



ANNO QUADRAGESIMO SEXTO

# GEORGI II. REGIS.

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## Cap. 145.

An Act for more effectually repairing and improving the Roads leading from *Maidenhead Bridge* to *Reading*, and from the said Bridge to *Henley Bridge*, in the County of *Berks*. [22d July 1806.]

**W**HEREAS an Act of Parliament was passed in the Fourth Year of the Reign of his Majesty King *George* the First, another in the First Year, and another in the Ninth Year of his Majesty King *George* the Second, for repairing the Roads from *Maidenhead Bridge* to a certain House at the South-East Corner of *Castle Street*, formerly called *The Old Bear Inn*, but now in the Occupation of Messieurs *Tanner* and *Harbert*, in *Reading*, in the County of *Berks*, and from the said Bridge to *Henley Bridge*, in the said County: And whereas another Act was passed in the Third Year, and another in the Twenty-third Year of the Reign of His present Majesty, for enlarging the Terms and Powers of the said Three first mentioned Acts; and the said Roads were, by the said Act of the Third Year of His said present Majesty's Reign, divided into Three separate Districts, and put under the Care and Management of separate Trustees: And whereas the Trustees appointed in or by virtue of the said Acts have proceeded in the Execution of the Powers thereby vested in them, and have from time to time borrowed several Sums of Money on the Credit of the Tolls by the said Acts granted and continued, which Money still remains due and owing, and cannot be paid off, nor can the said Roads be effectually amended, widened, improved, and kept in Repair, unless the Term of the said Acts is further continued: And whereas the Powers and Provisions of the said Acts have been found in some Respects defective and insufficient, and it would be more convenient

[*Loc. & Per.*]

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to

Commence-  
ment of Act.Charge of  
Tolls for  
Money bor-  
rowed and to  
be borrowed.Division of  
Districts.Trustees of  
First District.

to the Trustees for the Care and Management of the said Roads, and the said Roads might be more effectually repaired, widened, improved, and maintained, if the said Acts were repealed, and further and other Powers and Provisions granted and enacted instead thereof, in One Act: And whereas it would be a Convenience to the Trustees, and better for the said Roads, if the Division of the first and third Districts of the said Roads were altered and made as is hereinafter enacted, instead of the present Division of the said Districts; May it therefore please Your Majesty, That it may be enacted; and be it enacted by the KING's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon the First Day of *October* next after the passing of this Act, the said several Acts hereinbefore mentioned shall be, and the same are hereby declared to be repealed, and that on the same Day this Act shall commence and take Effect instead thereof, and be put in Execution during the Term hereinafter mentioned, for the Purpose of repairing, altering, widening, improving, and keeping in Repair the Roads leading from *Maidenhead Bridge* to the South-East Corner of *Castle Street*, in *Reading*, in the County of *Berks*, and from the said Bridge to *Henley Bridge*, in the said County; and that this Act, and the Term hereby granted, and all the Tolls hereby authorized to be collected upon the said Roads, shall be and are hereby declared to be charged with, and are hereby made subject and liable to the Payment of all Monies now due and owing upon the Credit or on account of the said Acts hereby repealed as aforesaid, and of the Interest due and to grow due thereon respectively, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed and become due on the Credit of this Act, and the Tolls hereby granted.

II. And be it further enacted, That for the more effectual repairing, widening, altering, and keeping in Repair the said Roads, the same shall be and considered as divided into Three separate Districts, and that the Roads leading from *Maidenhead Bridge* to the late *Falcon Inn*, now called *The Fleece Inn* or *Folly*, and from thence to the Thirty-three Mile Stone towards *Reading*, and from the said *Inn* or *Folly* to the Twenty-nine Mile Stone towards *Henley*, in the said County of *Berks*, together with a certain Lane called *Pitt's* or *Sheppard's Lane*, about Sixty Yards in Length, leading from the Turnpike Road near the Market Place in the Town of *Maidenhead*, in the County of *Berks*, towards *Cookham*, in the said County, and also the Road leading from the Turnpike Road near *Maidenhead Bridge* aforesaid towards *Cookham* aforesaid, and containing about Five hundred Yards in Length (and which said Lane and Road last herein described were added to the said Turnpike Road by an Act passed in the Eighteenth Year of the Reign of His present Majesty) shall be and continue to be called and be deemed and taken to be The First District of the said Roads; and that the Right Honourable *William Wickham*, the Honourable *Thomas Windsor*, the Honourable *Richard Neville*, Sir *Nathaniel Dukinfield*, Baronet, Sir *Charles Palmer*, Baronet, Sir *Robert Bateson Harvey*, Baronet, Sir *William East*, Baronet, Sir *George Young*, Knight, Sir *Isaac Pocock*, Knight, Sir *William Herne*, Knight, Sir *Moris Ximenes*, Knight, *John A' Bear*, *Zachary Allnut*, *William Aldridge*, *Joshua Aldridge*, *Thomas Austin*, *Charles Bowra*, *William Batt*, *Tomas Hext Bushnell*, *James Brant*, *Jonathan Brown*, *Tho-*

mas Browne, Thomas Burmingham, John Butterfield, Joseph Benbow, Joseph Clark, William Cooper, John Cotton, Henry Dodwell, Clerk, Thomas Devas, James Darby, Samuel Davis, Abraham Darby, Gilbert East, Augustus Henry East, Charles Fuller, Harry Fonnereau, John Frederick Falwasser, Thomas Foster, Pascoe Grenfell, George Grant, John Stanford Girdler, William Guy, Thomas Groom, John Huddleston, Charles Hayes, James Hunt, Zachariah Hubbard, John Hussey, Christopher Johnson, Henry John Kearney, James Law, George Hammer Leycester, James Lee, Joseph Lee, John Langton, Henry Pincke Lee, Richard Lovegrove, Robert Lucas, the Mayor, High Steward, Recorder, and Burgesses of the Corporation of Maidenhead for the Time being, Richard Matthews, Richard Matthews the younger, Duncan Mackfarland, John Montague, Thomas Micklem, Benjamin Mason, Henry Newell, Edward Neale, Clerk, Samuel Nicholls, William Davis Neighbour, Arthur Onslow, Clerk, Doctor in Divinity, Dean of Worcester, James Leigh Perrot, James Payn, William Poulton, Joseph Poulton, William Palmer, Clerk, Robert Pitt, William Payn, James Pile, John Sawyer, Thomas Slack, Edward Townsend, Clerk, Joseph Spencer, John Searle, Joseph Searle, Thomas Smith, Henry Smith, Austin Sherwood, Richard Swallow, William Augustus Skynner, William Soudy, George Vansittart, Arthur Vansittart, George Vansittart the younger, William Vansittart, Clerk, William Vinter, Broome Witts, Thomas Whately, Clerk, Thomas Wyatt, John Westbrook, of Hawes Hill, John Westbrook, of Bisham, Stephen Westbrook, Townley Ward, Charles Scudamore Ward, Thomas Waghorne, Joseph Williams, William Wickens, Carswell Winder, Basil Woodhouse, John Adolphus Young, and their Successors to be nominated and elected as hereinafter mentioned, shall be and they are hereby appointed Trustees for putting this Act in Execution, so far only as it relates to the said First District of the said Roads; and that the Road from the said Thirty-three Mile Stone to the said South-East Corner of Castle Street in Reading, shall be and continue to be called and be deemed and taken to be the Second District of the said Roads; and that the Honourable Thomas Windsor, the Honourable Richard Neville, the Right honourable Sir William Scott, Sir John Reade, Baronet, Sir Henry Charles Englefield, Baronet, Sir Nathaniel Dukinfield, Baronet, Sir Moris Ximenes, Knight, Francis Annesley, Martin Annesley, Launcelot Austwick, John Adams, William Andrews, William Blandy, John Bulley, John Bulley the younger, John Blandy, William Billing, Bernard Brocas, Charles Gartb Colleton, Thomas Cowslade, William Champion, Thomas Collis, John Deane, Mercer, Henry Boyle Deane, John Deane, Henry Deane, Archibald Douglas, Clerk, Thomas Drewcatt, Robert Davidson, Henry De la Douespe, Joseph Eyre, Clerk, Peter French, Harry Fonnereau, David Fenton, Fyfield, John Field, John Levison Gower, Edward Golding, John Green, Clerk, Bachelor in Divinity, William Garrard, James Mace Gigger, Thomas Gleed, George Gilbertson, Thomas Gill, Robert Green, Widdows Golding, John Harris, James Hawkes, John Hooper, James Hawthorne, Richard Harbert, Robert Harris, John Haughton, Clerk, William Simonds Higgs, Robert Hanson, John Spencer Jackson, Thomas Jesse, William Knapp, John Engelberts Liebenrood, Thomas Letchworth, Robert Lawrence, Francis Lockley, Charles Lovegrove, Musgrave Lamb, Edward Law, Richard Matthews, Richard Matthews the younger, William Marsh, Clerk, Henry Marsh, John Man, John McConnell, Samuel Bowes Morton, Stephen Maberley, Robert Maaddock, Thomas Monday, Richard Maul, William Wing Mitchell, Daniel May, John Newberry, Jacob Newberry, Thomas Newbury,

Second District.

Third Dis-  
trict.

*Newbury, Robert Nares, Clerk, Obey, Richard Palmer, Charles Poulton, Edmund Peckover, the Mayor, High Steward, Recorder, Aldermen, and Burgeſſes of the Borough of Reading for the Time being, Thomas Ring, Richard Richards, Richard Richards the younger, John Richards, Thomas Round, William Romaine, Doctor in Divinity, Richard Smith, Clerk, George Shackell, William Shackell, John Shackel, James Simonds, Nathaniel Simonds, William Blackall Simonds, John Stephens, William Stephens, the younger Blackall Simonds, Edward Simeon, Richard Golding Simeon, John Simeon, Thomas Stokes Salmon, Samuel Shipton, Morgan Smith, Richard Sherwood, Henry Simonds Thomas Sowdon, William Southgate, John Tappenden, William Tiley, Thomas Tanner, Jonathan Tanner, John Taylor, Doctor of Phyſic, Charles Toovey, Richard Valpy, Clerk, Doctor in Divinity, Edward Valpy, Edward Vines, James Wheble, Thomas Ward, John Willimburſt, Thomas Edmunds Williams, Jacob Walter, Richard Westbrook, William Watlington, William Williams, and their Succeſſors to be nominated and elected as hereinafter mentioned, ſhall be and they are hereby appointed Trustees for putting this Act in Execution, ſo far only as it relates to the ſaid Second Diſtrict of the ſaid Roads; and that the Road from the ſaid Twenty-nine Mile Stone towards Henley, to Henley Bridge, ſhall be and continue to be called and be deemed and taken to be The Third Diſtrict of the ſaid Roads; and that the Right honourable James Edward Harris, commonly called Lord Viſcount Fitzharris, the Honourable and Reverend Alfred Harris, the Honourable and Reverend Daniel Finch, the Honourable and Reverend Frederick Weſt, Sir William Eaſt, Baronet, Sir William Clayton, Baronet, Sir Moris Ximenes, Knight, John A' Bear, John Allen, Robert Appleton, Samuel Allnut, Robert Brudenell, Robert Brakspear, Joſeph Benwell, John Botteler, James Brooks, Thomas Cooper, John Cooper, Luke Colſon, James Cloaſe, William Coombs the younger, John Heward Channing, Thomas Darby Coventry, Richard Darby, Strickland Freeman, John Fortnom, Harry Fonnereau, John Fane, Joſeph Grote, George Grote, John Golding, William Giles, Edward Green, William Hodges, Thomas Hind, Clerk, Homan, Clerk, Thomas Hall, Thomas Hollis, George Hewitt, Matthew Haſkey, Henry Heathcote, Clerk, the Mayor, High Steward, Recorder, Aldermen, Town Clerk, Bridgemen and Burgeſſes of the Corporation of Henley upon Thames in Oxfordſhire, John Huſſey, Robert Jones, Clerk, James Jane, Clerk, Kempenfield, Charles Lee, Richard Matthews, Barrett March, Benjamin Moorhouſe, Richard Matthews the younger, Nathaniel Micklem, Thomas Micklem, John Mangles, Joſeph Banks Moulding, Clerk, George Norton, Samuel Nicholls, Philip Nind of Wargrave, Clerk, William Ovey, James Owtbwaite, James Orme, Thomas Powys, Clerk, Doctor in Divinity, Dean of Canterbury, Philip Lybbe Powys, James Leigh Perrott, Francis Pearſe, Thomas Powys the younger, Clerk, Thomas Painton, John Plumbe, George Pring, William Parker, Henry Colbourn Ridley, Richard Rickford, Routh, Samuel Rolls, Thomas Stoner, Robert Scott, William Soudy, George Scobell, Clerk, Edward Townſend, Clerk, Thomas Toovey of Nettlebed, Townſend, Clerk, William Auſtuſtus Towſey, William Vanderſtegen, George Vanſittart, Arthur Vanſittart, John Atkyns Wright, Thomas Williams, William Young, Owen Williams, John Westbrook, Humphrey Wightwick, George White, George White the younger, and their Succeſſors to be nominated and elected as hereinafter mentioned, ſhall be and they are hereby appointed Trustees for putting this Act in Execution, ſo far only as it relates to the Third Diſtrict of the ſaid Roads.*

III. And

III. And be it further enacted, That when and as often as any Trustee in and by this Act named and appointed, or any succeeding Trustee to be appointed by virtue hereof, shall happen to die, or refuse to act or become incapable of acting in the Execution of this Act, or of the Powers hereby granted, it shall and may be lawful for the surviving or continuing Trustees, or any Seven or more of them, within their respective Districts, by Writing under their Hands to nominate and elect any Person to be a Trustee, in the Room and Stead of the Trustee so dying or refusing to act, or becoming incapable to act as aforesaid; and every Person so nominated and elected shall and may act in the Execution of this Act, and the Powers and Authorities hereby granted, as fully and effectually, to all Intents and Purposes, as any Trustee hereby appointed is empowered to act.

For appoint-  
ing new  
Trustees in  
Cases of  
Death, &c.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall, in his own Right, or in the Right of his Wife, be in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Sixty Pounds over and above Reprizes, or shall be Heir Apparent of some Person having such Estate, of the clear yearly Value of One Hundred Pounds, or possessed of or entitled to a Personal Estate alone, or Real and Personal Estate together, of the Amount or Value of One Thousand Five Hundred Pounds; and if any Person not so qualified shall presume to act as such Trustee, 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 sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance shall be allowed; and every Person so proceeded against, or prosecuted, shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act; and that no Trustee shall be capable of acting in the Execution of this Act, or of any of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act, or in any Case wherein he is personally interested.

Qualification  
of Trustees,

Penalty on  
Persons act-  
ing not qua-  
lified.

V. Provided always, and be it further enacted, That all Acts and Proceedings which shall have been done and performed by any such Person, touching the Execution of this Act, previous to his being convicted of having acted in the Execution of this Act, without having conformed to the Directions herein contained in that Behalf, or without having or possessing the Qualification hereinbefore mentioned, shall, notwithstanding such Want of Conformity or Qualification, be valid and effectual.

All Acts  
done previ-  
ous to Con-  
viction to be  
valid.

VI. Provided also, and be it further enacted, That no Mortgagee, or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall, on that account, be deemed unqualified, or be prevented from acting as a Trustee in the Execution of this Act; and that all such Trustees as are Justices of the Peace for the said County of *Berks*, may act as Justices of the Peace in the Execution of this Act, notwithstanding

Mortgagees  
not to be  
deemed un-  
qualified from  
acting as  
Trustees.

withstanding their being Trustees, save and except only in Cases where they may happen to be personally interested.

Trustees may  
sue and be  
sued in the  
Name of  
their Treas-  
urer or  
Clerk.

VII. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Matter or Thing to be done or suffered by virtue of this Act, in the Name or Names of their respective Treasurer or Treasurers, Clerk or Clerks for the Time being, and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees, or any of them, by virtue of this Act, in the Name or Names of their Treasurer or Treasurers, Clerk or Clerks, shall abate or be discontinued by the Death or Removal of such Treasurer or Treasurers, Clerk or Clerks, or by the Act or Default of such Treasurer or Treasurers, Clerk or Clerks, without the Consent of the said Trustees, or Five or more of them, at a Public or General Meeting to be held for that Purpose, but that the Treasurer or Treasurers, Clerk or Clerks to the said Trustees for the Time being, shall be deemed Plaintiff or Plaintiffs, Defendant or Defendants, in every such Action, as the Case may be.

Treasurer or  
Clerk to be  
reimbursed.

VIII. Provided always, and be it further enacted, That every such Treasurer or Treasurers, Clerk or Clerks, in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be reimbursed and paid out of the Monies to be raised by virtue of this Act, all such Costs, Damages, and Charges as by the Event of any such Proceeding he or they shall be put unto or become chargeable with, by reason of his or their being so made Plaintiff or Plaintiffs, Defendant or Defendants as aforesaid.

First Meeting  
of the Trust-  
ees.

IX. And be it further enacted, That the said Trustees within their respective Districts, or any Five or more of them, shall meet together on the First Day of October next after the passing this Act, or as soon after as conveniently may be, at the respective Places hereinafter mentioned; (that is to say) the Trustees for putting this Act in Execution, so far as it relates to the repairing, widening, altering, improving, and keeping in Repair the said Roads within and forming the said First District hereinbefore described, at the Town Hall in *Maidenhead* aforesaid; and the Trustees for putting this Act in Execution, so far as it relates to the repairing, widening, altering, improving, and keeping in Repair the said Roads within and forming the said Second District hereinbefore described, at the *George Inn* in *Reading* aforesaid; and the Trustees for putting this Act into Execution, so far as it relates to the repairing, widening, altering, improveing, and keeping in Repair the said Roads within and forming the said Third District hereinbefore described, at the Town Hall in *Henley-upon-Thames*, in the County of *Oxford*; and that the Trustees of the First and Second Districts shall afterwards respectively meet on the First Monday in every Calendar Month, and that the Trustees of the Third District shall afterwards meet on the First Friday in every Calendar Month during the Continuance of this Act, at such Place as the said respective Trustees, or any Five or more of them, shall from Time to Time appoint, or in Case of no such Appointment, then at the several Houses or Places where the then last Meetings of such Trustees were respectively held, all which Meetings shall be deemed Public or General Meetings for putting this Act in Execution, and the said respective Trustees may  
from

from Time to Time adjourn their Meetings to such Times, and to be held at such Places as they shall respectively think proper, for the Purpose of putting this Act in Execution.

X. And be it further enacted, That if after any Adjournment or Meeting of the Trustees of either of the said Districts, and before the Day to which the same Trustees hath adjourned, or a Public or General Meeting is by this Act directed to be holden for such District, it shall be thought necessary that they should meet at an earlier Time than the Day appointed by such Adjournment, or by this Act, for such General Meeting, that then and in such Case the Clerk for the Time being to the Trustees of such District, upon an Order in Writing signed by Five or more of them (although not assembled at a Meeting) mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in Writing, if in the First District, by affixing the same at the Door of the Town Hall in *Maidenhead* aforesaid; if in the Second District, by affixing the same at the Door of the Town Hall in *Reading* aforesaid; and if in the Third District, at the Door of the Town Hall in *Henley upon Thames* aforesaid, at least Three Days before such Meeting shall be holden, and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at such Meetings shall be as valid and effectual as they would have been in case such Trustees had met in pursuance of any Adjournment, or at any General or Public Meeting.

Meetings on Emergencies;

XI. Provided always, and be it further enacted, That no Order made by any Five or more of the Trustees shall be revoked or altered but at a General or Public Meeting, nor unless Nine Trustees at the least shall be then present, and Seven or more of them shall concur therein.

No Order shall be revoked but at a General Meeting.

XII. And be it further enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept by the Clerk for that Purpose, and such Orders and Proceedings so entered shall be signed by the Trustees making the same, or the major Part of them, or by their Chairman or Clerk, by their Order, which said Book or Books, and also the Books hereinafter mentioned and directed to be kept for registering the Mortgages and Assignments of the Tolls hereby intended to be granted, signed by the Clerk to the said Trustees, shall be deemed Originals; and the same, or true Copies thereof, and all Entries, shall be read and admitted as Evidence in all Cases of Appeal, and in all Suits and Actions in any Court whatsoever, touching any Thing done or to be done in pursuance of this Act.

Proceedings to be entered in a Book.

XIII. And be it further enacted, That the said Trustees, or any Nine or more of them, shall and may within their respective Districts continue or remove all or any of the Toll Gates and Toll Houses erected by virtue of the said former Acts, and may cause to be erected any other Toll Gate or Toll Gates, in, upon, or across any Part or Parts of the said Roads (except across the Road within the Second District between the Town of *Reading* and the Place where the Gallows formerly stood, near the *Ort Lane*) and may also continue, erect, or provide any Toll House or Toll Houses, with suitable Out Buildings and Conveniences, at or near any such Toll Gate, and may from Time to Time remove, alter, or discontinue any such Toll Gates or Toll Houses, as they the said Trustees,

Power to continue or remove, and to erect Toll Gates, &c.

Or

or any Nine or more of them, may think proper or expedient; and that the respective Tolls and Duties following shall be demanded and taken at each and every of such Toll Gates, of and from the Person or Persons driving, leading, riding, attending, or having the Care or Custody of any Horse, Cattle, Beast, or Carriage, by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time nominate or appoint for that Purpose, before any Horse, Cattle, Beast, or Carriage, shall be permitted to pass through the same; (that is to say)

## Tolls.

For every Coach, Chariot, Landau, Berlin, Barouche, Chaise, Calash, Curricie, Hearse, or Chair, drawn by Six Horses, the Sum of One Shilling; or by Five Horses, the Sum of Ten Pence; or by Four Horses, the Sum of Eight Pence; or by Three Horses, the Sum of Six Pence; or by Two Horses, the Sum of Four Pence; or by One Horse the Sum of Two Pence:

For every Horse or Beast of Draught, drawing any Waggon, Wain, Drug, Cart, or other such like Carriage, with Fellies or Rollers of the Breadth or Gauge of Sixteen Inches at the least, or with Axletrees of different Lengths, rolling Sixteen Inches at the least on each Side, the Sum of One Penny:

For every Horse or Beast of Draught, drawing any Waggon, Wain, Drug, Cart, or other such like Carriage, with Four Wheels, having the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, the Sum of One Penny and One Halfpenny:

For every Horse or Beast of Draught (not exceeding Three) drawing any Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels thereof of less Breadth or Gauge than Six Inches, the Sum of Two Pence; and for each Horse, exceeding Three, the Sum of Three Pence.

For every empty Carriage, with Four Wheels, fastened to or behind any Waggon, Wain, Drug, Cart, or other Carriage, the Sum of Two Pence; and for every empty Carriage, with Two Wheels, so fastened, the Sum of One Penny; and if loaded, double such Tolls:

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the sum of One Penny:

For every Drove of Oxen or neat Cattle, the Sum of Five Pence per Score, and so in proportion for every less Number: And,

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Two Pence per Score, and so in Proportion for every less Number.

Double Toll  
on Sundays.

And that on every Sunday during the Continuance of this Act, there shall be demanded and taken at the said several Toll Gates in the said Three Districts respectively, by such Person or Persons to be nominated or appointed as aforesaid, before any Horse, Cattle, Beast, or Carriage shall be permitted to pass through the same, or either of them, double the respective Tolls or Sums of Money hereinbefore mentioned, which said respective Sums of Money shall be demanded and taken as and in the Name of a Toll or Tolls, and the Money so to be raised within each respective District, is hereby vested in the Trustees for such District, and shall be applied in such Manner and for such Purposes, as are hereinafter expressed and enacted; and if any Person or Persons subject or liable to the Payment of the said Tolls, shall neglect or refuse to pay the same, it shall be lawful for the Person or Persons so nominated or appointed to collect  
and



and receive such Toll or Tolls as aforesaid to seize and distrain any Horse or Horses, Beast or Beasts, or other Cattle, for or in respect whereof any Toll is hereby imposed or made payable, or any of the Goods or Chattels of such Person or Persons so neglecting or refusing; and if such Toll, and the reasonable Charges of such seizing and distraining, and consequent thereupon, shall not be paid within the Space of Five Days, the Person or Persons so seizing and distraining shall and may sell and dispose of the Horse or Horses, Beast or Beasts, Cattle, Goods, or Chattels, so seized and distrained, and apply the Money arising therefrom in Satisfaction and Discharge of such Toll or Tolls, and all reasonable Costs and Expences occasioned by such seizing and distraining, and consequent thereupon, and upon such Sale as aforesaid, returning the Overplus (if any) on Demand, to the Person or Persons whose Horse or Horses, Beast or Beasts, Cattle, Goods, or Chattels, shall have been so seized or distrained and sold.

XIV. Provided always, and be it further enacted, That if any Dispute shall happen about the Amount of Toll 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 from the Sale thereof (as the Case may happen) until the Amount of Toll due, and Charges of seizing, distraining, keeping, and selling (as the Case shall happen) shall be ascertained by One or more Justice or Justices of the Peace for the County, Town, or Place wherein such Dispute shall arise, who, upon Application made to him or them for that Purpose, shall examine the said Matter on Oath of the Parties or other Witness or Witnesses, and determine the Amount of the Toll due, and also assess the Charges of such Seizure, Distress, Keeping, and Sale, and also of the Collector's Attendance for that Purpose on the said Justice or Justices, 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 Overplus, after the Sale thereof, or of any Part thereof.

For settling  
Disputes con-  
cerning  
Tolls.

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 not be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his, her, or their being appointed to collect such Tolls, or by reason of his, her, or their acting under the Authority of the said Trustees.

Collector  
competent  
Witness

XVI. Provided always, and be it further enacted, That in case any Horse or Horses, being either rode or led, shall on any Day pass through any Toll Gate or Bar already or hereafter by virtue of this Act to be set up or erected, and the Owner or Owners, or Person or Persons having the Care and Custody of such Horse or Horses shall pay the Toll or Tolls payable in respect thereof, and such Horse or Horses shall afterwards, during the same Day, pass or go through the same Toll Gate or Bar, attached to any Coach, Chariot, Landau, Berlin, Barouche, Chaise, Calash, Curricule, Hearse, or Chair, that then and in every such Case the Owner or Owners, or Person or Persons having the Care or Possession of such Carriage to which such Horse or Horses shall be attached, shall pay only

Regulation of  
Amount of  
Toll in cer-  
tain Cases.

such Proportion of the Toll and Duty for such Carriage, as, with the Sum or Sums which shall have been paid for such Horse or Horses so having passed through such Toll Gate or Bar, shall make up and amount to the Toll which would otherwise be paid and payable for such Carriage, with such Horse or the like Number of Horses; and also that no Toll or Duty shall be demanded and taken for the Return of any Horse or Horses having passed through any such Toll Gate or Bar attached to any such Carriage, and in respect of which Carriage, and such Horse or Horses being attached thereto, a Toll Duty hath been before in such Day demanded and paid; any Thing in this Act to the contrary notwithstanding.

Trustees empowered to compound for the Tolls.

XVII. And be it further enacted, That the said Trustees, or any Five or more of them, may, and they are hereby empowered from time to time, as they shall see convenient, to compound and agree for any Term not exceeding One Year, at any One Time, with any Person or Persons, for any Horses, Cattle, Beasts, or Carriages passing through any of the said Turnpikes or Toll Gates, so that no such Composition shall be made for any Cattle or Carriages travelling for Hire, and all such Composition Money shall be paid One Year in Advance; otherwise such Composition shall be void.

To oblige Toll Collector to affix up his Name.

XVIII. And be it further enacted; That all and every Toll Collector, appointed either by the said Trustees, or by any Renter or Farmer of the said Tolls authorized to be collected by this Act, or any Person demanding or taking any Toll payable by this Act, shall, and he is hereby required; on each and every Day previous to his entering on Duty for the Collection of the said Tolls, to affix on a Board, in legible Characters, his Christian and Surname, and let the same remain on some conspicuous Part of the Toll House during the Time of his remaining on Duty, to collect the said Tolls; and in case such Collector or Collectors, Person or Persons, shall refuse or neglect so to do, and being convicted thereof on the Oath of a credible Witness, he or they shall forfeit and pay the Sum of Forty Shillings, to be levied, recovered, and applied in such and the same Manner, and under such and the like Punishments, in Case of Neglect of Payment, as are enacted and attach to any Penalties or Forfeitures recoverable by this Act.

Exemption from Tolls.

XIX. Provided always, and be it further enacted, That no Toll or Duty shall be demanded or taken at any Toll Gate continued or erected, or which shall hereafter be erected by virtue of the said Acts or of this present Act, for the passing of any Horse, Cattle, or Beast drawing any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to carry or convey, or returning empty from carrying or conveying any Bricks, Stones, Timber, Chalk, Gravel, or other Materials for repairing or improving the said Roads, or any Road or Highway in any Parish or Place in which any Part of such Roads lie, or of any Dung, Mould, Ashes, Rags, Compost, or other Manure of any Nature or Kind whatsoever, for improving or manuring any Gardens or Lands; or in carrying or conveying, or going empty to carry or convey, or returning empty from carrying or conveying any Hay, Straw, Corn in the Straw only, or Fodder, not sold or disposed of, but passing to be laid up or placed in the Outhouses or on the Lands of the Owners thereof.

of; or for any Horse, Cattle, or Beast drawing any Waggon, Wain, Cart, or Carriage employed in carrying or conveying, or going empty to carry or convey, or returning empty from carrying or conveying any Ploughs, Harrows, or other Implements of Husbandry whatsoever, for the Purpose either of using or repairing the same, or any other Article, Implement, or Thing to be used or employed in or about the Cultivation or Improvement of any Lands, or in the Management of any Farm or Lands nor for any Cattle which shall be going to or returning after having been shod or farried within any such Parishes or Places; but so nevertheless as that the Exemptions hereinbefore specified shall extend only to each particular Day on which such Wains, Waggons, Carts, or other Carriages, Horses, Cattle, or Beasts, shall respectively be solely and exclusively employed as aforesaid; nor shall any Toll or Duty be demanded or taken for any Horses or Cattle going to or returning from Pasture or Watering Places in any such Parish or Place, or from any Person going to or returning from his proper Parochial Church, Chapel, or other Place of Religious Worship tolerated by Law, on a Sunday, or on any other Day on which Service is ordered by Authority to be celebrated or performed; or from any Person or Persons attending the Funeral of any Person that shall die and be buried in any of the said Parishes; or from any Clergyman going to or returning from visiting any sick Person, or upon any other his parochial or ministerial Duty on a Sunday, or on any other Day on which Divine Service is ordered by Authority to be performed or celebrated; or for any Horse or Carriage conveying such Person or Persons; or for any Horses or Carriages of any 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 or guarding such Mails or Expresses, or in returning therefrom; or for any Horses or other Cattle, Carts, Wains, or Waggons, attending any Soldiers upon their March or on Duty, or conveying their Arms or Baggage; or for any Horse, Mare or Gelding rode or led by any Soldiers belonging to His Majesty's Regular Troops or Militia when on their March, Route, or Duty, or in going to or returning from their Place or Places of Exercise; or for any Horse, Mare, or Gelding furnished by or for any Person or Persons belonging to any Corps of Yeomanry or Volunteer Corps, and rode by them in going to or returning from their Place or Places of Exercise, provided such Person or Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided or established for such Corps respectively at the Time of claiming such Exemption as aforesaid, or for any Horses, Carts, or Waggons employed in the Conveyance of Vagrants sent by legal Passes; or for any Horse, Mare, or Gelding rode by any Person, or conveying in any Kind of Carriage any Person going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Berks*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded, and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever, or by any Misrepresentation whatsoever, claim and take the Benefit of any or either of the aforesaid Exemptions, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

XX. And

Tolls to be  
paid but once  
a Day.

XX. And be it further enacted, That if any Person or Persons shall have paid the Toll by this Act granted for the passing of any Horse or Horses, Cattle, Beasts, or Carriage, through any Toll Gate continued or erected by virtue of this Act, the same Person shall be permitted to pass Toll free with the same Horse or Horses, Cattle, Beasts, or Carriage drawn by the same Horses, through the same Toll Gate, and through any other Toll Gate erected or to be erected within the same District, but no other, 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 Night.

Power to  
erect Toll  
Gate on Side  
of Roads.

XXI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, within their respective Districts, to erect and set up a Toll Gate or Toll Gates, and Toll House or Toll Houses, or any Bar or Bars, Chain or Chains, on the Side or Sides of any Part or Parts of the said Roads or Highways, across any Lane, Way, or Road, public or private, leading out of the same (save and except in, upon, across, or on the Side of that Part of the Land or Road or Highway which adjoins to the Cottage, Wharf, and Land belonging to or in the Occupation of *John Curtis*, Esquire, at or near *Maidenhead Bridge*) and there to cause to be taken and levied such Tolls as are by this Act made payable at any other Toll Gate erected or to be erected by virtue of this Act, but so nevertheless as that the same do not extend to a double Charge on any Person passing through any other Toll Gate erected or to be erected by virtue of this Act within the same District.

XXII. Provided nevertheless, and be it further enacted, That in case the said Trustees acting in and for the said Third District shall erect or set up, or cause to be erected or set up any Toll Gate, Side Gate, Bar, or Chain, on the Side of the said Road at or near a Place called *The Marsh*, in the Parish of *Remenham*, leading to the Villages or Parishes of *Wargrave* and *Remenham*, in the said County of *Berks*, that then and in such Case the Inhabitants of the said Parishes of *Wargrave* and *Remenham*, and the Inhabitants of the Town and Parish of *Henley-upon-Thames*, shall be exempted from the Payment of any Toll authorized by this Act to be collected at the said Side Bar or Chain; provided such Person or Persons so claiming the Benefit thereof shall not have travelled the Space or Distance of Half a Mile on the said Third District of the said Turnpike Road, and provided the Person so passing the said Gate, Bar, or Chain, shall not pass or go through the same for the Purpose of evading the Tolls to be collected by the Trustees of the said Third District on the *Henley Line* of Road.

Power to  
vary Tolls.

XXIII. And be it further enacted, That it shall be lawful for the Trustees for the Care of the said Roads within their respective Districts, or any Nine or more of them, from time to time, at any General Meeting or Meetings, to lessen and reduce all or any of the Tolls by this Act granted and authorized to be demanded and taken within their respective Districts, and for such Time or Times as they shall think proper or expedient, and may afterwards from time to time advance all or any of the Tolls so lessened or reduced to any Sum or Sums of Money not exceeding the respective Sums or Tolls hereinbefore granted: Provided neverthe-

less, that no Reduction shall at any Time be made or take place, unless the Person or Persons who shall be entitled to Five-sixth Parts at the least of the Money which shall be then due and owing upon the Credit of the Tolls so intended to be lessened or reduced, shall, by Writing under their Hands, consent thereto; and no Alteration shall be made in the said Tolls unless Fourteen Days Notice at the least shall be given thereof in Writing, to be affixed upon or at all the Turnpikes or Toll Houses which are now or shall then be erected by virtue of this Act, within the District of Roads wherein such Tolls shall be payable.

XXIV. And be it further enacted, That it shall be lawful for the said respective Trustees, or any Five or more of them, at any public Meeting, whereof Twenty-eight Days Notice shall have been given in Writing affixed upon all the Toll Gates then erected within the respective Districts of the said Road, and inserted in some Newspaper of the County of *Berks*, from time to time, by Writing under their Hands, to let and demise, or agree to let and demise the Tolls arising by virtue of this Act, or any Part or Parts thereof, for any Term not exceeding Three Years, upon public Bidding, to the highest Bidder, and for the best Price or Prices that can be gotten for the same, payable at such Times, and to such Person or Persons, and under such Conditions and Agreements, and with such Sureties for the Payment thereof, as the said Trustees shall think fit; and the Money arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied; any Thing in any Law or Statute to the contrary notwithstanding.

Trustees may let Tolls.

XXV. And be it further enacted, That if any Person who shall be the Farmer or Renter of any of the Tolls by this Act authorized to be collected, shall not pay or cause to be paid to the said Trustees, or their Treasurer for the Time being, the Rent which he or they shall have agreed to give for the same, within the Space of Fourteen Days next after the several and respective Days on which the same shall become due and payable, it shall be lawful for the said Trustees, or any Five or more of them, within their respective Districts (although not assembled at a Meeting) to nominate and appoint some fit Person to collect and receive the Tolls arising at the Toll Gate of which such Person shall be the Farmer or Renter, until the next Meeting of the Trustees of the District within which the said Toll Gate shall be erected, which Person so to be nominated and appointed shall have the like Power, and be accountable in the same Manner, in all Respects, as if he had been appointed a Collector at a Meeting held by virtue of this Act; and then and from thenceforth the Contract or Lease by which the said Tolls shall be rented or holden, shall become null and void to all Intents and Purposes whatsoever, and the Sum or Sums of Money which shall have been deposited in the Hands of the said Trustees, or their Treasurer, for the better securing the regular Payment of the said Rent, and all Interest which shall be then due thereon, shall become forfeited to the said Trustees of the respective Districts in which such Tolls shall arise, and be by them applied to the several Purposes of this Act.

Enabling Trustees to appoint Collector on Default of Payment of Rent by Farmer.

XXVI. And be it further enacted, That the Monies raised or collected under or by virtue of the said recited Acts within the said First District hereinbefore described, and which shall remain unapplied for the Purposes therein

Apportionment of Expences of Act to the different Districts.

[*Loc. & Per.*]

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therein

therein mentioned at the Time of passing this Act, and also all Sums of Money or Tolls to be collected, received, or taken within that District by virtue of this Act, shall, in the First place, be subject to and charged with the Payment of the Sum of Thirty Pounds towards the Costs and Charges of procuring and obtaining this present Act, and also of One full Third Part of the Remainder of the said Costs and Charges, and in the next place be subject and liable to the Payment of the clear Sum of Twenty Pounds per Annum to the Trustees of the Third District, or their Treasurer, towards the Repair of the Roads in that District, by equal Half-yearly Payments, on the First Day of *April*, and the First Day of *October* in each Year; the first Payment to be made on the first Day of *April* next, after the passing this Act, and then remain subject to and charged with the Payment of all Principal Money borrowed by the Trustees who have acted within that District under the said recited Acts, upon the Credit of the same Acts or either of them, or of the Tolls thereby granted, and which at the Time of passing this Act shall remain due and owing on any such Security, and of all Interest due and to grow due for or in respect of such Principal Money, and also of such Salaries and Allowances as the Trustees of that District shall think proper to pay or make to their Clerk, Treasurer, Surveyor, and Collectors, and the Remainder thereof shall be applied in repairing, widening, altering, improving, and keeping in Repair the said Roads within and forming the said First District, and defraying the necessary Costs, Charges, and Expenses attending the same, and for carrying into Execution the Powers and Authorities of this Act, so far as the same are hereby directed to be applied to that District, or relate thereto, and to no other Use, Intent, or Purpose whatsoever; and that the Monies raised or collected under or by virtue of the said recited Acts within the said Second District herein before described, and which shall remain unapplied for the Purposes therein mentioned at the Time of passing this Act, and also all Sums of Money or Tolls to be collected, received, or taken within that District by virtue of this Act, shall, in the First place, be subject to and charged with the Payment of One full Third Part of all the Costs and Charges of procuring and obtaining this present Act, after Deduction of the said Sum of Thirty Pounds so chargeable on and to be paid out of the Tolls arising within the said First District as aforesaid, and in the next place be and remain subject to and charged with the Payment of all Principal Money borrowed by the Trustees who have acted within that District under the said recited Acts, upon the Credit of the same Acts or either of them, or of the Tolls thereby granted, and which at the Time of passing this Act shall remain due and owing on any such Security, and of all Interest due and to grow due for or in respect of such Principal Money, and also of such Salaries and Allowances as the Trustees of that District shall think proper to pay or make to their Clerk, Treasurer, Surveyor, and Collectors, and the Remainder thereof shall be applied in repairing, widening, altering, improving, and keeping in Repair the said Roads within and forming the said Second District, and defraying the necessary Costs, Charges, and Expenses attending the same, and for carrying into Execution the Powers and Authorities of this Act, so far as the same are hereby directed to be applied to that District, or relate thereto, and to no other Use, Intent, or Purpose whatsoever; and that the Monies raised or collected under or by virtue of the said recited Acts within the said Third District hereinbefore described, and which shall remain unapplied for  
the

the Purposes therein mentioned at the Time of passing this Act, and all Sums of Money or Tolls to be collected, received, or taken within that District by virtue of this Act, shall, in the First place, be subject to and charged with the Payment of One full Third Part of all the Costs and Charges of procuring and obtaining this present Act, after Deduction of the said Sum of Thirty Pounds so chargeable on and to be paid out of the Tolls arising within the said First District as aforesaid, and in the next place be and remain subject to and charged with the Payment of all Principal Monies borrowed by the Trustees who have acted within that District under the said recited Acts, upon the Credit of the same Acts or either of them, or of the Tolls thereby granted, and which at the Time of passing this Act shall remain due and owing on any such Security, and of all Interest due and to grow due for or in respect of such Principal Money, and also of such Salaries and Allowances as the Trustees of that District shall think proper to pay or make to their Clerk, Treasurer, Surveyor, and Collectors, and the Remainder thereof shall be paid and applied in repairing, altering, widening, improving, and keeping in Repair the said Roads within and forming the said Third District, and defraying the necessary Costs, Charges, and Expences attending the same, and for carrying into Execution the Powers and Authorities of this Act, so far as the same are hereby directed to be applied to that District, or relate thereto, and to no other Use, Intent, or Purpose whatsoever.

XXVII. And be it further enacted, That the said Roads, and the Ground and Soil thereof, and all Toll Gates, Toll Houses, or other Buildings, Toll Bars and Side Gates, which shall be continued, or hereafter erected or set up under the Authority of this Act, and all Posts, Rails, Chains, and all Tools, Implements, Gravel, Sand, Materials, Articles, and Things which have been provided under the said former Acts, or which shall be provided under this Act, by the said respective Trustees, or by the Surveyors of their said several Districts, for repairing the said Roads, and all Mile Stones and Direction Posts which shall be continued or set up under the Authority of this Act, shall be and the same are hereby vested in the Trustees of the said respective Districts, and they, or any Five or more of them, are hereby authorized and empowered to bring or cause to be brought any Action or Actions in the Name or Names of their respective Clerk or Clerks, Treasurer or Treasurers, or to prefer and prosecute, or order and direct the preferring and prosecuting any Bill or Bills of Indictment against any Person or Persons who shall dig up, steal, take or carry away any Gravel or Sand from the said Roads, or the Sides thereof, or break, pull down, spoil, injure, or destroy any such Toll Gate, Toll House, or other Building, Toll Bar or Side Gate, or the Materials of which the same shall be built or consist, or any such Post, Rail, Chain, Mile Stone, Direction Post, or any such Tools, Implements, Materials, Articles, or Things hereby vested in the said respective Trustees as aforesaid.

Roads, Toll  
Gates, &c.  
vested in  
Trustees.

XXVIII. And be it further enacted, That if any Person shall pass through or over any Gate, Field, Passage, or private Way, with any Horse, Cattle, Beast, or Carriage, or permit or suffer any Person or Persons to pass through or over any Gate, Field, Passage, or private Way, with any Horse, Cattle, Beast, or Carriage; or if any Person shall take off,

To prevent  
evading the  
Tolls.

off, or cause to be taken off, any Horse or Beast from any Carriage before having passed through any Gate or Turnpike erected or continued by virtue of this Act, or having passed through the same shall afterwards add or put any Horse or Beast to any Carriage, for the Purpose of drawing the same, on any Part of the said Roads, except for the Purpose of drawing up *Henley Hill, Culbam Field, Rose Hill, or Hurley*, in Order to avoid the Payment of any of the Tolls hereby granted; or if any Person shall pass through any such Toll Gate with any Horse, Cattle, Beast, or Carriage, with an Intent to avoid the Payment of any Toll hereby granted, or whereby the Payment of any Toll hereby granted shall be avoided, every Person so offending in any such Case shall for every such Offence forfeit and pay the Sum of Forty Shillings.

Trustees enabled to borrow Money on the Credit of the Tolls.

XXIX. And, for the more speedy and effectual repairing, widening, altering, improving, and keeping in Repair the said Roads within the said several Districts, and for more effectually carrying the Powers and Authorities hereby given to the Trustees within their respective Districts into Execution; BE it further enacted, That it shall and may be lawful to and for the said respective Trustees acting in and for the said respective Districts, or any Seven or more of them, from Time to Time, upon the Credit of the respective Tolls by this Act granted and made payable within their respective Districts, to borrow and take up at Interest any such Sum or Sums of Money as they, or any Seven or more of them, shall think needful; and may, and they are hereby empowered to mortgage or assign over the Tolls arising within their respective Districts to any Person or Persons, for any Term or Number of Years, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof; which said Sums of Money so to be borrowed shall be laid out and applied in and for the repairing, altering, widening, improving, and keeping in Repair the said respective Roads, and for other the Purposes of this Act, in the respective Districts for which the Trustees shall respectively borrow the same, under the Authority of this Act, and not in or for any other District, or to or for any other Use or Purpose whatsoever.

Mortgagees may assign Securities.

XXX. And be it further enacted, That all and every Person and Persons to whom any Mortgage or Mortgages, Assignment or Assignments of the said respective Tolls, granted by the said recited Acts, or either of them, have or hath been made, or by this present Act shall be made, or who shall be entitled to the Money thereby secured, and his, her, and their personal Representative or Representatives, Assignee or Assigns, may and is and are hereby empowered from Time to Time to transfer or assign over such Security or Securities, and all the principal Monies that shall be due thereon, and all Interest Money then due or thereafter to become due thereon, to any other Person or Persons, and his, her, or their Executors Administrators, and Assigns, without any special Licence and Consent to be had or obtained from the Trustees or any of them in that Behalf; and Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the Trustees of the District on Account of which the said Monies thereby secured shall be borrowed.

XXXI. And



XXXI. And be it further enacted, That the said Trustees or any Seven or more of them, shall and may, if thereunto required, receive in and cancel all or any of the Mortgages made by virtue of the said recited Acts or either of them, and give and execute another Mortgage or Mortgages in lieu thereof respectively, in Manner and transferrable as hereinbefore mentioned.

Old Mortgages may be called in and new ones granted.

XXXII. And be it further enacted, That in case any of the Person or Persons who have lent, or who at the Time of passing this Act; or afterwards, shall be or become entitled to any Sum or Sums of Money on Security of the Tolls granted by the said former Acts within the said respective Districts, and by this Act charged upon the said Tolls hereby granted as foresaid, or any other Person or Persons who shall hereafter lend and advance any Sum or Sums of Money on the Credit of the said Tolls granted by this present Act, and payable within any of the said respective Districts, or his, her, or their personal Representative or Representatives; Assignee or Assigns, shall at any Time be desirous to be repaid the Money due thereon, and shall deliver a Notice in Writing, signed by him, her, or them (signifying such his, her, or their Desire) to the Clerk or Clerks of the Trustees acting within such District, at any general or public Meeting of the said Trustees; then and in such Case (unless the Principal and Interest due and to grow due to him, her, or them, on the Security of the said Toll, shall be fully paid unto or tendered, and refused to be accepted by such Creditor or Creditors so signing such Notice, within Six Calendar Months after the Delivery thereof as aforesaid) it shall and may be lawful to and for the said Creditor or Creditors to receive and collect, or cause to be received and collected, the Tolls and Duties granted by this Act, and which shall be payable at such Toll Gate or Toll Gates, on the Credit of which such Money was advanced and lent, and to apply the same to the Payment of the Principal and Interest of such Debt or Debts, until thereby and therewith, or otherwise, such principal Money, with all Interest thereof, shall, together with the Costs and Charges of receiving and obtaining Payment of the same, be paid and satisfied: Provided nevertheless, that all Persons to whom any Mortgage or Transfer of Mortgage of the Tolls granted by the said former Acts hath been made for any Sum or Sums of Money which shall be due and owing at the Time of passing this Act, or to whom any Mortgage or Transfer of Mortgage of the Tolls hereby granted shall be made by virtue of this Act, shall, with respect to their Securities upon the Tolls hereby granted within the several Districts, be and be considered as to the Sum or Sums of Money mentioned in their respective Securities, Creditors on the Tolls charged therewith, in each particular and separate District, in equal Degree one with another (but not conjointly with any Person or Persons who may have lent Money on the Credit or Security of the Tolls arising within any other District) and shall have no Preference in respect of Priority of Time, as to the Advancement of any Sum or Sums of Money on such Mortgage or Mortgages, or of the Dates thereof respectively.

Mortgagees may call in Money, and Remedy in case of Non-Payment.

No Priority of Security.

XXXIII. And be it further enacted, That it shall be lawful for the said respective Trustees, or any Five or more of them, to appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act, and out of the Monies to be raised or collected by virtue of this Act, to make them such Allowances as to them shall seem proper, and such Officers and other Persons, and any of them, from

Trustees empowered to appoint such Officers as they think necessary, and remove them.

Time to Time to remove, and in case of the Death or Removal of such Officer or Officers, to appoint others in his or their Place or Stead; and all and every such Officers and other Persons, and all and every the Officers and other Persons who have had, received, or paid by virtue of the said former Acts, or who shall at any Time or Times hereafter have, receive, or pay any Sum or Sums of Money on account of or relating to the repairing, widening, altering, and keeping in Repair the said respective Roads, shall from Time to Time, when thereunto required by the said respective Trustees, or any Five or more of them, make and render to the said Trustees, or any Five or more of them, a true, exact, and perfect Account in Writing, under their respective Hands upon Oath, to be taken before One or more of the said respective Trustees (which Oath any One of the said Trustees is hereby empowered to administer) of all Monies which he, they, and every of them respectively shall to that Time have received, paid, and disbursed by virtue of the said recited Acts or this Act, or by reason of their respective Offices; and in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said respective Trustees, or any Five or more of them, or to such Person or Persons as they shall respectively appoint to receive the same; and in case any such Officer or other Person shall not make and render, or shall refuse to verify upon Oath such Account, or to make such Payment as aforesaid, then any One or more Justice or Justices of the Peace for the County, Town, or Place where such Officer or other Person shall reside, shall make Inquiry concerning such Default, in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby empowered and required to administer); and if any such Officer or other Person or Persons shall be convicted of all or any of the Offences aforesaid, such Justice or Justices shall commit the Offender to the Common Gaol of the County or Place where the Offence shall be committed, there to remain, without Bail or Mainprize, until he or they shall make and render a full, true, and perfect Account and Payment as aforesaid, or until he or they shall have compounded and agreed with the said respective Trustees, or any Five or more of them, and shall have paid such Composition to the said respective Trustees, or any One or more of them, or to such Person or Persons as they shall appoint to receive the same, which Composition the said respective Trustees, or any Five or more of them, are hereby empowered to make.

Trustees to take Security from Treasurer and others.

XXXIV. And be it further enacted, That the said respective Trustees, or any Five or more of them, are hereby authorized and required to take such Security from the Treasurer or Treasurers, and Collectors or Receivers of the Tolls to be appointed for the Purposes of this Act, for the due Execution of his and their said Office and Offices, as to the respective Trustees, or any Five or more of them, shall seem meet.

No Inn-keeper to hold Place of Profit.

XXXV. And be it further enacted, That no Person keeping an Inn, Alehouse, or other House of public Entertainment, or who shall sell Ale, Wine, Brandy, or other Spirituous Liquors, by Retail, shall be capable of holding any Place of Trust or Profit under this Act.

XXXVI. And

XXXVI. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls by this Act granted shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, any Three or more of the Trustees (though not assembled at a Meeting of the said Trustees appointed by virtue of this Act,) may discharge such Collector or Receiver so neglecting or being incapable of performing his Duty, or absconding or absenting himself; and in such Case, and also in case any such Collector or Receiver shall die, the said Trustees, or any Three or more of them, shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the next Meeting of the Trustees, in the Stead of such Collector or Receiver as shall so die or be discharged, and such Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner, in all Respects, as the Person who shall so die or be discharged would have had or would have been subject to.

R<sup>emedy</sup> in case of Neglect of Collector not discharging his Duty.

XXXVII. And be it further enacted, That if any Farmer or Renter whose Contract or Lease shall become null and void by virtue of the Powers in this Act contained, or if any Collector or Receiver of the said Tolls who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representative or Representatives of any Collector or Receiver who shall die or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll Gate or Toll House, or any of the Appurtenances thereof, for the Space of Two Days after Demand thereof made, and Notice in Writing given for that Purpose by any Five or more of the said Trustees (although not assembled at any Meeting) or by their Clerk or Treasurer for the Time being, then and in any of the said Cases it shall be lawful for any Justice of the Peace for the County, Town, or Place wherein such House shall be situate, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House and Appurtenances in the Day Time, and to remove the Person or Persons who shall be found therein, or in Possession of the said Gate, together with his, her, or their Goods, out of and from the same, and to put the said Trustees, or any of them, or such new appointed Collector or Receiver, into the Possession of such Toll House, Appurtenances, and Gate.

P<sup>ower</sup> to remove Farmer of Tolls, &c. in certain Cases.

XXXVIII. Provided always, and be it further enacted, That every Person who shall have been employed to receive, or who shall have received any Tolls or other Monies by virtue or on account of the said former Acts or this Act, or who shall have in his or her Custody or Possession any Vouchers, Books, Accounts, Papers, Writings, or other Things relating to the said Roads hereby intended to be repaired, shall account for and deliver the same, and every Part thereof, to the said Trustees, or any Five or more of them, in the like Manner, and under the like Penalties, as any other Officer or Person is hereinbefore directed to account and deliver.

P<sup>ersons</sup> having Books, &c. in Possession, to deliver up same when required.

XXXIX. And be it further enacted, That the Surveyor or Surveyors appointed by the said respective Trustees, or any Five or more of them,

S<sup>urveyors</sup> empowered to dig Materials.  
OR

or any Person or Persons appointed by such Surveyor or Surveyors, may and is and are hereby authorized and empowered to cut, dig, gather, take and carry away, or cause to be cut, dug, gathered, taken and carried away, any Materials proper for repairing of Roads, in, upon, out of, or from any Waste or Common in any Parish or Place in, adjoining to, or lying near the Roads aforesaid, or through which the same pass, to be used in repairing the said Roads, without paying any Thing for the same, they the said Surveyors or other Persons filling up the Pits and Holes, and levelling the Ground, or making a sufficient Fence to prevent any Misfortune or Accident happening in the Pits or Holes from whence such Materials shall be taken, or causing the same to be done; and if a Quantity of Materials sufficient for that Purpose cannot be found in or upon such Waste or Common, then and in such Cases to cut, dig, gather, take and carry away, or cause to be cut, dug, gathered, taken, and carried away, any Quantity or Quantities of Materials proper and sufficient for that Purpose, in, upon, or out of and from any Lands or Grounds of any Person or Persons where the same may be had or found, to be used towards repairing the said Roads, (such Lands and Grounds not being a Yard, Garden, Orchard, Park, Paddock, Avenue, Wood, Coppice, or Nursery) they the said Surveyors or other Person or Persons paying or offering to pay to the respective Owners or Occupiers of such Lands or Grounds for the Damage done to the Land in digging, taking and carrying away the said Materials, and for carrying the same over their Grounds, as the said respective Trustees, or any Five or more of them, shall think reasonable; and in case of any Difference between the said respective Trustees, Surveyors, or Person or Persons by them appointed as aforesaid, and the said Owners and Occupiers, or any or either of them, concerning the said Damages, any Two or more Justices of the Peace of the County, Town, or Place where the said Materials shall be so cut, dug, gathered, taken and carried away, shall and may, on Ten Days Notice thereof to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, to be left at their respective Places of Abode, with some or One of their respective Families, hear, settle, and determine the Matters of such Complaint or Difference, and to fix and ascertain the Amount of any Damages; and the Judgment or Order of the Justices therein shall be final and conclusive to all Parties: Provided always, that nothing in this Act contained shall extend or be construed to extend to authorize the said Trustees, or their Surveyor or Surveyors, to cut, dig, gather, take or carry away, or cause to be cut, dug, taken or carried away, any such Materials for repairing the Roads in their respective Districts, from the inclosed Lands or Grounds of any Person or Persons, except only in such Cases where the same cannot be conveniently had or taken from such Waste or Common Lands, or from open or uninclosed Lands or Common Fields.

Surveyor not to dig Materials from inclosed Land without Notice.

XL. Provided nevertheless, and be it further enacted, That no Surveyor, or any other Person or Persons under the Authority of this Act, shall begin to dig, gather, or carry away any Materials for repairing the said Roads, out of or from any inclosed Land, until Notice in Writing, signed by the said Surveyor, shall have been given to the Owner or his known Agent, or to the Occupier of the Land from which such Materials are

are intended to be taken, or left at such Occupier's usual Place of Residence, to appear before the said Trustees, or any Five or more of them, or any Two Justices of the Peace acting for the County, Town, or Place wherein such Land shall lie, to shew Cause why such Materials should not be had therefrom; and whether such Owner, Agent, or Occupier, shall attend pursuant to such Notice, or shall neglect or refuse to appear by himself or herself, or his or her Agent, the said Trustees, or such Justices, shall and may make such Order therein as they shall think fit, and the Order of such Trustees or Justices respectively shall be final and conclusive to and upon all Parties.

XLI. And be it further enacted, That if any Person whomsoever shall take away any Materials which shall have been dug, gotten, or gathered for the Repair or Use of the said Roads, or shall raise or carry away any Materials out of, or otherwise interfere with or obstruct the working of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for repairing the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Six Calendar Months (except the Owner or Occupier of the Land in which such Pit or Quarry shall be made, as to Materials for his own private Use only, and not for Sale) every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds or less than Forty Shillings.

Penalty on  
Persons tak-  
ing away  
Materials.

XLII. And be it further enacted, That the said respective Trustees, or any Five or more of them, or their Surveyor or Surveyors, or any Person or Persons by them or either of them appointed or employed, may and is and are hereby authorized and empowered to make or cause to be made Causeways, Footways, or Paths, for the Safety and Convenience of Travellers and Passengers, by or along the Side or Sides of any Part or Parts of the said Roads, and to cut and dig, or cause to be cut and dug, any Watercourses or Drains, in, through, or across any Lands or Grounds, in order to drain or prevent the Roads, or any Part or Parts thereof, from being overflowed or damaged, and erect Bridges over such Drains or Watercourses, if necessary, and also to make or cause to be made any Road or Way by, through, or over the Lands or Grounds adjoining any flooded, narrow, or ruinous Parts of the said Roads hereby intended to be repaired, not being the Scite of or Ground whereon any House or Houses, or Buildings stand, or is or are erected, or a planted Walk, Yard, Garden, Orchard, Park, Paddock, or Avenue to any House, to be made use of by all Passengers, with Carriages and Cattle, or otherwise, as a public Road, whilst the old or ruinous Road is impassable or repairing, and till such Time as it shall be convenient and safe for Persons, Carriages, and Cattle to pass, go, and travel thereon, making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds, for the Damages they shall thereby sustain, as to the said respective Trustees, or any Five or more of them, shall seem reasonable.

Trustees em-  
powered to  
make Cause-  
ways, &c.

XLIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five of them, or their Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to remove or cause to be removed all Annoyances on the said respective Roads, and to lop, top, or cut down any Trees or Bushes growing in the said Roads, or in

To remove  
Annoyances.

[Loc. & Per.]

33 M

the

the Hedges or Banks adjacent thereto, or within Thirty Feet from the Centre of the said Roads, the Owners or Occupiers neglecting to lop, top, or cut down such Trees or Bushes, or to remove such Annoyances for the Space of Fourteen Days next after Notice in Writing for that Purpose from the said Trustees, or any Five or more of them, or their Clerk or Clerks, Surveyor or Surveyors for that Purpose shall be given to him, her, or them, or shall be left at his, her, or their respective Place or Places of Abode; and such Owners or Occupiers neglecting to lop, top, or cut down such Trees or Bushes, or to remove such Annoyances as aforesaid, shall, on Demand, pay and satisfy to the said Surveyor or Surveyors the Charges and Expences thereof; and in case such Owners or Occupiers shall not, upon Demand, pay and reimburse to such Surveyor or Surveyors such Charges and Expences as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the County, Town, or Place in which such Trees or Bushes shall be cut, from Time to Time to levy the Charges thereof upon such Owner or Owners, Occupier or Occupiers, by Distress and Sale of his and their Goods and Chattels, rendering the Overplus, if any be, to the Owners or Occupiers thereof, upon Demand, after all Charges paid; and if upon the Removal of any of the said Annoyances any Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted upon Oath before Two or more Justices of the Peace for the said County, Town, or Place where such Offence shall be committed, shall, for every such Offence, forfeit and pay to the said respective Trustees, or any Five or more of them, any Sum not exceeding Forty Shillings, to be levied and recovered in Manner aforesaid.

Penalty on  
Persons not  
cleaning  
Ditches, &c.

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

XLV. And

XLV. And be it further enacted, That all Gates to be hereafter made and placed in any Field, Ground, or Place adjoining any Part of the said Roads, shall be made, hung, and set up, so as to open inwards only towards such Field, Ground, or Place, and not outwards towards the said Road, under a Penalty not exceeding Forty Shillings, to be recovered and applied in Manner aforesaid; and that it shall be lawful for the said Trustees, in their respective Districts, to cause all such Gates as are now or hereafter may be erected and so constructed as to open outwards towards the said Roads, to be altered, and made so as to open inwards only.

Direction as  
to Gates  
leading into  
Fields ad-  
joining  
Roads.

XLVI. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, from Time to Time to 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, as they shall think proper; and if any Person or Persons shall wilfully pull up or damage any Direction Post or Mile Stone, erected or fixed, or to be erected or fixed in or near the Side of the said Road, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person shall ride upon any Footway or Path adjoining to or being Part of such Road, or on the Side thereof, other than and except in Time of Floods, and when necessary for the immediate Purpose of personal Safety; or shall drive any Horse, Cattle, or Swine, or any Carriage thereon, other than and except in the Time of Floods, or shall cause any Damage to any such Footway; or if any such Person shall hale or draw, or cause to be haled or drawn upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone (otherwise than upon Wheeled Carriages) or shall suffer any Part of any Tree or Piece of Timber or Stone, which shall be carried upon Wheeled Carriages, to drag upon any Part of the said Road to the Prejudice thereof; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the left Side of the said Roads, when meeting any Carriage; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him upon the said Road, or the Coach, Chaise, Waggon, Cart, or other Carriage under his Care; or if any Person shall make or assist in making any Fire or Fires, commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework, or other combustible Matter whatsoever, on any Part or Parts of the said Road, or any Causeway, or Footway, or Path adjoining thereto; or if any Person shall leave any Coach, Chaise, Waggon, Wain, Cart, or other Carriage, in, upon, or on the Side of the said Road, either with or without any Horse or Beast of Draught harnessed or yoked together, longer than may be necessary, and except in Cases of Accidents, or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Roads, or on any Waste Ground adjoining the Side or Sides thereof, and being within the Distance of Thirty Feet from the Centre of the said Roads, to the Prejudice of the said Roads, or to the Annoyance of any Person or Persons whomsoever, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be levied, recovered, and applied in Manner aforesaid.

Empowered  
to fix Mile  
Stones, &c.

Penalty for  
defacing  
Mile Stones,  
&c.

XLVII. And

Power to  
affix Lamps.

XLVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby empowered from Time to Time to cause Lamp Irons or Lamp Posts to be put or affixed upon the said Roads, or upon any Place or Places adjacent thereto, and leading into the same, in such Manner as they shall think proper and convenient, and also to cause such Number of Lamps, of such Sizes and Sorts, to be provided and affixed, or put upon such Lamp Irons or Lamp Posts, as they shall think proper or necessary for lighting all or any Part of the said Roads, or Place or Places adjacent thereto, and to cause the said Lamps, or such of them as they shall think proper, to be properly lighted; and if any Person or Persons shall wilfully break, throw down, take away, spoil, or damage any of the Lamps put up by virtue of this Act, or any Post, Iron, or other Furniture thereof, or extinguish the Light or Lights within any such Lamp, it shall be lawful for any Person who shall see such Offence committed to apprehend, and also for any other Person or Persons to assist in apprehending the Offender or Offenders, and by virtue of this Act, without any other Warrant, to convey and deliver him, her, or them into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace of the County, Town, or Place wherein the said Offence shall be committed; or in case such Offender or Offenders shall not be so apprehended, then it shall be lawful for any such Justice, upon Information to him exhibited, touching any such Offence, to issue his Warrant for the Apprehension of such Offender or Offenders; and when any such Offender or Offenders shall, by either of the Means aforesaid, be brought before such Justice, the said Justice shall hear and determine the Matter of such Offence, and in order thereto shall examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching the same; and if the Party or Parties accused shall be convicted of any such Offence, either by his, her, or their own Confession, or upon such Evidence as aforesaid, he, she, or they so convicted shall forfeit and pay any Sum not exceeding Forty Shillings for each Lamp, Lamp Post, Iron, or other Furniture so taken away, broken, thrown down or damaged, and for every Light so extinguished as aforesaid, One Moiety of which Penalty shall go to the Informer; and such Offender or Offenders shall also make full Satisfaction to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, for the Damage so by him, her, or them done as aforesaid; and in case such Offender or Offenders shall not on Conviction pay such Forfeiture, and make such Satisfaction as aforesaid, such Justice is hereby required to commit him, her, or them to the Common Gaol or House of Correction for the County, Town, or Place wherein such Offence shall be committed, there to be kept to hard Labour for any Time not exceeding Fourteen Days, and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they shall be so committed, unless such Forfeiture and Satisfaction shall be sooner paid and given; and if any Person or Persons shall carelessly or accidentally break, throw down, or damage any of the said Lamps, or the Posts, Irons, or other Furniture thereof, and shall not upon reasonable Demand make Satisfaction to the said Trustees, or to their Surveyor, for the Damage done thereto, within Seven Days after such Demand, then and in such Case it shall be lawful for any Justice of the Peace for the said County, Town, or Place, upon Proof thereof



thereof made upon the Oath of any credible Witness, or on the Confession of the Party, to award such Sum or Sums of Money, by Way of Satisfaction to the said Trustees for such Damage, together with the Costs and Charges attending such Complaint, as such Justice shall think reasonable; and in Default of Payment thereof, upon Notice of such Award or Order given to the Party, to cause the same to be levied in Manner herein mentioned.

XLVIII. And be it further enacted, That in case the said respective Trustees, or any Nine or more of them, shall at any time or time during the Continuance of this Act, think proper to widen, turn, or alter any Part or Parts of the said Roads within their respective Districts, then the said respective Trustees, or any Nine or more of them, shall have full Power and Authority to treat, contract, and agree with the several Owners, Proprietors, Occupiers of, and Persons interested in any Houses, Buildings, Lands, Grounds, or Hereditaments, for the Purchase of any such Houses, Buildings, Lands, Grounds, or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may in anywise sustain by such widening, turning, or altering any Part of such Roads, and out of the respective Tolls by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Houses, Buildings, Lands, Grounds or Hereditaments, and for such Loss or Damage, such Sum or Sums of Money as shall be agreed upon by and between the said Trustees, and such Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and also the Costs and Charges attending such Agreement and Purchase.

Power to alter or widen Roads and purchase Buildings.

XLIX. And whereas it may happen that some Persons, or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or others, are or may be seized or possessed of Houses, Buildings, Lands, Grounds, or Hereditaments, which may by the said respective Trustees be thought necessary or proper to be taken and added to the said Roads, or through which the said Roads may be diverted or turned, and such Persons or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing to treat or agree for the Sale of such Houses, Buildings, Lands, Grounds, or Hereditaments, but may be incapable of granting or conveying the same, by reason of Infancy or other Disability; BE it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Females Covert, or Cestuique Trusts, and for all and every Person or Persons whomsoever, who are or shall be seized, possessed of, or interested in any such Houses, Buildings, Lands, Grounds, or Hereditaments, to treat, contract, and agree with the said respective Trustees, or any Nine or more of them, for the Purchase of such Houses, Buildings, Lands, Grounds, or Hereditaments, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be and require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes whatsoever, any Law, Statute, Usage, or any

Incapacitated Persons may treat.

Power to Bodies Politic, &c. to consent to sell.

other Matter or Thing to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

When Owner of Lands refuse to treat, a Jury to be impannelled to value the Premises.

L. And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to them given, or left in Writing at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments so to be taken in and added to the said Roads, or into or through which such Road is to be turned or altered as aforesaid, shall, by the Space of Twenty-one Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or any such Case the said respective Trustees, or any Nine or more of them, shall cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County of *Berks* (which Oath any One or more of the said respective Trustees are hereby empowered and required to administer) what Damage will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Proprietors, Occupiers, or other Person or Persons interested for or upon account of the taking such Lands, Grounds, or Hereditaments into the said Roads, or of diverting or turning such Road into or through any such Lands, Grounds, or Hereditaments; and in Order thereto the said respective Trustees, or any Nine or more of them, are hereby empowered and required, from Time to Time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premises (which Oath any one or more of the said respective Trustees are hereby empowered to administer) and they shall order and cause the said Jury to view the said Places in Question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises, as they the said respective Trustees, or any Nine or more of them, shall think fit; and after the said Jury shall have enquired of, ascertained, and settled such Damage and Recompence, they the said respective Trustees, or any Nine or more of them, shall thereupon order, adjudge, and determine the said Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners, Proprietors, or Occupiers of, or other Person interested in the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition, of the said Jury, which said Verdict or Inquisition, and Judgment, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Person and Persons whomsoever claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well, absent as present, Infants, Females Covert, and Persons under

der any other Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever; and all and every such Owners, Proprietors, and Occupiers, and all and every Person and Persons interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, be thereby and from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest and Property of, into, or out of the same; and for the summoning and returning such Jury or Juries, the said respective Trustees, or any Nine or more of them, are hereby empowered to issue out their Warrant or Warrants to the Sheriff of the County of *Berks*, thereby commanding and requiring him to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said respective Trustees, or any Five or more of them, at such Time and Place as in such Warrants shall be appointed, and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said respective Trustees, or any Nine or more of them, shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, and the said respective Trustees, or any Nine or more of them, acting in the Premises, shall have full Power, from Time to Time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs, or Agents making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear or appearing shall refuse to be sworn on the said Jury, or being so sworn, refusing to give, or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, or appearing shall refuse to be sworn and give Evidence, and from Time to Time to levy such Fine or Fines, in the same Manner as any other Forfeiture or Penalty hereinbefore mentioned is hereby directed to be levied, so that no such Fine shall exceed the Sum of Ten Pounds upon any one Person for one Offence; and all such Fines shall be applied for such Uses and in such Manner as the Tolls granted by this Act are to be applied.

LI. And be it further enacted, That in case any Jury shall give 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 for any Loss or Damages to be by them sustained, than what shall have been agreed on and offered by the said Trustees, or any Five or more of them, or their Treasurer, Clerk, Surveyor, or other known Agent, before the summoning and returning of the Jury, as a Recompence and Satisfaction for any such Right, Interest, 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 to the said Trustees, out of the

How Expences of the Jury shall be paid.

Money

Money in his Hands to arise by virtue of this Act; but if such Jury shall give and deliver a Verdict or Assessment for no more or less Money than shall have been agreed to and offered by the said Trustees, or any Nine or more of them, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, [or Property, 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 of the said County of *Berks*, not interested in the Matter in Question (who is hereby authorized and required to examine the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose) 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 and Tender of the Remainder of such Money 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 to the Trustees, by such Ways and Means as are hereinafter provided for Recovery of Penalties and Forfeitures.

Monies to be  
paid charge-  
able on  
Tolls.

LII. And be it further enacted, That all and every Sum and Sums of Money so assessed as aforesaid are hereby charged upon the Monies which shall be raised by virtue of this Act, and shall be paid thereout accordingly by the said respective Trustees, or any Nine or more of them, or their respective Treasurer, to the Persons respectively entitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof to such Persons or their Agents, and in Case of Refusal to accept the same, then, upon leaving the same in the Hands of the Treasurer to the said respective Trustees for the Use of such Persons, such Lands, Grounds, or Hereditaments shall be laid into and made Part of the said Roads, and shall, to all Intents and Purposes whatsoever, become and be deemed and taken to be a public and Common Highway, and be from thenceforth Part of the said respective Roads for ever after, and shall be repaired and kept in Repair by such Ways and Methods, and in all Respects in such Manner as the old Road so widened, altered, diverted, or turned, was and ought to be kept in Repair; and after such new Road shall be completed, the Lands and Grounds comprized in or constituting the old or former Road, shall be vested in the said respective Trustees, and shall or may be stopped up or left unrepaired, or shall or may be by them, or any Five or more of them, sold and disposed of to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof, for the best Price that can be reasonably had or gotten for the same; and the Money arising by such Sale shall be applied and disposed of for repairing of the said Roads, and other the Purposes of this Act; and the Sale or Conveyance and Conveyances to be made of such Lands or Grounds, being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the County of *Berks*, shall be

be good and effectual in the Law, to all Intents and Purposes whatsoever.

LIII. And be it further enacted, That in widening, turning, altering, or diverting any Part or Parts of the said Roads, nothing shall be done which shall or may in anywise injure or damage any House or Building, or any Yard, Garden, Orchard, Park, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto in Writing under his, her, or their Hand or Hands for that Purpose.

Act not to extend to taking down Houses, &c.

LIV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Femes Coverts, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as herein mentioned, such Money shall, in case the same shall amount to the Sum of Two Hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the said Trustees, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid affecting the said Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood, settled or limited, or such of them as at the Time of making such 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 said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application of Compensation when amounting to £.200.

LV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments,

[*Loc. & Per.*]

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Application when Money

ditaments,

does not  
amount to  
£.200. and  
shall exceed  
£.20.

ditaments, 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 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 hereinbefore directed, or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by 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 hereinbefore directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery: 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 Hereditaments so purchased, taken, or used for the Purposes of this Act, as the said Trustees, or any Five or more of them, shall think fit, or in Case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees to and for the Use and Benefit of such Person or Persons so entitled respectively.

In Case of not  
making out  
Titles,

or if Persons  
cannot be  
found, Pur-  
chase Money  
to be paid  
into the  
Bank;

subject to  
the Order of  
the Court of  
Chancery.

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

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

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

Where any Question shall arise touching the Title of Money to be paid to the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto according to such Possession.

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

The Court may order reasonable Expences of Purchases to be paid by the Trustees.

LIX. And whereas by reason of the Purchases which the said Trustees are empowered to make by virtue of this Act, or by reason of the diverting of some Part or Parts of the same Roads, they may happen to be seized of some Piece or Pieces of old Road or other Ground, over and above what shall be necessary for effecting the Purposes of this Act; BE it therefore further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to sell and dispose of such Piece or Pieces of old Road or other Ground, either together or in Parcels, as they shall find

Power to sell Pieces of old Road.

find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same.

Preference to  
be given to  
former Owners.

LX. Provided always, and be it further enacted, That the said Trustees, or any five or more of them, before they shall sell and dispose of any Piece or Pieces of old Road, shall first offer the same to the Person or Persons whose Lands shall adjoin thereto, and that the said Trustees, before they shall sell or dispose of the said Piece or Pieces of overplus Ground, shall first offer to resell the same to the Person or Persons from whom they shall have purchased such Piece or Pieces of Ground; and in case such Person or Persons respectively shall not then and thereupon agree, or shall refuse to purchase or repurchase the same respectively; any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County of *Berks*, by some Person or Persons noways interested in the said Piece or Pieces of old Road or other Ground, stating that such Offer was made by or on the Behalf of the said Trustees, or any Five or more of them, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing or repurchasing the same, and he, she, or they, and the said Trustees, or any Five or more of them, shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices shall be ascertained by a Jury, in Manner hereinbefore directed, with respect to disputed Value of the Premises to be purchased by the said Trustees, or Five or more of them, in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as hereinbefore directed with respect to such Purchase made by the said Trustees *mutatis mutandis*, and the Money to arise by the Sale or Sales which may be made by the said Trustees, of such Pieces or Parcels of old Road or Ground as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

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

LXI. And be it further enacted, That all and every Person and Persons, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politic and Corporate, who before the making this Act hath or have used, or of Right ought by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Roads hereby intended to be repaired, or any Bridge, Drain, or Watercourse, in or upon the same, shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with the repairing and keeping in Repair the same Roads, Bridge, Drain, or Watercourse, in the same Manner as they and every of them have or hath heretofore usually done, or ought or are liable to do; and that the Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the Roads hereby intended to be repaired do lie, who by the Laws and Statutes of this Realm are or shall be obliged or liable to perform the Work in the Highways for the repairing thereof, commonly called



called Statute Work, shall still be subject and liable to do and perform the same Work, and shall and are hereby required to do and perform such and so many Days Work, in such Parts of the Roads by this Act directed to be repaired, and lying within the said Towns, Parishes, Hamlets, or Places in which such Inhabitants respectively shall live, as any Two or more Justices of the Peace for the County, Town, or Place in which the same Roads lie, shall direct or appoint, and at such Times and in such Manner as the Surveyor or Surveyors by them authorized shall direct or appoint.

LXII. And, to the end that the said Trustees may know the Inhabitants of all the Towns, Parishes, Hamlets, and Places, within which the Roads by this Act directed to be repaired do lie, who are liable to do Statute Work in their Highways, and what sort of Duty they ought respectively to do; be it further enacted, That the Surveyors of the Highways of and for every of the said Towns, Parishes, Hamlets, and Places, shall, and they are hereby required, at the First Meeting of the said respective Trustees after the Twenty-ninth Day of September in every Year, or oftener if thereunto required by the said respective Trustees, or any Five or more of them, during the Continuance of the said former Acts and this Act, (Ten Days Notice of such Meeting being affixed on the Toll Gate or Toll Gates which shall be continued or erected by virtue of this Act, within the District wherein such Work is to be performed) to deliver in to the said respective Trustees true and perfect Lists, in Writing under their respective Hands, of the Names of all the Inhabitants of such Towns, Parishes, Hamlets, and Places respectively, who are liable to do their Statute Duties in and upon the said Highways, and shall in such Lists, and every of them, distinguish and set forth which of such Inhabitants shall and by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams.

LXIII. And be it further enacted, That if the Surveyor or Surveyors of the several Towns, Parishes, Hamlets, or Places through which the said Roads lead, shall not deliver in to the said respective Trustees Lists of the Inhabitants of their said several Towns, Parishes, Hamlets, or Places, at such Times and in such Manner as by this Act is required and directed to be delivered, such Surveyor or Surveyors, and every of them, shall forfeit and pay for every such Default the Sum of Fifty Pounds; and if any or either of the Inhabitants of the said several Towns, Parishes, Hamlets, or Places, being obliged or liable by Law to do Statute Work in and upon the said Highways, shall not do such Statute Work in and upon the said Roads, at such Times and Places, and in such Manner as they shall by Two Justices of the Peace be directed or appointed to do, such Inhabitant, and every of them so liable to such Statute Duty, and neglecting or making Default in performing the same, shall, for every such Neglect or Default, forfeit and pay the several Sums hereinafter mentioned; (that is to say) every such Inhabitant or Person who shall keep, or by virtue of this Act shall be deemed to keep a Team or Teams, for every Day's Work which ought to be done for each Team the Sum of Fifteen Shillings; and every other Inhabitant or Person not keeping, and not being by virtue of this Act deemed to keep a Team, for every

[Loc. &amp; Per.]

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Day's

Day's Work which ought to be done the Sum of Two Shillings and Sixpence; and if any Person or Persons who shall come to work as a Labourer or Labourers, or be sent with any Team, Draught, or Cart to work on the said Roads for the Repairs thereof, commonly called Statute Work, is or are found idle or negligent, or shall not properly perform such Statute Work, the Surveyor or Surveyors of the said Trustees may, and is and are hereby empowered and required to remove and discharge such Person or Persons, and it shall be deemed and taken as if such Person or Persons had not come or sent any Team, Draught, or Cart to work on the said Roads, and he, she, or they shall be subject and liable to the respective Forfeitures, as if, he, she, or they had neglected or refused to do or perform the said respective Day's Work or Duty.

Power to compound for Repair of Roads.

LXIV. And be it further enacted, That the said respective Trustees, or any Five or more of them, may and are hereby authorized and empowered to compound with any Person or Persons, Bodies Politic or Corporate, for the Repairs to be by them done upon the said Roads, and also with the several Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the Roads hereby intended to be repaired, or any Part or Parts thereof, do or doth lie, for the several Days Statute Work, to be by them respectively done upon the said Roads, at and for such Sum and Sums of Money, by the Year or otherwise, as they the said respective Trustees, or any Five or more of them, and such Person or Persons, Bodies Politic or Corporate, or Inhabitants respectively, shall agree upon, which said Money shall be instantly paid to the said respective Trustees, or any Five or more of them, or to their Treasurer or otherwise, as they shall appoint.

Power to Surveyor to appeal.

LXV. And be it further enacted, That if the Surveyor or Surveyors of the Highways for the Time being of any of the Towns, Parishes, Hamlets, or Places within which the said Roads directed by this Act to be repaired do lie, shall think the said respective Justices have directed or appointed too large a Proportion of the Statute Work in any Town, Parish, Hamlet, or Place, to be done on the said respective Roads, it shall and may be lawful for such Surveyor or Surveyors of the Highways to appeal to the Quarter Session of the Peace for the County of *Berks* next after such Direction or Appointment, unless the same shall be made within Fourteen Days preceding such Quarter Session, and then to the Second Quarter Session next after such Direction or Appointment; and the Justices in their said Quarter Session are hereby authorized and empowered finally to adjust and determine what Proportion of the Statute Work in any Town, Parish, Hamlet, or Place, shall be done on the respective Roads by this Act directed to be repaired, such Surveyor or Surveyors of the Highways having first given Fourteen Days Notice of such Appeal to the Surveyor or Surveyors appointed by the said respective Trustees.

Power to contract for Repair of Roads.

LXVI. 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 contract and agree with any Person or Persons for the repairing the said Roads, or any Part or Parts thereof, or for doing any other Work in pursuance or Execution of this Act, in such Manner, and for such Sum or Sums of Money

Money annually, or otherwise, as the said Trustees, or any Five or more of them, shall think proper.

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

Penalty on  
obstructing  
the Execu-  
tion of the  
Act.

LXVIII. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put this Act in Execution; BE it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, Collectors, or other Officers respectively, and such other Person or Persons as he or they shall call to his, her, or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the County, Town, or Place where the Offence or Offences shall be committed, and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, or to oblige such Person or Persons so offending to give Security for his, her, or their Appearance at the next Petty Sessions to be holden within or for the County, Town, Place, or District in which such Offence or Offences have been committed, to answer the said Complaint; and the Justices present at such Petty Sessions, or any Two or more of them, are hereby authorized to hear and determine the Matter of the said Complaint in a summary Way, and upon Conviction of the Offender or Offenders, either by the Justice before whom he, she, or they shall be first taken, or by the Justices at such Petty Sessions as aforesaid, it shall be lawful for such Justice or Justices respectively to commit him, her, or them to the Goal or House of Correction of the said County, Town, or Place, there to remain for any Time not exceeding Twenty-one Days, unless he, she, or they shall sooner pay the respective Penalties by him, her, or them incurred for such Offence or Offences, together with the Costs and Charges attending the Conviction and Commitment.

For securing  
transient  
Offenders.

LXIX. And be it further enacted, That for the more speedy Conviction of Offenders against this Act, all and every the Justice and 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 (as the Case shall happen) or in any other Words to the following Effect:

Form of  
Conviction.

County of Berks, }  
to wit. } BE it remembered, That on the Day of  
in the Year of His Ma-  
jesty's Reign, A. B. is convicted before me [or, us] of  
His Majesty's Justices of the Peace for the County, Town, or Place  
[specifying the Offence, and the Time and Place when and where the same  
was

' was committed, as the Case may be.] Given under my Hand and Seal  
' [or, our Hands and Seals] the Day and Year aforefaid.'

Penalties  
how to be  
recovered  
and applied.

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

Persons ag-  
grieved may  
appeal to the  
Quarter Ses-  
sions.

LXXI. 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 Session of the Peace to be holden for the said County of *Berks*, within Three Calendar Months next after the Cause of such Complaint shall have arisen, such Appellant first giving or causing to be given Twenty-one Days Notice at least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Treasurer to the said Trustees, and within Four Days after such Notice entering into a Recognizance before any Justice of the Peace for the County, Town, or Place, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order thereof, and to pay such Costs as shall be awarded by the Justices at such Quarter Session; and the said Justices, at such Session, upon due Proof of such Notice being given as aforefaid, 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 the Justices at such Quarter Session shall be final, binding, and conclusive, to all Intents and Purposes: and the said Justices at such Session may also, by their Order or Warrant, levy such Costs so awarded, by Distress and Sale of the Goods

Goods and Chattels of the Person or Persons who shall refuse to obey such Award and Determination, and for Want of sufficient Distress, to commit such Person or Persons to the Common Gaol or House of Correction for the said County of *Berks*, there to remain for any Time not exceeding Three Calendar Months, or until he has paid such Costs.

LXXII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or removable by *Certiorari*, or any Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and 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 Defects, 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 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.

Proceedings  
not to be  
quashed for  
Want of  
Form,

LXIII. 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 after Twenty-one Days Notice thereof shall have been 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 said County of *Berks*, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence in any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear that the same was so done, or that such Action or Suit was brought before Twenty-one Days Notice thereof had been given as aforesaid, or after a sufficient Satisfaction had been made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or if any such Action shall be brought in any other County, 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 Judgment 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 Case by Law.

Limitation  
of Actions.

Public Act.

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

Commence-  
ment and  
Duration of  
the Act.

LXXV. And be it further enacted, That this Act shall be in full Force and have Continuance from the said First Day of *October* next, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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