Anno ſeptimo

Georgii III. Regis.

An Act for repairing and widening the Road from the Weſt End of *Thames Street*, in the City of *Oxford*, over *Botley Cauſeway*, to the Turnpike Road near *Fifield*, in the County of *Berks*.

WHEREAS the Road from the Weſt End of Thames Street, otherwiſe George Lane, in the City of Oxford, over a certain Cauſeway called Botley Cauſeway, to Botley, and from thence over Cumner Hurſt and Common Fields, through Beſils Leigh and Tubney Wood, to the Turnpike Road near Fifield, in the County of Berks, is very narrow and ruinous, and in many Places impaſſable for Carriages, and cannot be ſufficiently repaired and widened, unleſs ſome Proviſion be made for thoſe Purpoſes by Parliament: May it therefore pleaſe your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable Charles Spencer, commonly called Lord Charles Spencer; the Right Honourable Robert Spencer, commonly

Preamble.

Truſtees Names.

commonly called Lord Robert Spencer; the Right Honourable Philip Lord Viſcount Wenman in the Kingdom of Ireland, the Right Honourable George Simon Harcourt, commonly called Lord Viſcount Newnham; the Honourable Robert Lee, the Honourable Peregrine Bertie, the Honourable William Harcourt, the Honourable Richard Wenman, the Honourable Thomas Wenman, the Honourable John Tracy, the Honourable Shute Barrington, the Honourable William Digby, Sir Walter Wagſtaffe Bagot, Sir James Daſhwood, Sir Banks Jenkinſon, Sir Roger Newdigate, Sir Thomas Stapleton, and Sir John Stonhouſe, Baronets; George Nares Serjeant at Law, Sir Thomas Munday Knight, Henry Barton, Edward Bentham, Joſeph Browne, Benjamin Buckler, Daniel Burton, Richard Cuſt, William Denniſon, George Dixon, David Durell, Thomas Fry, David Gregory, William Gower, Matthew Horberry, Thomas Hunt, Richard Hutchins, Thomas Jenner, Theophilus Leigh, John Moore, Chardin Muſgrave, Tudway Naſh, Thomas Nowell, Humphrey Owen, Francis Randolph, Thomas Randolph, John Ratcliffe, Chriſtopher Robinſon, John Sandford, Richard Scrope, John Tottie, Francis Webber, Thomas Weſt, Nathaniel Wetherell, Thomas Wincheſter, George Wyndham, and Francis Yarborough, Doctors in Divinity; Thomas Bever, Edward Cooper, Thomas Hayward, Robert Jenner, Seward, Joſeph Smith, and James Stonhouſe, Doctors of Civil Law, Foulkes, John Kelly, William Lewis, Humphrey Sibthorpe, John Smith, William Vivian, and Robert Whalley, Doctors of Phyſick; John Auſtin, Charles Bertie Clerk, Charles Barrow Eſquire, John Blackford, Henry Blackſtone Clerk, William Blackſtone Eſquire, John Blandy Eſquire, Thomas Bouchier, James Burrowes, Robert Chambers Eſquire, Charles Collins, William Coſter, John Cox Clerk, Thomas Craven Eſquire, John Curtis, John Drought, John Meggot Elves Eſquire, James Etty, James Fletcher, William Fludger, Peter Foulkes Eſquire, Gaſcoigne Frederick Eſquire, Samuel Glaſs, John Greenwood, John Holman, Thomas Hornſby Clerk, Thomas Howe, William Jackſon, Richard Kaye Clerk, James Kemp, Ralph Kirby, Richard Lambourn Eſquire, Iſaac Lawrance, William Lenthall Eſquire, John Loder Clerk, Charles Long Eſquire, John Long Clerk, Samuel Malbon, James Morrell, John Morton Eſquire, John Nicholls, Charles Nourſe, John Philipps, Champneys Pleydell Eſquire, Daniel Prince, Benjamin Pye Clerk, Charles Pye Eſquire, Henry James Pye Eſquire, Michael Rawlins Clerk, Clement Saxton Eſquire, Vincent Shortland, Robert Southby Eſquire,

Eſquire, Thomas Stevens, Richard Stonhouſe Eſquire, William Stonehouſe Eſquire, Deodatus Stone, William Elias Taunton, Edward Tawney, Richard Tawney, William Thorp, William Tompkins, John Townſend, John Treacher, Thomas Trollope, Arthur Vanſittart Eſquire, Robert Vanſittart Eſquire, John Walker, Thomas Walker, Philip Ward, John Warneford Clerk, Francis Waſtie Eſquire, Benjamin Watſon, Richard Way, Maximilian Weſtern Eſquire, Anthony Weſton, Phipps Weſton Clerk, Phipps Weſton junior Clerk, William Wickham, Randle Wilbraham Eſquire, Samuel Wilmot Eſquire, and Thomas Wiſe, the Vice Chancellor, Heads of Colleges and Halls, Proctors, and Profeſſors, in the Univerſity of Oxford for the time being; the Mayor, Recorder, Aldermen, Bailiffs, Aſſiſtants, and Town Clerk, of the City of Oxford for the time being; and the Canons of Chriſt Church, Oxford, for the time being, and their Succeſſors, to be appointed in Manner herein after-mentioned, ſhall be, and they are hereby appointed, Truſtees for putting in Execution all the Powers in and by this Act given and granted.

Qualification of Truſtees.

And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in any Caſe in the Execution of this Act, unleſs at the Time of his acting therein, he ſhall be ſeiſed or poſſeſſed in his own Right, or in the Right of his Wife, and ſhall be in the actual Enjoyment or Receipt of the Rents and Profits of an Eſtate in Lands, Tenements, or Hereditaments, either in Law or Equity, within that Part of Great Britain called England, which ſhall be of the clear yearly Value of Fifty Pounds, above all Reprizes; or ſhall be Heir Apparent of a Perſon ſeized of an Eſtate in Lands, of the clear yearly Value of Two hundred Pounds: And if any Perſon ſo made incapable to act, ſhall nevertheleſs preſume to act in the Truſt aforeſaid, every ſuch Perſon, for ſuch Offence, ſhall forfeit and pay the Sum of Fifty Pounds, to any Perſon or Perſons who will 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, Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and the Perſon ſo proſecuted, ſhall prove that he is ſo qualified, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act.

Penalty on acting if not qualified.

Time and Place of Truſtee Meetings.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the Angel Inn in Oxford, on Wedneſday the Twenty ſecond Day of April, One thouſand ſeven hundred and ſixty ſeven, and ſhall proceed to the Execution of this Act, and ſhall alſo yearly and every Year, during the Continuance of this Act, meet at Oxford aforeſaid, on the Firſt Wedneſday in the Months of July, October, January, and April, for the Purpoſes of this Act, and ſhall and may, at ſuch Quarterly or other Meetings, adjourn themſelves to the ſame or any other Place near the ſaid Road, as the ſaid Truſtees, or any Two or more of them, being the Whole or major Part of the Truſtees then and there preſent, ſhall think proper: And if it ſhall happen that there ſhall not appear at any Meeting a ſufficient Number of Truſtees to act at ſuch Meeting, or to adjourn to another Day, then the Clerk to the ſaid Truſtees ſhall, by Notice 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 or ſome other convenient Place on that Day Three Weeks on which ſuch laſt mentioned Meeting was appointed to be held; and the ſaid Truſtees, at all their Meetings, ſhall defray their own Charges and Expences.

In Default of a ſufficient Number to act,

Clerk to give Notice of another Meeting.

Truſtees to defray their own Expences.

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

And be it further enacted, That when and as often as any Truſtee or Truſtees ſhall die, or by Writing under his Hand, delivered to the Clerk of the ſaid Truſtees, ſhall refuſe to act, it ſhall and may be lawful for ſuch of the ſaid Truſtees as ſhall ſurvive or remain, or any Five or more of them, by Writing or Writings under their Hands and Seals, from time to time, to elect One or more fit Perſon or Perſons in the Room or Place of ſuch Truſtee or Truſtees ſo dying or refuſing to act; Notice of the Time and Place of Meeting for ſuch Election being previouſly affixed in Writing on all the Turnpike-gates which ſhall be erected by virtue of this Act, at leaſt Ten Days before the Meeting for ſuch Election; and every ſuch Perſon ſo elected (being duly qualified as aforeſaid) ſhall be, and is hereby declared to be, to all Intents and Purpoſes, a Truſtee for carrying this Act into Execution.

Truſtees may erect Turnpikes and Toll-houſes,

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall cauſe to be erected a Gate or Gates, Turnpike or Turnpikes, in or acroſs any Part or Parts of the ſaid Cauſeway called Botley Cauſeway; and alſo One other Gate or Gates, Turnpike or Turnpikes, in or acroſs any Part or Parts of

the ſaid Road between Cumner Common Field and Fifield aforeſaid, and alſo a Toll-houſe or Toll-houſes adjoining to each of the ſame reſpectively; and the reſpective Tolls following ſhall be demanded and taken thereat, of the Perſon or Perſons attending any Cattle or Carriages herein after mentioned, before any ſuch Cattle or Carriage ſhall be permitted to paſs through the ſame, or any of them; that is to ſay, and take the following Tolls thereat.

For every Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, Chair, Hearſe, Waggon, Wain, Dray, Car, Cart, or other Carriage whatſoever, with Four Wheels, the Sum of Four Pence; and with leſs than Four Wheels, the Sum of Two Pence. The Tolls

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

For every Ox, Bull, Cow, Steer, or Heifer, the Sum of One Halfpenny.

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

Which Sum and Sums reſpectively, ſhall be demanded and taken in the Name of, or as a Toll or Duty; and the Money ſo to be raiſed, ſhall be and is hereby veſted in the ſaid Truſtees; and the ſame, and every Part thereof, ſhall be paid and applied in ſuch Manner as is herein after mentioned and directed; and it ſhall and may be lawful to and for ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, under their Hands and Seals, ſhall from time to time nominate and appoint, to demand and take the Tolls or Duties hereby granted and made payable; and alſo to levy the ſame upon any Perſon or Perſons liable to pay the ſame, who ſhall, after Demand thereof made, neglect or refuſe to pay ſuch Tolls or Duties as aforeſaid, by Diſtreſs of any Carriage or Carriages, or Cattle, upon which ſuch Tolls or Duties are by this Act impoſed, or by Diſtreſs of any other of the Goods and Chattles of the Perſon or Perſons ſo neglecting or refuſing as aforeſaid, wheresoever the ſame may be found, and to detain and keep ſuch Goods and Chattles ſo diſtrained, until ſuch Tolls or Duties, with the reaſonable Charges of ſuch diſtraining and keeping, ſhall be paid; and ſuch Perſon or Perſons ſo diſtraining, after the Space of Four Days after ſuch Diſtreſs made and taken, ſhall and may ſell the Goods or Chattles ſo diſtrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, Tolls veſted in the Truſtees. Tolls to be levied by Diſtreſs and Sale. Diſtreſs to be ſold after 4 Days.

thereof, after ſuch Tolls and Duties, and the reaſonable Charges for diſtraining, keeping, and ſelling the ſame, ſhall be deducted and paid.

Application of the 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 all 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 Road, and defraying the neceſſary Coſts, Charges, and Expences, attending the ſame, and the Execution of this Act, and to ſuch other Purpoſes as are herein after mentioned, and to no other Uſe or Purpoſe whatſoever.

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

And be it further enacted, That if any Perſon or Perſons whatſoever, owning, renting, or occupying, any Lands or other Premiſſes near any Turnpike which ſhall be erected in purſuance of this Act, ſhall knowingly or wittingly permit or ſuffer any Perſon or Perſons to paſs over the ſame, or through any Gate, Paſſage, Incloſure, or Way, with any Sort of Carriage or Cattle, whereby the Payment of the Tolls or Duties by this Act laid, or any Part thereof, is or ſhall be avoided; every ſuch Perſon or Perſons ſo offending, and the Perſon or Perſons riding in or upon, driving, or owning ſuch Carriage or Cattle, ſhall, for every ſuch Offence reſpectively, forfeit and pay the Sum of Twenty Shillings.

Exemptions from Tolls.

Provided always, and be it further enacted, That no Perſon or Perſons ſhall be charged with any of the Tolls or Duties aforeſaid, for paſſing through any of the Turnpikes to be erected by virtue of this Act, with any Cattle or Carriages going empty for, or drawing, or carrying, or returning empty, after having drawn or carried any Materials for repairing the ſaid Road, or for amending any of the Highways in the Pariſhes or Townſhips in which the Road directed by this Act to be repaired doth lie, or any Manure or Compoſt to be laid upon Lands or Gardens, or any Hay or Corn in the Straw to be laid up in the Houſes, Outhouſes, Barns, or Yards, belonging to the reſpective Inhabitants of the ſeveral Pariſhes or Townſhips aforeſaid, or with any Ploughs, Harrows, or other Implements of Huſbandry, belonging to, or employed by, ſuch Inhabitants reſpectively, or with any Horſes or other Cattle going

going to or returning from Paſture or Watering Places belonging to ſuch Pariſhes or Townſhips, or going to be ſhoed or farried, or returning therefrom; or with any Horſes or Carriages drawing or carrying the Poſt, Mail, or Packet, or attending any Soldiers on their March, or laden with their Arms or Baggage, or travelling with Vagrants ſent by legal Paſſes; or going to, or returning from, the Election of a Knight or Knights of the Shire to ſerve in Parliament for the Counties of Oxford and Berks, or either of them, on the Day or Days of ſuch Election; or going to, or returning from, any Church, Chapel, or other Place of Religious Worſhip on Sundays, within the ſame Pariſh in which the ſaid Turnpikes ſhall be reſpectively erected as aforeſaid: And if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being intitled to the ſame, each Perſon for every ſuch Offence, ſhall forfeit and pay the Sum of Twenty Shillings. Penalty of making illegal Claims.

And be it further enacted, That no Perſon or Perſons who ſhall have paid the Tolls or Duties at any of the ſaid Turnpikes, and ſhall return through the ſame, or any other Turnpike or Turnpikes on the ſame Part of the ſaid Road, before Twelve of the Clock in the Night of the ſame Day, with the ſame Carriage or Cattle, ſhall be liable to pay the ſaid Tolls or Duties more than Once; ſuch Perſon or Perſons producing a Note or Ticket, denoting ſuch Payment, which the Collector or Collectors of the ſaid Tolls is and are hereby required on Payment of ſuch Tolls to deliver gratis. Tolls to be paid but Once a Day.

Provided always, That no Perſon or Perſons having paid the Tolls at any of the Gates to be erected on Botley Cauſeway, ſhall thereby be exempted from the Payment of the Tolls at any of the Gates to be erected between Cumner Common Field and Fifield, nor having paid the Tolls at any of the Gates to be erected between Cumner Common Field and Fifield, ſhall thereby be exempted from the Payment of the Tolls at any of the Gates erected on Botley Cauſeway. Proviſo.

And be it further enacted, That if any Perſon or Perſons ſhall give or diſpoſe of any ſuch Note or Ticket to any Perſon or Perſons in order to prevent, evade, or avoid, the Payment of any of the ſaid Tolls or Duties, every ſuch Perſon giving or diſpoſing of ſuch Note or Ticket, and the Perſon receiving and tendering the ſame at any of the ſaid Gates or Turnpikes, ſhall reſpectively forfeit and pay the Sum of Twenty Shillings. Penalty on giving or receiving Tickets.

And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or Truſtees may erect Side-gates,

more of them, to erect, or cauſe to be erected, One or more Gate or Gates, Turnpike or Turnpikes, and Toll-houſe or Toll-houſes, on the Side or Sides of the ſaid Road, and croſs any Lane or Way leading out of the ſame, and there to take and levy, or cauſe to be taken and levied, ſuch Tolls as are by this Act granted and made payable, ſo as the Erection of ſuch Side-gates between Oxford and the Weſt End of Cumner Common Field, ſhall not occaſion a Double Charge to Perſons paſſing through the Turnpike or Turnpikes to be erected on Botley Cauſeway; nor ſhall the Erection of ſuch Side-gates between Cumner Common Field and Fifield, occaſion a Double Charge to Perſons paſſing through the Turnpike or Turnpikes to be erected on the main Road from Cumner Common Field to Fifield aforeſaid.

and take Toll thereat,

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

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

And be it further enacted, That the ſaid Truſtees, or any Nine or more of them, ſhall and may, and they are hereby authorized and impowered, with the Conſent of the Perſon or Perſons who ſhall have advanced any Money on the Credit of the ſaid Tolls or Duties, from time to time, to vary or alter the ſeveral Tolls or Duties hereby granted and made payable, and to order and direct the ſame to be collected, received, and taken, in ſuch Manner, Parts, and Proportions, as they ſhall think fit, ſo that the ſaid Tolls or Duties, ſo from time to time varied and altered, ſhall never exceed the Tolls or Duties granted in and by this Act; any thing herein contained to the contrary notwithſtanding.

Truſtees may appoint Officers;

and remove them, and appoint others.

Officers to account upon Oath.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, preſent at their Firſt or any ſucceeding Meeting, by any Writing or Writings under their Hands and Seals, ſhall and may appoint One or more Clerk or Clerks, Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, of the Tolls or Duties aforeſaid, and Surveyor or Surveyors of the ſaid Road, and alſo ſuch other Officer or Officers as the ſaid Truſtees, or any Five or more of them, ſhall think neceſſary; and ſhall and may, from time to time, remove ſuch Clerks, Treaſurers, Collectors, Receivers, and Surveyors, and other Officers, or any of them, as they ſhall ſee Occaſion, and appoint new Ones in caſe of Death, Reſignation, or ſuch Removal: And all and every ſuch Officer and Officers, ſo appointed as aforeſaid, ſhall, upon Oath, (if thereunto required by the ſaid Truſtees, or any Five or more of them, or before any One or more Juſtice or Juſtices of the Peace reſiding near to the ſaid Road, which Oath ſuch Truſtees, or any Five or more of them, or ſuch Juſtice or Juſtices of the Peace, is and are hereby

by impowered and required to adminiſter or tender, for which Oath no Fee or Reward ſhall be taken) on the First Monday in every Month, or oftener, if required, give in to the ſaid Truſtees, or any Five or more of them, or to their ſaid Treaſurer or Treaſurers for the time being, a true, exact, and perfect, Account in Writing under their reſpective Hands, with proper Vouchers, of all Monies which he, ſhe, or they, and every or any of them, ſhall to ſuch 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 his, her, or 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 or Perſons as they, or any Five or more of them, ſhall, by any Writing or Writings under their Hands, authorize and impower to receive the ſame, and ſhall be diſburſed and laid out in the Execution of this Act, and not otherwiſe: And in caſe any ſuch Officers ſhall not give in and make ſuch Account and Payment as aforeſaid, that then any One or more Juſtice or Juſtices of the Peace for the County where ſuch Officer ſhall dwell, ſhall and may make Enquiry of and concerning ſuch Default as aforeſaid in a ſummary Way, as well by Confeſſion of the Party, as by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath (which Oath the ſaid Juſtice or Juſtices is and are hereby impowered and required to adminiſter without Fee or Reward) and if any ſuch Officer ſhall be convicted of all or any of the Offences aforeſaid, ſuch Juſtice or Juſtices ſhall, upon ſuch Conviction, commit the Party to the common Gaol of the ſaid County, there to remain without Bail or Mainprize, until he ſhall have made a perfect Account and Payment as aforeſaid, or until he ſhall have compounded and agreed with the ſaid Truſtees, or any Five or more of them, and have paid ſuch Compoſition Money, which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby authorized and impowered to make; and the ſaid Truſtees, or any Five or more of them, ſhall and may, out of the Money ariſing by the ſaid Tolls or Duties, make ſuch Allowance to the ſaid Clerk or Clerks, Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, and other Officer or Officers, for and in Conſideration of his and their Care and Pains reſpectively taken in the Execution of his and their ſaid Office or Offices, and to ſuch other Perſon or Perſons as ſhall have been employed in the Execution of this Act, as to the ſaid Truſtees, or any Five or more of

Officers refuſing to account,

Juſtices may enquire into the Default;

and commit the Offender;

till Payment or Compoſition made.

Truſtees to allow Officers Salaries.

of them, shall seem reasonable; but no Person shall be capable of holding any Place of Profit under the said Trustees who shall sell any Wine, Ale, or Spirituous Liquors, by Retail.

Treasurer to give Security.

And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, and they are hereby authorized and required to take such Security from the Treasurer or Treasurers 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.

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

Provided always, and be it further enacted and declared, 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 or Duties hereby granted.

Turnpikes, &c. vested in the Trustees.

And be it further enacted, That the said Gates or Turnpikes 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 Road, 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 to be brought, any Action or Actions in the Name of any One of them, or 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 Gate, Turnpike, 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 repairing the said Road.

Trustees may lease, &c. the Tolls.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, to let to farm or demise all or any of the Tolls or Duties granted by this Act, for any Term of Years not exceeding Three Years, at and under such Rent, payable at such Times, and under such Covenants, as to the said Trustees, or any Nine or more of them, shall think fit, the said Trustees taking such sufficient Security from such Person or Persons to whom such Tolls or Duties shall be leased or demised, for Payment of such Rents or Performance of the said Covenants, as the said Trustees, or any Nine or more of them, shall think fit.

And whereas the widening of Botley Cauſeway aforeſaid to a competent Breadth, will be attended with a great Expence, and the Nobility, Gentry, and others, of the Counties of Oxford and Berks, and the Univerſity and City of Oxford, have raiſed a conſiderable Subſcription among themſelves, by way of free Gift for that Purpoſe, amounting to Six hundred Pounds and upwards, provided an Act of Parliament ſhould be obtained for widening the ſaid Cauſeway to the Breadth of Thirty Feet; be it therefore enacted, That all the Monies ſo ſubſcribed, ſhall be payable and paid to the Treaſurer of the ſaid Truſtees for the time being, whoſe Receipt ſhall be a full Diſcharge for the ſame; and that the ſaid Truſtees ſhall and may, and they are hereby authorized and required (out of the ſaid Monies, and out of the Tolls to be collected at the ſaid Turnpike-gates, or the Monies to be borrowed on the Credit thereof) to widen the ſaid Cauſeway to the Breadth of Thirty Feet, and to raiſe, fence, and repair the ſame, ſo as to prevent Inconvenience or Danger in the Time of Floods or otherwiſe; and alſo to rebuild the ſeveral Bridges which connect the different Parts of the ſaid Cauſeway to each other in the ſame Number as at preſent, or in a greater or leſs Number, as they, or any Nine or more of them, ſhall judge to be moſt convenient, making the ſaid Bridges at leaſt Twenty Feet wide in the Clear for the Paſſage of Cattle and Carriages.

Subſcription for widening *Botley Cauſeway* to be paid to the Treaſurer.

Cauſeway to be 30 Feet wide,

and Bridges to be 20.

And whereas by an Act made in the Eighteenth Year of the Reign of Queen Elizabeth, intituled, An Act for the repairing and amending of the Bridges and Highways near unto the City of *Oxford*; and by another Act made in the Thirty fifth Year of the Reign of the ſame Queen, intituled, An Act for the Reviving, Continuance, Explanation, and Perfecting, of divers Statutes (which ſaid Acts are continued indefinitely by Two other Acts, One made in the Third, and the other made in the Sixteenth, by Two other Acts, One made in the Third, and the other in the Sixteenth Year of the Reign of King Charles the Firſt) it is provided and enacted, That every Perſon having One Yardland or more in his Poſſeſſion, lying within Five Miles of the Univerſity and City of Oxford, or the Franchiſes of the ſame, ſhall, for every Yardland, perform ſuch perſonal Duty as in the ſaid Acts is mentioned, or in lieu thereof ſhall make certain annual Payments, ſpecified in the ſaid Acts, unto the Vice Chancellor and Mayor of the ſame Univerſity and City for the time being, or their Deputy or Deputies, towards the amending of the Bridges and Highways lying and being within One Mile of the ſaid

City of Oxford, with Remedy by Diſtreſs for ſuch Sums as ſhall be due and not paid as aforeſaid: And whereas the ſaid Cauſeway, called Botley Cauſeway, is One of the ſaid Mile-ways, and the ſeveral Sums of Money following have uſually been received and collected annually, by virtue of the ſaid Acts of Parliament, for repairing the ſaid Cauſeway, of and from the ſeveral Pariſhes and Townſhips in the County of Berks following; that is to ſay, Of Swynford Fifteen Shillings, North Hinkſey One Pound Four Shillings, Wytham One Pound Ten Shillings, Chawley Fourteen Shillings, Eaton Fifteen Shillings, Cumner Henwood and Bradley One Pound Sixteen Shillings, Hill End Twelve Shillings, Stroud Fourteen Shillings, Whitley Ten Shillings, and Botley Nine Shillings; and of and from the ſeveral Pariſhes and Townſhips in the County of Oxford following; that is to ſay, Of Binſey Six Shillings, Northmore Ten Shillings, Stanton Harcourt Ten Shillings, and Eynſham One Pound Ten Shillings: And whereas it will be moſt convenient for the Publick, and alſo for the ſaid Univerſity and City, that the Expenditure of the ſaid Sums ſhould be under the Direction and Management of the Truſtees for putting this Act in Execution; be it therefore enacted, That from and after the Fifth Day of July, One thouſand ſeven hundred and ſixty ſeven, the Clerk of the ſaid Truſtees for the time being ſhall be, during the Continuance of this Act, and he is hereby conſtituted and appointed, the Deputy of the ſaid Vice Chancellor and Mayor, for collecting the ſaid annual Sums; and the ſaid Clerk for the time being ſhall and may demand and receive the ſaid reſpective Sums of the Surveyor or Surveyors of the Highways for the time being of each reſpective Pariſh and Townſhip; and in Default of Payment thereof, ſhall and may levy the ſame by Diſtreſs and Sale of the Goods of ſuch Surveyor or Surveyors, returning the Overplus (if any be) upon Demand, after deducting thereout the Charges of ſuch Diſtreſs and Sale: And it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors who ſhall have paid ſuch Sums, or on whom ſuch Diſtreſs ſhall have been made, to reimburſe themſelves ſuch Sums ſo paid or diſtrained for, by collecting the ſame of the Perſons whoſe Eſtates have been uſually charged therewith, or by ſuch other Means as, according to the Laws now in being, Surveyors of the Highways are to be reimburſed the Monies by them expended in buying Materials for amending the Highways; and the ſaid Clerk of the ſaid Truſtees ſhall pay the Sums ſo received by him to the Treaſurer of the ſaid Road for the time being, to be applied

Mile-way Act, and Payments, to be collected by the Clerk of the Truſtees.

plied to the Repairs of the ſaid Road, and the other Purpoſes of this Act.

And whereas the Road between Botley aforeſaid and Staple Hall, in the Town of Witney, in the County of Oxford, will be liable to Damage from the increaſed Number of Carriages which may paſs and repaſs thereon after the ſaid Cauſeway ſhall be widened, and is in many Places narrow and incommodious; for Remedy thereof, be it further enacted, That if the Truſtees for putting in Execution an Act made in the Twenty fourth Year of the Reign of his late Majeſty, for repairing the Road from the Top of Crickley Hill, in the County of Glouceſter, to Frogg Mill, through the Towns of Northleach, Burford, and Witney, and Pariſhes of Hanborough and Bladen, to Campsfield, in the Pariſh of Kidlington, in the County of Oxford; and alſo the Road from Witney, through Eynſham, Cumner, and Botley, to the City of Oxford, or ſuch of them as act for the ſaid laſt-mentioned Road, ſhall, within One Year from and after the Commencement of this Act, remove, or cauſe to be removed, all the Turnpikes and Toll-gates which now are, or may hereafter be, erected between the Weſt End of Botley Cauſeway aforeſaid, and the North Weſt End of the Town of Eynſham, in the County of Oxford; and ſhall from time to time pay, or cauſe to be paid, to the Treaſurer of the Road directed to be repaired by this Act, One Half or Moiety of the additional Expences which ſhall, from time to time, be incurred in repairing and widening the Road from the Weſt End of Thames Street, to the Weſt End of Botley Cauſeway aforeſaid, over and above the Monies which ſhall be raiſed by the Subſcription aforeſaid; (for which Purpoſe the ſaid Truſtees are hereby impowered to borrow, on the Credit of the Tolls of their ſaid Road, ſuch Sum or Sums as ſhall be equal to the ſaid Expences, over and above the Sum of One thouſand Pounds limited and allowed by the ſaid Act of the Twenty fourth Year of his late Majeſty) then, and immediately after the Payment of the ſaid Expences, and the Removal of the ſaid Turnpikes or Toll-gates, and during the Diſcontinuance of the ſame, the Truſtees appointed by this Act ſhall pay, or cauſe to be paid, to the Treaſurer of the ſaid Witney Turnpike Road One clear Half or Moiety of the Tolls which ſhall thenceforth be collected at the Turnpike-gate or Gates directed by this Act to be erected on Botley Cauſeway, deducting thereout One Moiety of the Salary or Salaries to the Keeper or Keepers of ſuch Gate or Gates; or if the ſame ſhall be let to farm, then One Half or Moiety of the clear Rent, which

Conditional Payments to be made to the Truſtees of *Witney* Turnpike.

which ſhall be paid by the Leſſee or Leſſees thereof; which Sum and Sums ſhall be applied by the ſaid Truſtees of the ſaid Witney Road, to the repairing and widening of the ſaid Road, from the Weſt End of the ſaid Cauſeway to Staple Hall in Witney aforeſaid, and to ſuch other Purpoſes as the Tolls directed to be taken on the ſaid Road by the ſaid in Part recited Act are thereby directed to be applied, and to no other Uſe or Purpoſe whatſoever.

And foraſmuch as the Money to be collected by the Receipt of the Tolls or Duties granted by this Act (together with the other Sums aforeſaid) will not at preſent be ſufficient for the ſpeedy repairing of the ſaid Road, and other the Purpoſes of this Act; be it further enacted, That the ſaid Truſtees, or any Nine or more of them, ſhall and may, and they are hereby impowered, from time to time, by any Writing under their Hands and Seals, to aſſign over the ſaid Gates, Turnpikes, Toll-houſes, Tolls, and Duties, ariſing by virtue of this Act, or any of them, or any Part of them, (the Coſts and Charges of aſſigning the ſame to be borne and paid out of ſuch Tolls and Duties) for any Time or Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money to be borrowed by the ſaid Truſtees, to ſuch Perſon or Perſons, or their Truſtees, who ſhall advance and lend the ſame, to ſecure the Repayment thereof, with legal or leſs Intereſt; which ſaid Money ſo to be borrowed, ſhall be applied and diſpoſed of as the ſaid Tolls or Duties are by this Act directed to be applied and diſpoſed of, and to no other Uſe or Purpoſe whatſoever.

Tolls may be aſſigned for Money borrowed.

Provided always, and be it further enacted, That no Money ſhall be borrowed by the ſaid Truſtees on the Credit of any of the ſaid Tolls or Duties, after their Firſt Meeting, unleſs Notice be for that Purpoſe fixed in Writing, under the Hand of the Clerk or Clerks to the ſaid Truſtees, upon all the Turnpike-gates then erected by virtue of this Act, at leaſt Fourteen Days before the borrowing ſuch Money.

Notice to be given of borrowing Money.

And be it further enacted, That all and every the Aſſignment and Aſſignments ſo to be made and granted by the ſaid Truſtees, as aforeſaid, ſhall be entered at Length in a Book or Books to be kept for that Purpoſe, by the ſaid Clerk or Clerks, Treaſurer or Treaſurers, to the ſaid Truſtees; which ſaid Book or Books ſhall and may be ſeen and peruſed by any Perſon or Perſons intereſted or concerned therein, without Fee or Reward.

Aſſignments to be entered in a Book.

And

And be it further enacted, That all and every Perſon or Perſons to whom any ſuch Aſſignment or Aſſignments ſhall be made by the ſaid Truſtees, their Executors, or Adminiſtrators, ſhall and may, from time to time, by proper Words of Aſſignment, to be indorſed on the Back of his, her, or their Security or Securities, or otherwiſe, aſſign or transfer his, her, or their Right, to the Principal and Intereſt-money thereby ſecured, or any Part thereof, to any other Perſon or Perſons whomſoever; which ſaid Transfer or Aſſignment, ſhall be produced and notified to the ſaid Treaſurer or Treaſurers appointed or to be appointed by the ſaid Truſtees, or any Five or more of them, within Three Months after the Date thereof, who ſhall cauſe an Entry or Memorial to be made of ſuch Aſſignment or Transfer, containing the Date, Parties, and Sum of Money therein mentioned to be transferred, in the ſaid Book or Books to be kept for entering the ſaid original Aſſignments; for which the ſaid Treaſurer or Treaſurers ſhall be paid the Sum of Two Shillings, and no more; and after ſuch Entry made, ſuch Aſſignment or Transfer ſhall intitle ſuch Aſſignee, his, her, and their Executors and Adminiſtrators, to the Benefit thereof and Payment thereon; and ſuch Aſſignee may in like Manner aſſign again, and ſo toties quoties; and after ſuch Notification, it ſhall not be in the Power of ſuch Perſon or Perſons, who ſhall have made ſuch Aſſignment or Transfer, to make void, releaſe, or diſcharge, the original Security, or any Monies thereby due, or any Part thereof.

Aſſignments may be tranſferred.

Entries to be made of all Aſſignments.

Clerk's Fee.

And be it further enacted, That it ſhall and may be lawful to and for the ſaid Turnpike Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, to ſearch for, dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials proper for repairing the ſaid Road, in and out of any River or Brook, Waſte or Common, of any Pariſh, Town, Village, or Hamlet, in or within Three Miles of which any Part of the ſaid Road doth lie, without paying any thing for the ſame; and to land or carry the ſame upon, over, or through, the private Lands or Grounds of any Perſon or Perſons whatſoever, ſuch Surveyor or Surveyors, fencing or ſloping, or cauſing to be fenced or ſloped, all ſuch Holes and Pits, where any ſuch Materials as aforeſaid ſhall be digged, gathered, and taken, ſo as to prevent any Miſchief or Accident thereby; and alſo it ſhall and may be lawful for ſuch Surveyor and Surveyors, by Order of the ſaid Truſtees, or any Five or more of them, to

Surveyors may dig Gravel, &c.

without paying for the ſame;

levelling the Pits, &c.

Materials may be taken from private Grounds;

ſearch for, dig, and gather ſuch Materials in, and carry the ſame out of, the common Fields or ſeveral Grounds of any Perſon or Perſons (not being the Ground whereon any Houſes or Buildings ſtand, or a Garden, Orchard, Yard, Park, planted Walk or Walks, or Avenue to any Houſe, or any Plantation or Nurſery for Trees) and from time to time to carry away the ſame, paying ſuch Sum or Sums of Money for the Damage done to the Owners and Occupiers reſpectively of the Grounds where and from whence the ſame ſhall be digged, gathered, or carried away, or upon, over, or through, which the ſame, or any other Materials ſo dug and gathered as aforeſaid, ſhall be carried, landed, or drawn, as the ſaid Truſtees, or any Five or more of them, ſhall adjudge reaſonable; and in caſe of any Difference between ſuch Owners or Occupiers, and the ſaid Truſtees, touching ſuch Damages as aforeſaid, the Juſtices of the Peace at their next General Quarter Seſſions, or at the Second General Quarter Seſſions at the fartheſt, to be holden in and for the County where ſuch Damage ſhall be done as aforeſaid, or the major Part of them then preſent, ſhall and may adjudge, aſſeſs, and finally determine the ſame.

making Satisfaction to the Owners.

Juſtices to determine Differences.

Surveyors may remove Annoyances in the Road, &c.

And be it further enacted, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, by Order of the ſaid Truſtees, or any Five or more of them, from time to time, to remove and prevent all Annoyances on or in any Part of the Road aforeſaid, by Filth, Dung, Aſhes, Rubbiſh, or otherwiſe, and to remove all Obſtructions in or upon the ſaid Road, or any Part thereof, and to turn any Watercourſes, Sinks, or Drains, running into, along, or out of, the ſaid Road, to the Prejudice thereof, and to open, ſcour, or cleanſe, any Watercourſe or Watercourſes, Ditch or Ditches, adjoining to the ſaid Road, and make the ſame as deep and large as they ſhall think proper and neceſſary; and to cut down, lop, or top, any Trees, Shrubs, or Buſhes, growing in the ſaid Road, or in the Hedges or Banks adjoining thereto, and to take and carry away the ſame, in caſe the Owners or Occupiers of the Premiſſes where ſuch Annoyances or Obſtructions ſhall happen to be, or ſuch Perſon or Perſons as ſhall have occaſioned the ſame, ſhall neglect to remove the ſame, or to cut down and carry away ſuch Trees, Shrubs, or Buſhes, as aforeſaid, or to open, ſcour, and cleanſe, their Watercourſe or Watercourſes, Ditch or Ditches, as aforeſaid, within the Space of Ten Days next after Notice

and cut down Trees;

the Owners neglecting to remove the ſame after Notice;

Notice in Writing given for that Purpoſe, under the Hand or Hands of the ſaid Surveyor or Surveyors, the Charges whereof to be ſettled by the ſaid Truſtees, or any Five or more of them, by Writing under their Hands, ſhall be reimburſed to the ſaid Surveyor or Surveyors, by ſuch Owners or Occupiers, or other Perſons neglecting or refuſing to remedy or remove ſuch Annoyances; the ſame to be recovered and levied in ſuch Manner, as other Penalties and Forfeitures are herein after directed to be recovered and applied; and if after Removal of the ſaid Annoyances or Obſtructions, any Perſon or Perſons ſhall again offend in the like Kind; every ſuch Perſon or Perſons, ſo offending, ſhall, for every ſuch ſubſequent Offence, forfeit and pay the Sum of Forty Shillings.

Charges to be reimburſed to the Surveyors,

to be levied by Diſtreſs and Sale.

Penalty on a Second Offence.

And be it further enacted, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, by Order of the ſaid Truſtees, or any Five or more of them, to make a Cauſeway or Cauſeways, and to cut and make Ditches and Drains through any Grounds lying contiguous to the ſaid Road; and to make or erect Bridges or Arches upon the ſaid Road; and alſo to make a Road or Way through the adjoining Grounds of any ruinous Part or Parts of the ſaid Road, hereby intended to be repaired (not being the Grounds whereon any Houſes or Buildings ſtand, or a Garden, Orchard, Yard, Park, or planted Walk or Walks, or Avenue to any Houſe, or any Plantation or Nurſery of Trees) to be made uſe of by all Paſſengers with Carriages and Cattle, as a publick Highway, whilſt the old Road is repairing; making ſuch Satisfaction to the Owners or Occupiers of ſuch Ground reſpectively, through which any ſuch Drains ſhall be cut, or on which any ſuch Arch or Arches, Bridge or Bridges ſhall be made, or through, over, or along, which ſuch Road or Roads ſhall be made, for the Damages which ſuch Owners or Occupiers reſpectively ſhall or may thereby ſuſtain, as ſhall be adjudged reaſonable by the ſaid Truſtees, or any Five or more of them; and in caſe any Difference ſhall happen between ſuch Owners or Occupiers, and the ſaid Truſtees, touching ſuch Damages, that then it ſhall and may be lawful to and for the Juſtices of the Peace at their next General Quarter Seſſions of the Peace, or at their Second General Quarter Seſſions at the fartheſt, to be holden for the County wherein ſuch Damage ſhall be done, to hear, ſettle, adjudge, and finally determine the ſame.

Surveyors may make Cauſeways, &c.

and make a temporary Road;

making Satisfaction to the Owners.

Juſtices to determine Differences.

And

Truſtees may widen the narrow Parts of the Roads, &c.

And be it further enacted, That the ſaid Truſtees, or any Nine or more of them, ſhall have full Power and Authority to widen, turn, and alter, not only the ſaid Cauſeway, but alſo any Part of the ſaid Road, as to them ſhall ſeem fitting and convenient, for the better Accommodation of Travellers; and alſo (by and with the Conſent and Approbation of the Vice Chancellor and Heads of Houſes of the ſaid Univerſity for that Purpoſe aſſembled, upon due Notice given, or the major Part of them then preſent; and alſo by and with the Conſent and Approbation of the Mayor, Recorder, Aldermen, Aſſiſtants, and Town Clerk of the City of Oxford for that Purpoſe aſſembled, upon due Notice given, or the major Part of them then preſent) to take down, throw open, and remove any Houſes, Buildings, Courts, Yards, Orchards, or Gardens, in or near any Part of the ſaid Road, from the Weſt End of Thames Street aforeſaid, to the Weſt End of the Town of Botley, or in or near any Avenue leading to the ſame, within the City of Oxford aforeſaid, or the Suburbs of the ſame; making full Satisfaction to all Perſons intereſted in the ſame, in Manner herein after mentioned.

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

And be it further enacted, That for the Purpoſes aforeſaid, the ſaid Truſtees, or any Nine or more of them, ſhall have full Power and Authority to agree with the ſeveral Owners, Proprietors, Occupiers of, and Perſons intereſted in, any Lands or Hereditaments, for the Purchaſe of any ſuch Lands 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 widening, turning, or altering, any Part of the Cauſeway aforeſaid, or other Parts of the ſaid Road, or any Avenue within the City or Suburbs of Oxford leading to the ſame; 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 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 Nine or more of them, and alſo the Coſts and Charges attending ſuch Agreement and Purchaſe: And it ſhall and may be lawful to and for all Corporations Aggregate or Sole, Eccleſiaſtical, Civil, or Eleemoſynary, and all Executors, Adminiſtrators, Husbands, Guardians, Committees, Truſtees, for or on Behalf of any Infant, Feme-covert, Idiot, Lunatick, Ceſtuique Truſt,

Bodies Politick, &c. impowered to treat.

Truſt, or other Perſon under any Diſability whatſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in, any ſuch Lands or Hereditaments, to agree with the ſaid Truſtees, or any Nine or more of them, for the Purchaſe of ſuch Lands or Hereditaments for the Purpoſes aforeſaid, and to ſell and convey the ſame as Occaſion ſhall require; and all Contracts, Agreements, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes; any Law, Statute, Uſage, or any other Matter or Thing whatſoever to the contrary thereof in any wiſe notwithſtanding: And all Corporations and Perſons whatſoever, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

Perſons neglecting to treat for the Sale of Lands;

And be it further enacted, That if any ſuch Corporation or Perſon, upon Notice to him, her, or them, given or left in Writing at the Dwelling-houſe or Place of Abode of ſuch Perſon, or of the Head Officer of ſuch Corporation, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Hereditaments 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 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 or Hereditaments ſhall lie (which Oath any Two or more of the Truſtees are hereby impowered to adminiſter) what Damages will be ſuſtained by, and what Recompence ſhall be made to, ſuch Owners, Proprietors, Occupiers, or other Perſons, intereſted for or upon account of the taking ſuch Lands or Hereditaments into the ſaid Road, or of turning ſuch Road into or through any ſuch Lands or Hereditaments; and in order thereto, the ſaid Truſtees, or any Five or more of them, are hereby impowered, from time to time, as Occaſion ſhall be, to ſummon before the ſaid Jury, and examine upon Oath any Perſon whomſoever as a Witneſs 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

Jury to aſſeſs Damages.

Witneſſes may be examined on Oath.

after the said Jury shall have enquired 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 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, Infants, Femes Covert, Ideots, Lunaticks, Cestuique Trusts, and Persons under any other Disability whatsoever, Corporations Aggregate or Sole, Ecclesiastical, Civil, or Eleemosynary, 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 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 to the Sheriff of the County wherein such Lands or Hereditaments shall lie, thereby commanding him to impanel, summon, and return, Twenty four indifferent 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 Persons so impanelled, 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

Verdict of the Jury to be final.

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 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 this Act directed to be recovered, levied, and applied, ſo as that no ſuch Fine ſhall exceed the Sum of Ten Pounds upon any One Perſon for One Offence.

Jurors may be challenged.

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

Fine not to exceed 10 *l.*

And be it further enacted, That in caſe any ſuch Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Monies as a Recompence for the Right, Intereſt, or Property, of any Perſon or Perſons in any ſuch Lands or Hereditaments, or for any ſuch Loſs or Damage, than what ſhall have been agreed to and offered by the ſaid Truſtees, or any Nine or more of them, before the ſummoning or returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid; that then, and in ſuch Caſe, the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes 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 borrowed upon the Credit thereof: But if any ſuch Jury ſhall give 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, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, in, or Loſs or Damage, as aforeſaid; that then the Coſts and Expences of ſummoning and maintaining the

Expences of the Jury how to be borne.

ſaid

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 and are 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 to ſuch Perſons, or their Agents, or upon leaving the ſame in the Hands of the Treaſurer to the ſaid Truſtees, for the Uſe of ſuch Perſons, or their Agents reſpectively, ſuch Lands or Hereditaments ſhall, by the ſaid Truſtees, their Surveyors, Workmen, or Agents, be laid into and made Part of the ſaid Road, 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 Road 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 have been kept in Repair; and after ſuch new Road ſhall be completed, the Land conſtituting the former Road, or ſuch Part thereof as ſhall become uſeleſs and unneceſſary for the Purpoſe of a common or publick Highways, ſhall be veſted in, and ſhall and may be exchanged or ſold by the ſaid Truſtees, or any Five or more of them, for the beſt Price that can be gotten for the ſame; and the Money ariſing by ſuch Sale ſhall be applied and diſpoſed of for the repairing of the ſaid Road, and other the Purpoſes of this Act; and the Conveyance to be made of ſuch Land, being executed by the ſaid Truſtees, or any Five or more of them, and inrolled with the Clerk of the Peace for the County wherein the ſame ſhall lie, ſhall be good and effectual in the Law to all Intents and Purpoſes whatſoever.

and eſteemed a publick Highway.

Buildings, &c. not to be injured.

Provided always, That in widening, turning, or diverting, any Part or Parts of the ſaid Road (except ſuch as are comprized within the Limits aforeſaid; that is to ſay, from the Weſt End of Thames Street in Oxford, to the Weſt End of the Town of Botley, and in the Avenues leading to the ſame within the City or Suburbs of Oxford) nothing ſhall be done which ſhall or may in any wiſe injure or damage any Houſe or Building,

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ing, 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.

Trustees not to act where intereſted.

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

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

And be it further enacted, That where any particular Part of the ſaid Road, or any Bridge, Drain, or Sewer, being in and upon the ſaid Road hereby intended to be repaired, which hath been accuſtomed or ought to be repaired and maintained by any particular Perſon or Perſons, Body Politick or Corporate, by reaſon of the Tenure of any Lands, Tenements, or Hereditaments, or by either of the ſaid Counties, or any Townſhip therein, every ſuch Part of the ſaid Road, Bridge, Drain, or Sewer, ſo lying in and upon the ſaid Road, ſhall from time to time be maintained and kept in Repair by ſuch Perſon or Perſons, Body Corporate or Politick, County or Counties, Townſhip or Townſhips, and in ſuch Manner, as the ſame were reſpectively maintained and kept in Repair before the paſſing of this Act; and it ſhall and may be lawful for the Juſtices of the Peace for the County wherein ſuch particular Part of the Road, Bridge, Drain, or Sewer, ſhall lie, and they are hereby required and impowered at their Petty or Special Seſſions, upon Application to them made by the ſaid Truſtees, or any Five or more of them, or their Clerk or Clerks for the time being, to adjudge and determine where, how, and in what Manner, the ſame from time to time ſhall be maintained and kept in Repair.

Truſtees may compound for Statute-work.

And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, from time to time, during the Continuance of this Act, to compound and agree with all or any of the ſaid Perſon or Perſons, Bodies Politick or Corporate, Townſhip or Townſhips, who is, are, or ſhall be, liable or chargeable for or towards repairing of any ſuch particular Part of the ſaid Road, Bridge, Drain, or Sewer (except the Bridges liable to be repaired by the County, which ſhall continue to be reſpectively repaired as aforeſaid) for a certain Sum of Money by the Year or otherwiſe, as the ſaid Truſtees, or any Five or more of them, ſhall think fit, in lieu of ſuch particular Works

or Repairs to be done by ſuch particular Perſon or Perſons, Body Politick or Corporate, Townſhip or Townſhips, as aforeſaid.

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

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

Inhabitants to do Statute-work.

And be it further enacted, That all and every Perſon and Perſons who by Law are chargeable with Statute-work towards the repairing and amending the ſaid Road hereby intended to be repaired, ſhall ſtill remain chargeable therewith, and ſhall yearly and every Year (if thereunto required by the ſaid Truſtees, or any Five or more of them) do and perform ſuch Proportion of their Statute-work (not exceeding Three Days) on ſuch Part of the ſaid Road within their reſpective Townſhips, Pariſhes, Places, and Diviſions, and in ſuch Manner, as the ſaid Truſtees, or any Five or more of them, or the Surveyor or Surveyors of the ſaid Road by them appointed, ſhall appoint and require; and that every Perſon who ſhall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, within any of the ſaid Townſhips, Pariſhes, Places, and Diviſions reſpectively, ſhall be deem-

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

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ed and taken to keep a Team therein; and for every Fifty Pounds a Year which he ſhall ſo rent, hold, or occupy, ſhall do Statute-work with One Team upon the ſaid Road, for ſo many Days (not exceeding Three) as ſhall be required by the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors aforeſaid.

Surveyors of the Highways to deliver in Liſts of Perſons liable to do Statute-work.

And be it further enacted, That 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, being duly ſummoned for that Purpoſe by Order of the ſaid Truſtees, or any Five or more of them, ſhall Once in every Year, if thereunto required, 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 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 Act to do their Statute-work in and upon the ſaid Road with Teams or otherwiſe; and ſhall, within Ten Days after Notice ſhall be given them, or either of them, by the Turnpike Surveyor or Surveyors, of the Time when and how many of the Perſons, ſo chargeable as aforeſaid, he or they would have to do ſuch their reſpective Statute-work in or upon any Part or Parts of the ſaid Road, ſummon or give publick Notice thereof to the Perſons ſo chargeable as aforeſaid; and if any Pariſh Surveyor or Surveyors aforeſaid ſhall neglect or refuſe to do as he and they are hereby required and directed to do, he or they, for every ſuch Neglect or Refuſal, ſhall forfeit and pay the Sum of Five Pounds: And if any Perſon or Perſons, keeping a Team or Teams, Draught or Draughts, Cart or Carts, or otherwiſe by this Act chargeable towards repairing the ſaid Road, ſhall, after ſuch Summons or publick Notice, neglect or refuſe to ſend their reſpective Teams, Draughts, or Carts (each Team or Cart not to contain leſs than Three good Horſes, with One Perſon to attend the ſame) to do and perform ſuch their reſpective Days Work on the ſaid Road, he, ſhe, and they, ſo neglecting or refuſing, ſhall reſpectively forfeit and pay the Sum of Ten Shillings, for every Team, Draught, or Cart, making Default each

Penalty on Surveyors neglecting to deliver in Liſts;

and on Perſons not performing Statute-work.

each of the respective Days; and if any Householder or other Person chargeable with such Statute-work as a Labourer, shall at any Time neglect or refuse, after such Summons or publick Notice, to do and perform the said appointed Days Work on the said Road, he, she, and they, shall respectively forfeit and pay the Sum of One Shilling, for each of the said Days such Labourer or other Person or Persons shall make Default; and if any Person, who shall, according to such Summons or publick Notice aforesaid, come to work as a Labourer, or be sent with any Team, Draught, or Cart, to work on the said Road, shall be found idle and negligent by the said Turnpike Surveyor or Surveyors, he and they is and are hereby impowered and required to discharge such Labourer, Team, Draught, or Cart; and the Person liable to such Statute-work, shall be subject to the respective Forfeitures and Payments before mentioned, as if he or she had neglected or refused to perform the said respective Days Work so ordered and appointed as aforesaid.

Persons found idle to be turned off.

Trustees may compound with Parishes, &c. for Statute-work.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, from time to time, to compound and agree with the Inhabitants of all or any of the said Townships, Parishes, Places, and Divisions, from, to, or through which the said Road leads (their Consent being first signified in Writing, at a Vestry or other publick Meeting of such Inhabitants summoned to assemble for that Purpose) or with any of the said Inhabitants respectively, for a certain Sum of Money, by the Year or otherwise, as the said Trustees, or any Five or more of them, shall think reasonable, in lieu of the Statute or other Work to be by them, or any of them, done on the said Road.

Composition-money how to be recovered.

And be it further enacted, That in case any Composition-money agreed to be paid in lieu of any Statute or Days Work to be done by the Inhabitants of any Township, Parish, Place, or Division, as aforesaid, or by any of them respectively, or in respect of any Lands, Tenements, or Hereditaments, liable or chargeable by Tenure, or otherwise as aforesaid, shall not be paid within Fifteen Days next after the same shall become payable, according to such Composition or Agreement; that then it shall and may be lawful to and for any One or more Justice or Justices of the Peace of the County wherein

wherein ſuch Townſhip, Pariſh, Place, or Diviſion, or ſuch Lands, Tenements, or Hereditaments, ſhall lie, by Warrant under his or their Hand and Seal, or Hands and Seals, to impower ſuch Perſon or Perſons as ſhall be authorized by the ſaid Truſtees, or any Five or more of them, to receive ſuch Compoſition-money, (Oath being firſt made that the ſame has been demanded and remains unpaid, which Oath the ſaid Juſtice or Juſtices is and are hereby impowered to adminiſter) to levy the ſame by Diſtreſs and Sale of the Goods of the Perſon or Perſons ſo having compounded as aforeſaid, or of the Surveyor or Surveyors of the Highways, for the time being, of ſuch Townſhip, Pariſh, Place, or Diviſion, in reſpect of whoſe Statute or Days Work ſuch Compoſition ſhall be made, returning the Overplus (if any be) upon Demand, after the Charges of ſuch Diſtreſs and Sale ſhall be thereout firſt deducted.

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

And be it further enacted, That if any Surveyor or Surveyors of the Highways for the time being of any Townſhip, Pariſh, Place, or Diviſion, for or in lieu of whoſe Statute or Days Work ſuch Compoſition ſhall be made as aforeſaid, ſhall pay the Compoſition-money; or if ſuch Compoſition-money ſhall be recovered and levied by Diſtreſs and Sale of his and their Goods and Chattles, in Manner herein before directed; then, and in either of the ſaid Caſes, ſuch Surveyor or Surveyors ſhall be repaid or reimburſed the Compoſition-money which ſhall be ſo paid or recovered of him or them as aforeſaid, together with the Coſts and Charges of ſuch Diſtreſs and Sale, in ſuch Manner, as by the Laws now in being Surveyors of the Highways of this Kingdom are to be repaid or reimburſed the Monies by them expended in buying Materials for amending the Highways.

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 direct the ſaid Road to be meaſured, and cauſe Stones or Poſts to be ſet up in or near the Sides of the ſaid Road, with Inſcriptions thereon, denoting the Number of Miles and Diſtance of Places: And if any Perſon or Perſons ſhall wilfully break, obliterate, deface, or pull up, any of the ſaid Stones or Poſts, and be thereof convicted before any One or more Juſtice or Juſtices of the Peace for the County wherein the Offence ſhall be committed, by the Oath of One credible Witneſs (which Oath the ſaid Juſtice and Juſtices is and are hereby impowered to adminiſter)

Penalty on defacing Mile-ſtones, &c.

niſter) ſuch Perſon or Perſons ſo offending, ſhall forfeit and pay the Sum of Forty Shillings for every ſuch Offence, One Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be laid out in repairing the ſaid Road; and in caſe the Perſon or Perſons ſo offending and convicted, ſhall not be able, or ſhall refuſe to pay the ſame, then it ſhall and may be lawful for any One or more Juſtice or Juſtices of the Peace aforeſaid, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit ſuch Perſon or Perſons to the Houſe of Correction, there to remain for the Space of One Calendar Month, to be reckoned from the Day of Commitment; and the Perſon or Perſons ſhall not be diſcharged, until he, ſhe, or they, ſhall have paid the Sum of Forty Shillings, or until the Expiration of the ſaid Calendar Month.

Penalties and Forfeitures how to be recovered.

And be it further enacted, That all Penalties and Forfeitures by this Act impoſed or incurred (touching which no other Proviſion is herein before made) ſhall be recovered by Diſtreſs and Sale of the Offender's Goods and Chattles, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of any One or more Juſtice or Juſtices of the Peace for the County wherein the Offender ſhall dwell; which Warrant or Warrants the ſaid Juſtice or Juſtices of the Peace is and are hereby impowered and required to grant, upon Summons of the Offender or Offenders, and Conviction of him, her, or them, upon the Oath of One or more credible Witneſs or Witneſſes (which Summons the ſaid Juſtice or Juſtices is and are hereby impowered and required to grant, and to adminiſter the ſaid Oath) and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any be) to the Party or Parties whoſe Goods and Chattles ſhall be ſo diſtrained and ſold, the Charges of ſuch Conviction, Diſtreſs, and Sale, being firſt deducted, ſhall be paid to the Treaſurer or Treaſurers of the ſaid Truſtees for the time being, and ſhall by them be applied and laid out for and towards the amending the ſaid Road.

Truſtees who are in the Commiſſion of the Peace to act as Juſtices.

And be it further enacted, That it ſhall and may be lawful to and for any of the ſaid Truſtees appointed, or to be appointed, to put this Act in Execution, who is, are, or ſhall be, in the Commiſſion of the Peace for the ſaid Counties of Oxford or Berks, to act as a Juſtice or Juſtices of the Peace in all Caſes, Matters, and Things, for the more ſpeedy and effectual putting in Execution the ſeveral Authorities and Powers of this Act,

Act, except in ſuch only wherein he is perſonally intereſted.

Perſons aggrieved may appeal to the Quarter Seſſions.

And be it further enacted, That in caſe any Perſon or Perſons ſhall think him, her, or themſelves, aggrieved by any thing done in purſuance of this Act, and for which no particular Remedy or Method of Relief hath been already hereby directed and appointed (other than and except the Verdict or Verdicts which ſhall be given by the Jury or Juries aforeſaid) it ſhall be lawful for him, her, or them, to appeal to the Juſtices of the Peace at their next General Quarter Seſſions to be held for the County wherein ſuch Cauſe of Complaint ſhall ariſe; and in caſe the ſaid Cauſe of Complaint ſhall ariſe within Fifteen Days next before ſuch General Quarter Seſſions of the Peace, then ſuch Appeal may be made to the ſaid Juſtices at the Second General Quarter Seſſions of the Peace to be held for the ſaid County, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the ſame; and the ſaid Juſtices, if they ſhall ſee Cauſe, may, by Order of ſuch Seſſions, mitigate, at their Diſcretion, all or any of the Penalties and Forfeitures incurred by the Party or Parties complaining, or vacate or ſet aſide the Conviction or Convictions, and ſet the Parties at Liberty, or otherwiſe may ratify and confirm the ſame, with ſuch Coſts as to them, in their Diſcretion, ſhall ſeem reaſonable; and may levy, by their Order or Warrant, ſuch Coſts ſo awarded by Diſtreſs and Sale of the Goods and Chattles of any Perſon or Perſons who ſhall refuſe to pay the ſame; and for want of ſufficient Diſtreſs, may commit the Party to the common Gaol of the ſaid County for any Time not exceeding Three Months, or until Payment of ſuch Coſts be made: But the Perſon or Perſons ſo appealing as aforeſaid, ſhall give Notice, in Writing, to the Clerk of the ſaid Truſtees of ſuch their Intention of bringing ſuch Appeal Fifteen Days before the ſaid Quarter Seſſions; and ſhall, within Five Days after ſuch Notice given, enter into a Recognizance before ſome Juſtice of the Peace of the ſaid County, with Two ſufficient Sureties, with Condition to try ſuch Appeal at the next Quarter Seſſions of the Peace which ſhall be held for the ſaid County; and alſo in caſe ſuch Appeal ſhall be diſallowed, to pay ſuch Coſts and Charges as the ſaid Juſtices ſhall direct in that Behalf; and every ſuch Appeal ſhall, at the

Notice of Appeal to be given.

Recognizance to be entered into.

the then next General Quarter Seſſions, be heard and finally determined.

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

And be it further enacted, That no Order, Verdict, Aſſeſſment, Judgement, or other Proceeding, made, touching or concerning any of the Matters aforeſaid, or touching the Conviction or Convictions of any Offender or Offenders againſt this Act, ſhall be quaſhed or vacated for Want of Form only, or be removed or removeable by Certiorari, or any other Writ or Proceſs whatſoever, into any of his Majeſty's Courts of Record at Weſtminſter; any Law or Statute to the contrary thereof in any wiſe notwithſtanding.

nor removable by *Certiorari.*

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 Act, the Diſtreſs 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 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 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.

nor the Parties diſtraining deemed Treſpaſſers *ab initio.*

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

Proceedings to be entered in Books.

And be it further enacted, That all Orders and Proceedings of the Truſtees ſhall be entered in a Book or Books to be kept for that Purpoſe; and ſuch Orders ſo entered, and ſigned by a competent Number of the ſaid Truſtees, as the Caſe ſhall require, ſhall and may be produced and read in Evidence in all Caſes of Appeals, Suits, or Actions, touching any thing done in purſuance and by the Authority of this Act.

Writings to be without Stamps.

And be it further enacted, 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

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 hereby vested in them, or any of them respectively, shall be charged, or chargeable, with any Stamp or Duty whatsoever.

Limitation of Actions.

And be it further enacted, That if any Action or Suit shall be brought or prosecuted against any Person or Persons for any Thing done in pursuance of this 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 be nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions after the Defendant or Defendants shall have appeared; or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, upon Affidavit made [redacted] 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 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.

General Issue.

Treble Costs.

Commencement and Continuance of this Act.

And be it further enacted, That this Act, and the Tolls or Duties, and the several Powers and Authorities, hereby granted, shall commence on the Twenty second Day of April, in the Year of our Lord One thousand seven hundred and sixty seven, and shall have Continuance from thence for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

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

FINIS.