ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 210.

An Act for more effectually improving the Road from *Burford* to *Banbury* in the County of *Oxford*, and from *Burford* to the Road leading to *Stow* in the County of *Glouceſter*, and from *Swerford Gate*, in the County of *Oxford*, to the Road in *Aynho* in the County of *Northampton*. [20th *June* 1810.]

WHEREAS an Act was paſſed in the Tenth Year of the Reign of His preſent Majeſty, intituled, *An Act for repairing and widening the Road from* Burford *to* Banbury *in the County of* Oxford, *and from* Burford *aforeſaid to the Turnpike Road leading to* Stow *in the County of* Glouceſter, *at the Bottom of* Stow Hill, *and from* Swerford Gate *in the ſaid County of* Oxford, *to the Turnpike Road in* Aynho *in the County of* Northampton: And whereas an Act was paſſed in the Thirty-firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for enlarging the Term of an Act of the Tenth Year of His preſent Majeſty, for repairing and widening the Road from* Burford *to* Banbury *in the County of* Oxford, *and from* Burford *aforeſaid to the Turnpike Road leading to* Stow *in the County of* Glouceſter, *at the Bottom of* Stow Hill, *and from* Swerford Gate *in the ſaid County of* Oxford, *to the Turnpike Road in* Aynho *in the County of* Northampton: And whereas the Truſtees appointed in and by virtue of the ſaid recited Acts have proceeded to put the ſame in Execution, and have for that Purpoſe borrowed conſiderable Sums of Money on the Credit of the Tolls thereby authorized to be collected on the ſaid Road, which Money, together with the ſaid Tolls, have been duly applied according to the Directions of the ſaid Acts; but the ſaid Road cannot be properly amended and kept in Repair, nor the ſaid Money ſo borrowed be repaid, unleſs the Term of the ſaid Acts be continued as to the ſaid Road, and the Tolls granted by the firſt-mentioned Act increaſed; and

10 G. 3. c. 101.

31 G. 3. c. 128.

the Powers and Provisions of the said recited Acts having been found in many Respects defective and insufficient, it would be more convenient to the Trustees and beneficial to the said Road, if the Powers and Provisions contained in the said Acts were repealed, and further and other Powers granted instead thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most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 from and after the Second *Wednesday* next after the passing of this Act, the said Acts passed in the Tenth and Thirty-first Years of the Reign of His said present Majesty shall be and the same are hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever, and that instead thereof this Act shall commence and take Effect, and be put in Execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, widening, altering, making, improving, and keeping in Repair the said Roads.

The said several Acts repealed,

and this Act executed instead thereof.

This Act made subject to the Payment of all Monies borrowed on the Credit of former Acts.

II. And be it further enacted, That this Act and the Term and Tolls hereby granted shall be and are hereby made subject and liable to the Payment of all Monies which have been borrowed, or are now due and owing on the Credit of the respective Tolls authorized to be taken by the said recited Acts or either of them, and of all Interest due and to grow due thereon respectively, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or become due and owing on the Credit or on Account of this Act; and that all and every Persons and Person owing any Sum or Sums of Money to the Trustees for executing the said recited Acts or either of them shall be liable to the Payment thereof to the Trustees for executing this Act; and all Bonds, Covenants, Agreements, Contracts, and Securities entered into by any Person or Persons to or with the Trustees for executing the said Acts of the Tenth and Thirty-first Years of His said Majesty shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on Account and for the Benefit of the Trusts under this Act; and all lettings of Tolls, Contracts, and Agreements made or entered into by the said Trustees for executing the said Acts, hereby repealed, to or with any Person or Persons, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, according to the Terms and Stipulations thereof respectively, such Repeal or any Law to the contrary notwithstanding.

Persons owing Money to continue liable; and all Bonds and Contracts, &c. to remain in force,

and all lettings of Tolls.

Trustees.

III. And be it further enacted, That the Right Honourable *Charles Spencer*, commonly called *Lord Charles Spencer*, the Right Honourable *Francis Almeric Spencer*, commonly called *Lord Francis Almeric Spencer*, Sir *Henry Watkin Dashwood* Baronet, Sir *John Reade* Baronet, the Honourable and Reverend *Francis Knollis*, *James Adams* Clerk, *Edward Ansell*, *William Ansell*, *David Ansell*, *John Jordan Ansell*, *William Apletree*, *James Armetriding* Clerk, *George Bell* Clerk, *Oldfield Bowles*, *Charles Oldfield Bowles*, *Thomas Brabant*, *Thomas Brooks* Doctor in Divinity, *George Bulley*, *Thomas Carter*, *Bartholomew Churchill Carter*, *William Ralph Cartwright*, *William Cartwright*, *Clement Cartwright*, *Edmund John Chamberlayne*, *James Chapman*, *Samuel Churchill*, *Henry Churchill*, *Benjamin Churchill* Clerk, *John Churchill*, *Timothy Cobb*, *Thomas Cobb*, *Thomas Cobb* the younger, *Michael Corgan*, *George Corgan*, *Samuel Cox*, *George Mayne Dashwood*,

wood, *John Davis*, *Harry Davis* Clerk, *Henry Dawkins*, *Nicholas Peter Dobree* Clerk, *John Dolphin* Clerk, *Nicholas Earle* Clerk, *John Faulkner* Clerk, *Thomas Fawcett* Clerk, *John Conner Field*, *Samuel Churchill Field*, *Charles Fox*, *James Wake Golby*, *William Gorden* Clerk, *Greenhill* Doctor in Divinity, *John Hall*, *John Harris*, *Warren Haſtings*, *Charles Heynes*, *John Heynes*, *John Hippiſley* Clerk, *Henry Hippiſley* Clerk, *Richard Hippiſley*, *James Hitchman*, *William Holbech*, *William Holbech* the younger, *William Hudſon*, *Anſelm Jones* Clerk, *Edward Jones*, *Thomas Ireland* Doctor in Divinity, *John Kenn*, *Jabez Kimber*, *James King*, *John Kingdon*, *John Langſton*, *William Lechmere*, *Thomas Leigh* Clerk, *Henry James Leigh*, *Egerton Leigh* the younger, *John Lenthall*, *John Gaſcoyne Littlehales* Clerk, *Nicholas Marſhall* Clerk, *Edward Marſhall* Clerk, *Edward Matthews*, *Charles Browne Moſtyn*, *Charles Moſtyn*, *Owen* Clerk, *Samuel Palmer*, *Samuel Parker* Clerk, *Francis Penyſtone*, *John Phillips* Clerk, *Charles Pole*, *John Preedy*, *Rawlinſon*, *John Raymond*, *George Richard Smith*, *George Frederick Stratton*, *John Stratton*, *Charles Street*, *Thomas Sylveſter*, *Paul Sylveſter*, *John Chetwynd Talbot*, *James Taylor*, *William Taylor*, *Humphry Tuckwell*, *James Turner*, *Edward Turner*, *Francis Twiſleton*, *Thomas Twiſleton*, *William Walford*, *Thomas Wapſhott*, *James Wellington*, *Charles Weſtern* Clerk, *Robert Weſton*, *William Whalley* Clerk, *William Wilkins* Clerk, *William Shippen Willes* Clerk, *William Wilſon*, *Samuel Wilſon* Clerk, *Francis Witts* Clerk, *John Yeomans* Doctor in Divinity, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for making, repairing, widening, improving, and keeping in Repair the ſaid Roads, and for otherwiſe putting this Act into Execution.

Other Truſtees to be choſen on Death or Refuſal to act.

IV. And be it further enacted, That as often as any Truſtee herein-before named, or to be elected as herein-after mentioned, ſhall die, or by Writing under his Hand refuſe to act, it ſhall be lawful for the ſurviving or remaining Truſtees, or any Five or more of them, by Writing under their Hands, to elect One other Perſon to be a Truſtee in the Room of every Truſtee ſo dying or refuſing to act; but Notice of the Time and Place of Meeting for every ſuch Election ſhall be given by the Clerk to the ſaid Truſtees, by affixing the ſame in Writing upon all the Turnpike Gates on the ſaid Road at leaſt Ten Days before every ſuch Meeting; and all and every Perſon or Perſons who ſhall be ſo elected and appointed, being qualified as by this Act is required, is and are hereby veſted with the ſame Powers and Authorities for putting this Act in Execution as if he or they had been named and appointed a Truſtee in and by this Act.

Qualification of Truſtees.

V. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act whilſt he ſhall hold any Place of Profit under the ſame, nor in any particular Caſe wherein he ſhall be perſonally intereſted otherwiſe than as a Creditor; nor ſhall any Perſon be qualified to act as a Truſtee unleſs at the Time of his acting therein he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds above Reprizes, or ſhall be Heir Apparent of a Perſon having ſuch Eſtate of the clear yearly Value of One hundred Pounds, or be poſſeſſed of a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, to the Amount of One thouſand Pounds, nor (except in adminiſtering

niſtering the Oath or Affirmation herein-after mentioned) until he ſhall have taken and ſubſcribed, before any Two or more of the ſaid Truſtees, an Oath, or (being One of the People called *Quakers*), an Affirmation in the Words or to the Effect following; (that is to ſay),

Oath or Affirmation.

'I *A. B.* do ſwear, [*or*, being One of the People called *Quakers*, do ſolemnly affirm] that I truly and *bonâ fide* am in my own Right [*or*, in the Right of my Wife] in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds above Reprizes, or poſſeſſed of or entitled to a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, to the Amount of One thouſand Pounds [*or*, am the Heir Apparent of *A. B.* who, to the beſt of my Knowledge, is entitled to a Real Eſtate of Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds.]

'So help me GOD.'

Penalty on acting if not qualified.

And if any Perſon being unqualified by any of the Cauſes aforeſaid, or not being qualified as above mentioned, ſhall nevertheleſs preſume to act contrary to the true Intent and Meaning of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall inform or 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, or by Bill, Plaint, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is ſo qualified, or otherwiſe ſhall pay the ſaid Penalty, without any Proof or Evidence on the Part of the Proſecutor than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act: Provided nevertheleſs, that

Acts of unqualified Truſtees before Conviction to remain valid.

ſuch Acts and Proceedings as ſhall have been done and performed by any ſuch Perſon touching the Execution of this Act previous to his being convicted of the Offence before mentioned, ſhall notwithſtanding ſuch Conviction be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act.

Mortgagee may act as Truſtees.

VI. Provided always, and be it further enacted, That any Mortgagee or Aſſignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by this Act, or receiving Intereſt thereon for the ſame, ſhall not on that Account be deemed unqualified, or defeated from acting as a Truſtee in Execution of this Act.

Truſtees may ſue and be ſued in the Name of their Treaſurer or Clerk.

VII. And be it further enacted, That the ſaid Truſtees may ſue and be ſued in the Name of their Treaſurer or Clerk, and that no Action to be brought or commenced by or againſt the ſaid Truſtees or any of them, by virtue of this Act, in the Name of their Treaſurer or Clerk, ſhall abate or be diſcontinued by the Death or Removal of ſuch Treaſurer or Clerk, or by the Act of the ſaid Treaſurer or Clerk, without the Conſent of the ſaid Truſtees, but that ſuch Treaſurer or Clerk ſhall always be deemed the Plaintiff or Defendant in ſuch Action as the Caſe may be: Provided always, that every ſuch Treaſurer or Clerk ſhall be reimburſed, out of the Money to be raiſed by virtue of this Act, all ſuch Coſts, Charges, and Expences as he ſhall be put unto or become chargeable with by reaſon of his being ſo made Plaintiff or Defendant as aforeſaid.

VIII. And

First Meeting of Trustees.

VIII. And be it further enacted, That the said Trustees shall meet together at the *White Hart* Inn in *Chipping Norton*, in the County of *Oxford*, on the Second *Wednesday* next after the passing of this Act, or as soon after as conveniently may be, and proceed to the Execution of this Act, and that the said Trustees shall and may from Time to Time adjourn themselves to meet at such Time and at such Place or Places near the said Road as the said Trustees shall think proper: Provided that if at any Time there shall not appear a sufficient Number of Trustees to act or to adjourn to another Day, (Two Trustees being deemed sufficient for the Purpose of Adjournment only), or in case the Trustees at any Time assembled shall not adjourn themselves, then and in every such Case the Clerk to the said Trustees shall by Notice in Writing, to be affixed on all the Turnpikes then erected on the said Road, at least Ten Days before the next proposed Meeting, appoint the Trustees to meet at the Place where their then last Meeting was held or was appointed to have been held, as the Case may be, at such Time as he shall think fit, not exceeding Twenty-one Days, nor less than Ten Days after the Day on which such last Meeting was appointed or was held; and the Trustees shall at their Meetings defray their own Expences; and all Orders and Determinations of the Trustees in the Execution of this Act shall be made at Meetings to be held in pursuance thereof, and not otherwise, (except in Cases hereby particularly provided for); and that no Order or Determination shall be made unless the major Part of the Trustees present shall concur therein; and that all Acts, Orders, and Proceedings relative to this Act, which are directed to be done, made, or had by or before the said Trustees, shall and may be done, made, or had by or before any Five or more of the said Trustees, except where any other Number is herein named; and all Acts, Orders, and Proceedings done, made, or had by or before such Five or more Trustees, shall have the same Force and Effect as if the same were done, made, or had by or before the whole Number of Trustees; and that all such Trustees as are Justices of the Peace may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested; and in all Cases where the Trustees or any Justice or Justices of the Peace are authorized to examine any Person or Persons on Oath, it shall be lawful for such Trustees or Justice or Justices to administer such Oath; and that no Order made by Five or more Trustees shall be revoked or altered unless Nine Trustees shall be present, and the major Part of them concur therein, at a Meeting to be held for that Purpose, of which intended Alteration Fourteen Days Notice at least shall be given at a previous Meeting of the Trustees, and entered in their Books of Proceedings, and such Notice shall be affixed on all the Turnpikes on the said Road Ten Days at least before such Meeting.

Trustees to pay their own Expences.

Orders to be made at Meetings and the Majority to concur therein.

General Quorum of Trustees.

Trustees being Justices may act as such.

May administer Oaths.

Orders not to be revoked but by Trustees.

IX. And whereas the said Trustees, under the Powers of the first recited Act, and for the better executing the same, at their First Meeting proceeded to form themselves into Three Divisions, called *The* Burford *and* Banbury *Division*, *The* Aynho *Division*, and *The* Stow *Division*, and ordered that the Monies that should be collected at all or any of the Gates upon the respective Divisions or Districts of Road, should be paid and applied towards the Repairs of the particular District or Division only, and in Discharge of such Monies as should be borrowed on all or any of the Gates to be erected in each respective Division or District; and the

Trustees to continue to act in Divisions.

said Trustees have ever since continued to execute the said recited Acts in such Districts and Divisions; be it therefore further enacted, That it shall be lawful for the said Trustees herein named, or their Successors to be appointed in Manner herein mentioned, so long as they consider it better for executing the same, to continue to execute the Powers thereof in such Districts or Divisions, in such and the like Manner and with such and the like Powers as mentioned in the before recited Act, as far as the same are recited in this Act, and also from Time to Time to make any Order, Variation, or Alteration in all or either of them, as well with respect to the Repair of the Roads as the Monies now borrowed and owing, or hereafter to be borrowed, on the Credit of the Tolls, as may be thought right: Provided always, that no Order, Variation, or Alteration, shall be at any Time made with respect to either of the Division or Divisions concerning the repairing or widening the Roads thereby intended to be repaired, or for considering how or in what Manner the Monies collected or to be collected on such Roads shall be applied in or towards the Discharge of any Money that shall be borrowed on the Credit of the said Tolls collected at either or any of the said Gates or Turnpikes now erected or set up, or which may hereafter be erected or set up, on any Part or Parts of the said Road, but at a General Meeting of the Trustees to be held for that Purpose; and which said Meeting, and all other Meetings of the said Trustees concerning any Matters or Things which shall relate to or concern the said Roads in general, and the Monies to be collected at the same, shall be held at some House or Inn in *Chipping Norton* in the County of *Oxford*.

Meetings on Emergencies.

X. And be it further enacted, That if after any Adjournment of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting shall be appointed than that Day to which such Meeting shall have been adjourned, the Clerk, by an Order in Writing signed by Five or more of the said Trustees, (although not assembled at any Meeting), mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice of such earlier Meeting in the Manner before directed with respect to other Meetings, such Time not being less than Fourteen Days after such Notice; and all Proceedings of the Trustees at such Meeting shall be as valid as they would have been in case the Trustees had met in pursuance of an Adjournment.

Orders and Proceedings to be entered in a Book

XI. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be entered in a Book or Books to be kept for that Purpose, and that such Orders and Proceedings so entered shall be signed by the Trustees making the same, or by the Chairman or by the Clerk or Clerks to the said Trustees; which said Book or Books, and also the Book or Books herein-after directed to be kept for registering or entering Mortgages and Assignments or Transfers, shall be admitted as Evidence in all Courts whatsoever.

Old Officers to continue till others appointed.

XII. And be it further enacted, That each and every Treasurer, Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers nominated and appointed under or by virtue of the said recited Acts or either of them, shall hold and enjoy their several and respective Offices and Employments until he or they shall be removed therefrom respectively by the said Trustees; and each and every such Treasurer, Clerk, Collector, and other

other Officer and Officers shall have the like Powers and Authorities for carrying this Act into Execution, and shall be subject and liable to the like Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations in all Respects whatsoever as if he and they had been nominated and appointed under or by virtue of this Act.

Trustees to appoint Officers,

XIII. And be it further enacted, That the said Trustees or any Five or more of them, at their First or any subsequent Meeting as Occasion shall require, may, by Writing under their Hands, elect and appoint a Clerk or Clerks, and a Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of such Monies as shall arise or may be due and payable by virtue of this Act, and also a Surveyor or Surveyors, and all such other Officers as they the said Trustees, or any Five or more of them, shall think necessary and proper to be employed in the Execution of the Powers of this Act; and also may remove from Time to Time all such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they the said Trustees, or any Five or more of them, shall see Occasion; and the said Trustees, or any Five or more of them, shall and may, out of the Money to be raised or received by virtue of this Act, make such Allowance unto the Clerks, Treasurers, Receivers, Collectors, Surveyors, or other Officers so appointed, and to such other Persons as shall be assisting in and about the Execution of this Act, as to them the said Trustees, or any Five or more of them, shall seem proper; and every Officer and Person who shall be appointed as aforesaid shall from Time to Time, when thereunto required by the said Trustees, or any Five or more of them, by Writing under their Hands, make out and deliver to such Trustees, or to such Person or Persons as they, or any Five or more of them, shall for that Purpose appoint, a true and perfect Account in Writing under his or her Hand of all Monies which shall have been by him or her had, collected, or received, and how and to whom and for what Purpose the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payments, and shall verify such Account upon Oath, if thereunto required by the said Trustees, or any Five or more of them, (which Oath the said Trustees, or any One or more of them, are or is hereby empowered to administer); and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof upon Oath, or to pay the Balance thereof when thereunto required in Manner aforesaid, or shall refuse or neglect to deliver up 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 appoint, within Fourteen Days after being thereunto required by the said Trustees, or any Five or more of them, or by such other Person or Persons, all Books, Papers, and Writings in his or her Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Trustees, or any Five or more of them, or by any Person or Persons on their Behalf of any such Neglect or Refusal to any Justice of the Peace for the County or Place where the Officer or Person so neglecting or refusing shall live or reside,

and remove them.

Officers to account;

or be punished.

such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Trustees, or any Five or more of them, might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or owing from such Officer or Person, such Justice may and he is hereby authorized and empowered, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively; and if no Goods and Chattels can be found sufficient to answer and satisfy the said Monies and the Charges of taking and making such Distress and of selling the same, or if such Officer or Person shall not appear before the said Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, or to verify the same on Oath as aforesaid (if so required by the said Justice), or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up as aforesaid all such Books, Papers, and Writings as aforesaid; then and in any of the Cases aforesaid, the said Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction of the County or Place where he or she shall live or reside, there to remain without Bail or Mainprize until he or she shall have delivered in and settled such Account, and have verified the same upon Oath as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any) as shall in that Respect have been made, or until he or she shall have compounded with the said Trustees, or any Five or more of them, for such Money and Charges, and paid the Composition Money to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same, (and which Composition the said Trustees, or any Five or more of them, are hereby empowered to make), and shall have delivered up as aforesaid all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees, or any Five or more of them: Provided always, that no Person who shall be committed for Want of sufficient Distress shall be detained in Prison for any longer Space of Time than Six Calendar Months.

Treasurer to give Security.

XIV. And be it further enacted, That the said Trustees shall and they are hereby authorized and required to take such Security from the Treasurer or Treasurers and Collectors of the Tolls to be appointed for the Purposes of this Act, for the due Execution of his or their Office or Offices, as to the said Trustees shall seem meet, and that no Person shall be capable of holding any Place of Profit under this Act, who shall sell Wine, Cyder, Ale, Beer, or Spirituous Liquors by Retail.

XV. And

No Victualler to hold Place of Profit.

XV. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls by this Act granted, shall neglect to perform or be incapable of performing his Duty, or shall abscond or absent himself, any Two or more of the said Trustees (though not assembled at a Meeting of the said Trustees appointed by virtue of this Act) may discharge such Collector or Receiver so neglecting or being incapable of performing his Duty, or absconding or absenting himself; and in such Case, and also in case any such Collector or Receiver of the Tolls shall die, the said Trustees, or any Two or more of them, shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the next Meeting of the said Trustees, in the Stead of such Collector or Receiver who shall so die or be discharged, and such Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all Respects as the Person who shall so die or be discharged would have had or would have been subject to; and if any Collector or Receiver of the said Tolls who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representative or Representatives of any Collector or Receiver who shall die or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll Gate or Toll House, or any of the Appurtenances thereof, for the Space of Seven Days next after Demand thereof made and Notice in Writing given for that Purpose by any Two or more of the said Trustees (although not assembled at any Meeting), or by their Clerk or Treasurer for the Time being; then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County in which the same shall be situate, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House and Appurtenances in the Day-time, and to remove the Person or Persons who shall be found therein or in Possession of the said Gate, together with his, her, or their Goods, out of and from the same, and to put the said Trustees or any One of them, or such new-appointed Collector or Receiver, into the Possession of such Toll Gate, Toll House, and Appurtenances.

Trustees may appoint temporary Collectors.

Power to continue and erect Toll Gates, &c.

XVI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, as they shall think proper, continue or remove all or any of the Toll Gates, Bars, or Chains erected by virtue of the said recited Acts, and may erect and set up, or cause to be erected and set up, any other Toll Gate or Gates, Bar or Bars, Chain or Chains, in, upon, or across any Part or Parts of the said Roads, and upon the Sides thereof, and also across any Lane or Way leading into or out of the same, and may also continue, erect, or provide a Toll House, with suitable Outbuildings and Conveniences, at or near each Toll Gate, and may from Time to Time afterwards remove, alter, or discontinue such Toll Gates, Bars, Chains, or Toll-Houses, or any of them, as they the said Trustees, or any Five or more of them, shall think expedient, and also may take in and inclose from the Side of the said Roads convenient Garden Spots for the Toll Houses respectively; but no such Garden Spot shall exceed One-eighth Part of an Acre in Quantity.

and to remove, discontinue, or alter them,

and inclose Gardens.

Power to take Tolls.

XVII. And be it further enacted, That the respective Sums of Money following shall be demanded and taken at each and every of such Toll Gates, Chains, and Bars, from the Owner or Owners of or Person or

Perſons uſing or attending any Horſe, Beaſt, Cattle, or Carriage by ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall from Time to Time authorize or appoint for that Purpoſe, before any ſuch Horſe, Beaſt, Cattle, or Carriage, ſhall be permitted to paſs through the ſame; (that is to ſay),

Tolls.

For every Horſe, Mare, Gelding, Mule, Aſs, Ox, Bullock, or other Beaſt of Draught, drawing any Carriage, any Sum not exceeding Six-pence:

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, any Sum not exceeding Two-pence:

For every Drove of Cows, Oxen, or Neat Cattle, any Sum not exeeeding One Shilling and Three-pence *per* Score, and ſo in Proportion for any greater or leſs Number: And

For every Drove of Calves, Pigs, Sheep, or Lambs, any Sum not exceeding Ten-pence *per* Score, and ſo in Proportion for any greater or leſs Number.

Tolls veſted in the Truſtees, and Manner of Recovery in caſe of Non-payment.

The ſaid ſeveral Tolls granted by this Act to commence and take Effect reſpectively on the Twelfth Day of *Auguſt* next after the paſſing thereof at Six of the Clock in the Forenoon, and in the mean Time the ſame and the like Tolls ſhall be taken and continued at the ſaid ſeveral Gates, Bars, and Chains, as ſhall be taken at the Time of paſſing this Act, and which reſpective Sums of Money hereby authorized to be taken as aforeſaid, ſhall be demanded and taken in the Name of or as Tolls, and ſhall be and are hereby veſted in the ſaid Truſtees, and ſhall be applied as herein-after is directed; and if any Perſon ſubject or liable to the Payment of any of the ſaid Tolls ſhall after Demand thereof made neglect or refuſe to pay the ſame, or any Part or Parts thereof, it ſhall be lawful for the Perſon or Perſons authorized and appointed as aforeſaid, to collect ſuch Tolls by himſelf or themſelves, or taking ſuch Aſſiſtance as he or they ſhall think neceſſary, to ſeize and diſtrain any Cattle or other Thing upon or in reſpect of which ſuch Toll is hereby impoſed, together with their reſpective Bridles, Saddles, Gears, Harneſs, or Accoutrements, or any Carriage with reſpect of the Horſes or Cattle drawing the Carriage on which ſuch Toll is impoſed, or any of the Goods or Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay; and if the Toll or any Part thereof ſo neglected or refuſed to be paid, and the reaſonable Charges of ſuch Seizure and Diſtreſs, ſhall not be paid within the Space of Five Days next after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining may ſell the Cattle, Carriage, or Things ſo ſeized and diſtrained, or a ſufficient Part thereof, returning the Overplus of the Money to ariſe by ſuch Sale (if any) and what ſhall remain unſold upon Demand to the Owner thereof, after ſuch Tolls and the reaſonable Charges occaſioned by ſuch Seizure, Diſtreſs, and Sale ſhall be deducted.

Diſputes concerning Tolls to be ſettled by a Juſtice.

XVIII. Provided always, and be it further enacted, That if any Diſpute ſhall happen about the Quantity of Tolls due or the Charges of keeping any Diſtreſs, it ſhall be lawful for the Collector or Perſon diſtraining to retain the ſame, or the Money ariſing by Sale thereof, as the Caſe may be, until the Amount of Tolls due and Charges of ſeizing, diſtraining, keeping, and ſelling the Diſtreſs ſhall be aſcertained by ſome Juſtice of the Peace for the County or Place where ſuch Diſpute ſhall happen, who, upon Application made to him for that Purpoſe, ſhall examine the

ſaid Matter on Oath of the Parties or other Witneſs or Witneſſes, and determine the Amount of Tolls due, and alſo aſſeſs the Charges of ſuch Seizure, Diſtreſs, Keeping, and Sale, and alſo of the Collector's Attendance for that Purpoſe on the ſaid Juſtice; all which Sums ſo determined or aſſeſſed ſhall be paid to the ſaid Collector or other Perſon before he ſhall be obliged to return the Diſtreſs, or the Overplus after the Sale thereof or of any Part thereof.

Collectors of Tolls competent Witneſſes.

XIX. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe touching or in anywiſe relating to the ſaid Tolls, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his or their being appointed to collect the ſaid Tolls, or acting under the Authority of the ſaid Truſtees.

Tolls may be leſſened or raiſed.

XX. And be it further enacted, That the ſaid Truſtees may and they are hereby authorized and empowered, from Time to Time as they ſhall think proper, to leſſen all or any Part or Parts of ſuch Tolls at all, any, or either of the ſaid Turnpikes, and to raiſe the ſame again, ſo as they do not exceed the Tolls by this Act granted; but no ſuch Reduction ſhall be made, unleſs Notice in Writing be given for that Purpoſe by affixing the ſame upon all the Turnpikes erected upon the ſaid Road at leaſt Ten Days before the Meeting for making ſuch Reduction; nor ſhall any Reduction be made without the Conſent of the Perſon or Perſons who ſhall be entitled to Two Thirds of the Money which ſhall have been borrowed and be then due and owing on the Credit of the ſaid Road; and ſuch Tolls ſo leſſened or raiſed ſhall be collected, recovered, and applied in the ſame Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Tolls to be taken but once a Day.

XXI. And be it further enacted, That if any Perſon ſhall have paid the Toll by this Act granted for the paſſing of any Horſe, Beaſt, or Cattle through any Gate or Turnpike erected or to be erected on the ſaid Roads, ſuch Perſon, upon producing a Note or Ticket denoting the Payment of ſuch Toll, ſhall be permitted to paſs through the ſame Gate or Turnpike with the ſame Horſes, Beaſts, or Cattle Toll-free at any Time or Times during the ſame Day, to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next ſucceeding Night, which Note or Ticket the Collector of the Tolls is hereby required to deliver *gratis* on Receipt of ſuch Toll; but no Perſon or Perſons ſhall be liable to the Payment of the full Tolls hereby granted in any One Day more than at Five Gates upon that Part of the Road that lies in the Diviſion between *Burford* and *Banbury*, nor more than at Two Gates upon that Part of the Road that lies within the *Aynho* Diviſion, nor more than at One Gate upon that Part of the Road that lies within the *Stow* Diviſion, any Thing herein contained to the contrary notwithſtanding.

General Exemptions from Tolls.

Materials for repairing Roads and Bridges.

XXII. Provided always, and be it further enacted, That no Perſon or Perſons ſhall be charged with or liable to pay any of the ſaid Tolls for the Paſſage of any Cattle or Carriage which ſhall be uſed or employed in the Carriage of Stones, Gravel, or other Materials for making or repairing of the ſaid Road, or any other Roads or Highways within

within any of the Parishes, Hamlets, or Places within which the said Road doth lie, or for rebuilding, building, or repairing any present or future Bridge or Bridges on the said Roads under this Trust, or in the Carriage of any Earth, Dung, Mould, Compost, or other Manure (Lime excepted) for manuring of Gardens, Lands, or Grounds, within the several Parishes, Hamlets, or Places in which the said Road lies, not bought, sold, or disposed of, but passing to be laid on the Lands of the Owner thereof, or in the Carriage of any Grass, Hay, Fodder, Straw, or Corn in the Straw, or dead Hedgewood, or with other Produce of Lands not sold or disposed of, or going to be sold or disposed of, but passing to be laid up in the Houses, Outhouses, Barns, or Yards of the Owner or Owners thereof, in any of the said Parishes, Hamlets, or Places, or for the going, passing, returning, or repassing of any Plough, Harrow, or other Implement of Husbandry that shall be used in Husbandry or in manuring of Land, or in returning after having been so employed, unless the Carriage bearing such Plough, Harrow, or other Implement of Husbandry be also laden with any other Thing not hereby intended to be exempted from Payment of Toll; nor for any Horse or other Cattle only going to or from Water or Pasture, or to be shoed or farried, from One Parish into the next adjoining Parish, and not passing more than Two Miles upon the said Road, nor for the Horses of any Officers or Soldiers on their March or on Duty, or for any Horses, Cattle, or Carriage employed in conveying or carrying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers, or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other publick Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or for Horses, Carts, or Waggons travelling with Vagrants sent with legal Passes, or for any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, or other Carriages, or Cattle drawing the same, or Persons on Horseback going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Oxford*, *Northampton*, or *Gloucester*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; nor for any Horses, Cattle, or Carriages of whatever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or returning back from conveying or guarding the same; nor shall any Toll be demanded or taken from any Person or Persons going to or returning from his, her, or their Parish or Parochial Church or Chapel, or other Parochial or licensed Place of Religious Worship on *Sundays* or any other Day on which Divine Worship is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person who shall die and be buried in any of the Parishes, Hamlets, or Places through which the said Road leads, or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place appointed for Exercise, Inspection, or Review, provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements according to the Regulations appointed by such Corps at the Time of claiming the Exemption; and if any Person shall claim or take the Benefit of any of the Exemptions contained or

Grass, Hay, &c. the Property of the Grower.

Horses, etc. employed in Husbandry.

Horses, &c. to and from Water or Pasture.

Soldiers.

Vagrants.

Elections.

Mails.

Parishioners attending Church or usual Place of Worship.

provided

provided for by this Act not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

Owners or Drivers of Waggons employed in the Service of His Majesty's Forces not to be subject to Penalties for Overweight, etc.

XXIII. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other publick Stores belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses in any such Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads or in this Act contained to the contrary notwithstanding.

Penalty on evading Tolls.

XXIV. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle, or Carriage through or over any Land, Ground, or Place, lying by the Side of or near to any Part of the said Road, and shall again come into the said Road and travel thereon; or if any Person or Persons owning or occupying any Land, Ground, or Place situated as aforesaid, the same not being a publick Highway, shall knowingly or wilfully permit or suffer any other Person or Persons to go or pass with any Horse, Beast, Cattle, or Carriage, through or over such Land, Ground, or Place, in order or with Intent thereby to evade the Payment of the said Tolls or any Part thereof, or whereby or by Means whereof any such Evasion shall take Place or be effected; or if any Person or Persons shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person any Note or Ticket, with Intent to avoid or evade the Payment of the said Tolls or any Part thereof, or shall unload or cause to be unloaded any Goods or other Things, or shall take off, or cause to be taken off, any Horse or other Beast from any Carriage either before or after having passed through any Toll Gate, or having passed through any Toll Gate shall afterwards add or put any Horse or Beast to any Carriage for the Purpose of drawing the same upon any Part of the said Road with Intent to avoid or evade the Payment of any of the said Tolls; or if any Person or Persons shall do any other Act in order or with Intent to avoid or evade the Payment of the said Tolls, or any Part thereof, all and every such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds (over and besides such Damages and Punishments as he, she, or they shall otherwise be liable to by Law), to be recovered in such Manner as is herein-after provided for the Recovery of Penalties and Forfeitures, One Moiety when raised shall be paid to the Informer, and the other Moiety to the Treasurer of the said Trustees, to be applied to the Purposes of this Act.

Trustees may compound for Tolls.

XXV. And be it further enacted, That it shall and may be lawful for the said Trustees from Time to Time to compound and agree with any Person or Persons for the passing of any Horses, Beasts, or Cattle travelling

ling on the ſaid Road, for all or any of the Tolls to be paid in reſpect thereof for any Term not exceeding One Year; which Compoſition Money ſhall be paid in Advance at the Time of compounding, or otherwiſe as the ſaid Truſtees ſhall think fit, and in Default of ſuch Payment the Compoſition or Agreement with the Perſon or Perſons making ſuch Default, ſhall from thenceforth be void, and all ſuch Compoſition Money ſhall be applied in ſuch Manner as the Tolls are hereby directed to be applied.

Truſtees may leaſe the Tolls.

XXVI. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, upon Thirty-one Days Notice to be given thereof upon all the ſaid Turnpikes, and adverti ſing the ſame in ſome Weekly Paper uſually circulated in the Neighbourhood of the ſaid Road from Time to Time, by Writing under their Hands and Seals, to let or farm the Tolls ariſing by this Act or any Part thereof, to any Perſon or Perſons who ſhall be willing to take or farm the ſame from Year to Year, or for any Part of the Term hereby granted, not exceeding Three Years at any one letting, upon publick Bidding to the higheſt Bidder, and for the beſt Price ſuch Truſtees can get for the ſame, payable at ſuch Times and in ſuch Manner, and under ſuch Covenants, and with ſuch Sureties for the Payment thereof, as the ſaid Truſtees ſhall think fit, which Money ſo to be paid ſhall be applied and diſpoſed of as the Tolls granted by this Act are directed to be applied and diſpoſed of.

Turnpikes, etc. to be veſted in Truſtees.

XXVII. And be it further enacted, That the Right and Property of all the Turnpikes, Gates, Bars, Rails and Fences, Toll Houſes and Buildings already erected on the ſaid Road, or which ſhall hereafter be erected by virtue of this Act, with their Appurtenances, and of the Materials for building or repairing the ſame, and for completing and repairing the ſaid Road, and all other Materials to be made uſe of for the Purpoſes of this Act, or collected to be made uſe of, ſhall be and are hereby veſted in the ſaid Truſtees, and they are hereby authorized and empowered to diſpoſe of the ſame as they ſhall think proper, and to bring or cauſe to be brought any Action or Actions in the Name or Names of any Five or more of them, or in the Name of their Treaſurer, Clerk, or Surveyor, or to prefer or cauſe to be preferred any Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall ſteal, take away, break, or damage the ſame, or any Part or Parts thereof, or diſturb them or their Agents or Servants in the Poſſeſſion thereof.

Enabling the Truſtees to take Poſſeſſion of Toll Houſes, etc. when ſet to farm.

XXVIII. And be it further enacted, That in caſe all or any of the Tolls ariſing by virtue of this Act ſhall be demiſed or let to farm to any Perſon or Perſons in any Manner whatſoever, and the Leſſee or Leſſees, Farmer or Farmers thereof ſhall neglect or refuſe to perform the Terms and Conditions on which the ſame ſhall be ſo demiſed or let, in caſe the Rent or Rents agreed to be paid by ſuch Leſſee or Leſſees, Farmer or Farmers, ſhall be in Arrear by the Space of Fourteen Days next after any of the Days on which the ſame ought to be paid purſuant to the Agreement for demiſing or letting thereof, then and in either of thoſe Caſes the ſaid Truſtees or any Five or more of them, or their Clerk or Treaſurer, or any other Perſon authorized by Writing under the Hands of any Five or more of them, ſhall be at Liberty, and they are hereby authorized to enter upon and take Poſſeſſion of any Toll Houſe or Toll Houſes, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out

such Lessee or Lessees, Farmer or Farmers, of the Tolls arising thereat respectively from the Possession thereof, and from the Collection of such Tolls; and that thereupon it shall be lawful for the said Trustees, or any Five or more of them, (if they shall think fit), to vacate and determine the Contract or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes (save as to the Obligations, Covenants, or Agreements for Payment of the Rent or Rents thereby reserved or other unperformed or broken Obligations, Covenants, or Agreements on the Lessees Part), as if such Demise or Agreement had never been made; and it shall be lawful for the said Trustees, or any Five or more of them, in every such Case, to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

Penalty on Collectors, etc. of Tolls taking greater or less Tolls than allowed.

XXIX. And be it further enacted, That if any Farmer, Renter, or Collector of the said Tolls shall demand and take, or cause to be demanded and taken, from any Person or Persons, any Toll not hereby authorized to be taken, or a greater or less Toll than so authorized, such Farmer or Renter shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and also his Contract for renting the Tolls shall be declared to be vacated, if the said Trustees, or any Five or more of them, shall think fit, to vacate the same; and every such Collector, not being the Farmer or Renter, shall for every such Offence, forfeit any Sum not exceeding Twenty Shillings, such Forfeitures respectively to be recovered in Manner herein-after mentioned: Provided always, that if the Justice by or before whom the Matter of Complaint shall be heard shall be of Opinion that the Offender had probable Grounds for such Demand and taking, it shall be lawful for such Justice either to mitigate the said respective Penalties or wholly to exonerate the Offender therefrom, as such Justice shall think fit, any Law or Statute to the contrary notwithstanding.

Power to borrow Money and to assign Tolls.

XXX. And be it further enacted, That the said Trustees, or any Five or more of them, duly assembled at any Meeting to be holden at any Time or Times hereafter, may and they are hereby authorized and empowered from Time to Time to borrow and take up at Interest, on the Credit of the Tolls hereby granted, any Sum or Sums of Money as they shall think necessary, beyond the Amount of the Debts due on the Credit of the said Acts at the Commencement of this Act; and they are hereby also authorized and empowered, either at every such Meeting or afterwards by any Writing or Instrument under their Hands and Seals, to mortgage all or any Part of the Tolls hereby granted (the Charges of mortgaging the same to be paid out of such 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 to such Person or Persons, or his, her, or their Trustee or Trustees, as shall advance and lend the same, (subject and without Prejudice to all prior Mortgages made under the said Acts hereby repealed); which Mortgages shall be made in the following Form of Words, or in any other Form of Words to the like Effect; (that is to say),

Form of Mortgage.

'BY virtue of an Act passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, intituled, *An Act, &c.* [*here insert the Title of this Act*], We, Five of the Trustees for putting the said Act in Execution, in Consideration of the Sum of to the Treasurer of the

'the said Trustees in Hand paid, do grant, bargain, sell, and demise unto 'A.B. his [*or*, her] Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, and of the Toll 'Gates and Toll Houses for collecting the same, as the said Sum of 'doth or shall bear to the whole Sum due and owing on 'the Credit thereof, or charged upon the Term of the said Act, to be 'had and holden from this Day of in the Year of 'our Lord for and during the Continuance of 'the said Act, unless the said Sum of with Interest at the 'Rate of *per Centum per Annum*, shall be sooner paid and 'satisfied. Given under our Hands and Seals the Day of 'in the Year of our Lord

Copies to be entered.

Copies of all which Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer of the said Trustees, but nothing in this Act contained shall extend or be construed to extend to charge or subject the said Trustees or any of them, or the Persons appointed to receive the said Money, or any Part thereof, to any Payment of the same by reason of their or any of their signing any such Mortgages, Assignments, or other Securities to be made in pursuance of this Act or any of them; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be entitled to the same, or the Money thereby secured, is and are hereby empowered from Time to Time to assign over and transfer such Security or Securities or any Share thereof, and all or any Part of the Monies due thereon, to any Person or Persons whomsoever, by signing an Instrument to be annexed to such Security, or by an Indorsement on the same, in the following Words or Words of the like Effect; *videlicet*,

Trustees not liable in their private Capacity.

Mortgages may be transferred.

Form of Transfer.

'I *A. B.* do hereby transfer the within Mortgage [*if by Indorsement*] or '[*if by a separate Instrument*] a certain Mortgage bearing Date the 'Day of of the Tolls arising on the Road to be 'amended, widened, and repaired by virtue of an Act, made in the Fiftieth Year of the Reign of King *George* the Third, intituled [*here set 'forth the Title of this Act*], and all my Right and Title to the Principal 'Money and Interest thereby secured, unto *C. D.* his Executors, Administrators, and Assigns. Dated this Day of

'*A. B.*

All which Transfers shall be produced or notified to the said Clerk or Treasurer, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, specifying the Dates and the Names, Additions, and Places of Abode of the several Parties, and the Sum or Sums of Money therein tranferred, for which the said Clerk or Treasurer shall be paid the Sum of Five Shillings and no more, by the Person or Persons to whom such respective Transfers shall be made; which said Book or Books shall and may be inspected at all seasonable Times by any Person or Persons whomsoever, and the Sum of Two Shillings and Sixpence and no more shall be paid to such Clerk for every such Inspection; and after such Entry made, but not till then, every such Transfer shall entitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon, and such Assignee may in like Manner assign again and so *toties quoties*; and it shall not be in the Power of any Person who shall have made any such Transfer to make void, re-

lease,

leaſe, or diſcharge the original Mortgage or Aſſignment, or any Monies thereon due.

No Priority of Mortgage.

XXXI. Provided always, and be it further enacted, That no Preference ſhall be given to any Perſon or Perſons advancing any Sum or Sums of Money upon the Credit of this Act, or who ſhall have already advanced any Sum or Sums of Money on the Credit of the ſaid former Acts or either of them, in reſpect of the Priority of advancing or of having advanced any ſuch Sum or Sums of Money, but that all Perſons to whom ſuch Mortgage or Aſſignment have been or ſhall be made as aforeſaid, ſhall, in Proportion to the Sum or Sums of Money therein mentioned, be Creditors on this Act in equal Degree one with another.

Application of Money raiſed.

XXXII. And be it further enacted, That out of any Monies already raiſed by virtue of the ſaid Acts, or out of the Firſt Money which ſhall come to the Hands of the ſaid Truſtees by virtue of this Act, the ſaid Truſtees ſhall in the firſt Place pay all the Coſts, Charges, and Expences of obtaining and paſſing this Act, or in anywiſe relating thereto, and the Remainder of ſuch Monies, from Time to Time recovered by the ſaid Truſtees, ſhall from Time to Time be applied in repairing, widening, diverting, and amending the ſaid Road, and paying the Principal and Intereſt of the Monies due on the Credit of the ſaid recited Acts or either of them and this Act, and in defraying the neceſſary Expences attending the Execution of this Act, and to no other Uſe or Purpoſe whatſoever.

For getting Materials to repair the Road.

XXXIII. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the ſaid Road, and all ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, gather, and take away, any Stones, Gravel, Sand, or other Materials for repairing or altering the ſaid Road, or building, rebuilding, or repairing, any preſent or future Toll Houſe or Toll Houſes on or by the Side thereof, or any Bridge or Bridges thereon, out of any Waſte or Common, River or Brook in any Pariſh, Town, or Place in which the ſaid Road is ſituate, or in any adjoining Pariſh, Town, or Place, without paying any Thing for the ſame, they the ſaid Surveyor or Surveyors, or other Perſon or Perſons filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Paſſengers or Cattle, and paying for the Damage done by going through and over any Lands or Grounds for or with ſuch Materials, ſuch Damages to be aſcertained as herein-after mentioned; and if ſufficient Quantity of Materials cannot be had or found in or upon any ſuch Waſte or Common, River or Brook, then and in ſuch Caſe the Surveyor or Surveyors, or other Perſons as aforeſaid, may, by Order of the ſaid Truſtees, or any Five or more of them, ſearch for, dig, gather, and take away, any ſuch Materials in and out of the Lands, Fields, or Grounds of any Perſon or Perſons where the ſame may be had or found (ſuch Lands, Fields, or Grounds, not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees, making or tendering ſuch Satisfaction for the Damages done to the Owners or Occupiers of ſuch Grounds, where and from whence the ſame ſhall be dug, gathered, and carried away, or over which the ſame or any other Materials for making or repairing the ſaid Road ſhall be carried, as the ſaid Truſtees ſhall adjudge reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyor

or Surveyors, or other Persons employed as aforesaid, and the said Owners and Occupiers, or any of them, concerning such Payments and Damages, any One or more Justice or Justices of the Peace of the County or Place where such Land or Field or Ground may be, shall and may, on Six Days Notice thereof being given in Writing by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them to the said Surveyor or Surveyors, or to be left at their respective Places of Abode, hear, settle, and determine the Matters of such Payment and Damages; and the Judgement or Order of the said Justices therein shall be final and conclusive to all Parties.

Notice to be given to Occupiers of Lands before Materials are taken for repairing Roads.

XXXIV. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons under the Authority of this Act, to dig, gather, take, and carry away Materials for making or repairing the said Road out of or from any inclosed Lands or Grounds, until Notice in Writing signed by the Surveyor shall have been given to the Owner or his known Agent, or to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Abode, to appear before the said Trustees, or any Five or more of them, or any One or more Justice or Justices of the Peace acting for the County or Place where such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner, Agent, or Occupier, shall not attend pursuant to such Notice, the said Trustees or such Justice or Justices, if they think proper, may authorize such Surveyor or other Persons to dig, gather, and carry away such Materials at such Time or Times as to such Trustees or to such Justice or Justices shall seem proper; and if such Owner, Agent, or Occupier shall neglect or refuse to appear by himself or herself, or by his or her Agent, the said Trustees or such Justice or Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier or his or her Agent had attended; and the Order of such Trustees or Justice or Justices respectively shall be final and conclusive to and upon all Parties.

Penalty on digging and taking away Materials raised by Surveyors.

XXXV. And be it further enacted, That if any Person whomsoever shall dig, gather, collect, or scrape together any Soil, Earth, or other Matter or Materials within the Limits of the said Road, or shall haul, remove, and carry away any Soil, Earth, or any other Matter or Materials which shall or may have been dug, gathered, collected, or scraped together for the Repair or Use of the said Road, or shall raise or carry away any Materials out of or otherwise interfere with or obstruct the working of any Pit or Quarry, which shall have been made or opened for the Purpose of getting Materials for repairing the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Two Months (except the Owner or Occupier of the Lands in which such Pit or Quarry shall be made as to Materials for his own private Use only and not for Sale), every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Surveyors may remove Annoyances.

XXXVI. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint from Time to Time to remove all Annoyances on or by the Side of any Part of the said Roads, and to dispose of the same for the Benefit of the said Roads, and at proper Seasons of the Year to cut down Trees or

Bushes

Buſhes growing thereon, or in the Hedges or Grounds adjacent thereto, and within Thirty Feet of the Center of the ſaid Roads (except Trees or Buſhes planted for Ornament or Shelter to the Houſe, Building, Court Yard, or Pleaſure Ground of the Owner thereof), and to cut, plaſh, and reduce ſuch Hedges to the Height of Four Feet, the Owners or Occupiers neglecting to cut down ſuch Trees or Buſhes, or to cut or plaſh ſuch Hedges, or to remove ſuch Annoyances for the Space of Fourteen Days after Notice given in Writing for that Purpoſe under the Hand or Hands of the ſaid Surveyor or Surveyors, the Charges whereof ſhall be reimburſed to the ſaid Surveyor or Surveyors by ſuch Owners or Occupiers neglecting to cut down ſuch Trees or Buſhes, or to cut or plaſh ſuch Hedges, or to remove ſuch Annoyance as aforeſaid; and in caſe ſuch Owners or Occupiers ſhall not upon Demand pay and reimburſe to the ſaid Surveyor or Surveyors ſuch Charges as aforeſaid, it ſhall be lawful for ſuch Surveyor or Surveyors, by Warrant under the Hand and Seal or Hands and Seals of One or more Juſtice or Juſtices of the Peace for the County in which ſuch Road ſhall be ſituate, from Time to Time to levy the ſaid Charges upon ſuch Owners or Occupiers by Diſtreſs and Sale of his, her, or their Goods and Chattels, rendering the Overplus (if any be) to the Owners thereof upon Demand, after all Expences attending ſuch Diſtreſs and Sale ſhall be paid; and if after the Removal of any of the ſaid Annoyances any Perſon or Perſons ſhall again offend in the like Manner, every ſuch Perſon ſo offending, and being thereof convicted upon Oath before any One Juſtice of the Peace for the County in which ſuch Offence ſhall be committed, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Againſt drawing Timber, except on Wheel Carriages.

XXXVII. And be it further enacted, That if any Perſon or Perſons ſhall draw or cauſe to be drawn upon any Part of the ſaid Road any Tree or Piece of Timber, or any Stone, otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber which ſhall be conveyed upon any Wheel Carriage to drag or trail upon any Part of the ſaid Road to the Prejudice thereof, or ſhall lay down any Hay, Straw, Timber, Dung, or other Matter or Thing whatſoever upon the ſaid Road or any Part thereof, or ſhall otherwiſe obſtruct or impede the Paſſage upon the ſaid Roads, or ſhall turn out any Horſe, Mare, Cow, or other Cattle or Swine, upon the ſaid Roads or any Part thereof, or in the Ditches adjoining the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Power to make Bridges, Cauſeways, and Drains.

XXXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, or the ſaid Surveyor or Surveyors, to make or cauſe to be made Cauſeways or Footpaths along the Side or Sides of the ſaid Roads or any Part or Parts thereof, and to cut or divert any Watercourſe in or through any Land adjoining or lying contiguous to any Part of the ſaid Roads, in order to drain or waſh the ſaid Roads, or prevent the ſame from being overflowed, and to erect Bridges or Culverts over ſuch Drains or Watercourſes if neceſſary, and alſo to make a Way over the Land adjoining to the ſaid Roads, (not being the Site of or Ground whereon any Houſe or Houſes ſtand, or planted Walk, Yard, Park, Paddock, or Avenue to any Houſe), to be uſed as a publick Highway whilſt the ſaid Roads or any Bridges or Works thereon is repairing or erecting, making ſuch reaſonable Satisfaction to the Owners and Occupiers of ſuch Land for the Damages thereby ſuſtained, as to the

ſaid

ſaid Truſtees, or any Five or more of them, ſhall ſeem reaſonable; and in caſe of any Difference concerning the ſame between ſuch Owners and Occupiers and the ſaid Truſtees, that then it ſhall be lawful for the Juſtices of the Peace, or the major Part of them, aſſembled at the next General Quarter Seſſions for the County in which ſuch Roads ſhall be ſituate, or at their Second Quarter Seſſions at the furtheſt, to ſettle, adjudge, and determine what Recompence ſhall be made to ſuch Owners and Occupiers for the Damage they ſhall have ſuſtained as aforeſaid; which Determination ſhall be final and concluſive.

Owners of Watercourſes neglecting to ſcour the ſame after Notice, Surveyor may do ſo and charge them, etc.

XXXIX. And be it further enacted, That if any Perſon who of Right ought to ſcour and cleanſe any Ditch, Drain, or Watercourſe, which ſhall adjoin to or lead into or out of the ſaid Roads, ſhall not in a proper Manner ſcour and cleanſe or cauſe the ſame to be ſcoured and cleanſed, within the Space of Ten Days next after Notice in Writing ſhall for that Purpoſe be given to him or her reſpectively, or ſhall be left at his or her reſpective Place of Abode by the ſaid Surveyor or Surveyors, then the ſaid Surveyor or Surveyors ſhall and may cauſe ſuch Ditches, Drains, and Watercourſes to be ſcoured and cleanſed, and pay for ſcouring and cleanſing the ſame; and if the ſaid Perſon ſhall not repay the Money ſo paid by ſuch Surveyor or Surveyors on Demand thereof upon him or her reſpectively made, either in Perſon or by Writing to be left at his or her reſpective Place of Abode, the ſaid Money, upon Proof of the cleanſing and ſcouring the ſaid Ditches, Drains, or Watercourſes, and Payment of the ſaid Money and Demand thereof made, and Non-payment thereof as aforeſaid, by the Oath of One or more credible Witneſs or Witneſſes before any One Juſtice of the Peace of the County or Place where ſuch Perſon ſhall live, ſhall and may, by Warrant under the Hand and Seal of ſuch Juſtice, be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon, rendering the Overplus (if any be) to the Owner thereof upon Demand after all Charges are paid.

For puniſhing Perſons that obſtruct Surveyors in their Duty.

XL. And be it further enacted, That if any Perſon or Perſons ſhall interrupt or hinder, or cauſe to be interrupted or hindered, the Collectors of the Tolls, or any or either of them, or any Turnpike Surveyor or Surveyors, or any other Perſon or Perſons employed by him or them, or by the Truſtees in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on defacing Mileſtones.

XLI. And be it further enacted, That if any Perſon or Perſons ſhall wilfully break, damage, or pull up any of the Mileſtones or Poſts already erected or hereafter to be erected upon or near any Part of the ſaid Roads, or ſhall obliterate or deface any of the Letters, Figures, or Marks thereon, and be thereof convicted before any Juſtice of the Peace for the ſaid Counties of *Oxford*, *Glouceſter*, or *Northampton*, as the Caſe may happen to be, by the Confeſſion of the Party, or by the Oath of One credible Witneſs, ſuch Perſon or Perſons ſo offending ſhall forfeit and pay any Sum not exceeding Forty Shillings for every ſuch Offence, One Moiety whereof ſhall be paid to the Informer, and the other Moiety applied for the Purpoſes of this Act; and in caſe ſuch Perſon or Perſons ſo offending and convicted ſhall not be able or refuſe to pay the ſame, then it ſhall be lawful for any Juſtice of the Peace for the ſaid County in which the Offence may be committed, by Warrant under his Hand and Seal, to commit ſuch Perſon or Perſons to the Common Gaol for the ſaid County, there to remain for any

Time not exceeding Six Calendar Months, and the Perſon or Perſons ſhall not be diſcharged until he, ſhe, or they ſhall have paid the Penalty, or until the Expiration of the ſaid Term.

Truſtees may contract for Purchaſe of Lands to be taken into Roads, and may divert them or alter the Courſe of any Part of the Road.

XLII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby fully empowered from Time to Time, as they ſhall think proper, to widen, divert, turn, ſhorten, vary, or alter the Courſe or Path of any Part or Parts of the ſaid Road, and that any Variation of Road may be made through any Common or Waſte Ground without making Satisfaction for the ſame, and through any private or incloſed Grounds or Hereditaments, firſt making Satisfaction to the Owners thereof and Perſons intereſted therein for the Damage they may ſuſtain thereby, and for that Purpoſe it ſhall be lawful for the ſaid Truſtees to treat, contract, and agree with the Owners of and Perſons intereſted in any Lands or Hereditaments for the Purchaſe or Exchange thereof, or for the Loſs or Damage ſuch Owners or Perſons intereſted may ſuſtain by the widening, diverting, turning, or altering the Courſe or Path of any Part or Parts of the ſaid Road through ſuch Lands, Tenements, or Hereditaments; and that it ſhall be lawful for all Bodies Politick or Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, or other Truſtees whatſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of all Infants, Femes Covert, or *Ceſtuique* Truſts, and for all other Perſons whomſoever, to contract and agree with the ſaid Truſtees for the Sale of ſuch Lands or Hereditaments, or any Part thereof, or for their Intereſt therein for the Purpoſes of this Act, and to ſell and convey the ſame as Occaſion ſhall be or 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 anywiſe notwithſtanding; and that all Perſons ſhall be and are hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

Bodies Politick, &c. empowered to ſell.

Where Perſons intereſted neglect or refuſe to treat.

XLIII. And be it further enacted, That if any ſuch Bodies Politick 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 Politick or Corporate, Eccleſiaſtical or Civil, or at the Houſe of the Tenant in Poſſeſſion of the Lands and Hereditaments intended to be made Part of or taken in and added to the ſaid Road, or through which the ſaid Road ſhall be turned as aforeſaid, ſhall for 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 Premiſes, or by reaſon of Abſence ſhall be prevented from treating; then and in every or any ſuch Caſe the ſaid Truſtees ſhall cauſe it to be enquired into and aſcertained, by and upon the Oath of a Jury of Twelve indifferent Men for the County wherein ſuch Lands or Hereditaments do lie (which Oath any One or more of the ſaid Truſtees are hereby empowered and required to adminiſter), what Damage will be ſuſtained by, and what Recompence and Satisfaction is to be made to, ſuch Owner or Proprietors or other Perſon or Perſons intereſted for or on Account of the taking of ſuch Lands or Hereditaments into the ſaid Road, or of widening, diverting, turning, or altering ſuch Road

Damage and Recompence to be ſettled by a Jury.

Witneſſes to be examined on Oath.

through the ſame; and in order thereunto the ſaid Truſtees are hereby empowered and required from Time to Time to ſummon before the ſaid Jury and examine upon Oath all and every Perſon and Perſons whomſoever who ſhould be thought neceſſary or proper to be examined concerning the Premiſes; and they the ſaid Truſtees 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 Premiſes; and ſuch Truſtees ſhall order, adjudge, and determine the Sum or Sums of Money which ſhall be aſſeſſed by the ſaid Jury for ſuch Damage as aforeſaid, to be paid to the ſaid Owners or Proprietors 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 and Determination, ſhall be final and binding to all Intents and Purpoſes againſt all Parties and Perſons whomſoever claiming or to claim in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs and Succeſſors as well abſent as preſent, Infants, Femes Covert, and Perſons under any Diſability whatſoever, Bodies Politick or Corporate, Eccleſiaſtical or Civil, as well as all other Perſon or Perſons whomſoever, and againſt all and every ſuch Owners or Proprietors; and the ſaid Truſtees are hereby empowered to iſſue out their Warrant or Warrants to the Sheriff of the County wherein ſuch Lands or Hereditaments ſhall lie, thereby commanding him to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons to appear before the ſaid Truſtees 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 impannel, ſummon, and return ſuch Number of Perſons accordingly, and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees ſhall ſwear, or cauſe to be ſworn, Twelve who ſhall be the Jury for the Purpoſe 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.

Verdict for Jury to be final.

For impannelling a Jury.

Jurors may be challenged and Sheriff fined for Default.

XLIV. Provided always, and be it further enacted, That the ſaid Truſtees and all Perſons intereſted ſhall have their lawful Challenges againſt any of the ſaid Jurymen, and the ſaid Truſtees 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 Premiſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury and ſhall not appear, or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſworn ſhall refuſe to give or ſhall 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 Premiſes, ſhall refuſe or neglect to appear, or ſhall 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 ſaid Penalties and Forfeitures are herein-after directed to be levied and diſpoſed of, ſo as that no ſuch Fine exceed the Sum of Fifty Shillings upon any One Perſon for One Offence.

How Expences of Jury, etc. ſhall be paid.

XLV. And be it further enacted, That in caſe any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money as a Recompence for the Right, Intereſt, or Property of any Perſon or Perſons in any Lands or Hereditaments,

Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees before the ſummoning and returning of the Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damages as aforeſaid, that then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes, and taking ſuch Inqueſt, ſhall be borne and paid by the Treaſurer to the ſaid Truſtees out of the Money in his Hands or to ariſe by virtue of this Act; but if ſuch Jury ſhall give and deliver a Verdict or Aſſeſſment for no more or for leſs Money than ſhall have been agreed to and offered by or on Behalf of the ſaid Truſtees before the ſummoning and returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property in or Loſs or Damage as aforeſaid, that then the full Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences, having been aſcertained and ſettled by ſome Juſtice of the Peace for the County or Place wherein the Cauſe or Diſpute ſhall ariſe, not intereſted in the Matters in Queſtion, (who is hereby required to examine and ſettle the ſame), ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged as ſo much advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken to all Intents and Purpoſes to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed or adjudged; or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid upon Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk to the Truſtees by ſuch Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures: Provided always, that in all Caſes where any Perſon or Perſons ſhall by reaſon of Abſence have been prevented from treating, the Whole of ſuch Coſts and Expences ſhall be borne and paid by the Treaſurer to the ſaid Truſtees out of the Money to ariſe by virtue of this Act.

Perſons being abſent to be charged with only One Half of the Expences.

XLVI. And be it further enacted, That every Sum of Money or Recompence, to be agreed for or aſſeſſed as aforeſaid for the Purchaſe of any Lands, Tenements, or Hereditaments, ſhall be paid out of the Tolls or other Money ariſing as aforeſaid, to the Parties or Perſons reſpectively entitled thereto, or to his, her, or their Agent or Agents, upon Payment thereof, or upon depoſiting the ſame in the Bank of *England* in the Manner by this Act directed, as the Caſe may be, ſuch Lands or Hereditaments ſhall be laid into and made Part of the Road in ſuch Manner as the ſaid Truſtees ſhall direct, and ſhall, to all Intents and Purpoſes become and be deemed a common Highway, and ſhall from thenceforth for ever be deemed as Part of the Road by this Act directed to be amended and kept in Repair, and from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title to ſuch Lands and Hereditaments; but no Part of the ſaid Road ſhall be made of any greater Width, by virtue of this Act, than Sixty Feet; and after ſuch new Road ſhall be completed, the Land compriſed in or conſtituting the old or former Road ſhall be veſted in the ſaid Truſtees, and ſhall or may be ſtopped up or left unrepaired, unleſs the ſame may be wanted for any publick Uſe, or for the particular Convenience of the Occupancy of any Lands or Tenements to which

Upon Payment of the Purchaſe Money the Lands to be laid to the Road.

The Act not to extend to the taking down of any House, &c.

which the same may lead; but this Act shall not extend or give Power to the Trustees acting in the Execution hereof to the taking down of any Dwelling House or other Building, or to take in any Land that is a Garden adjoining to any Dwelling House, or any Orchard, Yard, Park, planted Walk or Avenue to a House, or any Ground planted and set apart as a Nursery for Trees, or any Part thereof, without the Consent of the Owners and Occupiers thereof respectively in Writing first had and obtained; and in case the same shall be held in Right of any Church, Chapel, or other Ecclesiastical Benefice, then not without the Consent in Writing of the Patron thereof, and of the Lord Bishop of the Diocese in which such Hereditaments and Premises so to be had and taken shall lie and be situate.

XLVII. And whereas in the said first-mentioned Act of the Tenth of His present Majesty, it is stated that the Bridge across the River *Cherwell*, at *Clifton* in the Parish of *Deddington*, was only a Horse Bridge, and the Way across Part of the Meadow called *Aynho Meadow*, although a Carriage Road for the Use of the Occupiers of Lands therein, was only a publick Bridle Way, and subject to be overflowed, and rendered impassable; to prevent which in future, and that a safe Bridge might be laid over the said River, and a publick Carriage Road continued through and over the said Meadow from the said Bridge to the Town of *Aynho*, till it joined the Turnpike Road in *Aynho* aforesaid, and that the said Passage might be safe and commodious for all Persons and Carriages whatsoever; it was there-

A Carriage-bridge to be built at Clifton.

fore enacted, That the Trustees appointed or to be appointed by the said recited Act, or the major Part of them, such major Part not being less than Eleven, assembled at any General Meeting, should be and they were thereby impowered to lay out and expend any Sums or Sum out of the Monies arising by the Tolls and Duties thereby granted, or any Money to be borrowed on the Credit thereof, for and towards the building and making a commodious Bridge over the said River, and a Road across the said Meadow called *Aynho Meadow*, fit for Carriages of all Sorts, and that the said Bridge, when so built, should be called *Clifton Bridge*, and be reputed, deemed, and taken as and for a County Bridge, and should from Time to Time and at all Times thereafter be amended and kept in Repair for ever by and at the Expence of the Counties of *Oxford* and *Northampton*, in the same Manner and by the same Ways and Means as other County Bridges were directed to be amended and kept in Repair by the Laws and Statutes of this Realm; and that the Road across the Meadow called *Aynho Meadow* should, after the same was so widened and amended in pursuance of the said recited Act, be for ever thereafter deemed a publick Carriage Road, but should not be had, taken, or used, or deemed to be a Drove or Drift Way for any Cattle, until the Trustees had made One sufficient Mound or Fence on each Side of the said Road, to prevent Cattle doing any Damage to the said Meadow in passing over the same, which said Mound or Fence should be for ever thereafter supported and maintained by and at the Expence of the Proprietor or Proprietors of the said Lands, any Thing herein contained to the contrary thereof notwithstanding: And whereas the said Trustees under the said first recited Act, soon after the passing thereof, at the Expence of the Trust, caused to be erected or built across the said River *Cherwell* a commodious Bridge, and a Road across the said Meadow called *Aynho Meadow*, fit for Carriages of all Sorts, and also caused to be made a Fence on each Side of the Road across the said Meadow; be it therefore enacted, That the said Bridge shall continue to be considered as a County Bridge,

Bridge, and from Time to Time, and at all Times hereafter, be amended and kept in Repair for ever by and at the Expence of the Counties of *Oxford* and *Northampton*, in the ſame Manner and by the ſame Ways and Means as other County Bridges are directed to be amended and kept in Repair by the Laws and Statutes of this Realm; and that the Fences or Mound made on the Sides of the ſaid Road ſhall continue for ever hereafter to be ſupported and maintained by and at the Expence of the Proprietor or Proprietors of the ſaid Lands adjoining the ſame, any Thing herein contained to the contraty thereof notwithſtanding.

Truſtees empowered to ſell Ground not wanted for the Purpoſes of this Act.

XLVIII. And whereas by reaſon of the Purchaſes which the ſaid Truſtees are empowered to make by virtue of this Act, or by reaſon of the diverting of ſome Part or Parts of the ſaid Road, they may happen to be ſeiſed of ſome Piece or Pieces of Ground over and above what ſhall be neceſſary for effecting the Purpoſes of this Act; be it therefore enacted, That it ſhall be lawful for the ſaid Truſtees to ſell and diſpoſe of ſuch Pieces or Parcels of Ground, either together or in Parcels, as they ſhall find moſt convenient and advantageous to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame: Provided always, that the ſaid Truſtees, before they ſhall ſell and diſpoſe of any Piece or Pieces of Ground as aforeſaid, ſhall offer the ſame to the Perſon or Perſons from whom they ſhall have been purchaſed, or where the ſame ſhall ariſe by reaſon of diverting any Part or Parts of the ſaid Road, then to the Perſon or Perſons whoſe Lands ſhall adjoin thereunto; and in caſe ſuch Perſon or Perſons reſpectively ſhall not then and thereupon agree (except with reſpect to and on Account of the Price thereof as herein-after mentioned), or ſhall refuſe (except with reſpect to and on account of the Price thereof), to purchaſe or repurchaſe the ſame reſpectively, any Affidavit to be made and ſworn before a Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the ſaid Counties of *Oxford*, *Northampton*, or *Glouceſter*, (who are hereby empowered to take the ſame), by ſome Perſon or Perſons no Way intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Truſtees, and that ſuch Offer was not then and thereupon agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was ſo offered, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and was not agreed to, or was refuſed by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing or repurchaſing the ſame, and he, ſhe, or they, and the ſaid Truſtees ſhall differ and not agree with reſpect to the Price thereof, in ſuch Caſe the Price or Prices thereof ſhall be aſcertained by a Jury, in Manner herein-before directed with reſpect to diſputed Value of Premiſes to be purchaſed by the ſaid Truſtees in purſuance of this Act, and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as is herein-before directed with reſpect to ſuch Purchaſes made by the ſaid Truſtees, *mutatis mutandis*, and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch Piece or Parcel of Ground as aforeſaid, ſhall be applied to the Purpoſes of this Act, but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Non-application of ſuch Money, and the ſaid Truſtees are hereby empowered to give in Exchange any Part or Parts of the Lands conſtituting the former Roads for any Part or Parts of ſuch new Road, and the Sale or

Perſons whoſe Lands adjoin to have the Preference.

Sales, Conveyance or Conveyances, Exchange or Exchanges to be made of ſuch Lands or Grounds, being executed by the ſaid Truſtees, or any Five or more of them, ſhall be good and effectual in Law to all Intents and Purpoſes whatſoever.

Application of Compenſation Money if amounting to 200l.

XLIX. And be it further enacted, That if any Money ſhall be agreed, or be awarded to be paid for any Lands, Tenements or Hereditaments, purchaſed, taken, or uſed by virtue of the Powers of this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatick, or Perſon or Perſons under any Diſability or Incapacity, as in this Act particularly mentioned, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two Hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments, in the Purchaſe or Redemption of the Land Tax, or towards the Diſcharge of any Debt or Debts, or other Incumbrance, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, ſtanding ſettled therewith, to the ſame or the like Uſes, Intents, or Purpoſes, or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, or for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements and Hereditaments which ſhall be ſo purchaſed, uſed, or taken as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined, and capable of taking Effect; and in the Meantime and until ſuch Purchaſes ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the Meantime and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities, ſhall from Time to Time be paid by Order of the ſaid Court to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments, ſo hereby directed to be purchaſed in caſe ſuch Purchaſe or Settlement were made.

And above 200l.

L. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two Hundred

Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed, or otherwiſe the ſame ſhall be paid at the like Option to Two Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees for executing this Act, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money and the Dividends ariſing thereon, may be applied in Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid Court of Chancery.

Application where leſs than 20*l.*

LI. Provided always, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned, ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments ſo purchaſed, taken, or uſed as aforeſaid, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think fit, or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles;

LII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be ordered to be paid as aforeſaid, ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Truſtees, or any Five or more of them, or ſhall refuſe to execute ſuch Conveyance or Conveyances, or in caſe uch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded, to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the ſaid Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments, [*deſcribing them*], ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding, or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Publick Funds, or to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtates or Eſtate, Title, or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in

or if Perſons cannot be found, Purchaſe Money to be paid into the Bank.

the

the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Reſpecting diſputed Titles.

LIII. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery in purſuance of this Act, for the Purchaſe of any Lands, Tenements or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments at the Time of ſuch Purchaſe and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court, that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

The Court of Chancery may direct the Payment of Expences.

LIV. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of Lands, Tenements, or Hereditaments to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Truſtees to fence off new Roads.

LV. And be it further enacted, That in all Places where the Courſe of the preſent Road ſhall be diverted or deviated from the old Line of Road or a new Road ſhall be made (except in any Open Common Field, Land, or Common or Waſte Ground), or where the old Road ſhall be widened, in all ſuch Caſes (except as aforeſaid) the ſaid Truſtees ſhall and are hereby required to cauſe good and ſufficient Mounds, Rails, and Fences to be made and provided, and Quickſets to be planted, or ſufficient Stone Walls to be built in an huſbandlike Manner on both Sides of ſuch new Road where the ſame is neceſſary, and ſhall ſupport ſuch Mounds, Walls, Rails, and

and Fences for and during the Term of Seven Years from the first making thereof.

Trustees may enter Lands to make the Roads.

LVI. And be it further enacted, That it shall be lawful for the said Trustees, and for their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Grounds through which or whereupon any new Road shall be thought proper to be made, altered, or turned, and to stake cut, alter, and turn the same in such Manner as the said Trustees shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds respectively for any of the Purposes of this Act, making Satisfaction to the Owners of such Lands or Grounds for the Damage that shall have been done to the Land or Ground on the Side of any new Road, whilst the same shall be making, altered or turned, in case such Damages shall exceed the Sum of One Shilling; and if any Person shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used in laying out, making, altering, or turning any such Road, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Fifty Shillings.

Persons chargeable to Statute Work to continue so, and Justices to determine Differences touching Statute Work.

LVII. Provided always, and be it further enacted, That all Persons who by Law are liable to Statute Work, or chargeable towards repairing and amending the Road hereby directed to be made, widened, and repaired, or any Part thereof, shall still remain liable thereto in like Manner as heretofore, and it shall and may be lawful to and for any Two or more Justices of the Peace for the County wherein such Road shall lie, and they are hereby required and empowered, upon Application made to them by the said Trustees or any Five or more of them, to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road doth lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him or them paid to the said Trustees or any Five or more of them, or to their Treasurer or Treasurers; and in order thereunto it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices respectively at some Place to be expressed in such Summons, within Ten Days after the serving of such Summons, of the Names of the several Persons who within every such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be so paid, which Lists of Names shall be made in Manner and under such Regulations and Restrictions as is or may be directed by any Law or Statute in Force and Effect for the Repairs of the publick Highways; and out of such Lists the said Justices respectively shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to the Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable, and the same shall be done on such

Days and at such Times (not being Hay-time or Harvest), and in such Parts of the said Road, as the said Trustees or any Five or more of them, or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices respectively shall and may also order and direct the Persons, who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees or any Five or more of them, or to their Treasurer or Treasurers, at such Time or Times as they the said Justices respectively shall direct, and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in the like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their usual Place or Places of Abode for that Purpose by any Surveyor of the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road, all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor or Surveyors so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may compound for Statute Work.

LVIII. 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 or Persons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by them done on the said Road or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all or any of the Parishes or Places in which the said Road shall lie and be situate, for a certain Sum of Money by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Road; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer or Treasurers of the said Trustees in Advance on or before the First Day of *February* in each and every Year.

LIX. And

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

LIX. And be it further enacted, That all and every Perſons and Perſon, Counties, Hundreds, Towns, Pariſhes, Hamlets and Places, and the Inhabitants thereof, Bodies Politic and Corporate, who before the paſſing of the ſaid recited Acts or this Act have or hath uſed or of Right ought by reaſon of the Tenure of any Lands, Tenements, or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the ſaid Road, or any Bridge, Cauſeway, Drain, or Watercourſe in or upon the ſame, ſhall notwithſtanding the Repeal of the ſaid recited Acts, or any Thing contained in this Act, be ſubject and liable to ſuch Repairs in the ſame Manner as they and every of them have or hath heretofore uſually been or would have been in caſe the ſaid Acts or this Act had not been paſſed.

Truſtees may contract for repairing the Road.

LX. And be it further enacted, That the ſaid Truſtees ſhall and may and they are hereby empowered from Time to Time to contract and agree with any Perſon or Perſons for the repairing, widening, altering, turning or amending the ſaid Road by this Act directed to be repaired or any Part or Parts thereof, and for all or any other of the Works to be done and performed in the Execution of this Act, in ſuch Manner and for ſuch Sum or Sums of Money as the ſaid Truſtees ſhall think proper; and that all Contracts and Agreements in Writing entered into purſuant to an Order made at any Meeting by ſuch Truſtees, ſhall be binding to the ſaid Truſtees and other Parties who ſhall ſign the ſame, his, her or their Succeſſors, Executors, and Adminiſtrators reſpectively; and that Actions and Suits may be maintained thereon, and Damages and Coſts recovered againſt the Party or Parties failing in the Execution of ſuch Contracts or Agreements.

Penalty for aſſaulting Collectors or obſtructing the Execution of this Act.

LXI. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, or hinder, or cauſe or promote to be aſſaulted, interrupted, or hindered any Collector of the Tolls or any Surveyor or Surveyors, or any other Perſon or Perſons by them or any of them, or by the ſaid Truſtees or any of them employed in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit any Sum not exceeding Forty Shillings.

For ſecuring tranſient Offenders.

LXII. And whereas Offences may be committed againſt this Act by Perſons unknown to the Truſtees, Collectors, Surveyors, or other Officers appointed to put the ſame in Execution; be it therefore further enacted, That it ſhall be lawful for the ſaid Truſtees, Collectors, Surveyors or other Officers reſpectively, and ſuch other Perſon or Perſons as he or they ſhall call to his or their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any ſuch unknown Perſon or Perſons who ſhall commit any ſuch Offence or Offences, and take him, her or them before any Juſtice of the Peace of the County or Place where the Offence or Offences ſhall be committed.

To compel Payment of Subſcriptions.

LXIII. And be it further enacted, That the Perſon or Perſons who have ſubſcribed or ſhall hereafter ſubſcribe any Money for or towards defraying the Expences of executing this Act, ſhall and they are hereby required to pay ſuch Money within ſuch Time, and to ſuch Perſons as the ſaid Truſtees, or any Five or more of them, ſhall order and direct; and in Default of ſuch Payment, ſuch Money ſhall be recovered by Action of Debt or on the Caſe, to be brought by any Five or more of the ſaid Truſtees, or by their Clerk, in any of His Majeſty's Courts of Record at *Weſtminſter*.

LXIV. And

For Recovery of Penalties and Forfeitures.

LXIV. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be impoſed, (the Manner of levying and recovering whereof is not herein otherwiſe directed), ſhall upon Proof of the Offences reſpectively before any Juſtice of the Peace for the County or Place wherein the Offences ſhall be reſpectively committed, or wherein the Offender ſhall be or reſide, either by the Confeſſion of the Party offending, or by the Oath of One or more credible Witneſs or Witneſſes, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of ſuch Juſtice, (which Warrant ſuch Juſtice is hereby empowered and required to grant), and the Overplus, after ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Diſtreſs, are deducted, ſhall be returned upon Demand unto the Owner or Owners of ſuch Goods and Chattels; and the Money ariſing by ſuch Penalties, Forfeitures, and Fines, when paid or levied, if not otherwiſe directed to be applied by this Act, ſhall be from Time to Time paid to the Treaſurer or Treaſurers to the ſaid Truſtees, and applied for the Purpoſe of the ſaid Roads; and in caſe ſufficient Diſtreſs ſhall not be found, and ſuch Penalties, Forfeitures, and Fines ſhall not be forthwith paid, it ſhall be lawful for any ſuch Juſtice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction of ſuch County or Place, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

Power to compound for Penalties.

LXV. And be it further enacted, That in all Caſes where any Action or Actions, Suit or Suits, ſhall be brought, commenced, or proſecuted againſt any Perſon or Perſons for any Penalty or Penalties contained in this Act, or for Breach or Non-performance of any Contract or Contracts entered into, it ſhall and may be lawful for the ſaid Truſtees from Time to Time to compound or agree for the ſame, for ſuch Sum or Sums of Money as they ſhall think proper, inſtead of receiving the Whole of ſuch Penalty or Penalties; but the Sums ſo compounded or agreed for ſhall not be leſs than the Injury or Damage ſuſtained by the Breach or Non-performance of any ſuch Contract, and all the Coſts, Charges, and Expences which ſhall be occaſioned thereby.

LXVI. And for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every the Juſtice or Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the ſame Effect, as the Caſe ſhall happen; *videlicet*,

Form of Conviction.

County of } ‘BE it remembered, That on the Day of
to wit. } in the Year of His Ma-
‘jeſty’s Reign, and in the Year of our Lord
‘ *A. B.* is convicted before me *C. D.* One of His Majeſty’s Juſtices
‘of the Peace for the ſaid County, by virtue of an Act of the Fiftieth
‘Year of the Reign of King *George* the Third, intituled, *An Act [here ſet*
‘*forth the Title of this Act, and ſpecify the Offence, and when and where*
‘*committed*]. Given under our Hands and Seals [*or*, my Hand and Seal]
‘the Day and Year firſt above written.’

LXVII. Provided

Allowing Parties aggrieved to appeal.

LXVII. Provided always, and be it further enacted, That if any Person or Persons shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the County in which such Cause of Appeal shall arise, within Three Calendar Months after the Cause of such Complaint shall have arisen; such Appellant first giving or causing to be given Fourteen Days Notice at least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order and pay such Costs as shall be awarded by the Justices at such respective Quarter Sessions; and the said Justices at such Quarter Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices may also at such Sessions, by their Order or Warrant, levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to obey the same, and for Want of sufficient Sureties may commit such Person or Persons to the Common Gaol of or for the said County, as the Case may be, for any Time not exceeding Six Calendar Months, or until Payment of such Costs.

Proceedings not to be quashed for Want of Form.

LXVIII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, 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*; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed 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 Damage (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made for or on Behalf of the Party distraining before such Action brought.

Limitation of Actions.

LXIX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act until Twenty Days Notice thereof shall be given to the Clerk to the said Trustees, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar

Months next after the Fact committed, and every ſuch Action ſhall be laid and tried in the County in which the ſame was committed, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit ſhall and may at his and their Election plead ſpecially or the General Iſſue, and give this Act and the ſpecial Matters 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 be ſo done, or that ſuch Action or Suit ſhall be brought before Twenty Days Notice thereof ſhall be given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County or Place than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue 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, then the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch Remedy for recovering the ſame as any Defendant or Defendants hath or have in any other Caſe by Law.

Publick Act.

LXX. And be it further enacted, That this Act ſhall be 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 being ſpecially pleaded.

Commencement and Continuance of Act.

LXXI. And be it further enacted, That this Act ſhall commence upon the ſaid Second *Wedneſday* next after the paſſing thereof, and ſhall continue and be in force for Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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