Anno decimo

Georgii III. Regis.

An Act for repairing and widening the Road from *Burford* to *Banbury*, in the County of *Oxford*; and from *Burford* aforesaid to the Turnpike Road leading to *Stow*, in the County of *Glouceſter*, at the Bottom of *Stow Hill*; and from *Swerford Gate*, in the said County of *Oxford*, to the Turnpike Road in *Aynho*, in the County of *Northampton*.

WHEREAS the Road leading from the Bridge in the Town of Burford in the County of Oxford, through Shipton, Chippingnorton, and Bloxham, to the Town of Banbury, all in the said County; and also the Road leading from Burford aforesaid to the Turnpike Road leading to Stow, in the County of Glouceſter, at the End of a Lane commonly called Foss Lane, at the Bottom of Stow Hill, in the Parish of Maugersbury, in the said County of Glouceſter; and also the Road leading from a certain Gate called Swerford Gate, in the Parish of Great Tew, in the said County of Oxford, branching out of the Road between Chippingnorton and Banbury aforesaid, through the Town of Deddington, in the said County of Oxford, to the Turnpike Road in the Town of Aynho, in the County of Northampton; are in many Parts narrow and incommodious to Passengers, and cannot be effectually amended, widened, and kept in Repair, by the ordinary Course of Law: May it therefore please Your Preamble.

Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right honourable Charles Spencer commonly called Lord Charles Spencer, the Right honourable Philip Viscount Wenman of the Kingdom of Ireland, the Right honourable Robert Spencer commonly called Lord Robert Spencer, the Right honourable Frederick North commonly called Lord North, John Akerman, John Andrews Joseph Andrews, Edward Ansell, William Ansell, Parran Ansell, Nathaniel Apletree, Nathaniel Austin Apletree, John Aubery, Sir William Burnaby Baronet, William Burnaby, the Honourable Lieutenant General George Boscawen, Charles Bowles, Oldfield Bowles, John Barber, Stuckley Baynton, William Baker Clerk, Edward Baker, William Baker, John Ballard Clerk, William Batson, William Bellamy Clerk, William Lee Bennett Clerk, Samuel Blackwell, John Blake Clerk, John Bloxham, William Bolt, George Boscawen, Thomas Bower, Benjamin Boyce Clerk, John Box, Peter Brookes, Thomas Brookes Clerk, Martin Brookes, William Brookes, Thomas Brookes, Thomas Brunsdon, Edward Burford D. D. Richard Burford, Francis Burton, James Burton Clerk, John Buswell Clerk, Sir Charles Cope Baronet, Crescence Carter, Thomas Cartwright, William Cartwright, John Caswell Clerk, Edward Chamberlayne, John Chamberlayne, John Chaunter Clerk, William Chapman, Bartholomew Churchill, Bartholomew Churchill junior, Samuel Churchill, Edward Clerke, Edward Coleman, Job Coles, Francis Reginal Courtney Clerk, William Coles, John Collett, William Collier, Thomas Collins, Anthony Collins, Alexander Colston, Thomas Cooke Clerk, Richard Cope, Henry Cozen, John Cozen, Crayle Crayle, Henry Creswick, Joseph Creswick, John Cripps, Joseph Cripps, Gorge Councer, John Councer, Sir James Dashwood Baronet, Sir William Dolben Baronet, Sir Charles Cotterell Dormer Baronet, Charles Dashwood, Henry Watkin Dashwood, James Lenox Dutton, William Dutton, Henry Dawkins, Edward Deane, John Marsh Dickinson, Henry Dimmock Clerk, John Davis Clerk, John Dolphin, William Draper, John Duck, Samuel Dunce, Henry Edmonds, Edward Edwards D. D. Richard Ellis, Ralph Ellis, Robert Fettiplace, Charles Fettiplace, Richard Fletcher, Thomas Foley, Robert Foley D. D. William Fletcher Clerk, Thomas Ford, Thomas Fothergill, Charles Fox, Gascoigne

Trustees.

Frederick, John Frederick, Thomas Edwards Freeman, Robert Berkley Freeman, Francis French, John Fulham Clerk, Henry Furley, Henry Gabell Clerk, Robert Gascoigne, Jonah George, Richard Gilbert, Thomas Gilbert, John Godfrey, Solomon Goffe, John Goldicutt, Samuel Goodenough Clerk, John Goodenough M. D. Joseph Goodwin Clerk, Edward Gore, Richard Gough, Thomas Gregory Clerk, Richard Grey D. D. John Griffin, Thomas Griffiths Clerk, Thomas Horde, John Hippisley Clerk, Thomas Hales, James Hales, James Hall, Richard Hall, James Hakewill Clerk, Charles Hyde, Giles Harris, William Harris, Thomas Harrison D. D. William Harrison D. D. Walter Harte Clerk, William Hawtin, Joseph Hawtin, Richard Hayes Clerk, William Hayton, John Henchman Clerk, Thomas Herbert, Charles Heynes, William Heynes, Henry Danvers Hodges, Samuel Hibberd, Tilleman Hodgkinson Clerk, William Holbeck, William Holbeck junior, Benjamin Holloway, Benjamin Holloway junior, Thomas Holloway, Thomas Horne, Charles Hoskins Clerk, Thomas Hunt, Thomas Huntley, John Hutton Clerk, Rees James Clerk, Richard Jarvis, Samuel Ingram, Thomas Ingram, John Jones Clerk, Christopher Kempster, Richard Keats Clerk, the Honourable Robert Lee, James Lamb, John Lenthall, William Lenthall, John Lenthall junior, Daniel Lampet, Lionel Lampet Clerk, James Leigh, Thomas Leigh Clerk, Leyborne William Leyborne, Richard Lockey, John Lockman Clerk, William Longe, Charles Loder, Humphrey Marriott, Francis Marriott, John Marriott, Thomas Marriott, Nicholas Marshall, Christopher Marshall, Robert Martin, John Martin Clerk, James Martin Clerk, Nevill Maskeline, Meller Clerk, Thomas Middleton Clerk, Sanderson Miller, William Minchin, George Montague, John Morton, the Honourable and Reverend Brownlow North, John Noel Clerk, Richard Nicolls Clerk, Francis Page, John Paget, James Parker Clerk, John Pattin, Robert Pattin, William Patrick, John Paxford, Payne Clerk, John Pennington Clerk, Fairmeadow Perrystone, John Phillips Clerk, James Perbwick, James Parsons Clerk, John Carter Pollard, Fitzherbert Potter Clerk, Thomas Potter, James Pitt Clerk, Jonathan Pytts, Samuel Pytts, John Prior, William Prowett, Thomas Pixall Clerk, Sir John Reade Baronet, Thomas Rollinson, Lock Rollinson, Thomas Archdale Rooke, Ambrose Redhall, John Chaunler Ready, Robert Ready Clerk, Richard Rose, John Russell Clerk, Edward Southwell, William Sandford D. D. John Scull, John Samwell Clerk, James Sayer, John Sharp, Thomas Simons, Powell Snell, Thomas Slade

Clerk, John Smith, Joſeph Smyth, Iſaac Snowſhill, William Somerſcale, Robert Southby, Robert Stevens Clerk, John Stevens, Henry Stephens, William Stephens, John Stephens, Edward Stone Clerk, George Stowe, Henry Stuckley, William Summersfield, Paul Sylveſter, Thomas Sylveſter, John Chetwynd Talbot, William Taylor, William Thomas, Walter Thomas Clerk, James Tilling, William Tourville, Thomas Tracy, Francis Travel, Ferdinand Tracy Travel Clerk, Humphry Tuckwell, Francis Twiſleton, Thomas Twiſleton, Anthony Townſhend, James Turner, Robert Vanſittart LL. D. William Vernon Clerk, George Underwood Clerk, John Upſton, William Upſton, the Honourable Richard Wenman, the Honourable Thomas Francis Wenman, John Rolle Walter, the Honourable Lieutenant-general William Whitmore, James Wood, William Humphry Wykeham, John Willes, Charles Willes Clerk, Thomas Walker, Joſeph Walker, Thomas Walford, Samuel Waring, Wells Waring, Edward Wayne, Edward Witts, Welchman junior, William Weller, Richard Wells, Thomas Wells, Thomas Weſtcar, Woodruff Clerk, Groves Wheeler, John Wilkins, John Wilkins junior, James Williams Clerk, Edward Williams Clerk, Thomas Williams, Williamſon Clerk, Simon Wiſdom, Michael Wodhull, Woodcroft Clerk, Philip Woodman ſenior, Robert Yateman, Edward Young ſenior, Edward Young junior, John Young Clerk, William Young, and their Succeſſors, to be appointed as herein after mentioned, ſhall be, and they are hereby appointed, Truſtees for putting this Act in Execution.

Time and Place of Truſtees Meeting.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall meet at the Dwelling-houſe of Heynes Inn-holder, commonly called or known by the Name or Sign of the White Hart in Chippingnorton, on the Monday Fortnight after the Day of paſſing this Act; and ſhall then and there, and at any other Meeting or Meetings which ſhall be by them, or any Five or more of them, afterwards held, adjourn themſelves to, and appoint any other Time or Times, Place or Places, in or near the ſaid Roads hereby intended to be repaired, for any ſubſequent Meeting or Meetings, as they the ſaid Truſtees, or any Five or more of them, at any of their Meetings, ſhall direct or appoint: And the ſaid Truſtees, at all their Meetings, ſhall pay and defray their own Expences.

May adjourn themſelves.

Truſtees to defray their own Expences.

Truſtees may ſubdivide themſelves.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Eleven or more of them, at

at their First, or any other General Meeting to be by them held for that Purpose, may, and are hereby authorised and impowered, in order the more effectually to carry this Act into Execution, to form themselves, and the rest of the said Trustees not present at such Meeting or Meetings, into Divisions: And that from and after such Division shall be made, the several Trustees appointed to act in such Divisions respectively, or any Five or more of them, may, and are hereby authorised and impowered to do all Acts, and execute all the Powers by this Act given; and for that Purpose to appoint and hold Meetings, and adjourn themselves, from Time to Time, as they, or any Five or more of them, respectively shall think fit.

Trustees may act in either Division.

Provided nevertheless, and it is hereby enacted, That nothing herein contained, or any Division that may be made in consequence thereof, shall hinder, debar, or restrain any of the Trustees, appointed or to be appoined by virtue of this Act, from being or acting at any Meeting of any of the said Trustees in and for any of the Divisions, in case any shall be made, or any otherwise from acting in or executing all or any of the Powers by this Act given, in respect of any of the Roads hereby intended to be repaired, or any Part thereof.

Meetings of Trustees in *Chippingnorton*.

Provided also, and be it further enacted by the Authority aforesaid, That every General Meeting of the said Trustees, in order to appoint any Division or Divisions among themselves, concerning the repairing or widening the Roads hereby intended to be repaired, or for considering or ordering how and in what Manner the Monies collected on the said Roads shall be applied towards the repairing and widening the same, or any Part thereof, or whether any, and what Part of the Monies collected or to be collected on such Roads, shall be applied in or towards the Discharge of any Monies that shall be borrowed on the Credit of the said Tolls collected at either or any of the Gates or Turnpikes, which, by virtue of this Act, shall be erected or set up on any Part or Parts of the said Roads; and all other Meetings of the said Trustees, concerning any Matters or Things which shall relate to or concern the said Roads in general, and the Monies to be collected on the same, shall be held at some House or Inn in Chippingnorton aforesaid; and that Notices of such Meetings, and of every of them, and of the Houses and Times at which the same shall be held, shall be affixed in Writing upon all the Gates and Turnpikes, which, by virtue of this Act, shall be erected and set up, Ten clear Days before the Times of such Meetings

10 Days Notice of Meeting to be given.

Meetings respectively; and that all other Meetings to be held by virtue of this Act shall be held in the Divisions, and in or near the Roads, or Parts of the Roads, concerning which such Meetings shall be appointed or intended to be held; and that Notices in Writing of such Meetings, and of every of them, and of the Places and Times at which the same are intended to be held shall be affixed on all the Gates or Turnpikes which shall by virtue of this Act be erected on such Road, or Part of the Road, concerning which such Meetings shall be appointed or intended to be held, Ten clear Days before the Times of such Meetings respectively; and in which said Notices so to be affixed as aforesaid, and every of them, the Times and Places of the said Meetings shall be particularly set forth and expressed.

No Order to be revoked, unless a sufficient Number of Trustees be present.

Provided always, and be it further enacted by the Authority aforesaid, That all Orders and Determinations of the said Trustees, made at any of the Meetings so to be appointed as aforesaid, shall not be revoked or altered at any subsequent Meeting, if a General Meeting, unless Eleven or more, and if in a Division, unless Five or more of such Trustees shall be present: Nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted during the Time he shall hold any Place of Profit under this Act.

No Trustee to accept of any Place of Profit.

Two Trustees sufficient for Adjournment.

Provided always, and be it further enacted by the Authority aforesaid, That Two Trustees shall be sufficient for the Purpose of Adjournment. And if it shall at any Time happen, that a sufficient Number of Trustees shall not appear at the Time and Place appointed for any of their Meetings, the Clerk to the said Trustees shall appoint such Meeting to be held at the same Place on that Day Fortnight; or if the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall and may be lawful for any Two or more of the said Trustees, at any Time or Times, the Space of Ten Days having first intervened, to appoint the said Trustees to meet at some House in or near the said Roads, upon the Day Fortnight after the Date of such Notice; which said Notice shall be in Writing, and shall be affixed on all the Turnpikes erected by virtue of this Act; and the same shall be deemed and taken to be sufficient Notice for any such Meeting.

In Default of a sufficient Number to act, Clerk, &c. to give Notice of another Meeting.

Trustees may erect Turnpikes, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees and the Survivors of them, and such other Person and Persons as shall, from Time to Time, be elected and appointed Trustees in pursuance of this Act, or any Eleven or more of them, or such other

Person

Perſon or Perſons as they, or any Eleven or more of them, ſhall authoriſe and appoint for thoſe Purpoſes, ſhall and may erect, ſet up, and build, or cauſe to be erected, ſet up, and built, upon, in, and acroſs ſome Parts of the ſaid Roads by this Act intended to be repaired, ſuch Gate or Gates, Turnpike or Turnpikes, and Toll-houſes as are herein after mentioned; that is to ſay, One or more Gate or Gates, Turnpike or Turnpikes, Toll-houſe or Toll-houſes, upon, in, and acroſs ſome Part or Parts of that Part of the ſaid Roads leading from Burford to Chippingnorton aforeſaid; One or more Gate or Gates, or Turnpike or Turnpikes, Toll-houſe or Toll-houſes, upon, in, and acroſs ſome Part or Parts of the ſaid Road leading from Chippingnorton to Banbury aforeſaid; One or more Gate or Gates, Turnpike or Turnpikes, Toll-houſe or Toll-houſes, upon, in, and acroſs ſome Part or Parts of the ſaid Road leading from Burford to Foſs Lane, at the Bottom of Stow Hill; and One or more Gate or Gates, Turnpike or Turnpikes, Toll-houſe or Toll-houſes, upon, in, and acroſs ſome Part or Parts of the ſaid Road leading from Swerford Gate to Aynho aforeſaid: And alſo ſhall and may in like Manner erect, ſet up, and build Gates, Turnpikes, and Toll-houſes, upon the Side or Sides of ſuch reſpective Roads in and acroſs any Lane or Lanes, Way or Ways, near to or leading into the ſame, or any Part or Parts thereof: And alſo may take and incloſe on the Sides of the ſaid Roads convenient Garden Spots for each Toll-houſe, as the ſaid Truſtees, or any Eleven or more of them, ſhall direct or appoint: And ſhall demand, receive, and take, at each and every of the ſaid Toll-gates or Turnpikes the Tolls following, before any Horſe, Cattle, or Carriage whatſoever ſhall be permitted to paſs through the ſame; (that is to ſay) and take Tolls thereat.

For every Coach, Chariot, Chaiſe, Waggon, Cart, or other Carriage whatſoever, with Four Wheels, Eight-pence; and with leſs than Four Wheels, Four-pence. Tolls.

For every Horſe, Mare, Gelding, Mule, Aſs, or Beaſt of Draught or Burthen, laden or unladen, drawing or not drawing, One Penny.

For every Ox, Bull, Cow, Steer, or Heifer, the Sum of One Halfpenny.

And for every Calf, Swine, Pig, Sheep, or Lamb, the Sum of One Farthing.

Which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of or as a Toll; and the Money ſo to

Tolls vested in Trustees.

be raised and collected shall be and is hereby vested in the said Trustees, appointed or to be appointed to put this Act in Execution; and the same and every Part thereof shall be paid, applied, and disposed of, and may be assigned to and for the several Uses, Intents, and Purposes, and in such Manner as is herein after mentioned:

Tolls may be levied by Distress and Sale.

And if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid to collect such Tolls, to seize and distrain any Horse or Horses, or other Cattle, Beasts, or Goods, or any Carriage, upon which such Tolls are by this Act imposed, or any other of the Goods and Chattels of any

Distress may be sold after 4 Days.

Person or Persons who ought to pay the same: And if such Tolls, and the reasonable Charges of such Distress shall not be paid within the Space of Four Days after such Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, or Goods, so seized, and distrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls, and reasonable Charges for distraining, keeping and selling, shall be deducted and paid.

No Gate to be erected between the Places here mentioned.

Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to impower the Trustees under this Act to erect any Gate or Gates between the Town of Chippingnorton and an Inn called Chapell House.

Trustees may lessen the Tolls,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, assembled at their General Meeting or Meetings to be held for that Purpose, and they are hereby impowered, from Time to

with Consent of Creditors;

Time, with the Consent of such Person or Persons as shall be entitled to Two Thirds or more of the Money which shall have been advanced upon the Credit of the said Tolls, to lessen or reduce all or any of the Tolls herein before mentioned, and for such Time or Times as the said Trustees, or any Seven or more of them,

and raise them again.

shall think proper; and may afterwards, from Time to Time, advance all or any of the Tolls so lessened to any Sum or Sums of Money not exceeding the respective Rates herein before mentioned: And the said Trustees, or any Seven or more of them, may, from Time to Time, direct the Tolls hereby granted or reduced as aforesaid to be collected in such Parts or Proportions as they

they shall think proper; and such reduced Tolls, and also such Parts and Proportions thereof as aforesaid, shall and may be collected, levied, and applied in such and the same Manner as the Tolls hereby granted are directed to be collected, levied, and applied.

Tolls to be paid but Once a Day.

And be it further enacted by the Authority aforesaid, That no Person or Persons who shall have paid the Tolls by this Act granted, for the passing of any Cattle or Carriage through any Gate or Turnpike to be erected by virtue of this Act, shall be subject or liable to the Payment of any further Toll for passing through the same Gate or Turnpike with the same Cattle or Carriage, at any Time or Times during the same Day, to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next Night, upon producing a Note or Ticket denoting such Payment; which Note or Ticket the Collectors or Receivers of the said Tolls are hereby required to give gratis, if demanded, on Payment of such Toll.

Exemption for the Road between *Burford* and *Stow*.

Provided always, That in case more than One Gate or Turnpike shall be erected on or across any Part or Parts of the said Road between Burford and Stow, or the Side or Sides thereof, all and every Person and Persons having paid the Tolls at any Gate or Turnpike so to be erected upon the said Road between Burford and Stow, or the Sides thereof, shall, for that Day, to be computed as aforesaid, go free, and be exempt from the Payment of any further or other Toll for the same Cattle or Carriage, at the same or any other Gate or Gates, Turnpike or Turnpikes, to be erected on the said Road between Burford and Stow aforesaid, upon producing such Note or Ticket as aforesaid.

Application of the Tolls.

And be it further enacted by the Authority aforesaid, That the Charges of procuring and passing this Act of Parliament shall be paid out of the first Monies that shall be collected and raised by or upon the Credit of the Tolls by this Act made payable; which said Charges the said Trustees, or any Five or more of them, are hereby directed, authorised, and impowered to pay by and out of the respective Tolls and Duties, or by and out of any Money which shall be borrowed on the Credit of the said Tolls respectively: And that after the said Charges shall be so paid, all the Monies that shall be raised by the Tolls which shall be collected and received at the several Gates or Turnpikes, so to be erected and set up by virtue of this Act, or that shall be borrowed on the Credit thereof, shall be laid out, disposed of, and applied in the erecting Gates, Turnpikes, and Toll-houses;

erecting

recting, making, and amending Bridges, and repairing and widening the said Roads, and keeping the said Gates, Turnpikes, Toll-houses, Roads, and Bridges in repair, and defraying other incident Charges and Expences relating thereto, and to the putting this Act and the Powers hereby given in Execution, in such Manner and Form, and in such Proportions as the said Trustees, or any Five or more of them, shall, at their General Meetings, so to be appointed as aforesaid, order, direct, or appoint: And in case the said Trustees shall form themselves into Divisions as aforesaid, that such Orders, Directions, or Appointments, so to be made at such General Meeting or Meetings so to be appointed as aforesaid, in respect to the Application of the Monies to be collected and raised by and upon the Credit of the respective Tolls by this Act made payable, shall be observed, obeyed, and performed by the several Trustees acting in each Division; and that no Act, Matter or Thing whatsoever that shall or may be done at the several and respective Meetings so to be appointed in and for such respective Divisions, shall in any Respect whatsoever obstruct or hinder such Orders, Directions, or Appointments, so to be made at such General Meeting or Meetings from being carried into Execution.

Orders made at General Meetings, to be obeyed in each Division

Turnpikes &c. vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses to be erected by virtue of this Act, and of the Materials provided for building and repairing the same, and of all Materials which shall be actually got or collected for repairing the said Roads, and all Mile-stones and Guide-posts to be set up on the said Roads, shall be, and are hereby vested in the Trustees appointed and to be appointed to put this Act in Execution: And they, or any Five or more of them, are hereby authorised and impowered to bring, or cause any Action or Actions to be brought, in the Name or Names of any One or more of them, or their Treasurer or Treasurers, Clerk or Clerks, or to prefer, and order and direct the preferring of any Bill or Bills of Indictment, against any Person or Persons who shall keep Possession of any Turnpike or Toll-house, after Notice given by the said Trustees, or any Five or more of them, or by their Clerk or Treasurer for the Time being, to such Person or Persons to quit the same; or who shall dig up, break, or pull down, steal, take, carry away, spoil, injure, or destroy any Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, Mile-stone or Mile-stones, Guide-post or Guide-posts, which shall by virtue of this Act be erected or provided,

Trustees may commence Actions against Persons disturbing them in the Possession thereof, &c.

vided, or any Part thereof, or any of the Materials of which the same shall be made, built, or consist, or any of the Materials which shall be provided for the repairing the said Roads.

Trustees may let the Tolls.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, at a General Meeting assembled, upon Ten Days Notice to be given thereof upon all the said Turnpikes, from Time to Time, by Writing under their Hands and Seals, to let or farm the Tolls by this Act granted, or any Part thereof, to any Person or Persons who shall be willing to take or farm the same from Year to Year, or for any Part of the Term hereby granted, not exceeding Three Years at any One Letting, upon public Bidding to the highest Bidder, and for the best Price such Trustees can get for the same, payable at such Times, and in such Manner, and under such Covenants, and with such Sureties for the Payment thereof, as the said Trustees, or any Seven or more of them, shall think fit; which Money so to be paid shall be applied and disposed of as the Tolls granted by this Act are directed to be applied and disposed of.

Penalty on permitting, or going through, private Passage, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage whatsoever, pass through any Land, Ground, or Hereditament (the same not being a public Highway) or if the Owner or Occupier of any such Land, Ground, or Hereditament, shall knowingly permit or suffer any Person or Persons, with any Horse, Cattle, Beast, or Carriage, to pass through the same, whereby the Payment of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall give to or receive from any Person or Persons, or forge or counterfeit any Ticket by this Act directed to be given by the Collector of the Toll; or if any Person or Persons shall at any Time or Times take off, or cause to be taken off any Horse, or other Cattle or Beast, from any Carriage, whereby the Payment of the Tolls, or Part thereof, shall be evaded; or shall leave or cause to be left upon or near to any Part of the said Roads any Carriage, Horse, Cattle, or Beast, with an Intent to evade the Payment of the said Tolls, or any Part thereof; or with such Intent shall unload any Goods from any Horse, Cattle, Beast or Carriage; every Person so offending in any of the Cases aforesaid shall, for every Offence, forfeit the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer, and the

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other Moiety shall be applied towards amending the said Roads.

Exemptions from Tolls.

Provided also, and it is hereby further enacted by the Authority aforesaid, That no Person or Persons shall be charged with or liable to pay any of the Tolls made payable by this Act, for passing or repassing with any Waggon, Wain, Cart, Dray, or other Carriage; or of any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast, drawing or not drawing, which shall be used or employed in the Carriage of Stones, Gravel, or other Materials for repairing of any Road or Highway, or in the Carriage of any Dung, Mould, Soil, or Compost of any Kind, for the manuring of any Garden or other Land or Ground, or that shall be used or employed in the ploughing, tilling, cultivating, or stocking of any Land or Ground, in any of the Parishes or Places in which the said Roads, or any Part or Parts thereof, do lie; or in the Carriage of any Grass, Hay, Fodder, Straw, or Corn in the Straw, Gorse, or dead Hedgewood, not sold or disposed of, or going to be sold or disposed of, but passing to be laid up in the Houses, Outhouses, Barns, Yards, or Backsides of the Owner or Owners thereof, in any of the said Parishes or Places; or for the going, passing, returning, or repassing of any Plough, Harrow, Dray, or other Implements of Husbandry, or of any Horse, Mare, Gelding, Ox, or other Beast, drawing the same, in order for repairing thereof, or using them in Husbandry, or any Thing whatsoever that shall be used in Husbandry, or in manuring or stocking of Land; or for the going, passing, returning, or repassing of any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast or Cattle, to or from Water or Pasture, or in order to be shoed or carried, in any Parish or Place within which any Gate or Turnpike shall be erected; or for the going, passing, returning, or repassing of the Horses of any Officers or Soldiers on their March, or of any Waggon, Cart, or other Carriage, or of any Horse, Mare, or other Beast drawing the same, employed in the Carriage of the Arms or Baggage of such Officers and Soldiers; or of any Waggon, Cart, or other Carriage, or of any Horse or other Beast, drawing or not drawing the same, that shall be used or employed in the conveying of Vagrants travelling with Passes; or for any Post-horse or Horses, carrying or drawing the Mail; or for the passing, returning, or repassing of any Horse, Mare, Gelding, Mule, or Ass, or of any Coach, Berlin, Landau, Chariot, Chaise, Chair, Caravan, or any other Carriage, or of any Horse, Mare, or Gelding, drawing the same, that shall be going to or returning

returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Oxford, Northampton, or Gloucester, on the Days of such Election or Elections; or for any Horse, Mare, or Gelding, on which any Clergyman of the Church of England shall be riding to or from his Parish Church or Chapel to perform his Duty: And in case any Turnpike-gate shall be erected on or within Four hundred Yards of Burford Bridge by virtue of this Act, the said Trustees, or any Seven or more of them, may, and are hereby authorised and impowered to compound with or wholly to exempt all Tanners, Skinners, and Clothiers, residing in the Parishes of Burford and Fulbrook, in the said County of Oxford, from the Payment of Toll at such Turnpike-gate, for passing and repassing with Leather, Hides, Hair, Wool, Cloth, Blankets, and other Things relative to their respective Manufactories, so as the same shall not be carried more than Two Furlongs upon the said intended Road, and the same to be settled as the said Trustees, or any Seven or more of them, shall order, direct, and appoint.

Particular Exemptions with respect to intended Turnpike near *Burford Bridge*.

Provided always, That if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in repairing the said Road.

Penalty on fraudulent Claim of Exemption.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at a General Meeting assembled, shall and may, and they are hereby impowered, at their First or any other General Meeting to be held in pursuance of this Act, to borrow and take up at Interest any Sum or Sums of Money, as they shall think proper, upon the Credit of the Tolls payable by virtue of this Act; and to mortgage, assign, and convey over the said Tolls arising from all or any of the said Gates or Turnpikes, or any Part or Parts thereof, by any Writing or Writings under their Hands and Seals (the Charges of such Assignments and Conveyances to be paid out of such Tolls respectively) to any Person or Persons that shall advance or lend Monies thereon, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof as aforesaid; and the Money so to be borrowed shall be applied in such Manner, and for such Purposes only, as the Tolls so assigned are hereby directed to be applied;

Notice to be given of borrowing Money.

and

and that Copies of all such Mortgages, Assignments, and Conveyances shall be entered at length in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Trustees: And all and every Person and Persons to whom any such Mortgage, Assignment, or Conveyance shall be made as aforesaid, or who shall be intitled to the same, is and are hereby impowered, from Time to Time, by an Indorsement under his, her, or their Hand or Hands, to be made on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, to assign over or transfer such Security or Securities, or any Share thereof, and all or any Part of the Monies due thereon, to any Person or Persons whomsoever; all which Assignments and Transfers shall be produced or notified to the Clerk or Clerks to the said Trustees, within Fourteen Days after the Date thereof; and such Clerk or Clerks shall cause an Entry or Memorial to be made of such Transfer, specifying the Dates thereof, and the Names, Additions, and Places of Abode of the several Parties, and the Sum or Sums therein mentioned to be transferred, and the Names, Additions, and Places of Abode of the Witnesses to the Execution thereof, in the said Book or Books to be kept for entering the said original Mortgages, Assignments, or Conveyances; for which the Clerk or Clerks shall be paid Two Shillings and Sixpence, and no more, by the Person or Persons to whom such respective Assignments or Transfers shall be made; which said Book or Books shall and may be inspected, at all seasonable Times, by any Persons whomsoever, and the Sum of One Shilling, and no more, shall be paid to such Clerk or Clerks for every such Inspection: And after such Entry made, and not otherwise, such Assignment or Transfer shall intitle the Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon: And such Assignee may, in like Manner, assign again, and so toties quoties; and it shall not be in the Power of any Person who shall have made any such Assignment or Transfer to make void, release, or discharge the same, or any Monies thereon due.

Assignments may be transferred

Clerk's Fee.

All Creditors deemed equal in Degree.

And be it further enacted by the Authority aforesaid, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, his, her, or their Assignee or Assigns, in respect of the Priority of Assignment, or of advancing such Sum or Sums of Money; but that all Persons to whom such Mortgages or Assignments shall be made as aforesaid,

his,

his, her, and their Assignee and Assigns, shall be, in proportion to the Sum or Sums therein mentioned, Creditors on this Act, and in equal Degree one with another.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and they are hereby impowered, by Writing under their Hands and Seals, from Time to Time, to appoint One or more Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the said Tolls, and Surveyor or Surveyors of the said Roads, and such other Officers and Persons, for the due Execution of this Act, as they the said Trustees, or any Five or more of them, shall think proper; and from Time to Time, to remove such Officer or Officers and Persons; and on the Death or Deaths, Removal or Removals of such Officers or Persons, to appoint others in their Stead; but Fourteen Days Notice shall be given of every Meeting where any such Appointment shall be made, after the First Meeting of the said Trustees, upon all the said Turnpikes: And the said Trustees, or any Five or more of them, shall and may, and are hereby authorised and impowered, by and out of the Monies which shall arise by virtue of this Act, to give such Salaries and make such Allowances to such Officers and other Persons by them the said Trustees employed, for their Services in or about the repairing, widening, or altering the said Roads, or any Part thereof, or otherwise in putting this Act in Execution, as they the said Trustees, or any Five or more of them, shall think reasonable.

and remove them, and appoint others.

Trustees may allow Officers Salaries.

Treasurer, &c. to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, and they are hereby authorised and required to take such Security from the Treasurer or Treasurers, and Collectors or Receivers of the Tolls, to be appointed for the Purposes of this Act, for the due 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 this Act who shall sell Wine, Cyder, Ale, Beer, or Spirituous Liquors by Retail.

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

Officers to count upon Oath.

And be it further enacted by the Authority aforesaid, That all such Officers and other Persons shall, from Time to Time (when and as often as he or they shall be thereunto required by the said Trustees, or any Five or more of them) produce, render, and give up, to them the said Trustees, or any Five or more of them, full, true, fair, and perfect Accounts, in Writing under their respective Hands, of all the Monies which shall have been by them

respectively had, collected, or received, and how, to whom, and for what Uses, such Monies, and every Part thereof, hath or shall have been paid, disposed of, or applied, together with proper Receipts and Vouchers for such Payments; and shall, and are hereby respectively required to pay all such Monies as, upon the Balance of such Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or to such Person or Persons, and for such Uses and Purposes, as they, or any Five or more of them, shall direct or appoint; and that all and every the said Officers or Persons, so accounting or to account as aforesaid, shall, if required, upon their several Oaths (which said Oaths the said Trustees, or any One or more of them, is and are hereby authorised and impowered to administer to such Officers and Persons) verify their said Accounts, and the particular Items and Articles thereof, and the several Receipts and Payments which shall be therein contained: And if any of the Officers or Persons so accounting or to account as aforesaid, being required so to do, shall refuse or neglect to render or give up such Account or Accounts as aforesaid, or to produce or deliver up to the said Trustees, or any Five or more of them, the Receipts and Vouchers relating to the same, or to verify the Items or Articles thereof upon his or their Oath or Oaths, or shall refuse or neglect to pay all such Money as, upon the Balance of any Account or Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or as they shall direct or appoint; or shall not deliver to the said Trustees, or any Five or more of them, within Ten Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings in his or their Custody or Power, relating to the Execution of this Act; that then, and in any of the Cases aforesaid, such Trustees, or any Five or more of them, may, and are hereby authorised and impowered to bring or cause any Action or Actions to be brought, in the Name or Names of any One or more of the said Trustees, against the Officer or Officers, Person or Persons, so refusing or neglecting as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made of any such Refusal or Neglect as aforesaid, to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons, so neglecting or refusing, shall live and reside, such Justice may, and is hereby authorised and required, by a Warrant or

Officers refusing to account,

Warrants

Warrants under his Hand and Seal, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him; and upon his or their appearing, or not being to be found, to hear and determine the Matters of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the Trustees, or any Five or more of them, by virtue of this Act, might have done: And if upon the Confession of the Officer or Officers, Person or Persons, against whom such Complaint or Complaints shall be made, or by the Oath or Oaths of One or more Witness or Witnesses (which Oath or Oaths such Justice is hereby impowered to administer) it shall appear to such Justice, that any of the Monies which shall have been collected and raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may, and is hereby authorised and required, upon Nonpayment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods of such Officer or Officers, Person or Persons respectively; and if no Goods of such Officer or Officers, Person or Persons, can be found, sufficient to answer and satisfy the said Money, and the Charges of levying and raising the same; or if such Officer or Officers, Person or Persons, shall not appear before the said Justice at the Time and Place by him appointed for that Purpose, upon Notice thereof in Writing delivered to such Officer or Officers, Person or Persons, or left at their last Place or Places of Abode respectively; or, if appearing, he shall refuse or neglect to give or deliver to the said Justice such Account or Accounts of the Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, and of the Items and Articles thereof, upon Oath as aforesaid, or to produce or deliver up to the said Justice the several Receipts and Vouchers relating to such Accounts respectively, and to the Items and Articles thereof; then, and in any of the Cases aforesaid, such Justice may, and is hereby authorised and required, by a Warrant or Warrants under his Hand and Seal, to cause such Officer or Officers, Person or Persons, to be committed to the Common Gaol of the County where such Officer or Officers, Person or Persons, shall live and reside, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his or their Accounts respectively, and verified the Items thereof on Oath, and shall have produced and delivered up the Receipts and Vouchers relating to such Accounts, and shall have paid all

Justice may inquire into the Default,

and levy the Balance by Distress.

For want of Distress, Offender to be committed,

till Payment or Composition made.

all the Money which shall appear to be in their respective Hands, and the reasonable Charges of such Distress and Sale as shall in those Respects have been made, or shall have compounded with such Trustees, or any Five or more of them, for the same, and paid the Composition-money which shall be thereby stipulated by them to be paid (which said Compositions the said Trustees, or any Five or more of them, are hereby authorised and impowered to make and receive) and until he or they shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

On Death, &c. of Trustees, others to be chosen.

Provided always, That as often as any Collector of the said Tolls shall die, or be incapable of performing his Duty, it shall be lawful for any Five or more of the said Trustees, though not assembled at any Meeting in pursuance of this Act, by any Writing under their Hands, to appoint another Person to collect such Tolls; and such Person shall have the same Power and Authority to collect the same, as if he had been appointed by the said Trustees at a Meeting to be held in pursuance of this Act.

Surveyors may dig Gravel, &c. in Waste Grounds, &c.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors of the said Roads, or any of them, and such other Person or Persons as shall be employed or appointed by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are hereby authorised and impowered to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any

without paying for the same;

Furze, Heath, Stones, Gravel, Sand, or other Materials proper for repairing the said Road, in, upon, out of, or from any Waste or Common Ground or Grounds, in any Parish, Town, or Place, in, adjoining to, or lying near the said Roads, or in any neighbouring Parish, Town, or Place, to be used in repairing the said Roads, without paying any Thing for the same; they the said Surveyors, or other Persons, filling up the Pits and

levelling the Pits;

Holes, and levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle: And if sufficient Quantities of Materials cannot be had or found in or upon such Waste or

or from private Grounds,

Common Ground or Grounds; then, and in such Case, the Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, cut, dig, gather, take, and carry away,

or cause to be cut, digged, gathered, taken, and carried away any such Materials as aforesaid, in, upon, or out of, from, and over any the Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, to be used towards repairing the said Roads (such Lands, Fields, and Grounds not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Plantation, Nursery Ground, or any Walk or Walks planted with Trees, or an Avenue to any House) pay or offering to pay to the respective Owners or Occupiers of such Lands, Fields, or Grounds, such Damages for the cutting, digging, gathering, taking, and carrying away the said Furze, Heath, Stones, Gravel, Sand, and Materials, and for carrying the same over their Grounds, as the said Trustees, or any Five or more of them, shall adjudge reasonable: And in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid and the said Owners and Occupiers, or any of them, concerning the said Damages, any Two or more Justices of the Peace of the County or Place where such Materials shall be so cut, digged, gathered, taken, and carried away, shall and may (on Ten Days Notice thereof to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Places of Abode with some or One of their respective Families) hear, settle, and determine the Matters of the said Damages.

making Satisfaction to the Owners.

Justices may determine Differences.

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

Surveyors may remove Annoyances,

turn Watercourses, &c.

Owners, &c. neglecting to do the same.

shall neglect to open, scour, cleanse, widen or deepen such Watercourses or Ditches in a proper Manner, or remove such other Annoyances in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors shall require, for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors; and to cut down, lop, or top any Trees, Branches, Shrubs, or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto; and to take, carry away, and sell the Wood so cut; and apply the Money arising thereby in Repair of the Roads whereon the same stood, in case the Owners or Occupiers shall neglect to lop or top, cut down and remove such Trees, Branches, Shrubs, or Bushes, in such Manner as the said Trustees, or any Five or more of them, shall require, for the Space of Ten Days next after Notice given in Writing for that Purpose, to be left at the House belonging to the Land on which the same shall stand, or at the House of the Tenant in Possession thereof, under the Hands of Five of the said Trustees; the Charges whereof, to be settled by the said Trustees, or any Five or more of them, shall be reimbursed by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied; And if, after the Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

Surveyors to be reimbursed.

Penalty on subsequent Offence.

Surveyors may make Causeways, &c.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors of the said Roads, or such Person or Persons as he or they shall appoint or employ (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to make Causeways, and also Ditches and Drains in and upon the said Roads, or any Part thereof, and also through any Grounds or Fields lying contiguous thereto; and also to make a Road through the Grounds or Fields adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Roads (such Ground respectively not being the Ground whereon any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any House, or any inclosed Ground planted and set apart as Nursery for Trees) to be made use of as a publick Highway, whilst the old Roads are repairing or widening; and also, by Order of any Five or more of

make a temporary Road,

the

the said Trustees, to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Roads, and across any River, Stream, Brook, Water, Ditch, or Drain therein, or contiguous thereto, making such Recompence to the Owners and Occupiers of the private Grounds respectively for the Damages they shall or may thereby sustain as shall be judged reasonable by the said Trustees or any Five or more of them; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Moor or Waste Ground.

and erect Bridges, &c.

making Satisfaction to Owners.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall interrupt or hinder, or cause to be interrupted and hindered, any Turnpike Surveyor, or any other Person or Persons, by them, or by the said Trustees, or any Five or more of them, employed in the cutting, digging, gathering, or carrying away any Furze, Heath, Sedge, Sand, Gravel, Chalk, Flints, Stones, or other Materials, or in altering, widening, or repairing the said Roads, or in topping, lopping, cutting, or carrying away any Tree, Top, Lop, or Overhangings; or in digging, cleansing, or scouring any new or other Ditch, Drain, or Watercourse as aforesaid; or in doing any other Act in or for the repairing, widening, or altering the said Roads, by virtue of the Powers by this Act given, or any of them; every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

Penalty on interrupting Surveyors, &c.

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Seven or more of them, shall, at any Time or Times hereafter, during the Continuance of this Act, think proper to widen the said Roads, or to alter the Course of the said Roads, or to make any new Road or Roads contiguous or adjacent to the said Roads, or any Part or Parts thereof; that then, and in any of the said Cases, it shall and may be lawful for the said Trustees, or any Seven or more of them, and they are hereby authorised and impowered to contract with the Owner or Owners of, and Persons interested in, any Lands and Hereditaments lying near the said Roads, or through or over which any new Road or Roads so to be made shall lead, for the absolute Purchase of so much and such Part or Parts of such Lands or Hereditaments, as they the said Trustees, or any Seven or more of them, shall think proper and necessary for the altering, enlarging, widening, or making any new Road or Roads, or any Part or Parts thereof:

Trustees may contract for the Purchase of Lands, &c.

And

Bodies Politick, &c. impowered to treat;

And all Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, and other Trustees for or on Behalf of Infants, Femes-covert, or Cestuique Trusts, and all other Persons whomsoever, may, and they are hereby authorised and impowered to contract and agree with the said Trustees, or any Seven or more of them, for the absolute Sale or Exchange of of such Lands and Hereditaments, and of their respective Estates and Interests therein, and may and shall convey all such Lands and Hereditaments to the said Trustees, or any Seven or more of them, for the Purposes aforesaid; and all Contracts, Agreements, Sales, and Conveyances that shall be so made as aforesaid, shall be valid and binding against and to all Persons, and to all Intents and Purposes whatsoever: And in case the said Trustees and Owner or Owners cannot agree as to the Price or Prices, or the Values of the Lands or Hereditaments so intended to be purchased; then the said Trustees, or any Seven or more of them, may, and are hereby authorised and impowered, Eight clear Days before any General or Quarter Sessions of the Peace to be holden for the County in which such Lands or Hereditaments shall lie, to give or cause to be given to such Owner or Owners, and such Persons interested in such Lands or Hereditaments, or to be left at their last Place of Abode respectively with some or one of their respective Families, a Notice in Writing, denoting and describing the respective Quantities of Lands or Hereditaments so intended to be purchased and laid into the said Road, and the Places where the same shall lie, and purporting that the Value and Values of such Lands and Hereditaments respectively shall be adjudged and settled by a Jury at the said Sessions; and the Justices at their said Sessions, upon Proof to them then and there made of such Notice or Notices having been so given, shall, and are hereby authorised and impowered to charge the Jury which shall attend at such Sessions, or some other Jury of Twelve honest and indifferent Men to be then and there impanelled and returned by the Sheriff of the said County without Fee or Reward, and cause them to be sworn well and truly, on their Oaths, to assess the Value of the Lands or Hereditaments comprised in the said Notices, and the Damages and Recompence to be given for the same to the respective Owner or Owners thereof, according to their respective Interests therein (which Oath the

and in case they refuse, a Jury is to settle Damages,

said

said Justices are hereby impowered to administer to the said Jurors) and to which said Juries the said Trustees, and all Parties interested in the said Lands, shall have their lawful Challenges: And the said Jury being so charged and sworn as aforesaid, and after proper Evidence on Oath to them given (which Oaths the said Justices are hereby impowered to administer) concerning the Nature, Quantity, and Value of the said Lands or Hereditaments, shall, by their Verdict, assess the Damages and Recompence to be given for the said Lands or Hereditaments to the respective Owner or Owners thereof, according to their respective Interests; which Verdict of the said Jury, and the Judgement of the said Justices upon the same, shall finally bind and be conclusive to the said Trustees and all Persons and Parties interested in the said Lands and Hereditaments; and that from and after such Verdict and Judgement, and after Payment or Tender of the Damages and Recompence therein and thereby found and directed to be given for the said Lands or Hereditaments, to the respective Owner or Owners thereof, or after the Execution of any Conveyance of the said Lands or Hereditaments to the said Trustees, or any Seven or more of them, by the respective Owner or Owners thereof, and Payment or Tender of the Money thereby stipulated to be paid for the same; and which Money, Damages, and Recompence, the said Trustees, or any Seven or more of them, are hereby impowered to pay out of the Monies which shall be borrowed, raised, and collected by virtue of this Act; the said Lands and Hereditaments, and every Part thereof, and the Fee-simple and Inheritance thereof, and of every Part thereof, shall be vested in the said Trustees and their Successors, without any Fine or Recovery, notwithstanding the same shall or may be limited and settled to, for, or upon any Use, Trust, Limitation, Intail, Remainder, or otherwise, and notwithstanding any Politick, Corporate, or other Interest therein; and that then and from thenceforth the said Trustees, or any Seven or more of them, or any Person or Persons by them, or any Seven or more of them, for that Purpose impowered or employed, may, and is and are hereby authorised and impowered to take and lay the said Lands and hereditaments, and every Part thereof, into the said Road: And that then, and from thenceforth for ever afterwards, such Lands and Hereditaments, and every Part thereof, shall be deemed, taken, and used, and the same is and are hereby declared to be a Part or Parts of the said Roads, and shall for ever thereafter

Jurors may be challenged.

Verdict of the Jury to be final.

be repaired and kept in Repair as Part of the said Roads, any Right, Title, Interest, Law, Custom, or Usage to the Contrary thereof in any wise notwithstanding: And in case any new Road or Roads shall be purchased, contiguous or adjacent to any Part of the Roads hereby directed to be repaired, and such new Road shall be made and completed, the Lands and Grounds comprised in, and through which the said old Roads did lead, is hereby vested in the Trustees, and shall or may by them, or any Seven or more of them, be sold or disposed of, for the best Price that can or may be gotten for the same; and the Money arising by such Sale shall be applied to the repairing the Roads hereby directed to be repaired; and the Conveyances to be made of such Lands and Grounds comprised in and through which the old Roads did lead, being executed by the said Trustees, or any Seven or more of them, and inrolled with the Clerk of the Peace of the County where such Lands and Grounds do lie, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

Old Road may be sold.

Application of the Money.

Not to injure any House, &c. in altering of the Roads.

Provided always, and be it further enacted by the Authority aforesaid, That in altering, widening, turning, or diverting any Part or Parts of the said Roads, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, Garden, Orchard, Court, Park, Paddock, Plantation or Nursery of Trees, or any planted Walk of Trees, or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto.

Persons liable, to do Statute-work.

And be it further enacted by the Authority aforesaid, That all Owners and Occupiers of Land, and Inhabitants in and of the several Parishes, Hamlets, and Places through which the said Roads do lead, or that are or shall be liable to do Statute-work or Duty in the Highways, shall yearly and every Year do so much Statute-work or Duty, in such Part or Parts of the said Roads as doth or do lie in such Parishes, Hamlets, or Places respectively, and in such Parts thereof, and at such Times (the same not being in Hay-time or Harvest) and in such Manner, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, having respect to the other Roads to be amended and repaired in such respective Parishes, Hamlets, or Places, shall order, proportion, direct, and appoint, by and with the Approbation and Consent of Two or more of His Majesty's Justices of the Peace acting in and for the County wherein such Parishes, Hamlets, or Places lie.

Provided

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may and are hereby impowered to compound with the Surveyor or Surveyors of the Highways, or all or any of the Inhabitants or Occupiers of Lands in the several Parishes, Hamlets, and Places through which the said Roads do lead, for the Statute-work and Labour by them respectively to be performed on the said Roads, in every Year; such Composition-money being always paid down at the respective Times of making the same; and which said Composition the Surveyor or Surveyors of the Highways of such respective Parishes, Hamlets, and Places, for the Time being, are hereby impowered to make and pay for and on Behalf of all such Inhabitants or Occupiers of Lands within their respective Parishes, Hamlets, or Places.

Trustees may compound for Statute-work.

And be it further enacted by the Authority aforesaid, That as often as any Trustee by this Act appointed, or their Successors, shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, by Writing under their Hands and Seals, to elect and appoint One other Person or Persons in the Room of the Trustees so dying or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same upon all the Turnpikes in or upon the said Roads, at least Fourteen Days before every such Meeting; and all Persons who shall be so elected and appointed are hereby vested with the same Powers and Authorities as any Trustee or Trustees hereby appointed is or are vested with.

On Death of Trustees, &c. others to be chosen.

Notice thereof to be given.

And whereas the Bridge across the River Cherwell, at Clifton, in the Parish of Deddington aforesaid, is only a Horse-bridge, and the Way across Part of the Meadow called Aynho Meadow, although a Carriage-road for the Use of the Occupiers of Land therein, is only a publick Bridle-way, and subject to be overflowed and rendered impassable: To prevent which for the future, and that a safe Bridge may be laid over the said River, and a publick Carriage-road continued through and over the said Meadow from the said Bridge to the Town of Aynho, till it joins the Turnpike-road in Aynho aforesaid; and that the said Passage may be safe and commodious for all Persons and Carriages whatsoever; be it further enacted by the Authority aforesaid, That the Trustees appointed or to be appointed by this Act, or the major Part of them; such

A Carriage-bridge to be built at *Clifton*;

such major Part not being less than Eleven, assembled at any General Meeting, shall be and they are hereby impowered to lay out and expend any Sum or Sums, out of the Monies arising by the Tolls and Duties hereby granted, or any Money to be borrowed on the Credit thereof, for and towards the building and making a commodious Bridge over the said River, and a Road across the said Meadow called Aynhoe Meadow, fit for Carriages of all Sorts; and that the said Bridge when so built shall be called Clifton Bridge, and be reputed, deemed, and taken as and for a County-bridge; and shall, from Time to Time, and at all Times thereafter, be amended and kept in Repair for ever, by and at the joint and equal Expence of the Two Counties of Oxford and Northampton, in the same Manner, and by the same Ways and Means as other County-bridges are directed to be amended and kept in Repair by the Laws and Statutes of this Realm; and that the Road across the Meadow called Anhoe Meadow, shall, after the same is so widened and amended in pursuance of this Act, be for ever hereafter deemed a publick Carriage-road, but shall not be had, taken, or used, or deemed to be a Drove or Driftway for any Cattle, until the Trustees have made One sufficient Mound or Fence on each Side of the said Road, to prevent Cattle doing any Damage to the said Meadow, in passing over the same; which said Mound or Fence shall be for ever hereafter supported and maintained by and at the Expence of the Proprietor or Proprietors of the said Lands; any Thing herein contained to the contrary thereof notwithstanding.

which shall be taken to be a County-bridge.

No Driftway over *Aynhoe Meadow*,

till proper Fences made.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall in his own Right, or in Right of his Wife, be in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Forty Pounds; or shall be Heir Apparent of some Person having such Estate of the clear yearly Value of One hundred Pounds; or be possessed of a Personal Estate to the Amount of Eight hundred Pounds: And if any Person, not being qualified as aforesaid, shall presume to act, contrary to the true Intent and Meaning 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 inform and 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, Bill, Suit, or Information, wherein

Qualification of Trustees.

Penalty on acting, if not being qualified.

wherein no Essoin, Protection, or Wager of Law, or 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.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and they are hereby impowered and required to cause Stones or Posts to be set up on the Sides of the said Roads, at the Space of One Mile distant from each other, with Inscriptions thereon, denoting the Distance of each of the said Stones or Posts from some Town or Place, as they shall think fit; and also to erect Guide or Direction-posts, with such Inscriptions thereon as the said Trustees, or any Five or more of them, shall think proper: And if any Person or Persons shall wilfully break or pull down, dig up, or damage the said Stones or Posts, or any of them, or any Part thereof, or obliterate or deface any of the Words, Letters, or Marks that shall be inscribed thereon, or cause or procure the same to be done, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer, and the other Moiety, after replacing or repairing the respective Stones or Posts that shall be removed or damaged, shall be applied in such Manner, and for such Purposes, as other the Forfeitures by this Act imposed are hereby directed to be applied.

Penalty on defacing Mile-stones.

Penalties and Forfeitures how to be recovered.

And be it further enacted by the Authority aforesaid, That when any Penalties or Forfeitures by this Act imposed shall be incurred (except such as are by this Act otherwise particularly directed to be recovered); then, upon Complaint and Proof thereof made to any Justice of the Peace of the County or Place where such Penalty or Forfeiture shall be incurred, by or on the Oath or Oaths of One or more Witness or Witnesses, such Justice may, and is hereby required to issue his Warrant or Warrants, under his Hand and Seal, for the apprehending and bringing such Person or Persons before him or some other Justice of the Peace of the said County or Place, to answer the Matter of the said Complaint or Complaints; and the Justice before whom such Person or Persons shall be so brought; or if the said Person or Persons cannot be met with or found, then, upon leaving a Summons, from and under the Hand and Seal of such Justice, at the last and usual Place of Abode of such Person or Persons, thereby setting forth the Nature of the said Complaint or Complaints, and appointing a

Time and Place for the said Person or Persons to appear and answer the same before such Justice, such Summons being so left Four Days before the Time appointed for such Appearance; such Justice, even if the said Person or Persons being so summoned shall not appear, may, and is hereby required to enquire into the Causes and Matters of the said Complaint or Complaints, in a summary Way, and, either on the Confession of the said Complaint or Complaints, in a summary Way, and, either on the Confession of the said Person or Persons, or on the Evidence of One or more Witness or Witnesses upon Oath (which Oath such Justice is hereby impowered to administer) if he shall see Cause, shall and may convict such Person or Persons of such Offence or Offences, and in the Penalties or Forfeitures by him or them respectively incurred in those Respects; and, for Nonpayment thereof, shall issue a Warrant or Warrants under his Hand and Seal, for levying the same Penalties or Forfeitures by Distress and Sale of the Goods and Chattels of such Offender or Offenders, rendering the Overplus (if any there shall be) after the Payment of such Penalties and Forfeitures, and the Charges of the said Convictions, Distresses, and Sales, to the said Offender or Offenders respectively, if demanded; and, for want of such Distress or Distresses, may commit such Offender or Offenders to the Common Gaol or House of Correction of the County or Place where such Offender shall be so apprehended, there to remain, without Bail or Mainprize, until the said Penalties and Forfeitures and Charges shall be paid.

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

Provided always, and be it further enacted, That it shall and may be lawful to and for any Justice or Justices of the Peace of the Counties of Oxford, Gloucester, and Northampton, within their respective Counties, to do and perform all such Acts and Things as are herein before directed to be done by any Justice or Justices of the Peace in the Execution of this Act, notwithstanding his or their being also nominated in this Act, or being hereafter appointed and acting as Trustees for putting the same in Execution.

Application of the Penalties.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures by this Act imposed (other than and except such or such Parts thereof as are by this Act otherwise directed to be applied) shall be paid to the said Trustees, and shall be by them applied in the Repair of such Part of the said Roads in respect whereof such Penalties or Forfeitures respectively shall be incurred.

And

And be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, such Person may appeal to the Justices of the Peace at their next General Quarter-sessions of the Peace, or Second General Quarter-sessions of the Peace, to be held for the County where the Matter of Complaint shall arise, after the Act, Order, Conviction, Judgement, or Determination shall, by virtue hereof, be done or made, upon Ten Days Notice thereof in Writing being given by such Person of his or her Intention to bring such Appeal, and of the Cause and Matter thereof, to any Surveyor or Collector of the Tolls of the Roads in respect whereof such Act, Order, Conviction, Judgement, or Determination shall be so made; and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties, to prosecute such Appeal with Effect; and the said Justices at their said Sessions may, and are hereby required to examine the Causes and Matters of such Acts, Orders, Convictions, Judgements, or Determinations, and to confirm or discharge the same, and to award such Costs, to be paid by and to either of the Parties concerned in the said Appeal, as they shall judge proper; and which said Judgements of the Justices at their Sessions shall be finally binding to all Parties; and the Penalties and Forfeitures contained in the said Acts, Orders, Convictions, Judgements, or Determinations, in case the same shall be confirmed; and the Charges attending the same, and the Costs awarded by the Sessions, shall, upon producing the same Acts, Orders, Convictions, Judgements, or Determinations, or a Duplicate or Duplicates thereof, and the said Orders of Sessions confirming the same, to any such Justice as aforesaid, be levied by Distress and Sale of the Goods and Chattels of the Offender, by a Warrant or Warrants under the Hand and Seal of such Justice, in such Manner as the Penalties and Forfeitures by this Act imposed are herein before directed to be levied and recovered.

Persons aggrieved may appeal to the Quarter-sessions,

giving Notice,

and entering into Recognizance.

Judgement given by General Quarter-sessions to be final.

Charges how to be recovered.

And be it further enacted by the Authority aforesaid, That where any Distress shall be made 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, on account of any Defect, or Want of Form in the Summons, Convictions, Notice, Warrant, or Distress, or in the Appointment of the Collector or Collectors, Surveyor or Surveyors, or in any

Distress not to be deemed unlawful for want of Form;

nor the Parties distraining be deemed Trespassers *ab initio*, for subsequent Irregularity.

any other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall happen to be done in making such Distress; but the Party or Parties aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damages which he or they shall have sustained thereby, with usual Costs and no more, in an Action of Trespass, or on the Case, at the Election of the Party or Parties aggrieved.

Plaintiff not to recover, if Tender of Amends hath been made.

Provided always, That no Plaintiff shall recover in any Action for any Irregularity as aforesaid, if Tender of good and sufficient Amends shall have been made by or on Behalf of the Party or Parties distraining before such Action brought; nor if such Tender of Amends shall be made at any Time after the said Action brought, and before the Trial thereof, together with Costs of Suit to the Time of such last mentioned Tender; but on Proof made of such Tender on any Trial to be had in such Action, the Plaintiff or Plaintiffs shall suffer Judgement, as in Cases of Nonsuit, with full Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any Case by Law.

Proceedings not to be quashed for Want of Form,

And be it further enacted by the Authority aforesaid, That no Act, Order, Conviction, Judgement, Determination, or other Proceeding that shall be done, made, or had by the said Trustees, or by any Justice or Justices of the Peace, or by the Sessions, by virtue of this Act, shall be quashed, vacated, or discharged for Want of Form only; or shall be removed by Certiorari, or otherwise, into any Court of Record at Westminster.

nor removeable by *Certiorari*.

Persons prosecuting by Order of Trustees, to be indemnified.

And be it further enacted by the Authority aforesaid, That in case any Action or Prosecution shall be commenced or prosecuted in pursuance of this Act, under the Authority or by the Direction of the said Trustees, or any of them; in every such Case the said Trustees, or any Five or more of them, shall, out of the Monies arising by virtue of this Act, allow and pay to the Prosecutor, or such other Person or Persons in whose Name or Names such Action or Prosecution shall be commenced or prosecuted, all such reasonable Costs and Charges as such Person or Persons shall be really and bona fide out of Pocket, for or by reason of such Action or Prosecution, or any Judgement or Determination therein; and likewise indemnify all such Persons as shall be prosecuted, or have any Action or Actions brought against them for or by reason of any Thing done in pursuance of this Act,

under

under the Authority and by the Direction of the said Trustees, or any Five or more of them.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this present Act, and the several Powers and Authorities hereby granted, shall commence and have Continuance, from and after the passing of this Act, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Proceedings to be entered in Books.

And be it further enacted by the Authority aforesaid, That all Acts, Orders, Accounts, and Proceedings of the Trustees, to be done, made, or had by virtue of this Act, shall be fairly entered in a Book or Books to be by the Clerk or Clerks to the said Trustees kept for those Purposes; and such Acts, Orders, Accounts, and Proceedings so entered, shall be signed by the said Clerk or Clerks, and being so signed shall be deemed to be Originals; which said Books, and also the Books directed to be kept for entering the said Assignments and Transfers, shall be admitted as Evidence in all Courts whatsoever.

Books may be read in Evidence.

Writings to be without Stamps.

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

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That no Action at Law shall be brought or commenced against any Person or Persons for any Thing done or to be done by virtue of this Act, until after Twenty Days Notice thereof in Writing shall be given to the Person or Persons against whom such Action shall be intended to be so brought, or left at his or their last or usual Place of Abode, setting forth the Cause of such Action; and that every Action brought for any Thing done or to be done as aforesaid, shall be brought within the Space of Six Calendar Months next after the Cause of Complaint shall

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arise, and shall be laid and tried in the County where the Cause of such Action shall arise, and not elsewhere; and the Defendant or Defendants therein may plead the General Issue. General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done by virtue hereof; and if, on the Trial of such Action, it shall appear that the same was brought before the Expiration of Twenty Days next after such Notice shall have been so given or left as aforesaid; or after the End of Six 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 after sufficient Tender of Amends shall have been made to the Party or Parties aggrieved; that then, and in any of the Cases aforesaid, the Jury 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 if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs; the Treble Costs. Defendant or Defendants shall and may recover Treble Costs, and shall have the like Remedies for recovering the same as Defendants have for recovering their Costs in other Cases by Law.

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

FINIS.