

commences at a certain Bridge at the Entrance of the Town of *Buckingham* over the River *Ouse*, but a certain Piece of Road on the other Side of the said River, from the said Bridge to the North Corner of the Sessions House in *Buckingham* aforesaid, being of the Length of Five hundred Yards or thereabouts, is Incommodious and out of Repair, and cannot be sufficiently improved and kept in Repair by the ordinary Course of Law; and it would be of Advantage to the Inhabitants of the said Town of *Buckingham* and its Neighbourhood, if the said Piece of Road were to be repaired and put under the Care and Management of the Trustees for executing the said recited Acts: And whereas the Powers and Provisions of the said Acts have been found defective, and it would be convenient if the same were to be repealed, and further and more effectual Powers granted for the above Purposes; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifteenth Day of *July* next after the passing of this Act, the said recited Acts shall be and the same are hereby declared to be repealed; and that instead thereof this Act shall commence and take Effect and be put in Execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, widening, altering, improving, and keeping in Repair the said Road, from the North Corner of the Sessions House in the Town of *Buckingham* aforesaid, to the North Extent of the said Parish of *Hanwell* in the County of *Oxford*.

The above recited Acts repealed, and this Act to take Effect instead thereof.

The Tolls granted by this Act to be subject to the Payment of Monies.

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

Trustees,

III. And be it further enacted, That the Right Honourable *Richard Grenville Nugent Chandos Temple*, commonly called *Earl Temple*, the Right Honourable *George Grenville*, commonly called *Lord George Grenville*, the Honourable *Vere Poulett*, the Honourable *Frederick North*, the Reverend *Sir George Lee* Baronet, *Sir Thomas Sheppard* Baronet, the Reverend *Richard*

Richard Nicoll D. D. the Reverend John Russell Greenhill D. D. Thomas Stanhope Badcock, Samuel Blencowe, John Jackson Blencowe, William Ralph Cartwright, Thomas Carter, Thomas William Coke, Richard Dayrell, Edmund Dayrell, John Connor Field, Thomas Francis Freemantle, Robert Greenhill, Edward Oakley Gray, William Holbech senior, William Holbech junior, John Harrison, George Purefoy Fervoise, James King, William Lowndes of Whaddon Hall, Fiennes Sanderson Miller, George Morgan, Dudley North, John Nicoll, John Newman, John Poulett, Benjamin Price, Thomas Cotton Sheppard, Michael Wodbull, John Wheatley, and Hicks Wells, Esquires, Francis Annesley, Wolley Leigh Bennett, Peregrine Bingham, William Henry Barnard, Henry Crowe, John Langham Dayrell, Harry Davis, William Eyre, William Ellis, Thomas Fawcett, Thomas Golightly, Robert Edward Hughes, John Lamb, John Risley senior, John Risley junior, and William Shippen Willes, Clerks, John Barber, James Barnes, John Bartlett, William Barrett, Robert Brayne, Thomas Box, Richard Chapman, Timothy Cobb, Thomas Cobb junior, John Davis, John Fellowes, James Golby, Francis Goode, Robert Gray, Thomas Hearn senior, Richard Heydon, John Heydon, William Judd, James Lush, George Newman, George Nelson, John Pain, Joseph Pain, John Prentice, George Parrott, John Southam, George Seeley, Robert Weston, Charles Wyatt, John Weston, William Walford, Thomas Wyatt, and John West, Gentlemen, the Mayor of the Town of Banbury for the Time being, the Mayor of the Town of Brackley for the Time being, and the Bailiff and Senior Burgesses of the Town of Buckingham for the Time being, and their Successors to be elected in the Manner herein-after mentioned, shall be and they are hereby appointed Trustees for repairing, widening, altering, improving, and keeping in Repair the said Road, and for otherwise putting this Act into Execution.

IV. And be it further enacted, That as often as any Trustee herein-before named, or to be elected as herein-after is mentioned, shall die, or by Writing under his Hand refuse to act, or shall neglect to attend at some publick Meeting of the said Trustees for the Space of Five Years, or shall cease to reside in either of the Counties through which the said Road passes for the Space of Two Years, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Entry in their Book of Orders, or by Writing under their Hands, to elect and appoint some other Person resident in One of the Counties through which the said Road passes, to be a Trustee in the Room of every Trustee so dying, refusing to act, neglecting to attend, or ceasing to reside as aforesaid; but Ten Days previous Notice in Writing of the Intention to elect, and of the Time and Place of Meeting for every such Election, shall be given, by affixing the same upon all the Turnpike Gates on the said Road; and every Person who shall be so elected and appointed (being qualified as by this Act is required) is hereby vested with the same Powers and Authorities for putting this Act in Execution, as if he had been named and appointed a Trustee in and by this Act.

Other Trustees to be chosen in certain Cases.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, whilst he shall hold any Place of Profit under the same, nor in any particular Case wherein he shall be personally interested otherwise than as a Creditor; nor shall any Person be qualified to act as a Trustee, unless at the Time of his acting he shall be in his own Right, or in the Right of his Wife, in the

Qualifications of Trustees.

actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds above Reprizes, or shall be Heir apparent of a Person having such Estate of the clear yearly Value of One hundred Pounds, or be possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of One thousand Pounds; nor (except in administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed before any Two or more of the said Trustees an Oath or (being One of the People called *Quakers*) an Affirmation in the Words or to the Effect following; (that is to say),

Oath or Affirmation.

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

Penalty on acting if not qualified.

And if any Person, not being so qualified, shall nevertheless presume to act as a 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 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, nor more than One Imparance shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that such Acts and Proceedings as shall have been done and performed by any such Person touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, shall notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Acts of unqualified Trustees, before Conviction, to remain valid.

Mortgagees may act as Trustees.

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

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

VII. And be it further enacted, That the said Trustees may sue and be sued in the Name or Names of their Clerk or Clerks for the Time being, and that no Action to be brought or commenced by or against the said Trustees or any of them by virtue of this Act, in the Name or Names of their Clerk or Clerks, shall abate or be discontinued by the Death or Removal of any such Clerk or Clerks, or by the Act of the said Clerk or Clerks, without the Consent of the said Trustees; but that the Clerk or Clerks to the said Trustees for the Time being shall always be deemed the Plaintiff or Defendant, Plaintiffs or Defendants in such Action, (as the Case may be):

be): Provided always, that every such Clerk shall be reimbursed out of the Money to be raised by virtue of this Act, all such Costs, Charges, and Expences as he shall be put unto or become chargeable with by reason of his being so made Plaintiff or Defendant as aforesaid.

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

Meetings of
the Trustees,
etc.

IX. Provided always, and be it further enacted, That if after any Adjournment of the said Trustees, it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall have been adjourned, the Clerk to the said Trustees

Meetings on
Emergencies.

[Loc. & Per.]

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shall

shall on receiving an Order in Writing for that Purpose, signed by Three or more of the said Trustees, (although not assembled at any Meeting), mentioning the Time, Place, and Purpose of such Meeting, forthwith give Notice of such earlier Meeting in the Manner before directed with respect to other Meetings, such Time not being less than Fourteen Days after such Notice; and all Proceedings of the Trustees at such Meetings shall be as valid as they would have been in Case the Trustees had met in pursuance of an Adjournment.

The Road to be divided into Two Divisions; and the Money collected to be applicable to the Repairs of the Division in which it is received.

X. And be it further enacted, That the Money to arise and be collected by virtue of this Act, at any Turnpike or Turnpikes erected, or to be erected upon that Part of the said Road which lies between the North Corner of the Sessions House, in the Town of *Buckingham* aforesaid, and the Sign of the *Red Lion*, in *Aynho*, shall be applicable to the repairing, widening, altering, improving and keeping in Repair of that Part of the said Road only; which Part shall be called the Upper Division of the said Road; and that the Money to arise and be collected by virtue of this Act at any Turnpike or Turnpikes erected or to be erected on the said Road, between the Sign of the *Red Lion* in *Aynho* aforesaid, and the North Extent of the Parish of *Hanwell* aforesaid, shall be applicable to the repairing, widening, altering, improving, and keeping in Repair of such last-mentioned Part of the said Road only; which last-mentioned Part shall be called the Lower Division of the said Road.

In what Manner the Monies borrowed on the Credit of the Tolls are to stand charged thereon.

I. And be it further enacted, That all Sums of Money which have hertofore been borrowed on the Credit of the Tolls arising from the said Road, and now stand charged thereon, shall after the passing of this Act, remain charged on the Tolls of that Part of the said Road only on which the same are now respectively chargeable; and that all Sums which shall hereafter be borrowed in lieu of any such Sums as aforesaid, shall be charged on the said Tolls, in the same Manner as the Sums which they shall respectively replace were before chargeable; and that all other Monies hereafter to be taken up by the said Trustees on the Credit of the said Tolls, shall be charged on the Tolls of that Division of the said Road only in respect of which the same shall be borrowed.

The Trustees may hold separate Meetings for the separate Divisions.

XII. And be it further enacted, That it shall be lawful for the said Trustees to hold separate Meetings for the separate Divisions of the said Road, (which Meetings shall be appointed in the Manner hereinbefore directed), and that the Trustees assembled at any such Division-Meeting, shall have and be invested with the same Powers and Authorities; and all Orders, Appointments of Officers, Contracts and other Matters and Things whatsoever, which shall be made or done at any such Meeting, shall be as good and effectual to all Intents and Purposes with regard to the Division for which such Meeting shall be held, as if the said Trustees had been assembled, and such Orders, Appointments, or other Matters or Things had been made or done at a General Meeting for the whole of the said Road; and every Officer appointed at any such Division-Meeting shall have the like Powers, and be subject to the like Pains, Penalties, Powers of Removal, Rules and Regulations, as if he had been appointed at a General Meeting.

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

Orders and Proceedings to be entered in a Book.

XIV. And be it further enacted, That each and every Treasurer, Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers, nominated and appointed under or by virtue of the said recited Acts or either of them, shall hold and enjoy their several and respective Offices and Employments, until he or they shall be removed therefrom respectively by the said Trustees; and each and every such Treasurer, Clerk, Collector, and other Officer and Officers, shall have the like Powers and Authorities for carrying this Act into Execution, and shall be subject to the like Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he and they had been nominated and appointed under or by virtue of this Act.

Old Officers to continue till others appointed.

XV. And be it further enacted, That the said Trustees or any Five or more of them, at their First or any subsequent Meeting, as Occasion shall require, may by Writing under their Hands; or by Entry in their Book of Orders, elect and appoint a Clerk or Clerks, and a Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of such Monies as shall arise or may be due and payable by virtue of this Act; and also a Surveyor or Surveyors, and all such other Officers as they the said Trustees or any Five or more of them shall think necessary and proper to be employed in the Execution of the Powers of this Act; and also may remove from Time to Time all such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers or any of them, as they the said Trustees or any Five or more of them shall see Occasion; and the said Trustees or any Five or more of them, shall and may out of the Money to be raised or received by virtue of this Act, make such Allowance unto the Clerks, Treasurers, Receivers, Collectors, Surveyors, or other Officers so appointed, and to such other Persons as shall be assisting in and about the Execution of this Act, as to them the said Trustees or any Five or more of them shall seem proper; and every Officer and Person who shall be appointed as aforesaid, shall from Time to Time when thereunto required by the said Trustees or any Five or more of them, by Writing under their Hands, make out and deliver to such Trustees, or to such Person or Persons as they or any Five or more of them shall for that Purpose appoint; a true and perfect Account in Writing under his or her Hand of all Monies which shall have been by him, or her, had, collected or received, and how and to whom, and for what Purpose the same and every Part thereof have been disposed of, together with the Vouchers and Receipts for such Payments, and shall verify such Account upon Oath, if thereunto required by the said Trustees or any Five or more of them, (which Oath the said Trustees or any One or more of them are or is hereby empowered to administer; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her.

Trustees to appoint Officers.

and to have Power to remove them.

Officers to account.

or be punished.

her to such Person or Persons as the said Trustees or any Five or more of them shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof upon Oath, or to pay the Balance thereof when thereunto required in Manner aforesaid, or shall refuse or neglect to deliver up to the said Trustees or any Five or more of them, or to such Person or Persons as they or any Five or more of them shall appoint, within Fourteen Days after being thereunto required by the said Trustees or any Five or more of them, or by such other Person or Persons as aforesaid, all Books, Papers, and Writings in his or her Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Trustees or any one or more of them, or by any other Person or Persons on their Behalf, of any such Neglect or Refusal to any Justice of the Peace for the County or Place where the Officer or Person so neglecting or refusing shall live or reside, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Trustees or any Five or more of them might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been collected or received, shall be in the Hands of or owing from such Officer or Person, such Justice may and he is hereby authorized and empowered, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods or Chattels of such Officer or Person respectively; and if no Goods and Chattels can be found sufficient to answer and satisfy the said Monies and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before the said Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, or to verify the same on Oath as aforesaid, (if so required by the said Justice), or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up as aforesaid all such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid, the said Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction of the County or Place where he or she shall live or reside, there to remain without Bail or Mainprize until he or she shall have delivered in and settled such Account, and have verified the same upon Oath as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any), as shall in that respect have been made, or until he or she shall have compounded with the said Trustees or any Five or more of them, for such Money and Charges, and paid the Composition Money to the said Trustees or any Five or more of them,

or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees or any Five or more of them are hereby empowered to make) and shall have delivered up as aforesaid all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees, or any Five or more of them: Provided always, that no Person who shall be committed for want of sufficient Distress shall be detained in Prison for any longer Space of Time than Six Calendar Months.

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

Treasurer,
&c. to give
Security.

Victuallers
not to hold
Offices.

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

Trustees may
appoint tem-
porary Collec-
tors.

[Loc. & Per.]

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pointed

pointed Collector or Receiver, into the Possession of such Toll Gate, Toll House and Appurtenances.

Power to
continue and
erect Toll
Gates, &c.

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

Power to
take Tolls.

XIX. And be it further enacted, That from and after the Fifteenth Day of *July* next after the passing of this Act, the respective Sums of Money following shall be demanded and taken at each and every such Toll Gate, Chain, and Bar, from the Owner or Owners of or Person or Persons using or attending any Horse, Beast, Cattle, or Carriage, by such Person or Persons as the said Trustees or any Five or more of them shall from Time to Time authorize for that Purpose, before any such Horse, Beast, Cattle, or Carriage shall be permitted to pass through the same; (that is to say),

Tolls;

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

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

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

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

And that on every *Sunday* during the Continuance of this Act, there shall be demanded and taken at the said Toll Gates, Bars, or Chains respectively by such Person or Persons nominated as aforesaid, before any Horse, Cattle, or Carriage shall be permitted to pass the same, Double the said respective Tolls:

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

Which said respective Sums of Money hereby authorized to be taken as aforesaid, shall be demanded and taken in the Name of or as Tolls, and shall be and are hereby vested in the said Trustees, and shall be applied as herein-after is directed; and if any Person subject or liable to the Payment of any of the said Tolls, shall after Demand thereof made, neglect or refuse to pay the same or any Part or Parts thereof, it shall be lawful for the Person or Persons authorized as aforesaid to collect such Tolls, by himself or themselves, or taking such Assistance as he or they shall think necessary to seize and distrain any Cattle or other Thing upon or in respect of which such Toll is hereby imposed, together with their respective Bridles, Saddles, Gears,

Gears, Harness, or Accoutrements (except the Bridle or Reins of any such Horse or other Beast, separate from such Horse or other Beast) or any Carriage in respect of the Horses or Cattle drawing the same, or any of the Goods or Chattels of the Person or Persons so neglecting or refusing to pay; and if the Toll or any Part thereof so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Five Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining may sell the Cattle, Carriage, or Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any) and what shall remain unsold upon Demand to the Owner thereof, after such Tolls and the reasonable Charges occasioned by such Seizure, Distress and Sale shall be deducted.

XX. Provided always, and be it further enacted, That if any Dispute shall happen about the Quantity of Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person distraining to retain the same, or the Money arising by Sale thereof, as the Case may be, until the Amount of Tolls due, and Charges of seizing, distraining, keeping and selling the Distress, shall be ascertained by some Justice of the Peace for the County or Place where such Dispute shall happen, who upon Application made to him for that Purpose, shall examine the said Matter on Oath of the Parties or other Witness or Witnesses, and determine the Amount of Tolls due, and also assess the Charges of such Seizure, Distress, keeping and Sale, and also of the Collector's Attendance for that Purpose on the said Justice; all which Sums so determined or assessed, shall be paid to the said Collector or other Person before he shall be obliged to return the Distress, or the Overplus after the Sale thereof, or of any Part thereof.

Disputes concerning Tolls to be settled by a Justice.

XXI. 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 Dispute, Suit, or Litigation, by reason of his or their being appointed to collect the said Tolls, or acting under the Authority of the said Trustees.

Collectors of Tolls competent Witnesses.

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

Tolls may be lessened or raised.

XXIII. Pro-

Tolls to be taken but once a Day in each Division.

XXIII. Provided always, and be it further enacted, That if any Horse, Beast, or Cattle shall have passed through any Gate or Turnpike erected or to be erected on the said Road, and the Toll in respect thereof shall have been paid, it shall be lawful for the same Horse, Beast, or Cattle, on a Note or Ticket being produced denoting such Payment, to pass Toll-free through the same Gate or Turnpike at any Time or Times during the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night; which Note or Ticket the Collector of the Tolls is hereby required to deliver *gratis* (if demanded) on Payment of such Toll; and no Person shall be liable to the Payment in any one Day, to be computed as aforesaid, on either of the Divisions of the said Road, of more than Once the amount of the full Tolls herein-before authorized to be taken, for any Horse, Beast, or Cattle, passing through a Gate or Turnpike on the said Road, whatever Number of Gates or Turnpikes such Horse, Beast, or Cattle shall pass through on such Division; provided that at each and every Gate or Turnpike which such Horse, Beast, or Cattle shall pass through on such Division, after the Payment of such Amount, a Note or Ticket, or Notes or Tickets shall be produced denoting the Payment thereof; which Note or Ticket, Notes or Tickets, are hereby also required to be delivered *gratis*.

Meeting for erecting Gates and altering Tolls to be held at Aynho.

XXIV. Provided always, and be it further enacted, That no new Gate or Turnpike shall at any Time be erected on the said Road, nor shall the Tolls or any of them be raised, lowered, or altered at any Gate or Turnpike erected or to be erected thereon, unless the Order for erecting such Gate or Turnpike, or for raising, lowering, or altering such Tolls, shall be made at a Meeting of the said Trustees held at *Aynho* aforesaid.

Trustees may contract for repairing the Road.

XXV. And be it further enacted, That the said Trustees shall and may and they are hereby empowered, from Time to Time, to contract and agree with any Person or Persons for the repairing, widening, altering, turning or amending the said Road by this Act directed to be repaired, or any Part or Parts thereof, and for all or any other of the Works to be done and performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper.

General Exemptions from Tolls.

XXVI. Provided always, and be it further enacted, That no Person or Persons shall be charged with or liable to pay any of the said Tolls for the Passage of any Cattle or Carriage which shall be used or employed in the Carriage of Stone, Gravel or other Materials for making or repairing of the said Road, or any other Roads or Highways within any of the Parishes, Hamlets or Places in which the said Road doth lie, or for rebuilding, building or repairing any present or future Bridge or Bridges on the said Road; or in the Carriage of any Earth, Dung, Mould, Compost, or other Manure, (Lime excepted), not bought, sold or disposed of, but passing to be laid on the Lands of the Owner thereof; or in the Carriage of any Grass, Hay, Fodder, Straw, or Corn in the Straw, or dead Hedgewood, or with other Produce of Lands not sold or disposed of, or going to be sold or disposed of, but passing to be laid up in the Houses, Outhouses, Barns or Yards of the Owner or Owners thereof, in any of the said Parishes, Hamlets, or Places; or for the going, passing, returning, or repassing with any Plough, Harrow, or other Implements of Husbandry or Things that shall be used in Husbandry or in manuring Land, or

in returning after having been so employed, unless the Carriage bearing such Plough, Harrow, or other Implements of Husbandry be also laden with any other Thing not hereby intended to be exempted from the Payment of Toll; nor for any Horse or other Cattle only going to or from Water or Pasture, or to be shod or farried, from one Parish into the next adjoining Parish, and not passing more than Two Miles upon the said Road; nor for the Horses of any Officers or Soldiers on their March or on Duty, or for any Horses, Cattle or Carriage employed in conveying or carrying the Arms or Baggage of any such Officers or Soldiers; or in carrying any sick, wounded, or disabled Officers or Soldiers, or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other publick Stores of or belonging to His Majesty or for the Use of His Majesty's Forces; or for Horses, Carts, or Waggons travelling with Vagrants sent with legal Passes; or for any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, or other Carriages, or Cattle drawing the same, or Persons on Horseback going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Buckingham, Oxford, or Northampton*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; nor for any Horses, Cattle, or Carriages of whatever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or returning back from conveying or guarding the same; nor shall any Toll be demanded or taken from any Person or Persons going to or returning from his, her, or their Parish or Parochial Church or Chapel or other Parochial or licensed Place of Religious Worship on *Sundays*, or any other Day on which Divine Worship is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person who shall die and be buried in any of the Parishes, Hamlets, or Places through which the said Road leads; or from any Clergyman going to or returning from visiting any sick Person, or going to or returning from his Parochial or Ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place appointed for Exercise, Inspection, or Review, provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements according to the Regulations appointed by such Corps at the Time of claiming the Exemption; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

XXVII. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat or other publick Stores belonging to His Majesty or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Over-weight; nor shall any such Waggon, Wain,

[*Loc. & Per.*]

E

Cart,

Owners or Drivers of Waggons employed in the Service of His Majesty's Forces not to be subject to

51^o GEORGII III. *Cap. 2.*

Penalties for
Over-weight,

Cart, or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses in any such Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Penalty on
evading Tolls.

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

Trustees may
compound
for Tolls.

XXIX. And be it further enacted, That it shall and may be lawful for the said Trustees from Time to Time to compound and agree with any Person or Persons for the passing of any Horses, Beasts, or Cattle travelling on the said Road, for all or any of the Tolls to be paid in respect thereof, for any Term not exceeding one Year; which Composition Money shall be paid in advance, at the Time of compounding, or otherwise as the said Trustees shall think fit, and in Default of such Payment, the Composition or Agreement with the Person or Persons making such Default, shall from thenceforth be void; and all such Composition Money shall be applied in such Manner as the Tolls are hereby directed to be applied.

XXX. And

XXX. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, upon Thirty-one Days Notice to be given thereof upon all the said Turnpikes, and advertising the same in some weekly Newspaper, usually circulated in the Neighbourhood of the said Road, from Time to Time, by Writing under their Hands and Seals, to let or farm the Tolls arising by this Act, or any Part thereof, to any Person or Persons who shall be willing to take or farm the same, from Year to Year, or for any Part of the Term hereby granted, not exceeding Three Years at any one letting, upon public Bidding to the highest Bidder, and for the best Price such Trustees can get for the same, payable at such Times, and in such Manner, and under such Covenants, and with such Sureties for the Payment thereof, as the said Trustees shall think fit; which Money, so to be paid, shall be applied and disposed of as the Tolls granted by this Act are directed to be applied and disposed of; and every such Lessee as aforesaid, shall have the same Powers, Authorities, Protection, and Privileges for collecting and recovering the Tolls let to him as aforesaid, and otherwise carrying this Act into Execution, as any Collector of the said Tolls appointed by the said Trustees, would have had in Case such Tolls were not let.

Trustees may
leave the
Tolls.

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

Turnpike
&c. to be
vested in
Trustees.

XXXII. And be it further enacted, That in Case all or any of the Tolls arising by virtue of this Act, shall be demised or let to Farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in Case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear by the Space of Fourteen Days next after any of the Days on which the same ought to be paid, pursuant to the Agreement for demising or letting thereof, then and in either of those cases the said Trustees or any Five or more of them, or their Clerk or either of their Clerks, or any other Person authorized by Writing under the Hands of any Five or more of the said Trustees, shall be at Liberty and they are hereby authorized to enter upon, and take Possession of any Toll-house, or Toll-houses, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereout respectively, from the Possession thereof, and from the Collection of such Tolls; and that thereupon it shall be lawful for the said Trustees or any Five or more of them, (if they shall think fit,) to

Enabling
Trustees to
take Posses-
sion of Toll
Houses, etc.
when let
to Farm.

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

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

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

Power to borrow Money and to mortgage Tolls.

XXXIV. And be it further enacted, That the said Trustees or any Five or more of them, duly assembled at any Meeting to be holden at any Time or Times hereafter, may and they are hereby authorized and empowered from Time to Time to borrow and take up at Interest, on the Credit of the Tolls hereby granted, any Sum or Sums of Money they shall think necessary beyond the Amount of the Debts due on the Credit of the said Acts at the Commencement of this Act; and they are hereby also authorized and empowered, either at such Meeting or afterwards by any Writing or Instrument under their Hands and Seals, to mortgage all or any Part of the Tolls hereby granted (the Charges of mortgaging the same to be paid out of such Tolls) for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed, to such Person or Persons, or his, her or their Trustee or Trustees, as shall advance and lend the same; which Mortgages shall be made in the following Form of Words, or in any other Form of Words to the like Effect; (that is to say),

Form of Mortgage.

‘ BY Virtue of an Act passed in the Fifty-first Year of the Reign of
 ‘ His Majesty King George the Third, intituled, *An Act* [insert the
 ‘ Title of this Act] We, _____ of the Trustees for putting the said
 ‘ Act in Execution, in consideration of the Sum of _____
 ‘ _____ to _____ Treasurer of the said Trustees in
 ‘ Hand paid, do grant, bargain, sell and demise unto _____ his [or,
 ‘ her] Executors, Administrators, and Assigns, such Proportion of the
 ‘ Tolls

Tolls arising by virtue of the said Act, on the
 Division of the said Road, and of the Toll-gates and Toll-houses for
 collecting the same, as the said Sum of
 doth or shall bear to the whole Sum due and owing on the said Division,
 to be had and holden from this Day of
 in the Year of our Lord
 for and during the Continuance of the said Act, unless the said Sum of
 with Interest after the Rate of
per Centum per Annum, shall be sooner paid and satisfied. Given under
 our Hands and Seals the Day of
 in the Year of our Lord

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

Copies to be entered.

Trustees not liable in their private Capacity

Mortgages may be transferred.

I do hereby transfer [*if by Indorsement*] the within Mortgage,
 [*or, if by a separate Instrument*] a certain Mortgage, bearing Date the
 Day of of the Tolls arising on the
 Division of the Turnpike Road leading from the North
 Corner of the Sessions House in the Town of *Buckingham* in the County
 of *Bucks*, to the North Extent of the Parish of *Hanwell* in the County of
Oxford; [*or, if of a Share only*] Part of the within Mortgage,
 [*or, of a certain Mortgage, bearing Date, &c. as the Case may be*], and
 all my Right and Title to the Principal [*or, Part of the*
 Principal] Money and Interest thereby secured unto his Execu-
 tors, Administrators and Assigns. Dated this
 Day of in the Year of our Lord

All which Transfers shall be produced or notified to the Clerk or One of
 the Clerks to the said Trustees, who shall cause an Entry or Memorial to
 be made thereof in the before-mentioned Book or Books specifying the
 Dates, and the Names, Additions, and Places of Abode of the several Par-
 ties, and the Sum or Sums of Money therein transferred, for which the
 said Clerk shall be paid the Sum of Five Shillings and no more, by the Per-
 son or Persons to whom such respective Transfers shall be made; which
 said Book or Books shall and may be inspected at all seasonable Times by
 any Person or Persons whomsoever, and the Sum of Two Shillings and
 Sixpence and no more shall be paid to such Clerk for every such
 Inspection; and after such Entry made but not till then, every such
 Transfer shall entitle such Assignee, his, her, and their Executors, Admi-

[*Loc. & Per.*]

F

nistrators,

nistrators, and Assigns, to the Benefit thereof and Payment thereon, and such Assignee may in like Manner assign again, and so *toties quoties*; and it shall not be in the Power of any Person who shall have made any such Transfer, to make void, release or discharge the original Mortgage or Assignment, or any Monies due thereon, except so far as respects any Part thereof which shall not have been transferred.

No Priority
of Mortgage.

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

Application
of Money
raised.

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

For getting
Materials to
repair the
Road.

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

apart

apart as a Nursery for Trees), making or tendering such Satisfaction for the Damage done to the Owners or Occupiers of such Grounds where and from whence the same shall be dug, gathered, and carried away, or over which the same or any other Materials for making or repairing the said Road shall be carried, as the said Trustees shall adjudge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Persons employed as aforesaid, and the said Owners and Occupiers or any of them, concerning such Payments and Damages, any One or more Justice or Justices of the Peace of the County or Place where such Land or Field or Ground may be, shall and may on Six Days Notice thereof being given in Writing by the said Surveyor or Surveyors, to the said Owner or Owners, Occupier or Occupiers, or by them to the said Surveyor or Surveyors, or being left at their respective Places of Abode, hear, settle and determine the Matter of such Payment and Damages; and the Judgement or Order of the said Justices therein shall be final and conclusive to all Parties.

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

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

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

Penalty for taking away Materials, &c.

XL. And

Surveyors
may remove
Annoyances.

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

Against draw-
ing Timber
except on
Wheel Car-
riages.

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

Power to
make Cause-
ways,
Bridges,
Drains, &c

XLII. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, or the said Surveyor or Surveyors, to make or cause to be made Causeways or Foot-paths along the Side or Sides of the said Road or any Part or Parts thereof, and to cut or divert any Watercourse in or through any Land adjoining or lying contiguous to any Part of the said Road, in order to drain or wash the said Road, or prevent the same from being overflowed, and to erect Bridges or Culverts over such Drains or Watercourses if necessary, and also to make a Way over the Land adjoining to the said Road (not being the Site or Ground whereon any House or Houses stand, or planted Walk, Yard, Park, Paddock, or Avenue to
any

any House) to be used as a Publick Highway whilst the said Road, or any Bridges or Works thereon, is or are repairing or erecting, making such reasonable Satisfaction to the Owners and Occupiers of such Land for the Damage thereby sustained as to the said Trustees, or any Five or more of them shall seem reasonable; and in case of any Difference concerning the same between such Owners and Occupiers and the said Trustees, that then it shall be lawful for the Justices of the Peace, or the major Part of them, assembled at the next General Quarter Sessions for the County in which such Land shall be situate, or at their Second Quarter Sessions at the furthest, to settle, adjudge, and determine what Recompence shall be made to such Owners and Occupiers for the Damage they shall have sustained as aforesaid; which Determination shall be final and conclusive.

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

Owners of Watercourses neglecting to scour the same after Notice, Surveyor may do so and recover the Charges.

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

For punishing Persons that obstruct Surveyors, &c. in their Duty.

XLV. And be it further enacted, That the said Trustees shall and may cause the said Road to be measured, and Mile Stones to be set up at or near the Sides thereof, at the Distance of One Mile from each other, with Inscriptions thereon denoting the Number of Miles and Distance of Places as the said Trustees shall think fit; and also cause to be erected Guide Posts upon such Parts of the said Road where the same is crossed or joined by other Roads, as they shall judge proper; and if any Person or Persons shall wilfully break, throw down, injure, destroy, obliterate, or deface any Table of Tolls, Mile Stone or Post erected on any Part of the said Road,

Road to be measured, and Mile Stones and Guide Posts erected.

[Loc. & Per.]

G.

or

or any of the Letters, Figures, or Marks inserted thereon, or shall wilfully break, throw down, or injure any Stone or Stones, or Parapet Wall or Walls on the Side or Sides of any Bridge or Bridges, Arch or Arches on any Part or Parts of the said Road, every such Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for each Table of Tolls, Stone, Post, Parapet Wall and Arch so broken, thrown down, injured or destroyed, or on which any Letters, Figures, or Marks shall be so obliterated or defaced, One Moiety whereof to be paid to the Informer, and the other Moiety to be applied for the Purposes of this Act.

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

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

Where Persons interested neglect or refuse to treat.

XLVII. And be it further enacted, That if any such Bodies Politick or Corporate, Ecclesiastical or Civil, or any Person as aforesaid interested in any such Lands or Hereditaments, upon Notice to him or them given or left in Writing at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick or Corporate, Ecclesiastical or Civil, or at the House of the Tenant in possession of the Lands and Hereditaments intended to be made Part of or taken in or added to the said Road, or through which the said Road shall be turned as aforesaid, shall for the Space of Twenty-one Days after such Notice given or left as aforesaid neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating; then and in every or any such Case, the said Trustees shall cause it to be enquired into and ascertained,

Damage and Recompence

by

by and upon the Oath of a Jury of Twelve indifferent Men for the County wherein such Lands or Hereditaments do lie, (which Oath any One or more of the said Trustees are hereby empowered and required to administer,) what Damage will be sustained by and what Recompence and Satisfaction is to be made to such Owner or Proprietor, or other Person or Persons interested, for or on Account of the taking of such Lands or Hereditaments into the said Road, or of widening, diverting, turning, or altering such Road through the same; and in order thereunto the said Trustees are hereby empowered and required from Time to Time to summon before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary or proper to be examined concerning the Premises; and they the said Trustees shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as for the said Jury's better Information in the Premises; and such Trustees shall order, adjudge, and determine the Sum or Sums of Money which shall be assessed by the said Jury for such Damage as aforesaid, to be paid to the said Owners or Proprietors, or other Person or Persons interested in the said Lands or Hereditaments according to such Verdict or Inquisition of the said Jury; which Verdict or Inquisition and Judgement, Order and Determination, shall be final and binding to all Intents and Purposes against all Parties and Persons whomsoever claiming or to claim in Possession, Reversion, Remainder or otherwise, their Heirs and Successors as well absent as present, Infants, Females Covert, and Persons under any Disability whatsoever, Bodies Politick or Corporate, Ecclesiastical or Civil, as well as all and every other Person or Persons whomsoever, and against all and every such Owners or Proprietors; and the said Trustees are hereby empowered to issue out their Warrant or Warrants to the Sheriff of the County wherein such Lands or Hereditaments shall lie, thereby commanding him to impanel, summon, and return an indifferent Jury of Twenty-four Persons, to appear before the said Trustees at such Time and Place as in such Warrant or Warrants shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall swear or cause to be sworn Twelve, who shall be the Jury for the Purpose aforesaid; and for Default of a sufficient Number of Jurymen, the said Sheriff or his Deputy or Deputies shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve.

to be settled
by a Jury.

Witnesses to
be examined
on Oath.

Verdict of
Jury to be
final.

For impan-
neling a Jury.

XLVIII. Provided always, and be it further enacted, That the said Trustees, and all Persons interested, shall have their lawful Challenges against any of the said Jurymen, and the said Trustees shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury and shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who being required to give Evidence before the said Jury touching the Premises shall refuse or neglect to appear, or shall refuse to be examined

Jurors may
be challenged,
and Sheriff
fined for
Default.

mined and to give Evidence; and from Time to Time to levy and apply such Fine or Fines in such Manner as the said Penalties and Forfeitures are herein-after directed to be levied and disposed of, so as that no such Fine exceed the Sum of Forty Shillings upon any One Person for One Offence.

How Expences of Jury, &c. shall be paid.

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

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

L. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid for the Purchase of any Lands or Hereditaments, shall be paid out of the Tolls or other Money arising as aforesaid, to the Parties or Persons respectively entitled thereto, or to his, her or their Agent or Agents, and upon Payment thereof, or upon depositing the same in the Bank of *England* in the Manner by this Act directed, as the Case may be, such Lands or Hereditaments shall be laid into and made Part of the said Road, in such Manner as the said Trustees shall direct, and shall to all Intents and Purposes become and be deemed a common Highway, and shall from thenceforth for ever be deemed as Part of the Road by this Act directed to be amended and kept

in

in Repair, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; but no Part of the said Road shall be made of any greater Width, by virtue of this Act, than Sixty Feet; and after such new Road shall be completed, the Land comprized in or constituting the old or former Road shall be vested in the said Trustees, and shall or may be stopped up or left unrepaired, unless the same shall be wanted for any publick Use, or for the particular Convenience of the Occupancy of any Lands or Tenements to which the same may lead; but this Act shall not extend to give Power to the Trustees acting in the Execution thereof, to take down any Dwelling House or other Building, or to take in any Land that is a Garden adjoining to any Dwelling House, or any Orchard, Yard, Park, planted Walk or Avenue to a House, or any Ground planted and set apart as a Nursery for Trees, or any Part thereof, without the Consent of the Owners and Occupiers thereof respectively in Writing first had and obtained; and in case the same shall be held in right of any Church, Chapel, or other Ecclesiastical Benefice, then not without the Consent in Writing of the Patron thereof, and of the Lord Bishop of the Diocese in which such Hereditaments and Premises so to be had and taken shall lie and be situate.

Buildings not to be taken down, nor certain Lands taken without Consent.

LI. And be it further enacted, That in all Places where the Course of the present Road shall be diverted from the old Line of Road, or a new Road shall be made, or the old Road widened, (except in any Open Common Field, Land, or Common or Waste Ground,) the said Trustees shall and they are hereby required to cause good and sufficient Mounds, Rails, and Fences to be made and provided, and Quicksets to be planted, or sufficient Stone Walls to be built on both Sides of such new Road where the same is necessary, and shall support such Mounds, Walls, Rails, and Fences for and during the Term of Seven Years from the first making thereof.

Trustees to fence off new Parts of the Road.

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

Trustees may enter Lands to make the Road.

LIII. 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

[Loc. & Per.]

H

Trustees empowered to sell Ground

not wanted
for the Pur-
poses of this
Act, &c.

verting of some Part or Parts of the said Road, they may happen to be seized of some Piece or Pieces of Ground over and above what shall be necessary for effecting the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Trustees to sell and dispose of such Piece or Pieces of Ground, either together or in Parcels, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees, before they shall sell and dispose of any Piece or Pieces of Ground as aforesaid, shall offer the same to the Person or Persons from whom they shall have been purchased, or where the same shall not be wanted by reason of diverting any Part or Parts of the said Road, then to the Person or Persons whose Lands shall adjoin thereunto; and in case such Person or Persons respectively shall not then and thereupon agree (except with respect to and on account of the Price thereof, as herein-after mentioned,) or shall refuse (except with respect to and on account of the Price thereof) to purchase or repurchase the same respectively, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County of *Buckingham, Northampton, or Oxford*, (who are hereby empowered to take the same), by some Person or Persons noways interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing or repurchasing the same, and he, she, or they, and the said Trustees shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury in Manner herein-before directed with respect to disputed Value of the Premises to be purchased by the said Trustees in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as is hereinbefore directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Parcel of Ground as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money; and the said Trustees are hereby empowered to give in Exchange any Part or Parts of the Lands constituting the former Roads, for any Part or Parts of such new Road; and the Sale or Sales, Conveyance or Conveyances, Exchange or Exchanges to be made of such Lands or Grounds, being executed by the said Trustees or any Five or more of them, shall be good and effectual in Law to all Intents and Purposes whatsoever.

Application
of Compensation,
when
exceeding
200 l.

LIV. And be it further enacted, That if any Money shall be agreed or be awarded to be paid for any Lands, Tenements or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as in this Act particularly mentioned, such Money shall, in Case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient

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

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 purchased, taken or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken or used, or of his, her or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money

Application where Money does not amount to 200l. and shall exceed 20l.

and the Dividends arising thereon may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application
where the
Money is
less than
20l.

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

In case of
not making
out Titles.

LVII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be ordered to be paid as aforesaid, shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or any Five or more of them, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (*describing them*), subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to any 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, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Respecting
disputed
Titles.

LVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be put into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased

chafed with any fuch Money, or to the Dividends or Interest of any fuch Bank Annuities, the Perfon or Perfons who fhall have been in Poffeffion of fuch Lands, Tenements, or Hereditaments, at the Time of fuch Purchase, and all Perfons claiming under fuch Perfon or Perfons, or under the Poffeffion of fuch Perfon or Perfons, fhall be deemed and taken to have been lawfully intituled to fuch Lands, Tenements, or Hereditaments according to fuch Poffeffion, until the contrary fhall be fhewn to the Satisfaction of the faid Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchafed with fuch Money, and alfo the Capital of fuch Bank Annuities, fhall be paid, applied, and difpofed of accordingly, unlefs it fhall be made appear to the faid Court that fuch Poffeffion was a wrongful Poffeffion, and that fome other Perfon or Perfons was or were lawfully entitled to fuch Lands, Tenements, or Hereditaments, or to fome Estate or Interest therein.

LIX. Provided alfo, and be it further enacted, That where by reason of any Difability or Incapacity of the Perfon or Perfons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchafed under the Authority of this Act, the Purchase Money for the fame fhall be required to be paid into the faid Court, and to be applied in the Purchase of Lands, Tenements, or Hereditaments, to be fettled to the like Ufes in purfuance of this Act, it fhall be lawful for the faid Court to order the Expences of the Purchafes from Time to Time to be made in purfuance of this Act, or fo much of fuch Expences as the faid Court fhall deem reasonable, together with the neceffary Cofts and Charges of obtaining fuch Order, to be paid by the faid Trustees, who fhall from Time to Time pay fuch Sums of Money for fuch Purpofes as the faid Court fhall direct.

The Court of Chancery may direct the Payment of Expences.

LX. Provided always, and be it further enacted, That all Perfons who by Law are liable to Statute Work, or chargeable towards repairing and amending the Road hereby directed to be made, widened, and repaired, or any Part thereof, fhall ftill remain liable thereto in like Manner as heretofore; and it fhall and may be lawful to and for any Two or more Juftices of the Peace for each County or Place wherein fuch Road fhall lie, and they are hereby required and empowered, upon Application made to them by the faid Trustees or any Five or more of them, to adjudge and determine what Part or Proportion of the Statute Work fhall every Year be done upon the faid Road by the Inhabitants of the refpective Parifhes or Places in which the faid Road doth lie, and alfo what Proportion of the Money received by the Surveyor or Surveyors of the Highways in every fuch Parifh or Place, in lieu of or as a Compenfation for fuch Statute Work as aforefaid, fhall be by him or them paid to the faid Trustees or any Five or more of them, or to their Treafurer or Treafurers; and in order thereunto it fhall and may be lawful to and for fuch Juftices from Time to Time to fummon the Surveyor or Surveyors of the Highways for every fuch Parifh or Place, to bring in Lifts before fuch Juftices refpectively at fome Place to be expreffed in fuch Summons, within Ten Days after the ferving of fuch Summons, of the Names of the feveral Perfons who within every fuch Parifh or Place are by Law fubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compofition for fuch Statute Work, diftinguifhing the Nature of the Work to be done, whether with Teams or Draughts or otherwife, and alfo the Amount of the refpective Sums to be fo paid; which Lift of Names fhall be made in

Perfons chargeable to Statute-work to continue fo, and Juftices to determine Differences touching Statute-work.

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

Trustees may
compound for
Statute-work.

LXI. And be it further enacted, That it shall and may be lawful for the said Trustees or any Five or more of them, to compound and agree with any Person or Persons, Bodies Politick or Corporate, for the Repairs or Statute Work to be by them done on the said Road or any Part thereof, and also with the Inhabitants and Occupiers of the Lands, Tenements or Hereditaments of and in all or any of the Parishes or Places in which the said Road shall lie and be situate, for a certain Sum of Money by the Year or otherwise, as the said

said Trustees shall think reasonable, in lieu of the Whole or any Part, of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Road; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer or Treasurers of the said Trustees in advance on or before the First Day of *February* in each and every Year.

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

Persons liable to repair the Roads to continue so.

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

For securing transient Offenders.

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

To compel Payment of Subscriptions.

LXV. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (the Manner of levying and recovering whereof is not herein otherwise directed) shall upon Proof of the Offences respectively before any Justice of the Peace for the County or Place wherein the Offences shall be respectively committed, or wherein the Offender shall be or reside, either by the Confession of the Party offending, or by the Oath of one or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required to grant), and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such

For Recovery of Penalties and Forfeitures.

such Distress are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Money arising by such Penalties, Forfeitures and Fines, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid to the Treasurer or Treasurers to the said Trustees, and applied for the Purposes of the said Road; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures and Fines shall not forthwith be paid, it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required by Warrant or Warrants under His Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of such County or Place there to remain without Bail or Main-prize for any Time not exceeding Six Calendar Months unless such Penalties, Forfeitures and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Power to compound for Penalties.

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

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

Form of Conviction.

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

Allowing Parties aggrieved to appeal.

LXVIII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace, at any General Quarter Sessions of the Peace to be holden for the County in which such Cause of Appeal shall arise, within Three Calendar Months after the Cause of such Complaint shall have arisen, such Appellant first giving or causing to be given Fourteen Days Notice at least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Clerks, or Treasurer or Treasurers to the said Trustees, and within Four Days after such Notice entering into a Re-

cognizance

cognizance before some Justice of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal, and abide such Order and pay such Costs as shall be awarded by the Justices at such respective Quarter Sessions; and the said Justices at such Quarter Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Justices shall be final, binding and conclusive to all Intents and Purposes; and the said Justices may also at such Sessions, by their Order or Warrant, levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to obey the same, and for Want of sufficient Sureties may commit such Person or Persons to the Common Goal of or for the said County, for any Time not exceeding Six Calendar Months, or until Payment of such Costs.

LXIX. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on Account of any Irregularity which shall afterwards be done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Damage (if any), in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made for or on Behalf of the Party distraining before such Action brought.

Proceedings
not to be
quashed for
want of
Form.

LXX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Twenty Days Notice thereof shall be given to the Clerk or Clerks to the said Trustees, nor after a sufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action shall be laid and tried in the County in which the same was committed and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may at his and their Election plead specially or the General Issue, and give this Act and the special Matters in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict,

Limitation of
Actions.

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or

or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Coſts, and have ſuch Remedy for recovering the ſame as any Defendant or Defendants hath or have in any other Caſe by Law.

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

**Commence-
ment and
Duration of
this Act.** LXXII. And be it further enacted, That this Act ſhall commence upon the ſaid Sixteenth Day of *July* next after the paſſing thereof, and ſhall have Continuance 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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