be it therefore further enacted, That the said Trustees, or any Five or more of them, may fence and ditch off such Parts of the said Common, Common Fields, or Waste Grounds, not exceeding one Quarter of a Mile in Length on each Side of any Gate or Gates to be erected by virtue of this Act, as they shall think necessary, in order to prevent the Payment of the said Tolls being evaded.

For keeping Pits and Materials.

XVI. And be it further enacted, That if any Person whatsoever shall take away any Materials which shall have been digged or gathered in any Lands, Fields, Wastes, or Grounds, River or Brook, for the Use of the said Trustees, or for amending the said Road, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials, before the Surveyor or Surveyors, his or their Workmen, shall have discontinued working therein for the Space of Six Weeks, (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale,) every Person so offending shall forfeit and pay for every such Offence, any Sum not exceeding Five Pounds.

Notice to be given before Materials taken, &c.

XVII. Provided, nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any other Person or Persons acting by or under the Authority of the said recited Acts or this Act, to dig, gather, get, take, or carry away any Materials for repairing the said Road, or any Part or Parts thereof, out of or from any inclosed Lands or Grounds, without the Consent in Writing of the Owners thereof, or their Agents, first had and obtained for that Purpose, and in case such Consent shall not be obtained, then not until Ten Days' previous Notice in Writing, signed by the Surveyor of the said Road, shall have been given to the Occupiers of the Premises from which such Materials are intended to be taken, or left at the House or last usual Place

Place of Abode of ſuch Occupiers, to appear before One or more Juſtice or Juſtices of the Peace acting in and for the County or Place in which ſuch Lands ſhall be ſituate, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier or his Agent ſhall not attend, or ſhall attend purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, then, and in either of the ſaid Caſes, the ſaid Juſtice or Juſtices ſhall authorize ſuch Surveyor or Surveyors, or other Perſon or Perſons, to dig, gather, get, take, and carry away ſuch Materials, at ſuch Time or Times as to the ſaid Juſtice or Juſtices ſhall ſeem proper; and ſhall and may make ſuch Order therein as they ſhall think fit, the ſaid Truſtees or their Surveyor making or tendering ſuch Satisfaction for the Materials, and for the Damage to be done to the Owners or Occupiers reſpectively of ſuch Lands or Grounds where or from whence the ſame ſhall be dug, gathered, gotten, taken, or carried away, or upon, over, or through which the ſame or any other Materials ſo dug for repairing the ſaid Road, and gathered as aforeſaid, ſhall be conveyed, as any One or more Juſtice or Juſtices of the Peace for the ſaid County or Place ſhall adjudge reaſonable.

For removing Annoyances.

XVIII. And be it further enacted, That if any Perſon ſhall leave any Waggon, Wain, Cart, or other Carriage, or any Wheelbarrow in, upon, or on the Side of any Part of the ſaid Road, without any Horſe or other Beaſt of Draught harneſſed or yoked thereto, or ſome Perſon left in the Care of the ſame, or ſhall knowingly or wilfully lay any Sort of Timber, or any Stone, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever, in or upon any Part of the ſaid Road, or on the Side or Sides thereof, to the Prejudice or Annoyance of the ſame, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds.

Application of Compenſation-Money exceeding 200l.

XIX. 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 the ſaid recited Acts or this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, as in the ſaid firſt recited Act 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 the ſaid recited Acts and 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, or Hereditaments, in the Purchaſe of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrance, 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, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction

Direction and Approbation of the ſaid Court, in the Purchaſe of other Meſſuages, 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 Meſſuages, 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 Effect; and in the Meantime, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court, upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the 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 ſaid Lands, Tenements, and Hereditaments, ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application of Compenſation-Money leſs than 200l. and exceeding 20l.

XX. 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 exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank, in the Name and with the Privity of the ſaid Accountant-General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner hereinbefore 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 Five or more of the ſaid Truſtees, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties,) in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in any Manner hereinbefore directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid Court.

Application of Compenſation under 20l.

XXI. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of the ſaid recited Acts and this Act, and in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to

to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles;

XXII. And be it further enacted, That in caſe the 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 the ſaid recited Acts or 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, or any Five or more of them; or in caſe the 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 be lawful for the ſaid Truſtees, or any Five or more of them, 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 ſaid Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments, [deſcribing them,] ſubject to the Order, Control, and Diſpoſition of the ſaid Court; which ſaid Court, 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, 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.

or 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.

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion of the Lands, &c. at the Time of ſuch Purchaſe, ſhall be entitled thereto according to ſuch Poſſeſſion only, &c.

XXIII. 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 ſaid Accountant General of the ſaid High Court of Chancery, in purſuance of the ſaid recited Acts or 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 thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or 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 ſhewn to the Satisfaction of the ſaid High Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and

alſo

alſo the Capital of ſuch Bank Annuities, ſhall be paid, 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.

The Court of Chancery may order reaſonable Expences of Purchaſes to be paid by Truſtees.

XXIV. Provided alſo, and be it further enacted, That when 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 the ſaid recited Acts or this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the High Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes, in purſuance of this Act, it ſhall and may be lawful to and for the ſaid High Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of the ſaid recited Acts or this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Perſons liable to repair, to continue ſo.

XXV. And be it further enacted, That all Owners, Occupiers, Grantees, Truſtees, Feoffees, and Committees of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given for, or are liable to the amending or maintaining any Part or Parts of the ſaid Road, or any Bridge or Bridges thereon, ſhall ſtill remain liable and chargeable to the Repair thereof, in ſuch Manner as they were before the paſſing of this Act.

Statute Duty.

XXVI. And be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work or Duty, or are or ſhall be chargeable towards repairing and amending the ſaid Road, or any Part thereof, ſhall ſtill remain liable thereto; and it ſhall and may be lawful for any Two or more Juſtices of the Peace for the ſaid County, 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, Hamlets, or Places in which the ſame lies; and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Hamlet, 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 or Treaſurers; 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, Hamlet, or Place, to bring in Liſts before them, at ſome Place to be expreſſed in ſuch Summons, (within Fourteen Days after the ſerving thereof,) of the Names of the ſeveral Perſons who, within ſuch Pariſh, Hamlet, 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 the ſame, 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 or Restrictions, as are or may be directed by any Law or Statute in Force or Effect for the Repairs 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 Statute Work as aforesaid, to do such Number of Days' Statute Work in every Year upon the said Road, as the said Justices shall think reasonable, and the same shall be done on such Days, and at such Times, (not being Hay-time or Harvest,) and on such Parts of the said Road, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to 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 said Trustees or their Treasurer, at such Time or Times as they 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 before recited Acts or this 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 usual Place or Places of Abode for that Purpose, by any Surveyor of 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 the Penalty of any Sum of Money not exceeding Twenty Shillings, and to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in Force or Effect for the Repair of the public Highways; and if any Person shall come to work as a Labourer, or 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 discharge the Person who shall be so found idle or negligent; and in that Case every such Person shall be subject and liable to the Penalty of any Sum not exceeding Five Shillings, and also to the respective Forfeitures and Payments under the said recited Acts or this Act, or under any general Law or Statute, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer or Treasurers of the said Trustees, and applied towards amending the said Road; and if any Surveyor of the Highways for any of the said Parishes, Hamlets, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Form of Conviction.

XXVII. And, for the more easy and speedy Conviction of Offenders against the said recited Acts or this Act, be it further enacted, That all and every the Justice or Justices of the Peace before whom any Person

Perſon or Perſons ſhall be convicted, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, ſubject to Appeal to the next General Quarter Seſſions of the Peace of and for the County wherein the Offence ſhall have been committed, in Manner as in the firſt recited Act is mentioned, or in any other Form of Words to the ſame Effect, as the Caſe ſhall happen; *videlicet*,

'BE it remembered, That on the Day of 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, and the Adjudication and Penalty.*] Given under my Hand and Seal, the Day and Year firſt above mentioned.'

Expences of this Act how paid.

XXVIII. And be it further enacted, That out of the Monies already received by virtue of the ſaid recited Acts, or out of the firſt Monies which ſhall be hereafter raiſed or borrowed, or to ariſe from the Tolls or Duties which ſhall be collected by virtue of the ſaid recited Acts and this Act, or any of them, the Expences and Coſts relative to the procuring and paſſing this Act, together with lawful Intereſt for the ſame from the Time of Payment thereof, ſhall be paid and diſcharged in preference to any other Payment whatſoever; and after Payment thereof all ſuch Money as ſhall come to the Hands of the ſaid Truſtees by virtue of this and the ſaid recited Acts ſhall be from Time to Time applied in the Execution thereof, and to no other Uſe or Purpoſe whatſoever.

Public Act.

XXIX. 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.

Further Term.

XXX. And be it further enacted, That the Term granted and continued by the ſaid recited Acts ſhall from and after the paſſing of this Act ceaſe and determine, and that the ſaid recited Acts (ſubject to the Alterations and Additions hereinbefore contained) and this Act ſhall from thenceforth continue and be in force, and be executed for and during the further Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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