Anno nono

Georgii III. Regis.

An Act for repairing the Road from *Stoney Stratford* in the County of *Bucks*, through the Towns of *Buckingham* and *Bicester*, to the Town of *Woodstock* in the County of *Oxford*.

WHEREAS the Road leading from Woodstock in the County of Oxford, through the Liberty of Henfington and Parish of Tackley, to the Turnpike Road leading from Kiddington to Enflow Bridge, in the said County; and from thence through a Lane in the Parish of Bletchingdon into Kirtlington Field; and from thence through the Village of Kirtlington, entering into the same at a Gate called Tredwell's Gate, and passing through the said Village by another Gate called Fox Towns End, by the Side of Sir James Dashwood's Park Wall on to the Old Akemans Street Road, to the Village of Chesterton, by the Corner of Chesterton Meadow, to the Town of Bicester, and through the Parish of Bicester Kings End, and the Town and Parish of Bicester Market End, through the several Parishes of Launton, Preamble.

ton, Stratton Audley, and Fringford, to Fringford Water Mill in the Parish of Newton Purcell, to the Parish of Finmore, in the said County of Oxford; and from thence along the Turnpike Road from Banbury to Buckingham, through the Town of Buckingham, to and through the Parishes of Maids Morton, Foscot, and Leckhamstead, in the County of Bucks; and from thence to Wickend and Dunsanger in the Parish of Passingham, in the County of Northampton; and from thence to the Turnpike Road at Old Stratford, in the Parish of Cosgrove, in the County of Northampton; is very narrow, ruinous, and in many Places impassable for Carriages, and cannot be sufficiently repaired and widened without the Authority of 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 Earl Verney in the Kingdom of Ireland, the Right Honourable Bussey Villiers, commonly called Lord Viscount Villiers; the Right Honourable George Sackville, commonly called Lord George Sackville; the Right Honourable Charles Spencer, commonly called Lord Charles Spencer; the Right Honourable Robert Spencer, commonly called Lord Robert Spencer; the Right Honourable George Grenville, the Honourable Henry Grenville, the Honourable Peregrine Bertie, Sir Philip Touchett Chetwood, Sir James Dashwood, Sir Gregory Turner, Sir Charles Kemys Tynte, Baronets; Sir Charles Cottrell Dormer Knight, John Aubrey, Arthur Annesley, the Bailiffs and Burgesses of Buckingham for the time being, Joseph Bell, John Butterfield, Philip Barton, Joseph Bullock, Lilley Buttler, Charles Bowles, the Reverend John Banks, the Reverend Philip Brown, Bullock, the Reverend Doctor Brown of Launton, Archibald Buchanan, Edward Bloxham, Walter Beaty, William Wentworth Creswell, John Cotton D. D. William Cripps, Charles Chester, Francis Clarke, the Reverend Thomas Cooke, the Reverend Thomas Coker, the Reverend Cooke of Bicester, John Cooke, Richard Dayrell, Edmund Dayrell, Henry Watkin Dashwood, James Eyres Clerk, Pulter Forrester D. D. William Farebrother Clerk, William Guy, Henry Gabell Clerk, William Gurden, Stephen Gurden, George Grenville junior, the Reverend Thomas Gregory, the Reverend Greenhill, Wright Hawes Clerk,

Trustees Names.

Walden Hanmer, Thomas Holt, William Hutton Clerk, John Hurſt, John Halſted Clerk, Thomas Harriſon, George Pitt Hurſt, John Haddon, John Hamilton, Thomas Hooton, John Hollingſworth, the Reverend Benjamin Holloway ſenior, the Reverend Benjamin Holloway junior, Mathew Knapp, Primatt Knapp Clerk, King, the Reverend Doctor Kyte, Richard Lowndes, William Lowndes of Winſlow, Charles Lowndes, Henry Lowndes, Thomas Lowndes Clerk, William Leapidge, James Lamb, John Morton, the Mayor and Aldermen of the Borough of New Woodſtock for the time being, the Reverend Doctor Timothy Neve, George Huddleſtone, Jervoiſe Purefoye, Thomas Price Clerk, Robert Perrott, George Priam Clerk, John Carter Pollard, John Purat, Robert Pearſon, Richard Purrat, Francis Page, Lewis Pryce, Francis Penroſe, the Reverend Benjamin Pye, Francis Penroſe junior, Thomas Pryor, Henry Quarterley Clerk, Walter Read, Patrick Renny, Jaſper Robins, Henry Rolls, Thomas James Selby, Richard Smith, Joſeph Smith, Lawſon Shan Clerk, Daniel Shipton, Alexander Small, Edmund Smith Clerk, Henry Smith, Samuel Trotman, Thomas Thaed, Samuel Trotman, Fiennes Trotman, George Wrighte, Benjamin Price Withers, Charles Wodeneth, John Williams, John Wilmer, Robert Watſon Clerk, Thomas Walker, the Reverend Warren, John Walker, Thomas Weſtear, Richard Young, ſhall be, and they are hereby appointed to be, Truſtees for putting this Act in Execution.

Qualification of Truſtees.

And be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs at the Time of his acting as ſuch 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, which ſhall be of the clear yearly Value of Fifty Pounds above Reprizes, or ſhall 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 ſo made incapable to act, ſhall nevertheleſs preſume to act in the Truſt aforeſaid, every ſuch Perſon, for every ſuch Offence, ſhall forfeit and pay the Sum of Fifty Pounds, to any Perſon or Perſons who ſhall inform and ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, or on the Caſe, Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and

Penalty on acting if not qualified.

the Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, 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.

Time and Place of Truſtees Meeting.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the Houſe of Maſter Thomas Potter, known by the Sign of The King's Arms in Biceſter, and ſhall proceed to the Execution of this Act, and ſhall alſo yearly and every Year during the Continuance of this Act, at ſuch Times and Places as any Five or more of them ſhall think proper, meet at ſome Place in or 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 any other 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.

Notice to be given of another Meeting.

Truſtees to defray their ownExpences.

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

And be it further enacted, That when and ſo 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.

Notice of Election.

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 Road, and alſo a Toll-

houſe

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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 Carriages shall be permitted to pass through the same, or any of them; that is to say, and take Tolls thereat.

The Tolls.

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 One Shilling; and with less than Four Wheels, the Sum of Six Pence.

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

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 and 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 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; rendering the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls and Duties, and the reasonable

Tolls vested in Trustees.

Tolls to be levied by Distress and Sale.

Distress may be sold after 4 Days.

reasonable Charges for distraining, keeping, and selling the same, shall be deducted and paid.

Charges of passing this Act how to be paid.

And be it further enacted by the Authority aforesaid, 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 upon 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 by the Authority aforesaid, 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 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.

Exemption from Tolls.

Provided always, and be it further enacted by the Authority aforesaid, 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

Horſes or other Cattle 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 Packquet; 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 any Election of a Knight or Knights of the Shire to ſerve in Parliament for the Counties of Oxford and Bucks, 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 on making illegal Claims.

And be it further enacted by the Authority aforeſaid, 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 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. Toll to be paid but Once in a Day.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall give and 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 Perſons diſpoſing of Tickets, &c.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or 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 ſhall not occaſion a Double Charge to Perſons Truſtees may erect Turnpikes and Toll-houſes.

sons passing through the Turnpike or Turnpikes to be erected on the main Road from Woodstock to Stoney Stratford.

Trustees with Consent of the Creditors may lessen the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five 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 be it further enacted by the Authority aforesaid, 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, before any One or more Justice or Justices of the Peace residing near the said Road (which Oath such Justice or Justices of the Peace is and are hereby 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 and 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

and remove them, and appoint others.

Officers to account upon Oath.

shall

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 the 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 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 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.

Officers refusing to account,

Justices may enquire into Default.

Justice may commit the Offender,

until Payment or Composition made.

Trustees to allow Officers Salaries.

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

And be it further enacted by the Authority aforesaid, 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,

Treasurer to give Security.

Offices, as to the said Trustees, or any Five or more of them, shall seem meet.

Trustee not to accept of a Place of Profit.

Provided always, and be it further enacted and declared by the Authority aforesaid, 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.

And whereas there is a Ford or large Water at Caterford, in the Parish of Leckhamstead, in the County of Bucks, running through and cross the Road intended to be repaired by this Act, over which there is only a Bridleway or Horse Bridge, though at certain Seasons of the Year the said Water (especially after Rains) overflows and becomes so deep and rapid that Carriages are not able to pass and repass; to prevent which for the future, and that the said Passage may be commodious for all Persons and Carriages whatsoever, be it further enacted by the Authority aforesaid, That the Trustees appointed or to be appointed by this Act to put the same in Execution, or the major Part of such of them as shall be assembled at their respective Meetings, being all duly summoned by publick Notice in Writing, to be affixed or set up at the several Turnpikes erected or to be erected on the said Road; and also at or upon the Common Market houses or Market-posts in the respective Towns of Woodstock, Bicester, and Stoney Stratford, at least Ten Days before such publick Meeting shall be had, shall and may be impowered to lay out and expend any Sum or Sums of Money, not exceeding Five hundred Pounds in the Whole, out of the Monies arising by the Tolls and Duties to be paid by virtue of this Act, for and towards the building and making over the said Ford or Water a commodious Bridge fit for Carriages of all Sorts; and that the said Bridge, when so built, shall be called Caterford Bridge, and be reputed, deemed, and taken, as and for a County Bridge, and shall from time to time, and at all Times thereafter, be amended and kept in Repair for ever by the said County, in the same Manner, and by the same Ways and Means, as other County Bridges are provided for to be amended and kept in Repair by the Laws and Statutes of this Realm.

A Bridge to be built at *Caterford*.

Turnpikes and Toll-houses vested in the Trustees.

And be it further enacted by the Authority aforesaid, 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;

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 or more 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 bring Actions and Indictments.

And be it further enacted by the Authority aforeſaid, 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 or Number of Years, not exceeding Three Years, at and under ſuch Rent, payable at ſuch Times, and under ſuch Covenants, as 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. Truſtees may let the Tolls.

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 by the Authority aforeſaid, 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 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 Monies, 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. Truſtees impowered to borrow Money on the Credit of the Tolls.

Notice to be given of borrowing Money.

Provided always, and be it further enacted by the Authority aforesaid, 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.

Assignments to be entered in a Book.

And be it further enacted by the Authority aforesaid, 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 may be transferred.

And be it further enacted by the Authority aforesaid, That all and every Person or Persons to whom any 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.

Entries to be made of all Assignments.

Treasurer's Fee.

And

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And be it further enacted by the Authority aforesaid, 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, and 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; 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 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 present, shall and may adjudge, assess, and finally determine the same.

Surveyors may dig Gravel, &c. in Waste Grounds,

without paying for the same.

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, 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

Surveyors may remove Annoyances in the Road, &c.

turn

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, or cleanse, their Watercourse or Watercourses, Ditch or Ditches, as aforesaid, within the Space of Ten Days next after 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 levied; and if, after the 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.

the Owners neglecting to remove the same after Notice;

Charges to be reimbursed the Surveyor.

Penalty on a subsequent Offence.

And be it further enacted by the Authority aforesaid, 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 on 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 High-way,

Surveyors may make Causeways, &c.

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

way, 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 any 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.

making Satisfaction to the Owners.

Juſtices to determine Differences.

And be it further enacted by the Authority aforeſaid, 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 or Parts of the ſaid Road; 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, and all Executors, Adminiſtrators, Huſbands, Guardians, Committees, Truſtees for or on Behalf of any Infant, Feme Covert, Ideot, Lunatick, Ceſtuique Truſt, or other Perſon under any Diſability whatever, 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:

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

Incapacitated Perſons may treat.

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.

Where Persons refuse to treat, &c.

And be it further enacted by the Authority aforesaid, That if any such Corporation or Persons 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 Damage 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 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

Damage and Recompence to be settled by a Jury.

Witnesses may be summoned, and examined upon Oath.

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 and 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, 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 compleated, 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

Verdict of the Jury to be final.

Trustees to issue their Warrant to summon and impanel a Jury.

Jury may be challenged.

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

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 that no ſuch Fine ſhall exceed the Sum of Ten Pounds upon any One Perſon for One Offence.

Fine not to exceed 10 *l.*

Expences of Jurors how to be borne.

And be it further enacted by the Authority aforeſaid, 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 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 as Damage as aforeſaid; that then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute.

And

And be it further enacted by the Authority aforesaid, 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 Highway, 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 repairing of the said Road, and other the Purposes of this Act; and the Conveyance to be made of such Lands, 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.

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

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

and deemed a publick Highway.

Old Road may be sold.

Application of the Monies.

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

Buildings not to be injured.

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.

Trustees not to act where interested.

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

And be it further enacted by the Authority aforesaid, 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 impowered and required 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.

Justices to determine Differences.

Trustees may compound for Statute-work.

And be it further enacted by the Authority aforesaid, 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 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 heretofore) 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. liable to repair any Part of Road, to continue so.

And be it further enacted by the Authority aforesaid, That if any Rents, Profits, 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

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.

On Non-payment,

to be levied by Distress and Sale.

Application thereof.

And be it further enacted by the Authority aforesaid, 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 deemed 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.

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

Inhabitants to do Statute-work.

And

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

And be it further enacted by the Authority aforesaid, 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 and 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 and 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 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

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

and on Persons keeping Teams.

Penalty on not performing Statute-work.

other Person or Persons shall make Default; and if any Person who shall, according to such Summons or publick Notice as 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 or 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 Persons 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.

And be it further enacted by the Authority aforesaid, 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. Trustees may compound for Statute-work.

And be it further enacted by the Authority aforesaid, 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 for the County within which 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 Composition-money how to be recovered.

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 paying the Composition-money how to be reimbursed.

And be it further enacted by the Authority aforesaid, 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.

Roads to be measured, and Mile stones erected.

And be it further enacted by the Authority aforesaid, 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, or Figures or Letters thereupon, 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) 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

Penalty on defacing Mile-stones.

Justices

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 by the Authority aforesaid, 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 the 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 in Commission of the Peace to act as Justices.

And be it 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 Counties of Oxford or Bucks, 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, except in such only wherein he is personally interested.

Persons aggrieved may appeal to the Quarter Sessions.

And be it further enacted by the Authority aforesaid, 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

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 for 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 then next General Quarter Sessions be heard and finally determined.

Notice of Appeal to be given.

Proceedings not to be quashed for want of Form;

And be it further enacted by the Authority aforesaid, 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 removable by Certiorari, or any other Writ or Process whatsoever, into any his Majesty's Courts

nor removeable by *Certiorari.*

Courts of Record at Westminster; any Law or Statute to the contrary thereof in any wise notwithstanding.

Distress not deemed unlawful for want of Form;

And be it further enacted by the Authority aforesaid, 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*.

Proceedings to be entered in a Book.

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

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought or prosecuted against any Person or Persons for any thing done in

pursuance of this 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, 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.

And be it further enacted by the Authority aforesaid, That this Act, and the Tolls or Duties, and the several Powers and Authorities hereby granted, shall commence on the First Day of May in the Year of our Lord One thousand seven hundred and sixty nine; 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.

Commencement and Continuance of the Tolls.

And be it further enacted by the Authority aforesaid, 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.

Publick Act.

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FINIS.