Anno tertio

Georgii III. Regis.

An Act to continue the Term and enlarge the Powers of ſeveral Acts of Parliament for Repairing the Roads from *Maidenhead Bridge* to *Reading*, and from the ſaid Bridge to *Henley Bridge*, in the County of *Berks*.



Whereas by Three Acts of Parliament paſſed in the Fourth Year of the Reign of His Majeſty King George the Firſt, and in the Firſt and Ninth Years of the Reign of His late Majeſty, ſeveral Tolls or Duties and Powers were granted and given to Truſtees therein and thereby appointed, for repairing the Roads from Maidenhead Bridge to the Old Bear Inn in Reading, in the County of Berks, and from the ſaid Bridge to Henley Bridge, in the ſaid County; and the Terms of Years and Powers thereby granted were, by an Act paſſed in the Twenty eighth Year of the Reign of His ſaid late Majeſty, further continued for the Term of Five Years: And whereas there is now due and owing upon the Credit of the ſaid Acts the ſeveral principal Sums of Money following; that is to ſay, To Richard Powney Eſquire, One thouſand Pounds; to Elizabeth Burnell Spinſter, Two hundred Pounds; to John Hooper Apothecary, One hundred and fifty Pounds, and to Richard Tonſon Eſquire, One hundred Pounds; amounting in the Whole Preamble.

Whole to the principal Sum of One thousand Four hundred and fifty Pounds; which Sums, together with the Tolls collected, have been duly applied according to the Directions of the said Acts; but the said Roads cannot be effectually repaired, widened, and kept in Repair, and the Money now owing be repaid, unless the Term of the said Acts be further continued, and some further Provisions are made by Parliament for those Purposes: 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,

Continuation of the former Term.

That the Term by the said Acts granted shall, for the Purpose of repairing, widening, and keeping in Repair the said Roads, be, and the same is hereby further continued from the Expiration thereof, for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; and instead of the other Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Punishments, Matters, and Things in the said recited Acts contained, the Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Punishments, Matters, and Things whatsoever in this Act contained, shall, for the Purpose of repairing, widening, altering, and keeping in Repair the said Roads, take place and shall commence from the Twenty fourth Day of June, One thousand seven hundred and sixty three, and shall continue in Force until the Expiration of the Term granted by the said recited Acts and this Act.

And be it further enacted, That for the more effectual repairing, widening, altering, and keeping in Repair the said Roads, the same shall, from and after the Twenty fourth Day of June, One thousand seven hundred and sixty three, be laid into Three separate Districts; and that the Roads leading from Maidenhead Bridge to the late Falcon Inn, now called the Fleece Inn, or Folly, and from thence to the Thirty three Mile Stone towards Reading, and from the said Inn or Folly to the Twenty nine Mile Stone towards Henley, shall be and be called the

Trustees for the First District.

First District of the said Roads; and that the Right Honourable William Earl of Inchiquin, in the Kingdom of Ireland, the Right Honourable Gabriel Lord Coleraine, in the Kingdom of Ireland, the Honourable and Reverend George Hamilton, the Honourable Martyn Sandys, the Honourable John Hanger, Sir Robert Rich, Sir Charles Palmer, Sir Thomas Stapleton, the Reverend Sir Philip Hoby, Baronets; Sir Thomas Reeve Knight, Richard Neville

Neville Neville, Major General Studholm Hodgson, James Hayes, John Jackson, Thomas Eyre, Charles Eyre, Anthony Sawyer, Francis Wightwick, Richard Grape, Thomas Young, Ralph Day, Henry Hall, John Baber, Thomas Draper Baber, Cherry Hayes M. D. John Langton, Richard Grove, Arthur Vansittart, Charles Ambler, Richard Tonson, Benjamin Barlow, Simon Dalbiac, William Vigor, Robert Holden, Giles Clifford, James Theobald, William Day, Richard Powney, John Lawes, William East, Henry Corker, Robert Vansittart, Henry Hall the younger, Stephen Niblett D. D. William Dodwell D. D. John Meeke, Humphry Henchman, Richard Wells, Carswell Winder, George Berkeley, Clerks; William Pitt, Thomas Hall, Aspin Taylor, Henry Lovegrove, John Grove, Thomas Darvall, Thomas Saunders, Robert Young, Richard Ray, Peter Darvall, John Westbrook, John Franklin, John Lee, Robert Oxlade, Samuel Stephens, Henry Isherwood, James Foster, John Boult, Basil Woodhouse, Edward Adams, Charles Eldridge, Joseph Benwell, Nathaniel Newberry, John March, Joseph Trone, Richard Poulton, Herbert Sawyer, Penyston Portlock Powney, James Edward Colleton, John Matthews, James Gayer, John Loveday, Pery Buckley, Thomas Septimius Dalby, John Reeves Martin, Andrew Lindegreen, Lillie Smith Aynscombe, Robert Proctor, Edmund Lewin D. D. Lovelace Hercy, John Bidleson, John Hall, Thomas Clark of Winkfield, Murrough Obrien, Richard Michell, Thomas Phillips, the Mayor, Bridge Masters, and Burgesses of Maidenhead for the time being, William Battie M. D. John Frederick Falwasser, William Clayton of Harleyford, George Pengree, Stephen Remnant, William Mitford, William Knight, William Walter Knight, Cornelius Dutch, Samuel Roycroft of Bray the younger, and their Successors, to be appointed as herein after mentioned, shall be, and they are hereby appointed Trustees for putting this Act in Execution, so far only as relates to the said First District of the said Roads: And that from and after the said Twenty fourth Day of June, One thousand seven hundred and sixty three, the Road from the said Thirty three Mile Stone to the said Old Bear Inn in Reading, shall be and be called the Second District of the said Roads; and that the Right Honourable Charles Lord Viscount Fane in the Kingdom of Ireland, the Right Honourable Henry Lord Aylmer in the Kingdom of Ireland, the Honourable Charles Sloane Cadogan Esquire, the Honourable and Reverend James Yorke Dean of Lincoln, Sir Henry Englefield, Sir John Browne, Baronets; John Blagrave, Richard Neville Neville, John Dodd, James Edward Colleton, William Mathew Burt, Philip Powys, Phi- Trustees of the Second District.

lip Lybbe Powys, John Walter, Michael Blount the elder, Michael Blount the younger, John Loveday, John Whittier, George Blagrave, Thomas Septimius Dalby, Henry Bainbrigg Buckeridge, Pelsant Reeves, Daniel Rich, John Reeves, Bernard Brocas, Henry Lannoy Hunter, Powlett Wright, Thomas Buckeridge Noyes, Esquires; Sir Charles Price Knight, Edward Clarke, Lawrence Head Osgood, Francis Annesley, John Wilder, Benjamin Child, John Breedon, Francis Hawes, Richard Allen, William Vanderstegen, Henry Green, Stephen Chase, Edwin Martin, James Waller, Peter Floyer, George Dodson, William Thoyts, James Morgan, Samuel Bever, Robert Percy, Robert Palmer, Esquires; Thomas Adams, Richard Russell, Henry Blackstone, Doctors of Physick; Robert Boulton Dean of Carlisle, John Burton, Thomas Shute, Michael Richardson, Doctors in Divinity; Samuel Walker, George Talbot, John Gabriel, Thomas Walker the younger, William Harvey, Peter Vatas, Thomas Hubbard, James Merrick, Philip Whitehead, Ralph Barlow, William Etwall, Clerks; the Mayor, Recorder, Aldermen, and Burgesses of the Borough of Reading, for the time being, William May, John Jones, Owen Hall, Esquires; John Plumsted, Thomas Gill, Robert Woodroffe, Robert Blanch, William Stephens, Gentlemen; John Dean Haberdasher, Edward Savage, Thomas Halifax, William Palmer, John Hooper, Thomas Knight, Apothecaries; John Barrett, Awbery Flory, Richard Smith, Stephen Flory, Charles Smither, Peter Hansell, Augustine Mayhew, Binfield Willis, Nathaniel Brassey, Robert Harris, John Wilcox, James Patey, Robert Micklem, Gentlemen; William Wright Draper, John Dalton, Hugh Smith, James King, Philip Phelp, George Waugh, Samuel Blackman, Peter Birt, William Simonds, Thomas White, Thomas Knapp, David Bliffett, John Glover, William Line, William Applegarth, Joseph Morris, Richard Smith, William Wilder, Charles Blandy Chaple Warden, Thomas Willats, George Kent, James Buy, Thomas Blanch, Thomas Marsham, Thomas Omer, Robert Hanson, Gentlemen; and their Successors, to be appointed as herein after mentioned, shall be, and they are hereby appointed Trustees for putting this Act in Execution, so far only as it relates to the said Second District of the said Roads: And that from and after the said Twenty fourth Day of June, One thousand seven hundred and sixty three, the Road from the said Twenty nine Mile Stone to Henley Bridge, shall be, and be called, the Third District of the said Roads; and that the Right Honourable Henry Seymour Conway Esquire, Sir Thomas Stapleton Baronet, Sir Charles Price, Gilling-

to

Trustees of the Third District.

ham

ham Cooper, Sambrooke Freeman, Richard Michel, William Tayler, Anthony Hodges, Robert Sawyer, Thomas Hall, Owen Hall, John Stevens, John Palmer Boteler, Alexander Innes, John Clerke, James Leigh Perrot, Thomas Cawley, Richard Curtis, Richard Lane, Samuel Norman, Esquires; the Reverend Edmund Lewin D. D. the Reverend William Stockwood, the Reverend John Stable, the Reverend Thomas Powys, the Reverend John Birch, the Reverend Henry Berners, the Reverend Christopher Welles, Clerks; the Mayor, Recorder, Aldermen, and Burgesses of the Corporation of Henley upon Thames, in Oxfordshire, for the time being; Thomas Skinner, James Brooks, Richard Hayward, William Toovey, John Toovey, Robert Lovegrove Robinson, William Newell, Peter Barney, Joseph Benwell, Richard Ovey, Henry Benwell, John Matthews, Peter Whitfield, Thomas Staverton, John Franklin, Samuel Stevens, William Prince senior, William Prince junior, Thomas Mason, Richard Fisher, Simeon Rockall, Charles Round, William Piercy, Thomas Binfield, Gentlemen; and their Successors, to be appointed as herein after mentioned, shall be, and they are hereby appointed Trustees for putting this Act in Execution, so far only as it relates to the said Third District of the said Roads.

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

And be it further enacted, That as often as any Trustee by this Act appointed, or their Successors, shall happen to die, or refuse to act in the Execution of the Powers hereby granted, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, within their respective Districts, under their Hands and Seals, to appoint any Person a Trustee in the room of the Trustee so dying or refusing to act; and the Person so appointed shall and may act in the Execution of this Act as fully as any Trustee hereby appointed is impowered to act.

Qualification of Trustees.

And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall in his own Right, or in Right of his Wife, be in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, and Hereditaments, of the clear yearly Value of Sixty Pounds, or shall be Heir Apparent of some Person having such Estate of the clear yearly Value of One hundred Pounds, or possessed of or intitled unto a Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand five hundred Pounds: And if any Person hereby deemed incapable to act, shall presume to act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform and sue for the same, to be recovered

Penalty on acting if not qualified.

covered in any of his Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person had acted as a Trustee in the Execution of this Act.

Times and Places of Trustees Meeting.

And be it further enacted, That the said Trustees, within their respective Districts, or any Five or more of them, shall meet together on the First Monday in the Month of July, One thousand seven hundred and sixty three, at the respective Places following; that is to say, The Trustees for putting this Act in Execution, so far as it relates to the repairing, widening, altering, and keeping in Repair, the Road from Maidenhead Bridge, to the late Falcon Inn, now called the Fleece Inn, or Folly, and from thence to the Thirty three Mile Stone towards Reading, and from the said Inn or Folly, to the Twenty nine Mile-stone towards Henley, at the Red Lion in Maidenhead; the Trustees for putting this Act in Execution, so far as it relates to the repairing, widening, altering, and keeping in Repair, the Road from the said Thirty three Mile Stone, to the said Old Bear Inn in Reading, at the Crown in Reading; and the Trustees for putting this Act in Execution, so far as it relates to the repairing, widening, altering, and keeping in Repair, the Road from the said Twenty nine Mile Stone, to Henley Bridge, at the Red Lion in Henley; and shall afterwards respectively meet on the First Monday in every Calendar Month during the Continuance of the said former Acts, and this present Act, at such Places as the said respective Trustees, or any Five or more of them, shall, from time to time, appoint; or, in case of no such Appointment, then at the several Places where the last Meetings of such Trustees were respectively held; all which Meetings shall be deemed General Meetings for putting this Act in Execution; and the said respective Trustees, or any Five or more of them, shall and may, from time to time, adjourn themselves to such Places as they shall respectively think proper for putting this Act in Execution.

No Trustee to accept a Place of Profit arising from the Tolls.

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

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

And be it further enacted, That a Trustee or Trustees, appointed in or by virtue of this Act, who shall be a Justice or Justices of the Peace, may and is, and are hereby

hereby authorized and impowered to act as a Justice or Justices of the Peace, in the Execution of the Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding his or their being a Trustee or Trustees.

And be it further enacted, That the said respective Trustees, or any Eleven or more of them, shall and may, within their respective Districts, continue or remove the several Toll-gates and Toll-houses now erected upon the said Roads, and may cause to be erected any other Toll-gates and Toll-houses, in, upon, or across, any Part or Parts of the said Roads, within their respective Districts, except across the Highway between the Town of Reading and the Place where the Gallows lately stood, near the End of Ort Lane; and, instead of the Tolls or Duties granted by the said recited Acts, to cause to be demanded and taken, at each and every of the said Toll-gates within the said respective Districts, the following Tolls or Duties, before any Cattle or Carriage shall be permitted to pass through the same; that is to say,

Trustees may erect Turnpikes and Toll-houses,

and take the following Tolls thereat.

For every Coach, Chariot, Chaise, or Calash, drawn by Six Horses, the Sum of Six Pence; and drawn by Three or Four Horses, the Sum of Three Pence; and drawn by One or Two Horse or Horses, the Sum of Two Pence.

The Tolls.

For every Waggon, Wain, Cart, or Carriage, drawn by One or Two Horse or Horses, the Sum of Two Pence; and drawn by Three Horses, the Sum of Three Pence; and drawn by Four Horses, the Sum of Six Pence.

For every Horse, Ass, or Mule, laden or unladen, the Sum of One Penny.

For every Drove of Oxen, or Neat Cattle, the Sum of Five Pence per Score; and so in Proportion for every greater or less Number.

And

For every Drove of Calves, Hogs, Sheep, and Lambs, the Sum of Two Pence Halfpenny per Score; and so in Proportion for every greater or less Number.

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll, and shall be paid to such Person or Persons as the said respective Trustees or any Five or more of them, shall appoint to collect the same; and the Money so to be raised within each respective District, is hereby vested in the Trustees for such District, and shall be applied in such Manner as is hereinafter-mentioned: And if any Person or Persons, subject

Tolls vested in the Trustees.

Tolls may be levied by Distress and Sale.

to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed as aforesaid to collect the said respective Tolls, to seize and distrain any Horse or Horses, or other Cattle or Beast, upon which such Toll is by this Act imposed, or any of the Goods or Chattles of such Person or Persons so neglecting or refusing; and if such Toll, and the reasonable Charges of such seizing and distraining, shall not be paid within the Space of Four Days, the Person or Persons so seizing and distraining, shall and may sell the Horses, Cattle, Beasts, or Goods, so seized and distrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted.

Distress may be sold after 4 Days.

Trustees may erect Side-gates,

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, within their respective Districts, to erect a Toll-gate or Toll-gates, and Toll-house or Toll-houses, on the Side or Sides of any Part or Parts of the said Roads or Highways, across any Lane or Way leading out of the same; and there to cause to be taken and levied such Tolls as are by this Act made payable at any other Toll-gate erected or to be erected by virtue hereof, so that the same do not extend to a double Charge upon any Person passing through any other Toll-gate erected or to be erected by virtue of this Act, within the same District.

and take Tolls thereat,

so as the same do not extend to a double Charge.

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

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

And be it further enacted, That the Money arising by the Tolls collected by virtue of the said recited Acts, and this Act, upon the Roads leading from Maidenhead Bridge to the late Falcon Inn, now called the Fleece Inn, or Folly; and from thence to the Thirty three Mile Stone towards Reading; and from the said Inn, or Folly, to the Twenty nine Mile Stone towards Henley, shall, in the First Place, pay and discharge One full Third Part or Share of all the Costs and Charges of procuring and passing this present Act; and from and after the said Twenty fourth Day of June, One thousand seven hundred and sixty three, the Money so raised, and to be raised, shall, in the next Place, be subject to, and charged with, the Payment of the said principal Sum of One hundred Pounds so due to the said Richard Tonson; and with the Payment of the principal Sum of Five hundred and ten Pounds, Part of the said principal Sum of One thousand Pounds, so due to the said Richard Powney, and with Interest from thenceforth to grow due for the same respectively; and also the Allowances the Trustees of that District shall think proper to make to their Clerk, Treasurer, Surveyor, and Collectors; and the Remainder thereof shall be applied in repairing, widening, altering, and keeping in Repair, the said Parts of the said Roads, and defraying the necessary Costs, Charges, and Expences attending the same, and the Execution of this Act, so far as it relates to the said Parts of the said Roads, and to no other Use, Intent, or Purpose whatsoever: And that all the Money arising by the Tolls collected by virtue of the said recited Acts and this Act, upon the Road leading from the said Thirty three Mile Stone to the said Old Bear Inn in Reading, shall, in the first Place, pay and discharge One full Third Part or Share of all the Costs and Expences of procuring and passing this present Act; and from and after the said Twenty fourth Day of June, One thousand seven hundred and sixty three, the Money so raised, and to be raised, shall, in the next Place, be subject to, and charged with, the Payment of the said principal Sum of Two hundred Pounds so due to the said Elizabeth Burnell, the said principal Sum of One hundred and fifty Pounds so due to the said John Hooper, and the principal Sum of Two hundred and sixty Pounds, Part of the said principal Sum of One thousand Pounds, so due to the said Richard Powney, and with Interest from thenceforth to grow due for the same respectively; and also the Allowances the Trustees of that District shall think proper to make to their Clerk, Treasurer, Surveyor and Collectors; and the Remainder thereof shall be applied

Application of the Monies.

applied in repairing, widening, altering, and keeping in Repair, the said Parts of the said Roads, and defraying the necessary Costs, Charges, and Expences attending the same, and the Execution of this Act, so far as it relates to the said Parts of the said Roads, and to no other Use, Intent, or Purpose whatsoever; And that all the Money arising by the Tolls collected by virtue of the said recited Acts and this Act, upon the Road leading from the said Twenty nine Mile Stone to Henley Bridge, shall, in the first Place, pay and discharge One full Third Part or Share of all the Costs and Expences of procuring and passing this present Act; and from and after the said Twenty fourth Day of June, One thousand seven hundred and sixty three, the Money so raised, and to be raised, shall, in the next Place, be subject to and charged with the Payment of the principal Sum of Two hundred and thirty Pounds, the Remainder of the said principal Sum of One thousand Pounds so due to the said Richard Powney, and with Interest from thenceforth to grow due for the same; and also the Allowances the Trustees of that District shall think proper to make to their Clerk, Treasurer, Surveyor and Collectors; and the Remainder thereof shall be applied in repairing, widening, altering, and keeping in Repair, the said Part of the said Roads, and defraying the necessary Costs, Charges, and Expences attending the same, and the Execution of this Act, so far as it relates to the said Part of the said Roads, and to no other Use, Intent, or Purpose whatsoever.

Trustees may reduce the Tolls, &c.

And be it further enacted, That it shall be lawful for the said respective Trustees, or any Seven or more of them, with the Consent of the Person or Persons intitled to the Money due and to be borrowed on the Credit of the said respective Tolls, to lessen the Tolls hereby granted, or any Part thereof, for such Time as the said respective Trustees shall think proper; and such Tolls so lessened 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 shall have paid the Toll by this Act granted for the passing of any Cattle, or Beast, through any Toll-gate continued or erected by virtue of this Act, the same Person shall be permitted to pass Toll-free with the same Cattle or Beast through the same Toll-gate, and through any other Toll-gate erected or to be erected within the same District, but no other, at any Time or Times during the same Day, to be computed from Twelve of the Clock in the Night to Twelve of the Clock in the next Night.

And

And be it further enacted, That from and after the said Twenty fourth Day of June, One thousand seven hundred and sixty three, it shall and may be lawful to and for the said respective Trustees, or any Seven or more of them, at any general Meeting, by Writing under their Hands and Seals, to demise, lease, and to Farm lett the Tolls arising at the respective Toll-gates within their respective Districts, to any Person or Persons willing to take or farm the same, for any Term of Years, not exceeding Three Years, for the best Rent or Price which can be got for the same, to be paid monthly, or otherwise, to the said respective Trustees, or any Five or more of them, or their respective Treasurers; which Money so to be paid, shall be applied and disposed of as the Tolls granted by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever. Trustees may lease, &c. the Tolls.

And be it further enacted, That no Toll or Duty shall be demanded or taken at any Toll-gate continued or erected by virtue of this Act, for the passing of any Cattle drawing any Carriage laden with Materials for repairing any Highway or Road, or drawing any Dung, Mould, or Compost of any Nature or Kind whatsoever, for manuring of Gardens or Land within the same Parish, Hay, or Corn in the Straw, to be laid up in the Houses of the respective Inhabitants of the several Parishes through which the said Highways or Roads hereby intended to be repaired lie, or any Ploughs, Harrows, or other Implements of Husbandry, in order to the using or repairing the same, or any other Things whatsoever employed in Husbandry, or for manuring or stocking of Land in the said several Parishes in which the said Highways or Roads hereby intended to be repaired lie; nor shall any Toll or Duty be demanded or taken at any of the said Toll-gates for Cattle drawing any Coaches or Carriages with Passengers, or from 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 Berks; or for any Post-horse carrying the Mail or Packet; nor shall any Toll or Duty be demanded or taken for the Horses of any Soldiers passing that are upon their March, or for Carts, Carriages, or Waggons attending them; nor for Cattle or Carriages travelling with Vagrants sent by Passes; nor for Cattle or Carriages which shall cross any of the said Roads only. Exemptions from Tolls.

Provided nevertheless, That if any Person shall claim and take Benefit of any of the Exemptions aforesaid, not being entitled to the same, such Person shall, for every Offence, forfeit and pay the Sum of Forty Shillings, Penalty on making illegal Claims.

One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in repairing the said respective Roads.

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

And be it further enacted, That if any Person occupying any Land near to any Toll-gate continued or erected in pursuance of this Act, shall permit or suffer any Person or Persons to pass through any Gate, Passage, or private Way, with any Cattle; or if any Person shall with any Cattle pass through any such Gate, Passage, or private Way; or if any Person shall take off, or cause to be taken off, any Horse or Beast from any Carriage, on either Side of any Gate or Turnpike erected or continued by virtue of this Act, in order to avoid the Payment of any of the Tolls hereby granted; or if any Person shall forcibly pass through any such Toll-gate with any Cattle, whereby the Payment of any of the Tolls by this Act granted shall be avoided; every Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Tolls may be assigned for Money borrowed.

And, for the more speedy repairing, widening, and altering the said Roads, be it further enacted, That it shall and may be lawful to and for the said respective Trustees, or any Eleven or more of them, from time to time, upon the Credit of the respective Tolls by this Act made applicable to the repairing, widening, altering, and keeping in Repair the said respective Roads, to borrow and take up at Interest any such Sum or Sums of Money as they, or any Eleven or more of them, shall think needful; and may and they are hereby impowered to mortgage or assign over the Tolls arising within their respective Districts, to any Person or Persons, for any Term or Number of Years, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof; which said Sums of Money so to be borrowed shall be laid out and applied in and for the repairing and widening the said respective Roads, and to and for no other Use or Purpose whatsoever.

Assignments may be transferred.

And be it further enacted, That all and every Person and Persons to whom any Mortgage or Mortgages, Assignment or Assignments of the Tolls granted by the said recited Acts, or either of them, hath or have been made, or to whom any Mortgage or Mortgages, Assignment or Assignments, of the said respective Tolls granted by this Act shall be made, or who shall be intitled to the Money thereby secured, and his, her, and their Assignee or Assignees, may, and is and are hereby impowered, from time to time, to transfer or assign over such Security or Securities, and all the Monies that shall be due thereon, to any

other Person or Persons, so that the respective Toll-gates, and the Tolls to be collected at each of them, be not charged with or made liable to the Payment of any more or greater Part of the said several principal Sums now due thereon, than by this Act is before directed and appointed.

In what Case Creditors may receive the Tolls.

And be it further enacted by the Authority aforesaid, That in case any of the said Person or Persons, who have lent such Sums of Money on Security of the Tolls granted by the said former Acts, and which Sums are by this Act charged upon the said Tolls hereby granted, separately and proportionally as aforesaid, or any other Person or Persons who shall hereafter lend and advance Money on the Credit of the Tolls granted by this present Act, and payable within any of the said Districts, or his, her, or their Assignee or Assignees, shall at any Time be desirous to be repaid the Money due thereon, and shall deliver a Notice in Writing, signed by him, her, or them, signifying such his, her, or their Desire to the Clerk or Clerks of the Trustees acting within such District at any General Meeting of the said Trustees; then and in such Case (unless the Principal and Interest due and to grow due to him, her, or them, on the Security of the said Tolls, shall be fully paid unto, or tendered and refused to be accepted by, such Creditor or Creditors so signing such Notice, within Three Months after the Delivery thereof as aforesaid) it shall and may be lawful to and for the said Creditor or Creditors to receive and collect, or cause to be received and collected, the Tolls and Duties granted by this Act, and which shall be payable at such Toll-gate or Gates on the Credit of which such Money was advanced and lent, and to apply the same to the Payment of the Principal and Interest of such Debt or Debts.

Trustees may appoint Officers;

and remove them, and appoint others.

And be it further enacted, That the said respective Trustees, or any Seven or more of them, may appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act; and such Officers and other Persons, and any of them, from time to time, to remove, and to appoint others, in case of Death or such Removal; and all and every such Officers and other Persons, and all and every the Officers and other Persons who have had, received, or paid, by virtue of the said former Acts, or who shall at any Time or Times hereafter have, receive, or pay, any Sum or Sums of Money on account of or relating to the repairing, widening, altering, and keeping in Repair the said respective Roads, shall, from time to time (when thereunto required by the said respective Trustees, or any Five or more

Officers to account upon Oath.

more of them) make and render to the said Trustees, or any Five or more of them, a true, exact, and perfect Account in Writing, under their respective Hands, upon Oath, to be taken before Five or more of the said respective Trustees (which Oath Two of the said Trustees are hereby impowered to administer) of all Monies which he, they, and every of them respectively, shall, to that Time, have received, paid, and disbursed, by virtue of the said recited Acts, or this Act, or by reason of their respective Offices; and in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said respective Trustees, or any Five or more of them, or to such Person as they shall respectively appoint to receive the same: And in case any such Officer or other Person shall not make and render, or shall refuse to verify upon Oath such Account, or to make such Payment, as aforesaid; then any One or more Justice or Justices of the Peace for the County where such Officer or other Person shall reside, shall make Inquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more Witness or Witnesses, upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer) and if any such Officer or other Person shall be convicted of all or any of the Offences aforesaid, such Justice or Justices shall commit the Offender to the Common Gaol of the County or Place where the Offence shall be committed, there to remain without Bail or Mainprize, until he or they shall make and render a full, true, and perfect Account and Payment as aforesaid, or until he or they shall have compounded and agreed with the said respective Trustees, or any Eleven or more of them, and shall have paid such Composition to the said respective Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same; which Composition the said respective Trustees, or any Eleven or more of them, are hereby impowered to make.

Officers refusing to account,

Justices may inquire into the Default;

and commit the Offender,

until Payment or Composition made,

Treasurer to give Security.

And it is further enacted, That the said respective Trustees, or any Five or more of them, are hereby authorized and required, to take such Security from the Treasurer or Treasurers, and Collectors or Receivers of the Tolls, to be appointed for the Purposes of this Act, for the due Execution of his and their said Office and Offices, as to the respective Trustees, or any Five or more of them, shall seem meet.

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

And be it further enacted, That no Person keeping an Inn, Alehouse, or other House of publick Entertainment, or who shall sell Ale, Wine, Brandy, or other Spirituous Liquors

Liquors by Retail, shall be capable of holding any Place of Trust or Profit under this Act.

Surveyors may dig Gravel, &c.

And it is further enacted, That the Surveyor or Surveyors, appointed by the said respective Trustees, or any Seven or more of them, or any Person or Persons appointed by such Surveyor or Surveyors, may and is and are hereby authorized and impowered to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Materials, proper for repairing of Roads, in, upon, out of, or from, any Waste or Common, in any Parish, Town, or Place, in, adjoining to, or lying near, the Roads aforesaid, to be used in repairing the said Roads, without paying any thing for the same; they the said Surveyors, or other Persons, filling up the Pits and Holes, and levelling the Ground, or making a sufficient Fence, to prevent any Misfortune or Accident happening in the Pits or Holes from whence such Materials shall be taken, or causing the same to be done; and if a Quantity of Materials sufficient for that Purpose cannot be found in or upon such Waste or Common, then, and in such Cases, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of Materials, proper and sufficient for that Purpose, in, upon, or out of and from any Lands or Grounds of any Person or Persons where the same may be had or found, to be used towards repairing the said Roads (such Lands and Grounds not being a Yard, Garden, Orchard, Park, Paddock, Avenue, Wood, Coppice, or Nursery) they the said Surveyors, or other Person or Persons, paying or offering to pay to the respective Owners or Occupiers of such Lands or Grounds such Damage for getting and carrying away the said Materials, and for carrying the same over their Grounds, as the said respective Trustees, or any Seven or more of them, shall think reasonable; and in case of any Difference between the said respective Trustees, Surveyors, or Person or Persons by them appointed as aforesaid, and the said Owners and Occupiers, or any or either of them, concerning the said Damages, any Two or more Justices of the Peace of the County where the said Materials shall be so cut, digged, gathered, taken, and carried away, shall and may, on Ten Days Notice thereof to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, to be left at their respective Places of Abode, with some or One of their respective Families, hear, settle, and determine the

without paying for the same; levelling the Pits.

If 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.

Matters of the said Damages; and the Judgement or Order of the Justices therein shall be final and conclusive to all Parties.

Surveyors may make Causeways, &c.

And be it further enacted, That the said respective Trustees, or any Five or more of them, or the said Surveyor or Surveyors, or any Person or Persons by them or either of them appointed or employed, may and is and are hereby authorized and impowered to make, or cause to be made, Causeways in or along the Sides of any Part or Parts of the said Roads; and to cut, or cause to be cut, any Watercourses in, through, or across any Lands or Grounds, in order to drain or prevent the said Roads, or any Part or Parts thereof, from being overflowed, and erect Bridges over such Drains or Watercourses, if necessary; and also to make, or cause to be made, a Road or Way by, through, or over, the adjoining Grounds of any narrow or ruinous Parts of the said Roads hereby intended to be repaired (not being the Site of, or Ground whereon any House or Houses stand, or planted Walk, Yard, Park, Paddock, or Avenue to any House) to be made use of by all Passengers with Carriages and Cattle, or otherwise, as a publick Road, whilst the old or ruinous Road is repairing, and till such Time as it shall be convenient and safe for Carriages and Cattle to pass the same; making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds for the Damages they shall thereby sustain, as to the said respective Trustees, or any Seven or more of them, shall seem reasonable.

and erect Bridges, &c. make a temporary Road.

Surveyors may remove Annoyances,

And be it further enacted, That it shall and may be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to remove all Annoyances on the said respective Roads, and to cut down Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto, the Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances, for the Space of Ten Days after Notice given in Writing for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors; the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances as aforesaid; and in case such Owners or Occupiers shall not, upon Demand, pay and reimburse to the Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the

the Owners neglecting to remove the same after Notice;

Surveyors to be reimbursed the Charges.

County

County of Berks, from time to time to levy the Charges thereof upon such Owners or Occupiers, by Distress and Sale of his and their Goods and Chattles, rendering the Overplus (if any be) to the Owners or Occupiers thereof, upon Demand, after all Charges paid; and if, upon the Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted upon Oath before Two or more Justices of the Peace for the said County, shall, for every such Offence, forfeit and pay to the said respective Trustees, or any Five or more of them, the Sum of Forty Shillings, to be levied and recovered in Manner aforesaid.

Penalty of a Second Offence.

And be it further enacted, That if any Person or Persons, who of Right ought to scour and cleanse any Ditch, Drain, or Watercourse, which shall adjoin to, or lead into or out of any Part or Parts of the said respective Roads, shall not in a proper Manner cause the same to be scoured and cleansed within the Space of Ten Days next after Notice in Writing shall for that Purpose be given to him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode, by the said Surveyor or Surveyors, then the said Surveyor or Surveyors may cause such Ditches, Drains, and Watercourses to be scoured and cleansed, and pay for scouring and cleansing the same; and if the said Person or Persons shall not repay the Money paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them respectively made, either in Person, or by Writing, to be left at his, her, or their respective Place or Places of Abode, the said Money, and every Part thereof, upon Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Nonpayment thereof as aforesaid, by the Oath of One or more Witness or Witnesses, before any Justice of the Peace of the County or Place where such Person or Persons respectively shall live, shall and may, by Warrant or Warrants under the Hand and Seal of such Justice, be levied by Distress and Sale of the Goods and Chattles of such Person or Persons; rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

Owners neglecting to scour their Watercourses, &c.

Surveyors may cleanse them,

and levy the Charges by Distress and Sale.

And be it further enacted, That in case the said respective Trustees, or any Seven or more of them, shall, at any Time or Times during the Continuance of the said former Acts or of this Act, think proper to widen, turn, or alter, any Part or Parts of the said Roads, within their respective Districts, for the better accommo-

Trustees may contract with Persons for the Purchase of Lands, &c. to be laid into the Road, &c.

dating of Passengers, that then the said respective Trustees, or any Seven or more of them, shall have full Power and Authority to treat, contract, and agree, with the several Owners, Proprietors, Occupiers of, and Persons interested in, any Lands, Grounds, or Hereditaments, for the Purchase of any such Lands, Grounds, or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may any ways sustain, by such widening, turning, or altering, any Part of such Roads; and out of the respective Tolls by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss or Damage, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the said respective Trustees, or any Seven or more of them, and also the Costs and Charges attending such Agreement and Purchase.

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or others, are or may be seised or possessed of Lands, Grounds, or Hereditaments, which may by the said respective Trustees be thought necessary or proper to be taken and added to the said Roads, or through which the said Roads may be turned, and such Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing to treat or agree for the Sale of such Lands, Grounds, or Hereditaments, but may be incapable of granting or conveying the same, by reason of Infancy, or other Disability; be it further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree with the said respective Trustees, or any Seven or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes whatsoever; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to

Bodies Politick, &c. impowered to treat for the Sale of such Lands.

to the contrary thereof in any wise notwithstanding: And all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Persons neglecting to treat, &c.

And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to 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, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in and added to the said Roads, or into or through which such Road is to be turned or altered as aforesaid, shall, by the Space of Twenty one Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating; then, and in every or any such Case, the said respective Trustees, or any Five 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 County of Berks, (which Oath any Two or more of the said respective 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, Proprietors, Occupiers, or other Person or Persons interested, for or upon account of the taking such Lands, Grounds, or Hereditaments, into the said Roads, or of turning such Road into or through any such Lands, Grounds, or Hereditaments; and in order thereto, the said respective Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premisses (which Oath any Two or more of the said respective Trustees are hereby impowered to administer) and they shall order and cause the said Jury to view the said Places in Question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the said Jury's

Jury to settle the Recompence.

Witnesses may be summoned, and examined upon Oath.

Information in the Premisses, as they the said respective Trustees, or any Five or more of them, shall think fit: And after the said Jury shall have enquired of, ascertained, and settled such Damage and Recompence, they the said respective Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, Proprietors, or Occupiers of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Person and Persons whomsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever; and all and every such Owners, Proprietors, and Occupiers, and all and every Person and Persons interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, be thereby and from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property of, in, to, or out of the same; And, for the summoning and returning such Jury or Juries, the said respective Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County of Berks, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the said respective Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number 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 respective Trustees, or any Two or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful

Verdict of the Jury to be binding.

Trustees may issue a Warrant to the Sheriff, to impanel a Jury.

Jurors may be challenged.

ful Challenges against any of the said Jurymen, when they come to be sworn: And the said respective Trustees, or any Five or more of them, acting in the Premisses, shall have full 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 who shall refuse to be sworn on the said Jury, or, being so sworn, 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 to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, or, appearing, shall refuse to be sworn and give Evidence; and from time to time to levy such Fine or Fines, in the same Manner as any other Forfeiture or Penalty herein before mentioned is hereby directed to be levied, so that no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence; and all such Fines shall be applied for such Uses, and in such Manner, as the Tolls granted by this Act are to be applied.

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

And be it further enacted, That all and every Sum and Sums of Money, so assessed, as aforesaid, is hereby charged upon the Monies which shall be raised by virtue of this Act, and shall be paid thereout accordingly by the said respective Trustees, or any Five or more of them, or their respective Treasurer, to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof, to such Persons, or their Agents, and in case of Refusal to accept the same, then, upon leaving the same in the Hands of the Treasurer to the said respective Trustees, for the Use of such Persons, such Lands, Grounds, or Hereditaments, shall be laid into and made Part of the said Roads, and shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said respective Roads for ever after; and shall be repaired and kept in Repair by such Ways and Methods, and in all Respects in such Manner, as the old Road so widened, altered or turned, was and ought to be kept in Repair: And after such new Road shall be completed, the Lands and Grounds comprised in or constituting the old or former Road, shall be vested in the said respective Trustees, and shall or may be stopped up, or left unrepaired, or shall or may be by them, or any

Lands when purchased to be made Part of the Roads.

Old Road may be sold.

Five or more of them, sold or disposed of to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied and disposed of for the repairing of the said Roads, and other the Purposes of this Act; and the Sale, or Conveyance and Conveyances to be made of such Lands or Grounds, being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the County of Berks, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Road from the *Folly* towards *Henley* to remain a common Highway.

Provided always, That the present Road leading from the said late Falcon Inn, now called the Fleece Inn, or Folly, to the East End of Maidenhead Thicket, in the Way to Henley, shall not be stopped up, left unrepaired, or sold, but the same shall remain a common Road or Highway; subject nevertheless to be widened and made more convenient for Passengers, as the said Trustees, or any Seven or more of them, shall think proper.

Buildings, &c. not to be injured.

And be it further enacted, That in widening, turning, altering, or diverting any Part or Parts of the said Roads, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, Garden, Orchard, Park, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto.

Persons liable to repair any Part of the Roads, to continue so.

And be it further enacted, That all and every Person and Persons, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, who, before the making of this Act, hath or have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Roads hereby intended to be repaired, shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with, the repairing and keeping in Repair the same Parts of the same Roads, in the same Manner as they and every of them hath or have heretofore usually done, or ought to do; and that the Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the Roads hereby intended to be repaired do lie, who, by the Laws and Statutes of this Realm, are or shall be obliged or liable to perform the Work in the Highways, for the repairing thereof, commonly called Statute-work, shall still be subject and liable to, and perform the same Work, and shall and are hereby required to do and perform such and so many Days Work in such Parts of the Roads by this

this Act directed to be repaired, and lying within the said Towns, Parishes, Hamlets, or Places, in which such Inhabitants respectively shall live, as the said respective Trustees, or any Five or more of them, shall direct or appoint, and at such Times, and in such Manner, as the Surveyor or Surveyors by them authorized shall direct or appoint; and that every Inhabitant of the said Towns, Parishes, Hamlets, and Places respectively, who shall rent, hold, or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall do and perform such Work in and towards the repairing the Highways of the several Towns, Parishes, Hamlets, and Places, in which they respectively live, as Persons keeping Teams are obliged by Law and ought to do.

Persons renting 50*l.* per *Ann.* deemed Team-holders.

And, to the end that the said respective Trustees may know the Inhabitants of all the Towns, Parishes, Hamlets, and Places, wherein the Roads by this Act directed to be repaired do lie, who are liable to do Statute-work in their Highways, and what Sort of Duty they ought respectively to do; be it further enacted, That the Surveyors of the Highways of and for every of the said Towns, Parishes, Hamlets, and Places, shall, and they are hereby required, at the First Meeting of the said respective Trustees after the Twenty fifth Day of March in every Year, or oftener, if thereunto required by the said respective Trustees, or any Five or more of them, during the Continuance of the said former Acts and this Act (Ten Days Notice of such Meeting being affixed on the Toll-gate or Toll-gates erected by virtue of this Act, within the District wherein such Work is to be performed) to deliver in to the said respective Trustees true and perfect Lists, in Writing, under their respective Hands, of the Names of all the Inhabitants of such Towns, Parishes, Hamlets, and Places respectively, who are liable to do their Statute Duties in and upon the said Highways, and shall in such Lists, and every of them, distinguish and set forth which of such Inhabitants shall, and by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams.

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

And be it further enacted, That if the Surveyor or Surveyors of the several Towns, Parishes, Hamlets, or Places, through which the said Roads lead, shall not deliver in to the said respective Trustees Lists of the Inhabitants of their said several Towns, Parishes, Hamlets, or Places, at such Times, and in such Manner, as by this Act is required and directed to be delivered, such Sur-

Penalty on Surveyors neglecting to deliver in such Lists, &c.

veyor or Surveyors, and every of them, shall forfeit and pay for every such Default the Sum of Five Pounds: And if any or either of the Inhabitants of the said several Towns, Parishes, Hamlets, or Places, being obliged or liable by Law to do Statute-work in and upon the said Highways, shall not do such Statute-work in and upon the said Roads, at such Times and Places, and in such Manner, as they shall by the Surveyor or Surveyors appointed by the said respective Trustees, be directed or appointed to do; such Inhabitants, 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 this Act shall be deemed to keep, a Team or Teams, for every Day's Work for each Team the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, and not being by virtue of this Act deemed to keep a Team, for every Day's Work the Sum of One Shilling and Six Pence: And if any Person or Persons who shall come to work as a Labourer or Labourers, or be sent with any Team, Draught, or Cart, to work on the said Roads, for the Repairs thereof, commonly called Statute-work, is or are found idle or negligent, or shall not properly perform such Statute-work, the Turnpike Surveyor or Surveyors may and is and are hereby impowered and required to remove and discharge such Person or Persons; and it shall be deemed and taken as if such Person or Persons had not come or sent any Team, Draught, or Cart, to work on the said Roads; and he, she, or they, shall be subject and liable to the respective Forfeitures, as if he, she, or they, had neglected or refused to do or perform the said respective Days Work.

Penalty on Persons not performing Statute-work.

Persons found idle may be turned off.

And be it further enacted, That the said respective Trustees, or any Five or more of them, may and are hereby authorized and impowered to compound with any Person or Persons, Bodies Politick or Corporate, for the Repairs to be by them done upon the said Roads, and also with the several Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the Roads hereby intended to be repaired, or any Part or Parts thereof, do or doth lie, for the several Days Statute-work to be by them respectively done upon the said Roads, at and for such Sum and Sums of Money, by the Year, or otherwise, as they the said respective Trustees, or any Seven or more of them, and such Person or Persons, Bodies Politick or Corporate, or Inhabitants respectively, shall agree upon; which said Money shall be instantly paid to the said respective

Trustees may compound for Statute work, &c.

ſpective Truſtees, or any Seven or more of them, or to their Appointment.

Surveyors may appeal to the Quarter Seſſion to proportion the Statute-work.

And be it further enacted, That if the Surveyor or Surveyors of the Highways for the time being of any of the Towns, Pariſhes, Hamlets, or Places, wherein the ſaid Roads directed by this Act to be repaired do lie, ſhall think the ſaid reſpective Truſtees have directed or appointed too large a Proportion of the Statute-work in any Town, Pariſh, Hamlet, or Place, to be done on the ſaid reſpective Roads, it ſhall and may be lawful for ſuch Surveyor or Surveyors of the Highways to appeal to the Quarter Seſſion of the Peace next after ſuch Direction or Appointment; unleſs the ſame ſhall be made within Eight Days preceding ſuch Quarter Seſſion, and then to the Second Quarter Seſſion next after ſuch Direction or Appointment; and the Juſtices, in their ſaid Quarter Seſſion, are hereby authorized and impowered finally to adjuſt and determine what Proportion of the Statute-work in any Town, Pariſh, Hamlet, or Place, ſhall be done on the reſpective Roads by this Act directed to be repaired; ſuch Surveyor or Surveyors of the Highways having firſt given Ten Days Notice of ſuch Appeal to the Surveyor or Surveyors appointed by the ſaid reſpective Truſtees.

Notice of Appeal to be given.

Penalty on defacing Mile-ſtones.

And be it further enacted, That if any Perſon or Perſons ſhall wilfully or deſignedly break or pull down, dig up, injure, or deſtroy, any or either of the Mile-ſtones ſet up, or to be ſet up, or ſhall eraſe, obliterate, or deface any of the Inſcriptions made, or which ſhall be made thereon, or cauſe the ſame to be done, every ſuch Perſon ſo offending, ſhall forfeit and pay the Sum of Forty Shillings for each Mile-ſtone ſo wilfully or deſignedly broken, obliterated, defaced, or pulled down.

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 levied by Diſtreſs and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal or Hands and Seals of One or more Juſtice or Juſtices of the Peace for the County of Berks; which Warrant the ſaid Juſtice or Juſtices is and 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 Juſtice or Juſtices is and 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

Sale being first deducted) shall be paid to the said respective Trustees, or any Five or more of them, or their respective Treasurer, and shall be applied (if not otherwise directed to be applied by this Act) for and towards the amending the said Roads, and other the Purposes of this Act; and in case sufficient Distress cannot be found, and such Penalties or Forfeitures shall not be paid, it shall and may be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender or Offenders to the Common Goal of the County or Place, for any Time not exceeding Two Months.

Persons aggrieved may appeal to the Quarter Session.

And be it further enacted, That if any Person or Persons shall think him, her, or themselves, aggrieved by any Act, Order, or Judgement of any Justice or Justices of the Peace, which shall by him or them be done, made, or awarded by virtue of this Act, or in the Execution of any of the Powers hereby to him or them given; such Person or Persons may appeal to the Justices of the Peace, at the next General Quarter Session of the Peace for the County or Place where the Matter or Thing, for or by reason of which such Act, Order, or Judgement, shall be so done, made, or awarded, and which shall be holden next after the doing, making, or awarding of such Act, Order, or Judgement; he, she, or they, causing Ten Days Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given to the Person or Persons, on whose Oath or Oaths, or Evidence, such Act, Order, or Judgement, shall be so done, made, or awarded, and to some or One of the Collectors or Receivers of the said respective Tolls: Which said Justices, at their said Session, upon due Proof of such Notice being given, shall proceed in, and hear and determine the Causes and Matters of the said Appeals, and every of them; and the Orders and Judgements of the said Justices shall be final and conclusive to all Parties concerned or interested therein.

Notice of Appeal to be given.

Proceedings not to be removeable by *Certiorari*.

And be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster; and that where any Distress shall be made for any Sum or Sums of Money, to be levied by virtue of this Act, the Distress itself shall not be deemed to be unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers,

Distress not to be deemed unlawful for want of Form only;

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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 in an Action upon the Case.

nor the Party distraining deemed a Trespasser *ab initio*.

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity as aforesaid, if Tender of Amends hath been made by or on Behalf of the Party distraining before such Action brought.

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

And be it further enacted, That full, true, and fair Accounts and Entries of all the Monies which shall be collected and received, laid out, expended, and paid, by virtue of this Act, and of all Orders, Acts, Matters, Proceedings, and Things which shall be done by the said respective Trustees, in the Execution of the Powers hereby to them given, shall from time to time be duly and regularly entered in Books, which shall be kept for those Purposes.

Proceedings to be entered in a Book.

And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, or Assignment, Transfer, 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; any Law to the contrary notwithstanding.

Writings to be without Stamps.

And be it further enacted, That an Order made by the said respective Trustees, or any Five or more of them, at their respective General Meetings, in, for, or concerning the executing the Trusts, Powers, and Authorities of this Act, or any of them, shall only be revoked, repealed, or set aside, at a General Meeting, and not at any adjourned Meeting.

No Order to be repealed, but at a General Meeting.

And be it further enacted, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons, for any thing done in pursuance of this Act, or in relation to the Matters herein contained, such

Limitation of Actions.

Actions and Suits, and every of them, shall be commenced within Six Months next after the doing the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, and not afterwards; and shall be brought, laid, and tried in the County of Berks, and not in any other County or Place; and that the Defendant or Defendants in such Actions and Suits, and every of them, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall appear to have been so done, or if any such Action or Suit shall appear not to have been commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become Nonsuit, or suffer a Discontinuance of such Action or Actions; or if, upon any Demurrer or Demurrers in such Action or Actions, Judgement shall be given for the Defendant or Defendants therein, then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for Recovery thereof as any Defendant or Defendants hath or have for his, her, or their Costs, in any other Cases by Law.

General Issue.

Treble Costs.

Publick Act.

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