ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 133.

An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from the *Neat Enstone* and *Chipping Norton* Turnpike Road, through *Bicester* to *Weston on the Green*, in the County of *Oxford*, and for making a new Branch of Road to communicate therewith. [3d *June* 1813.]

WHEREAS an Act was passed in the Thirty-third Year of His present Majesty's Reign, intituled, *An Act for amending, widening and repairing the Road from* Clay Hill, *in the Turnpike-Road between* Neat Enstone *and* Chipping Norton, *in the County of* Oxford, *over* Heyford Bridge, *to the* Water Lane *in the Town of* Bicester *in the said County, and from* Bicester *aforesaid, to the Turnpike Road in* Weston on the Green, *in the said County*: And whereas the Trustees appointed in or by virtue of the said Act, have proceeded in the Execution thereof, and have borrowed a considerable Sum of Money upon the Credit of the Tolls thereby authorized to be collected; which Money still remains due and owing: And whereas the Money borrowed and due as aforesaid cannot be paid off and discharged, and the said Roads effectually amended and kept in Repair unless the Term of the said Act be continued, the Tolls increased, and some of the Powers thereof altered and enlarged: And whereas it would be advantageous to the Public, if the Road branching from or out of the present Turnpike Road at or near *Bicester* Windmill to the Turnpike Road leading from *Bletchington* to *Enslow Bridge*, in the County of *Oxford*, was included with 33 G. 3.

with and made Part of the Roads directed to be repaired by the said recited Act: May it therefore please Your Majesty, That it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, passed in the Thirty-third Year of the Reign of his present Majesty, and all and every the Authorities, Powers, Privileges, Provisoes, and Clauses therein contained respectively, except such of them as are hereby altered or repealed, shall be, and continue in full force, and be executed for and during the Term hereinafter mentioned, in as full and ample Manner, and as effectually to all Intents and Purposes, as if the said Act, and all the Clauses, Powers, Authorities, Trusts, Provisions, Directions, Rules, Exemptions, Penalties, Forfeitures, Payments, Remedies, Articles, Matters and Things whatsoever therein contained, were repeated and re-enacted in the Body of this Act, as well for amending, widening, altering, improving, and keeping in Repair the Roads included or comprised in the said recited Act, as for amending, widening, altering, improving, and keeping in Repair the said Road, branching from or out of the said Turnpike Road at or near *Bicester* Windmill, to join the Turnpike Road leading from *Bletchington* to *Enslow* Bridge, but subject, nevertheless, to the Amendments and Alterations herein contained; and that this Act and the additional Term hereby granted, shall be, and are hereby declared to be subject and liable to the Payment of all Monies now due or owing on the Credit or on Account of the said recited Act, or that may be borrowed or become due on the Credit of the said recited Act and of this Act, and of all Interest due or to grow due for the same respectively.

Act further continued.

Additional Trustees.

II. And be it further enacted, That the Right Honourable *Francis Almeric Spencer*, commonly called Lord *Francis Almeric Spencer*; *John Bowden*, *Isaac Bacon*, Clerk; *James Blackstone*, *Charles Oldfield Bowles*, *William Benson*, Clerk; *John Churchill*, *Benjamin Churchill*, Clerk; *Samuel Churchill*, *Thomas Davis*, *John Strange Dandridge*, Clerk; *Samuel Churchill Field*, *Thomas Hinde*, Clerk; *Robert Jones*, Clerk; *Roger Kynaston*, *John Knipe*, Clerk; *William Morice*, Clerk; *Edward Marshall*, Clerk; *Pardoe Matthews*, Clerk; *John Nelson*, Clerk; and *James Saunders*, Doctor of Divinity, being qualified according to the Directions of the said recited Act, shall be and they are hereby added to and joined with the surviving Trustees named in, or appointed by, or in pursuance of the said recited Act, for putting the said Act and this Act in Execution, and shall be and are hereby empowered to act in the Execution of the said recited Act and this Act, as fully and effectually to all Intents and Purposes, as if they had been appointed Trustees in or by the said recited Act.

Power to appoint additional Trustees.

III. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Ten in the whole, to be Trustees for the Purposes of this Act and the said recited Act, in Addition to the Trustees hereby appointed; and such Trustees so elected, and being duly qualified, shall be and are hereby invested

with the ſame Powers and Authority for executing this and the ſaid recited Act, as if they had been hereby nominated and appointed.

Truſtees, &c. not diſqualified from being Witneſſes.

IV. And be it further enacted, That the being a Truſtee of the ſaid Roads, or a Mortgagee of the Tolls thereof, or being a Treaſurer, or Clerk, or Surveyor under the ſaid recited Act or this Act, or the being an Inhabitant of any Townſhip, Pariſh, or Place through which the ſaid Roads do or ſhall paſs, ſhall not diſqualify any Truſtee or other ſuch Perſon as is laſt hereinbefore deſcribed, from giving his Teſtimony or Evidence in any Suit, Proſecution, or other legal Proceedings under the ſaid recited Act or this Act, nor ſhall ſuch Teſtimony or Evidence (for any of the Reaſons aforeſaid) be liable to be queſtioned or ſet aſide.

Power to continue or remove Turnpikes, and ſet up others.

V. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to continue and uſe every or any of the Turnpikes already erected upon the ſaid Roads, and from Time to Time to erect and ſet up ſuch other Turnpike or Turnpikes, Toll Gate or Toll Gates, or Bars, in, upon, acroſs, or on the Side or Sides of the ſaid Roads, or any of them, or acroſs any Lane or Way leading out of the ſame reſpectively; and ſuch and ſo many Toll Houſe or Toll Houſes, Weighing Engine or Engines, with ſuitable Outbuildings thereto, and add, make, and take ſuch Garden Spots and other Conveniences, not exceeding one Quarter of an Acre, to and for the Uſe and Occupancy thereof, as they ſhall think expedient.

Old Tolls repealed.

VI. And be it further enacted, That on the paſſing of this Act the Tolls now payable by virtue of the ſaid recited Act, ſhall be and the ſame are hereby declared to be repealed; and that upon, and from and after the paſſing of this Act, it ſhall be lawful for the ſaid Truſtees, or any Perſon or Perſons by virtue of this or the ſaid recited Act, to be appointed Collector or Collectors as aforeſaid, to demand and take the ſeveral Tolls and Duties following, at each and every of the reſpective Turnpikes or Toll Gates, or Turnpike or Toll Gate, erected, or which ſhall be erected in, upon, or acroſs the ſaid Roads, included in the ſaid recited Act, and this Act, or any of them, by virtue of the ſaid recited Act or this Act, and on every Day, ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night; (that is to ſay),

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

For every Horſe, Mare, Gelding, Mule, or Aſs not drawing, a Sum not exceeding Two-pence:

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

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

And the ſaid reſpective Tolls ſhall be demanded and taken before any Horſe or Horſes, or other Beaſt or Cattle, or any Carriage whatſoever, be permitted to paſs through any ſuch Turnpike or Toll Gate; and upon

upon Payment of any of the ſaid Tolls, the Collector or Receiver ſhall and he is hereby required to deliver *gratis* to the Perſon paying ſuch Toll a Note or Ticket denoting ſuch Payment; and the ſaid reſpective Tolls ſhall be and are hereby veſted in the ſaid Truſtees; and it ſhall be lawful for the reſpective Collectors of the ſaid Tolls to demand, collect and receive the Tolls hereby granted, and upon Default of Payment thereof upon Demand, to recover the ſame in the Manner preſcribed by the ſaid recited Act of the Thirty-third Year of His preſent Majeſty's Reign.

Double Tolls on Sundays.

VII. And be it further enacted, That on every *Sunday* during the Continuance of this Act, there ſhall be demanded and taken at the Toll Gates on the ſaid Roads by the ſaid reſpective Collectors, before any Horſe, Beaſt, Cattle or Carriage, ſhall be permitted to paſs through the ſame, double the reſpective Tolls or Sums of Money hereinbefore mentioned reſpectively.

Limiting the whole Number of Tolls on the Road.

VIII. And be it further enacted, That no more than Five Tolls in the whole ſhall be demanded or taken for or in reſpect of the ſame Horſe or Horſes, Beaſt, Cattle and Carriage, in any one Day, to be computed as aforeſaid, for paſſing all or repaſſing through all the Gates upon the ſaid Roads; (that is to ſay) Three of ſuch Tolls, and no more, for paſſing and repaſſing all the Gates between *Clay Hill* in the Turnpike Road between *Neat Enſtone* and *Chipping Norton* and *Biceſter*; One other of ſuch Tolls and no more, for paſſing and repaſſing through all the Gates between *Biceſter* aforeſaid; and the Turnpike Road in *Weſton on the Green*; and the One of ſuch Tolls and no more for paſſing and repaſſing through all the Gates between the Road branching from or out of the preſent Turnpike Road at or near *Biceſter* Windmill, to the Turnpike Road leading from *Bletchington* to *Enſlow Bridge*.

Exemptions from Toll.

IX. Provided always, and be it further enacted, That no Toll ſhall be demanded or taken for any Horſe or Horſes, or other Beaſt or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the ſaid Road, or any of the Roads in the Townſhips or Pariſhes in which any Part of the ſaid Road lies; or with Seed for ſeeding the Ground, or Hay, Turnips, Straw or Corn in the Straw only, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Houſes, Barns, Out-Houſes or Yards, or on the Lands of the Owners thereof: or for any Horſe, Beaſt, or other Cattle or Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day any Ploughs, Harrows, or Implements of Huſbandry, or any Mould, Dung, Compoſt, or Manure (Lime only excepted) employed in Huſbandry for manuring or improving Land, or any other Thing employed in the Management of any Farm or Lands, or for any Horſes or other Beaſts going to or returning from Paſture or Watering Place, or going to be, or returning from being ſhoed or farried; or from any Perſon or Perſons going to, or returning from his, her, or their proper

proper Parochial Church, Chapel, or other Place of Religious Worſhip, on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or going to, or returning from attending the Funeral of any Perſon who ſhall die, and be buried in any of the Pariſhes in which the ſaid Road lies; or from any Clergyman going to viſit or returning from viſiting any ſick Perſon, or on other his Parochial or Miniſterial Duty; or for any Horſes 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 in returning back from conveying or guarding the ſame; or for the Horſe or Horſes of any Officers or Soldiers on their March, or on Duty, or for any Horſe or Horſes, or other Beaſt, or any Cart, Carriage, or Waggon employed in carrying or conveying or returning therefrom, having been employed only in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying or conveying 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, or Barrack, or Commiſſariat, or other Public Stores belonging to his Majeſty, or for the Uſe of his Majeſty's Forces, or returning from having been ſo employed; or for any Horſe, Mare or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry, or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exerciſe, Inſpection, or Review, provided that ſuch Perſon ſhall be dreſſed in the Uniform of his Corps, and ſhall have his Arms, Furniture, and Accoutrements, according to the Regulations of ſuch Corps at the Time of claiming the Exemptions; or for Horſes, Carts, or Waggons travelling with Vagrants ſent by legal Paſſes, or returning after having been ſo employed; or for any Horſes, Coaches, or other Carriages going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Oxford*, on the Day or Days of ſuch Election, or the Day before or Day after ſuch Election ſhall begin or be concluded: And if any Perſon ſhall, by any fraudulent or colluſive Means whatſoever, claim or take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence, any Sum not exceeding Five Pounds, one Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

Exempting Carriages conveying King's Stores, &c. from Penalties for Overweight.

X. 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 Public Stores, of or 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, or the Horſe or Horſes drawing the ſame, while ſo employed, 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 law-

ful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to the Highways or Turnpike Roads, or in this or the said recited Act contained to the contrary notwithstanding.

Penalty of Renters of Tolls compounding for Overweight.

XI. And be it further enacted, That no Farmer or Farmers, Renter or Renters of the Tolls of any Turnpike Gate now erected or hereafter to be erected upon the said Roads respectively, or his or their Deputy or Deputies, Agent or Agents, shall make any Composition by the Year or otherwise with the Inhabitants of any Town or Place, or with any Person or Persons whomsoever, for or in lieu of the Tolls of any Waggon, Wain, Cart, or other Carriage liable to be weighed at the Engine or Engines erected or to be erected upon the said Roads respectively, for or in respect of the Overweight thereof; and in case any Farmer or Renter, or Person or Persons shall offend herein, every such Farmer or Renter, Deputy or Agent, shall on Conviction thereof, by Confession or upon the Oath of One Witness, before any One of His Majesty's Justices of the Peace for the County of *Oxford*, forfeit and pay, besides the Costs and Charges attending the Conviction, any Sum not exceeding Twenty Pounds, and shall also forfeit his or their Contract or Lease for renting the Tolls, if the Trustees or any Five or more of them shall think proper to order that the same shall be thereupon vacated and made void; and every such Composition shall be and the same is hereby declared to be null and void; and that One Moiety of every such Penalty as aforesaid shall be paid to the Informer, and the other Moiety to the Surveyor or Treasurer of the said Roads respectively, to be employed towards the Repairs thereof; the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so convicted, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices as aforesaid.

Trustees to have Biddings when Tolls are put up to Auction.

XII. And be it further enacted, That when the Tolls payable at any Turnpike or Toll Gate or Gates shall be put up to be let to farm, the said Trustees may, if they think fit, appoint some Person to bid once for the same, to the Intent that such Tolls may not be let for less than an adequate Value.

To enable Trustees to take Possession of Toll Houses, &c. in the Hands of Lessees, Farmers, or Collectors.

XIII. And be it further enacted, That in case the Tolls arising from all or any of the Turnpikes or Toll Gates, Weighing Engine or Weighing Engines erected or to be erected on the said Road, shall at any Time or Times be demised or let to farm to any Person or Persons whomsoever, and the Lessee or Lessees, Farmer or Farmers, to whom the said Tolls shall be respectively demised or let, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, or any Part or Instalment thereof shall be in arrear and unpaid for the Space of Ten Days next after any of the Days on which the same ought to be paid, pursuant to the Contract or Agreement for letting the same; or if any Collector or Receiver of the Tolls, who shall be discharged from his said Office by the said Trustees, or the Wife or Widow, or any of the Family or Representatives of any Collector or Receiver who shall die, abscond, absent himself,

ſelf, or be diſcharged, or any other Perſon who ſhall refuſe to deliver up the Poſſeſſion of any Toll Houſe or Toll Houſes, Weighing Engine or Weighing Engines, with the Buildings and Appurtenances thereto belonging, for the Space of Three Days next after Demand made thereof in Writing, ſigned by any Three of the ſaid Truſtees, or by their Clerk or Treaſurer, and left at ſuch Toll Houſe, or in any Toll Houſes, Weighing Engine or Weighing Engines; then and in any of the ſaid Caſes, it ſhall be lawful for the ſaid Truſtees, or any Three or more of them, or their Clerk or Treaſurer, or other Perſon authorized by Writing under the Hands of any Three or more of the ſaid Truſtees, with ſuch Aſſiſtance as ſhall be neceſſary, to enter into and upon the Poſſeſſion of ſuch Toll Houſe or Toll Houſes, Weighing Engine or Weighing Engines, and other Buildings and Premiſes in the Daytime, and to remove the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods out of the ſame, and from the Collection of the Tolls there payable, and to put the ſaid Truſtees, or any of their Officers, or any other Perſon or Perſons appointed by the ſaid Truſtees, or any Three or more of them, into the Poſſeſſion thereof; and on ſuch Leſſee or Leſſees, Farmer or Farmers, or any Perſon or Perſons employed by or in Poſſeſſion under them, being ſo put out of Poſſeſſion as aforeſaid, it ſhall be lawful for the ſaid Truſtees, or any Three or more of them, if they ſhall think fit, to vacate and determine the Contract or Agreement for leaſing or letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall accordingly be utterly void to all Intents and Purpoſes, as if ſuch Demiſe, Contract, or Agreement had never been made, ſave as to the Covenants and Agreements for Payment of the Rent or Rents thereby reſerved or made payable; and it ſhall be lawful for the ſaid Truſtees, or any Three or more of them, in every ſuch Caſe, to demiſe or let to farm the ſaid Tolls again to any other Perſon or Perſons, in the ſame Manner as if no former Demiſe, Contract, or Agreement had been made or entered into relative to the ſame.

Old Mortgages or other Securities to be cancelled, if required, and new ones granted.

XIV. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall or may receive in and cancel all or any Mortgages, Warrants, Orders, or other Securities, made by virtue of the ſaid recited Act, and ſhall or may give and execute a Mortgage or Mortgages in lieu thereof reſpectively, or for any Sum or Sums of Money heretofore advanced, borrowed, or taken up for the Purpoſes of the ſaid recited Act, and for which Securities may not have been regularly given, or have been omitted to be given; and all ſuch Mortgages ſhall be in the Form directed in and by the ſaid recited Act, or as near thereto as the Caſe will admit of, and ſhall and may bear any Rate of Intereſt not exceeding Five Pounds *per Cent. per Annum*.

No Mortgage to be for more then 100l.

XV. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees, or any of them, to give, execute, or deliver to any Perſon or Perſons any Mortgage under the Authority of this Act, for a greater Principal Sum than One hundred Pounds, notwithſtanding the ſaid Truſtees ſhall borrow and take up at Intereſt of the ſame Perſon or Perſons at one and the ſame Time a greater Sum of Money than One hundred Pounds; and notwithſtanding they ſhall be required

required to exchange and give a new Mortgage or Mortgages in lieu of any Security or Securities now ſtanding out and remaining unſatiſfied, which were granted by virtue of the ſaid recited Act, but that the Monies to be advanced or ſecured as aforeſaid, ſhall be ſecured by ſeparate Mortgages for One hundred Pounds each, or for any leſs Sum or Sums of Money as the ſaid Truſtees, or any Five or more of them, and the Perſon or Perſons to receive ſuch Security or Securities, ſhall agree upon.

Perſons intereſted in Lands being prevented by Abſence from treating with Truſtees, not to be charged with Expences.

XVI. And be it further enacted, That in caſe any Owner or Owners of, or other Perſon or Perſons intereſted in any Lands or Premiſes to be taken or uſed for the Purpoſes of the ſaid recited Act or this Act, ſhall by reaſon of Abſence, be prevented from treating with the ſaid Truſtees for any Recompence or Satisfaction to be made for any ſuch Land or Premiſes, or for any Damages, the Coſts and Expences of aſcertaining ſuch Recompence, or Satisfaction, or Damages, ſhall be wholly borne, paid, and defrayed by the ſaid Truſtees, out of the Monies to ariſe by virtue of this Act, or the ſaid recited Act; any Thing in the ſaid recited Act contained to the contrary notwithſtanding.

Firſt Offer to whom to be made.

XVII. And be it further enacted, That in caſe the ſaid Truſtees ſhall think proper to ſell or diſpoſe of any Piece or Pieces of Ground, not wanted for the Purpoſes of this Act, or the ſaid recited Act, they ſhall firſt offer the ſame for Sale to the Perſon or Perſons of whom the ſame ſhall have been purchaſed; or in caſe ſuch Ground ſhall be a Piece or Pieces of old Road to the Perſon or Perſons whoſe Lands ſhall adjoin thereto; and if ſuch Perſon or Perſons reſpectively ſhall then and thereupon refuſe, or ſhall not agree except with reſpect to or on account of the Price thereof, to purchaſe the ſame reſpectively, an Affidavit to be made and ſworn before a Maſter or Maſter Extraordinary in the High Court of Chancery, or before Two of His Majeſty's Juſtices of the Peace for the County in which ſuch Piece or Pieces of Ground ſhall be ſituate, who are hereby reſpectively empowered to take ſuch Affidavit 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 then and thereupon refuſed, or was not agreed to by the Perſon or Perſons to whom the ſame was made, ſhall, in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made, and was refuſed or not agreed to 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 ſuch Piece or Pieces of Ground, and he, ſhe, or they, and the ſaid Truſtees ſhall differ or not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by a Jury, in Manner by the ſaid Act directed with reſpect to diſputed Value of Premiſes to be purchaſed by the ſaid Truſtees in purſuance of the ſaid Act; and the Expence of Hearing and determining ſuch Difference, ſhall be borne and paid in like manner as by the Act 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 Pieces of Road or Ground as aforeſaid, ſhall be applied to the Purpoſes of this Act, and the ſaid recited Act; but the Purchaſer

or

or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Application of Money awarded above 200l.

XVIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this, or the said recited Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any other Disability or Incapacity, 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 *ex parte* the said Trustees, 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, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such 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 and with 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, 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, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyances and Settlement shall be existing undetermined or capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the said High 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 mean Time, 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 said Lands, Tenements, and Hereditaments, so to be purchased under the Authority of this, or the said recited Act, in case such Purchase or Settlement was made.

Where less than 200l. and above 20l.

XIX. 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

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, or 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, to 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 to be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore 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 Three or more of the said Trustees for executing this and the said recited 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 hereinbefore directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Where under 20l.

XX. Provided also, 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, or Hereditaments so purchased, taken, or used for the Purposes of this, or the said recited Act, in such manner as the said Trustees or any Three 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 a good Title, or Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of Chancery on Petition.

XXI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of this or the said recited Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or any Three or more of them; or in case the Person or Persons to whom any such Sum or Sums of Money shall be so awarded 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 be lawful for the said Trustees, or any Three or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to 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 to the Credit of the Parties interested in the said Lands, Tenement, or Hereditaments [*describing them*] subject to the Order, Controul, and Disposition of the said High 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 sum-

a ſummary Way of Proceeding, or otherwiſe, as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt, of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in 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 Sum or Sums of Money into the Bank as aforeſaid.

In Caſe of diſputed Titles.

XXII. 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 High Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, Title, or Intereſt in any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance of this or the ſaid recited Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in the 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 High 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 to 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.

Court may order reaſonable Expences to be paid by Truſtees.

XXIII. 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 or the ſaid recited Act, the Purchaſe Money for the ſame ſhall be required to be paid into the High Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes, in purſuance of this Act, it ſhall be lawful for the ſaid High Court of Chancery to order the Expences of all Purchaſes, from Time to Time, to be made in purſuance of the ſaid recited Act or this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees, out of the Monies to be received by virtue of this, or the ſaid recited Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

XXIV. And

Statute Labour.

XXIV. And be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Road, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore;

Juſtices to determine Differences touching Statute Work.

and it ſhall be lawful for any Two or more Juſtices of the Peace for the ſaid County of *Oxford*, and they are hereby empowered and required (upon Application made to them for that Purpoſe by the ſaid Truſtees, or by their Clerk or Surveyor, by their Order), yearly 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 lies; 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, ſhall be by him or them paid to the ſaid Truſtees or their Treaſurer; and in order thereunto it ſhall be lawful 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 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 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 paid; which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions, as is, are, or may be directed by any Law or Statute in force and effect for the Repair of the public Highways; and out of ſuch Liſts the ſaid Juſtices ſhall or may allot, appoint, and order, ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to do Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Roads as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done on ſuch Days, and at ſuch Times, (not being Haytime or Harveſt,) and on ſuch Parts of the ſaid Roads as the ſaid Truſtees or their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices 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 their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct; and in Default of Payment thereof, the ſame ſhall or 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 or the ſaid recited Act authorized 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 laſt or uſual Place or Places of Abode for that Purpoſe, ſigned by the Surveyor or Surveyors to 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,

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 who 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 Penalties as 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 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 ſo offending, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Truſtees may compound for Statute Work.

XXV. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees to compound and agree with any Perſon or Perſons, Bodies Politic or Corporate, for the Statute Work to be by them done on the ſaid Roads, or any Part thereof, and alſo with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any the Pariſhes or Places in which the ſaid Roads are 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 Roads; 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 to the ſaid Truſtees in advance, on or before the Firſt Day of *March* in each and every Year; or otherwiſe the Inhabitants and Occupiers of ſuch Pariſh or Place ſhall not be permitted to compound for that Year.

Subſcribers to pay to Treaſurer.

XXVI. And be it further enacted, That all and every Perſon and Perſons who have ſubſcribed, or who ſhall ſubſcribe his, her, or their Name or Names, for any Sum or Sums of Money for making and repairing the ſaid Roads, or for any Purpoſe towards carrying this Act into Execution, ſhall, and they are hereby required to pay the ſame to the Treaſurer or Treaſurers of the ſaid Truſtees for the Time being, which Treaſurer or Treaſurers is and are hereby authorized to demand and receive the ſame; and in caſe of Refuſal or Neglect of Payment, to bring an Action or Actions for Debt for, and recover the ſame againſt the Perſon or Perſons refuſing or neglecting Payment, in any of His Majeſty's Courts of Record within *Great Britain*.

For paying the Expences of this Act.

XXVII. And be it further enacted, That all the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, ſhall be paid by the ſaid Truſtees, or any Three or more of them, out of the Monies already collected or received, or out of the firſt Monies to be collected or received by virtue of the ſaid recited Act

or this Act, or either of them, in Preference to all other Payments whatsoever.

Public Act. XXVIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Continuance of Act. XXIX. And be it further enacted, That this Act shall commence and take Effect upon the passing thereof, and that the said recited Act (subject to the Alterations and Amendments herein contained), and this Act, shall continue and be in Force, and be executed for and during the Residue now to come and unexpired of the Term granted by the said recited Act, and from the Expiration thereof, for and during the further Term of Twenty-one Years), and from thence to the End of the then next Session of Parliament.

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