Anno quinto

Georgii III. Regis.

An Act to continue the Term, and to vary and enlarge the Powers of an Act paſſed in the Twenty fifth Year of His late Majeſty, for repairing the Road from *Wallingford* in the County of *Berks*, to *Wantage*, and from thence to *Faringdon*, and alſo from *Wantage* to *Idſon*, in the ſaid County, ſo far as the ſame relate to the Road leading from *Wallingford* to *Wantage*, and from thence to *Faringdon*; and for diſcontinuing the ſaid Term and Powers, ſo far as the ſame relate to the Road leading from *Wantage* to *Idſon*; and for repairing the Road leading from the North Eaſt Corner of *Nuffield Common*, by the Pariſh Church of *Nuffield*, otherwiſe *Tuffield*, in the County of *Oxford*, to the Commencement of the ſaid Turnpike Road leading from *Wallingford* to *Wantage*

WHEREAS by an Act paſſed in the Twenty fifth Year of the Reign of his late Majeſty, intituled, An Act for repairing the Roads from *Wallingford* in the County of *Berks*, to *Wantage*, and from thence to *Faringdon*, and alſo from *Wantage* to *Idſon*, in the ſaid County, ſeveral Tolls, Duties, and Powers, were granted for repairing the ſaid Roads, for the Term of Twenty one Years, Preamble.

from the Twenty fourth Day of June, One thousand seven hundred and fifty two, and from thence to the End of the then next Session of Parliament: And whereas the Trustees appointed in and by the said Act did, according to the Directions of the same, separate themselves, and act separately for each respective Road, and have made a considerable Progress in repairing the Roads leading from Wallingford to Wantage, and from Wantage to Faringdon, and for that Purpose have borrowed on the Credit of the Tolls collected between Wallingford and Wantage, the Sum of One thousand Pounds, and on the Credit of those collected between Wantage and Faringdon, the Sum of One hundred and fifty Pounds; which Sums cannot be repaid, and the said Roads be effectually kept in Repair, unless the Term granted by the said Act be extended, the Powers thereof enlarged, and the Tolls of the Road leading from Wantage to Faringdon be increased: And whereas the Road leading from the North East Corner of Nuffield Common, by the Parish Church of Nuffield, otherwise Tuffield, in the County of Oxford, to the Commencement of the said Road leading from Wallingford to Wantage (being the most direct and publick Road from London) is very ruinous, and cannot be effectually repaired by the Laws now in being; but the Gentlemen and other Inhabitants of Wallingford and the Parts adjacent, have raised a considerable Subscription for repairing the same, provided the future Management of the said Road be put under the Care of the Trustees of the said former Act, without erecting any Gates, or collecting any Tolls thereon: And whereas the said Trustees, to the utmost of their Power, did endeavour to carry into Execution the said Act, with respect to the Road leading from Wantage to Idson, but the same was found totally impracticable, and it will be very beneficial for the Country thereabouts, to discontinue the said Term and Powers with respect to the said Road leading from Wantage to Idson, and to consolidate into One Fund, the Tolls collected on the said several Roads leading from Wallingford to Wantage, and from Wantage to Faringdon, and to place such consolidated Tolls, and the whole Length of the Road leading from the North East Corner of Nuffield Common aforesaid, through Wallingford and Wantage, to Faringdon, under the Management and Direction of One and the same Set of Trustees: May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent

of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act, and all and every the Authorities, Powers, Provisions, and Clauses therein contained, so far only as the same relate to the said Road leading from Wantage to Idson, shall, immediately from and after the passing of this present Act, be and they are hereby repealed.

So much of the recited Act as relates to the Road from *Wantage* to *Idson*, repealed.

And be it further enacted, That the said Act, and all and every the Authorities, Powers, Privileges, Provisions, and Clauses therein contained (except only so much of the same as relates to the said Road between Wantage and Idson, and so far as the same are herein after altered or amended by this present Act) shall be and continue in Force, for and during all the Residue and Remainder of the said Term of Twenty one Years, now to come and unexpired; and from and after the Expiration thereof, then, for and during the further Term of Five Years; according to the Tenor of an Act made in the Twenty eighth Year of the Reign of his late Majesty, intituled, An Act to amend an Act made in the Twenty sixth Year of the Reign of His present Majesty, intituled, *An Act for the Amendment and Preservation of the Publick Highways and Turnpike Roads of this Kingdom; and for the more effectual Execution of the Laws relating thereto*; and from and after the Expiration of the said additional Term of Five Years, then for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; and shall extend and have Relation not only to the said Roads leading from Wallingford to Wantage, and from Wantage to Faringdon, but also to the whole Length of the Road leading from the North East Corner of Nuffield Common aforesaid, by the Parish Church of Nuffield, otherwise Tuffield, through Wallingford and Wantage to Faringdon, in as full and ample a Manner, as if the same were herein repeated and re-enacted in the Body of this present Act; which said additional Terms hereby granted, are hereby declared and enacted to be subject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the said first mentioned Act, and of such other Sum or Sums of Money as shall be borrowed for the Purposes of the said first mentioned Act, and of this Act, as herein after mentioned.

Continuance of the former Act, and Enlargement of its Powers, where not altered or amended by this Act.

And it is hereby also declared and enacted, That all and every the Authorities, Powers, Penalties, Forfeitures, Provisions, Rules, Orders, and Clauses, herein after mentioned and contained, shall endure and have

Commencement and Continuance of this Act.

Continuance from the making of this Act for and during the Residue now to come and unexpired of the said original Term of Twenty one Years, and also for and during the said additional Terms of Five Years and Twenty one Years, and from thence to the End of the then next Session of Parliament.

Trustees Names.

And be it further enacted, That the Right Honourable Charles Spencer Esquire, commonly called Lord Charles Spencer; Sir James Dashwood, Sir John Gibbons, Sir John Guise, and Sir George Pigot, Baronets; Lovelace Bigg, Abel Dottin, William Guise, William Jones, George Nedham, William Nedham, Charles Pye, Arthur Vansittart, Robert Vansittart, and Henry Vansittart, Esquires; and the Reverend Wall of Mungewall, together with the Trustees appointed in or by virtue of the said first mentioned Act to carry the same into Execution on any or either of the Roads aforesaid, shall be and they are hereby appointed Trustees for putting the said first mentioned Act and this Act in Execution; subject nevertheless to the same Qualification, and Penalty for acting if not qualified, as are mentioned and contained in the said first mentioned Act; and if any Person be prosecuted for such Penalty, he shall prove that he is qualified according to the Directions of the said first mentioned Act, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this or the said first mentioned Act.

Penalty on acting, not being qualified.

Time and Place of Trustees Meeting.

And be it further enacted, That the said Trustees shall meet at the George Inn in Wallingford, on Thursday the Eleventh Day of April, One thousand seven hundred and fifty five, and shall proceed to the Execution of this and the first mentioned Act; and shall also yearly and every Year during the Continuance of the said Acts meet at Wallingford aforesaid, on the First Thursday in the Months of July, October, January, and April, for the Purposes of the said Acts; and shall and may at such Quarterly or other intermediate Meetings adjourn themselves to the same or any other convenient Place near the said united Roads, as to them, or any Two or more of them, being the major Part of the Trustees then and there present, shall seem meet.

Clerk and Treasurer appointed.

And be it further enacted, That Alexander Boote Gentleman, now Clerk of the said Roads leading from Wallingford to Wantage, and from Wantage to Faringdon, shall be and he is hereby constituted Clerk of the said united Roads; and that John Toovey Gentleman, now Treasurer of the Road leading from Wallingford

to Wantage, shall be and is hereby constituted Treasurer of the said united Roads, to continue only during the Pleasure of the said Trustees, or any Five or more of them, with such respective Salaries as they, or any Five or more of them, shall appoint; and that the said Treasurer, and all future Treasurers, shall give such Security for the due Performance of their Duty, as to the said Trustees for the time being, or any Five or more of them, shall seem reasonable.

Former Tolls between *Wantage* and *Faringdon* to cease, and the following to be taken.

And be it further enacted, That from and after the Twenty fourth Day of June, One thousand seven hundred and fifty five, the Tolls and Duties directed to be taken by the said first mentioned Act on the Road leading from Wantage to Faringdon, shall cease; and instead thereof the said Trustees, or such Person or Persons as they, or any Five or more of them, shall authorize and appoint, shall demand and take, or cause to be demanded and taken, during the Continuance of this Act, at the Gate now erected, or any other which shall be erected between Wantage and Faringdon aforesaid, before any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Hearse, Litter, Waggon, Wain, Cart, or other Carriage whatsoever, be permitted to pass through the same, or any of them, the Tolls and Duties following; that is to say,

The Tolls.

For every Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Hearse, Litter, or Tilted Stage Waggon with Four Wheels, the Sum of Six Pence; and with less than Four Wheels, Two Pence.

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

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

For every Drove of Oxen, Cows, or other Neat Cattle, the Sum of Ten Pence per Score; and so in proportion for any greater or less Number.

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

Tolls vested in the Trustees.

Which said Sums, together with the Sums directed by the said first mentioned Act to be demanded and taken on the Road leading from Wallingford to Wantage aforesaid, shall be vested in the said Trustees of the said united

united Roads, to and for the Purposes of this and the said first mentioned Act, and shall be deemed and taken to be One and the same consolidated Fund; and the same, and every Part thereof, shall be applied, disposed of, leased, assigned, and levied in such Manner, and with such Remedies for the Non-payment or Evasion of the same, and with such and the same Exemptions, Powers, and Provisions, as by the said first mentioned Act are provided and granted with respect to the Tolls and Duties therein directed to be taken.

No Exemptions on account of having paid the Tolls at any of the Gates herein mentioned.

Provided always, That no Person or Persons, having paid the Tolls or Duties at any of the Gates erected or to be erected at or between Wallingford and Wantage, shall thereby be exempted from the Payment of the Tolls or Duties at any of the Gates erected or to be erected between Wantage and Faringdon; nor, having paid the Tolls or Duties at any of the Gates erected or to be erected between Wantage and Faringdon, shall thereby be exempted from the Payment of the Tolls or Duties at any of the Gates erected or to be erected at or between Wallingford and Wantage aforesaid.

No Toll to be taken between *Nutfield Common* and *The Kennicroft*.

Provided also, and it is hereby further enacted, That no Gate shall be erected, or any Toll or Duty be taken by virtue of this or the said first mentioned Act, on any Part of the Road leading from the North East Corner of Nuffield Common aforesaid, to the North East Corner of a certain Place called The Kennicroft, within the Borough of Wallingford; any thing in this or the said first mentioned Act to the contrary thereof notwithstanding.

Trustees may borrow 4000*l.* upon the Credit of the Tolls.

And be it further enacted, That the said Trustees, or any Nine or more of them, at any of their said Quarterly Meetings, may borrow any Sum or Sums of Money on the Credit of the Tolls which shall be collected on the said united Roads, not exceeding in the Whole (together with the Sums already borrowed by virtue of the said first mentioned Act) the Sum of Four thousand Pounds, at legal or less Interest, in like Manner, and with the same Provisions in every Respect, as are directed to be observed by the said first mentioned Act, with regard to the Sums thereby directed to be borrowed; which Sums shall be applied in the First Place towards discharging the Expences of this Act, and then shall be disposed of for the Purposes of this and the said first mentioned Act, and to no other Use or Purpose whatsoever.

Proportions of Statute-work to be done by the several Inhabitants.

And be it further enacted, That the several Inhabitants of the Parishes of Crowmersh Gifford, Benfington, and Nuffield, otherwise Tuffield, in the County of Oxford, and of Wantage, and also of Saint Mary, in the

Borough

Borough of Wallingford, in the County of Berks, shall in the First Year from and after the Commencement of this Act, do and perform the following Proportions of their Statute or Days Work on such Parts of the Road herein directed to be repaired as lie within their respective Parishes; that is to say, The Inhabitants of Crowmersh Gifford Four, the Inhabitants of Benfington One, the Inhabitants of Nuffield, otherwise Tuffield, Three, and the Inhabitants of Wantage and Saint Mary in Wallingford Two, of their said respective Statute or Days Work; and shall afterwards yearly and every Year do such and so many of their Statute or Days Work on the said respective Roads, as the said Trustees, or any Five or more of them, shall require, not exceeding in any One Year Three Days for the Inhabitants of Crowmersh Gifford and the Inhabitants of Wantage respectively, One Day for the Inhabitants of Benfington, and Two Days for the Inhabitants of Nuffield, otherwise Tuffield, and the Inhabitants of Saint Mary in Wallingford respectively: Which said Statute or Days Work shall at all Times hereafter, during the Continuance of this Act, be performed on such Days, in such Manner, and in such Places, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall require, according to the Provisions contained in this and the said first-mentioned Act, or may be compounded for, and the Composition-money recovered in such Manner, and by such Means, as are directed by the said first-mentioned Act, with regard to the Statute-work thereby directed to be performed.

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

And be it further enacted, That every Inhabitant of any Township, Parish, Place, or Division, in which any of the Roads directed to be repaired by this or the said first-mentioned Act are situate, 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 for every Fifty Pounds a Year, which he shall so rent, hold, or occupy, shall do Statute or Days Work with One Team upon the said Road for so many Days as shall be required by the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, not exceeding the Number of Days respectively limited by this or the said first-mentioned Act.

And, to the End that the said Trustees may know the Inhabitants of all the Townships, Parishes, Places, and Divisions, wherein the Roads by this and the said first-mentioned 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 it shall and may be lawful to and for the said Trustees, or any Five or more of them, to summon the Surveyors of the Highways, for the time being, for the respective Townships, Parishes, Places, and Divisions, wherein any Part of the said Road doth lie, to appear before the said Trustees, or any Five or more of them, at some publick Meeting, to be holden at the Distance at least of Ten Days from and after the Time of such Summons; and then and there to bring in and deliver upon Oath (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer) true and perfect Lists in Writing of the Names of all the Inhabitants of such Townships, Parishes, Places, and Divisions respectively, who are liable by this or the said first mentioned Act to do their Statute Duties in and upon the said Road, with Teams or otherwise: And if any Parish Surveyor or Surveyors aforesaid shall refuse or neglect so to do, when summoned as aforesaid, he or they for every such Refusal or Neglect shall forfeit and pay the Sum of Five Pounds, to be recovered and applied in the same Manner as by the said first mentioned Act is directed in respect of other Penalties.

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

Penalty on Surveyors neglecting to deliver in such Lists.

And be it further enacted by the Authority aforesaid, That if any Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Executors, Administrators, Husbands, Guardians, Trustees, or other Person or Persons interested in their own Right, or on Behalf of any Feme-covert, Infant, Cestuique Trust, or other Person under any Disability whatever, in any Lands, Grounds, or Hereditaments (not being the Site of any Dwelling-house, or any Park, Plantation, or Nursery) which the said Trustees, or any Nine or more of them, shall think proper to take in or add to the said united Roads, or any Part of them, or into or through which the said Trustees, or any Nine or more of them, shall think proper to turn or alter the said united Roads, or any Part thereof, upon Notice to him, her, or them, given or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, 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

Persons neglecting to treat, &c.

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 to be inquired into, ascertained, and assessed, 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 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 Road, 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, 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 Trustees are hereby impowered to administer) and they shall also 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 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 inquired of, ascertained, and assessed 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, 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 Parties and Persons whatsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Cestuique Trusts, Infants, Femes-covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole,

Jury to settle the Recompence.

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be final.

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 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 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, to be drawn by Ballot out of the said Twenty four; 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 speedily be procured to attend that Service, who shall be sworn in like Manner, till the Number of Twelve be completed, which Twelve shall be the Jury for the Purposes aforesaid; 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 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 shall refuse to give or not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, or appearing, shall refuse to be sworn,

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

Jurors may be challenged.

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

ſworn and give Evidence; and from time to time to recover, levy, and apply ſuch Fine or Fines in the ſame Manner as any other Forfeiture or Penalty is by the ſaid firſt-mentioned Act directed to be recovered, levied, and applied, ſo as that no ſuch Fine ſhall exceed the Sum of Ten Pounds upon any Perſon for One Offence. 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 and deliver a Verdict or Aſſeſſment for more Monies, 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 Nine or more of them, before the ſummoning or 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, or Intereſt, in the ſaid Lands, Grounds, or Hereditaments, or Loſſes 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 granted by this or the ſaid firſt-mentioned Act, or out of any Money to be borrowed upon the Credit thereof; but if any Jury or Juries, ſo to be ſummoned and ſworn as aforeſaid, ſhall give in and deliver a Verdict or Aſſeſſment for no more or for leſs Monies than ſhall have been agreed to and offered by the ſaid Truſtees, or any Nine 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 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. Expences of the Jury how to be borne

And be it further enacted, That unleſs before the Firſt Thurſday in October, One thouſand ſeven hundred and ſixty ſix, that Part of the Road leading from Wallingford to Wantage, which now goes through the Village of Harwell, in the County of Berks, ſhall be ſufficiently and completely repaired, widened, and amended, in a

workman-like, lasting, substantial, and convenient Manner, and the same shall be then proved to the said Trustees, or any Five or more of them, at their Quarterly Meeting, upon the Oath of Two credible and disinterested Witnesses (not being Inhabitants of or interested in the Parish of Harwell aforesaid) which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer; then, and in such Case, the said Trustees, or any Nine or more of them, shall and may, and they are hereby required to turn and alter the said Road leading through the Village of Harwell, and to carry the same over the open Common Fields of the Parish of Harwell aforesaid; and thenceforward all Contracts, Compositions, or Agreements, between the said Trustees, and the said Inhabitants of Harwell, with relation to the Statute-work to be performed on the said Road, shall cease, determine, and be void.

Distress not unlawful for want of Form;

And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this or the said first mentioned Act, the Distress shall not be deemed to be unlawful, nor the Party or Parties making the same 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

nor the Parties distraining deemed Trespassers *ab initio*.

the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall afterwards be 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; provided that no Plaintiff or Plaintiffs shall recover in any Action or Actions for such Irregularity, if a sufficient Tender of Amends hath been made to him, her, or them, by or on the Behalf of the Defendant or Defendants before such Action brought.

Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Deposition, Order, Judgement, Conviction, Warrant, Lease, Mortgage, Assignment, Transfer, or other Security for the Borrowing of Money, or any other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or any Lessee or Lessees of the said Tolls or Duties, or any Owner or Owners of any of the Securities aforesaid, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any

Power or Authority vested by this or the said first-mentioned Act in such Trustee or Trustees, or Justice or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp or Duty whatsoever.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought or prosecuted against any Person or Persons for any thing done in pursuance of this or the said first-mentioned Act, every such Action or Suit shall be commenced within Six Months next after the Fact committed, and not afterwards; and shall be laid and brought in the County where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any such Action or Suit shall be so brought after the Time before limited for bringing the same, or shall be brought in any other County or Place, then the Jury shall find for the Defendant or Defendants; and upon a Verdict for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall become Nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions after the Defendant or Defendants shall have appeared; or upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, upon Affidavit made, or the Certificate of the Judge or Judges before whom such Cause shall be tried, whereby it may appear that such Suit was prosecuted against such Defendant or Defendants for Matters done in pursuance of this or the said first-mentioned Act, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in any other Case by Law. Limitation of Actions. General Issue. Treble Cost's.

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

FINIS.