ANNO UNDECIMO

Georgii III. Regis.

An Act for amending and widening the Road from *Beſſelſleigh*, through *Wantage*, to *Hungerford*, in the County of *Berks*; and from *Wantage* to *Marlborough*, in the County of *Wilts*; and from the Turnpike Road between *Reading* and *Wallingford*, through *Halfpenny-lane*, to the *Old Red Houſe* upon *Wantage Downs*, and from thence to *Lamborn*, in the ſaid County of *Berks*.



WHEREAS the Roads leading from Beſſelſleigh, in the County of Berks, to and through Wantage, in the ſame County, and from Wantage to Hungerford, and from Wantage aforeſaid to Marlborough, in the County of Wilts; and from the Turnpike Road between Reading and Wallingford, through Halfpenny-lane, to the Old Red Houſe upon Wantage Downs, and from thence to Lamborn, in the ſaid County of Berks, are in a ruinous Condition, and in ſome Parts Preamble.

Parts narrow and incommodious, and cannot be effectually amended by the ordinary Course of Law: And whereas, if the said Roads were made commodious, a great Communication would be opened between the said County of Berks and the Western and Southern Parts of the said County of Wilts, whereby the Trade and Agriculture of the same would be greatly promoted; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable William Wildman, Lord Viscount Barrington, in the Kingdom of Ireland; the Honourable and Reverend Francis Seymour, commonly called Lord Francis Seymour; the Honourable and Reverend Danes Barrington, Sir James Dashwood, Sir William Stonehouse, Sir Willoughby Aston, Sir Richard Aston, Sir George Oxendon, Sir Robert Throckmorton, Sir John Reed, Baronets; Sir William Blackstone, Sir Thomas Head, Knights; the Honourable Richard Wenman, the Vicechancellor and Heads of Houses of the University of Oxford for the Time being; the Mayor and Corporation of the City of Oxford for the Time being; the Mayor and Corporation of Marlborough for the Time; Arthur Vansittart Esquire, Thomas Craven Esquire, the Honourable and Reverend Doctor Tracey, Thomas Patten, Robert Barnes, Clarke, Daith, Nicholas, Francis Lernoult, George Wall, Burrows, Caleb Calton senior, Caleb Claton junior, Henry Davies, Langley, Ralph Price senior, Ralph Price junior, Benjamin Pye, George Watts senior, George Watts junior, John White, George Woodward, Cooke, John Scoolt, William Buller, Baker, Joseph Wells, Robert Ready, Brown, Nicholson, Scroop, Phips Weston, Anthony Parsons, Thomas Wincheſter, John Giree, John Loder, Christopher Garrard, John Craven, John Anbury, Harte, Richard Pocock, Meyler, Clerks; Thomas Ansell, John Aubery, John Allen, John Archer, Abraham Atkins, Robert Baker, Thomas Barnes, John Batton, John Baverstock, Lovelace Bigg, John Bishop, John Blandy, John Butler, George Baker, John Bush, John Bush of Burcott, Robert Baker, John Bowles, John

Trustees Names.

John Boote, Francis Brownſord Bullock, William Bunce, John Bunce, William Browne, John Browne, John Bennett, Charles Bill, Thomas Coxhead, William Coxhead, Ferdinando Collins, John Coleman, Gilbert Cowper, Richard Cox, Cartwright, William Collins, Francis Cruiſe, George Church, George Deacon, William Dewe, Edward Duke, Dixon, John Elwes, Simeon Elderidge, John Eyſtone, Johnſon, John Fuller, Joſeph Fuller, Robert Fettiplace, John Fulbrooke, John Fiench, John Finch, John Finch junior, Richard Frances, Richard Frances junior, John Grove, Thomas Garrard, John Giles, Thomas Goodluke ſenior, Thomas Goodluck junior, Robert Graham, Thomas Greenwood, Charles Greenwood, John Greenwood, John Grainger, Charles Garrard, James Goodman, John Gold, Joſeph Gilmour, Charles Hatt, Richard Hatton, John Head, Joſeph Hopkins, Richard Hunter, William Hunt, William Hazle, William Harman, John Hunt, Robert Hughes, John Hughes, Thomas Hayward, Thomas Haines, Zephonia Holwell, Hawkes, Henry Hope, Thomas Hencock, Packer Hartley, William Jennings, William Jones, William Langham Jones, Greenway Jaiques, Thomas Juſtice, Thomas Knight, Robert Jegon, William Lenthall, John Lenthall, William Lawrence, John Leaver, Robert Leaver, Robert Lovegrove ſenior, Robert Lovegrove junior, Charles Long, Lovelock, William Matthews, Benjamin Mereaman, Nathaniel Mereaman, James Martin, William Moreland, Thomas Mundy, William Needham, William Neate, Thomas Neate, Henry Oxendon, Edward Popham junior, Edward Popham junior, John Phillips, Matthew Phillips, John Price, Bartholomew Price ſenior, Bartholomew Price junior, Henry James Pye, Plaiſter, Charles Pye, John Pottinger, James Pottinger, John Pocock, John Pegree, Stephen Pearce, Thomas Paine, Mark Parris, William Pearce, Caleb Pizzie, Levi Pizzie, Reed of Crowwood, Thomas Robinſon, Seymour Richmond, John Sadgrove, Clement Saxton, Richard Sellwood, Edward Southby, Richard Southby, Robert Southby, William Stone, John Lowndes Stone, Richard Stonehouſe, James Stracey, Joſeph Strond, John Shirley, Thomas Shirley, Thomas Stone, Clement Stiles, Edmund Seymour, William Stirling, George Stonhouſe, Richard Stonhouſe, Francis Stonhouſe, John Sherman,

man, James Shipton, William Shepherd, Thomas Strong, Thomas Strowd, Bartholomew Tippinge, John Toovey, Richard Toovey, William Toovey senior, William Toovey junior, John Townsend, Thomas Townsend, John Wooldridge, William Wooldridge, Thomas Warner, Edward Towsey senior, Edward Towsey junior, William Towsey, Henry Towsey, John Towsey, Joseph Tuckwell, William Turton, Richard Witts, Edward Witts, Stephen Wentworth, William Walrond, Robert Walrond, Walter Tyrrel, Avery Tyrrel, Robert Vansittart, Charles Wymondesold, James Warner, Edward Wells, William Williams, John Wise, Charles Widows, James Woodrouffe, Thomas Woodrouffe, Charles Young, and Thomas York; shall be, and they, and their Successors to be elected in manner herein-after mentioned, are hereby appointed Trustees for surveying, ordering, altering, widening, turning, shortening, making, repairing, and keeping in Repair the said Roads, and for otherwise putting this Act in Execution.

Qualification of Trustees.

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

Penalty on Persons acting and not qualified.

And

And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the Alfred's Head Inn in Wantage, in the said County of Berks, on the Third Tuesday after the passing of this Act, and proceed to the Execution of this Act; and shall also, yearly, and every Year, during the Continuance of this Act, meet at Wantage aforesaid, on the First Tuesday, in the Months of April, July, October, and January; and they, or any Two or more of them, (being the whole or major Part of the Trustees, appearing at any such Quarterly or other intermediate Meeting) shall, from Time to Time, adjourn themselves to meet at such House or Place near some Part of the said Roads, as the said Trustees, or any such Two or more of them shall think most convenient: And the said Trustees, at all their Meetings, shall defray their own Expences: And all Orders and Determinations of the said Trustees, in Execution of this Act, shall be at a Meeting to be held in pursuance of this Act, and not otherwise; and no Order or Determination shall be valid, unless the Majority of the Trustees present and duly qualified to act in such Behalf, shall concur therein, such Majority not being less than the Number of Trustees, by this Act authorised to make such Order or Determination.

Time and Place of First and subsequent Meetings.

Trustees to bear their own Expences. Allowances, &c. to be made at publick Meetings.

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 who are Justices may act as such, except 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 of the said Trustees, shall refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, by Writing under their Hands and Seals, to elect One other Person qualified as aforesaid, to be a Trustee in the Room of each Trustee so deceased, or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election shall be given by the Clerk to the said Trustees, by affixing the same in Writing upon all the Turnpikes across the said Roads, at least Fourteen

Trusteesdying or refusing to act, others may be chosen.

Fourteen Days before every such Meeting; and every Person so elected (being duly qualified as aforesaid) shall be, and is hereby declared to be, to all Intents and Purposes, a Trustee for putting this Act in Execution.

Trustees may erect Turnpikes,

And be it further enacted, That the said Trustees, or any Five or more of them, shall and may erect so many Turnpikes as they shall think necessary, upon or across the said Roads, and also upon the Sides thereof, and cross any Street, Lane, or Way leading into the same; and also so many Toll-houses, with suitable Out-buildings, as they shall think proper; and may also take in and inclose from any Common or Waste near the said Roads, a Garden-plot to each Toll-house, suitable and convenient thereto, not exceeding Forty Poles, and shall provide and maintain a Lamp or Lamps, with proper Furniture, at or near each Turnpike across the said Roads; and that the said Trustees, or any Five or more of them, with the Consent in Writing of the Persons intitled to at least Two-thirds of the principal Money then due and owing on the Tolls to be collected thereat, may, from Time to Time, remove any such Turnpikes or Toll-houses, or alter the same, or the Situation thereof, in such Manner as they the said Trustees, or any Five or more of them, shall think meet or expedient; and that the respective Tolls following shall be demanded and taken of the Person or Persons attending any Cattle or Carriage herein-after mentioned, at every such Turnpike, by such Person or Persons as the said Trustees, or any Five or more of them, shall, from Time to Time, appoint for that Purpose, or to whom the same shall be let, before any Cattle or Carriage shall be permitted to pass through the same; that is to say,

and provide Lamps, &c.

and take the following Tolls.

Tolls.

For every Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Hearse, or Litter, with Four Wheels, the Sum of Sixpence; and with less than Four Wheels, the Sum of Three-pence.

For every Waggon, Wain, Cart, or other Carriage whatsoever, with Four Wheels, the Sum of Four-pence; and with less than Four Wheels, the Sum of Two-pence.

For

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

For every Ox, Cow, or neat Cattle, the Sum of One Halfpenny.

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

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll, and shall be vested in the said Trustees, and applied as hereinafter 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 themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain any Horse or Horses, or other Cattle, together with the Bridles, Saddles, Gears, Harnels, or Accoutrements, or the Loading, or any Carriage with its Loading, upon which such Tolls 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, Carriage, Goods, Chattels, or Things so seized and distrained, or any Part of such Goods, Chattels, or Things, 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. Penalty on Persons refusing to pay the Tolls.

Provided always, and be it further enacted, That if any Dispute shall happen about the Quantity of the Tolls due, and the Charges of keeping any Distress, it shall be lawful for the Collector or Person distraining to retain the same, or the Money arising from the Sale thereof, as the Case may happen, till the Quantity of the Tolls, or Charges of distraining and selling the Distress, as the Case shall happen, shall be ascertained by some Justice of the Peace for the County In case of Dispute concerning Tolls, &c. Matter to be settled by a Justice.

where the Turnpike shall stand, at which the said Tolls became due, who, upon Application made to him for that Purpose, shall examine the said Matter by Oath of the Parties, or other Witness or Witnesses, and shall determine the Quantity of the Toll due, and shall also assess the Charges of such Distress and Sale, and of the Collector's Attendance for that Purpose upon the said Justice; all which Sum or Sums so determined and assessed, shall be paid to the said Collector before he shall be bound to return the said Distress, or the Overplus after Sale thereof, or of any Part thereof.

Trustees may reduce the Tolls.

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

Tolls to be paid but once a Day.

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

And

And be it further enacted, That no Toll shall be demanded or taken for the passing of any Cattle or Carriage which shall only cross the said Roads; and that it shall not be lawful for the said Trustees to erect any Toll-bar, Side-gate, or Cross-gate, or to take Toll at any Place where the Roads, hereby directed to be repaired and amended, do intersect, abut upon, or lead into any other Turnpike Road; and that it shall not be lawful for the Trustees of any other Turnpike Road, to erect any Toll-bar, Side-gate, or Cross-gate, or to take Toll at any Place where such other Turnpike Road doth intersect, abut upon, or lead into the Roads directed to be amended by this Act. No Toll for only crossing the Road, &c.

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 Roads do lie; or any Stones, Gravel, or other Materials for repairing the said Roads, or for repairing any of the Highways in any of the Parishes or Places aforesaid; or any Hay or Corn in the Straw, at the Times of Hay and Corn Harvest respectively, being not sold or disposed of, or going to be sold or disposed of, but passing to be laid up in the Houses, Out-houses, or Grounds of the Owner or Owners thereof, in any of the said Parishes or Places; or any Plough, Harrow, or other Implements of Husbandry; nor shall any Toll be taken for any Horse or other Cattle going to or from Water or Pasture in any Parish or Place within which any Turnpike shall be erected; or for the Horses of any Officers or Soldiers upon their March; or for any Horses or Carriages travelling with Vagrants sent by legal Passes; or with any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties in which such Turnpike-gates shall be respectively situated, on the Day or Days of such Election or Elections respectively; Exemptions from Toll.

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 Twenty Shillings.

Penalty on Persons making illegal Claims.

Penalty on Persons avoiding 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 Roads, the same not being a publick Highway, in order or with Intent to avoid the Payment of the Tolls by this Act granted, or any Part thereof; or shall forge, counterfeit, or alter, or shall deliver to or receive of any other Person or Persons any Note or Ticket, with Intent to avoid the Payment of any, or any Part, of the said Tolls; or if any Person or Persons owning or occupying any Land, Ground, or Place, not being a publick Highway, shall knowingly and wittingly permit or suffer any other Person or Persons to go or pass with any Cattle or Carriage through or over such Land, Ground, or Place, in order or with Intent that the Payment of any of the said Tolls, or any Part thereof, should be avoided; or if any Person or Persons shall do any other Act, in order or with Intent to avoid the Payment of the said Tolls, or any Part thereof, such Persons, and every of them, shall, for each Offence, forfeit the Sum of Twenty Shillings, over and besides such Damages and Punishments as they shall be otherwise liable to by Law; to be recovered and levied by such Means, and in such Manner, as are herein-after mentioned and provided for the recovering and levying 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.

Trustees may fence off Commons.

And whereas some Parts of the said Roads may 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,

Fields, or waste Grounds, be avoided, be it therefore enacted, That the said Trustees, or any Five or more of them shall and may fence and ditch off such Parts of the said Commons, common Fields, or waste Grounds, as they shall think necessary, in order to prevent the Payment of the Tolls being evaded.

Tolls may be let, giving Fourteen Days Notice.

And be it further enacted, That the said Trustees, or any Five or more of them, may, and are hereby authorised and impowered, at any Time or Times, during the Continuance of this Act, Fourteen Days Notice in Writing being affixed on all the Turnpike Gates which shall be then standing across the said Roads, 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 Five or more of the said Trustees, and be not made for more than Three Years at any One Time; and that the Money which shall be so agreed to be paid for the said Tolls, shall be made payable and shall be paid to the Treasurer of the said Trustees by Quarterly Payments: And in case any Agreement shall be made for letting or farming the said Tolls, or any Part thereof, contrary to the true Intent and Meaning of this Act, every such Agreement shall be void, and the Person or Persons to whom the said Tolls shall have been lett or farmed as aforesaid, shall be liable to account for the same to the said Trustees, or any Five or more of them, and the same shall be levied and recovered upon and from him and them, by the same Ways and Means, and in such Manner, as the Tolls granted by this Act are herein directed to be levied and recovered from the Collectors thereof.

Any Agreement contrary to the Act to be void.

And be it further enacted, That the Right and Property of all the Turnpikes, Toll-houses, and Garden-plots to be erected or inclosed by virtue of this Act, and the Right and Property of the Materials to be provided for building or repairing the same, or any the Out-buildings, and of the Lamps and other Conve-

Turnpikes, &c. vested in the Trustees.

niencies, 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 Roads, ſhall be, and are hereby veſted in the ſaid Truſtees; and they, or any Five or more of them, are hereby impowered to bring, or cauſe to be brought, an Action or Actions in the Name of any One of them, or of their Treaſurer or Clerk, or to prefer, or order the preferring of Indictments againſt any Perſon or Perſons who ſhall injure the ſame, or any Part or Parts thereof, or diſturb them in the Poſſeſſion thereof, or take, or retain, or hold Poſſeſſion thereof, or any Part thereof, after being required, by the Order of any Five or more of the ſaid Truſtees, to deliver up the ſame.

Truſtees may borrow Money, and aſſign the Tolls, &c.

And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Seven or more of them, at their Firſt or any ſubſequent Meeting to be held in purſuance of this Act, upon the Credit of the Tolls ariſing by virtue of this Act, to borrow and take up at Intereſt ſuch Sum or Sums of Money as they, or any Seven or more of them, ſhall think fit; and may and are hereby impowered to demiſe or mortgage the ſaid Tolls, or any Part or Parts thereof, and the Gates, Turnpikes, and Toll-houſes for collecting the ſame (the Coſts and Charges of ſuch Mortgages to be paid out of ſuch Tolls) as a Security to any Perſon or Perſons, or their Truſtees, who ſhall advance ſuch Sum or Sums of Money, by the following Words under their Hands, or by any other Words to the ſame or the like Effect, videlicet.

Form of Aſſignment.

BY virtue of an Act, made in the Eleventh Year of the Reign of His Majeſty King *George* the Third, *for amending the Road from* Beſſelſleigh *to* Hungerford, *and from* Wantage *to* Malborough, *and other Roads in the Counties of* Berks *and* Wilts; we Seven of the Truſtees, in conſideration of the Sum of to the Treaſurer of the ſaid Roads in Hand paid, do grant, bargain, ſell, and demiſe unto *A. B.* his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act, and of the Gates, Turnpikes, and Toll-houſes for collecting the ſame, as the ſaid Sum of doth or ſhall bear to the whole Sum advanced, or to be advanced, on the Credit thereof, the ſame not exceeding in the Whole the Sum

Sum of to be had and holden from this Day of in the Year of our Lord for and during the Continuance of the said Act, unless the said Sum of with Interest at the Rate of *per Centum per Annum*, shall be sooner repaid and satisfied.

And Copies of all such Mortgages shall be entered in the Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; but no Money shall be borrowed upon the Credit of the said Tolls after such First Meeting, unless Notice be for that Purpose fixed in Writing upon all the Turnpikes across the said Roads, at least Fourteen Days before the borrowing thereof. No Money to be borrowed after the First Meeting without Notice.

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

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

G. H.

And such Transfer and Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in like Manner assign or transfer the same again, and so toties quoties; and it shall not be in the Power of such Person or Persons who shall have made such Assignment respectively, to make void, release, or discharge the original Security, or any Monies thereby due, or any Part thereof; and all Persons to whom any such Mortgage or Assignment shall be made as aforesaid shall

shall be, in proportion to the Sum or Sums therein mentioned, Creditors on such Tolls, on the Credit whereof such Sum or Sums are advanced, in equal Degree one with another, and shall have no Preference in respect of the Priority of any such Monies so advanced.

Application of the Money.

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

Interest to be paid in Preference to other Payments.

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

Trustees to appoint Officers, &c.

And be further enacted, That the said Trustees, or any Five or more 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 Roads, and such other Officers as the said Trustees, or any Five or more of them, shall think necessary, and, from Time to Time, remove all or any of such Officers, and appoint others in the Room of such of them as shall be so removed or shall die; and out of the Monies to arise by virtue of this Act, make such Allowances to the said Officers, as to them the said Trustees, or any Five or more of them, shall seem reasonable: And all such Officers shall, under their Hands, at such Time and Times, and in such Manner as the said Trustees, or any Five or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Five or more of them shall appoint, true and perfect Accounts in Writing of all the Monies, which shall have been by such Officer or Officers respectively received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands,

Officers to make up proper Accounts of Monies disbursed, &c.

Hands, to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint; and all the said Officers accounting as aforesaid, shall, upon Oath, if thereunto required by the said Trustees, or any Five or more of them, (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer) verify their said Accounts; And if any such Officer shall not make and render, or refuse to verify upon Oath any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, that then any One or more Justice or Justices of the Peace for the County where such Officer shall dwell shall and may make Inquiry of and concerning such Default as aforesaid, in a summary Way, as well by the Confession of the Party, as by the Testimony of One or more credible Witness or Witnesses upon Oath; and if it shall appear to such Justice or Justices, that any of the Monies that shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Officers, the said Justice or Justices may, and is, and are hereby 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 compound with the said Trustees, or any Five or more of them, and shall have paid such Composition in such Manner as they shall appoint; which Composition the said Trustees, or any Five or more of them, are hereby impowered to make.

and account upon Oath if required.

Officers refusing to account, Justices to inquire into the Default.

Monies found in the Hands of such Officers, may be levied by Distress;

and for want of Distress, Offenders may be committed.

And be it further enacted, That the said Trustees, or any Five or more of them, shall, and they are hereby required to take Security by Bond, with One or more sufficient Surety or Sureties, and with sufficient Penalties, from every Person who shall be appointed as Treasurer under this Act, and before he shall enter upon

Treasurer to give Security.

such Office, for the making a due and satisfactory Account of all Monies intrusted to his Care and Charge.

Victuallers not to enjoy Places of Profit.

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.

Surveyors may dig Gravel, &c. from waste Grounds,

And be it further enacted, That the Surveyor or Surveyors of the said Roads, or any of them, and such other Person and Persons as shall be employed, by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are hereby impowered to cut, dig, gather, take, and carry away any Furze, Heath, Stones, Gravel, Sand, or other Materials, proper for the repairing of the said Roads, out of and from any Waste Ground or Common, River or Brook, in any Parish, Town, or Place, in, or within Four Miles of which any Part of the said Roads do 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 such Materials as aforesaid, in, upon, or out of, from and over the Lands of any Person or Persons, (not being a Yard, Garden, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees,) paying or tendering to the Owners and Occupiers of such Land for the same, and for the Damage done to such private Lands, over which any Materials gotten in any Waste Ground, Common, River, or Brook, or private Ground shall be conveyed, such Equivalent in Money, as the said Trustees, or any Five or more of them, shall adjudge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons appointed and employed as aforesaid, and the said Owners and Occupiers, or any of them, concerning such Payments and Damages as aforesaid, the Justices of the Peace, at their next General Quarter Sessions, or at the second General Quarter Sessions at the farthest, to be holden in and for the County wherein such Difference shall arise, on Eight Days Notice thereof

without paying for the same, levelling the Pits,

or from private Grounds,

making Satisfaction to Owners.

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 taking away Materials, &c. got by Order of the Surveyors.

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 Roads, 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 Roads, before the said Surveyors or their Workmen, shall have discontinued working therein, for the Space of Six Weeks, (except the Owner or Occupier of any private Ground, and Persons authorised by such Owner or Occupier to get Materials therein, for his own private Use only and not for Sale,) every Person so offending, shall forfeit for every such Offence the Sum of Five Pounds.

Surveyors may remove Annoyances,

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 Roads by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and dispose of the same for the Benefit of the said Roads, and to turn any Watercourses, Sinks, or Drains, runing along in, to, or out of the said Roads, to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper, any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary and; by and with the Consent of Two or more Justices of the Peace for the Counties of Berks and Wilts, as the Case may be, acting in their Petty Session, and not otherwise, to cut down any Timber Trees growing within Fifteen Feet of the Centre of the said Roads, 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 Bulbes growing in the said Roads, or in the Hedges or Banks adjacent thereto, and to cut down or reduce all such Hedges to the Height of Three Feet, in Case the Owners or Occupiers of the Premises shall neglect to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such Annoyances,

and clean Ditches,

and lop Trees, Bushes, &c.

Owners neglecting to remove the same after Notice,

or

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 levied in such Manner as the Penalties and Forfeitures are herein-after directed to be recovered and levied; and if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Two Pounds.

Surveyors to be reimbursed the Charges.

Penalty for a Second Offence.

And be it further enacted, That if any Person shall leave any Waggon, Cart, or other Carriage in, upon, or on the Side of any Part of the said Roads, without any Horse or other Beast of Draught harnassed or yoked thereto, and 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 Roads, or on the Side or Sides thereof, to the Prejudice or Annoyance thereof, every Person so offending, shall for every such Offence forfeit and pay the Sum of Twenty Shillings.

Penalty on leaving empty Carriages or Rubbish in the Road.

And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, 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 Roads, 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 Roads, (such Ground respectively not being the Ground whereon any House stands, nor a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees,) to be made use of as a publick Highway, whilst the old Road is repairing and widenings and also, by Order of any Five or more of the said Trustees, to build, erect, repair, and keep in repair, any Bridge or Bridges, Arch

Surveyors may make Causeways, &c.

and make a Temporary Road,

and erect Bridges,

or

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

making Satisfaction to the Owners of the Ground.

And be it further enacted by the Authority aforesaid, That where any particular Part of the said Roads, or any Bridge, Drain, or Sewer, being in and upon the said Roads, hath been accustomed, or ought to be repaired and maintained, by any particular Person or Persons, Body Politick or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by either of the said Counties, or any Township therein, every such Part of the said Roads, Bridges, Drains, or Sewers, so lying in and upon the said Roads, shall, from Time to Time, be maintained and kept in Repair by such Person or Persons, Body Corporate or Politick, County or Counties, Township or Townships, and Places, 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 Roads, Bridges, Drains, or Sewers 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 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.

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

And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, to compound and agree with all or any of the said Persons, Bodies Politick or Corporate, Townships, or Places, which are or shall be liable or chargeable for or towards repairing of any such particular Parts of the said Roads, Bridges, Drains, or Sewers, (except the Bridges liable to be repaired by

Trustees may compound for such Work.

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, or Places as aforesaid.

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

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

Provisions of publick Act 7 *Geo.* III. extended to this Act.

And be it further enacted, That the Roads hereby directed to be repaired and amended, shall be deemed and taken to be Turnpike Roads, within the Intent and Meaning of an Act of Parliament, made in the Seventh Year of the Reign of His present Majesty, intituled, An Act to explain, amend, and reduce into One Act of Parliament the general Laws now in being for regulating the Turnpiked Roads of this Kingdom, and for other Purposes therein mentioned; and that all and every Clause and Provision contained in the said last-mentioned Act shall be in full Force with regard to the Roads hereby directed to be repaired and amended during the Continuance of this Act, as if the same had been herein repeated and re-enacted, excepting

so

ſo far as the Subject-matter of the ſame, or any Part thereof, is herein otherwiſe ordered and provided for.

Inhabitants to do Statute-work.

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

Pariſh Surveyors, &c. to deliver in Liſts of Perſons liable to perform Statute-work.

And be it further enacted, That the Surveyor or Surveyors of the Highways of and for every of the ſaid Pariſhes, Tythings, Hamlets, and Places, ſhall, and they are hereby required, within Ten Days after Notice in Writing, ſigned by the Clerk, Treaſurer, or Surveyor to the ſaid Truſtees, ſhall be given to him or them, or left at his or their Houſe or Houſes, or laſt Place of Habitation for that Purpoſe, to return and deliver in to the ſaid Truſtees, at any Meeting to be by them held agreeable to ſuch Notice, true and perfect Liſts in Writing, upon Oath, if thereunto required, (to be adminiſtered by the ſaid Truſtees, or any Five or more of them), of the Names of all the Inhabitants of, and Occupiers of Lands, Tenements and Hereditaments, in ſuch Pariſhes, Tythings, Hamlets, and Places reſpectively, that are liable to do their Statute-work or Duty; and ſhall, in ſuch Liſts, and every of them, diſtinguiſh and ſet forth which of ſuch Inhabitants and Occupiers keep a Team or Teams, and what Lands, Tenements, or Hereditaments, and to what annual reputed Value they reſpectively occupy, and which of them are Labourers, or liable to do their Statute-duties as Labourers only: And if the Surveyor or Surveyors of the ſeveral Pariſhes, Tythings, Hamlets, or Places, wherein any Part of the ſaid Roads ſhall lie, ſhall not deliver in ſuch Liſts as aforeſaid reſpectively, at or before ſuch Times, and in ſuch Manner as by this Act are required and direct-

Penalty on Surveyors, &c. neglecting to deliver in Liſts of Perſons liable to do Statute-work.

ed

ed 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 Direction of the said Surveyor or Surveyors, appointed by the said Trustees; such Parish Surveyor or Surveyors, and every of them, shall forfeit and pay for every such Default the Sum of Ten Pounds: And if all or any of the Inhabitants of, or Occupiers of Lands, Tenements, or Hereditaments, in the said several Parishes, Tythings, Hamlets, or Places, being obliged by Law to do Statute-duty in and upon the Highways, shall not do so much Statute-work in and upon the said Roads, at such Times and Places, and in such Manner as they shall, by the said Surveyor or Surveyors, appointed by the said Trustees, be directed or appointed to do, such Inhabitants and Occupiers, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums herein after mentioned; (that is to say), Every such Inhabitant or Person who shall keep, or, by virtue of the Laws now in being, is compellable to furnish a Team or Teams, for every Day's Default of every Team the Sum of Ten Shillings; and every other Inhabitant or Person liable to work on the said Roads 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 Roads, shall not attend at the Time and Place appointed, or shall be found idle or negligent by the said Turnpike Surveyor or Surveyors, such Surveyor or Surveyors is and are hereby impowered to remove and turn off such Person and Persons; and in that Case, the respective Forfeitures and Payments before mentioned shall be incurred and made payable, as if such Person or Persons had refused or neglected to come, or such Team or Draught had not been sent out.

Penalty on Persons not performing Statute-work.

Labourers found idle, to be turned off.

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

Trustees may compound for Statute-work.

Occupiers of Lands, Tenements, and Hereditaments, of and in all or any of the said Townships, Parishes, Places, and Divisions, from, to, or through which the said Roads lead, (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 Roads, which Composition-money shall always 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.

Trustees may alter or turn the Road through waste Ground, &c.

And be it further enacted, That the said Trustees, or any Five or more of them, shall be and are hereby fully impowered, from Time to Time, to widen the said Roads, or to divert, turn, shorten, vary, or alter the Course or Path of any Part or Parts of the said Roads through any common or waste Ground, without making any Satisfaction for the same, and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein for the Damage they may thereby sustain; and for that Purpose it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, to contract and agree with the Owners of, and Persons interested in any Lands or Hereditaments, for the Purchase or Exchange thereof, or for the Loss or Damage such Owners or Persons may sustain by such widening, diverting, turning, shortening, varying, or altering the Course or Path of any Part or Parts of such Roads 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 seised 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

or purchase Land for that Purpose.

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

in any such Lands or Hereditaments, to contract with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to exchange with, sell, and convey unto them, or any Five or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purpose aforesaid; and all Contracts, Exchanges, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever, to the Contrary notwithstanding: And all such Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Guardians, Trustees, Committees, and all other Persons, shall be, and are hereby indemnified for what they shall do by virtue of this Act: And

Bodies Politick, refusing to treat after 21 Days Notice,

if any such Body Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Guardians, Trustees, Committees, or any other Person or Persons, interested in any such Lands or Hereditaments, upon Notice to him, her, or them, given, or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Body Politick, Corporate or Collegiate, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Roads are intended to be diverted, turned, or altered, shall, for the Space of Twenty-one Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating; then, and in every such Case, the said Trustees, or any Five or more of them, shall cause such Damage and Recompence to be inquired into, and ascertained by a Jury of indifferent Men of the County; and, in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from Time to Time, as Occasion shall be, to summon and call before such Jury, and examine upon Oath, any Person and Persons whomsoever, (which Oath any One or more of the said Trustees is and are hereby impowered to administer); and such Trustees, or any Five or more of them, shall, by ordering a View, or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's Information of the Premises; and after the said Jury shall have inquired of, and assessed such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon

Damage to be settled by a Jury.

Money assessed as Recompence, to be paid to Owners.

upon Order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners and other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination thereupon, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever, claiming or to claim, in Possession, Remainder, or Reversion, their Heirs and Successors, as well absent as present, Infants, Femes-covert, Lunaticks, Ideots, and Persons under any Disability whatsoever, Bodies Politick, Corporate and Collegiate, Corporations Aggregate or Sole, as well as all other Persons whomsoever: And for summoning and returning such Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the County wherein such Lands shall lie, requiring him to impannel, summon, and return an indifferent Jury of Twenty-four Persons, qualified to serve upon Juries, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, and such Sheriff, or his Deputy or Deputies, is and are hereby required to 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 Five or more of them, shall, and they are hereby impowered and required, to draw by Ballot, and to swear, or cause to be sworn, Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen so returned, the said Sheriff, or his Deputy or Deputies, or any Five or more of the said Trustees, shall return other such honest and indifferent Men of the Standers-by, or that can speedily be procured, to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn: And the said Trustees, or any Five or more of them, acting in the Premises, shall have Power, from Time to Time, to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises; and on any of the Persons that shall be summoned and returned on such

Verdict of the Jury to be final.

Trustees may issue Warrants to the Sheriff to impannel a Jury.

Jurymen may be challenged.

Sheriffs, &c. neglecting Duty, to be fined.

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, so that no such Fine be more than Ten Pounds, nor less than Two Pounds, on any One Person for One Offence.

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

And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls aforesaid, or out of the Monies to be borrowed upon the Credit of such Tolls, to the Parties or Persons respectively intitled to such Monies, or to their Agents; and upon Payment, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Treasurer or Treasurers to the said Trustees for the Use of such Parties or Persons, it shall be lawful for any Person or Persons, authorised by Writing under the Hands of the said Trustees, or any Five or more of them, to widen, divert, or turn such Roads 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 Roads 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 Roads 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 Roads hereby appointed to be repaired are 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 Roads shall be compleated, the Lands constituting the former Roads, unless leading over some Moor or Waste Ground, or to some Village, Town or Place, to which

and on Payment, Roads may be turned, &c. as Trustees think fit.

Roads to be fenced off from adjoining Lands.

New Roads being compleated, old Roads may be sold.

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

Proviso concerning the purchasing Waste Roads.

Provided always, That in case the Owner or Owners of any Lands adjoining to the Lands constituting the former Roads shall signify in Writing to any Five or more of the said Trustees, before the new Road shall be compleated, his, her, or their Desire to purchase so much of the said former Roads 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.

Expences of summoning Juries how to be borne.

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

Penalty on 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 Roads 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 Roads to the Prejudice thereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

How Penalties are 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 Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby impowered and required to grant for those Purposes; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Prosecution, Conviction, Distress, and Sale, are recovered and deducted, shall be returned upon Demand, unto the Owner or Owners of such Goods and Chattels, and the Penalties, Forfeitures, and Fines, when paid or levied, if not otherwise directed to be applied by this Act, shall be, from Time to Time, paid to the Treasurer or Treasurers of the said Trustees, and applied in the Repair of the said Roads: 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.

For want of Distress Offender to be committed.

And

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

Form of Conviction.

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

Persons aggrieved may appeal to the Quarter-sessions.

Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for no which particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at any General Quarter Session of the Peace to be held in 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 giving, or causing to be given, Six Days Notice at least, in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Two Days after such Notice entering into Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Quarter Session; and the said Justices, at such Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper, and the Determination of such Quarter Session shall be final, binding, and conclusive to all Intents and Purposes.

Notice of Appeal to be given.

Justices to determine finally.

And

Proceedings not to be quashed or vacated for want of Form.

And be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be quashed for want of Form, or 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 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 the Behalf of the Party distraining before such Action brought.

No Plaintiff to recover if Tender of Amends be made.

Writings to be without Stamps.

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

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;

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. and taken as Evidence.

And be it further enacted, That this Act shall commence upon the Third Tuesday after the passing of this Act, and shall continue and be in Force for and during the full Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commencement and Continuance of this Act.

Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act, by Order of the said Trustees, or such competent Number of them as is herein required, until Twenty-one Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid in the County or Place where the Matter shall arise, and not elsewhere; and the Defendant and Defendants, in every such Action or Suit, shall or may, at his or their Election, plead specially, or the General Issue, and give this Act, and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act: And if the same shall appear to be so done, or if such Action or Suit shall be brought before Twenty-one Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, Limitation of Actions. General Issue. Treble Costs.

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

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

FINIS.