Anno octavo

Georgii III. Regis.

An Act for repairing and widening the Road from the *Mayor's Stone*, in *Abingdon*, in the County of *Berks*, through *Cumner*, to the ancient Horse Road at *Swinford*, in the said County.

WHEREAS the Road leading from the Mayor's Stone, at the End of the Boar Street, in the Borough of Abingdon, in the County of Berks, through Cumner, to the ancient Horse Road at Swinford, in the said County of Berks, is in a ruinous Condition, and in many Places very narrow and incommodious, and cannot be repaired and widened by the ordinary Course of Law; May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable Lord Viscount Wenman, in the Kingdom of Ireland; the Right Honourable Lord Viscount Barrington, in the Kingdom of Ireland; Robert Aldworth, Mathew Anderson, Gentlemen; Sir Cecil Bishop Baronet, Jonathan Bush, John Bush, William Blackston, John Blandy, William Bowles of Hanney, William Birch, William Brereton, Joseph Butler, Esquires; Phanuel Bacon Doctor in Divinity, Reverend Joseph Benet, Reverend Richard Bowles,

Preamble.

Trustees Names.

Bowles, Reverend Henry Bright, Clerks; Richard Beasley of Pusey, William Bunce, John Bunce, Gentlemen; the Honourable Thomas Craven, Ferdinando Collins, John Collins, Esquires; James Curtis, John Curtis, William Collins, Richard Cox of Ardington, Gentlemen; William Dewe of Hanney, William Dewe of Charney, Gentlemen; John Elwes Esquire, Reverend Mathew Eaton Clerk, Robert Ewen Gentleman, Richard Fuller, Robert Fettiplace, Esquires; William Fludger of Wallingford, William Fludger of Longworth, Gentlemen; John Goodenough, Grove, Esquires; Richard Grove, William Gammon, Gentlemen; Charles Hatt, John Head, William Hawkins, Esquires; Thomas Haynes, George Hawkins, Robert Hall, Joseph Humphrey, Gentlemen; William Jennens, James Justice, Thomas Justice of Sutton, Esquires; Richard Justice, Thomas Justice of Appleford, Gentlemen; Reverend Benjamin Kennicot Clerk, John Lenthall, Heritage Lenten, Esquires; Reverend John Loder, Reverend Lernoult, Clerks; Claudius Lernoult, John Lamball, John Lyford, John Lewington, Gentlemen; John Morton, John Mayor, William Moore, Esquires; Lawrence Head Osgood Esquire, Charles Pye, Henry Pye, Champneys Pleydell, John Phillips, Esquires; Andrew Portal Clerk, Richard Prowse Gentleman, Sir John Read Baronet, William Rawlins, Dudson Rawlins, Thomas Riggins, Nathaniel Robarts, Gentlemen; Sir William Stonhouse Baronet, Robert Southby of Appleton, Clement Saxton, Richard Sellwood, Esquires; Reverend James Stonhouse Doctor of Laws, William Stirling, Charles Sherwood, Richard Simes, Francis Smalbone, Gentlemen; William Stevens Surgeon, Walter Tirrell Esquire, Richard Taylor Gentleman, Vansittart Esquire, Richard Wenman Esquire, Reverend James Warner, Reverend George James Warner, Reverend Phipps Weston, Clerks; John Wise Gentleman, Thomas York, John York, Benjamin Yates, Gentlemen; and the Mayor, Bailiffs, and Burgesses, of the Borough of Abingdon, in the said County of Berks, for the time being; shall be, and they and their Successors, to be elected in manner as is herein after-mentioned, are hereby appointed Trustees for amending, widening, and keeping in Repair, the said Road, and also for putting in Execution all the Powers hereby given and granted.

Qualification of Trustees.

Provided always, and be it enacted, That no Person shall be capable of acting as a Trustee, in any Case, in the Execution of this Act, unless at the Time of his acting therein, he shall have or be seised of, in his own Right,

Right, or in Right of his Wife, and in the actual Poſſeſſion, Enjoyment, or Receipt, of the Rents and Profits of a Real Eſtate in Law or Equity, of the clear yearly Value of Fifty Pounds above Reprizes; or be poſſeſſed of a Perſonal Eſtate to the Amount of One thouſand Pounds; or be Heir Apparent of a Perſon ſeiſed of an Eſtate in Lands of the clear yearly Value of Two hundred Pounds: And if any Perſon or Perſons, ſo made incapable, ſhall preſume to act in the Truſt aforeſaid, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Fifty Pounds, to be recovered by Action at Law, to be brought in any of His Majeſty's Courts of Record at Weſtminſter; and the Perſon ſo proſecuted ſhall prove that he is qualified as above, or otherwiſe ſhall pay the ſaid Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act; one Moiety of which Forfeiture ſhall be paid to the Proſecutor, and the other Moiety ſhall be applied in Repair of the ſaid Road,

Penalty on acting if not qualified.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may cauſe to be erected and ſet up, One or more Turnpike or Turnpikes, Toll-houſe or Toll-houſes, in, upon, and acroſs, any Part of the ſaid Road; and that the reſpective Tolls following ſhall be demanded and taken by ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall, from time to time, appoint for that Purpoſe, before any Horſe, Mare, Gelding, Mule, Aſs, or other Cattle, Coach, Waggon, or other Carriage, ſhall be permitted to paſs through any Turnpike to be erected in purſuance of this Act; that is to ſay,

Truſtees may erect Turnpikes and Toll-houſes,

and take Tolls thereat.

The Tolls.

For every Horſe, Mare, Gelding, Mule, or Aſs, drawing any Waggon, Wain, Cart, or other Carriage, the Sum of Two Pence.

For every ſuch Four Wheel Carriage, the Sum of Six Pence.

For every Two Wheel Carriage, the Sum of Three Pence.

For every Coach, Berlin, Chariot, or other ſuch Carriage, drawn by Six Horſes, or other Cattle, the Sum of One Shilling and Six Pence; and drawn by Four Horſes or other Cattle, the Sum of One Shilling; and drawn by Two Horſes or other Cattle, the Sum of Nine Pence.

And for every Chair or other Carriage, drawn by One Horſe or other Beaſt, the Sum of Six Pence.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny; and for every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten Pence per Score; and so in Proportion for any greater or less Number: And 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.

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll: And if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof; it shall be lawful for such Person or Persons appointed to collect the said Tolls as aforesaid, to levy the same by Distress and Sale of any Horse or Horses or other Cattle, or of any Carriage, upon which any Toll is by this Act imposed, or by Distress and Sale of any of the Goods and Chattles of such Person and Persons respectively: And if such Tolls, and the reasonable Charges of such Distress, shall not be paid within the Space of Fourteen Days, such Person or Persons so distraining may sell the Horses, Cattle, Carriages, and Goods, so distrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Toll, and the reasonable Charges of such Distress and Sale, shall be deducted and paid; and that all the Tolls and Money to be collected or levied, and the Monies borrowed on the Credit thereof, shall be and are hereby vested in the said Trustees, and shall be paid, applied, and disposed of, to and for the several Uses, Intents, and Purposes, and in such Manner as herein after mentioned.

Tolls may be levied by Distress and Sale.

Distress may be sold after 14 Days.

Tolls vested in Trustees.

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

Trustees may erect Side-gates, and take Tolls thereat, so as the same do not extend to a Double Charge.

Provided

Tolls to be paid but Once a Day.

Provided always, and it is hereby further enacted and declared, That no Person or Persons shall be subject to the Payment of any Toll hereby made payable more than Once in One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) for passing with the same Horse, Mare, Gelding, Mule, Ass, or other Cattle, Coach, Waggon, or other Carriage, through all or any of the Turnpikes to be erected on the said Road, or on the Sides of the said Road; such Person or Persons producing a Ticket, denoting the Payment of such Toll, and which Ticket the said Collector and Collectors is and are hereby required to give gratis on the Receipt of such Toll.

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

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

Penalty on permitting, or going through private Passage, &c.

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

or taking off Horses, &c.

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

Provided always, and it is hereby enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, at a Meeting to be called for that Purpose, whereof Fourteen Days Notice in Writing shall be given and fixed upon all the Turnpikes or Toll-gates upon the said Road, from time to time, with the Consent of the Creditors, to lessen or reduce all or any of the Tolls hereby granted and directed to be levied,

ed, and afterwards to raise and augment the same again, so as not to exceed the Tolls and Duties hereby granted and made payable; and the Tolls so lessened and reduced, or augmented again, shall and may be collected and levied, in such Manner, Parts, and Proportions, and applied for such Purposes only, as the Tolls hereby granted are directed to be collected, levied, and applied.

Exemptions from Tolls.

Provided always, and it is hereby enacted and declared, That no Toll shall be demanded or taken for any Cattle or Carriage going for or returning empty, or loaden only with Stones, Bricks, Lime, Timber, Gravel, or other Materials, for repairing the said Road, or the Bridges thereon, or in the Parishes or Townships in which the said Road directed by this Act to be repaired doth lie, or going or returning through any of the said Turnpikes with any Lime, Dung, Mould, Manure, or Compost of any Nature or Kind soever, to be laid upon Grounds, Arable, Meadow, or Pasture, or Gardens; nor shall any Toll be demanded or taken by virtue of this Act for any Waggons or other Carriages carrying any Hay, Corn in the Straw, or Straw to be laid up in the Houses, Outhouses, Barns, or Yards, of or belonging to the respective Inhabitants or Occupiers of Land within the several Parishes, Townships, or Places, through which the said Road hereby intended to be repaired doth lead, or in any of the adjoining Parishes, such Hay, Corn, and Straw, hereby intended to be exempted from the Tolls of this Act being the Product of Lands lying within some Parish, Township, or Place, in and through which the Road hereby directed to be repaired doth lie, or for any Ploughs, Harrows, or other Implements of Husbandry, or any Thing whatsoever belonging to or employed by the Inhabitants of such Parishes, Townships, or Places, in Husbandry for manuring or stocking of Lands lying within such Parishes, Townships, or Places; nor shall any Toll be demanded or taken for any Horses, Geldings, Mares, or other Cattle, going to or returning from Pasture or Watering Places belonging to or occupied by any Inhabitant of such Parishes, Townships, or Places as aforesaid, or for any Horse, Gelding, Mare, or other Cattle, of any Person residing in or near any Parish or Place where any Gate or Turnpike shall be erected, going to be shod, farried, or cured of any Distemper, or returning therefrom, or for any Post Horse carrying the Mail or Packet; nor shall any Toll be demanded or taken for the Horses of Soldiers who are upon their March, or for

Carriages attending them loaden with their Arms or Baggage, or for Horses or Carriages travelling with Vagrants sent by legal Passes; nor for any Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Chairs, Litters, or Passengers on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of Berks on the Day or Days of such Election, or on the Day before or the Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, each Person, for every such Offence, shall forfeit the Sum of Forty Shillings.

And whereas the Road directed to be repaired and widened by this Act, doth in several Places intersect and abut upon the Roads directed to be repaired and widened by an Act made in the last Session of Parliament, intituled, 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*: And also by another Act made in the present Session of Parliament, intituled, An Act to enlarge and vary the Term and Powers of 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*, and to provide more effectually for repairing and widening the ancient Horse Road from the West End of *Botley* Causeway to *Witney* in the County of *Oxford*; and it would be very inconvenient and oppressive if the Trustees of any of the said Roads should be impowered to erect Toll-bars, Side-gates, or Cross-gates, so as to collect any Toll from Passengers on the other or others of the said Roads respectively, except in the Case herein after mentioned; be it therefore further enacted, That it shall not be lawful for the Trustees appointed by or in pursuance of this Act to erect any Toll-bar, Side-gate, or Cross-gate, or to take Toll at any Place where the Road hereby directed to be repaired and widened doth intersect or abut upon either of the said Roads directed to be repaired and widened by the said recited Acts, or either of them; and that it shall not be lawful for the Trustees appointed by or in pursuance of the said recited Acts, or either of them, to erect any Toll-bar, Side-gate, or Cross-gate, or to take Toll at any Place where either of the said Roads directed to be repaired and widened by the said recited Acts, or either of them, doth intersect or abut upon the Road directed to be repaired

Trustees prohibited to erect any Gate, or to take Toll at any Place, where the Road to be repaired by this Act intersects or abuts upon the Roads to be repaired by the recited Acts;

except at or near *Swinford Bridge.*

paired and widened by this Act; except only at the End of the said last mentioned Road where the same abuts and falls in upon the Road directed to be repaired and widened by the said recited Act made in the present Session of Parliament, at or near Swinford Bridge, where it shall be lawful for the Trustees appointed by or in pursuance of the said recited Acts, or either of them, or for any Five of them, and they, or any Five of them, are hereby empowered to erect a Toll-bar or Side-gate, and to take thereat the same Tolls, and no other, as are directed to be taken by the said recited Act made in the present Session of Parliament, on any Part of the Roads thereby directed to be repaired and widened; any thing in the said recited Acts, or this Act, or any of them, to the contrary notwithstanding.

Trustees may lease the Tolls, &c.

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

Application of the Monies.

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

Turnpikes and Toll-houses vested in Trustees.

And be it further enacted, That the Right and Property of all the said Turnpikes and Toll-houses, and of the Materials for building the same, and for repairing

ing the said Road, shall be vested in the said Trustees; and they, or any Five or more of them, are hereby authorized and impowered to bring Actions in the Name or Names of any One of them, or in the Name of their Clerk or Clerks, Treasurer or Treasurers, or to prefer Bills of Indictment against any Person or Persons who shall steal, take away, break down, damage, or destroy any such Turnpikes, Toll-houses, or Materials, or disturb the Trustees, their Agents, or Servants, in the Possession thereof.

Trustees may borrow Money on the Credit of the Tolls.

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

Trustees may appoint Officers;

And be it further enacted, That the said Trustees, or any Five or more of them, at a Meeting to be held for that Purpose (whereof Fourteen Days Notice shall be given in Writing to be affixed on each of the said Turnpikes) by Writing under their Hands and Seals, shall appoint One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, and Collector or Collectors of the Tolls aforesaid; and shall take such Security for the due Execution of their respective Offices, as they the said Trustees shall approve of; and also One or more fit Person or Persons to be Surveyor or Surveyors to view the Condition of the said Road, and see that the same is duly repaired and widened; and also such other Officers as they shall think necessary to employ in the Execution

of

and remove them, and appoint others.

of this Act; and, from time to time, to remove such Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers, or any of them, as they shall see Occasion, and appoint new ones in Cases of Death or Removal; but no Person shall be capable of holding any Place of Profit under the said Trustees, who shall sell any Wine, Ale, or other Spirituous Liquors, by Retail; and the said Tolls shall be paid, after the Rates aforesaid, to such Person or Persons as shall, from time to time, be appointed to receive the same: And the said Treasurers, Receivers, Collectors, Surveyors, and other Officers, and all other Persons who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall, from time to time, as often as they, or any of them, shall be thereunto required by the said Trustees, or any Five or more of them, give unto such Trustees true and perfect Accounts in Writing, under their respective Hands, of all the Monies which shall have been by them respectively collected or received, and how, and to what Uses, the same have been paid and applied, together with proper Receipts and Vouchers for such Payments; and shall pay all such Monies as shall remain in their Hands to the said Trustees, or any Five or more of them, or to such Person or Persons, or to such Uses and Purposes, as they, or any Five or more of them, shall direct and appoint: And that all such Officers and other Persons shall verify such Accounts upon Oath, if thereunto required by the said Trustees, or any Five or more of them; (which Oath any Two of the said Trustees are hereby impowered to administer): And if any of the said Officers or other Persons shall not give such Account, or shall refuse to verify the same in Manner as aforesaid; that then, and in any or either of the said Cases, it shall be lawful for any Two Justices of the Peace for the County or Division where such Officer or other Person shall reside, and such Justices are hereby authorized and required to make Enquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justices are hereby impowered and required to administer without Reward): And if such Persons shall be thereof convicted, such Justices shall commit the Party to the Common Gaol of the County of Berks, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account, and verify the same in Manner aforesaid: And in case any of the said Officers or other

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

Officers to account upon Oath.

Officers refusing to account,

Justices to enquire into the Default,

and commit the Offender.

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

Balance may be levied by Distress and Sale.

For want of Distress, the Offender to be committed,

until Payment or Composition made.

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 and they shall appoint, to search for, dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, for repairing the said Road, in and out of any River or Brook, or out of any Waste or Common, of or in any Parish, Town, Village, or Hamlet, in or near which any Part of the said Road doth lie, without paying any thing for such Materials; such Surveyor or Surveyors levelling, or causing to be levelled, all such Holes and Pits, or fencing in the same, in such Manner as that the same shall not be dangerous for any Cattle or Travellers whatsoever, and paying for the Damages done by landing, or for going over or through any Lands for or with such Materials, to be ascertained as after mentioned; and also it shall and may be lawful to and for the said Surveyor and Surveyors, and such other Person or Persons as he or they shall appoint, such Surveyor or Surveyors first having an Order from any Five or more of the Trustees, at some Meeting assembled, in Writing under their Hands, to search for, dig, gather, and take away, such Materials in and out of the several

Surveyors may dig Gravel, &c.

without paying for the same;

levelling the Pits, &c.

Materials may be taken from private Grounds,

ral Grounds of any Person or Persons, (not being the Ground whereon any Houses or Buildings stand, or a Garden, Orchard, Yard, Park, planted Walk or Walks, or Avenue to a House, or any Piece or Parcel of inclosed Ground, planted, set apart, and used, as a Plantation or Nursery for Trees) paying such Rates for such Materials, and for the Damages done to the Owners or Occupiers of such Grounds, where and from whence the same shall be digged, gathered, or carried away, or over which the same, or any other Materials for Repair of the said Road, shall be carried, as the said Trustees, or any Five or more of them, shall judge reasonable and assess; and in case of any Difference concerning the same, the Justices of the Peace, or the major Part of them, at the next General Quarter Sessions, or at the Second General Quarter Sessions at the farthest, to be holden in and for the said County of Berks, or at any Adjournment thereof, shall and may adjudge, assess, and finally determine the same.

making Satisfaction to the Owners.

Justices to determine Differences.

Surveyors may remove Annoyances, &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 from time to time appoint (such Surveyor or Surveyors having an Order from any Five or more of the said Trustees for that Purpose) to remove and prevent all Annoyances on or in any Part of the Road aforesaid, by Filth, Dung, Ashes, Rubbish, or otherwise, or to stop up or turn any Watercourses, Sinks, or Drains, running into, along, or out of, the said 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 as 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, so as to annoy and obstruct the repairing or widening thereof, and to take and carry away the same, in case the Owners or Occupiers of the Premisses where such Annoyances shall happen to be, or such Person or Persons as shall have occasioned the same, shall neglect to remove the same, or to cut down and carry away such Trees, Shrubs, and Bushes, as aforesaid, or to open, scour, or cleanse, their Watercourse or Watercourses, Ditch or Ditches, or to remove such Annoyances as aforesaid, for the Space of Ten Days next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof to be settled by the said Trustees, or any Five

Owners neglecting to remove the same, after Notice.

Charges to be reimbursed to the Surveyors.

or

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or more of them, shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers, the same to be recovered in such Manner as the Penalties and Forfeitures are herein after directed to be recovered: And if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Kind; every such Person shall, for every such Offence, forfeit and pay to the said Trustees, or to their Treasurer for the time being, the Sum of Forty Shillings. Penalty of a Second Offence.

And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, Causeways, Drains, and Ditches, and to erect Arches and Bridges in and upon, or on the Sides of the said Road, or in any Grounds lying contiguous thereto; and to keep in Repair such Bridges and Arches, and scour such Ditches and Drains; and also to make, or cause to be made, a Road through the adjoining Grounds of any narrow or ruinous Part of the said Road (not being the Grounds whereon any House or Houses, or other Buildings stand, or a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground, planted and set apart as a Nursery for Trees) to be made use of by all Passengers, Cattle, Carriages, or otherwise, as a publick Highway, whilst the old Road is repairing or widening, and till such Time as it shall be convenient for Passengers and Carriages to pass through the same; making such reasonable Satisfaction to the Owners or Occupiers of such Grounds respectively, through which any such Drain or Ditch shall be made or cut, or on which any such Arch or Arches, Bridge or Bridges, shall be made, or through which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, or any Five or more of them; and in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees; that then it shall and may be lawful to and for the Justices of the Peace, or the major Part of them, at the next General Quarter Session for the said County of Berks, or at their said General Quarter Sessions, or at any Adjournment thereof at the farthest, to hear, settle, adjudge, and finally determine the Recompence which shall be made to such Owners or Occupiers for the Damages they shall have sustained as aforesaid. Surveyors may make Causeways, &c. and make a temporary Road; making Satisfaction to the Owners. Justices to determine Differences.

And

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

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

Where Perſons refuſe to treat, &c.

And be it further enacted, That if any ſuch Bodies Politic or Corporate, Eccleſiaſtical or Civil, or any Perſon or Perſons as aforeſaid, intereſted in any ſuch Lands or Hereditaments, upon Notice to him or them given or left in Writing at the Dwelling-houſe or Houſes, or Place or Places of Abode of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politic, Corporate, Eccleſiaſtical, or Civil, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Hereditaments intended to be taken in and added to the ſaid Road, or through which the ſaid Road ſhall be turned as aforeſaid, ſhall, for the Space of Ten Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſſes, or by reaſon of Abſence ſhall be prevented from treating; then, and in every or any ſuch Caſe, the ſaid Truſtees, or any Nine or more of them, ſhall cauſe it to be enquired into, and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men of the ſaid County of Berks (which

Jury to ſettle the Damages and Recompence.

(which Oaths any Two or more of the said Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners or Proprietors, or other Person or Persons interested, for or on account of the taking such Lands or Hereditaments into the said Road, or of turning such Road through the same; and in order thereunto the said Trustees, or any Nine or more of them, are hereby impowered and required, from time to time, to summon before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought proper to be examined concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer) and they the said Trustees, or any Nine or more of them, shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premisses; and such Trustees shall order, adjudge, and determine, the Sum or Sums of Money which shall be assessed by the said Jury for such Damages as aforesaid, to be paid to the said Owners or Proprietors of, or other Person or Persons interested in, the said Lands or Hereditaments, according to such Verdict or Inquisition of the said Jury; which Verdict or Inquisition, and Judgement, Order, or Determination, shall be final and binding to all Intents and Purposes against all Parties and Persons whatsoever, claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs or Successors, as well absent as present, Infants, Femes-covert, and Persons under any Disability whatsoever, Bodies Politic, Corporate, Ecclesiastical, or Civil, as well as all other Person or Persons whomsoever, and against all and every such Owners and Proprietors: And the said Trustees, or any Two or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the said County of Berks, thereby requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the said Trustees, or any Nine or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number of Persons accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear, or cause to be

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be final.

sworn, Twelve, to be drawn by Ballot out of the said Twenty four, or such of them as shall attend, who shall be the Jury for the Purposes aforesaid; and for Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve.

Jurors may be challenged.

Provided always, and be it further enacted, That all Persons concerned shall have their lawful Challenges against any of the said Jurymen; and the said Trustees, or any Nine or more of them, acting in the Premisses, shall have Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses; and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, or refuse to be sworn on the said Jury, or being sworn and refusing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, or refuse to be examined and to give Evidence; and, from time to time, to levy and apply such Fine or Fines, in such Manner as the Penalties or Forfeitures are herein after directed to be levied and disposed of, so as that no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence.

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

And be it further enacted, That all and every Sum and Sums of Money or Recompence to be agreed for or ascertained as aforesaid, shall be, and is and are hereby directed to be paid out of the said Tolls, or out of the Monies to be borrowed upon the Credit of such Tolls, unto the Persons respectively intitled thereto, or to their Agents; and that upon Payment or Tender thereof to such Persons respectively, or their Agents, and in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk or Clerks for the time being of the said Trustees, for the Use of such Persons; and after Ten Days Notice thereof given to such Persons, or their Agents, to receive such Money, it shall and may be lawful for the said Trustees, or any Nine or more of them, their Surveyors, Workmen, or Agents, to take into or add to the said Road such Lands or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Lands or Hereditaments,

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

reditaments, as the said Trustees, or any Nine or more of them, shall think fit; and such Lands or Hereditaments, so taken into or made Part of the said Road, shall be deemed and taken to be, to all Intents and Purposes, a Public and Common Highway, and shall be repaired, and kept in Repair, by such Ways and Means as the Road hereby appointed to be repaired and widened is by this or any other Law to be repaired; and after any such new Road shall be compleated, the Lands and Grounds constituting the former Road shall be vested in, and shall and may be sold and conveyed by, the said Trustees, or any Nine or more of them, for the best Price that can be gotten for the same, and such Conveyances shall be good and effectual in Law to all Intents and Purposes; and the Money arising by such Sale shall be applied in such Manner as the Tolls are directed to be applied.

and deemed a publick Highway.

Old Road may be sold.

Provided always, and it is hereby enacted and declared, That the Power and Authority given to the said Trustees as aforesaid shall not extend to the pulling down any Dwelling-house, or other Building, or taking in the Scite of any House or other Building, or to take in any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House; any thing herein contained to the contrary notwithstanding.

Buildings, &c. not to be injured.

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

Proviso.

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

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

And be it further enacted, That where any particular Part or Parts of the said Road, or any Bridges, Drains, and Sewers, being in and upon the said Road, or any Part thereof, by this Act intended to be repaired, and which have been accustomed or ought to be repaired and maintained by any particular Person or Persons, Body Politick or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or otherwise, all and every such Part or Parts of the said Road, Bridges, Drains, or Sewers, shall be maintained and kept in Repair

Persons liable to the Repair of the Roads, &c. to continue so.

Repair by such Person or Persons, Body Corporate or Politick, in such Manner as the same was maintained and kept in Repair before the passing of this Act; and the Possessors and Occupiers of any such Lands, Tenements, or Hereditaments, are hereby directed and required to pay such Rents and Profits to such Person as the said Trustees, or any Five or more of them, shall appoint to receive the same: And if any such Persons shall neglect or refuse to pay the same for the Space of Ten Days after the same shall be demanded; it shall and may be lawful for the said Trustees, or any Five or more of them, by Warrant under their Hands and Seals, to levy the same by Distress and Sale of the Goods of such Person, Body Politick or Corporate, who shall neglect or refuse to make such Payments as aforesaid, together with the Costs and Charges of such Distress and Sale; and such Money when recovered shall be applied towards the Repair of such Parts of the Road towards which such Lands, Tenements, or Hereditaments are or shall be chargeable as aforesaid, and to no other Use or Purpose whatsoever.

Trustees may compound for Statute-work.

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

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

And be it further enacted, That it shall and may be lawful to and for any Five or more of the said Trustees, by their Surveyor or Surveyors, to summon the Surveyors of the Highways for the time being for the respective Parishes, Townships, or Places, wherein any Part of the said Road doth lie, to bring in Writing before the said Trustees, or any Five or more of them, upon Oath, within Fourteen Days after such Summons (which Oath the said Trustees, or any Two of them, are hereby impowered to administer) a List of the Names of all and every the Persons who, within such Parishes, Townships, or Places respectively, are obliged by Law to do their Statute-work towards repairing the said Road in any of the said Parishes, Townships, or Places respectively, for that Year, with Teams and Draughts, or otherwise; as also the Number of Days

Work

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

Persons found idle to be turned off.

Provided always, That nothing herein contained shall extend to charge the Inhabitants of any Township, District, or Place, which is already liable to do Duty on any Turnpike Road that now crosses or intersects the Road hereby intended to be repaired, with more than One Day's Statute-work, to be applied in repairing the Road directed to be repaired and widened by this Act.

Proviso.

And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors of the Highways, or other Person and Persons, by and with

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

the Consent of the Inhabitants of such Parishes, Townships, or Places respectively, first had at a Vestry, or other publick Meeting of such Inhabitants, who shall be summoned together for that Purpose, to compound and agree from time to time with the said Trustees, or any Five or more of them, for a certain Sum of Money, by the Year or otherwise, in lieu of the Statute or other Work to be done by such respective Inhabitants upon any Part of the said Road; and in case such Composition-money shall not be paid to the said Trustees, or any Five or more of them, or to such Persons as they shall appoint to receive the same, within Fourteen Days next after the same shall (according to any such Agreement or Composition as aforesaid) be demanded, it shall be lawful to and for any Justice or Justices of the Peace of the County of Berks, upon Oath made before him or them of such Default (which Oath the said Justice or Justices is and are hereby impowered to administer) and he or they is and are hereby required to issue a Warrant under his or their Hand and Seal, or Hands and Seals, to impower the Person or Persons authorized by the said Trustees, or any Five or more of them, to receive such Composition-money, to levy the same by Distress of the Goods and Chattles of the Person or Persons who shall have made such Composition as aforesaid; and such Goods and Chattles so distrained, after the Space of Five Days (such Composition-money, and the reasonable Charges of such Distress, not being paid) to sell, returning the Overplus (if any) to the Owner or Owners thereof, upon Demand, after the Composition-money, and all reasonable Charges of such Distress and Sale shall be deducted; which Composition-money shall be applied in such Manner towards amending the said Road, as the Tolls are herein before directed to be applied, and to no other Use or Purpose whatsoever; and such Surveyors or other Persons, by whom such Composition shall be made on Behalf of any Parish, Township, or Place, as aforesaid, shall be reimbursed such Composition-money, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Composition-money how to be recovered.

Surveyors paying the Composition money, how to be reimbursed.

And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said Road to be measured, and Stones or Posts to be set up in or on the Sides of the said Road, with Inscriptions thereon, denoting the Number of Miles and Distance of Places, as they, or any Five or more them, shall think fit;

Roads to be measured, and Mile-stones erected.

fit; and if any Person shall wilfully pull up or damage any Stones or Posts to be erected by virtue of this Act, or shall obliterate or deface any of the Letters, Figures, or Marks, which shall be inscribed thereon, and be thereof convicted by the Confession of the Party, or by the Oath of One credible Witness, before any Justice or Justices of the Peace for the said County of Berks (which Oath such Justice or Justices is and are hereby impowered to administer) every such Person shall forfeit and pay the Sum of Forty Shillings for every such Offence, to be levied by Distress and Sale of the Goods and Chattles of such Offender; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in repairing such Stones or Posts, or in supplying new Ones in their Stead; and if there shall be any Overplus, the same shall be laid out in repairing the Road hereby directed to be repaired: And in case sufficient Distress cannot be found, it shall be lawful for the said Justice or Justices, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender to the House of Correction for the County or Place where such Offence shall be committed, for the Space of One Calendar Month, there to remain without Bail or Mainprize until he or she shall have paid the said Sum of Forty Shillings, or until the Expiration of the said Calendar Month.

Penalty on defacing Mile-stones, &c.

to be levied by Distress and Sale.

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

Penalties and Forfeitures how to be recovered and applied.

Provided always, and be it further enacted, That in case any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, and for which

Persons aggrieved may appeal to the Quarter Sessions.

which no particular Method of Relief has been already hereby appointed, it shall be lawful for such Person to appeal to the Justices of the Peace at their next General Quarter Sessions to be held for the said County of Berks; or, in case the said Cause of Complaint shall arise within Fourteen Days next before such General Quarter Sessions of the Peace, then such Appeal may be made to the said Justices at the Second General Quarter Sessions of the Peace to be held for the said County, who are hereby authorised and required to take Cognizance thereof, and to hear and determine such Complaint in a summary Way; and if they shall see Cause, may, by Order of such Sessions, mitigate at their Discretion all or any of the Penalties aforesaid, or vacate and set aside the Conviction, and set the Party at Liberty, or otherwise may ratify and confirm the same, with such Costs as to them shall seem reasonable, and to make such Orders and Judgements in regard to the Premisses as they shall think fit; but the Person so appealing, shall give Notice in Writing to the said Treasurer or Treasurers of such his Intention of bringing such Appeal, and the Cause or Matter thereof, Ten Days at least before the said Quarter Sessions respectively.

Notice of Appeal to be given.

Provided always, and be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form only, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding.

Proceedings not to be removed by *Certiorari*, &c.

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

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

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die or refuse to act, and of such his Refusal shall give Notice in Writing to any Five or more Trustees at any of their Meetings held by and under the Authority of this Act, it shall and may be lawful to and for the surviving or other Trustees, or any Five or more of them, from time to time, to elect, nominate, and appoint, One or more fit Person or Persons qualified as aforesaid, in the Place of such Trustee so dying or refusing to act; and such Person or Persons so elected, nominated, and appointed, being qualified to act, shall be, and is hereby declared to be to all Intents and Purposes a Trustee for carrying this Act into Execution; but Notice in Writing of the Time and Place of Meeting for the Election of all such new Trustees, shall be affixed on all the Turnpikes which shall be erected by virtue of this Act, at least Fourteen Days before the Meeting for such Election. On Death, &c. of Trustees, others to be chosen.

And be it further enacted, That the said Trustees, or any Five or more of them, shall meet at the House of James Powell, at The Crown and Thistle in Abingdon aforesaid, on the First Monday in April next after the passing of this Act, and proceed to the Execution of this Act, and adjourn themselves from time to time, and afterwards to meet there, or at any other Place in or near the said Road, as the said Trustees, or any Five or more of them, shall think most convenient, as often as it shall be necessary for putting this Act in Execution: And if it shall happen that there shall not appear at any Meeting a sufficient Number of Trustees to act and adjourn to any other Day, the Clerk or Clerks to the said Trustees shall, by publick Notice in Writing, to be affixed on all the Turnpikes to be erected on the said Road, at least Fourteen Days before the next Meeting, appoint the said Trustees to meet at the House where the last Meeting of the said Trustees was appointed to be held, or at some other convenient House in or near the said Road, on the Day to be fixed in such Notice; and that the said Trustees, at all their Meetings, shall defray their own Charges and Expences. Time and Place of Trustees Meeting. In Default of a sufficient Number to act, Notice to be given of another Meeting. Trustees to defray their own Expences.

Provided always, and be it further enacted and declared, That no Trustee shall have any Place of Profit arising out of or by reason of any Tolls hereby granted; but every such Person shall be incapable of acting as a Trustee during the Enjoyment of such Place of Profit. Trustee not to accept a Place of Profit.

And be it further enacted, That all Orders and Proceedings of the said Trustees shall be entered in a Book Proceedings to be entered in a Book.

to be kept for that Purpose; and such Orders and Proceedings, so entered and signed by the said Clerk or Clerks, at any Meeting of the said Trustees, or any Five or more of them, as the Case shall require, shall be deemed and taken to be the original Orders, as if the same were under the Hands and Seals of the said Trustees: Which said Book or Books, shall and may be produced and read in Evidence in all Cases of Appeal, and in all Suits or Actions touching any thing done in pursuance of this Act.

Writings to be without Stamps.

Provided always, and be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, or any Certificate, Mortgage, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any Power or Authority hereby granted, shall be charged or chargeable with any Stamp or Duty whatsoever.

Commencement and Continuance of this Act.

And be it further enacted, That this Act, and all the Tolls and Powers hereby granted, shall take Place and have Continuance from and after the First Monday in April, in the Year One thousand seven hundred and fifty eight, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Limitation of Actions.

And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any thing to be done in pursuance of this Act, the same shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid and brought in the County of Berks, and not elsewhere; and the Defendant or Defendants in such

General Issue.

Action or Suit, shall and may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the same was done in Pursuance of and by the Authority of this Act; and if it shall appear so to have been done, or that such Action or Suit shall be commenced after the Time before limited for bringing the same, or shall be brought in any other County or Place, that then the Jury shall find for the Defendant or Defendants; and upon a Verdict for the Defendant, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their, Action or Suit, after the Defendant or Defendants shall have

have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, upon 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 contained in this Act, and shall have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law. Treble Costs.

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

FINIS.