Anno quinto

Georgii III. Regis.

An Act for repairing and widening the Road from the Turnpike Road in *Banbury*, in the County of *Oxford*, through *Daventry* and *Cottesbach*, to the South End of *Mill Field*, in the Parish of *Lutterworth*, in the County of *Leicester*.

WHEREAS the Roads leading from the Turnpike Road in the Town of Banbury, at or near a Place called Parson's Lane, and down the same Lane to the East End of the Bridge at or near the East End of Banbury, in the County of Oxford; and from thence through the Hamlet of Grimsbury, the Parish of Chalcomb, the Towns of Wardington, Chippen Warden, Byfield, and Charwelton, the Parishes of Fawsley and Badby, the Hamlet of Drayton, the Town and Parish of Daventre, and thence through the Parishes of Welton, Ledgers-Asby, and Kilsby, to the Watling Street Road, at or near the North East Corner of Kilsby open Fields, thence along the same Road, about Three Miles, to a Place called the Gibbett, through the Town and Parish of Cot- Preamble.

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teſbatch, through Part of the Parish of Miſterton, to the South End of Mill Field, in the Parish of Lutterworth, in the County of Leiceſter, are in a ruinous Condition, narrow in many Places, and incommodious to Travellers, and cannot be effectually repaired and widened by the preſent Methods provided by Law: 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 Sir Edward Aſtley Baronet, Solomon Aſhley, George Arnold, Lumley Arnold, John Andrew, Robert Andrew, Eſquires; Benjamin Aplin, John Adams, William Adams, Thomas Abbey, John Arnold, William Addiſon, Caleb Aſhworth, Robert Andrew, John Addiſon, Samuel Allen, Gentlemen; James Affleck, James Ancell, Samuel Adams, Francis Anneſley, Clerks; Fitzherbert Adams, the Reverend Adams of Ruſton; Sir Edward Boughton Baronet, Sir Samuel Boothby Baronet, John Blencowe, George Bridgman, John Bateman, William Black, Richard Boughton, John Barber, Richard Bond, Eſquires; Alban Bull junior, Richard Burford, John Burford, Richard Beaford, Thomas Baſeley, Job Baſeley, Aholiab Weſt Bradſhaw, Francis Burton, Thomas Bowers, John Bloxham, Charles Butler, John Bliſs, Thomas Boddington, Joſeph Boſworth, Thomas Buſwell, William Bull, William Blick, Gentlemen; Richard Bolton D. D. Thomas Beardmore D. D. Edward Burford M. D. Thomas Billio Clerk, Sir Thomas Cave Baronet, William Cartwright, William Cartwright junior, Robert Child, William Henry Chauncey, Thomas Cartwright, Thomas Cave, Charles Cave, Joſeph Clarke, Richard Clarke, William Wentworth alias Creſwell, Wenman Coke, Thomas Caldecott, Eſquires; William Caldecott, John Clarke, Robert Crofts, William Clarke, John Cowley, Matthew Cooper, John Cooper, Thomas Chamberlain, William Callcott, Gentlemen; John Cadman Clerk, William Chauncey, Toby Chauncey, Nathaniel Caſtleton, Sir John Dryden Baronet, Sir Michael D'Anvers Baronet, Richard Drayſon, George Dundas, Gentlemen; John Dechair D. D. John Davis Clerk, Chriſtopher Doyley, Francis Eyre, Eſquires; Robert Earneſby, John Eagles, Gentlemen; Charles Everard Clerk, the Right Honourable William Finch, the Honourable Edward Finch, Charles Fox, Aaron Franks, Eſquires; Edmund French, Thomas Freeman, William Folwell, Richard Francis, John Freeman, Gentlemen; Charles Fox Clerk, the Right Honourable

Truſtees Names.

John Manners, commonly called Marquis of Granby; the Right Honourable George Harry Grey; commonly called Lord Grey; William Dixwell Grimes, Abraham Grimes, Thomas Grace, Esquires; John Godfree, William Godfree, John Goodacre, Samuel Goddard, John Goodwin, Francis Goodwin, Gentlemen; William Holbech, Hugh Holbech, John Harper, Robert Hodson, Nathaniel Pargiter Humphrey, Esquires; William Hickman, Thomas Holled, Henry Bagshaw Harrison, Thomas Hall, John Higginson, Richard Hanwell, Joseph Hill, William Howkins, Edward Halford, George Hampton, William Hayward, Edward Humfres, Samuel Hindes, William Hirons, William Habcraft, Elisha Heydon, Gentlemen; James Charles Hitchcock, Knightly Holled, John Hopkins, Edward Hughes, Clerks; Thomas Jephcott, Thomas Ireson, Gentlemen; William Iliff Clerk, Richard Jennings, Lucy Knightley Esquire, Valentine Kightley John Knightley, Richard Knightley, Clerks; James Knightley, Charles Knightley, Lee, William Lucas, William Long, William Lovett, Gentlemen; Peter La Roque, John Loggin, Matthew Lamb, Lee, Clerks; Loyd, William Lang, Clerks; Edward Metcalfe, Robert Marriott, Esquires; Sanderson Miller, William Martin, Harry Morris, Francis Montgomery, Gentlemen; James Miller, Hugh Marriot Gentleman, Nicholas Mapletoft, Francis Mapletoft, Clerks; the Right Honourable Frederick North, commonly called Lord North; the Honourable Brownlow North Esquire, John Newman, John Dorset Newman, Thomas Newcomb, John Onely senior, John Onely junior, Gentlemen; John Onely Clerk, Thomas Plampin Esquire, Charles Potts, Thomas Perkins, Gentlemen; John Parker Clerk, John Parkhurst Esquire, Captain Fleetwood Parkhurst, William Rose, John Robinson, John Rushworth, John Rymill, Robert Rymill, Gentlemen; David Rattray M. D. Sir Francis Skipwith Baronet, Sir Charles Shuckburgh Baronet, Thomas Skipwith, Francis Skipwith, James Shuttleworth, Esquires; Satchwell, John Sale, Thomas Smith, John Smith, Holled Smith, Robert Sparrow, Samuel Sparrow, Bernard Spurrett, John Shaw, Sharrack, Gentlemen; John Smith M. D. John Spires D. D. John Spencer, Stopes, Clerks; Doctor Smyth, Joseph Smyth, the Right Honourable Charles Townshend, Thomas Thornton, Thomas Lee Thornton, William Tayler, Francis Twisleton, Thomas Twisleton, Esquires; Thomas Townsend, Abraham Turner, Richard Tatton, John Tyler, Samuel Thorp, Edward Thorp, Robert Tate,

Gentlemen; Robert Tatton Clerk, Sir William Wheeler, Sir Edward Willinsle, Sir Thomas Webb, Baronets; John Willes, Michael Wodhull, William Humphrey Wykham, Richard Williamson, Esquires; Robert Willes, Charles Watkins, Thomas Watson, John Whitmell, Robert Ward, Richard Warner, Oliver Wright, William Weston, Thomas Wheatley, John Wheatley, William Wyatt, Richard Wykham, Gentlemen; John Wainwright, John Watkin, Richard Willson, Clerks; Thomas Youick Gentleman, the Mayor, Recorder, Justices, Aldermen, and Capital Burgesses, of the Borough of Banbury for the time being; the Bailiff, Recorder, and Burgesses, of the Borough of Daventre for the time being; and their Successors, to be appointed as herein after mentioned, shall be; and they are hereby appointed, Trustees for putting this Act in Execution.

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, 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 the Right of his Wife, be in the actual Possession or Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments, of the clear yearly Value of Forty Pounds, or shall be Heir Apparent of some Person having such Estate of the clear yearly Value of One hundred Pounds, or possessed of a Personal Estate to the Amount or Value of Eight 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 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, Dor 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

Penalty on acting if not qualified.

than that such Person hath 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, or any Five or more of them, shall meet together on Friday the Fourteenth Day of June, One thousand seven hundred and sixty five, at the House of Robert Clerke, known by the Sign of the White Swan, in the Town of Daventre, and shall proceed to the Execution of this Act; and shall and may then adjourn themselves to, and meet at some Place in the Town of Banbury, for the further Execution of this Act; and shall and may then adjourn themselves to, and meet at some Place in the Town of Lutterworth, and proceed to the further Execution of this Act; and shall and may then adjourn themselves from time to time, and meet alternately at the Towns aforesaid, as often as the said Trustees, or any Two or more of them, shall think proper, for the due Execution of this Act: And if it shall happen, that there shall not appear, at any Meeting appointed to be held by the said Trustees, a sufficient Number of Trustees to act at such Meeting, or to adjourn to any other Day; then the Clerk to the said Trustees shall, by Notice to be fixed on all the Turnpikes which shall be erected by virtue of this Act, at least Ten Days before the next Meeting, appoint the said Trustees to meet at the same Place, on that Day Three Weeks on which such last Meeting was appointed to be held; and the said Trustees, at their First and all their subsequent Meetings, shall defray their own Charges and Expences; provided always, that no such Adjournment shall be made for a longer Time than Three Months.

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

Trustees to defray their own Expences.

No Trustee to accept of a Place of Profit.

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 who are in the Commission of the Peace to 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 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.

Trustees may erect Turnpikes and Toll-houses,

and take Tolls thereat.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may cause to be erected One or more Toll-gates and Toll-houses in, upon, or across, any Part or Parts of the said Roads, and cause to be demanded and taken, at each and every

of

of the said Toll-gates, the following Tolls or Duties, before any Cattle or Carriage shall be permitted to pass through the same; that is to say,

The Tolls.

For every Coach, Berlin, Landau, Chariot, Calash, Hearse, Chaise, or Chair, drawn by Six Horses, Mares, Geldings or Mules, the Sum of One Shilling and Six Pence; and drawn by Four Horses, Mares, Geldings, or Mules, the Sum of One Shilling; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of Eight Pence; and drawn by One Horse, Mare, Gelding, or Mule, the Sum of Four Pence.

And for every Waggon, Wain, or other Carriage, with Four Wheels, One Shilling.

And for every Cart or Carriage, with Two Wheels, the Sum of Eight Pence.

And for every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, One Penny.

And for every Drove of Oxen, Cows, or Neat Cattle, Ten Pence a Score; and so in Proportion for any less Number.

And for every Drove of Calves, Swine, Sheep, or Lambs, Five Pence a Score; and so in Proportion for any 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 Trustees, or any Five or more of them, shall appoint to collect the same; and the Money so to be raised is hereby vested in the said Trustees; and shall be applied in such Manner as is herein after mentioned: 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, it shall be lawful for the Person or Persons appointed as aforesaid to collect the said Tolls, to seize and distrain any Horse or Horses, or other Cattle or Beasts, 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.

Tolls vested in the Trustees.

Tolls may be levied by Distress and Sale.

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, to cause to be erected 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, or 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 in the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, through any other Toll-gate erected or to be erected by virtue of this Act.

and take Tolls thereat,

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

Provided always, That nothing herein contained shall extend, or be construed to extend, to give the said Trustees, or any of them, any Power or Authority to erect or set up any Turnpike or Toll-gate, Turnpikes or Toll-gates, in, upon, across, or on the Sides of, the Highways leading from Old Stratford in the County of Northampton, to Dunchurch in the County of Warwick.

No Gate to be erected between *Old Stratford* and *Dunchurch*.

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 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 Roads, shall be, and they are hereby vested in the said 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 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 Roads.

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

Provided always, and be it further enacted, That no Toll-gate or Toll-gates that shall be erected by virtue of this Act, shall be removed by Order of the said Trustees, or any of them, without the Consent of the major Part in Value of the Creditors upon the said Tolls assembled at a Meeting for that Purpose, held in pursuance of a previous Notice in Writing of Twenty one Days at least, to be given by the Clerk of the said Trustees, to be affixed on all the Toll-gates then erected.

No Gate to be removed without Consent of Creditors.

And be it further enacted, That nothing in this Act shall extend to impower the said Trustees, to erect any

No Gate to be erected till 700*l.* is subscribed.

Toll-gate on the said Roads, until the Sum of Seven hundred Pounds shall have been agreed to be advanced and lent by some Person or Persons to the said Trustees, upon the Credit of the Tolls to be collected upon the said Roads, and shall have advanced and paid One Moiety of the said Sum to the said Trustees, or any Five or more of them, or to their Treasurer or Treasurers.

Persons who have advanced a Moiety of the Money agreed to be lent, neglecting to pay the other after 1 Month's Notice, to forfeit the Sum advanced.

Provided always, That if any Person or Persons who shall have advanced and lent any Sum or Sums of Money in Manner and for the Purposes aforesaid, shall not, when thereunto required by the said Trustees, or any Seven or more of them, pay or cause to be paid to the said Trustees, or any Five or more of them, or to their Treasurer or Treasurers, the other Moiety of the said Sum or Sums so agreed to be advanced and lent by such Person or Persons, after One Month's Notice thereof shall have been given to such Person or Persons for that Purpose, and of the Time and Place of paying such other Moiety, by the Clerk to the said Trustees, under his Hand; every such Person so making Default in Payment thereof, shall forfeit and lose the Sum he or she shall have advanced and paid, as the Moiety of the Sum so first agreed by such Person or Persons to advance and lend for the Purposes of this Act, and the same shall be applied as the Tolls to be collected by virtue of this Act are directed to be applied.

Application of Monies.

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

Trustees, with Consent of Creditors, may lessen the Tolls.

And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, by and with such Consent as is herein before required for the removing of any Toll-gate or Toll-gates erected by virtue of this Act, to lessen the Tolls hereby granted, or any Part thereof, for such Time as the said Trustees shall think proper; and such Tolls so lessened, shall be collected, recovered, and applied, in the same Manner as

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 erected by virtue of this Act, the same Person shall be permited to pass Toll-free with the same Cattle or Beast through the same Toll-gate, 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.

Trustees may release, &c. the Tolls.

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, by Writing under their Hands and Seals, to demise, lease, and to farm let, the Tolls arising at the Toll-gates 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 Trustees, or any Five or more of them, or their 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.

Persons and Things exempted from Toll.

And be it further enacted, That no Toll shall be demanded or taken for any Cattle or Carriage laden with Gravel, Stones, or other Materials for repairing the said Roads, or any Road in any of the Townships or Hamlets in which the same do lie, or any Dung, Mould, Lime, or Soil, for manuring the Grounds in such Township or Hamlet as aforesaid, or laden with Grass, Hay, Fodder, Straw, or Corn in the Straw, to be laid up in the Houses, Barns, Out-houses, or to be set or stacked upon any Part of the Lands or Premisses of the respective Inhabitants, Land-owners, or Land-holders, for their own private Use and Consumption, in any Townships or Hamlets in which any of the said Turnpikes shall be erected; or for any Ploughs, Harrows, or other Implements of Husbandry, which shall be conveyed on any Sledge or wheeled Carriage, to be used for tilling or stocking of any Lands in the Townships or Hamlets in which such Turnpikes shall be erected; or for any Horse or Horses, or other Cattle going to or from Water, Pasture, or Plough, or other Tillage or Work in Husbandry, upon or in any of the Lands within such said several Townships or Hamlets; or of any Person or Persons passing to and from his or their Parish Church respectively on Sundays, or attending any Funeral to such Church, or returning from any such Funeral;

nor for any Post-horse carrying the Mail or Packet; or Horses of any Soldiers passing, who are upon their March, or for Horses or Carriages belonging to or passing with them, or carrying their Baggage; or for Horses or Carriages travelling with Vagrants sent by Passes; nor shall any Toll be demanded or taken for any Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Chairs, or Passengers on Horseback, going to or from any Election of a Knight or Knights of the Shire, to serve in Parliament for the Counties of Leicester, Northampton, and Oxford, on the Day or Days of any such Election, or the Day before or Day after any such Election shall begin or be concluded.

Penalty on Persons making illegal Claims.

Provided nevertheless, That if any Person shall claim and take Benefit of any of the Exemptions aforesaid, not being intitled to the same; such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in repairing the said Roads.

Penalty on passing thro' private Passage, &c.

And be it further enacted, That if any Person, occupying any Land near to any Toll-gate, 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 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.

Trustees may borrow Money on the Credit of the Tolls.

And, for the more speedy repairing and widening the said Roads, be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, from time to time, upon the Credit of the Tolls by this Act made applicable to the repairing, widening, and keeping in Repair, the said Roads, to borrow and take up at Interest, any such Sum or Sums of Money as they, or any Nine or more of them, shall think needful, and may, and they are hereby impowered to mortgage or assign over the Tolls hereby granted 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

be borrowed, shall, after paying the Charges and Expences of obtaining and passing this Act in manner herein before-mentioned, be laid out and applied in and for the repairing and widening the said Roads, and defraying the necessary Costs, Charges, and Expences, attending the same, and the Execution of this Act, 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 said 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.

All Creditors to be deemed equal in Degree.

And be it further enacted, That all and every Person or Persons, to whom the said Trustees, or any Seven or more of them, shall at any Time make such Assignment or Mortgage, and his, her, and their Assignee or Assignees, shall be equally intitled to their Proportion of the said Tolls, according to the respective Sums in such Assignment mentioned to be advanced, to secure the Repayment thereof, with Interest as aforesaid, without any Preference by reason of Priority of Assignment, or on any other Account whatsoever.

No Preference to be given in Payment of Interest.

And be it further enacted, That the Interest of the several Sums of Money borrowed upon the Credit of this Act, shall, from time to time, be paid to all and every Person and Persons who shall advance and lend such Sum or Sums of Money, as such Interest shall become due, without any Preference or Priority in Payment of the same.

Trustees may appoint Officers;

and remove them, and appoint others.

And be it further enacted, That the said 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, who shall at any Time or Times 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 Roads, shall, from time to time (when thereunto required by the said Trustees, or any Five or 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 re-

Officers to account upon Oath.

spective Hands, upon Oath, to be taken before Five or more of the said 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 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 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 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 Trustees, or any Five or more of them, and shall have paid such Composition to the said 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 Trustees, or any Five or more of them, are hereby impowered to make.

Officers refusing to account,

Justices to enquire into the Default,

and commit the Offender,

till Payment or Composition made.

And it is further enacted, That the said 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 said Trustees, or any Five or more of them, shall seem meet.

Treasurer to give Security.

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

No Victuallers, &c. to hold any Place of Profit.

And

And be it further enacted, That the Surveyor or Surveyors appointed by the said 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 Grounds, 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 Trustees, or any Seven or more of them, shall think reasonable: And in case of any Difference between the said 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 One of their respective Families, hear, settle, and determine the Matters of the said Damages; and the Judgement

Surveyors may dig Gravel, &c.

without paying for the same; levelling the Pits, &c.

If sufficient Materials cannot be had there, the same may be taken from private Grounds;

making Satisfaction to the Owners.

Justices to determine Differences.

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 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 Scite 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 Trustees, or any Seven or more of them, shall seem reasonable.

and make a temporary Road;

making Satisfaction to the Owners.

Surveyors to remove Annoyances, &c.

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 Roads, and to cut down Trees or Bushes growing in the said Roads, 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 said County where the Offence shall be committed, from time

the Owners neglecting to remove the same after Notice;

the Charges thereof to be reimbursed to the Surveyor;

to be levied by Distress and Sale.

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, after the Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every 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 Trustees, or any Five or more of them, the Sum of Forty Shillings, to be levied and recovered in manner aforesaid.

Penalty on 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 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 the 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 the 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 Trustees, or any Seven or more of them, shall, at any Time or Times during the Continuance of this Act, think proper to widen, turn, or alter, any Part or Parts of the said

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

Roads, for the better accommodating of Passengers; that then the said Trustees, or any Seven or more of them, shall have full Power and Authority to treat, contract, and agree with the several Owners, Proprie ors, 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 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 Trustees, or any Seven or more of them, and also the Costs and Charges attending such Agreement and Purchase.

Bodies Politick, &c. impowered to treat.

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 Trustees be thought necessary or proper to be taken in 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, Husbands, 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 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 and require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes whatsoever; any Law, Sta-

Statute, Usage, or any other Matter or Thing, 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, Husbands, 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.

Owners 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 Trustees, or any Five or more of them, shall cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County wherein such Lands, Grounds, or Hereditaments shall lie (which Oath 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, Proprietors, Occupiers, or other Person or Persons interested for or upon account of the taking of 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 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 and proper to be examined as a Witness or Witnesses, touching or concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer) and they shall order and cause the

Jury to settle the Recompence.

Witnesses may be summoned, and examined upon Oath.

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 better Information in the Premisses, as they the said 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 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, Occupiers, or Proprietors, 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 whatsoever, 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, from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of, the same: And for the summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County wherein such Lands, Grounds, or Hereditaments, shall lie, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed: And the said Sheriff, or his Deputy or Deputies, is and are hereby required to 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 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

Verdict of the Jury to be final.

Trustees may issue their Warrant to the Sheriff for impanelling a Jury.

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; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn: And the said Trustees, or any Five or more of them, acting in the said 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.

Jurors may be challenged.

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

Fine not to exceed 10*l.*

And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of this Act, shall give in or deliver a Verdict or Assessment for more Money, as a Recompence or Satisfaction for the Right, Interest, or Property, of any Person or Persons, in any such Lands, Grounds, or Hereditaments, or for any such Loss or Damage, than what shall have been agreed to and offered by the said Trustees, or any Seven or more of them, before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, in the said Lands, Grounds, or Hereditaments, or Loss or Damage as aforesaid; that then, and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses concerning the ascertaining and determining the Value of any such Right, Property, Interest, or Damages, sustained as aforesaid, shall be borne and paid by the said Trustees, or any Five or more of them, out of the Tolls or Duties hereby granted, or out of any Money to be

Expences of the Jury how to be borne.

borrowed on the Credit thereof; but if any Jury or Juries so to be summoned and sworn as aforesaid, shall give in or deliver a Verdict or Assessment for the same, or a less Sum of Money than shall have been agreed to and offered by the said Trustees, or any Seven or more of them, before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, in any such Lands, Grounds, or Hereditaments, or Losses or Damages as aforesaid, that then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute.

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, 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 Trustees, or any Five or more of them, or their Treasurer, to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, 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 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 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 comprized in or constituting the old or former Road, shall be vested in the said Trustees, and shall or may be stopped up or left unrepaired, or shall or may be by them, or any Five or more of them, sold and 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 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 said County

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

and deemed a publick Highway.

Old Road may be sold.

County of Oxford, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

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 way 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 the Repair of the Roads, &c. 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, or any Bridge or Bridges, shall be subject and liable to, and charged and chargeable with, the repairing and keeping in Repair the same Parts of the same Roads, and such Bridge or Bridges, in the same Manner as they and every of them hath or have heretofore usually done, or ought to do; and that

Inhabitants to do Statute-work.

the Inhabitants of, and Occupiers of Lands, Tenements, or Hereditaments, in 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 do 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 Act directed to be repaired, and lying within the said Towns, Parishes, Hamlets, or Places, in which such Inhabitants or Persons respectively shall live, or shall occupy such Lands, Tenements, or Hereditaments, as the said Trustees, or any Five or more of them, shall direct or appoint, and at such Time, and in such Manner, as the Surveyor or Surveyors by them authorized shall direct or appoint; and that

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

every Inhabitant of, or Occupier of Lands, Tenements, or Hereditaments, in 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, within any such Towns, Parishes, Hamlets, and Places, 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 shall live, or shall occupy Lands, Tenements, or Hereditaments, as Persons keeping Teams are obliged by Law and ought to do; that is to say, For every Fifty Pounds a Year he, she, or they, shall so rent, hold, or enjoy.

Surveyors of the Highways to deliver in Lists of Persons chargeable with Statute-work.

And, to the End that the said Trustees may know the Inhabitants of, or Occupiers of Lands, Tenements, or Hereditaments, in 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 Trustees, after the Twenty fifth Day of March, in every Year, or at any other Meeting of the said Trustees, if thereunto required by the said Trustees, or any Five more of them, during the Continuance of this Act, Ten Days Notice of such Meeting being affixed on the Toll-gate or Toll-gates erected by virtue of this Act, to deliver in to the said Trustees true and perfect Lists in Writing, under their respective Hands, of the Names of all the Inhabitants of, and Occupiers of Lands, Tenements, or Hereditaments, in 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 or Occupiers 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.

Penalty on Surveyors neglecting to deliver Lists.

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 Trustees Lists of the Inhabitants of, and Occupiers of Lands, Tenements, or Hereditaments in 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 Surveyor 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, or Occupiers of Lands, Tenements, or Hereditaments, in the said several Towns, Parishes, Hamlets, or Places,

being

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 Trustees, be directed or appointed to do; such Inhabitants and Occupiers, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums herein after-mentioned; that is to say, Every such Inhabitant or Person who shall keep, or by virtue of 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 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 Person 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 Day's Work.

Reservation of Rights.

Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to give the said Trustees, or any of them, any Power or Authority to ask for, demand, compel, or require, all or any of the present or future Inhabitants of the Town and Parish of Daventre, and Hamlet of Drayton aforesaid, or either of them, or Persons occupying Estates in the same Town, Parish, and Hamlet, or any of them, for or in respect of such Estates, to do or perform in, upon, or towards the repairing, the said Highways by this Act directed to be amended and repaired as aforesaid, all or any of their present Three Days Duty or Statute Work, which, by the several Acts of Parliament, or some or One of them, made for repairing the Highways from Old Stratford, in the said County of Northampton, to Dunchurch, in the said County of Warwick, is required and enacted to be by them done and performed, towards repairing the said Highways from Old Stratford to Dunchurch aforesaid,

or in any Manner to prejudice, lessen, or defeat, such Three Days Duty or Statute-work to be done in, upon, or towards repairing the said last-mentioned Highways.

Trustees may compound for Statute-work.

And be it further enacted, That the said Trustees, or any Seven 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, and Occupiers of Lands, Tenements, and Hereditaments, in 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 or Sums of Money, by the Year or otherwise, as they the said Trustees, or any Seven or more of them, and such Person and Persons, Bodies Politick or Corporate, or Inhabitants, or Occupiers respectively, shall agree upon; which said Money shall be instantly paid to the said Trustees, or any Seven or more of them, or to their Appointment.

Surveyors may appeal to the Quarter Sessions 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 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 Roads; it shall and may be lawful for such Surveyor or Surveyors of the Highways, to appeal to the Quarter Sessions of the Peace next after such Direction or Appointment, unless the same shall be made within Eight Days preceeding such Quarter Session, and then to the Second Quarter Session next after such Direction and 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 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 Trustees.

Road to be measured, and Mile-stones erected.

And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said Road to be measured, and Mile-stones to be set up on the Sides of the said Road, with Inscriptions to be made thereon, denoting the Number of Miles and Distance of

Places;

Places, and also Posts at the several Roads leading out of the Road hereby directed to be repaired, with Inscriptions to be made thereon, denoting to what Place or Places the said Roads respectively lead: And if any Person or Persons shall wilfully or designedly break or pull down, dig up, injure, or destroy, any or either of the Stones or Posts that shall be so set up, or erase, obliterate, or deface, any of the Inscriptions 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 Stone or Post so wilfully and designedly broken, obliterated, defaced, or pulled down.

Penalty on defacing Mile-stones, &c.

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 wherein such Offender shall dwell; which Warrant the said Justice or Justices is and are hereby impowered and required to grant upon the Information of any One by 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 being first deducted) shall be paid to the said Trustees, or any Five or more of them, by their 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 Gaol of the County or Place, for any Time not exceeding Two Months.

Penalties to be levied by Distress and Sale.

Surveyors may appeal to the Quarter Sessions to prosecute the Statute-work.

For want of Distress, the Offenders to be committed.

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

Persons aggrieved may appeal to the Quarter Sessions.

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 other 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 Tolls; which said Justices at their Session, upon due Proof of such Notices 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 Persons concerned or interested therein.

Notice of Appeal to be given.

Proceedings not to be quash'd for want of Form,

nor removeable by *Certiorari*.

And be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other 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 Proces whatsoever, into any of his Majesty's Courts of Record at Westminster; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed to be unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

Distress not unlawful for want of Form;

nor the Party distraining to be 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 the Behalf of the Party distraining before such Action brought.

Plaintiff not to recover, on Tender of Amends.

And be it further enacted, That full, true, and fair, Accounts and Entries of all the Monies which shall be

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 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 Books.

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 no Order made by the said Trustees, or any Five or more of them, in, for, or concerning, the Execution of the Trusts, Powers, and Authorities of this Act, shall be revoked, repealed, or set aside, at any subsequent Meeting of the said Trustees, where the Proposition for the revoking, repealing, or setting aside, any such Order shall be made; but the Consideration of such Proposition shall be adjourned for the Consideration of the Trustees, at their next Meeting; at which Second Meeting it shall be determined by the Majority of the Trustees then present, whether such Order shall or shall not be revoked, repealed, or set aside: And Notice of such Second Meeting shall be given by the Clerk to the said Trustees, by affixing the same in Writing on all the Turnpike Gates then erected by virtue of this Act, at least Fifteen Days before such Second Meeting; and the Clerks shall insert in such Notice the Order proposed to be revoked, repealed, or set aside, at such Meeting, and the Intention of their taking such Proposition into Consideration. No Order to be revoked at the same Meeting it is proposed.

And whereas the Roads to be repaired by this Act, lead through several inclosed Lands and Grounds, where Gates are erected to prevent Cattle wandering from open Common Fields into such inclosed Lands and Grounds, and for preventing Cattle from wandering Proprietors of inclosed Lands may erect Gates.

from One inclosed Land and Ground to another, which Gates, if not continued, may be very prejudicial to the Owners and Occupiers of such inclosed Lands and Grounds; be it therefore further enacted, That it shall and may be lawful for any of the said Owners or Occupiers of such inclosed Lands and Grounds, to continue any such Gate or Gates erected across the said Roads, or any Part or Parts thereof, and to repair, support, and maintain, such Gate or Gates, or to erect any new Gate or Gates in the same Place or Places, as to such Owners or Occupiers shall seem most convenient for the Purposes aforesaid; any thing in this Act contained to the contrary notwithstanding.

Commencement and Continuance of this Act.

And be it further enacted, That the Tolls or Duties, and Powers hereby granted, shall commence and have Continuance from and after the passing of this Act, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Limitation of Actions.

And be it further enacted, That if any Action or 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 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 or Place where such Cause of Action shall arise, 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 Jurors 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,

General Issue.

Judgment 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 the Recovery thereof, as any Defendant or Defendants hath or have for his, her, or their Costs, in any other Cases by Law. Treble Costs.

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. Publick Act.

FINIS.