ANNO UNDECIMO

Georgii III. Regis.

An Act for repairing, widening, turning, and altering the Road from the Market-house in the Town of *Great Farringdon*, in the County of *Berks*, to *Burford*, in the County of *Oxford*.

WHEREAS the Road leading from the Market-house in the Town of Great Farringdon, in the County of Berks, through the several Parishes, Tithings or Hamlets of Radcott, Clanfield, Black Bourton, Shilton, and Signett, to Burford, all in the County of Oxford, is not only in general very ruinous, narrow, and incommodious, but Part of the said Road between a Place called Pidnill Bridge, in the said Parish of Farringdon, and Clanfield aforesaid, is subject to very great and dangerous Floods, so that it is sometimes quite impassable, and at other Times dangerous for Travellers; and the said Road cannot be effectually repaired, widened, turned, and altered, without the Aid of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual, and Temporal, and Commons, in this present Parliament assembled, Preamble.

ſembled, and by the Authority of the ſame, That the Right Honourable Charles Spencer, commonly called Lord Charles Spencer, the Right Honourable Philip Lord Viſcount Wenman in the Kingdom of Ireland, the Right Honourable Robert Spencer, commonly called Lord Robert Spencer, the Right Honourable Bouverie, commonly called Lord Folkeſtone, the Right Honourable Lord Viſcount Newnham, the Right Honourable William Wildman Lord Viſcount Barrington in the Kingdom of Ireland, the Right Honourable Lord Viſcount Aſhbrook in the Kingdom of Ireland, the Right Honourable William Harcourt, Edward Anſell, Richard Ainge, Joſeph Amphlett LL. D. Joſeph Andrews, Nicholas Adams, Simon Anſell, Bryan Allder, Jonathan Arnott, the Honourable Daines Barrington, Sir William Burnaby Baronet, the Honourable Lieutenant-general George Boſcawen, Edward Baker, Thomas Bouchier Bachelor in Phyſick, George Boſcawen, Thomas Brooks Clerk, Benjamin Baldwin, John Bradley Clerk, Billing, Richard Busby, John Bowles junior, Bowles Clerk, Vicar of Great Coxwell, Bowles Clerk, of Letchlade, Edward Bradſhaw, William Burnaby junior, Henry Barton, D. D. Thomas Brown, Richard Butler, Charles Barrow, John Blandy, Samuel Blackwell, George Boſcawen the younger, Stuckley Baynton, Henry Barton D. D. Richard Boys Clerk, William Brooks, Auguſtine Batt, Edward Boulton, Joſeph Brigſtock, Richard Bedwell, Sir Charles Cope Baronet, William Chapman, Alexander Colſton, Edward Coles, Barfoot Colton Clerk, John Coleman, Henry Coleman, Alexander Colſton Clerk, John Cozen, the Honourable Bulkley Coventry, Thomas Cox, Thomas Cooper, Edward Church, Edward Clark Clerk, John Collyer, Anthony Collins, Stephen Collier, James Lenox Dutton, William Dutton, Edward Dean, John Duck, George Davis, Samuel Druſe, Michael Dolly, Paul Elers, Thomas Edoe, John Early, John Empſon, Robert Fettiplace, Charles Fettiplace, Gaſcoign Frederick, Henry Furley, Charles Farr, Iſaac Feaſt, John Forteſcue Bachelor in Phyſick, John Fox, Joſeph Fox, John Fardon, John Fiſher, Charles Greenwood, Samuel Goodenough Clerk, John Godfrey, Thomas Griffiths Clerk, John Garrard, Thomas Garrard, Sir William Guiſe Baronet, Edward Gore, Thomas Horde, James Hall, Richard Hall, Thomas Hunt, Thomas Huntley, Alexander Hogg, William Holmes, James Hawley LL. D. Henry Hawley, John Hambidge, William Haggard, John Hughes, Charles Hatt, Charles Hawtrey Clerk, John Hughes King, Trees James Clerk, Benjamin Holloway

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the elder, Clerk, Benjamin Holloway the younger, Clerk, Henry Howell, Giles Harris, John Smith Humpkins, Knollys, commonly called Earl of Banbury, Henry Kinneir, Noble Kent, John Lenthall, William Lenthall, John Lenthall junior, William Leybourne Leybourne, Charles Loder, Charles Long, William Liſſett, John Loder Clerk, Robert Loder, James Lacy, Willoughby Lacy, Joſeph Lardiner, Thomas Lankſhear, John Leak, Richard Morſe, Thomas Mill, Thomas Marſh, Joſeph Mayow, William Mayow, Thomas Middleton Clerk, John Malem, John Mander, Richard Morris, Robert Morris, William Marriot, Robert Morris the younger, Richard Meads, William Merchant, John Major, John Noel Clerk, John Monk Newbolt Clerk, John Naſh, John Nabbs, Henry James Pye, Charles Pye, Robert Pye D. D. Anthony Pye, Thomas Pye, John Patten, William Patrick, John Poole, John Pullen, John Pryor, Richard Parker Clerk, John Parker, John Pinnell, Joſeph Pearſe, Vaughan Prince, John Pinnell Clerk, Henry Powell Clerk, Henry Proctor, John Poulton, Job Partlett, White Percy, John Price Clerk, Sir John Read Baronet, John Chaunler Ready, Robert Ready Clerk, James Reynolds, Henry Roberts, Francis Roberts, William Roberts, William Saunders, James Saunders, William Somerfield, Willlam Stephens, Henry Stephens, Robert Stevens Clerk, William Sandford D. D. Paul Silveſter, Thomas Silveſter, Edward Southby, Nathaniel Southby, Henry Southby, Bond Spindler Clerk, Richard Steed, Benjamin Smith, John Smith, John Snelling, John Silveſter, John Stephens, John Shaw, Robert Saunders, Thomas Slade Clerk, Joſeph Singleton junior, Nicholas Sanders, John Shorter, Richard Slade Clerk, George Seele Clerk, Jaſon Shepherd, Thomas Symonds, John Smith, John Shuffrey, Sir Robert Throckmorton Baronet, Walter Tyrrell, Avery Tyrrell, James Turner, Edward Loveden Townſend, William Tayler, John Townſend, Thomas Townſend Clerk, Henry Townſend, George Underwood Clerk, Thomas Upſton, Thomas Varney, the Honourable Richard Wenman, the Honourable Thomas Francis Wenman, Thomas Walker, Welles Waring, Edward Wayne, Richard Welles, John Welles, Philip Woodman, George Watts D. D. George Watts junior, Clerk, John Wareing, John Wirdnam, David Watts, William Watts, Maximillian Weſtern, Benjamin Williams, Samuel Williams, Simon Wiſdom, Thomas Walker, Richard Pariſh Witts, Elijah Waring, William Wright the elder, William Wright the younger, John Wright, John Williams, William Woods, Richard Way, and

Robert Yateman, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be, and they are hereby appointed Truſtees for putting this Act in Execution.

Qualification of Truſtees.

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 Sixty Pounds above Reprizes, or poſſeſſed of or intitled to a perſonal Eſtate to the Value of Twelve hundred Pounds, or ſhall be Heir-apparent of a Perſon poſſeſſed of an Eſtate or Inheritance in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and Twenty 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, nor more than One Imparlance, ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, upon Proof given of his having acted as a Truſtee in the Execution of this Act.

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 Thomas Howard, known by the Sign of the Crown in Farringdon aforeſaid, on Friday the Twenty-fourth Day of May, One thouſand ſeven hundred and ſeventy-one, and proceed to the Execution of this Act; and ſhall then and there, and from Time to Time afterwards, at any other Meeting or Meetings which ſhall be by them the ſaid Truſtees, or any Five or more of them, afterwards held, adjourn themſelves to, and appoint any other Time or Times, Place or Places in or near the ſaid Road hereby directed to be repaired, for any ſubſequent Meeting or Meetings of the ſaid Truſtees, as they the ſaid Truſtees, or any Five or more of them, at any of their Meetings, ſhall direct or appoint, ſo that One at leaſt of ſuch Meetings be annually held at Burford aforeſaid; and the ſaid Truſtees, at all their Meetings, ſhall pay and defray their own Expences.

Power to adjourn.

Truſtees to defray their own Expences.

Provided.

Provided always, That Two Trustees shall be sufficient for the Purpose of Adjournment; and if it shall at any Time happen that a sufficient Number of Trustees shall not appear at the Time and Place appointed for any of their Meetings to act or to adjourn, the Clerk to the said Trustees shall appoint a Meeting to be held at the same Place on that Day Fortnight, and shall give Notice thereof, by affixing the same on all the Turnpikes which shall be then erected by virtue of this Act, at least Six Days before such Meeting; or if the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall and may be lawful for any Two or more of the said Trustees, by Notice in Writing signed by them, to appoint the Trustees to meet at some Place in or near the said Road, upon the Day Fortnight after the Date of such Notice, which Notice shall be affixed on all the Turnpikes which shall be then erected by virtue of this Act, and the same shall be deemed and taken to be sufficient Notice for any such Meeting; and all Orders and Determinations of the said Trustees in the 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 shall concur therein, such Majority not being less than the Number of Trustees by this Act authorised to make such Order or Determination.

Two Trustees sufficient for Adjournment.

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 in Commission of Peace may act as Justice, but not where interested.

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 to the said Trustees, shall refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Nine or more of them, by Writing under their Hands and Seals, to elect One other Person 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 to the said Trustees, by affixing the same in Writing upon all the Turnpikes erected by virtue of this Act, at least Fourteen Days before every such Meeting; and every Person so elected shall be, and is hereby

Choice of new Trustees.

hereby declared to be, to all Intents and Purposes, a Trustee for putting this Act in Execution.

Trustees may erect Turnpikes and Toll-houses, &c.

And be it further enacted, That the said Trustees, or any Nine 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 across any Street, Lane, or Way leading into the same, and also so many Toll-houses, with suitable Buildings thereto, as they shall think proper; and may also take in and inclose, from any Common or Waste near the said Road, a Piece of Ground for a Garden to each Toll-house, suitable and convenient thereto, not exceeding Ten square Poles, and shall provide and maintain a Lamp or Lamps, with proper Furniture, at or near each Turnpike; and 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 Credit of 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 of them, with such Consent as aforesaid, shall think meet or expedient.

And take Tolls thereat.

And it is hereby further enacted, That the respective Tolls following shall and may be demanded and taken of the Person or Persons attending any Cattle or Carriage herein-after mentioned at every such Turnpike, before any Cattle or Carriage shall be permitted to pass through the same, 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; (that is to say)

The Tolls.

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 Four-pence.

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 every greater or less Number.

Which

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.

Trustees may lessen or vary the Tolls,

And be it further enacted, That the said Trustees, or any Nine 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 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 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 by virtue of this Act across the said Road, at least Fourteen 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.

and raise them again, so as not to exceed those formerly granted.

Tolls to be paid but once a Day.

Provided always, and be it enacted, That if any Person or Persons shall have paid any of the Tolls or Duties herein before granted at any Turnpike or Side-gate between the Town of Farringdon and Clanfield Cross aforesaid, such Person or Persons, upon producing a

Ticket denoting that such Toll hath been paid on that Day, shall be permitted to pass Toll-free on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, through all or any Turnpike or Turnpikes erected, or to be erected, on such Part of the said Road, or on the Sides thereof, as lies between the Town of Farringdon and Clanfield Cross aforesaid; and so in like Manner, if any Person or Persons shall have paid the said Tolls or Duties at any Turnpike or Side-gate between Clanfield Cross and Burford, such Person or Persons, upon producing a Ticket denoting that such Toll hath been paid on that Day, shall be permitted to pass Toll-free on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, through all or any Turnpike or Turnpikes erected, or to be erected, on such Part of the said Road, or on the Sides thereof, as lies between Clanfield Cross and Burford; all which Tickets the Collectors of the Tolls or Duties are hereby required to give gratis on Receipt of such Toll.

No Toll for crossing the Road only in *Black Bourton* Parish.

Provided always, That nothing herein contained shall extend, or be construed to extend, to impower the said Trustees, or any Receiver or Collector to be appointed by them to receive and collect the Tolls and Duties hereby given and granted, to receive, take, or collect any Toll or Sum of Money of any Person or Persons whatsoever for any Carriage, Horse, Mare, Mule, Ass, Ox, Cow, or Neat or other Cattle whatsoever passing and repassing through any Side Gate or Gates to be erected within the Parish of Black Bourton aforesaid, where such Carriage, Horse, Mare, Mule, Ass, Ox, Cow, or Neat or other Cattle shall cross only the said Road intended to be repaired, and shall not otherwise travel thereon.

Exemptions from Toll.

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, being not sold or disposed of, or not going to be sold or disposed of, but passing to be laid up in the Houses, Outhouses, 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 any Horse or other Cattle going to be shod or farried, or returning therefrom; or for the Horse of any Officer or Soldier upon their March; or for any Horses or Carriages travelling with Vagrants sent by legal Orders or 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 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 claiming Exemption not being intitled.

Penalty on evading Payment of 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 whatsoever 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, shall be avoided; or if any Person or Persons shall, at or near any or either of the Turnpikes erected by virtue of this Act, take off, or cause to be taken off, any Horse or Horses, or other Beasts of Draught, from any Waggon, Wain, Cart, or other Carriage, or shall unload, or cause to be unladen, any such Waggon, Wain, Cart, or other Carriage, and carry, or cause to

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be carried, the Loading thereof, or any Part thereof, through or by any or either of the said Turnpikes, in order to evade the Payment of any of the Tolls hereby granted; 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, any 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 Ways and 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.

Commons, &c. may be fenced.

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

Trustees may lease the Tolls,

And be it further enacted, That the said Trustees, or any Nine or more of them, may, and they are hereby authorised and impowered, at any Time or Times during the Continuance of this Act, Twenty-one Days Notice thereof in Writing being affixed on all the Turnpike-gates which shall be then erected 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 Nine 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 covenanted to be paid to the Treasurer to the said Trustees by Monthly Payments: And in case any Agreement shall be made for letting or farming the said Tolls, or

taking Security.

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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 Tolls he shall receive 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.

Property of Turnpikes, &c. vested in Trustees.

And be it further enacted, That the Right and Property of all the Turnpikes, Toll-houses, and Gardens 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 of the Out-buildings, and of the Lamps and other Conveniencies, 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, any 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, for the more speedy repairing, widening, turning, and altering the said Road, be it further enacted, That the said Trustees, or any Nine or more of them, shall and may, and they are hereby impowered, from Time to Time, to borrow and take up at Interest any Sum or Sums of Money upon the Credit of the Gates, Turnpikes, and Toll-houses, which shall be set up and erected by virtue of this Act, and of the Tolls and Duties hereby granted, or any of them, or any Part or Parts of them; and by any Writing or Writings under their Hands and Seals, to assign and transfer the said Gates, Turnpikes, Toll-houses, Tolls, and Duties, or any of them, or any Part or Parts of them (the Costs and Charges of assigning the same to be borne and paid out of such Tolls and Duties) unto any Person or Persons, his, her, or their Executors, Administrators, and Assigns, who shall advance and lend any Sum or Sums

of Money on the Credit thereof, or any Part thereof, for any Time or Term during the Continuance of this Act, as a Security or Securities for the Repayment of the Sum or Sums of Money which shall be so borrowed, together with Interest for the same, to the Person or Persons who shall advance and lend the same, his, her, or their Executors, Administrators, or Assigns; and Copies of all such Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; but no Money shall be borrowed on the Credit of this Act by the said Trustees, except at their First Meeting, unless Notice in Writing under the Hand of the Clerk to the said Trustees, by Order of such Trustees, or any Five or more of them, for that Purpose, be fixed upon all the Turnpikes erected by virtue of this Act, at least Fourteen Days before the borrowing of such Money.

Assignments may be transferred.

And be it further enacted, That all and every Person and Persons to whom any such Assignment or Assignments shall be made by the said Trustees, his, her, and their Executors or Administrators, shall and may, and they are hereby respectively impowered, from Time to Time, by Indorsement on the Back of his, her, or their Security or Securities, or otherwise, to assign and transfer, his, her, or their said Security or Securities, and the Principal and Interest-money thereby secured, which shall be then due thereon, or any Part thereof, with all his, her, or their Right and Interest in and to the same, to any other Person or Persons whomsoever; which said Transfer or Assignment shall be produced and notified to the Clerk or Treasurer to the said Trustees, within Three Months next after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Date, Parties Names, and Sum of Money therein mentioned, to be transferred in the said Book or Books to be kept for entering the said Original Assignments, for which every such Assignee shall pay the said Clerk or Treasurer to the said Trustees the Sum of Two Shillings and Sixpence, and no more; and after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors and Administrators, to the Benefit thereof, and Payment thereon; and such Assignee, his, her, or their Executors or Administrators, 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

Copies of Agreements to be entered in a Book.

Clerk's Fee.

made such Assignment or Assignments, to make void, release, or discharge the original Assignment or Security, or any subsequent Assignment thereof, or the Money due thereon, or any Part thereof; and all Persons to whom any such Assignment or Assignments shall be made as aforesaid, shall be Creditors in equal Degree, in proportion to the Sum or Sums they shall respectively advance and lend.

Application of the Money.

And be it further enacted, That out of the First Money arising by or from 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 the Expences and Charges of procuring and passing this Act; and shall, from Time to Time, apply the Remainder of the Money so raised in erecting Turnpikes and Toll-houses, and repairing, widening, turning, and altering the said Road, and defraying the necessary Costs, Charges, and Expences attending the same, and the Execution of this Act, and to no other Use or Purpose whatsoever.

Interest Money to be paid in Preference.

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 be then due upon all Mortgages and Assignments, 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;

And be it further enacted, That the said Trustees, or any Nine or more of them, shall and may, from Time to Time, by Writing under their Hands, appoint a Collector or Collectors of the 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 Nine 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 Nine 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 the said Trustees, or such Person or Persons as they, or any Five or more of them

and remove them and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

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 shall refuse to verify upon Oath (if required) 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 authorised and required, upon Nonpayment thereof, by 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 have compounded 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.

Officers refusing to account,

Trustees to enquire into the Default;

and commit the Offender,

until Composition be made.

And

And be it further enacted, That the said Trustees, or any Nine 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 Treasurer, Receiver, or Collector, by virtue of this Act, and before he or they shall enter upon such respective Offices, for the making a due and satisfactory Account of all Monies intrusted to his or their 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 of Profit under this Act. No Victualler to hold any Place 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, may, and is and are hereby impowered to try for, 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 and 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, take, and carry away any Furze, Heath, Stones, Gravel, Sand, or other Materials 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 Grounds, 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 Surveyors may dig Gravel, &c. in Waste Grounds, without paying for the same, levelling the Pits, &c.

Justices to determine Differences.

or Occupiers, or any of them, concerning such Payments and Damages as aforesaid, the Justices of the Peace at the 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.

Penalty on Persons carrying away Materials collected for the Repair of the Roads.

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 Surveyor 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,

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 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 and they shall think necessary; and by and with the Consent of any Two or more Justices of the Peace for the County of Berks 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

turn Watercourses,

open Ditches, and cut down Trees, &c. in case the Owner neglects so to do.

of

of Four 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 Forty Shillings.

Penalty on Persons leaving Carriages or other Annoyances on the Road.

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.

Surveyors may make Causeways and erect Bridges,

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 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 Grounds respectively not being the Ground where 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 is repairing and widening; and also, by Order of any Five or more of

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 across any River, Stream, Brook, Water, Ditch, or Drain therein, or contiguous thereto, making such Recompence to the Owners and Occupiers of the private Grounds respectively for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees, or any Five or more of them; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Wood, Common, or waste Ground.

Persons chargeable with amending 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, 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 Counties of Berk, or Oxford, or any Township therein, every such Part of the 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, Bodies Politick or Corporate, 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 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.

Power to compound for such Repairs,

And be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, from Time to Time, to compound and agree with all or any Person or Persons, Bodies Politick 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 other-

wise, 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, or Places as aforesaid.

Mones, &c. applicable to the Repair of the Road to be paid to the Trustees.

And be it further enacted, That if any Rents, Profits, or Sum or Sums of Money arising 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 or are payable, shall remain liable to any charge by these Presents; 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 and 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 as to such Justice or Justices shall seem reasonable; 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.

For the Performance of Statute-work.

And be it further enacted, That all Persons who by Law are or shall be chargeable with Statute-work within the Parishes, Tithings, and Places where any Part of the said Road hereby directed to be repaired doth 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, Tithings, 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; provided that the Inhabitants of any Township, Parish, Tithing, 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.

And

Surveyors to give in Lists of Persons liable to do Statute-duty.

And be it further enacted, That the Surveyor or Surveyors of the Highways of and for every of the said Parishes, Tithings, 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 (such Oath 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, Tithings, 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, 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 all, or any, or either of the Surveyor or Surveyors of the several Parishes, Tithings, Hamlets, or Places, wherein any Part of the said Road shall lie, shall not deliver in such Lists as aforesaid, at or before such Times, and in such Manner as by this Act is 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

Penalty on not performing Statute-duty.

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, Tithings, 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

such Inhabitants and Occupiers, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums hereinafter mentioned; (that is to say) Every such Inhabitant and 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 or Persons; and in that Case the respective Forfeitures and Payments before mentioned shall be incurred and made payable, as if such Person or Persons had refused or neglected so to come, or such Team or Draught had not been sent out.

Trustees may compound for Statute-duty.

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 in all or any of the said 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 be paid by 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.

And whereas, in order to widen, turn, or alter the said Road in several Places, for making the same safe and commodious for Passengers, particularly the Road from Pidnill Bridge to Clanfield Cross aforesaid, it will be necessary to carry the said Road into, through, and over

over several Commons, common Fields, waste Grounds, and some inclosed or private Lands and Grounds; be it therefore further enacted, That the said Trustees, or any Nine or more of them, shall be, and they 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 inclosed or private Grounds, Lands, or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damages they may thereby sustain; and for that Purpose it shall be lawful for the said Trustees, or any Nine 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 and on Behalf of their Infant Wards, Cestuique Trusts, Lunaticks, Ideots, or Persons 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 and agree with the said Trustees, or any Nine 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 Nine 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

Trustees impowered to purchase Lands, &c.

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

If Parties cannot agree, Jury to settle Recompense.

or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him 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 Nine or more of them, shall cause such Damage and Recompence to be enquired into and ascertained by a Jury of Twelve indifferent Men of the County; and in order thereto, the said Trustees, or any Nine 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 or Persons whomsoever (which Oath any Two or more of the said Trustees are hereby impowered to administer); and the said Trustees, or any Nine 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 in the Premises; and after the said Jury shall have enquired of and assessed such Damages and Recompence, they the said Trustees, or any Nine 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 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 finally 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 Persons whomsoever; and for summoning and returning such Juries, the said Trustees, or any Nine or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the County wherein such Lands shall lie, requiring him to impannel, summon, and return an indifferent Jury of

Verdict of the Jury to be final.

Sheriff to summon the Jury.

Twenty-four Persons, qualified to serve upon Juries, to appear before the said Trustees, or any Nine 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 impannel, summon, and return such Number of Persons accordingly; and out of the Persons so summoned, impannelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Nine or more of them, shall, and they are hereby impowered and required to draw by Ballot, and swear, or cause to be sworn, Twelve, 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, shall return other such honest and indifferent Men of the Standers-by, or that can be speedily procured, to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Nine or more of them, acting in the Premises, shall have Power, from Time to Time, to impose any reasonable Fine or Fines upon 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 who shall not appear, or appearing shall refuse to be sworn on the said 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; but no such Fine shall exceed the Sum of Ten Pounds, nor be less than Forty Shillings, on any One Person for One Offence.

Jurors may be challenged.

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

Fine not to exceed 10*l* nor less than 40*s*. on Persons refusing to give a Verdict.

And be it further enacted, That every Sum of Money and Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls aforesaid, or out of the Money to be borrowed on the Credit of such Tolls, to the Parties or Persons respectively intitled to such Monies, or to their Agents; and upon Payment, or Tender, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Treasurer or Treasurers to

Purchase Monies how to be paid.

Lands purchased to be made Part of the Road.

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 of 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 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 completed, 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 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, Park, Paddock, planted Walk, or Avenue to a House, or any Part thereof, without the Consent of the Owner or Proprietor thereof.

Old Road may be sold.

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 completed, 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.

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

And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property

Expences of the Jury how to be borne.

perty of any Perſon or Perſons in any Lands or Hereditaments, or for any ſuch Loſs or Damage as aforeſaid, 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 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 Nine 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 ſuch Jury ſhall give and deliver a Verdict or Aſſeſſment for no more, or for leſs Money than ſhall have been agreed to or 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.

Penalty on Perſons drawing Timber, &c. except on Wheel-carriages.

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 any Sum not exceeding the Sum of Forty Shillings, as the ſaid Truſtees, or any Five or more of them, ſhall direct.

Mile ſtones to be erected, &c.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, may, and they are hereby impowered to cauſe Stones or Poſts to be ſet upon the Sides of the ſaid Road, at the Space of One Mile Diſtance from each other, with Inſcriptions thereon, denoting the Diſtance of each of the ſaid Stones or Poſts from ſome Town or Place, as they ſhall think fit; and alſo to erect Guide or Direction Poſts, with ſuch Inſcriptions thereon as the ſaid Truſtees, or any Five or more of them, ſhall think proper: And if any Perſon or Perſons ſhall wilfully break or pull down, dig up or damage the ſaid Stones or Poſts, or any of them, or any Part thereof, or obliterate or deface any of the Words, Letters, or Marks, that ſhall be inſcribed thereon, or cauſe

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or procure the same to be done; every such Person shall for every such Offence forfeit the Sum of Forty Shillings, One Moiety whereof shall be paid to the Informer, and the other Moiety, after replacing and repairing the respective Stones or Posts that shall be removed or damaged, shall be applied in such Manner, and for such Purposes, as other the Forfeitures by this Act imposed are hereby directed to be applied.

Penalties and Forfeitures, how to be recovered and applied.

And be it further enacted, That all the Penalties, Forfeitures, and Fines hereby inflicted, or authorised to be imposed, if the Manner of levying and Recovery thereof is not herein otherwise directed, shall, upon Proof of the Offences 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 Chattles 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 these 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 Chattles; 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.

Appeal to the Quarter Sessions.

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 Seſſions 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 ſuch Complaint ſhall have ariſen, ſuch Appellant firſt given, 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 Seſſions; 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 Appeals 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 Proceeding 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 made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed to be 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 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 Behalf, of the Party diſtraining before ſuch Action brought.

Writings to be without Stamps.

And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction,

tion, Warrant, Assignment, 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 any Transfer or Assignment of any of the Securities aforesaid, made by any Person or Persons, shall be charged or chargeable with or liable to pay any Stamp-duty whatsoever.

Proceedings to be entered in a Book.

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.

Commencement and Continuance of this Act.

And be it further enacted, That this Act shall commence upon the Twenty-third Day of May, One thousand seven hundred and seventy-one, 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.

Limitation of Actions.

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, until Twenty-one Days Notice thereof shall be given to the Clerk or Clerks of 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 Cause of Complaint 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 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

General Issue.

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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 or Place than as aforesaid, 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, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

Treble Costs.

Publick Act.

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

FINIS.