ANNO UNDECIMO

Georgii III. Regis.

An Act for amending, widening, turning, and altering the Road from the Bottom of *Galley Hill*, near the Town of *Witney*, to the Croſs in *Clanfield*, in the County of *Oxford*.

WHEREAS the Road adjoining to and leading from the Turnpike Road at the Bottom of a Place called Galley Hill, near the Town of Witney, in the County of Oxford, through Curbridge, Lew, and the Market-place of Bampton, to the Croſs in Clanfield, in the ſaid County, is in a ruinous Condition, and in ſome Parts thereof narrow and incommodious, and cannot be ſufficiently amended, widened, and kept in good Repair by the ordinary Courſe of Law: And whereas it would be convenient and leſs expenſive to make and keep in Repair, if the Courſe of the Road over Curbridge Heath and Lew Heath was changed and made to go to and through a certain Lane called Quy Lane to Bampton, inſtead of the preſent Road over Curbridge Heath and Lew Heath, through Lew, to Bampton aforeſaid: 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 Preamble.

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 Robert Spencer, commonly called Lord Robert Spencer; the Right Honourable Philip Lord Viſcount Wenman, in the Kingdom of Ireland; the Right Honourable George Simon Harcourt, commonly called Lord Viſcount Newnham; the Honourable William Harcourt, the Honourable Richard Wenman, the Honourable Thomas Wenman, the Honourable George Boſcawen, the Honourable Robert Lee, the Honourable Thomas Francis Wenman, Joſeph Amphlett Doctor of Laws, Joſeph Andrews, Brian Alder, Edward Anſell, John Arnott, Jonathan Arnott, Sir William Burnaby Baronet, Charles Barrow, John Blandy, Samuel Blackwell, George Boſcawen the younger, Stuckley Baynton, the Reverend Henry Barton Doctor in Divinity, Thomas Brooks, Richard Boys, Barrett, Clerks; William Brooks, Auguſtine Batt, Walter Beechy, Henry Bolton, Edward Bolton, Edward Batt, Joſeph Brigſtock, Edward Baker, Richard Bedwell, Thomas Craven, Alexander Colſton, William Chapman, Anthony Collins, John Collier, Edward Church, John Collins, Thomas Collins, Stephen Collier, Richard Cocks, James Lenox Dutton, George Davis, Samuel Druce, Thomas Dolley, Michael Dolley, William Dutton, John Meggett Elwes, Paul Elers, John Early, Francis Edmonds, John Empſon, Gaſcoigne Frederick, Robert Fettiplace, Charles Fettiplace, John Forteſcue Bachelor in Phyſick, Henry Furley, John Fardon, John Fiſher, Bartholomew Fiſher, Sir William Guiſe Baronet, Edward Gore, the Reverend Thomas Griffiths, Goodenough, Clerks; John Godfrey, Thomas Horde, the Reverend Matthew Horberry Doctor in Divinity, Benjamin Holloway the elder, Benjamin Holloway the younger, Charles Hawtry, Charles Hoſkins, Clerks; Jeremiah Hewer, William Holmes, Henry Howell, Giles Harris, John Smith Humphrys, Thomas Huntley Trees James Clerk, Noble Kent, Kirk, William Lenthal, John Lenthal, John Lenthal the younger, James Lacey, Willoughby Lacey, Thomas Lankſhear, William Leyborne Leyborne, Charles Loder, John Loder Clerk, John Leake, Joſeph Lardner, William Liſſett, Richard Lardner, Charles Long, John Morton, the Reverend Thomas Middleton, John Mulſo, Clerks; Richard Morris, John Mander, William Marriott the elder, John Major, Richard Meads, William Merchant, Robert Morris the elder, Robert Morris the younger, John Mallam, John Nabbs, the Reverend John Noel, Naſh, Clerks; Francis Page, Henry James Pye, John Pryor, John Parker, the Reverend

Truſtees Names.

rend John Pinnell, Richard Parker, Henry Powell, Clerks; Henry Proctor, John Poulton, John Peisley, Job Partlett, White Piercy, Henry Partlett, Charles Pye, Robert Pye, John Patten, the Reverend John Price Clerk, Lewis Pryse, Sir John Read Baronet, William Roberts, Sir William Stonehouse Baronet, Richard Stonehouse, the Reverend Richard Slade, George Steele, Clerks; Jason Shepperd, Thomas Silvester, Paul Silvester the younger, Thomas Symonds, John Smith, William Stephens, John Stephens, Henry Stephens, John Shuffrey, Joseph Singleton junior, John Shorter, Edward Southby, Nathaniel Southby, Henry Southby, Richard Steede, Benjamin Smith, Thomas Slade Clerk, Sir Robert Throckmorton Baronet, Henry Townsend, Arthur Vansittart, Robert Vansittart, the Reverend George Underwood Clerk, Maximilian Western, Simon Wisdom, Thomas Walker, Richard Parish Witts, Wells Waring, Elijah Waring, William Wright the elder, David Watts, William Watts, Benjamin Williams, John Williams, John Waring, Samuel Waring, Richard Way, John Wright, John Wells, William Woods, William Wright the younger, George Watts, George Watts junior, and Robert Yateman, and their Successors, to be appointed in Manner herein after mentioned, shall be, and they are hereby appointed Trustees for amending, widening, turning, and altering the said Road, and for putting in Execution all the Powers in and by this Act given and granted.

Qualifications of Trustees.

And be it further enacted, That no Person shall be capable of acting as a Trustee in any Case in the Execution of this Act, unless at the Time of his acting therein he shall be seised or possessed, in his own Right, or in the Right of his Wife, in the actual Enjoyment or Receipt of the Rents and Profits of an Estate in Lands, Tenements, or Hereditaments, either in Law or Equity, within that Part of Great Britain called England, which shall be of the clear yearly Value of Sixty Pounds above all Reprizes; or shall be Heir-apparent of a Person seised of an Estate in Lands of the clear Value of One hundred and Twenty Pounds; or possessed of a personal Estate to the Amount or Value of Twelve hundred Pounds: And if any Person hereby made incapable to act shall nevertheless presume to act in the Trust aforesaid, every such Person, for every such Offence, shall forfeit and pay the Sum of Fifty Pounds to any Person or Persons who will 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 no Essoin, Protection, or Wager of

Penalty on acting if not qualified.

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 in the Execution of this Act.

Trustees First Meeting.

And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the House of Walter King in Bampton, known by the Sign of the Talbot, on the Twenty-third Day of May next, and shall proceed to the Execution of this Act; and shall and may at such Meeting adjourn themselves to the same or any other Place near the said Road as the said Trustees, or any Five or more of them, shall think proper; and if it shall happen that there shall not appear at any Meeting a sufficient Number of Trustees to act at such Meeting, or to adjourn to any other Day, then the Clerk to the said Trustees shall, by Notice fixed on all the Turnpike-gates which shall be erected by virtue of this Act, at least Ten Days before the next Meeting, appoint the said Trustees to meet at the same or some other convenient Place on that Day Fortnight on which such last-mentioned Meeting was appointed to be held; and the said Trustees, at all their Meetings, shall defray their own Charges and Expences.

Election of new Trustees.

And be it further enacted, That when and so often as any Trustee or Trustees shall die, or by Writing under his Hand, delivered to the Clerk of the said Trustees, shall refuse to act, it shall and may be lawful for the surviving or remaining Trustees, or any Nine or more of them, to elect One or more fit Person or Persons in the Room or Place of such Trustee or Trustees so dying or refusing to act, on Fourteen Days Notice in Writing first given of a Meeting, for such Election, to be fixed on the several Turnpike-gates; 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 carrying this Act into Execution.

Trustees may erect Turnpikes, &c.

And be it further enacted, That the Trustees, or any Five or more of them, shall cause to be erected a Gate or Gates, Turnpike or Turnpikes, in or across any Part or Parts of the said Road; and also upon the Side or Sides thereof, across any Lane or Way leading into the same; and also a Toll-house or Toll-houses adjoining to or near each of them respectively; and the respective Tolls following shall be demanded and taken thereat of the Person or Persons attending any Cattle

or

or Carriages herein after mentioned, before any such Cattle or Carriage shall be permitted to pass through the same; that is to say,

For every Horse, Mare, Gelding, Mule, or Ass, drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Hearse, Waggon, Wain, Dray, Car, Cart, or other Carriage, the Sum of Three-pence. The Tolls.

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence per Score.

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

Which Sum and Sums respectively shall be demanded and taken in the Name of or as a Toll or Duty; and the Money so to be raised shall be and is hereby vested in the said Trustees, and the same and every Part thereof shall be paid and applied in such Manner as is herein after mentioned and directed; and it shall and may be lawful to and for such Person or Persons as the said Trustees, or any Five or more of them, under their Hands and Seals, shall from Time to Time nominate and appoint, to demand and take the Tolls hereby granted and made payable; and also to levy the same upon any Person or Persons liable to pay the same, who shall, after Demand thereof made, neglect or refuse to pay such Tolls or Duties as aforesaid, by Distress of any Carriage or Carriages, or Cattle, upon which such Tolls or Duties are by this Act imposed, or by Distress of any other of the Goods and Chattels of the Person or Persons so neglecting or refusing as aforesaid, wheresoever the same may be found, and to detain and keep such Goods and Chattels so distrained until such Tolls or Duties, with the reasonable Charges of such distraining and keeping, shall be paid; and such Person or Persons so distraining, after the Space of Four Days after such Distress made and taken, shall and may sell the Goods or Chattels so distrained, returning the Overplus, (if any be) upon Demand, to the Owner thereof, after such Toll-duties, and the reasonable Charges for distraining, keeping, and selling the same, shall be deducted and paid.

Provided always, That nothing herein contained shall extend, or be construed to extend, to impower the Trustees under this Act to erect any Toll-gate or Turnpike

pike between the Town of Bampton and Clanfield Croſs aforeſaid, or in or nearer to Bampton than the North End of Quy Lane aforeſaid, or to take or receive any Toll on that Part of the ſaid Road.

No more than half Toll ſhall be taken from the Inhabitants of certain Places at the Gate in *Quy Lane*.

And whereas the Town of Bampton, and the Hamlet of Weald adjoining thereto, lie on the ſaid Road intended to be repaired by this Act, and the Hamlets of Aſton and Coat, in the Pariſh of Bampton, lie near to the ſaid Road, and the Inhabitants of the ſaid Town and Hamlets, or Villages, in going to the Fairs and Markets at Burford, will have Occaſion to paſs through a very ſmall Part of the Road ſo to be repaired; be it therefore enacted by the Authority aforeſaid, That no more than One Moiety or Half Part of the Tolls aforeſaid ſhall be demanded or taken for any Horſe, Mare, or Gelding, drawing any Waggon, Wain, Cart, Carriage, or for any Horſe, Gelding, Mare, Mule, or Aſs, or other Cattle, which ſhall reſpectively belong to any of the Inhabitants of the ſaid Town, Hamlets, or Villages laſt mentioned, and ſhall go and paſs through any Turnpike or Gate which may be erected in Quy Lane by virtue of this Act, from any of the ſaid Places to the Fairs or Markets held at Burford aforeſaid; any Thing herein contained to the Contrary notwithſtanding.

Charges of this Act how to be defrayed.

And be it further enacted, That out of the firſt Money ariſing by the Tolls or Duties which ſhall be collected by virtue of this Act, or out of the Money which ſhall be borrowed on the Credit thereof, the ſaid Truſtees, or any Five or more of them, ſhall, in the firſt Place, pay and diſcharge all the Expences and Charges of procuring and paſſing this Act, and ſhall apply the Remainder of the Money ſo raiſed in erecting Gates or Turnpikes and Toll-houſes, and repairing and widening the ſaid Road, and defraying the neceſſary Coſts, Charges, and Expences attending the ſame, and the Execution of this Act, and to ſuch other Purpoſes as are herein after mentioned, and to no other Uſe or Purpoſe whatſoever.

Penalty on permitting private Paſſages, or otherwiſe evading the Tolls.

And be it further enacted, That if any Perſon or Perſons whatſoever owning, renting, or occupying any Lands or other Premiſes near any Turnpike which ſhall be erected in purſuance of this Act, ſhall knowingly or wittingly permit or ſuffer any Perſon or Perſons to paſs over the ſame, or through any Gate, Paſſage, Incloſure, or Way, with any Sort of Carriage or Cattle, whereby the Payment of the Tolls or Duties by this Act laid, or any Part thereof, is or ſhall be avoided, every ſuch Perſon or Perſons ſo offending, and the Perſon or Perſons riding in or upon, driving or owning ſuch Carriage

or Cattle, shall, for every such Offence, respectively forfeit and pay the Sum of Twenty Shillings.

Persons and Things exempted from Toll.

Provided always, and be it further enacted, That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid, for passing through any of the Turnpikes, to be erected by virtue of this Act, with any Cattle or Carriages going empty for, or drawing or carrying or returning empty, after having drawn or carried any Materials for repairing the said Road, or for amending any of the Highways in the Parishes or Townships in which the Road directed by this Act to be repaired doth lie; or any Manure or Compost to be laid upon Lands or Gardens; or any Hay or Corn in the Straw to be laid up in the Houses, Out-houses, Barns, or Yards belonging to the respective Inhabitants of the several Parishes or Townships aforesaid; or with any Ploughs, Harrows, or Implements of Husbandry, belonging to or employed by such Inhabitants respectively; or with any Horses or other Cattle going to or returning from Pasture, or Watering-places belonging to such Parishes or Townships, or going to be shod or carried, or returning therefrom; or with any Horses or Carriages drawing or carrying the Post-mail, or Packet; or attending any Soldiers on their March, or laden with their Arms or Baggage; or going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Oxford and Berks, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, each Person, for every such Offence, shall forfeit and pay the Sum of Twenty Shillings.

Tolls to be paid but once a Day.

Provided always, and be it further enacted, That no Person or Persons who shall have paid any of the Tolls or Duties aforesaid at any Turnpike which shall be erected upon the said Road, or on the Side or Sides thereof, shall be subject or liable to pay any further Toll on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) for afterwards passing and repassing through the same, or through all or any Turnpike or Turnpikes which shall be erected upon the said Road, or on the Side or Sides thereof, for or in respect of such Horse, Cattle, or Carriage, for which such Toll shall have been paid, such Person or Persons producing a Note or Ticket denoting such Payment, which Notes or Tickets the Collectors of the Tolls are hereby required to

give gratis on Receipt of the Tolls; any Thing herein before contained to the Contrary notwithstanding.

Penalty on giving or receiving Tickets to evade the Tolls.

And be it further enacted, That if any Person or Persons shall give and dispose of any such Note or Ticket to any Person or Persons, in order to prevent, evade, or avoid the Payment of any of the said Tolls or Duties, every such Person giving or disposing of such Note or Ticket, and the Person receiving and tendering the same at any of the said Gates or Turnpikes, shall respectively forfeit and pay the Sum of Twenty Shillings.

Trustees may compound for Tolls.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, from Time to Time, as often as they shall think fit, to compound with any Person or Persons (except Persons carrying Goods or other Things for Hire) using to travel through all or any of the Gates or Turnpikes, erected by virtue of this Act, with any Carriage or Cattle for any Sum of Money for or in lieu of the Payment of the Tolls hereby granted; which Composition-money shall always be paid in Advance to the said respective Trustees, or any Five or more of them, or to such Person whom they shall appoint to receive the same, and shall be applied in the same Manner as the Tolls are in and by this Act directed to be applied.

Trustees may reduce the Tolls,

and raise them again.

And be it further enacted, That the said Trustees, or any Nine or more of them, shall and may, and they are hereby authorised and impowered, from Time to Time, to lessen or reduce, and to vary and alter the several Tolls or Duties hereby granted and made payable, and to raise the same again, or any Part thereof, and to order and direct the same to be collected, received, and taken in such Manner, Parts, and Proportions, as they shall think fit, so that the said Tolls or Duties shall never exceed the Tolls or Duties granted in and by this Act; any Thing herein contained to the Contrary notwithstanding.

Trustees may appoint Officers,

and remove them and appoint others.

And be it further enacted, That the said Trustees, or any Nine or more of them, present at their First or any subsequent Meeting, by any Writing or Writings under their Hands, shall and may appoint One or more Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of the Tolls or Duties aforesaid, and Surveyor or Surveyors of the said Road, and also such other Officer or Officers as the said Trustees, or any Nine or more of them, shall think necessary; and shall and may, from Time to Time, remove such Clerks, Treasurers, Collectors, Receivers, and Surveyors, and

other Officers, or any of them, as they shall see Occasion, and appoint new Ones in case of Death, Resignation, or such Removal; and all and every such Officer and Officers so appointed as aforesaid, shall, upon Oath, if thereunto required by the said Trustees, or any Five or more of them, or before any One or more Justice or Justices of the Peace residing near to the said Road, (which Oath the said Trustees, or any Two or more of them, or such Justice or Justices of the Peace, is and are hereby impowered and required to administer or tender, for which no Fee or Reward shall be taken) as often as required by the said Trustees, or any Five or more of them, or to their said Treasurer or Treasurers for the Time being, a true, exact, and perfect Account in Writing under their respective Hands, with proper Vouchers, of all Monies which he, she, or they, and every or any of them, shall to such Time have received, paid, and disbursed by virtue of this Act, or by reason of their respective Offices; and in case any Money so received shall remain in his, her, or their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall, by any Writing or Writings under their Hands, authorise and impower to receive the same, and shall be disbursed and laid out in the Execution of this Act, and not otherwise; and in case any such Officers shall not not give in and make such Account and 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 Enquiry of and concerning such Default as aforesaid, in a summary Way, as well by Confession of the Party as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer without Fee or Reward); and if any such Officer shall be convicted of all or any of the Offences aforesaid, such Justice or Justices shall, upon such Conviction, commit the Party to the common Gaol of the said County, there to remain without Bail or Mainprize until he shall have made a perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with the said Trustees, or any Five or more of them, and have paid such Composition-money (which Composition the said Trustees, or any Five or more of them, are hereby authorised and impowered to make and receive); and the said Trustees, or any Nine or more of them, shall and may, out of the Money arising by the said Tolls or Duties,

Officers to account upon Oath.

On Refusal to account,

and, on Conviction, commit the Offender.

Duties, make such Allowance to the said Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, and other Officer or Officers, for and in Consideration of his and their Care and Pains respectively taken in the Execution of his and their said Office or Offices, and to such other Person or Persons as shall have been employed in the Execution of this Act, as to the said Trustees, or any Nine or more of them, shall seem reasonable; but no Person shall be capable of holding any Place of Profit under the said Trustees who shall sell any Wine, Ale, or Spirituous Liquors by Retail.

Treasurer to give Security.

And be it further enacted, That the said Trustees, or any Nine or more of them, shall and may, and they are hereby authorised and required to take such Security from the Treasurer or Treasurers, and other Officers to be appointed for the Purposes of this Act, for the due Execution of his and their said Office and Offices, as to the said Trustees, or any Nine or more of them, shall seem meet.

Trustees not to hold any Place of Profit.

Provided always, and be it further enacted and declared, That no Person shall be capable of acting as a Trustee under the Authority of this Act, who shall hold any Place of Profit arising out of the Tolls or Duties hereby granted.

Turnpikes, &c. vested in Trustees.

And be it further enacted, That the said Gates or Turnpikes and Toll-houses, and the Materials of which the same shall consist, and all Materials which shall be provided by the said Trustees, or by their Surveyor or Surveyors, for repairing the said Road, shall be and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions in the Name of any One of them, or of their Treasurer or Clerk, or to prefer and order and direct the preferring of Indictments against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, injure, or destroy any Gate, Turnpike, or Toll-house, which shall be erected by virtue of this Act, or any Part thereof, or any of the Materials of which the same shall be built or consist, or any of the Materials which shall be provided for repairing the said Road.

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 Nine or more of them, to let to farm, or demise, all or any of the Tolls or Duties granted by this Act, for any Term of Years not exceeding Three Years, at and under such Rent, payable

payable at such Times, and under such Covenants, as the said Trustees, or any Nine or more of them, shall think fit; the said Trustees taking such sufficient Security from such Person or Persons to whom such Tolls or Duties shall be leased or demised for Payment of such Rents, or Performance of the said Covenants, as the said Trustees, or any Nine 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. Application of the Tolls.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, at their First or any subsequent Meeting, upon the Credit of the Tolls arising by virtue of this Act, in such Manner as they shall think proper, to borrow and take up at legal or less Interest such Sum and Sums of Money as they, or any Nine or more of them, shall think fit; and, by Writing under their Hands and Seals, to assign over the said Tolls, or any Part or Parts thereof, (the Charges of such Mortgages or Assignments to be paid out of such Tolls) to any Person or Persons, for any Term during the Continuance of this Act, as a Security or Securities for the Repayment of the several Sums that shall be so borrowed, with the Interest thereof; which Assignment shall be in the Words, or to the Effect following: Trustees may borrow Money on the Credit of the Tolls. Assignments may be transferred.

BY virtue of an Act made in the Eleventh Year of the Reign of His Majesty King *George* the Third, *for repairing, widening, and turning the Road from the Bottom of* Galley Hill, *near the Town of* Witney, *to the Cross in the Town of* Clanfield, *in the County of* Oxford, We of the Trustees, do Assign to *A. B.* his Executors, Administrators, and Assigns, in consideration of the Sum of from this Day of , in the Year of our Lord , until the said Sum of , with Interest, at the Rate of *per Centum per Annum*, shall be repaid, such Proportion of the Tolls arising by virtue of the said Act, between and as the said Sum of shall bear to the whole Sum advanced on the Credit of the same. Form of Assignment.

And Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees; but no Money Assignments be entered in a Book.

shall be borrowed after such First Meeting, unless Notice in Writing be for that Purpose fixed upon all the Turnpike-gates erected by virtue of this Act, at least Fourteen Days before the borrowing thereof; and all and every Person and Persons to whom any such Assignment or Assignments shall be made as aforesaid, or who shall be intitled to the Money thereby secured, may, from Time to Time, by Writing under his, her, or their Hand and Seal or Hands and Seals, assign or transfer his, her, or their Right, Title, Interest, or Benefit of the Principal and Interest thereby secured to any Person or Persons whomsoever, by proper Words of Assignment, to be indorsed on the Back of such Security in the Presence of One credible Witness; which Transfer or Assignment shall be in the following Words, or Words to the like Effect:

Form of Transference.

I Do transfer this Assignment, with all my Right and Title to the Principal and Interest thereby secured, unto his Executors, Administrators, and Assigns. In Witness whereof I have hereunto set my Hand and Seal this Day of

Witness *E. F.* *C. D.*

Which said Transfer or Assignment shall be produced and notified to the said Clerk, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Dates, Names of the Parties, and Sums of Money, in a Book or Books to be kept for that Purpose, for which the said Clerk shall be paid such as the said Trustees, or any Five or more of them, shall appoint, not exceeding the Sum of Two Shillings and Sixpence; and after such Entry made, and not till then, such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and every such Assignee may in like Manner assign again, and so toties quoties; and it shall not be in the Power of the Person or Persons making such Assignment to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof; and all and every Person and 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 in equal Degree One with another, and shall have no Preference in respect to the Priority of advancing such Monies, or the Dates of such Assignments.

Clerk's Fee.

No undue Preference to be given.

And

And be it further enacted, That it shall and may be lawful to and for the said Turnpike Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to search for, dig, gather, take, and carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials proper for repairing the said Roads in and out of any River or Brook, Waste or Common, of any Parish, Town, Village, or Hamlet, in or within Three Miles of any Part of the said Road, without paying any Thing for the same, and to land or carry away the same upon, over, or through the private Lands or Grounds of any Person or Persons whatsoever, such Surveyor or Surveyors fencing or sloping, or causing to be fenced or sloped, all such Holes and Pits where any such Materials as aforesaid shall be digged, gathered, and taken, so as to prevent any Mischief or Accident thereby; and also it shall and may be lawful for such Surveyor and Surveyors, by Order of the said Trustees, or any Five or more of them, to search for, dig, and gather such Materials in, and carry the same out of the common Fields or several Grounds of any Person or Persons (not being the Ground whereon any Houses or Buildings stand, or a Garden, Orchard, Yard, Park, planted Walk or Walks, or Avenue to any House, or any Plantation or Nursery for Trees) and from Time to Time to carry away the same, paying such Sum or Sums of Money for the Damage done to the Owners and Occupiers respectively of the Grounds where and from whence the same shall be digged, gathered, or carried away, or upon, over, or through which the same, or any other Materials so dug and gathered as aforesaid shall be carried, landed, or drawn, as the said Trustees, or any Five or more of them, shall adjudge reasonable; and in case of any Difference between such Owners or Occupiers and the said Trustees, touching such Damages as aforesaid, the Justices of the Peace at their next General Quarter Sessions, or at the Second General Quarter Sessions at the furthest, to be holden in and for the County of Oxford, or the major Part of them then present, shall and may adjudge, assess, and finally determine the same.

For removing Annoyances.

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

by Filth, Dung, Ashes, Rubbish, or otherwise, and to remove all Obstructions in or upon the said Road, or any Part thereof; and to turn any Watercourses, Sinks, or Drains running into, along, or out of the said Road to the Prejudice thereof; and to open, scour, or cleanse any Watercourse or Watercourses, Ditch or Ditches adjoining to the said Road, and to make the same as deep and large as they shall think proper and necessary; and to cut down, lop or top, any Trees, Shrubs, or Bushes growing in the said Road, or in the Hedges or Banks adjoining thereto, and to take and carry away the same in case the Owners or Occupiers of the Premises where such Annoyances or Obstructions shall happen to be, or such Person or Persons as shall have occasioned the same, shall neglect to remove the same, or to cut down and carry away such Trees, Shrubs, or Bushes as aforesaid, or to open, scour, and cleanse their Watercourse or Watercourses, Ditch or Ditches as aforesaid, within the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors; the Charges whereof, to be settled by the said Trustees, or any Five or more of them, by Writing under their Hands, shall be reimbursed to the Surveyor or Surveyors by such Owners or Occupiers, or other Persons neglecting or refusing to remedy or remove such Annoyances; the same to be recovered and levied in such Manner as other Penalties and Forfeitures are herein after-directed to be recovered and levied: And if after the Removal of the said Annoyances or Obstructions any Person or Persons shall again offend in the like Manner, every such Person or Persons so offending shall, for every such subsequent Offence, forfeit and pay the Sum of Forty Shillings.

Trustees may widen or alter the Road.

And be it further enacted, That the said Trustees, or any Nine or more of them, shall and are hereby required to cause the Course or Path of the Road leading over Curbridge Heath and Lew Heath, to be made to and through the said Lane called Quy Lane aforesaid, to Bampton aforesaid, instead of the present Road over Curbridge Heath and Lew Heath, through Lew, to Bampton aforesaid; and they, or any Nine or more of them, shall have full Power and Authority to widen, turn, or alter the Course of any other Part or Parts of the said Road over any other Common or Heaths, as to them shall seem fitting and convenient, for the better Accommodation of Travellers, without paying any Thing

for

for the same, and also over any Lands or Grounds of any Person or Persons whomsoever, making full Satisfaction to all Persons interested in the same, in Manner herein after-mentioned.

For purchasing Lands.

And be it further enacted, That for the Purposes aforesaid the said Trustees, or any Nine or more of them, shall have full Power and Authority to agree with the several Owners, Proprietors of, and Persons interested in any Lands or Hereditaments for the Purchase of any such Lands or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may anyways sustain by widening, turning, or altering any Part or Parts of the said Road; and out of the Tolls or Duties by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands or Hereditaments, and for such Loss or Damage, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the said Trustees, or any Nine or more of them, and also the Costs and Charges attending such Agreement and Purchase; and it shall and may be lawful to and for all Bodies Politick, Corporate and Collegiate, Corporations Aggregate and Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees for or on Behalf of any Infant, Feme-covert, Ideot, Lunatick, Cestuique Trust, or other Person under any Disability whatsoever, who are or shall be seised, possessed of, or interested in any such Lands or Hereditaments, to agree with the said Trustees, or any Nine or more of them, for the Purchase of such Lands or Hereditaments for the Purposes aforesaid, and to sell and convey the same as Occasion shall require; and all Contracts, Agreements, Sales, and Conveyances which shall be so made shall be valid to all Intents and Purposes; any Law, Statute, or Usage to the Contrary thereof in any-wise notwithstanding: And all Corporations and Persons whatsoever are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Persons refusing &c. to treat after 21 Days Notice, Trustees to inquire into the Cause.

And be it further enacted, That if any such Corporation or Person, upon Notice to him, her, or them given or left in Writing at the Dwelling-house or Place of Abode of such Person, or of the Head Officer of such Corporation, or at the House of the Tenant in Possession of the Lands or Hereditaments aforesaid, shall, by the Space of Twenty-one Days after such Notice given or

left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating; then, and in every or any such Case, the said Trustees, or any Five or more of them, shall cause to be inquired into, ascertained, and assessed, by and upon the Oath of a Jury of Twelve indifferent Men of the County wherein such Lands or Hereditaments shall lie, (which Oath any Two or more of the Trustees are hereby impowered to administer) what Damages will be sustained by, and what Recompence shall be made to such Owners, Proprietors, Occupiers, or other Persons interested for or upon account of the taking such Lands or Hereditaments into the said Road, or of turning such Road into or through any such Lands or Hereditaments; and in order thereto the said Trustees, or any Five or more of them, are hereby impowered, from Time to Time, as Occasion shall be, to summon before the said Jury, and examine upon Oath, any Person whomsoever as a Witness concerning the Premises, (which Oath any Two or more of the said Trustees are hereby impowered to administer); and they shall also order and cause the said Jury to view the said Places in question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises, as they the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have inquired of, ascertained, and assessed such Damages and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the said Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners, Proprietors, or Occupiers of, or other Persons interested in the said Lands or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgment, Order, or Determination so had and made, shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, Ideots, Lunaticks, Cestuique Trusts, and Persons under any other Disability whatsoever, Bodies, Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and all and every such Owners, Proprietors, and Occupiers, and all and every Person and Persons interested

Jury to settle the Damage and Recompence.

whose Judgement shall be final.

interested in such Lands or Hereditaments shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, be thereby and from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property of, in, to, or out of the same: And for the summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant to the Sheriff of the County of Oxford, thereby requiring him to impannel, summon and return Twenty-four indifferent Persons to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies is and are hereby required to impannel, summon, and return such Number accordingly, and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear, or cause to be sworn, Twelve, to be drawn by Ballot out of the said Twenty-four, and in Default of a sufficient Number of Persons so impannelled, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, who shall be sworn in like Manner, until the Number of Twelve be completed; which Twelve shall be the Jury for the Purposes aforesaid; 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 full Power from Time to Time to impose any reasonable Fines or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury and shall not appear, or who shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give or not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, or appearing shall refuse to be sworn and give Evidence; and from Time to Time to recover, levy, and apply such Fine or Fines in the same Manner as any other Forfeiture or Penalty is by this Act directed to be recovered, levied,

Trustees impowered to issue Warrant to the Sheriff for summoning Juries.

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

levied, and applied, so that no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence.

How the Expences of the Jury, &c. are to be paid

And be it further enacted, That in case any such 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 such 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 Nine or more of them, before the summoning or returning the said 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 said Jury and Witnesses, shall be borne and paid by the said Trustees, or any Five or more of them, out of the Tolls or Duties hereby granted, or out of any Money to be borrowed upon the Credit thereof; but if any such Jury shall give and deliver a Verdict or Assessment for no more or less Monies than shall have been agreed to and offered by the said Trustees, or any Nine or more of them, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, 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.

Monies assessed to be charged on Tolls.

And be it further enacted, That all and every Sum and Sums of Money so assessed as aforesaid is and are hereby charged upon the Monies which shall be raised by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or any Five or more of them, or their Treasurer, to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof to such Persons or their Agents, or upon leaving the same in the Hands of the Treasurer to the said Trustees for the Use of such Persons or their Agents respectively, such Lands or Hereditaments shall by the said Trustees, their Surveyor, Workmen, or Agents, be laid into and made Part of the said Road, and shall to all Intents and Purposes whatsoever become and be, and be deemed and taken to be a publick and common Highway, and be from thenceforth Part of the Road for ever after, and shall be repaired and kept in Repair by such Ways and Methods, and in all Respects in such Manner

Manner as the old Road so widened, altered, or turned, was and ought to have been kept in Repair; and after such new Road shall be completed, the Land constituting the former Road, or such Part thereof (except it leads over some Common Field, Heath, or Common) as shall become useless and unnecessary for the Purpose of a common or publick Highway, shall be vested in, and shall and may be exchanged or sold by the said Trustees, or any Five or more of them, for the best Price that can be gotten for the same, and the Monies arising by such Sale shall be applied and disposed of for the repairing of the Road hereby intended to be repaired and altered, and other the Purposes of this Act; and the Conveyance to be made of such Land, being executed by the said Trustees, or any Five or more of them, and inrolled with Clerk of the Peace for the County of Oxford, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Buildings, &c. not to be injured.

Provided always, That in widening, turning, or diverting the Course of any Part or Parts of the said Road, nothing shall be done which shall or may in anywise injure or damage any House or Building, or any Yard, Garden, Orchard, Park, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto.

Trustees not to act where interested.

Provided also, That no Person shall act as a Trustee in any Case relating to the contracting for, or purchasing any Lands or Hereditaments wherein he shall be concerned in Interest.

Proviso.

Provided always, That after the new Road shall be made over Curbridge Heath, and Lew Heath to Quy Lane, as before directed, the Inhabitants of Bampton and Lew shall not be liable to maintain the former Road from Curbridge Heath, through Lew, to the North End of a Lane called Carter's Lane, in Bampton aforesaid; any Law or Usage to the Contrary hereof notwithstanding.

Persons liable to repair any Part of the Road to continue so.

And be it further enacted, That where any particular Part of the said Road, or any Bridge, Drain, or Sewer, being in and upon the said Road hereby intended to be repaired, which 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 the said County of Oxford, 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 Politick, County, or Township, and in such Manner as the same were 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 said County, and they are hereby required 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 and determine where, how, and in what Manner the same, from Time to Time, shall be maintained and kept in Repair.

Justices may determine Differences.

Trustees may compound for Repairs.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, from Time to Time, during the Continuance of this Act, to compound and agree with all or any of the said Person or Persons, Body Politick or Corporate, Township or Townships, who is, are, or shall be liable or chargeable for or towards repairing 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 Politick or Corporate, Township or Townships as aforesaid.

Lands liable to Repairs 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 shall hereafter be liable or chargeable towards the repairing or amending any Part of the said Road, such Rents, Profits, Sum or Sums of Money issuing as aforesaid, shall remain liable and chargeable, 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 and may be lawful to and for any One or more Justice or Justices of the Peace of the County wherein such Lands, Tenements, or Hereditaments shall lie, by Warrant under his or their Hand and

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 Road, to the Repairs of which such Rents, Profits, Sum or Sums of Money are or shall be so chargeable, and to no other Use or Purpose whatsoever.

Persons liable to do Statute-work to continue so.

And be it further enacted, That all and every Person and Persons who by Law are chargeable with Statute-work, towards the repairing and amending the said Road hereby intended to be repaired, shall still remain chargeable therewith, and shall yearly and every Year (if thereunto required by the said Trustees, or any Five or more of them) do and perform such Proportion of their Statute-work (not exceeding Three Days) on such Part of the said Road within their respective Townships, Parishes, 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; and that every Person who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, within any of the said Townships, Parishes, Places, and Divisions respectively, shall be deemed and taken to keep a Team therein, and for every Fifty Pounds a Year which he shall so rent, hold, or occupy, shall do Statute-work, with One Team upon the said Roads, for so many Days (not exceeding Three) as shall be required by the said Trustees, or any Five or more of them, or their Surveyor or Surveyors aforesaid.

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

And be it further enacted, That the Surveyor or Surveyors of the Highways for the Time being, for the respective Townships, Parishes, Places, and Divisions, wherein any Part of the said Road doth lie, being duly summoned for that Purpose, by Order of the said Trustees, or any Five or more of them, shall Once in every Year, if thereunto required, appear before the said Trustees, or any Five or more of them, at some publick Meeting, to be holden at the Distance at least Ten Days from and after the Time of such Summons, and then and there bring in and deliver upon Oath (which Oath the said Trustees, or any Two or more

more of them, are hereby impowered to administer) true and perfect Lists in Writing of the Names of all the Inhabitants of such Townships, Parishes, Places, and Divisions respectively, who are liable to do their Statute-work, in and upon the said Road, with Teams or otherwise; and shall, within Ten Days after Notice shall be given them, or either of them, by the Turnpike Surveyor or Surveyors, of the Time when, and how many of the Persons so chargeable as aforesaid he or they would have to do such their respective Statute-work, in or upon any Part or Parts of the said Road, summon or give publick Notice thereof to the Persons so chargeable as aforesaid: And if any Parish Surveyor or Surveyors as aforesaid shall neglect or refuse to do as he and they are hereby required and directed, he or they, for every such Neglect or Refusal, shall forfeit and pay the Sum of Five Pounds; and if any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, or otherwise chargeable towards repairing the said Road, shall, after such Summons or publick Notice, neglect or refuse to send their respective Teams, Draughts, or Carts (each Team or Cart not to be drawn with less than Three good Horses, with Two Persons to attend the same) to do and perform such their respective Days Work on the said Road, he, she, and they, so refusing and neglecting shall respectively forfeit and pay the Sum of Ten Shillings for every Team, Draught, or Cart, making Default each of the respective Days; and if any Householder or other Person, chargeable with such Statute-work as a Labourer, shall at any Time neglect or refuse, after such Summons or publick Notice, to do and perform the said appointed Days Work on the said Road, he, she, and they, shall respectively forfeit and pay the Sum of One Shilling and Sixpence for each of the said Days such Labourer or other Person shall make Default; and if any Person who shall, according to such Summons or publick Notice aforesaid, come to work as a Labourer, or be sent with any Team, Draught, or Cart, to work on the said Road, shall be found idle or negligent by the said Turnpike Surveyor or Surveyors, he and they is and are hereby impowered and required to discharge such Labourer, Team, Draught, or Cart, and the Person liable to such Statute-work, shall be subject to the respective Forfeitures and Payments before mentioned, as if he or she had neglected

Penalty on Surveyors neglecting to deliver in such Lists.

neglected or refused to perform the said respective Days Work so ordered and appointed as aforesaid.

Trustees may compound for statute-work.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, from Time to Time, to compound and agree with the Inhabitants of 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) or with any of the said Inhabitants respectively, 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 Statute-work or other Work to be by them, or any of them, done on the said Road.

Composition-money how to be recovered.

And be it further enacted, That in case any Composition-money agreed to be paid in lieu of any Statute or Days Work to be done by the Inhabitants of any Township, Parish, Place, or Division as aforesaid, or by any of them respectively, or in respect of any Lands, Tenements, or Hereditaments, liable or chargeable by Tenure or otherwise as aforesaid, shall not be paid within Fifteen Days next after the same shall become payable according to such Composition or Agreement, that then it shall and may be lawful to and for any One or more Justice or Justices of the Peace of the County within such Township, Parish, Place, or Division, where such Lands, Tenements, or Hereditaments shall lie, by Warrant under his or their Hand and Seal, or Hands and Seals, to impower such Person or Persons as shall be authorised by the said Trustees, or any Five or more of them, to receive such Composition-money (Oath being first made that the same has been demanded and remains unpaid, which Oath the said Justice or Justices is and are hereby impowered to administer) to levy the same by Distress and Sale of the Goods of the Person or Persons so having compounded as aforesaid, or of the Surveyor or Surveyors of the Highways for the Time being, of such Township, Parish, Place, or Division, in respect of whose Statute or Days Work such Composition shall be made, returning the Overplus (if any be) upon Demand, after the Charges of such Distress and Sale shall be thereout first deducted.

Charges to be reimbursed to the Surveyors.

And be it further enacted, That if any Surveyor or Surveyors of the Highways for the Time being of any Township, Parish, Place, or Division, for or in lieu of

whose Statute or Days Work such Composition shall be made as aforesaid, shall pay the Composition-money, or if such Composition-money shall be recovered and levied by Distress and Sale of his and their Goods and Chattels, in Manner herein before directed; then, and in either of the said Cases, such Surveyor or Surveyors shall be repaid or reimbursed the Composition-money which shall be so paid or recovered of him or them as aforesaid, together with the Costs and Charges of such Distress and Sale, in such Manner as, by the Laws now in being, Surveyors of the Highways of this Kingdom are to be paid the reimbursed Monies by them expended in buying Materials for amending the Highways.

Roads to be measured and Mile-stones erected.

And be it further enacted, That the said Trustees, or any Five or more of them, shall direct the said Road to be measured, and cause Stones or Posts to be set up in or near the Sides of the said Road, with Inscriptions thereon, denoting the Number of Miles and Distance of Places; and if any Person or Persons shall wilfully break, obliterate, deface, or pull up any of the said Stones or Posts, and be thereof convicted before any One or more Justice or Justices of the Peace for the said County of Oxford, by the Oath of One credible Witness, (which Oath the said Justice and Justices is and are hereby impowered to administer) such Person or Persons so offending shall forfeit and pay the Sum of Forty Shillings for every such Offence, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be laid out in repairing the said Road: And in case the Person or Persons so offending and convicted shall not be capable, or shall refuse to pay the same, then it shall and may be lawful for any One or more Justice or Justices of the Peace aforesaid, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Person or Persons to the House of Correction, there to remain for the Space of One Calendar Month, to be reckoned from the Day of Commitment; and the Person or Persons shall not be discharged until he, she, or they shall have paid the Sum of Forty Shillings, or until the Expiration of the said Calendar Month.

Application of the Penalties.

And be it further enacted, That all Penalties and Forfeitures by this Act imposed or incurred (touching which no other Provision is herein before made) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of any One or more

more Justice or Justices of the Peace for the County wherein the Offender shall dwell; which Warrant or Warrants the said Justice or Justices of the Peace is and are hereby impowered and required to grant upon Summons of the Offender or Offenders, and Conviction of him, her, or them upon the Oath of One or more credible Witness or Witnesses, (which Summons the said Justice or Justices is and are hereby impowered and required to grant, and to administer the said Oath); and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) to the Party or Parties whose Goods and Chattels shall be so distrained and sold, the Charges of such Conviction, Distress, and Sale being first deducted, shall be paid to the Treasurer or Treasurers of the said Trustees for the Time being, and shall by them be applied and laid out for and towards the amending the said Road.

Trustees may act as Justices.

And be it further enacted, That it shall and may be lawful to and for any of the said Trustees appointed, or to be appointed, to put this Act in Execution, who is, are, or shall be in the Commission of the Peace for the said County of Oxford, to act as a Justice or Justices of the Peace in all Cases, Matters, and Things, for the more speedy and effectual putting in Execution the several Authorities and Powers of this Act (except in such Cases only where he is personally interested).

Persons aggrieved may appeal to the Quarter Sessions.

And be it further enacted, That in case any Person or Persons shall think him, her, or themselves aggrieved by any Thing done in pursuance of this Act, and for which no particular Remedy or Method of Relief hath been already hereby directed and appointed, (other than and except the Verdict or Verdicts which shall be given by the Jury or Juries aforesaid) it shall be lawful for him, her, or them to appeal to the Justices of the Peace at their next General Quarter-sessions to be held for the said County of Oxford; and in case the said Cause of Complaint shall arise within Fourteen Days next before such General Quarter-sessions of the Peace, then such Appeal may be made to the said Justices at the Second General Quarter-sessions of the Peace to be held for the said County, who are hereby authorised and required to take Cognizance thereof, and to hear and determine the same; and the said Justices, if they shall see Cause, may, by Order of such Sessions, mitigate, at their Discretion, all or any of the said Penalties and Forfeitures incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Party

giving Notice,

and entering into Recognizance.

Party at Liberty, or otherwise may ratify and confirm the same, with such Costs as to them, in their Discretion, shall seem reasonable, and may levy, by their Order or Warrant, such Costs so awarded by Distress and Sale of the Goods and Chattels of any Person or Persons who shall refuse to pay the same, and, for want of sufficient Distress, may commit the Party to the common Gaol of the said County for any Time not exceeding Three Months, or until the Payment of such Costs be made; but the Person or Persons so appealing as aforesaid shall give Notice in Writing to the Clerk of the said Trustees of such their Intention of bringing such Appeal Fifteen Days before the said Quarter-sessions, and shall, within Five Days after such Notice given, enter into Recognizances before some Justice of the Peace of the said County, with Two sufficient Sureties, with Condition to try such Appeal at the next Quarter-sessions of the Peace which shall be held for the said County; and also, in case such Appeal shall be disallowed, to pay such Costs and Charges as the said Justices shall direct in that Behalf; and every such Appeal shall at the then next General Quarter-sessions be heard and finally determined.

Proceedings not to be quashed for want of Form,

And be it further enacted, That no Order, Verdict, Assessment, Judgement, or other Proceeding made, touching or concerning any of the Matters aforesaid, or touching the Conviction or Convictions of any of the Offender or Offenders against this Act, shall be quashed or vacated for want of Form only, 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; any Law or Statute to the Contrary thereof in any-wise notwithstanding.

nor removeable by *Certiorari*.

Distress not to be deemed unlawful for want of Form;

And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress 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, 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 afterwards be 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 in any Action upon the Case; provided that no Plaintiff or

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

Plaintiffs

Plaintiffs shall recover in any Action or Actions for such Irregularity, if sufficient Tender of Amends hath been made to him, her, or them, by or on the Behalf of the Defendant or Defendants, before such Action brought.

Proceedings to be entered in a Book.

And be it further enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose; and such Orders, so entered and signed by a competent Number of the said Trustees, as the Case shall require, shall and may be produced and read in Evidence in all Cases of Appeals, Suits, or Actions, touching any Thing done in pursuance and by the Authority of this Act.

Writings to be without Stamps.

And be it further enacted, That no Nomination, Appointment, Information, Deposition, Order, Judgement, Conviction, Warrant, Lease, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or any 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 any Lessee or Lessees of the said Tolls or Duties, or any Owner or Owners of any of the Securities aforesaid, or any Justice or Justices of the Peace, or exhibited before them or any of them, touching, concerning, or in Execution of any Power or Authority hereby vested in them, or any of them, respectively, shall be charged or chargeable with any Stamp-duty whatsoever.

Commencement and Continuance of this Act.

And be it further enacted, That this Act, and the Tolls or Duties, and the several Powers and Authorities hereby granted, shall commence and have Continuance from and after the Twentieth Day of May, One thousand seven hundred and seventy-one, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Limitation of Actions.

And be it further enacted, That if any Action or Suit shall be brought or prosecuted against any Person or Persons for any Thing done in pursuance of this Act, every such Action or Suit shall be commenced within Three Calendar Months next after the Fact committed, and not afterwards; and shall be laid and brought int he said County of Oxford, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act: And if the same shall appear to have been so done, or if any such Action or Suit

General Issue.

shall be so brought after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon a Verdict for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall be nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs upon Affidavit made, or the Certificate of the Judge or Judges before whom such Cause shall be tried, whereby it may appear that such Suit was prosecuted against such Defendant or Defendants for Matters done in pursuance of this Act, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in any other Case by Law.

Treble Costs.

Publick Act.

And be it further enacted, That this Act shall be deemed 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.