Anno secundo

Georgii III. Regis.

An Act for rendering more effectual several Acts passed in the Fifth Year of His late Majesty King *George* the First, and the Thirteenth Year of His late Majesty King *George* the Second, for repairing the Roads from the Top of *Stokenchurch Hill* to *Enslow Bridge*, through the City of *Oxford*, by *Begbrooke*, to *New Woodstock* in the County of *Oxon*; and for repairing the Road from the *Crown* Alehouse, to the Turnpike on *Stokenchurch Hill* aforesaid; and for repairing the Mile-ways on each Side the said City, as therein mentioned.

WHEREAS by an Act made in the Fifth Year of the Reign of his late Majesty King George the First, for repairing the Roads from the Top of Stokenchurch Hill to Enslow Bridge, and the Road leading from Wheatley Bridge through the City of Oxon, by Begbrooke, to New Woodstock in the County of Oxon (except the Mile-way on each Side of the said City) and to disable all Commissioners or Trustees appointed for repairing of any Preamble.

any Highways or Roads to have any Place of Profit ariſing out of the Toll for repairing ſuch Highways or Roads, which was to be in Force for Twenty one Years from the Commencement thereof, the ſaid Roads are directed to be repaired: And whereas by another Act made in the Thirteenth Year of the Reign of His late Majeſty King George the Second, intituled, An Act for continuing and making more effectual an Act paſſed in the Fifth Year of the Reign of His late Majeſty King *George* the First, for repairing the Roads from the Top of *Stokenchurch Hill* to *Enſlow Bridge*, and the Road from *Wheatly Bridge*, through the City of *Oxon*, by *Begbrooke*, to *New Woodſtock* in the County of *Oxon* (except the Mile-way on each Side of the ſaid City) and for repairing the Road from the *Crown* Alehouſe to the Turnpike on *Stokenchurch Hill* aforeſaid; the ſaid former Act was further continued for the Space of Twenty one Years from the Expiration of the ſaid Term, and from thence to the End of the next Seſſion of Parliament: And whereas the Truſtees appointed to put the ſaid Acts in Execution have proceeded to repair the ſeveral Roads thereby directed to be repaired; and to effect the ſaid Repairs, have been obliged to borrow a conſiderable Sum of Money upon the Credit of the ſaid Tolls, purſuant to the Power veſted in them by the ſaid Acts, Part of which Debt remains undiſcharged: And whereas ſeveral Parts of the Roads directed by the ſaid Acts to be repaired, are ſo bad and narrow, that it is neceſſary the ſame ſhould be widened, and Lands purchaſed to make the ſaid Alterations; which the ſaid Truſtees are not, by the ſaid former Acts, impowered to do: And whereas the Truſtees cannot compleat the Repairs and Alterations neceſſary to be made in the ſaid Roads during the ſubſiſting Term granted by the ſaid Act of the Thirteenth Year of His late Majeſty King George the Second, nor repay the Money now owing on the Credit of the Tolls granted by the ſaid Acts; 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 Perſons appointed and elected by and under the ſaid former Acts, and thoſe herein after-mentioned; that is to ſay, The Right Honourable Charles Spencer, commonly called Lord Charles Spencer; the

Truſtees Names.

Right honourable George Simon Harcourt, commonly called Lord Newnham; the Right honourable Philip Lord Viscount Wenman, in the Kingdom of Ireland; the honourable William Harcourt, the honourable Peregrine Bertie, William Blackstone Esquire, James Brookes, Joseph Benwell, Edward Cooper Doctor of Laws, Sambrooke Freeman Esquire, John Franklin, Richard Hayward, Henry Mason, John Nourse junior, William Newell, Samuel Norman, the Vice Chancellor of the University, and the Mayor and Recorder of the City of Oxford, for the time being; George Ruck Esquire, Christopher Robinson Doctor in Divinity, Robert Lovegrove Robinson, Peter Sarney, Thomas Staverton, John Tillson Esquire, John Toovey, Edward Willes Esquire, Charles Nourse, Thomas Trollope, John Holman, John Turner, Robert Tawney, William Appleby, James Hume, John Townsend, Ralph Kirby, James Burroughs, William Eaton, Edward King, Benjamin Watson, John Treacher, Thomas Wise, John Nichols, Anthony Weston, William Wickham, Sir Thomas Munday Knight, Thomas Treadwell, Isaac Lawrence, and Richard Tawney, shall be, and they and their Successors, to be elected in Manner as is herein after-mentioned, are hereby appointed Trustees for amending, widening, and keeping in Repair the said Roads; and also for putting in Execution all the Powers hereby given and granted.

Qualification of Trustees.

Provided always, and be it enacted, That no Person shall be capable of acting as a Trustee, in any Case in the Execution of this Act, unless at the Time of his acting therein he shall have or be seised of, in his own Right, or in Right of his Wife, and in the actual Possession, Enjoyment, or Receipt of the Rents and Profits of a Real Estate in Law or Equity of the clear yearly Value of Fifty Pounds above Reprizes; or be Heir Apparent of a Person seised of an Estate in Lands of the clear yearly Value of Two hundred Pounds. And if any Person or Persons so made incapable shall presume to act in the Trust aforesaid, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds, to be recovered by Action at Law, to be brought in any of His Majesty's Courts of Record at Westminster; and the Person so prosecuted shall prove that he is qualified as above, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execu-

Penalty on acting if not qualified.

tion of this Act; One Moiety of which Forfeiture ſhall be paid to the Proſecutor, and the other Moiety ſhall be applied in Repair of the ſaid Roads.

Truſtees may erect Turnpikes and Toll-houſes; and take Tolls thereat.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may cauſe to be erected and ſet up One or more Turnpike or Turnpikes, Toll-houſe or Toll-houſes, in, upon, and acroſs any of the ſaid Roads; and that the reſpective Tolls following ſhall be demanded and taken 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, before any Horſe or other Cattle, Coach, Waggon, or other Carriage, ſhall be permitted to paſs through any Turnpike to be erected in purſuance of this Act; that is to ſay,

The Tolls.

For every Coach, Berlin, Landau, Chariot, Calaſh, Chaiſe, or Chair, drawn by Six Horſes, or more, the Sum of One Shilling and Four Pence,

For every Coach, Berlin, Landau, Chariot, Calaſh, Chaiſe, or Chair, drawn by Four Horſes, Ten Pence.

For every Coach, Berlin, Landau, Chariot, Calaſh, Chaiſe, or Chair, drawn by leſs than Four Horſes, Six Pence.

For every Horſe, Mare, Gelding, or Beaſt of Draught, drawing in any Waggon, Wain, Cart, Dray, or other Carriage travelling for Hire, Three Pence.

For every Horſe, Mare, Gelding, or Beaſt of Draught, drawing in any Waggon, Wain, Cart, Dray, or other Carriage, and not travelling for Hire, Two Pence.

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, One Penny,

For every Drove of Oxen or Neat Cattle, Ten Pence per Score, and ſo in Proportion for any greater or leſs Number.

For every Drove of Sheep, Lambs, Hogs, or other Cattle whatſoever, Five Pence per Score, and ſo in Proportion for any greater or leſs Number.

Which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of, or as a Toll; 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 ſuch Perſon or Perſons appointed to collect the ſaid Tolls as aforeſaid to levy the ſame, by Diſtreſs and Sale of any Horſe or Horſes, or other Cattle,

Tolls veſted in Truſtees.

Cattle, or of any Carriage upon which any Toll is by this Act imposed, or by Distress and Sale of any of the Goods and Chattles of such Person and Persons respectively; and if such Tolls, and the reasonable Charges of such Distress shall not be paid within the Space of Fourteen Days, such Person or Persons so distraining may sell the Horses, Cattle, Carriages, and Goods so distrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Toll, and the reasonable Charges of such Distress and Sale, shall be deducted and paid; and that all the Tolls and Money so to be collected or levied, and the Monies borrowed on the Credit thereof, shall be and are hereby vested in the said Trustees, and shall be paid, applied, and disposed of, to and for the several Uses, Intents, and Purposes, and in such Manner, as is herein after mentioned.

Tolls to be levied by Distress and Sale.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to cause to be erected, set up, and provided, One or more Turnpike or Turnpikes, Toll-house or Toll-houses, on the Side or Sides of any of the said Roads, cross any Lane or Way leading into the same, and to cause such Tolls to be collected and levied at such respective Turnpikes as are by this Act made payable upon the said respective Roads, so as that the same do not extend to a double Charge, or subject any Person to the Payment of a larger Toll than is herein before appointed to be paid, for afterwards passing or repassing the same Day through all or any of the said Turnpikes herein before authorized to be erected upon or cross the said respective Roads.

Trustees may erect Turnpikes on the Sides of the Roads,

so as the same extend not to a double Charge.

Provided always, and it is hereby further enacted and declared, That no Person or Persons shall be subject to the Payment of any Toll hereby made payable more than Once within each respective Division of the said Road herein after-mentioned in One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) for passing with the same Horse, Mare, Gelding, or other Cattle, Coach, Waggon, or other Carriage, through all or any of the Turnpikes to be erected on the said Roads, or on the Sides of the said Roads, cross any Street, Lane, or Way leading unto the said Roads, or any Part thereof, between the said Crown Alehouse and the Eastern End of Wheatly Bridge; nor more than Once in any One Day (to be computed as aforesaid) for passing with the

Tolls to be paid but Once a Day.

same Horse, Mare, Gelding, or other Cattle, Coach, Waggon, or other Carriage, through all or any of the Turnpikes to be erected on any Part of the said Roads, or on the Sides of the said Roads, cross any Street, Lane, or Way leading into the said Road, or any Part thereof, between the said Eastern End of Wheatly Bridge and Enslow Bridge, or any Part of the said Road between the said End of Wheatly Bridge and New Woodstock, such Person or Persons producing a Ticket that the said Toll has been paid at some Turnpike or Turnpikes erected within the respective Division of the Road in which he claims the Exemption of his former Payment; and which Ticket the said Collector and Collectors is and are hereby required to give gratis, on the Receipt of such Toll, within such respective Division of the said Road.

Penalty on giving or receiving Tickets, to avoid Payment of the Tolls.

And be it further enacted, That if any Person or Persons shall give or dispose of such Ticket to any Person, in order to avoid the Payment of any of the said Tolls, every such Person giving or disposing of such Ticket, and the Person receiving and making use of the same, shall respectively forfeit and pay the Sum of Forty Shillings; whereof One Moiety shall go to the Informer, and the other Moiety shall be applied in such Manner as the Penalties and Forfeitures are herein after directed to be applied.

Penalty on Persons permitting or going thro' private Passage, &c.

And be it further enacted, That if any Person or Persons owning, renting, or occupying any Lands near to any of the said Turnpikes, shall permit or suffer any Person or Persons to pass over the same, or through any Gate, Passage, Inclosure, or Way, with any Coach, Waggon, or other Carriage whatsoever, Horse, or any other Cattle, whereby the Payment of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall take off, or cause to be taken off, any Horse or other Cattle from any Carriage, with an Intent to avoid paying any of the said Tolls, or any Part thereof, or shall leave, or cause to be left, upon or near any of the said Roads, any Cattle or Carriage as aforesaid, with such Intent as aforesaid, every Person so offending in any of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Forty Shillings.

or taking off Horses, &c.

to avoid paying the Tolls.

Exemptions from Toll.

Provided always, and it is hereby enacted and declared, That no Toll shall be demanded or taken for any Cattle or Carriage going for or returning empty, or loaden only with Stones, Bricks, Lime, Timber, Gravel,

Gravel, or other Materials, for repairing the ſaid Roads, or the Bridges thereon, or for amending the Highways and Streets in the City of Oxford aforeſaid, or the Mile-ways leading to and from the ſame, or in the Pariſhes or Townſhips in which the ſaid Roads directed by this Act to be repaired do lie, or going or returning through any of the ſaid Turnpikes with any Lime, Dung, Mould, Manure, or Compoſt of any Nature or Kind ſoever, to be laid upon Grounds, Arable, Meadow, or Paſture, or Gardens; nor ſhall any Toll be demanded or taken by virtue of this Act, for any Waggons or other Carriages carrying any Hay, Corn in the Straw, or Straw, to be laid up in the Houſes, Outhouſes, Barns, or Yards, of or belonging to the reſpective Inhabitants or Occupiers of Land, within the ſeveral Pariſhes, Townſhips, or Places, through which the ſaid Roads, hereby intended to be repaired, do lead, or in any of the adjoining Pariſhes; ſuch Hay, Corn, and Straw, hereby intended to be exempted from the Tolls of this Act, being the Product of Lands lying within ſome Pariſh, Townſhip, or Place, in and through which the Roads, hereby directed to be repaired, do lie; or for any Ploughs, Harrows, or other Implements of Husbandry, or any Thing whatſoever, belonging to or employed by the Inhabitants of ſuch Pariſhes, Townſhips, or Places in Husbandry, for manuring or ſtocking of Lands, lying within ſuch Pariſhes, Townſhips, or Places; nor ſhall any Toll be demanded or taken for any Horſes, Geldings, Mares, or other Cattle, going to or returning from Paſture or Watering Places belonging to or occupied by any Inhabitant of ſuch Pariſhes, Townſhips, or Places, as aforeſaid; or for any Horſe, Gelding, Mare, or other Cattle, of any Perſon reſiding in or near any Pariſh or Place where any Gate or Turnpike ſhall be erected, going to be ſhod, farried, or cured of any Diſtemper, or returning therefrom; or for any Poſt Horſe carrying the Mail or Packet; nor ſhall any Toll be demanded or taken for the Horſes of Soldiers who are upon their March, or for Cariages attending them, loaden with their Arms or Baggage; or for Horſes or Carriages travelling with Vagrants ſent by legal Paſſes; nor for any Coaches, Berlins, Landaus, Chariots, Calaſhes, Chaiſes, Chairs, Litters, or Paſſengers on Horſeback, going to or returning from any Election of a Knight or Knights of the Shire, to ſerve in Parliament for the

County of Oxon, on the Day or Days of ſuch Election, or on the Day before or the Day after ſuch Election ſhall begin or be concluded: And if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being intitled to the ſame, each Perſon, for every ſuch Offence, ſhall forfeit the Sum of Twenty Shillings.

Penalty on making illegal Claims.

Truſtees may leaſe, &c. the Tolls.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, are hereby impowered, at any General Meeting (whereof Fourteen Days Notice in Writing ſhall be affixed upon each of the ſaid Turnpikes) to leaſe and demiſe the ſaid reſpective Tolls granted by this Act, for any Term of Years not exceeding Three Years, for the beſt Price that can be gotten for the ſame, payable at ſuch Times and under ſuch Covenants as the ſaid Truſtees, or any Five or more of them, ſhall think fit, the ſaid Truſtees having a Counterpart of ſuch Leaſe or Leaſes, and taking ſuch other ſufficient Security from ſuch Perſon or Perſons, to whom ſuch Tolls ſhall be leaſed and demiſed, for Payment of ſuch Rents, and Performance of the Covenants to be reſerved and comprized in ſuch Leaſe or Leaſes, as the ſaid Truſtees, or any Five or more of them, ſhall think fit.

Charges of this Act to be firſt paid.

And be it further enacted, That out of the firſt Tolls to be collected at the ſeveral Turnpikes to be erected as aforeſaid, and the Money to be borrowed on the Credit thereof, or out of the Money now remaining in the Treaſurer's Hands, the ſaid Truſtees, or any Five or more of them, ſhall firſt pay and diſcharge the Charges and Expences of procuring and paſſing this Act, and of erecting and ſetting up ſuch Turnpikes and Toll-houſes as aforeſaid; and from and after ſuch Charges and Expences ſhall be fully paid and ſatisfied, then and from thenceforth the ſaid Tolls ſhall be applied in the repairing, widening, and keeping in Repair, the ſaid ſeveral Roads, and other neceſſary Charges attending the ſame, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall, from time to time, order, direct, or appoint.

Proviſo.

Provided always, and be it further enacted by the Authority aforeſaid, That the Tolls and Duties granted by this Act ſhall be and continue ſubject and liable to the Payment of the Principal and Intereſt of all Money borrowed, or otherwiſe due and owing upon the Credit of the Tolls granted by the ſaid former Acts.

And be it further enacted, That the Right and Property of all the said Turnpikes and Toll-houses, and of the Materials for building the same, and for repairing the said Roads, shall be vested in the said Trustees; and they, or any Five or more of them, are hereby authorized and impowered to bring Actions in the Name or Names of any One of them, or in the Name of their Clerk or Clerks, Treasurer or Treasurers, or to prefer Bills of Indictment against any Person or Persons who shall steal, take away, break down, damage, or destroy any such Turnpikes, Toll-houses, or Materials, or disturb the Trustees, their Agents or Servants, in the Possession thereof. Property of the Turnpikes and Toll-houses, &c. vested in the Trustees.

And be it further enacted, That the said Trustees, or any Five or more of them, at any General Meeting to be held for that Purpose (whereof Fourteen Days Notice shall be given in Writing to be affixed upon each of the said Turnpikes) may, and they are hereby impowered, from time to time, by any Certificate, Writing, or Instrument under their Hands and Seals, to assign over or mortgage the Tolls to be collected and levied by virtue of this Act, or any Part thereof (the Charges of assigning or mortgaging the same to be paid out of the said Tolls) for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed by the said Trustees, or any Five or more of them, upon the Credit of such Tolls, to such Person or Persons, his, her, or their Trustee or Trustees, who shall advance and lend the same, to secure the Repayment thereof, with such Interest as shall be agreed upon, not exceeding Five Pounds per Centum per Annum; which said Money so to be borrowed shall (after paying the Expences of procuring and passing this Act) be applied and disposed of as the Tolls are hereby directed to be applied and disposed of, and to no other Use or Purpose whatsoever. Tolls may be assigned for Money borrowed. Application of the Monies.

And be it further enacted, That the said Trustees, or any Five or more of them, at a Meeting to be held for that Purpose (whereof Fourteen Days Notice shall be given in Writing to be affixed on each of the said Turnpikes) by Writing under their Hands and Seals, shall appoint One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, and Collector or Collectors, of the Tolls aforesaid; and shall take such Security for the due Execution of their respective Offices, as they the said Trustees Trustees may appoint Officers,

ſtees ſhall approve of; and alſo One or more fit Perſon or Perſons to be Surveyor or Surveyors, to view the Condition of the ſaid Roads, and ſee that the ſame are duly repaired and widened, and alſo ſuch other Officers as they ſhall think neceſſary to employ in the Execution of this Act; and, from time to time, to remove ſuch Clerks, Treaſurers, Receivers, Collectors, Surveyors, and other Officers, or any of them, as they ſhall ſee Occaſion, and appoint new ones in Caſes of Death or Removal; but no Perſon ſhall be capable of holding any Place of Profit under the ſaid Truſtees, who ſhall ſell any Wine, Ale, or other Spirituous Liquors by Retail; and the ſaid Tolls ſhall be paid, after the Rates aforeſaid, to ſuch Perſon or Perſons as ſhall, from time to time, be appointed to receive the ſame: And the ſaid Treaſurers, Receivers, Collectors, Surveyors, and other Officers, and all other Perſons who ſhall be employed in the Receipt or Expenditure of any of the Monies ariſing by virtue of this Act, ſhall, from time to time, as often as they or any of them ſhall be thereunto required by the ſaid Truſtees, or any Five or more of them, give unto ſuch Truſtees true and perfect Accounts in Writing under their reſpective Hands, of all the Monies which ſhall have been by them reſpectively collected or received, and how and to what Uſes the ſame have been paid and applied, together with proper Receipts and Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their Hands to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons, or to ſuch Uſes and Purpoſes, as they, or any Five or more of them, ſhall direct and appoint; and that all ſuch Officers and other Perſons ſhall verify ſuch Accounts upon Oath, if thereunto required by the ſaid Truſtees, or any Five or more of them (which Oath any Two of the ſaid Truſtees are hereby impowered to adminiſter): And if any of the ſaid Officers or other Perſons ſhall not give ſuch Account, or ſhall refuſe to verify the ſame in Manner as aforeſaid; that then, and in any or either of the ſaid Caſes, it ſhall be lawful for any Two Juſtices of the Peace for the County or Diviſion where ſuch Officer or other Perſon ſhall reſide, and ſuch Juſtices are hereby authorized and required to make Enquiry concerning ſuch Default in a ſummary Way, as well by Confeſſion of the Parties themſelves, as by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath

and remove them, and appoint others.

No Victualler, &c. to have a Place of Profit.

Officers to account upon Oath.

Officers not making Account and Payment,

Juſtices to enquire into the Default,

Oath (which Oath the ſaid Juſtices are hereby impowered and required to adminiſter without Reward): And if ſuch Perſons ſhall be thereof convicted, ſuch Juſtices ſhall commit the Party to the common Gaol of the County of Oxford, there to remain without Bail or Main-prize, until he ſhall give and make a true and perfect Account, and verify the ſame in Manner as aforeſaid: And in caſe any of the ſaid Officers or other Perſons ſhall refuſe or neglect to pay any Sum or Sums of Money which ſhall appear to remain in his or their Hands, it ſhall be lawful for any Two Juſtices of the Peace for the County or Diviſion where ſuch Perſon or Perſons ſhall reſide, to make Enquiry touching ſuch Neglect or Refuſal in a ſummary Way in Manner as aforeſaid, and by Warrant under their Hands and Seals to cauſe ſuch Sum or Sums of Money, as ſhall appear to them to be due and unpaid, to be levied by Diſtreſs and Sale of the Goods and Chatties of ſuch Perſon or Perſons, rendering the Overplus (if any) after the Money remaining due, and the Charges of making ſuch Diſtreſs and Sale, ſhall be deducted, unto ſuch Perſon or Perſons, upon Demand; and if ſufficient Diſtreſs cannot be found, then the ſaid Juſtices, or any other Two Juſtices of the Peace, ſhall commit ſuch Perſon or Perſons to the Common Gaol of the County, there to remain without Bail or Main-prize, until he or they ſhall have paid over ſuch Monies in Manner as aforeſaid, or compounded for the ſame, and paid ſuch Compoſition-money to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon as they, or any Five or more of them, ſhall appoint to receive the ſame; which Compoſition the ſaid Truſtees, or any Five or more of them, at any Meeting aſſembled, are hereby impowered to make.

and commit the Offender, until he ſhall conform.

Balance may be levied by Diſtreſs and Sale:

For want of Diſtreſs Offender to be committed.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he and they ſhall appoint, to ſearch for, dig, gather, take, and carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials for repairing the ſaid Roads, in and out of any River or Brook, or out of any Waſte or Common of or in any Pariſh, Town, Village, or Hamlet, in or near which any Part of the ſaid Roads do lie, without paying any thing for ſuch Materials; ſuch Surveyor or Surveyors levelling, or cauſing to be le-

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

without paying for the ſame;

Levelling the Pits:

velled, all such Holes and Pits, or fencing in the same in such Manner as that the same shall not be dangerous for any Cattle or Travellers whatsoever, and paying for the Damages done by landing, or for going over or through any Lands for or with such Materials, to be ascertained as after-mentioned: And also it shall and may be lawful to and for the said Surveyor and Surveyors, and such other Person or Persons as he or they shall appoint, such Surveyor or Surveyors first having an Order from any Five or more of the Trustees at some Meeting assembled, in Writing under their Hands, to search for, dig, gather, and take away such Materials in and out of the several Grounds of any Person or Persons (not being the Ground whereon any Houses or Buildings stand, or a Garden, Orchard, Yard, Park, planted Walk or Walks, or Avenue to a House, or any Piece or Parcel of inclosed Ground planted, set apart, and used as a Plantation or Nursery for Trees) paying such Rates for such Materials, and for the Damages done to the Owners or Occupiers of such Grounds where and from whence the same shall be digged, gathered, or carried away, or over which the same or any other Materials for Repair of the said Roads shall be carried, as the said Trustees, or any Five or more of them, shall judge reasonable and assess; and in case of any Difference concerning the same, the Justices of the Peace, or the major Part of them, at the next General Quarter Sessions, or at the Second General Quarter Sessions at the farthest, to be holden in and for the said County of Oxford, or at any Adjournment thereof, shall and may adjudge, assess, and finally determine the same.

Where sufficient Materials cannot be had there, they may be taken from private Grounds;

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall from time to time appoint (such Surveyor or Surveyors having an Order from any Five or more of the said Trustees for that Purpose) to remove and prevent all Annoyances, on or in any Part of the Roads aforesaid, by Filth, Dung, Ashes, Rubbish, or otherwise, or to stop up or turn any Watercourses, Sinks, or Drains, running into, along, or out of the said Roads, to the Prejudice thereof; and to open, scour, or cleanse any Watercourse or Watercourses, Ditch or Ditches, adjoining to the said Roads, and make the same as deep and as large as they shall think proper and necessary;

Surveyors may remove Annoyances in the Road, &c.

and

and to cut down, lop or top any Trees, Shrubs, or Bushes growing in the said Roads, or in the Hedges or Banks adjoining thereto, so as to annoy and obstruct the repairing or widening thereof, and to take and carry away the same, in case the Owners or Occupiers of the Premisses where such Annoyances shall happen to be, or such Person or Persons as shall have occasioned the same, shall neglect to remove the same, or to cut down and carry away such Trees, Shrubs, and Bushes as aforesaid, or to open, scour, or cleanse their Watercourse or Watercourses, Ditch or Ditches, or to remove such Annoyances as aforesaid, for the Space of Ten Days next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors; the Charges whereof (to be settled by the said Trustees, or any Five or more of them) shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers; the same to be recovered in such Manner as the Penalties and Forfeitures are herein after directed to be recovered: And if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit and pay to the said Trustees, or to their Treasurer for the time being, the Sum of Forty Shillings.

and cut down Trees, &c.

Owners neglecting to remove the same after Notice;

Charges to be reimbursed the Surveyor.

Penalty of a Second Offence.

And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, Causeways, Drains, and Ditches, and to erect Arches and Bridges in and upon or on the Sides of the said Roads, or in any Grounds lying contiguous thereto, and to keep in Repair such Bridges and Arches, and scour such Ditches and Drains; and also to make, or cause to be made, a Road through the adjoining Grounds of any narrow or ruinous Part of the said Roads (not being the Grounds whereon any House or Houses or other Buildings stand, or a Garden, Orchard, Yard, 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 by all Passengers, Cattle, Carriages, or otherwise, as a publick Highway whilst the old Road is repairing or widening, and till such Time as it shall be convenient for Passengers and Carriages to pass through the same, making such reasonable Satisfaction to

Surveyors may make Causeways,

and erect Bridges, &c.

and make a temporary Road;

making Satisfaction to the Owners.

to the Owners or Occupiers of ſuch Grounds reſpectively through which any ſuch Drain or Ditch ſhall be made or cut, or on which any ſuch Arch or Arches, Bridge or Bridges ſhall be made, or through which any ſuch temporary Road ſhall be made, for the Damages which ſuch Owners or Occupiers reſpectively ſhall or may thereby ſuſtain, as ſhall be adjudged reaſonable by the ſaid Truſtees, or any Five or more of them; and in caſe of any Difference concerning the ſame between ſuch Owners or Occupiers and the ſaid Truſtees, that then it ſhall and may be lawful to and for the Juſtices of the Peace, or the major Part of them, at the next General Quarter Seſſion for the ſaid County of Oxford, or at their ſaid Second General Quarter Seſſions, or at any Adjournment thereof at the fartheſt, to hear, ſettle, adjudge, and finally determine the Recompence which ſhall be made to ſuch Owners or Occupiers for the Damages they ſhall have ſuſtained as aforeſaid.

Juſtices to determine Differences.

And be it further enacted, That in caſe the ſaid Truſtees, or any Nine or more of them, ſhall think proper to widen, alter, or turn the Way or Path, or any Part of the ſaid Roads, it ſhall and may be lawful for the ſaid Truſtees, or any Nine or more of them, from time to time to purchaſe any Lands or Hereditaments lying contiguous or near to any Part of the ſaid Roads, and out of the ſaid Tolls, or out of the Money to be borrowed on the Credit thereof, to pay for ſuch Lands and Hereditaments, and all Charges attending ſuch Purchaſe: And it ſhall be lawful to and for all Bodies Politick or Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and other Truſtees whatſoever, for and on Behalf of any Infants, Femes Covert, or Ceſtuique Truſts, and all other Perſons whomſoever, to contract and agree with the ſaid Truſtees, or any Nine or more of them, for the Purchaſe of ſuch Lands or Hereditaments, or any Part thereof, or for their Intereſt therein, for the Purpoſes aforeſaid, and to ſell and convey the ſame as Occaſion ſhall be and require: And all Contracts, Agreements, Sales, and Conveyances, which ſhall be for the Purpoſes aforeſaid, ſhall be valid and effectual in the Law to all Intents and Purpoſes; any Statute, Uſage, or other Matter or Thing whatſoever to the contrary thereof in any wiſe notwithſtanding: And that all Perſons

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

sons shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

And be it further enacted, That if any such Bodies Politick or Corporate, Ecclesiastical or Civil, or any Person or Persons as aforesaid 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 Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, Ecclesiastical, or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments intended to be taken in and added to any of the said Roads, or through which any of the said Roads shall be turned as aforesaid, shall, for the Space of Ten Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or by reason of Absence shall be prevented from treating; then, in every or any such Case, the said Trustees, or any Nine or more of them, shall cause it to be inquired into, and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the said County of Oxford (which Oaths any Two or more of the said Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners or Proprietors, or other Person or Persons interested for or on account of the taking such Lands or Hereditaments into any of the said Roads, or of turning such Roads through the same; and in order thereunto the said Trustees, or any Nine or more of them, are hereby impowered and required from time to time to summon before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought proper to be examined concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer) and they the said Trustees, or any Nine 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 better Information in the Premisses; and such Trustees shall order, adjudge, and determine the Sum or Sums of Money which shall be assessed by the said Jury for such Damages as aforesaid, to be paid to the said Owners or Proprietors of, or other Person or Persons interested in, the said Lands or Hereditaments, according to such Verdict or Inquisition of the said Jury;

Where Persons shall refuse or neglect to treat,

Jury to settle the Recompence.

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be binding and conclusive.

ry; which Verdict or Inquisition, and Judgement, Order, or Determination, shall be final and binding to all Intents and Purposes, against all Parties and Persons whatsoever, claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs or Successors, as well absent as present, Infants, Femes Covert, and Persons under any Disability whatsoever, Bodies Politick, Corporate, Ecclesiastical or Civil, as well as all other Person or Persons whomsoever, and against all and every such Owners and Proprietors; and

Trustees to issue their Warrants to the Sheriff, to impanel and summon a Jury.

the said Trustees, or any Two or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the said County of Oxford, thereby commanding him to impanel, summon, and return an indifferent Jury of Twenty four Persons 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 the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly; and out of the Persons so impanelled, summoned, 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 swear, or cause to be sworn, Twelve, to be drawn by ballot out of the said Twenty four, or such of them as shall attend, who shall be the Jury for the Purposes aforesaid: And for Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve.

Jurors may be challenged.

Provided always, and be it further enacted, That all Persons concerned shall have their lawful Challenges against any of the said Jurymen: and the said Trustees, or any Nine or more of them, acting in the Premisses, shall have Power from time to time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, or refuse to be sworn on the said Jury, or being sworn, and refusing to give, or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required

Penalty on Sheriff, &c. making Default.

quired to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, or refuse to be examined and to give Evidence; and from time to time to levy and apply such Fine or Fines in such Manner as the Penalties or Forfeitures are herein after directed to be levied and disposed of, so as that no such Fines shall exceed the Sum of Ten Pounds upon any One Person for One Offence.

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

And be it further enacted, That all and every Sum and Sums of Money or Recompence, to be agreed for or ascertained as aforesaid, shall be, and is and are hereby directed to be paid out of the said Tolls, or out of the Monies to be borrowed upon the Credit of such Tolls, unto the Persons respectively intitled thereto, or to their Agents; and that upon Payment or tender thereof to such Persons respectively, or their Agents, and in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk or Clerks for the time being of the said Trustees, for the Use of such Persons; and after Ten Days Notice thereof given to such Persons, or their Agents, to receive such Money; it shall and may be lawful for the said Trustees, or any Nine or more of them, their Surveyors, Workmen, or Agents, to take into or add to the said Roads such Lands or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Nine or more of them, shall think fit; and such Lands or Hereditaments, so taken into or made Part of the said Roads, shall be deemed and taken to be, and shall be to all Intents and Purposes, a publick and common Highway, and shall be repaired and kept in Repair by such Ways and Means as the Roads hereby appointed to be repaired and widened are by this or any other Law to be repaired; and after any such new Road shall be compleated, the Lands and Grounds constituting the former Road shall be vested in, and shall and may be sold and conveyed by, the said Trustees, or any Nine or more of them, for the best Price that can be gotten for the same; and such Conveyances shall be good and effectual in Law to all Intents and Purposes; and the Money arising by such Sale shall be applied in such Manner as the Tolls are directed to be applied.

Lands, &c. when purchased, to be made Part of the Road,

and kept in Repair as such.

Old Road to be sold.

Provided always, and it is hereby enacted and declared, That the Power and Authority given to the said Trustees as aforesaid, shall not extend to the pulling

Buildings, &c. not to be injured.

down

down any Dwelling-house or other Building, or taking in the Site of any House or other Building, or to take in any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House; any thing herein contained to the contrary notwithstanding.

Trustees not to act where interested.

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

Persons, &c. chargeable to the Highways to continue so.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons, who by Law are obliged to do Statute-work, or are otherwise by Law chargeable towards amending the several Roads hereby directed to be repaired and widened, shall still remain liable and chargeable, and do their respective Works in the several Parishes, Townships, or Places, in which the said Roads do lie, in such Manner as such Persons ought to have done before the passing of this Act.

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

And be it further enacted, That where any particular Part or Parts of the said Roads, or any Bridges, Drains, and Sewers, being in and upon the said Roads, or any Part thereof, by this Act intended to be repaired, and which have 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 otherwise, or by the said County of Oxford, in any Townships, Parishes, or Places therein, or otherwise howsoever, all and every such Part or Parts of the said Roads, Bridges, Drains, or Sewers, shall be maintained and kept in Repair by such Person or Persons, Body Corporate or Politick, in such Manner as the same were respectively maintained and kept in Repair before the passing of this Act; and the Possessors and Occupiers of any such Lands, Tenements, or Hereditaments, are hereby directed and required to pay such Rents and Profits to such Person as the said Trustees, or any Five or more of them, shall appoint to receive the same: And if any such Persons shall neglect or refuse to pay the same for the Space of Ten Days after the same shall be demanded, it shall and may be lawful for the said Trustees, or any Five or more of them, by Warrant under their Hands and Seals, to levy the same by Distress and Sale of the Goods of such Person, Body Politick or Corporate, who shall neglect or refuse to make such Payments as aforesaid,

together with the Costs and Charges of such Distress and Sale; and such Money, when recovered, shall be applied towards the Repair of such Parts of the Roads towards which such Lands, Tenements, or Hereditaments are or shall be chargeable as aforesaid, and to no other Use or Purpose whatsoever.

Trustees may compound for Statute-work, &c.

Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to compound and agree with any Person, Body Politick or Corporate, liable or chargeable towards repairing of any particular Part or Parts of the said Roads, or any Bridges, Drains, or Sewers upon the said Roads, for a certain Sum of Money by the Year, or otherwise, in lieu of any Work or Repairs to be done by any such Person, Body Politick or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or otherwise.

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

And be it further enacted, That it shall and may be lawful to and for any Five or more of the said Trustees, by their Surveyor or Surveyors, to summon the Surveyors of the Highways for the time being for the respective Parishes, Townships, or Places, wherein any Part of the said Roads doth lie, to bring in Writing before the said Trustees, or any Five or more of them, upon Oath, within Fourteen Days after such Summons (which Oath the said Trustees, or any Two of them, are hereby impowered to administer) a List of the Names of all and every the Persons who within such Parishes, Townships, or Places respectively, are obliged by Law to do their Statute-work towards repairing the said Roads in any of the said Parishes, Townships, or Places respectively, for that Year, with Teams and Draughts, or otherwise; as also the Number of Days Work which each Person ought by Law to do on the Roads in such Parishes, Townships, or Places respectively: And the said Trustees, or any Five or more of them, shall and may appoint all such Persons to do their Statute-work on the Roads hereby directed to be repaired, not exceeding Two Days Work in each Year; which said Statute-work shall be done by the Persons liable thereto, at such Times, and in such Manner, and on such Parts of the said Roads within such respective Parishes, Townships, and Places, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall from time to time direct and appoint: And the said Surveyor or Surveyors of every such Pa-

riſh, Townſhip, or Place, for the time being, within Ten Days after ſuch Notice ſhall be given to him or them in Writing by the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors, ſhall ſummon or give Notice thereof to the ſeveral Perſons ſo chargeable as aforeſaid; and if any Perſon ſhall, after ſuch Summons or Notice, neglect or refuſe to do ſuch Statute-work, every ſuch Perſon, for each Day he ſhall make Default, ſhall forfeit and pay the Sum of Ten Shillings for every Team and Draught; and every Houſholder or other Perſon chargeable with ſuch Statute-work as a Labourer, ſhall forfeit and pay the Sum of One Shilling and Six Pence for each Day's Default: And if any Perſon or Perſons be found idle or negligent, or ſhall not properly perform ſuch Statute-work as aforeſaid, the Turnpike Surveyor may and he is hereby required to diſcharge ſuch Perſon or Perſons, and it ſhall be deemed as if ſuch Perſon or Perſons had not come or been ſent to work; and he, ſhe, or they ſhall be ſubject and liable to ſuch reſpective Penalties and Forfeitures as aforeſaid; And in caſe any of the Surveyors of the Highways for ſuch Pariſhes, Townſhips, or Places, ſhall neglect or refuſe to do as they are hereby required and directed, he and they, for every ſuch Neglect or Refuſal, ſhall forfeit and pay the Sum of Twenty Shillings.

Penalty on Perſons not performing Statute-work;

and on Surveyors, &c. neglecting to deliver Liſts.

Provided always, and be it further enacted, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors of the Highways, or other Perſon and Perſons, by and with the Conſent of the Inhabitants of ſuch Pariſhes, Townſhips, or Places reſpectively, firſt had at a Veſtry or other publick Meeting of ſuch Inhabitants, who ſhall be ſummoned together for that Purpoſe, to compound and agree from time to time with the ſaid Truſtees, or any Five or more of them, for a certain Sum of Money by the Year, or otherwiſe, in lieu of the Statute or other Work to be done by ſuch reſpective Inhabitants upon any Part of the ſaid Roads; and in caſe ſuch Compoſition-money ſhall not be paid to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſons as they ſhall appoint to receive the ſame, within Fourteen Days next after the ſame ſhall (according to any ſuch Agreement or Compoſition as aforeſaid) be demanded, it ſhall be lawful to and for any Juſtice or Juſtices of the Peace of the County of Oxford, upon Oath made before him or them of ſuch

Surveyors with Conſent of Inhabitants may compound for Statute-work.

Compoſition-money how to be recovered and applied.

Default (which Oath the said Justice or Justices is and are hereby impowered to administer) and he or they is and are hereby required to issue a Warrant under his or their Hand and Seal, or Hands and Seals, to impower the Person or Persons authorized by the said Trustees, or any Five or more of them, to receive such Composition-money, to levy the same by Distress of the Goods and Chattles of the Person or Persons who shall have made such Composition as aforesaid; and such Goods and Chattles so distrained, after the Space of Five Days (such Composition-money and the reasonable Charges of such Distress not being paid) to sell, returning the Overplus (if any) to the Owner or Owners thereof, upon Demand, after the Composition-money and all reasonable Charges of such Distress and Sale shall be deducted; which Composition-money shall be applied in such Manner towards amending the said respective Roads as the Tolls are herein before directed to be applied, and to no other Use or Purpose whatsoever: And such Surveyors, or other Persons, by whom such Composition shall be made on Behalf of any Parish, Township, or Place as aforesaid, shall be reimbursed such Composition-money, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Surveyors paying the Composition-money, how to be reimbursed.

And be it further enacted, That if any Person shall wilfully pull up or damage any Stones or Posts already erected, or hereafter to be erected, or shall obliterate or deface any of the Letters, Figures, or Marks which shall be inscribed thereon, and be thereof convicted by the Confession of the Party, or by the Oath of One credible Witness, before any Justice or Justices of the Peace for the said County of Oxford (which Oath such Justice or Justices is and are hereby impowered to administer) every such Person shall forfeit and pay the Sum of Forty Shillings for every such Offence, to be levied by Distress and Sale of the Goods and Chattles of such Offender; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in repairing such Stones or Posts, or in supplying new Ones in their Stead; and if there shall be any Overplus, the same shall be laid out in repairing the Roads hereby directed to be repaired: And in case sufficient Distress cannot be found, it shall be lawful for the said Justice or Justices, by Warrant under his or their Hand and

Penalty on defacing Milestones, &c.

to be levied by Distress and Sale.

For want of Distress, the Offender to be committed.

and Seal, or Hands and Seals, to commit ſuch Offender to the Houſe of Correction for the Space of One Calendar Month, there to remain without Bail or Mainprize until he or ſhe ſhall have paid the ſaid Sum of Forty Shillings, or until the Expiration of the ſaid Calendar Month.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That all Penalties and Forfeitures by this Act impoſed, the Manner of levying and recovering whereof is not otherwiſe particularly directed, ſhall be recovered by Diſtreſs and Sale of the Offender's Goods and Chattles, by Warrant under the Hands and Seals of Two or more Juſtices of the Peace for the ſaid County of Oxford; which Warrant ſuch Juſtices are hereby impowered and required to grant upon the Information of any One or more credible Witneſs or Witneſſes upon Oath (which Oath the ſaid Juſtices are hereby impowered and required to adminiſter without Fee or Reward) and the Penalties and Forfeitures (when recovered) after rendering the Overplus (if any be) when demanded, to the Party or Parties whoſe Goods and Chattles ſhall be ſo diſtrained and ſold (the Charges of ſuch Diſtreſs and Sale being firſt deducted) ſhall be applied, if not otherwiſe directed to be applied by this Act, for and towards the amending the ſaid Roads.

Perſons aggrieved may appeal to the Quarter Seſſions.

Provided always, and be it further enacted, That in caſe 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 has been already hereby appointed, it ſhall be lawful for ſuch Perſon to appeal to the Juſtices of the Peace at their next General Quarter Seſſions to be held for the ſaid County of Oxford; or in caſe the ſaid Cauſe of Complaint ſhall ariſe within Fourteen Days next before ſuch General Quarter Seſſions of the Peace, then ſuch Appeal may be made to the ſaid Juſtices at the Second General Quarter Seſſions of the Peace to be held for the ſaid County; who are hereby authorized and required to take Cognizance thereof, and to hear and determine ſuch Complaint in a ſummary Way; and if they ſhall ſee Cauſe, may, by Order of ſuch Seſſions, mitigate at their Diſcretion all or any of the Penalties aforeſaid, or vacate and ſet aſide the Conviction, and ſet the Party at Liberty, or otherwiſe may ratify and confirm the ſame, with ſuch Coſts as to them ſhall ſeem reaſonable; and to make ſuch Orders and Judgements,

in

in regard to the Premiſſes, as they ſhall think fit; but the Perſon ſo appealing ſhall give Notice in Writing to the ſaid Treaſurer or Treaſurers of ſuch his Intention of bringing ſuch Appeal, and the Cauſe or Matter thereof, Ten Days at leaſt before the ſaid Quarter Seſſions.

Proceedings not to be quaſh'd for want of Form only;

Provided always, 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 of any Offender or Offenders againſt this Act, ſhall be quaſhed or vacated for want of Form only, or be removed or removeable by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; any Law or Statute to the contrary notwithſtanding.

nor removable by *Certiorari*.

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

And it is hereby further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any of the ſaid Truſtees appointed, or to be appointed, to put this Act in Execution, who is, are, or ſhall be in the Commiſſion of the Peace for the ſaid County of Oxford, to act as a Juſtice or Juſtices of the Peace in all Caſes, Matters, and Things, for the more ſpeedy and effectual putting in Execution the ſeveral Authorities and Powers in this Act mentioned and contained, except in ſuch Matters, Things, and Reſpects, in which he or they ſhall be perſonally intereſted; in any or either of which Matters, Things, or Reſpects, ſuch Perſon or Perſons ſhall not be intitled or impowered to act either as a Truſtee or Juſtice of the Peace.

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

And, for continuing a ſufficient Number of Truſtees to put this Act in Execution, be it further enacted by the Authority aforeſaid, That when and as often as any Truſtee ſhall die, or refuſe to act, and of ſuch his Refuſal ſhall give Notice in Writing to any Five or more Truſtees, at any of their Meetings held by and under the Authority of this Act, it ſhall and may be lawful to and for the ſurviving or other Truſtees, or any Five or more of them, from time to time, to elect, nominate, and appoint, One or more fit Perſon or Perſons, qualified as aforeſaid, in the Place of ſuch Truſtee ſo dying or refuſing to act; and ſuch Perſon or Perſons, ſo elected, nominated, and appointed, being qualified to act, ſhall be, and is hereby declared to be, to all Intents and Purpoſes, a Truſtee for carrying this Act into Execution: But Notice in Writing of the Time and Place of Meeting for the Election of

14 Days Notice to be given of ſuch Election.

all ſuch new Truſtees, ſhall be affixed on all the Turnpikes which ſhall be erected by virtue of this Act, at leaſt Fourteen Days before the Meeting for ſuch Election.

Time and Place of Truſtees Meeting.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet at the Houſe of John Speed, at the White Hart Inn in Wheatley, on the Tueſday in Whitſuntide Week next, and proceed to the Execution of this Act, and adjourn themſelves from time to time; and afterwards to meet there, or at any other Place in or near the ſaid Roads, as the ſaid Truſtees, or any Five or more of them, ſhall think moſt convenient, as often as it ſhall be neceſſary for putting this Act in Execution: And if it ſhall happen that there ſhall not appear at any Meeting a ſufficient Number of Truſtees to act, and adjourn to any other Day, the Clerk or Clerks to the ſaid Truſtees ſhall, by publick Notice in Writing to be affixed on all the Turnpikes to be erected on the ſaid Roads, at leaſt Fourteen Days before the next Meeting, appoint the ſaid Truſtees to meet at the Houſe where the laſt Meeting of the ſaid Truſtees was appointed to be held, or at ſome other convenient Houſe in or near any of the ſaid Roads, on the Day to be fixed in ſuch Notice; and that the ſaid Truſtees, at all their Meetings, ſhall defray their own Charges and Expences.

Notice of Adjournment to be given.

Truſtees not to act where intereſted.

Provided always, and be it further enacted and declared, That no Truſtee ſhall have any Place of Profit ariſing out of, or by reaſon of, any Tolls hereby granted; but every ſuch Perſon ſhall be incapable of acting as a Truſtee during his Enjoyment of ſuch Place of Profit.

And whereas by an Act made in the Eighteenth Year of the Reign of Queen Elizabeth, intituled, An Act for the repairing and amending of the Bridges and Highways near unto the City of *Oxford*; and by another Act made in the Thirty fifth Year of the ſame Queen, intituled, An Act for the Reviving, Continuance, Explanation, and Perfecting of divers Statutes; (which ſaid Acts are continued indefinitely by Two other Acts, one made in the Third, and the other in the Sixteenth Year of the Reign of King Charles the Firſt) it is provided and enacted, That every Perſon having One Yard-Land, or more, in his Poſſeſſion, lying within Five Miles of the Univerſity and City of Oxford, or the Franchiſes of the ſame, ſhall for every Yard-Land

perform

perform such personal Duty as in the said Acts is mentioned, or in lieu thereof shall make certain annual Payments, specified in the said Acts, unto the Vice Chancellor and Mayor of the same University and City for the time being, or their Deputy or Deputies, towards the amending of the Bridges and Highways lying and being within One Mile of the said City of Oxford, with Remedy by Distress for such Sums as shall be due, and not paid as aforesaid: And whereas the Wear of the said Mile-ways has been greatly increased by the Number of heavy Carriages passing and repassing thereon since the Establishment of Turnpike Roads at their several Extremities, so that considerable Debts have been contracted for the Repairs of the same, a large Part whereof is still due and owing, notwithstanding which the said Mile-ways are in general very ruinous and out of Repair: And whereas it will be most convenient for the Publick, and also for the said University and City, that the Expenditure of the Sums collected and paid for and in respect of the several Mile-ways, beginning from, and ending at, the respective Roads by this Act directed to be repaired, should be under the Direction and Management of the Trustees for putting this Act in Execution; be it therefore enacted by the Authority aforesaid, That from and after the Fifth Day of July, in the Year of our Lord One thousand seven hundred and sixty two, it shall and may be lawful to and for the Vice Chancellor and Mayor of the said University and City of Oxford for the time being, and they are hereby impowered, directed, and required, to nominate, depute, and appoint, such Person or Persons as, from time to time, for and during the Term of Years herein after created and granted, shall be chosen and recommended by the said Trustees for putting this Act in Execution, or any Five or more of them, at any General Meeting (whereof Ten Days Notice in Writing shall be affixed upon each of the said Turnpikes) which said Trustees are hereby impowered, directed, and required to make such Recommendation and Choice; and also to discontinue the same, and to recommend another Person or Persons whenever they shall judge it convenient; and such Deputy or Deputies so to be appointed as aforesaid, shall annually receive and collect the several Sums of Money now usually received and collected by virtue of the said Acts of Parliament, of and from the several Parishes and Townships

Expenditure of the Money for Repair of the Mile-ways, to be under the Direction of the Trustees of this Act.

Vice Chancellor and Mayor to depute a Person, recommended by the Trustees, to collect the annual Payments from the several Parishes, &c.

The Sums to be paid by the several Parishes and Townships,

Townships in the County of Oxford following; that is to say, Of Cassington Five Pounds; Yarnton Six Pounds, Thirteen Shillings, and Four Pence; Godstow and Wolvercote Seven Pounds, Fifteen Shillings, and Eight Pence; Ellsfield Two Pounds, Four Shillings, and Five Pence; Woodeaton Two Pounds; Foresthill Two Pounds; Beckley Two Pounds, Ten Shillings; Marston Three Pounds; Islip Three Pounds; and Wheatley Three Pounds; which said Sums shall be applied, in the First Place, in and to the Payment and Discharge of the Sum of Fifty one Pounds, being a rateable Part of the Debt now due and owing upon the Credit of the said whole Collection; and, from and after such Payment and Discharge, shall be punctually and faithfully expended in the Repairs of the said Mile-ways, beginning from, and ending at, the respective Roads by this Act directed to be repaired, and in no other Manner whatsoever.

Application of the Monies.

Trustees impowered to expend what further Sums shall be wanted towards the said Repairs.

Provided always, and it is hereby enacted and declared, That it shall and may be lawful to and for the said Trustees for putting this Act in Execution, and they are hereby impowered to expend any farther Sums of Money arising from the Tolls and Duties to be collected by virtue of this Act, in and about the Repairs and Improvements of the said several Mile-ways, if they, or any Five or more of them, shall adjudge the same to be necessary, or productive of Benefit and Advantage to the several Turnpike Roads hereby directed to be repaired.

Trustees to have no Power over the said Mile-ways, &c. other than what shall be granted them by the Vice Chancellor and Mayor.

Provided also, That nothing herein contained shall extend, or be construed to extend, to give the said Trustees, or any of them, or the Person or Persons to be deputed as aforesaid, any Power or Authority over the said Mile-ways, or the Lands adjoining to the same, other than and except such Power and Authority as the Vice Chancellor and Mayor of the said University and City, and their Deputy or Deputies, might or could have exercised by virtue of the said Acts of Parliament herein before recited; any thing herein contained to the contrary thereof notwithstanding.

Proceedings, &c. to be entered in a Book.

And be it further enacted, That all Orders and Proceedings of the said Trustees shall be entered in a Book to be kept for that Purpose; and such Orders and Proceedings, so entered and signed by the said Clerk or Clerks, at any Meeting of the said Trustees, or any Five or more of them, as the Case shall require, shall be

be deemed and taken to be the original Orders, as if the ſame were under the Hands and Seals of the ſaid Truſtees; which ſaid Book or Books ſhall and may be produced and read in Evidence in all Caſes of Appeal, and in all Suits or Actions touching any thing done in purſuance of this Act. Books may be read in Evidence.

Provided always, and be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, or any Certificate, Mortgage, 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 any Juſtice or Juſtices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of, any Power or Authority hereby granted, ſhall be charged or chargeable with any Stamp or Duty whatſoever. Writings to be without Stamps.

And be it further enacted, That this Act, and all the Tolls and Powers hereby granted, ſhall take Place and have Continuance only from and after the Third Day of June, in the Year of our Lord One thouſand ſeven hundred and ſixty two, for and during the Term of Twenty one Years, and from thence to the End of the then next Seſſion of Parliament. Commencement and Continuance of this Act.

And be it further enacted, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any thing to be done in purſuance of this Act, the ſame ſhall be commenced within Six Months next after the Fact committed, and not afterwards; and ſhall be laid and brought in the County of Oxford, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon, and that the ſame was done in Purſuance of, and by the Authority of this Act: And if it ſhall appear ſo to have been done, or that ſuch Action or Suit, ſhall be commenced after the Time before limited for bringing the ſame, or ſhall be brought in any other County or Place, that then the Jury ſhall find for the Defendant or Defendants; and upon a Verdict for the Defendant, or if the Plaintiff or Plaintiffs ſhall become Nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared; or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Double Coſts, upon the Limitation of Actions. General Iſſue. Double Coſts.

Certificate of the Judge or Judges before whom ſuch Cauſe ſhall be tried, whereby it may appear that ſuch Suit was proſecuted againſt ſuch Defendant or Defendants, for Matters contained in this Act; and ſhall have ſuch Remedy for the ſame as any Defendant or Defendants hath or have in other Caſes by Law.

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

FINIS.