Anno decimo

Georgii III. Regis.

An Act for amending the Road from *Aylesbury*, in the County of *Buckingham*, through *Thame* and *Little Milton*, to the Turnpike Road between *Bensington* and *Shillingford*, in the County of *Oxford*.



WHEREAS the Road from the Town of Aylesbury, in the County of Buckingham, to the Market-house in the Town of Thame, in the County of Oxford, and from thence to a House known by the Name of The Three Pigeons in the present Turnpike Road from Tetworth to Oxford, and from the said House, through Little Milton, Newington, and Warborough, in the said County of Oxford, and so on across the Common Fields to the Turnpike Road from Bensington to Shillingford, in the said Parish of Warborough, in the said County of Oxford, directly opposite to the Road leading down to Shillingford Bridge, in the County of Berks, is in general very ruinous and inconvenient, and in some Places subject to great and dangerous Preamble.

Floods, and cannot be effectually amended by the Laws now in being: And whereas, if the said Road was made commodious, a great Communication would be opened from the Vale of Aylesbury to the River Thames and the Vale of Berkshire; and also from the Northern, Eastern, and Midland Parts of England, to Oxford, Bath, Bristol, and the South-west Parts of the Kingdom; whereby the Trade, Agriculture, and Inland Navigation of the same would be considerably promoted: May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable the Earl Verney, in the Kingdom of Ireland; the Right Honourable Philip Viscount Wenman, in the Kingdom of Ireland; the Right Honourable Charles Spencer, commonly called Lord Charles Spencer; the Right Honourable Robert Spencer, commonly called Lord Robert Spencer; the Right Honourable Parker, commonly called Lord Parker; the Right Honourable George Simons Harcourt, commonly called Lord Newnham; Sir William Stanhope, Knight of the Bath; Sir John Cope, Sir Francis Knollys, Sir George Oxenden, Sir William Lee, Sir Thomas Stapylton, Sir William Guise, Sir Cecil Bishop, Sir Roger Newdigate, Sir John Mordaunt Cope, Sir Peniston Lamb, Baronets; Sir William Blackstone, Knight; Sir John Vanhatten, Knight; the Right Honourable George Grenville, the Honourable Peregrine Bertie, the Honourable William Harcourt, the Honourable George Lane Parker, the Honourable Thomas Francis Wenman, the Honourable Richard Wenman, Richard Lowndes, William Lowndes of Winslow; John Aubrey, Colonel Pigott, Edward Price, Alexander Croke, Thomas Hill, William Minshull, the Reverend Robert Smith, Joseph Burnham, George Francklin, Edward Rose, Richard Way, James Way, Edward Phillips, Harry Style, Richard Callis, the Reverend John Newborough, the Reverend Charles Kipling, the Reverend Hook, Giles Prickett, Thomas Howland, Richard Smith, Edward Clerke, Richard Head, William Hobday, Thomas Cozens, Francis Jemmett, Richard Madge, James Shipton, George Francklin, William Hearne, Newdigate Poyntz, Paul Wells, Paul Wildegose, Thomas Greenwood, Charles Greenwood senior, Francis Stone, Francis Page, William Pugh Clerk, John Morton, John Nourse, George Augustus Schutz, Spencer Schutz, Thomas Whorwood, Henry Whorwood, William Whorwood A Deane, William Ledwell,

Trustees.

Ledwell, Henry Aſhhurſt, William Henry Aſhhurſt, George Hervey, Richard Knollys, Thomas Blackall of Haſely, George Richard Carter, Thomas Richard Carter, George White, George White junior, John Skynner, Charles Peers, John Caillaud, Robert Peers, James Jones, Edward Price, Gerard Drake, Chriſtopher Buckle, Henry Lovibond, William Lowndes Stone, William Lowndes of Brightwell, John Horne, Charles Lowndes, Thomas Middleton, William Gomm, John Biſhop, Hardinge Stracey, John Filſon, Peter Vallete, Stonner, John Wiſe, William Skynner, Thomas Saunders, John Greenwood, Robert Dormer, John Daſhwood King Henry Tompkins, William Guy, William Langham Jones, Francis Burdett, the Reverend Phannel Bacon D. D. the Reverend Edward Bentham D. D. the Reverend Francis Randolph D. D. the Reverend Chriſtopher Robinſon D. D. the Reverend Thomas Brougham, the Reverend Samuel Long, John Calcraft, Joſeph Bullock, the Reverend Edward Lewis, the Reverend Chriſtopher Marſhall, the Reverend Thomas Skynner, the Reverend John Peers, the Reverend Philip Billingſley, the Reverend William Wyckham, the Reverend Paul Tookie, the Reverend Martin Stapleton, Thomas Anderſon of Brockhampton, Henry Barker, Thomas Blackall of Lower Berrick, Charles Eyre, William Nedham, Jonathan Buſh, John Buſh, Richard Toovey, William Toovey, Cudworth Bruch, Henry Oxenden, Henry Parker D. D. Thomas Chapman D. D. Edward Sadler, Joſeph Sadler, James Morrell, Richard Tawney, Edward Tawney, William Jackſon, Robert Lovegrove Richard Hopkins, Robert Lovegrove junior, John Taylor D. D. Saluſbury Price D. D. George Huddesford D. D. William Huddesford Clerk, Edward Ernle LL. D. Henry Drought, John Greenwood the younger, Charles Greenwood the younger, Richard Greenwood, Edward Wiſe, Abraham Deane, James Evans Clerk, Richard Mitchell, Richard Toovey, John Taylor D. D. John Bridle D. D. Decimus Reynolds, William Pugh, Pierſon Lloyd, David Price, Lilly Butler, James Warren, James Hakewill, Arthur Evans, John Cockerill, Henry Loft, William Stockins, Clerks; Thomas Green, Joſeph Smith, William Mayne, Richard Watford, Richard Terry, John Perkins, William Perin, Robert Neale, Maximillian Smith, John Smith, John Dell, Benjamin Dudley, Edward Terry, Thomas Edmunds, John Plomer Daniel Thomas Hill, Henry Ruſſell, Abraham Lee, Deverell Dagnall junior, William Hickman, Francis Neale, Thomas Babham, John Fellows, Farmor Bull, Thomas Bigg, Thomas Grace the elder, Thomas

Grace the younger, James Grace, Robert Woodman, John Woodman, William Brooks, William Rickford, Francis Todd, John Clements, Joseph Edmunds, James Vassar, Richard Willgoss, John Francklin, shall be, and they and their Successors, to be elected in Manner herein after mentioned, are hereby appointed Trustees for surveying, ordering, altering, widening, turning, shortening, making, repairing, and keeping in Repair, the said Road, and for otherwise putting this Act in Execution.

Qualification of Trustees.

Provided nevertheless, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes, or shall be Heir Apparent of a Person possessed of an Estate of Inheritance, in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds: And if any Person not being so qualified shall presume to act, contrary to the Intent and Meaning hereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same; to be recovered in any of His Majesty's Courts of Record by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in Execution of this Act.

Penalty on acting if not qualified.

Times and Places of Trustees Meeting.

And be it further enacted, That the said Trustees, or any Two or more of them, shall meet together at the House of Powell, known by the Sign of the Red Lion in Thame aforesaid, on the Fourteenth Day after the passing of this Act, exclusive of the Day on which the same shall have been passed, and proceed to the Execution of this Act; and shall also yearly, and every Year, during the Continuance of this Act, meet at some Publick House in Aylesbury aforesaid, on the first Friday in the Month of March; and at some Publick House in the Parish of Warborough aforesaid, on the first Friday in the Month of September; and at some Publick House in Thame aforesaid, on the first Friday in the Months of June and December; and at such quarterly or other Meetings, they, or any Two or more of them, (being

(being the Whole or major Part of the Trustees appearing at such Meeting) shall then, and from Time to Time afterwards, adjourn themselves to meet at such House or Place, near some Part of the said Road, as the said Trustees, or any such Two or more of them, shall think most convenient; and the said Trustees at all their Meetings shall defray their own Expences; and all Orders and Determinations of the said Trustees, in Execution of this Act, shall be at a Meeting to be held in pursuance of this Act, and not otherwise; and no Order or Determination shall be valid, unless the Majority of the Trustees present, and duly qualified to act in such Behalf, shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make such Order or Determination.

Trustees to defray their own Expences.

No Order to be valid unless a Majority of Trustees shall concur therein.

And be it further enacted, That all such Trustees as are or shall be Justices of the Peace, may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested; and that no Person whatsoever shall act as a Trustee in any Case wherein he shall be personally interested.

Trustees may act as Justices.

And be it further enacted, That when and as often as any Trustee shall die, or by Writing under his Hand, delivered to the Clerk of the said Trustees, shall refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands and Seals, to elect One other Person, qualified as aforesaid, to be a Trustee in the Room of each Trustee so deceased 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 in Writing upon all the Turnpikes across the said Road, at least Fourteen Days before every such Meeting; and every such Person so elected, (being duly qualified as aforesaid) shall be, and is hereby declared to be to all Intents and Purposes, a Trustee for putting this Act in Execution.

On Death or Removal of Trustees, others to be chosen.

And be it further enacted, That the said Trustees, or any Five or more of them, shall and may erect so many Turnpikes as they shall think necessary upon or across the said Road, and also upon the Sides thereof, and cross any Street, Lane, or Way, leading into the same, and also so many Toll-houses, with suitable Outbuildings, as they shall think proper; and may also take in and inclose from any Common or Waste, near the said Road, a Garden Plot to each Toll-house, suitable and convenient thereto, not exceeding Ten square Poles,

Trustees may erect Turnpikes and Toll-houses,

Poles; and shall provide and maintain a Lamp or Lamps, with proper Furniture, at or near each Turnpike across the said Road; and that the said Trustees, or any Nine or more of them, with the Consent, in Writing, of the Persons intitled to at least Two Third Parts of the principal Money then due and owing on the Tolls to be collected thereat, may, from Time to Time, remove any such Turnpikes or Toll-houses, or alter the same, or the Situation thereof, in such Manner as they the said Trustees, or any Nine or more them, with such Consent as aforesaid, shall think meet or expedient; and that the respective Tolls following shall be demanded and taken of the Person or Persons attending any Cattle or Carriage, herein after mentioned, at every such Turnpike, in the Proportions and Manner herein after mentioned, by such Person or Persons as the said Trustees, or any Five or more of them, shall, from Time to Time, appoint for that Purpose, or to whom the same shall be let, before any Cattle or Carriage shall be permitted to pass through the same; that is to say, On the Road leading from Aylesbury to the Market House in Thame aforesaid, and also on the Road leading from the House called The Three Pigeons, to the Turnpike Road from Shillingford to Benfington, the several Tolls following on each Road; that is to say,

and take Tolls thereat.

The Tolls.

For every Coach, Chariot, Chaise, Waggon, Cart, or other Carriage whatsoever with Four Wheels, the Sum of Six-pence; and with less than Four Wheels, the Sum of Three-pence.

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

And on the Road leading from the Market-house in Thame, to the House called The Three Pigeons aforesaid, the Tolls following; that is to say,

For every Coach, Chariot, Chaise, Waggon, Cart, or other Carriage whatsoever with Four Wheels, the Sum of Two-pence; and with less than Four Wheels, the Sum of One Penny.

For

For every Horſe, Mare, Gelding, Mule, Aſs, or Beaſt of Draught or Burthen, laden or unladen, drawing or not drawing, the Sum of 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 ſhall be veſted in the ſaid Truſtees, and applied as herein after is directed; 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, by himſelf, or taking ſuch Aſſiſtance as he ſhall think neceſſary, to ſeize and diſtrain any Horſe, or Horſes, or other Cattle, together with their Bridles, Saddles, Gears, Harneſs or Accoutrements, or their Loading, or any Carriage with its Loading, upon which ſuch Toll is by this Act impoſed; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs ſhall not be paid within the Space of Four Days after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Horſe or Horſes, Cattle, Carriages, Goods, Chattles or Things ſo ſeized and diſtrained, or any Part thereof, returning the Overplus (if any be) and what ſhall remain unſold, upon Demand, to the Owner thereof, after ſuch Tolls, and the reaſonable Charges occaſioned by ſuch Seizure, Diſtreſs, and Sale, ſhall be deducted.

Tolls veſted in the Truſtees.

Tolls may be levied by Diſtreſs and Sale.

Diſtreſs may be ſold after 4 Days.

Provided always, and be it further enacted, That if any Diſpute ſhall happen about the Quantity of the Tolls due, or the Charges of keeping any Diſtreſs, it ſhall be lawful for the Collector, or Perſon diſtraining, to retain the ſame, or the Money ariſing from the Sale thereof, as the Caſe may happen, till the Quantity of the Tolls, or Charges of diſtraining and ſelling the Diſtreſs, as the Caſe ſhall happen, ſhall be aſcertained by ſome Juſtice of the Peace for the County where the Turnpike ſhall ſtand at which the ſaid Tolls became due, who, upon Application made to him for that Purpoſe, ſhall examine the ſaid Matter by Oath of the Parties, or other Witneſs or Witneſſes, and ſhall determine the Quantity of the Toll due, and ſhall alſo aſſeſs the Charges of ſuch Diſtreſs and Sale, and alſo of the Collector's Attendance for that Purpoſe upon the ſaid Juſtice;

Differences to be ſettled by a Juſtice.

all which Sum or Sums, so determined and assessed, shall be paid to the said Collector before he shall be bound to return the said Distress, or the Overplus after Sale thereof, or of any Part thereof.

Trustees may lessen the Tolls,

And be it further enacted, That the said Trustees, or any Seven or more of them, may, and are hereby authorised and impowered, from Time to Time, as they shall think proper, to lessen, vary, or alter, all or any Part or Parts of the Tolls hereby granted at any of the said Turnpikes; and to raise the same again, so as the same

and raise them again.

do not exceed the Tolls by this Act granted, and so as such Reduction be with the Consent of the several Persons who shall be intitled to Two third Parts at the least

Notice thereof to be given.

of the Money then due on the Credit of this Act; but such Reduction shall not be made unless Notice, in Writing, be given for that Purpose, by affixing the same upon all the Turnpikes then erected cross the said Road, at least Fourteeen Days before making such Reduction; and such Tolls so lessened, varied, or altered, shall be collected, recovered, and applied, in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Tolls to be paid but once a Day.

And be it further enacted, That if any Person or Persons shall have paid the Tolls, by this Act granted and ascertained, for the passing of any Cattle or Carriage through any Turnpike erected by virtue of this Act, the same Person or Persons, upon producing a Note or Ticket of the Day denoting such Payment, shall be permitted to pass and repass through the same Gate, or Turnpike, with the same Cattle or Carriage, Toll free, 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; which said Note or Ticket, the Collectors or Receivers of the said Tolls are hereby required to give gratis, if demanded, on Payment of such Toll.

Persons having paid Toll at one Gate, not thereby exemptedfrom paying at the rest.

Provided always, That no Person or Persons having paid the Tolls at any of the Gates to be erected between Aylesbury and Thame, shall be thereby exempted from the Payment of the Tolls at any of the Gates to be erected between Thame and the Turnpike Road from Shillingford to Bensington; nor having paid the Tolls at any of the Gates to be erected between the House, called The Three Pidgeons, and the Turnpike Road from Shillingford to Bensington, shall be thereby exempted from the Payment of the Tolls at any of the Gates to be erected between Aylesbury and The Three Pidgeons; nor having paid the Tolls at any of the Gates to be erected between Thame and The

Three Pidgeons, shall be thereby exempted from the Payment of the Tolls at any of the Gates to be erected between Aylesbury and Thame, or between The Three Pidgeons and the Turnpike Road from Shillingford to Bensington.

And be it further enacted, That no Toll shall be demanded or taken for the passing of any Cattle or Carriage which shall only cross the said Road, or which shall not travel more than Two hundred Yards thereupon; and that it shall not be lawful for the said Trustees to erect any Toll Bar, Side Gate, or Cross Gate, or to take Toll at any Place where the Road hereby directed to be repaired and amended doth intersect, abut upon, or lead into any other Turnpike Road; and that it shall not be lawful for the Trustees of any other Turnpike Road to erect any Toll Bar, Side Gate, or Cross Gate, or to take Toll at any Place where such other Turnpike Road doth intersect, abut upon, or lead into the Road directed to be repaired and amended by this Act. No Toll for only crossing the Road. No Gates to be erected where Turnpike Roads intersect.

And be it further enacted, That no Person or Persons shall be charged with any of the Tolls aforesaid for passing through any of the Turnpikes, to be erected by virtue of this Act, with any Cattle or Carriage, going empty for, or drawing or carrying, or returning empty after having drawn or carried, the Post, Mail, or Packet; or the Arms or Baggage of any Soldiers on their March; or any Dung, Soil, Compost, or Manure of any Kind for any Garden, or other Land or Ground, in any of the Parishes or Places in which any Part of the said Road doth lie; or any Stones, Gravel, or other Materials for repairing the said Road, or for repairing any of the Highways in any of the Parishes or Places aforesaid; or any Hay, or Corn in the Straw, at the Times of Hay and Corn Harvest respectively, being not sold or disposed of, or going to be sold or disposed of, but passing to be laid up in the Houses, Out-houses, or Grounds of the Owner or Owners thereof, in any of the said Parishes or Places; or any Plough, Harrow, or other Implement of Husbandry; nor shall any Toll be taken for any Horse or other Cattle going to or from Water or Pasture, in any Parish or Place within which any Turnpike shall be erected; or for the Horses of any Officers or Soldiers upon their March; or for any Horses or Carriages travelling with Vagrants sent by legal Passes; or with any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties in which such Turnpike Gates shall be respectively Exemptions from Tolls. Election Days.

tively ſituated, on the Day or Days of ſuch Election or Elections reſpectively; or going to or returning, on Sundays, from any Church, Chapel, or other Place of religious Worſhip, which ſhall be ſituate within the ſame Pariſh in which ſuch Gates ſhall be erected: And if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being intitled to the ſame, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Forty Shillings.

Penalty on evading the Tolls.

And be it further enacted, That if any Perſon or Perſons ſhall go or paſs with any Cattle or Carriage, through or over any Land, Ground or Place, lying by the Side of or near to the ſaid Road, the ſame not being a publick Highway, in order or with Intent to avoid the Payment of the Tolls by this Act granted, or any Part thereof; or ſhall forge, counterfeit or alter, or ſhall deliver to or receive of any other Perſon or Perſons, any Note or Ticket, with Intent to avoid the Payment of any or any Part of the ſaid Tolls; or if any Perſon or Perſons owning or occupying any Land, Ground or Place, not being a publick Highway, ſhall knowingly and wittingly permit or ſuffer any other Perſon or Perſons, to go or paſs with any Cattle or Carriage through or over ſuch Land, Ground or Place, in order or with Intent that the Payment of any of the ſaid Tolls, or any Part thereof, ſhould be avoided; or if any Perſon or Perſons ſhall do any other Act, in order or with Intent to avoid the Payment of the ſaid Tolls, or any Part thereof; ſuch Perſons, and every of them, ſhall, for each Offence, forfeit the Sum of Five Pounds, over and beſides ſuch Damages and Puniſhments as they ſhall be otherwiſe liable to by Law; to be levied and recovered by ſuch Means, and in ſuch Manner, as are herein after mentioned and provided for the levying and recovering of Penalties and Forfeitures impoſed by this Act; One Moiety whereof, when raiſed, ſhall be paid to the Informer, and the other Moiety ſhall be applied in ſuch Manner as the other Penalties and Forfeitures are herein after directed to be applied.

Penalty on counterfeiting Tickets, &c.

Truſtees may fence off Commons, &c.

And whereas ſome Parts of the ſaid Road lead over Commons, Common Fields or Waſte Grounds, and the Payment of the Tolls hereby granted may, by reaſon of the Width of the ſaid Commons, Common Fields or Waſte Grounds, be avoided; be it therefore enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may fence and ditch off ſuch Parts of the ſaid Commons, Common Fields or Waſte Grounds, as they

ſhall

shall think necessary, in order to prevent the Payment of the said Tolls being evaded.

Trustees may lease, &c. the Tolls.

And be it further enacted, That the said Trustees, or any Seven or more of them, may, and are hereby authorised and impowered, at any Time or Times during the Continuance of this Act, Twenty-one Days Notice in Writing being affixed on all the Turnpike Gates which shall be then standing across the said Road, to lease or farm by the Year, all the Tolls granted by this Act, or any Part or Parts thereof, to any Person or Persons whomsoever, at and for the largest yearly Sum or Sums that can be gotten for the same, taking sufficient Security for the Payment thereof; provided that such Leases or Agreements be in Writing, and signed by the Person or Persons taking or farming the same, and by any Seven of the said Trustees, and be not made for more than Three Years at any one Time, and that the Money, which shall be so agreed to be paid for the said Tolls, shall be made payable, and shall be paid, to the Treasurer of the said Trustees by quarterly Payments: And in case any Agreement shall be made for letting or farming the said Tolls, or any Part thereof, contrary to the true Intent and Meaning of this Act, every such Agreement shall be void, and the Person or Persons to whom the said Tolls shall have been let or farmed as aforesaid, shall be liable to account for the same to the said Trustees, or any Five or more of them; and the same shall be levied and recovered upon and from him and them, by the same Ways and Means, and in such Manner, as the Tolls granted by this Act, are herein directed to be levied and recovered from the Collectors thereof.

Turnpikes and Toll-houses, &c. vested in Trustees.

And be it further enacted, That the Right and Property of all the Turnpikes, Toll-houses and Garden-plotts to be erected or inclosed by virtue of this Act, and the Right and Property of the Materials to be provided for building or repairing the same, or any the Out-buildings, and of the Lamps, and other Conveniences, Tools and Requisites, to be provided for the Purposes of this Act, and of all Materials which shall be actually got or collected for the Use of the said Road, shall be, and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby impowered to bring, or cause to be brought, an Action or Actions, in the Name of any One of them, or of their Treasurer or Clerk, or to prefer or order the preferring of Indictments against any Person or Persons who shall injure the same, or any Part or Parts thereof, or disturb them in the Possession thereof,

or take or retain, or hold Poſſeſſion thereof, or any Part thereof, after being required by the Order of any Five or more of the ſaid Truſtees to deliver up the ſame.

Truſtees may borrow Money on the Credit of the Tolls.

And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Seven or more of them, at their firſt or any ſubſequent Meeting, to be held in purſuance of this Act, upon the Credit of the Tolls ariſing by virtue of this Act, to borrow and take up at Intereſt, ſuch Sum and Sums of Money as they, or any Seven or more of them, ſhall think fit (not exceeding the Sum of Eight thouſand Pounds in the Whole); and may and are hereby impowered to demiſe and mortgage the ſaid Tolls, or any Part or Parts thereof, and the Gates, Turnpikes, and Toll-houſes, for collecting the ſame, (the Tolls and Charges of ſuch Mortgages to be paid out of ſuch Tolls) as a Security to any Perſon or Perſons, or their Truſtees, who ſhall advance ſuch Sum or Sums of Money, by the following Words, under their Hands, or by any other Words, to the ſame or the like Effect, videlicet,

Tolls may be aſſigned for Monies borrowed.

Form of Aſſignment.

BY virtue of an Act made in the Tenth Year of the Reign of His Majeſty King *George* the Third, for amending the Road from *Ayleſbury*, in the County of *Buckingham*, through *Thame* and *Little Milton*, to the Turnpike Road between *Benſington* and *Shillingford*, in the County of *Oxford*, we, Seven of the Truſtees, in conſideration of the Sum of to the Treaſurer of the ſaid Road in Hand paid, do grant, bargain, ſell and demiſe, unto *A. B.* his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act, and of the Gates, Turnpikes, and Toll-houſes, for collecting the ſame, as the ſaid Sum of doth or ſhall bear to the whole Sum advanced or, to be advanced, on the Credit thereof, the ſame not exceeding, in the Whole, the Sum of Eight thouſand Pounds; to be had and holden from this Day of in the Year of our Lord for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of with Intereſt, at the Rate of *per Centum per Annum*, ſhall be ſooner repaid and ſatisfied.

And Copies of all ſuch Mortgages ſhall be entered in the Book or Books to be kept, for that Purpoſe, by the Clerk or Treaſurer to the ſaid Truſtees; but no Money ſhall be borrowed upon the Credit of the ſaid Tolls after ſuch Firſt Meeting, unleſs Notice be for that Purpoſe fixed in Writ-

Notice to be given of borrowing Money

ing upon all the Turnpikes across the said Road, at least Twenty-one Days before the borrowing thereof.

And be it further enacted, That all Persons to whom any such Mortgage shall be made as aforesaid, or who shall be intitled to the Money thereby secured, may, from Time to Time, assign or transfer his, her or their Right, Title, Interest or Benefit to the said Mortgages, and the Principal and Interest thereby secured, to any Person or Persons whatsoever; indorsing on the Back of such Security, with or without a Witness, the following Words, or Words to the like Effect: Assignments may be transferred.

I Do transfer this Mortgage, with all my Right and Title to the Principal hereby secured, and to all the Interest now due upon the same, unto his Executors, Administrators, and Assigns. Dated this Day of

G. H.

Form of Transfer.

And such Transfer and Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in like Manner assign or transfer the same again, and so toties quoties; and it shall not be in the Power of such Person or Persons, who shall have made such Assignments respectively, to make void, release, or discharge the original Security, or any Monies thereby due, or any Part thereof; and all Persons to whom any such Mortgage or Assignment shall be made as aforesaid, shall be, in proportion to the Sum or Sums therein mentioned, Creditors on such Tolls, on the Credit whereof such Sum or Sums are advanced, in equal Degree one with another, and shall have no Preference in respect of the Priority of any such Monies so advanced.

And be it further enacted, That out of the Monies to be raised by virtue of this Act, the said Trustees, or any Five or more of them, shall in the first Place pay and discharge all the Expences and Costs relative to procuring and passing this Act; and the Remainder of the Money so raised shall from Time to Time be applied in putting this Act in Execution, and in repaying the principal Monies borrowed, and the Interest due thereupon. Purchase-monies to be paid out of the Tolls.

Provided always, That the Treasurer or Treasurers to be appointed by virtue of this Act shall, and he and they is and are hereby required, twice in every Year, to discharge, out of the Monies that shall come into his or their Hands by virtue of this Act, the Interest that shall Interest to be paid in preference to other Payments.

shall be then due upon all Mortgages made or secured by virtue of this Act, if the same shall be demanded, in Preference to any other Payment whatsoever.

Trustees to appoint Officers, &c.

And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, from Time to Time, by Writing under their Hands, appoint a Collector or Collectors of the said Tolls, and a Clerk or Clerks, Treasurer or Treasurers, and Surveyor or Surveyors of the said Road, and such other Officers as the said Trustees, or any Five or more of them, shall think necessary; and from Time to Time remove all or any of such Officers, and appoint others in the Room of such of them as shall be so removed, or shall die; and out of the Monies to arise by virtue of this Act, make such Allowances to the said Officers as to them the said Trustees, or any Five or more of them, shall seem reasonable; and all such Officers shall, under their Hands, at such Time and Times, and in such Manner as the said Trustees, or any Five or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, true and perfect Accounts in Writing of all the Monies which shall have been by such Officer or Officers respectively received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint; and all the said Officers accounting as aforesaid, shall upon Oath, if thereunto required by the said Trustees, or any Five or more of them, (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer) verify their said Accounts: And if any such Officer shall not make and render, or refuse to verify upon Oath any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, that then any One or more Justice or Justices of the Peace for the County where such Officer shall dwell, shall and may make Inquiry of and concerning such Default as aforesaid in a summary Way, as well by the Confession of the Party, as by the Testimony of One or more credible Witness or Witnesses upon Oath; and if it shall appear to such Justice or Justices, that any of the Monies that shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Officers, the said Justice or Justices may and is and are hereby authorized and required, upon Non-payment thereof, by a Warrant

and may remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account.

Officers neglecting or refusing to account,

Justices to inquire into the Default,

a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers respectively; and if no Goods or Chattels of such Officer or Officers can be found sufficient to answer and satisfy the said Money, and the Charges of distraining for the same; then, and in any of the Cases aforesaid, such Justice or Justices shall commit every such Offender to the Common Gaol for the County or Place where such Offender shall reside, or be apprehended, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees, or any Five or more of them, and shall have paid such Composition, in such Manner as they shall appoint; which Composition the said Trustees, or any Five or more of them, are hereby impowered to make.

and, on Conviction, commit the Offender,

until Payment or Composition made.

And be it further enacted, That the said Trustees, or any Five or more of them, shall, and they are hereby required to take Security by Bond, with One or more sufficient Surety or Sureties, and with sufficient Penalties, from every Person who shall be appointed as Treasurer under this Act, and before he shall enter upon such Office, for the making a due and satisfactory Account of all Monies entrusted to his Care and Charge.

Treasurer to give Security.

And be it further enacted, That no Victualler or Retailer of Ale, Beer, Cyder, or Spirituous Liquors, shall be capable of holding any Place or Profit under this Act.

Victuallers not to enjoy Places of Profit.

And be it further enacted, That the Surveyor or Surveyors of the said Road, or any of them, and such other Person and Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Sand, or other Materials proper for the repairing of the said Road, out of or from any Waste Ground or Common, River or Brook, in any Parish, Town, or Place, in or within Three Miles of which any Part of the said Road doth lie, without paying any thing for the same, such Surveyors or other Persons filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks, where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also the said Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, search for, dig, gather,

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

without paying for the same, levelling the Pits;

or in private Grounds,

take, and carry away, any such Materials as aforesaid, in, upon, or out of, from, and over the Lands of any Person or Persons (not being a Yard, Garden, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) paying or tendering to the Owners and Occupiers of such Lands for the same, and for the Damage done to such private Lands over which any Materials gotten in any Waste Ground, Common, River or Brook, or private Ground, shall be conveyed, such Equivalent in Money 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 appointed and employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning such Payments and Damages as aforesaid, the Justices of the Peace, at their next General Quarter-Sessions, or at the second General Quarter-Sessions at the farthest, to be holden in and for the County wherein such Difference shall arise, on Six Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages; and the Judgement or Order of the said Justices therein shall be final and conclusive to all Parties.

making Satisfaction to Owners.

Penalty on taking away Materials gotten for repairing the Road.

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 Purpose of 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 for amending the said Road, before the said Surveyors, 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 authorised 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 for every such Offence the Sum of Five Pounds.

Surveyors may remove Annoyances, &c.

And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time, to remove all Annoyances on any Part of the said Road, by Filth, Dung, Ashes, Rubbish, Straw, or

or otherwise, and dispose of the same for the Benefit of the said Road; and to turn any Watercourses, Sinks, or Drains, running along, into, or out of the said Road, to the Prejudice thereof; and to open, scour, cleanse, widen, or make deeper, any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary; and by and with the Consent of Two or more Justices of the Peace for the County of Buckingham or Oxford respectively, acting in their Petty Session, and not otherwise, to cut down any Timber Trees growing within Fifteen Feet of the Centre of the said Road; and also, by Order of the said Trustees, or any Five or more of them, from Time to Time to lop or top any Trees, (Timber Trees excepted) and cut down any Shrubs or Bushes growing in the said Road, or in the Hedges or Banks adjacent thereto, and to cut down or reduce all such Hedges to the Height of Three Feet; in case the Owners or Occupiers of the Premises shall neglect to open, scour, cleanse, widen, or deepen, such Watercourses or Ditches, or remove such Annoyances, or to cut down such Timber Trees, or to lop or top, cut down and remove such Trees, Shrubs, or Bushes, or reduce such Hedges, in such Manner as the said Trustees, or any Five or more of them, shall require, for the Space of Twenty Days next after Notice in Writing for that Purpose, shall be left at the House where the Occupier or Tenant shall reside, under the Hand or Hands of such Surveyor or Surveyors; 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 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 Two Pounds.

and cleanse Ditches;

and cut down Trees, &c.

Owners neglecting to remove the same after Notice;

Charges to be reimbursed the surveyor.

Penalty on a Second Offence.

And be it further enacted, That if any Person shall leave any Waggon, Cart, or other Carriage, 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 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 any Part of the said Road, or on the Side or Sides thereof, to the Prejudice or Annoyance thereof; every Person so offending shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Penalty on leaving any empty Carriage or Rubbish in the Road.

And

Surveyors may make Causeways, &c.

And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, or such Person or Persons as he or they shall appoint (such Surveyor or Surveyors, having an Order for that Purpose from the said Trustees, or any Five or more of them) to make, or cause to be made, Causeways, and also Ditches and Drains, in and upon the said Road, and also through any Ground lying contiguous thereto;

and make a temporary Road;

and also to make a Road through the Grounds adjoining, or lying near to any hollow Way, or narrow or ruinous Part of the said Road (such Ground respectively not being the Ground whereon any House stands, nor a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground, planted and set apart as a Nursery for Trees) to be made use of as a publick Highway, whilst the old Road

erect Bridges,

is repairing and widening; and also, by Order of any Five or more of 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 Road, and cross any River, Stream, Brook, Water,

making Satisfaction to the Owners.

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 Wood, Common, or Waste Ground.

Persons liable to repair Bridges, &c. to continue so.

And be it further enacted by the Authority aforesaid, That where any particular Part of the said Road, or any Bridge, Drain, or Sewer, being in and upon the said Road, hath been accustomed or ought to be repaired and maintained by any particular Person or Persons, Body Politick or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by either of the said Counties, or any Township therein; every such Part of the said Road, Bridge, Drain, or Sewer, so lying in and upon the said Road, shall, from Time to Time, be maintained and kept in Repair by such Person or Persons, Body Corporate or Politic, County or Counties, Township or Townships, and Places, and in such Manner as the same ought to have been respectively maintained and kept in Repair before the passing of this Act; and it shall and may be lawful for the Justices of the Peace for the County, wherein such particular Part of the Road, Bridge, Drain, or Sewer, shall lie, and they are hereby required

and

and impowered, at their Petty or Special Sessions, upon Application to them made by the said Trustees, or any Five or more of them, or their Clerk or Clerks for the Time being, to adjudge and determine where, how, and in what Manner, the same, from Time to Time, shall be maintained and kept in Repair.

Trustees may compound for Statute-work.

And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, to compound and agree with all or any of the said Persons, Bodies Politic or Corporate, Townships, or Places, which are or shall be liable or chargeable for or towards repairing of any such particular Part of the said Road, Bridge, Drain, or Sewer (except the Bridges liable to be repaired by the County, which shall continue to be respectively repaired as aforesaid) for a certain Sum of Money, by the Year or otherwise, as the said Trustees, or any Five or more of them, shall think fit, in lieu of such particular Works or Repairs to be done by such particular Person or Persons, Body Politic or Corporate, Township or Townships, or Places as aforesaid.

Lands, &c. chargeable with the Repairs of the Highways to continue so.

And be it further enacted, That if any Rents, Profits, or Sum or Sums of Money, issuing out of any Lands, Tenements, or Hereditaments, now are, or hereafter shall be applicable towards the amending any Part of the said Road, the same shall remain so; and the Lands and Tenements, or Hereditaments, out of which the same is payable, shall remain liable to, and chargeable therewith, and the Possessors and Occupiers of such Lands, Tenements, and Hereditaments, are hereby directed and required to pay such Rents and Profits to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same; and upon Default of Payment thereof, it shall be lawful to and for any Justice or Justices of the Peace of the County wherein such Lands, Tenements, or Hereditaments shall be, by Warrant under his or their Hand and Seal, or Hands and Seals, to levy the same by Distress and Sale of the Goods of such Person or Persons as shall neglect or refuse to make such Payment as aforesaid, together with the Costs and Charges of such Distress and Sale; and such Rents, Profits, Sum or Sums of Money, when recovered, shall be applied, from Time to Time, for and towards the amending the said Road, and to no other Use or Purpose whatsoever.

Act 7 Geo. III. extended to this Act.

And be it further enacted, That the Road hereby directed to be repaired and amended, shall be deemed and taken to be a Turnpike Road, within the Intent and

Meaning of an Act of Parliament made in the Seventh Year of the Reign of His present Majesty, intituled, An Act to explain, amend, and reduce into One Act of Parliament, the general Laws now in being for regulating the Turnpike Roads of this Kingdom, and for other Purposes therein mentioned; and that all and every Clause and Provision, contained in the said last mentioned Act, shall be in full Force with regard to the Road hereby directed to be repaired and amended, during the Continuance of this Act, as if the same had been herein repeated and re-enacted; excepting so far as the Subject Matter of the same, or any Part thereof, is herein otherwise ordered and provided for.

Persons liable to Statute-work to continue so;

And be it further enacted, That all Persons who by Law are or shall be chargeable with Statute-work, within the Parishes and Places where any Parts of the Road hereby directed to be repaired do lie, shall yearly, and every Year, do and perform such Proportion of Statute-work (not exceeding Three Days) and on such Part or Parts of the said Road, within their respective Townships, Parishes, Tythings, Places and Divisions, and in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors of the said Road by them appointed, shall appoint and require; yet so as that the Inhabitants of any Township, Parish or Place, which is already liable to do Duty on any other Turnpike Road, shall not be charged or chargeable with more than Two Days Statute-work, to be applied in repairing the Road hereby directed to be repaired.

except, &c.

Surveyors of the Highways to deliver in Lists of Persons liable to do Statute-work.

And be it further enacted, That the Surveyor or Surveyors of the Highways of and for every of the said Parishes, Tythings, Hamlets and Places, shall, and they are hereby required, within Ten Days after Notice in Writing, signed by the Clerk, Treasurer or Surveyor to the said Trustees, shall be given to him or them, or left at his or their House or Houses, or last Place of Habitation, for that Purpose, to return and deliver in to the said Trustees, at any Meeting to be by them held agreeable to such Notice, true and perfect Lists in Writing, upon Oath, if thereunto required (to be administered by the said Trustees, or any Two or more of them) of the Names of all the Inhabitants of, and Occupiers of Lands, Tenements and Hereditaments, in, such Parishes, Tythings, Hamlets, and Places respectively, that are liable to do their Statute-work, or Duty; and shall in such Lists, and every of them, distinguish and set forth which of such Inhabitants and Occupiers keep a Team or Teams, and what Lands,

Tenements

Tenements or Hereditaments, and to what annual reputed Value they respectively occupy, and which of them are Labourers, or liable to do their Statute-duties as Labourers only: And if the Surveyor or Surveyors of the several Parishes, Tythings, Hamlets, or Places wherein any Part of the said Road shall lie, shall not deliver in such Lists as aforesaid respectively, at or before such Times, and in such Manner, as by this Act are required and directed to be delivered; or shall refuse to verify the same upon Oath, if thereunto required; or if the Name or Names of any Person or Persons who ought to have been inserted in such List or Lists, are by Design omitted; or if such Surveyor or Surveyors shall refuse or decline to give publick Summons or Notices to such Person or Persons who ought by Law to do and perform such Statute Labour or Duty as aforesaid, according to the Directions of the said Surveyor or Surveyors appointed by the said Trustees; such Parish Surveyor or Surveyors, and every of them, shall forfeit and pay, for every such Default, the Sum of Ten Pounds: And if all or any of the Inhabitants of, or Occupiers of Lands, Tenements, or Hereditaments, in the said several Parishes, Tythings, Hamlets or Places, being obliged by Law to do Statute-duty in and upon the Highways, shall not do so much Statute-work in and upon the said Road, at such Times and Places, and in such Manner, as they shall by the said Surveyor or Surveyors appointed by the said Trustees be directed or appointed to do, such Inhabitants and Occupiers, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums hereafter mentioned: That is to say, Every such Inhabitant or Person who shall keep, or by virtue of the Laws now in being is compellable to furnish a Team or Teams, for every Day's Default of every Team, the Sum of Ten Shillings; and every other Inhabitant or Person liable to work on the said Road as a Labourer only, or to find and send one or more Labourer or Labourers thereon, for every Day's Default of himself and every such Labourer or Labourers, the Sum of One Shilling and Sixpence: And if any Person or Persons who shall come as a Labourer or Labourers, or be sent with any Team or Draught to work on the said Road, shall not attend at the Time and Place appointed, or shall be found idle or negligent by the said Turnpike Surveyor or Surveyors, such Surveyor or Surveyors is and are hereby impowered to remove and turn off such Person and Persons; and in that Case, the respective Forfeitures

Penalty on Surveyors, neglecting to give in such Lists;

and on Persons neglecting to do Statute-work.

Labourers found idle, to be turned off.

and Payments before mentioned shall be incurred and made payable, as if such Person or Persons had refused or neglected to come, or such Team or Draught had not been sent out.

Trustees may compound with Parishes, &c. for Statute-work.

And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, to compound and agree with the Inhabitants and Occupiers of Lands, Tenements and Hereditaments, of and in all or any of the said Townships, Parishes, Places and Divisions, from, to, or through which the said Road leads (their Consent being first signified in Writing, at a Vestry, or other publick Meeting of such Inhabitants summoned to assemble for that Purpose) for a certain Sum of Money, by the Year or otherwise, as the said Trustees, or any Five or more of them, shall think reasonable, in lieu of the whole Statute or other Work to be by all the said Inhabitants and Occupiers done on the said Road; which Composition Money shall always be paid to the Surveyor or Surveyors, or other Officer of the Parish so compounding, to the Treasurer of the said Trustees, on or before the First Day of May in each Year, or otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound.

Trustees may contract for the Purchase of Lands to be taken into the Road.

And be it further enacted, That the said Trustees, or any Five or more of them, shall be and are hereby fully impowered, from Time to Time, to widen the said Road, or to divert, turn, shorten, vary, or alter the Course or Path of any Part or Parts of the said Road, through any Common or Waste Ground, without making any Satisfaction for the same; and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and for that Purpose it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, to contract and agree with the Owners of, and Persons interested in any Lands or Hereditaments, for the Purchase or Exchange thereof, or for the Loss or Damage such Owners or Persons may sustain by such widening, diverting, turning, shortening, varying, or altering the Course or Path of any Part or Parts of such Road through such Lands or Hereditaments; and it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Guardians, Trustees, and Committees, not only for and on behalf of themselves, their Heirs and Successors, but also for or on Behalf of their Infant Wards, Cestuique Trusts, Lunaticks, Ideots, or Persons

Bodies Politick, &c. may contract for the Sale of Lands, &c.

ſons of unſound Memory and Underſtanding, and to and for all Femes Covert who are or ſhall be ſeized or intereſted in their own Right, and to and for all and every Perſon and Perſons whomſoever who are or ſhall be poſſeſſed of, or intereſted in any ſuch Lands or Hereditaments, to contract with the ſaid Truſtees, or any Five or more of them, for the Satisfaction to be made for ſuch Damages as aforeſaid, or to exchange with, ſell and convey unto them, or any Five or more of them, all or any of ſuch Lands or Hereditaments, or any Part thereof, for the Purpoſe aforeſaid; and all Contracts, Exchanges, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes; any Law, Statute, Uſage, or other Matter whatſoever, to the contrary notwithſtanding: And all ſuch Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Guardians, Truſtees, Committees, and all other Perſons, ſhall be and are hereby indemnified for what they ſhall do by virtue of this Act: And if any ſuch Body Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Guardians, Truſtees, Committees, or any other Perſon or Perſons intereſted in any ſuch Lands or Hereditaments, upon Notice to him, her, or them, given, or left in Writing at the Dwelling-Houſe or Houſes, or other Place or Places of Abode of ſuch Perſon or Perſons, or of the principal Officer or Officers of any ſuch Body Politick, Corporate or Collegiate, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Hereditaments, through which any Part of ſuch Road is intended to be diverted, turned or altered, ſhall, for the Space of Twenty-one Days next after ſuch Notice given or left, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating; then, and in every ſuch Caſe, the ſaid Truſtees, or any Five or more of them, ſhall cauſe ſuch Damage and Recompence to be enquired into, and aſcertained by a Jury of indifferent Men of the County; and in order thereto, the ſaid Truſtees or any Five or more of them, are hereby impowered and required from Time to Time, as Occaſion ſhall be, to ſummon and call before ſuch Jury, and examine upon Oath any Perſon and Perſons whomſoever, (which Oath any One or more of the ſaid Truſtees is and are hereby impowered to adminiſter) and ſuch Truſtees, or any Five or more of them, ſhall, by ordering a View or otherwiſe, uſe all Ways and Means as well for their own as for the ſaid Jury's Information of the Premiſes; and after the ſaid Jury ſhall have enquired of and aſſeſſed ſuch Damage and Recompence, they the ſaid Truſtees,

Where Perſons refuſe to treat, &c.

Jury to ſettle the Damage and Recompence.

Witneſſes may be examined upon Oath.

or any Five or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners and other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination thereupon, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever, claiming or to claim in Possession, Remainder, or Reversion, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunaticks, Ideots and Persons under any Disability whatsoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever: And for summoning and returning such Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the respective County wherein such Lands shall lie, requiring him to impanel, summon, and return, an indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly; and out of the Persons so summoned, impanelled and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall, and they are hereby impowered and required to draw by Ballot, and to swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen so returned, the said Sheriff, or his Deputy or Deputies, or any Five or more of the said Trustees, shall return other such honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them, acting in the Premises, shall have Power, from Time to Time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises; and on any of the Persons that shall be summoned and returned on such Jury, and who shall not appear, or appearing shall refuse to be sworn on the said Jury,

Verdict of Jury to be final.

Trustees to issue their Warrant to the Sheriff for impanelling a Jury.

Jurors may be challenged

Trustees may impose a Fine on Sheriff, &c. making Default in the Premises.

Jury, or being so sworn, shall refuse to give or not give a Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence before the said Jury, shall refuse or neglect to appear, or appearing, shall refuse to be examined or to give Evidence; and such Fine or Fines shall be levied, recovered, and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein after directed to be levied, recovered, and applied, so that no such Fine be more than Ten Pounds nor less than Two Pounds on any One Person for One Offence.

Fine not to exceed 10*l.*

And be it further enacted, That every Sum of Money or Recompence, to be agreed for or assessed as aforesaid, shall be paid out of the Tolls aforesaid, or out of the Monies to be borrowed upon the Credit of such Tolls, to the Parties or Persons respectively intitled to such Monies, or to their Agents; and upon Payment, or, in case of Refusal to accept the same, upon leaving the same in the Hands of the Treasurer or Treasurers to the said Trustees, for the Use of such Parties or Persons, it shall be lawful for any Person or Persons authorised by Writing under the Hands of the said Trustees, or any Five or more of them, to widen, divert, or turn such Road through or over such Lands or Hereditaments, and to do all and every Act, Matter and Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and the said Trustees, or any Five or more them, shall cause such Parts of the said Road as shall be widened, diverted or turned through any private Grounds, to be ditched or otherwise fenced from the adjoining Lands; and all Lands and Hereditaments which shall be made a Part or Parts of the said Road, by virtue of this Act, shall be for ever thereafter, to all Intents and Purposes, a Common Highway, and shall be repaired and kept in repair, in such Manner as the Road hereby appointed to be repaired, is by this Act to be amended; and from thenceforth all Parties and Persons whatsoever, shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new Road shall be compleated, the Lands constituting the former Road, unless leading over some Moor or Waste Ground, or to some Village, Town or Place to which such new Road doth not lead, shall be vested in, and shall and may be exchanged or sold and conveyed by, the said Trustees, or any Five or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale

Money allowed for Lands, &c. how to be charged and tendered.

Lands when purchased to be made Part of the Road, and kept in repair as such.

Old Road may be sold.

Dwelling-houses, &c. not to be injured.

shall be applied to the Repair of that Part of the said Road so diverted and turned: But this Act shall not extend to the taking down any Dwelling-house or other Building, or to take in any Land that is a Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to a House, or any Part thereof, without the Consent of the Owner or Proprietor thereof.

Owners of Lands adjoining to the old Road, to have Preference in Purchase.

Provided always, That in case the Owner or Owners of any Lands adjoining to the Lands constituting the former Road, shall signify in Writing to any Five or more of the said Trustees, before the new Road shall be compleated, his, her, or their Desire to purchase so much of the said former Road as shall adjoin to his, her, or their Lands; such Owner or Owners shall be allowed to purchase the same, in preference to any other Person offering the same Purchase-money.

Expence of Juries how to be borne.

And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Monies, as a Recompence for the Right, Interest, or Property, of any Person or Persons, in any Lands or Hereditaments, or for any such Loss or Damage, than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning or returning the Jury, as a Recompence or Satisfaction for any such Right, Interest or Property, or Loss or Damage as aforesaid; that then, and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses, shall be borne and paid by the said Trustees, or any Five or more of them, out of the Tolls hereby granted, or out of any Money to be borrowed upon the Credit thereof: But if any Jury shall give in and deliver a Verdict or Assessment for no more, or for less Money, than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property in, or Loss or Damage as aforesaid; that then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute.

Penalty on haling Timber, &c. otherwise than on Wheel-carriages, &c.

And be it further enacted, That if any Person or Persons shall draw, or cause to be drawn, upon any Part of the said Road, any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages; or shall suffer any Part of any Tree or Piece of Timber, which shall be conveyed upon any Wheel Carriage, to drag or trail

upon any Part of the said Road to the Prejudice thereof; every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

And be it further enacted, That all the Penalties, Forfeitures, and Fines, hereby inflicted, or authorised to be imposed, if the Manner of levying or Recovery thereof is not herein otherwise directed, shall, upon Proof of the Expences respectively, before any One Justice of the Peace for the County or Place wherein the Offence shall be committed, or any One Justice of the Peace for the County or Place wherein the Offender shall be and reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby impowered and required to grant for those Purposes; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Prosecution, Conviction, Distress and Sale, are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid to the Treasurer or Treasurers of the said Trustees, and applied in the Repair of the said Road; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as aforesaid, and he is hereby authorised and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place, there to remain, without Bail or Mainprize, for any Time not exceeding Two Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Penalties and Forfeitures how to be recovered and applied.

For want of Distress, Offender to be committed.

And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice and Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any Form of Words to the same Effect, as the Case shall happen, videlicet.

Form of Conviction.

BE it remembered, That on the in the Year of our Lord One thouſand ſeven hundred and *A. B.* is convicted before me *C. D.* one of His Majeſty's Juſtices of the Peace for the County of *(ſpecifying the Offence, and Time and Place, when and where the ſame was committed, as the Caſe ſhall be)*. Given under my Hand and Seal, the Day and Year aforeſaid.

Perſons aggrieved may appeal to the Quarter-Seſſions.

Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed, ſuch Perſon may appeal to the Juſtices of the Peace, at any General Quarter-ſeſſion of the Peace to be held for the County or Place wherein the Cauſe of Complaint ſhall ariſe, and within Three Months after the Cauſe of

Notice thereof to be given.

ſuch Complaint ſhall have ariſen; ſuch Appellant firſt giving, or cauſing to be given, Six Days Notice at leaſt, in Writing, of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk or Treaſurer to the ſaid Truſtees; and, within Two Days after ſuch Notice, entering into Recognizance before ſome Juſtice of the Peace for ſuch County or Place, with Two ſufficient Sureties, conditioned to try ſuch Appeal, and abide the Order of, and to pay ſuch Coſts as ſhall be awarded by, the Juſtices at ſuch Quarter-ſeſſion; and the ſaid Juſtices, at ſuch Seſſion, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Quarter-ſeſſion ſhall be final, binding, and concluſive to all Intents and Purpoſes.

Proceedings not to be quaſhed for want of Form, nor removeable by *Certiorari*.

And be it further enacted, That no Order made touching or concerning any of the Matters aforeſaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders againſt this Act, ſhall be quaſhed for want of Form, or be removed or removeable by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; and that where any Diſtreſs ſhall be

Diſtreſs not unlawful for want of Form,

made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed

to

to be unlawful, nor the Party or Parties making the same to be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage (if any) in an Action upon the Caſe; but no Plaintiff or Plaintiffs ſhall recover in any Action, for ſuch Irregularity as aforeſaid, if Tender of ſufficient Amends hath been made by or on the Behalf of the Party diſtraining before ſuch Action brought.

nor Party making it deemed a Treſpaſſer *ab initio*.

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

And be it further enacted, 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 of, or only ſigned by, any Truſtee or Truſtees for putting this Act in Execution, or by any Juſtice or Juſtices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any of the Powers or Authorities hereby veſted in ſuch Truſtee or Truſtees, 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.

Writings to be without Stamps.

And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees at their ſeveral Meetings ſhall be entered in a Book or Books to be kept for that Purpoſe; and ſuch Orders and Proceedings, when entered, ſhall be ſigned by the ſaid Truſtees, or ſuch competent Number of them as is by this Act required; and the ſaid Orders and Proceedings, ſo ſigned, ſhall be deemed and taken to be original Proceedings, and ſhall and may be produced and read in Evidence in all Caſes of Appeals, Suits, Actions, or other Proceedings, touching any Thing done by the Authority of this Act.

Proceedings to be entered in Books.

Books may be read in Evidence.

And be it further enacted, That this Act ſhall commence upon the Fourteenth Day from and after the paſſing of this Act, excluſive of the Day on which the ſame ſhall have been paſſed; and ſhall continue and be in Force for and during the full Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

Commencement and Continuance of this Act.

Provided

Limitation of Actions.

Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, by Order of the said Trustees, or such competent Number of them as is herein required, until Twenty-one Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County or Place where the Matter shall arise, and not elsewhere; and the Defendant and Defendants, in every such Action or Suit, shall or may, at his or their Election, plead specially, or

General Issue.

the General Issue, and give this Act, and the Special Matter, in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or if such Action or Suit shall be brought before Twenty-one Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants: And upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover

Treble Costs.

Treble Costs; and have such Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law.

Publick Act.

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

FINIS.