



ANNO QUADRAGESIMO SECUNDO

# GEORGI II. REGIS.

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## Cap. 38.

An Act for amending, widening, turning, altering, improving, and keeping in Repair, the Road leading from the Turnpike Road in the Horse Fair, in the Town of *Banbury* in the County of *Oxford*, through *Swalcliffe* in the said County of *Oxford*, and through *Brailes* in the County of *Warwick*, to the Bridge crossing the River *Stour*, in the Parish of *Barcheston* in the said County of *Warwick*.

[30th April 1802.]

**W**HEREAS the Road leading from the Turnpike Road in the Horse Fair, in the Town of *Banbury*, through *Swalcliffe* in the County of *Oxford*, and *Brailes* in the County of *Warwick*, to the Bridge crossing the River *Stour* in the Parish of *Barcheston*, in the said County of *Warwick*, is very much out of Repair, narrow, and incommodious, and cannot be properly amended, widened, turned, altered, improved, and kept in Repair, by the ordinary Course of Law; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

[Loc. & Per.]

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That

Trustees.

That *John Adkins, Edward Bannister, Edmund Baldwin, John Beck, John Byrkin Bellamy, Charles Bishop, William Bishop, Oldfield Bowles, Charles Bowles, Richard Brain, Bartholomew Churchill, Carter, William Ralph Cartwright, John Caswell Clerk, Richard Cautley Clerk, Richard Chapman, Bartholomew Churchill, Samuel Churchill, Henry Churchill, Benjamin Churchill Clerk, Thomas Cobb, Timothy Cobb, Thomas Cobb the younger, Michael Gorgan, Samuel Cox, William Curteis, Whitfield Curteis Clerk, Sir Henry Watkin Dashwood Baronet, Henry Dashwood, John Davis, Harry Davis Clerk, Edward Dix, Nicholas Peter Dobree Clerk, Sir George Augustus William Shuckburgh Evelyn Baronet, Nicholas Earle Clerk, Philip Evans, John Fane, John Faulkner Clerk, Francis Findon, Fisher Clerk, Charles Fortnam, Thomas Freeman, William Gillett, Stephen Godson, Richard Godson, James Golby, James Wake Golby, James Graham, Thomas Graham, John Griffin, Joseph Harris, Robert Hatton, John Hatton, William Haynes, William Hemmings, Richard Heydon, Richard Hinckley Clerk, William Hitchcox, William Horniblow, Richard Holtom, Joseph Huntley, Edward Jenkinson Clerk, Jones Doctor in Divinity, James King, John Lamb Doctor in Divinity, Joseph Lamb, Anthony Lampet, Lionel Lampet, William Loggin Clerk, William Loggin, Edward Marshall Clerk, John Maffey Clerk, Jehoiada Meads, William Mister, Sir John Mordaunt Baronet, the Honourable Francis North, the Honourable Frederick North, Dudley North, Francis Page, Michael Pettipher, William Preedy, Benjamin Preedy, John Preedy, Thomas Richardson, Michael Roche, David Samman, Ralph Sheldon, William Sheldon, Edward Sheldon, John Shorter, Thomas Snow, Joseph Snow, the Honourable Francis Almurec Spencer commonly called Lord Francis Almurec Spencer, Joseph Spencer, James Spicer, George Frederick Stratton, John Stratton, Miles Tenant, Gore Townesend, Fiennes Trotman, James Upton, William Vincent, William Walford, Edward Gibbs Walford Clerk, George Warmington, John Warmington, Robert Weston, Samuel Wheatley, John Wheatley, William Wilkes, Sebastian Wilkes, John Wilkes, Joseph Williams, Charles Wyatt, the Mayor, Aldermen, capital Burgesses, and Town Clerk of the Borough of Banbury for the Time being, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for amending, widening, turning, altering, improving, and keeping in Repair, the said Road, and for otherwise putting this Act in Execution.*

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

II. And be it further enacted, That when any of the Trustees herein-before named, or to be elected as herein-after mentioned, shall die or refuse to act, or be disqualified, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands, to elect and appoint One other Person in the Room of every Trustee so dying or refusing to act, or becoming disqualified; but Notice of the Time and Place of Meeting for every such Election, shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates which, by virtue of this Act, shall be then erected and set up, and by Advertisement in some Newspaper or Newspapers printed or circulated in the said Counties of *Oxford* and *Warwick*, at least Ten Days before every such Meeting; and every Person who shall be so elected and appointed, is hereby vested with the same Powers and Authorities for putting this Act in Execution, as any Trustee hereby appointed is vested with.



III. 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 holds any Place of Profit under the same, nor in any particular Case wherein he shall be personally interested, other than as a Creditor; nor shall any Person be qualified to act as a Trustee, unless he shall, at the Time of his acting, 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 Forty 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 to the Amount of Eight hundred Pounds, nor until he shall have taken and subscribed, before any Two or more of the said Trustees, (who are hereby authorized to administer the same), an Oath, or being a *Quaker*, a solemn Affirmation, in the Words or to the Effect following; (that is to say),

Qualification  
of Trustees.

‘ I *A. B.* do swear, [*or*, being a *Quaker* do solemnly affirm] That I Oath.  
‘ truly and *bona 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 Forty Pounds above Reprizes, *or*, am possessed  
‘ of, or entitled to, a Personal Estate of the Value of Eight hundred  
‘ Pounds, after all my Debts are paid, *or*, am the Heir Apparent of  
‘ *A. B.* who, to the best of my Knowledge, is seised of a Real Estate of  
‘ Lands, Tenements, or Hereditaments, of the clear yearly Value of  
‘ One hundred Pounds.

‘ So help me GOD.’

And if any Person disqualified by any of the Causes aforesaid, or not being qualified as aforesaid, 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, Complaint, 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 other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that 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.

Penalty on  
acting, if not  
qualified.

IV. Provided always, 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 thereout for the same, shall not on that Account be deemed unqualified to act as a Trustee in the Execution of this Act.

Mortgagees  
may act.

V. And



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

V. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk or Clerks for the Time being; 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 or Names of their Clerk or Clerks, shall abate or be discontinued by the Death or Removal of such Clerk or Clerks, or by the Act of such Clerk or Clerks, without the Consent of the said Trustees, or any Five or more of them; but that the Clerk or Clerks for the Time being shall always be deemed the Plaintiff or Defendant, Plaintiffs or Defendants in such Actions or Suits, as the Case may be: Provided always, that every such Clerk or Clerks shall be reimbursed, out of the Monies to be received by virtue of this Act, all such Costs, Charges, and Expences as he or they shall be put unto or become chargeable with by Reason of his or their being so made Plaintiff or Defendant, Plaintiffs or Defendants.

Trustees First  
Meeting.

VI. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the House of *James Upton*, known by the Name of *The George Inn*, in *Lower Brailes* in the County of *Warwick* aforesaid, on the *Tuesday* Fortnight next after the passing of this Act; or as soon as conveniently may be afterwards, and proceed to the Execution of this Act, and shall then, and from Time to Time after, adjourn themselves to meet at such Time, and at such Place or Places near the said Road, as they shall think proper; and that Two Trustees present at any Meeting shall be sufficient for the Purpose of adjourning; and that if at any Meeting there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day, or in case the Trustees at any Time assembled shall not adjourn themselves, then and in every such Case the Clerk or Clerks to the said Trustees shall adjourn the Meeting to the Place where the last Meeting was appointed to have been held or was held, as the Case may be, and to such Time as he or they shall think fit, not exceeding Twenty-one Days nor less than Ten Days from the Time of the last Default, and shall give Notice thereof by Writing to be affixed on all the Turnpike Gates then erected by virtue of this Act; and in case no Adjournment, Notice, or Appointment shall be made or given as aforesaid, then it shall be lawful for any Five of the said Trustees to cause Notice in Writing to be affixed on all the Turnpike Gates then erected by virtue of this Act, appointing the Trustees to meet at such Time and such Place in or near the said Road, as they the said Five Trustees shall think proper, not exceeding as to the Time Three Weeks nor less than Ten Days, from the Time of affixing such Notice; and the Trustees shall at their several 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 valid, unless the major Part of the Trustees present shall concur therein, the whole Number of Trustees present at every such Meeting not being less than the Number of Trustees by this Act authorized to make such Order or Determination; and that all such Trustees as are in the Commission of the Peace may act as Justices in the Execution of this Act, notwithstanding their being Trustees (except 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 or Affirmation, it shall be lawful

Trustees to  
pay their own  
Expences.

Orders to be  
made at Meet-  
ings only, and  
the Majority  
to concur.

Trustees be-  
ing Justices,  
may act as  
such.

May admini-  
ster Oaths.



lawful for such Trustees, or Justice or Justices, to administer such Oath or Affirmation; 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 shall be given at a previous Meeting of the Trustees, and entered in their Book of Proceedings; and such Notice shall be affixed on all the Turnpike Gates which, by virtue of this Act, shall be then erected Ten Days at least before such Meeting.

Orders not to be revoked but by 9 Trustees.

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

Meetings on Emergencies.

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

Orders, etc. to be entered.

IX. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may from Time to Time, by Writing under their Hands, appoint One or more Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor and Surveyors of the said Roads, and such other Officers as they the said Trustees shall think necessary, and from Time to Time remove any such Officer or Officers, and on the Death or Deaths, Removal or Removals of such Officer or Officers, may appoint others in their Stead; but Fourteen Days Notice shall be given in Manner last aforesaid of every Meeting where any such Appointment shall be made, after the First Meeting of the said Trustees; and the said Trustees, or any Five or more of them, shall and may, and are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries, and make such Allowances to such Officers and other Persons employed, for their Services in or about the amending, widening, turning, altering, improving, and keeping in Repair the said Road, or any Part thereof, or otherwise in putting this Act in Execution, as they the said Trustees, or any Five or more of them, shall think reasonable.

Officers to be appointed.

X. And be it further enacted, That the said Trustees, or any Five or more of them, shall, and they are hereby authorized and required, to take such Security from the Treasurer or Treasurers, and Collectors and Receivers of the Tolls to be appointed for the Purposes of this Act, for

Treasurer to give Security.

[Loc. & Per.]

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to hold a Place  
of Profit.

the due Execution of his or their Office or Offices, as to the said Trustees, or any Five or more of them, shall seem meet; and that no Person shall be capable of holding any Place of Profit under this Act, who shall sell Wine, Cyder, Beer, Ale, or Spirituous Liquors by Retail.

Officers to ac-  
count on  
Oath.

XI. And be it further enacted, That all such Officers, and all other Persons, shall from Time to Time, when thereunto required by the said Trustees, or any Five or more of them, deliver to such Trustees, or to such Person or Persons as they shall respectively for that Purpose appoint, a true and perfect Account in Writing, under their respective Hands, of all Monies which shall have been by them respectively had, collected, or received by virtue of this Act, and how and to whom, and for what Purposes the same, and every Part thereof, hath been disposed of, together with proper Vouchers and Receipts for such Payments, and shall verify the Accounts upon Oath, or being a *Quaker*, upon solemn Affirmation (which Oath or Affirmation any One of the said Trustees is hereby empowered to administer), and such Officers and Persons shall, and they are hereby respectively required to pay all such Monies as, upon the Balance of such Account or Accounts, shall appear to be in their Hands, to such Person or Persons as the said Trustees shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof on Oath or Affirmation, or to pay the Balance remaining in their Hands, when thereunto required in Manner aforesaid, or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Fourteen Days after being thereunto required by the said Trustees, all Books, Accounts, Papers, and Writings in their respective Custody or Power, anyways relating to the Execution of this Act, or to the said Road, and Complaint shall be made of any such Neglect or Refusal to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons so neglecting or refusing, shall live and reside, by any Five or more of the said Trustees, or by any Person or Persons on their Behalf, such Justice may, and is hereby authorized and required, to summon such Officer or Officers, Person or Persons, to appear before him, and upon his or their appearing or not appearing, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees might have done; and if upon the Confession of the Officer or Officers, Person or Persons, against whom any such Complaint shall be made, or by the Oath or Oaths, Affirmation or Affirmations, of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been so collected or received, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may, and he is hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants 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 Officers, Person or Persons respectively; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Money, and the Charges of levying the same, or if such Officer or Officers, Person or Persons, shall not appear before the said Justice at the Time and Place by him appointed for that Purpose, (except for some reasonable Excuse), or if appearing, shall  
refuse



refuse or neglect to give and deliver to the said Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, or of the Articles thereof, upon Oath or Affirmation as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in their Custody or Power, relating to the Execution of this Act, or to the said Road, then and in either of the Cases aforesaid, the said Justice may, and is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Common Gaol of the County or Place where he or they shall live and reside, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his or their Accounts, and have verified the same on Oath or Affirmation, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in their respective Hands, and the reasonable Charges of such Distress and Sale, as shall in that respect have been made, or until he or they shall have compounded with the said Trustees for the same, and paid the Composition Money to the said Trustees, or any Five or more of them, or 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 in such Case empowered to make), or until he or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees, or any Five or more of them; but no such Officer or other Person who shall be committed on Account of his not having sufficient Goods and Chattels as aforesaid, shall be detained in Prison for any longer Time than Six Calendar Months.

XII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, any Five or more of the said Trustees, though not assembled at a Meeting of the Trustees appointed by virtue of this Act, shall and may lawfully discharge such Collector or Receiver; and in such Case, and also if any such Collector or Receiver shall die, such Trustees as aforesaid, shall and may nominate and appoint a proper Person to be a Collector or Receiver of the Tolls, to continue until the then next Meeting of the Trustees, which 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 die or be discharged would have had or been subject to; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his said Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other 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 House or Building to be erected or set up by virtue of this Act, for the Space of Ten Days after Demand thereof made, and Notice in Writing given for that Purpose, by any Three or more of the said Trustees, or by their Clerk or Clerks, Treasurer or Treasurers, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County or Place where such Toll House or Building shall be situated, by Warrant under his or their Hand and Seal, or Hands and Seals, to

Trustees to  
appoint tem-  
porary Col-  
lectors.

order



order any Constable or other Peace Officer for the same County or Place, with such Assistance as shall be necessary, to enter such House or Building in the Day Time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees, or any Two of them, or their new appointed Officer, into the Possession thereof.

Turnpikes to be erected.

XIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may erect and set up, and build, or cause to be erected, set up, and built upon, in, or across the said Road, and also across any Lane or Lanes, Way or Ways, leading into the same, such and so many Gates or Turnpikes, and a Toll House to each Gate or Turnpike, with Outbuildings suitable thereto, and take in and inclose on the Sides of the said Road convenient Garden Spots for each Toll House, as they the said Trustees, or any Five or more of them, shall think proper, and direct or appoint, and may cause any such Gates, Turnpikes, Toll Houses, or other Buildings, from Time to Time to be taken down, removed, or altered, as they, or any Five or more of them, shall adjudge proper; and that the several Tolls following shall be demanded and taken at each of the Gates or Turnpikes, by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time appoint for that Purpose, before any Horse, Cattle, or Carriage shall be permitted to pass through the same; (that is to say),

Power to take Tolls.

Tolls.

For every Horse, Mare, Gelding, Mule, Ass, Ox, Bullock, or other Beast of Draught, drawing any Carriage, any Sum not exceeding Four-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 Oxen, Cows, or Neat Cattle, any Sum not exceeding Ten-pence *per* Score, and so in Proportion for any greater or less Number:

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

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll, and shall be and are hereby vested in the said Trustees, to be applied as herein-after is directed; and if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed as aforesaid to collect such Tolls, by himself or themselves, or taking such Assistance as he or they shall think necessary, (and which Assistance all Persons are hereby required to give if called upon), to seize and distrain any Horses or other Cattle or Beasts, upon which such Tolls are by this Act imposed, together with their Bridles, Saddles, Gears, Harness, or Accoutrements, or a sufficient Part thereof; and if such Tolls, and the reasonable Charges of such Distress, shall not be paid within the Space of Five Days after such Distress made, the Person or Persons so distraining shall and may sell the Horse or Horses, Cattle, or other Things so distrained, or a sufficient Part thereof, rendering the Overplus, (if any be), and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and reasonable Charges for



for making such Distress, and keeping and selling the same, shall be deducted and paid.

XIV. 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 happen, until the Quantity of Tolls due, and the Charges of making such Distress, and of keeping and selling the same, shall be ascertained by some Justice of the Peace of the County or Place where such Toll shall be incurred or such Distress taken, who, upon Application made to him for that Purpose, shall examine the Matter, on Oath or Affirmation of the Parties, or other Witness or Witnesses, and determine the Quantity of the Tolls due, and also assess the Charges of such 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.

Disputes concerning Tolls to be settled by a Justice.

XV. 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 be and are hereby declared to be competent to give Evidence in any such Dispute, Suit, or Litigation.

Collectors of Tolls competent Witnesses.

XVI. And be it further enacted, That no Person or Persons who shall have paid the Tolls by this Act granted for the passing of any Horse, Cattle, Beast, or Carriage, through any Gate or Turnpike to be erected by virtue of this Act, shall be subject or liable to the Payment of any further Toll for passing through the same Gate or Turnpike with the same Cattle or Carriage, 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, upon producing a Note or Ticket denoting such Payment, which Note or Ticket the Collectors of the Tolls are hereby required to deliver *gratis*, if demanded, on Payment of such Tolls.

Tolls to be paid but Once a Day.

XVII. And be it further enacted, That the said Trustees, or any Five or more of them, may, and they are hereby authorized and empowered from Time to Time, as they shall think proper, to lessen, vary, or alter all or any Part or Parts of such Tolls at all, any, or either of the said Turnpike Gates, and to raise the same again, so as they do not exceed the Tolls by this Act granted; but no such Alteration, Variation, or Reduction shall be made, unless Notice in Writing be given for that Purpose, by affixing the same upon all the Turnpike Gates to be erected by virtue of this Act, at least Ten Days before the Meeting for making such Reduction; nor shall any such 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, varied, or altered, shall be collected, recovered, and applied in the same Manner

Tolls may be lessened, varied, or altered.



as the Tolls hereby granted are directed to be collected, recovered, and applied.

Exemption  
from Tolls.

XVIII. 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 any of the Parishes, Hamlets, or Places within which the said Road lies, or in the Carriage of any Earth, Dung, Mould, Lime for Manure, or other Compost for manuring of Gardens, Lands, or Grounds within any of the Parishes, Hamlets, or Places in which the said Road lies, 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, such Dung, Mould, Manure, or other Compost, Grass, Hay, Fodder, Straw, or Corn in the Straw, or dead Hedgewood, or other Produce of Lands, being the Growth and Produce of Lands held and occupied by such Owner and Owners respectively, and carried for their own proper Use and Consumption; nor shall any Toll be demanded or taken for the passing or repassing of any Plough, Harrow, or other Implements of Husbandry, or any Thing whatsoever that shall be used in Husbandry, or in manuring or stocking of Land; nor for any Horse or other Cattle going to or from Plough or Harrow, Water or Pasture, or to be shod or farried in any Parish, Hamlet, or Place within which any Gate or Turnpike shall be erected; nor for the Horses of any Officers or Soldiers on their March or on Duty, or for any Waggon, Cart, or other Carriage attending them, laden with their Arms or Baggage; or for Horses, Cattle, or Carriages, travelling with Vagrants sent with legal Passes; nor for any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, or other Carriage, 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 County of *Oxford* or *Warwick*, 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 or Carriages, of whatsoever 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; nor shall any Toll be demanded or taken from any Rector, Vicar, or Curate, going to or returning from his own Parish Church or other Place of Divine Worship, or visiting his sick Parishioners; nor from any Person or Persons going to or returning from his, her, or their proper Parish or 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 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; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall, for every such Offence, forfeit any Sum not exceeding Forty Shillings, nor less than

Penalties on  
Persons claim-  
ing Exemp-  
tions unlaw-  
fully.



than Ten Shillings, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

XIX. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage, pass through or over any Land, Ground, or Place, lying by the Side of or near to any Part of the said Road, or if any Person or Persons owning or occupying any such Land, Ground, or Place, the same not being a publick Highway, shall knowingly permit or suffer any Person or Persons to pass with any Horse, Cattle, Beast, or Carriage, through or over the same, whereby the Payment of the said Tolls, or any Part thereof shall be avoided; or if any Person or Persons shall forge or counterfeit, or shall give to or receive of any other Person or Persons, any Note or Ticket by this Act directed to be given by the Collector of the Tolls; or if any Person or Persons shall take off or cause to be taken off any Horse or other Beast from any Carriage, or having passed through any Turnpike shall afterwards add or put any Horse or other Beast to any such Carriage, with an Intent to evade the Payment of the said Tolls, or if any Person or Persons shall do any other Act in order or with Intent to avoid the Payment thereof, or any Part thereof, every such Person so offending in any of the Cases aforesaid, shall for each Offence forfeit a Sum not exceeding Forty Shillings nor less than Ten Shillings, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied towards the Purposes of this Act.

To prevent evading the Tolls;

or taking off Cattle from any Carriage to avoid Payment of Toll.

XX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to compound and agree with any Person or Persons for the passing of any Carriages, Horses, Beasts, or other Cattle, travelling on the said Road, for all or any of the Tolls to be paid in respect thereof, for any Term not exceeding One Year, at any One Time, which Composition Money shall be paid in Advance, Quarterly 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 compound for Tolls.

XXI. And be it further enacted, That it shall 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 Turnpike Gates then erected by virtue of this Act, and advertising the same in some Newspaper or Newspapers 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, or any Five or more of them, 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.

Trustees may lease the Tolls.

XXII. And



Turnpikes to  
be vested in  
Trustees.

XXII. And be it further enacted, That the Right and Property of all the Turnpike Gates, Bars, Rails, and Fences, Toll Houses and Buildings, which shall 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 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, or any Five or more of them, 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 One or more of them, or in the Name of their Treasurer or Treasurers, Clerk or Clerks, or Surveyor or Surveyors, 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.

For borrow-  
ing Money.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to borrow or take up at Interest, upon the Credit of the Tolls payable by virtue of this Act, such Sum or Sums of Money as they shall think proper, and to mortgage and assign the said Tolls, or any Part or Parts thereof, and the Turnpike Gates and Toll Houses for collecting the same (the Costs and Charges of such Mortgages to be paid out of such Tolls respectively), to any Person or Persons, or their Trustees, who shall advance or lend their Monies thereon for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof as aforesaid, by the following Words under their Hands and Seals, or by any other Words to the like Effect; *videlicet*:

Form of  
Assignment.

‘ BY virtue of an Act, made in the Forty-second Year of the Reign of  
‘ His Majesty King *George* the Third, intituled [*Here set forth the*  
‘ *Title of this Act*] We of the Trustees for the said  
‘ Road, in Consideration of the Sum of to the  
‘ Treasurer or Treasurers of the said Road in Hand paid, do grant, bar-  
‘ gain, sell, and demise unto *A. B.* his Executors, Administrators, and  
‘ Assigns, such Proportion of the Tolls arising from the said Road, and  
‘ of the Turnpike 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.”

And that Copies of all such Mortgages and Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Trustees; but no Money shall be borrowed upon the Credit of the Tolls after the First Meeting, unless Notice be for that Purpose affixed in Writing upon all the Turnpike Gates then erected by virtue of this Act, at least Twenty-one Days before the borrowing thereof, and the Intention thereof be also advertised, Twice at least, in some Newspaper or Newspapers



Newspapers usually circulated in the Neighbourhood of the said Road; 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, is and are hereby empowered, from Time to Time, to assign over or 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 to the like Effect; *videlicet*:

I *A. B.* do hereby transfer the within Mortgage [*if by Indorsement, or, Form of Transfer.*  
*if by a separate Instrument, a certain Mortgage*] bearing Date the  
 Day of \_\_\_\_\_ of the Tolls arising on the Road  
 to be amended, widened, turned, altered, improved, and kept in Repair,  
 by virtue of an Act made in the Forty-second Year of the Reign of  
 King George the Third, intituled [*Insert 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 Clerks within Twenty-one Days after the Date thereof, 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 transferred, for which the said Clerk or Clerks shall be paid the Sum of Two Shillings and Sixpence, 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 reasonable Times by any Person or Persons whomsoever, and the Sum of One Shilling and no more shall be paid to such Clerk or Clerks 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, release, or discharge the original Mortgage or Assignment, or any Monies due thereon.

XXIV. 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, his, her, or their Assignee or Assigns, in respect to Priority of the Mortgage or Assignment, or of advancing such Sum or Sums of Money; but that all Persons to whom any such Mortgages or Assignments shall be made as aforesaid, his, her, and their Assignee or Assigns, shall be (in Proportion to the Sum or Sums therein mentioned) Creditors on this Act, and in equal Degree One with another.

All Creditors  
to be deemed  
equal in  
Degree.

XXV. And be it further enacted, That out of the First Monies that shall be raised by virtue of this Act, the said Trustees, or any Five or more of them, shall pay and discharge all the Expences and Costs relative to the procuring and passing this Act, in Preference to any other Payment whatsoever; and after Payment thereof all such Money, which shall come

For Payment  
of the Ex-  
pences of  
passing this  
Act, &c.

[*Loc. & Per.*]

7 A

to



to the Hands of the said Trustees by virtue of this Act, shall be from Time to Time applied in the Execution of this Act, and to no other Use or Purpose whatsoever.

For getting  
Materials to  
repair the  
Road.

XXVI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, and all such other Persons as he or they shall appoint, to search for, dig, gather, and take away any Stones, Gravel, Sand, or other Materials for amending, widening, turning, altering, improving, or repairing the said Road, out of any Waste or Common, River or Brook, in any Parish, Hamlet, or Place, in, adjoining to, or lying near the said Road, or in any neighbouring Parish, Hamlet, 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 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 if sufficient Quantities 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 from 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 and Occupiers of such Lands, Fields, or Grounds, where and from whence the same shall be dug, gathered, and carried away, or over which the same or any other Materials for amending, widening, turning, altering, improving, or repairing the said Road, shall be carried as the said Trustees, or any Five or more of them, 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 or Occupiers, or any of them, concerning such Payments and Damages, any One or more Justice or Justices of the Peace acting for the County wherein such Fields, Lands, and Grounds shall lie, shall and may, on Six Days Notice thereof being given in Writing by the said Surveyor or Surveyors, 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 Matter 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 the  
Occupiers of  
Lands, etc.

XXVII. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any other Person or Persons, under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for the Purposes of this Act, out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Surveyor, shall have been given to the Land Owner or his Agent, or to the Occupier of the Premises from which such Materials are intended to be taken, or left at the House, or last or usual Place of Abode of such Occupier, to appear before the said Trustees, or any Five or more of them, or any

One



One or more Justice or Justices of the Peace acting for the County or Place wherein such Premises shall lie, to shew Cause why such Materials should not be had from such Lands or Grounds; and in case such Land Owner, Agent, or Occupier, shall attend pursuant to such Notice, the said Trustees, or such Justice or Justices shall, if they think proper, authorize such Surveyor or other Persons to dig, gather, get, take, 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 Land Owner or Occupier shall (except for some reasonable Excuse) neglect or refuse to appear by himself or herself, or 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.

XXVIII. And be it further enacted, That if any Person whomsoever shall take away any Materials which have been dug or gathered in any Lands, Fields, Grounds, Wastes or Commons, Rivers or Brooks, for the Purposes of this Act, or shall get or take away any Materials out of any Pit or Quarry, which shall have been made for the Purpose of getting Materials for the said Road, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Fourteen Days, (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale), every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on  
taking away  
Materials.

XXIX. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to remove all Annoyances made on any Part of the said Road, by Timber, Stones, Carriages, Saw Pits, Hovels, Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and dispose of the same for the Benefit of the said Road, and to turn any Watercourses, Sinks, or Drains, running along into or out of the said Road to the Prejudice thereof, and to open, scour, cleanse, widen, and make deeper any Watercourses or Ditches adjoining or near thereto, and make the same as deep and large as he or they shall think necessary, and to cut down, lop, or top any Trees, Branches, Shrubs, or Bushes growing in the said Road, or in the Hedges or Banks adjacent thereto, and to take and carry away the same respectively, and dispose thereof for the Benefit of the said Road; and to cut and reduce all such Hedges to the Height of Four Feet, in case the Persons occasioning such Annoyances shall neglect to remove the same, or the Owners or Occupiers of the Lands shall neglect to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or to lop or top and remove such Boughs, Bushes, or Lops, or reduce such Hedges, in such Manner as the said Surveyor or Surveyors shall require, for the Space of Six Days, or to cut down such Trees within the Space of Six Calendar Months next after Notice in Writing given for those respective Purposes, under the Hand of such Surveyor or Surveyors, the Charges whereof (to be settled by the said Trustees, or any Five or more of them), shall be reimbursed to such Surveyor or Surveyors, by such Owners or Occupiers, the same to be recovered in such Manner,

For removing  
Annoyances.



Manner, as Penalties and Forfeitures are herein-after directed to be recovered; and such Owners or Occupiers so neglecting to open, deepen, and cleanse such Watercourses or Ditches, or to cut and reduce such Hedges within the Time aforesaid, after such Notice given, shall likewise forfeit for every Foot in Length, any Sum not exceeding Twenty Shillings, nor less than Ten Shillings over and besides the Charges to be settled as aforesaid; and if after Removal of any of the said Annoyances, any Person shall again offend in the like Manner, every such Person shall for every such subsequent Offence forfeit any Sum not exceeding Forty Shillings nor less than Twenty Shillings, over and above the Penalty and Charges before mentioned.

Against drawing Timber, except on Wheel Carriages.

XXX. 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, or Stone, which shall be conveyed upon any Wheel Carriage, to drag or trail upon any Part of the said Road to the Prejudice thereof, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings nor less than Ten Shillings.

To make Causeways, &c. and build or repair Bridges.

XXXI. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, or such Person or Persons as he or they shall appoint or employ (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them), to make or cause to be made Causeways, and also covered or open Drains and Ditches, in and upon or on the Sides of the said Road, and also through any Grounds or Fields lying contiguous thereto, and to scour such Ditches and Drains so as effectually to carry off the Water from any Part of the said Road, and also to make, or cause to be made, a Road through the Grounds or Fields adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Road, (such Ground respectively not being the Ground whereon any House or other Building stands, or a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees), to be made Use of as a publick Highway, whilst the old Road is repairing or widening, and until such Time as it shall be convenient for Passengers and Carriages to pass along the same, making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, or any Five or more of them; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon or through any Common or Waste Ground; and also, by Order of any Five or more of the said Trustees, to build and erect any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Road, and across any River, Stream, Brook, Water, Ditch, or Drain therein or contiguous thereto, Notice of such Intention to build, erect, or repair any Bridge, being first given, by affixing the same on all the Turnpike Gates that shall be then erected by virtue of this Act, at least Twenty-one Days before any Meeting at which such Order to build, erect, or repair any Bridge, shall be made.

XXXII. And



XXXII. And be it further enacted, That if any Person or Persons shall interrupt or hinder, or cause to be interrupted or hindered, any Turnpike Surveyor, or any other Person or Persons by him or by the said Trustees, or any Five or more of them, employed in the cutting, digging, gathering, or carrying away of any Sand, Gravel, Chalk, Flints, Stones, or other Materials, or in amending, widening, turning, altering, improving, or repairing the said Road, or in topping, lopping, cutting, or carrying away any Tree, Top, Lop, or Overhangings, or in digging, cleansing, or scouring any new or other Ditch, Drain, or Watercourse as aforesaid, or in doing any other Act in or for the Execution of this Act, by virtue of the Powers by this Act given, or any of them, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Forty Shillings.

For punishing Persons that obstruct Surveyors in their Duty.

XXXIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, and they are hereby empowered from Time to Time, as they shall think proper, to widen or 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 any Satisfaction for the same, and through any private Grounds or other Hereditaments making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and that it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to contract and agree with the Owners of and Persons interested in any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by widening, diverting, turning, shortening, varying, or altering the Course or Path of any Part or Parts of the said Road through such Lands or Hereditaments; and that it shall be lawful for all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, and Committees, Executors, or Administrators, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Infant Wards, *Cestuique* Trusts, Lunatics, or Persons of unsound Memory and Understanding, and to and for all Females Covert who are or shall be seized or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be seized or possessed of, or interested in any such Lands or Hereditaments, to contract with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Five or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for any of the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politick, Corporate, Ecclesiastical, or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act; and if any such Bodies, or other Person or Persons as aforesaid, interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode, of such Person or Persons or of the principal Officer or Officers of any such Bodies Politick, Corporate, Ec-

Trustees may contract for Purchase of Lands to be taken into Road.

Incapacitated Persons may treat.

Where Persons neglect or refuse to treat,



Damage and  
Recompence  
to be settled  
by a Jury.

Witnesses to  
be examined  
on Oath or  
Affirmation.

Verdict of  
Enquiry is to  
be final.

For impannel-  
ling a Jury.

Jurors may be  
challenged.

clesiastical, or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments, through which any Part of such Road is to be widened, diverted, turned, or altered, shall, for the Space of Ten Days next after such Notice given or left, 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 such Case the said Trustees, or any Five or more of them, shall cause such Damage and Recompence to be enquired into and ascertained by a Jury of indifferent Men of the County or Place wherein the Premises lie; and in order thereto, the said Trustees, or any Five or more of them, are hereby empowered and required from Time to Time, as Occasion shall be, to summon and call before such Jury, and examine on Oath or Affirmation, any Person or Persons whomsoever (which Oath or Affirmation any One or more of the said Trustees is and are hereby empowered to administer), and such Trustees, or any Five or more of them, shall, by ordering a View or otherwise, use all Ways and Means, as well for their own as the said Jury's Information in the Premises; and after the said Jury shall have enquired of and assessed such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners and other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Judgment or Inquisition, Order or Determination thereupon, shall be final and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim in Possession, Remainder, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any Disability whatsoever, Bodies Politick, Corporate, Ecclesiastical, or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and for summoning and returning such Jury the said Trustees, or any Five or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County where such Lands or Hereditaments shall lie, requiring him to impanel, summon, and return Twenty-four Persons qualified to serve on Juries, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall, and they are hereby empowered and required to draw by Ballot, and to swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen so returned, the said Sheriff, or his Deputy or Deputies, or any Five or more of the said Trustees, shall return some other honest and indifferent Men of the Standers by, or that speedily can be procured to attend that Service, to make up the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them, acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear, (except



(except for some reasonable Excuse), or appearing shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give or not give a Verdict, or shall 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, shall refuse or neglect to appear, or appearing shall refuse to be sworn and examined, or to give Evidence, so as no such Fine be more than Forty Shillings nor less than Ten Shillings, on any One Person for One Offence.

XXXIV. 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, or of 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, or any Five or more of them, before the summoning and returning of the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid; that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the Treasurer or Treasurers to the said Trustees, out of any Money arisen 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 the said Trustees, or any Five or more of them, before the summoning and returning of the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, 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 respective County or Place, not interested in the Matter 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 Money 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 and 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 or Clerks to the said Trustees, by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures.

How Expences of Jury, etc. shall be paid.

XXXV. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls or other Money arising by virtue of this Act, according to the Directions herein-after contained, either into the Bank of *England*, or, as the Case may be, to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents, and upon Payment thereof, or (in case of Refusal to accept the same, or the Parties not being to be met with) upon leaving the same in the Hands of the Treasurer or Treasurers of the said Road, for the Use of such Parties or Persons, and after Six Days Notice thereof given to such Parties or Persons, or his, her, or their Agent or Agents, or left at his, her, or their usual Place

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



Former Roads  
may be sold.

Place or Places of Abode, or with the Tenant in Possession of the Lands or Hereditaments, such Lands or Hereditaments shall be laid into and made Part of the Road, in such Manner as the said Trustees, or any Five or more of them, shall direct, and shall be sufficiently ditched, fenced, and set out for that Purpose, 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 comprized 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 the same may lead, or shall be by them the said Trustees, or any Five or more of them, sold for the best Price or Prices that can be gotten for the same, or exchanged for other Lands used for the Purposes of this Act; and the Money arising by such Sale shall be applied to the Purposes of this Act; and the Conveyance to be made of such Lands, being executed by any Five or more of the said Trustees, and inrolled with the Clerk of the Peace for the County wherein such Lands shall lie, shall be good and effectual to all Intents and Purposes; 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 Part thereof.

Application  
of Compensation where  
exceeding  
200*l*.

XXXVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands 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 *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 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 or Hereditaments, or affecting other Lands 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 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 and



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 Conveyance and Settlement, shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the 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 Lands and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXXVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands 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 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 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, be paid into the Bank 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 (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 any Manner herein-before directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

Application where the Compensation does not exceed 200 l. nor less than 20 l.

XXXVIII. 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 or Hereditaments so purchased, taken, or used for the Purposes of this Act, 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.

Application where the Money is less than 20 l.

XXXIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and for the Surveyor or Surveyors, and Workmen, with or without Carriages and Cattle, from

Trustees may enter Lands to make the Road.

[*Loc. & Per.*]

7 C

Time



Time to Time to enter upon the Lands and Grounds through which or whereupon any Road shall be thought proper to be made, widened, altered, or turned, and to stake out, 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 Occupiers of such Lands or Grounds for the Damage that shall be done to the Land or Ground on the Side of any new Road, whilst the same shall be making, widening, altering, or turning, in case such Damage 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 Forty Shillings nor less than Ten Shillings.

Trustees to fence off new Road.

XL. And be it further enacted, That in all Places where the Course of any Part of the present Road shall be diverted from the old Line of Road, or a new Road shall be made (except 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, or any Five or more of them, 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 Fences, for and during the Term of Seven Years from the first making thereof.

Trustees may contract for repairing the Road.

XLI. And be it further enacted, That the said Trustees, or any Five or more of them, 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 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, or any Five or more of them, shall think proper; and that all Contracts and Agreements in Writing, entered into pursuant to an Order made at any Meeting by such Trustees, or any Five or more of them, 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.

Persons liable to repair the Road to continue so.

XLII. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given for, or are liable to the amending or maintaining of any Part or Parts of the said Road, or any Bridge or Bridges thereon, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the passing of this Act.

XLIII. Provided



XLIII. Provided always, and be it 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 said Counties of *Oxford* and *Warwick*, or either of them, in their respective Jurisdictions, 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, in their respective Jurisdictions, 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 respectively 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 respectively 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 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

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



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 publick 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 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 Five Pounds.

Trustees may  
compound for  
Statute Work.

XLIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to compound and agree with any Person or Persons, Bodies Politick 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.

Mile Stones  
and Direction  
Posts.

XLV. And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said Road to be measured, and Stones or Posts to be placed in or near the same, with Inscriptions thereon, denoting the Number of Miles and Distance of Places, and also such and so many Direction Posts as they shall think proper; and if any Person or Persons shall wilfully break, damage, or pull up any of the Mile Stones or Posts erected upon or near any Part of the said Road, or shall obliterate or deface any Letters, Figures, or Marks thereon, and be thereof convicted before any Justice of the Peace for the County or Place wherein such Offence shall be committed, 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 nor less than Ten 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 shall refuse to pay the same, then it shall be



be lawful for any Justice of the Peace for the County or Place wherein such Offence shall be committed, by Warrant under his Hand and Seal, to commit such Person or Persons to the Common Gaol of such County or Place, 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.

XLVI. And be it further enacted, That the Person or Persons who have subscribed any Money for or towards defraying the Expences of executing this Act, shall and they are hereby required to pay such Money within such Times 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 or Clerks, in any of His Majesty's Courts of Record at *Westminster*.

To compel  
Payment of  
Subscriptions.

XLVII. 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 such Offences respectively shall be committed, or wherein the Offender shall be or reside, either by Confession of the Party offending, or by the Oath or Affirmation 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 and Sale 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 Purposes of the said Road; 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 of the respective County or Place, there to remain, without Bail or Mainprize, for any Time not exceeding Six Calendar Months, nor less than Forty Days, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

For Recovery  
of Forfeitures  
and Penalties.

XLVIII. 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*,

[*Loc. & Per.*]

7 D

• BE



Form of Conviction.

BE it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_  
 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 County of \_\_\_\_\_ [specifying  
 the Offence, Time and Place when and where the same was committed, as  
 the Case shall be]. Given under my Hand and Seal, the Day and  
 Year first above mentioned.

Allowing Parties aggrieved to appeal.

XLIX. Provided always, and be it further enacted, That if any Person 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 or Place wherein the Cause of Complaint shall have arisen, within Three Calendar Months after the Cause of such Complaint shall have arisen, such Appellant first giving or causing to be given Ten Days Notice at least in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Clerks, Treasurer or Treasurers 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 sufficient Sureties conditioned to try such Appeal, and abide the Order of, and pay such Costs as shall be awarded by the Justices at such 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 pay the same; and for Want of sufficient Distress, may commit such Person or Persons to the Common Gaol of or for the respective County or Place, for any Time not exceeding Six Calendar Months, or until Payment of such Costs.

Proceedings not to be quashed for Want of Form.

L. 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 removeable 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 be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the Special Damage (if any), in an Action upon the Case; but no Plaintiff or Plaintiffs



tiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on Behalf of the Party distraining, before such Action brought.

LI. 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 or Clerks to the said Trustees, nor after a sufficient Satisfaction, or a 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 or Place where the Fact shall be 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 Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to 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, 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.

Limitation  
of Actions.

Treble Costs.

LII. And be it further enacted, That this Act shall commence upon, and have Continuance from the passing thereof, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament; and that this Act shall be deemed, adjudged, and taken to be a publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

Term of the  
Act.

Publick Act.

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