



ANNO TERTIO

# GEORGIIV. REGIS.

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## Cap. xlvii.

An Act to enlarge the Term and Powers of several Acts passed for repairing and widening the Road from *The Hand and Post* in *Upton Field* in the Parish of *Burford* in the County of *Oxford*, to a Place in the Parish of *Preston*, in the County of *Gloucester*, called *Dancy's Fancy*.

[15th May 1822.]

**W**HEREAS an Act was passed in the Twenty-sixth Year of the Reign of King George the Second, intituled *An Act for repairing and widening the Road from The Hand and Post in Upton Field in the Parish of Burford in the County of Oxford, through the several Parishes within mentioned, to a Place in the Parish of Preston in the County of Gloucester called Dancy's Fancy*: And whereas another Act was passed in the Twentieth Year of the Reign of His late Majesty King George the Third, intituled *An Act to enlarge the Term and Powers of an Act, passed in the Twenty-sixth Year of the Reign of His late Majesty, intituled 'An Act for repairing and widening the Road from The Hand and Post in Upton Field in the Parish of Burford in the County of Oxford, through the several Parishes within mentioned, to a Place in the Parish of Preston in the County of Gloucester called Dancy's Fancy'*: And whereas another Act was passed in the Forty-first Year of the Reign of His said late Majesty King George the Third, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and altering and enlarging the Powers of Two Acts, passed in the Twenty-sixth Year of the Reign of His late Majesty King George the Second, and in the Twentieth Year*

26 G. 2. c.lx.  
20 G. 3. c. lxxvi.  
41 G. 3. c.xvi.

[Local.] 17 A of

of the Reign of His present Majesty, for repairing and widening the Road from The Hand and Post in Upton Field in the Parish of Burford in the County of Oxford, to a Place in the Parish of Preston in the County of Gloucester called Dancy's Fancy: And whereas the Trustees appointed in or by virtue of the said recited Acts have proceeded in the Execution of the Powers thereby vested in them, and have from Time to Time, for that Purpose, borrowed several considerable Sums of Money on the Credit of the Tolls thereby granted, which Sums of Money are still owing, and cannot be repaid, nor can the said Road be properly amended, improved, and kept in Repair, unless the Term of the said Acts be further continued, the Powers and Provisions thereof altered, amended, and enlarged, and the Tolls increased; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all the Clauses, Powers, Authorities, Provisions, Exemptions, Penalties, Forfeitures, Matters and Things therein respectively contained (except so far as the same are varied, altered, or repealed), shall be and continue in full Force and Effect, and together with this Act shall be put in Execution for the several Purposes thereby and hereby intended, for and during the Term herein-after mentioned, as fully and effectually in all Respects, and to all Intents and Purposes whatsoever, as if the same were expressly repeated and re-enacted in the Body of this Act; which said additional Term, and the Tolls hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the Tolls and Duties arising upon the said Road, or which shall hereafter be borrowed for the Purposes of the said recited Acts and of this Act, and of all Interest due and to grow due for the same respectively.

Recited Acts  
further con-  
tinued.

Trustees.

H. And be it further enacted, That His Majesty's Justices of the Peace for the Time being acting for the said Counties of Oxford and Gloucester respectively, together with the Honourable Henry George Bathurst commonly called Lord Apsley, John Wolvey Astley Clerk, John Wolvey Astley the younger, John Ansell, Michael Hicks Beach, William Hicks Beach, John Raymond Barker, Daniel Raymond Barker, Thomas Raymond Barker, Charles Raymond Barker, William Baker Clerk, John Browne, Samuel Bridges, James Blackwell, Thomas Byrch, Thomas Boys Clerk, John Broad, John Bateman, John Bagnall, Charles Coxwell Clerk, Charles Coxwell the younger Clerk, John Coxwell, Edward Rogers Coxwell, Thomas Tracy Coxwell Clerk, Estcourt Cresswell, Richard Estcourt Cresswell, Richard Estcourt Cresswell the younger, Thomas Estcourt Cresswell, Sackville Cresswell Clerk, Joseph Cripps, Joseph Cripps the younger, Edward Cripps, Henry Cripps Clerk, Charles Cripps, John Cripps, Robert Clark Caswall Clerk, James Fielder Croome, William Croome, Robert Bennett Croome, John Croome Clerk, John Chapman Clerk, the Honourable John Dutton, John Elwes, Benjamin Grisdale Clerk, Sir Berkeley William Guise Baronet, Charles Greenaway, John Hughes Clerk, William Hall, William Hall the younger, Giles Hall, William Howes, William Howes the younger, John Howes Clerk, Harman Howes, Thomas Huntingford Clerk, William Hinton, Sir William Hicks Baronet, William Hicks Clerk, Thomas Jayne Clerk, John Keble Clerk,

*John Keble* the younger Clerk, *Thomas Keble* Clerk, *William Kimber*, *John Kenn*, *John Langston*, *John Lentball*, *William Lawrence*, *Charles Loder*, *Sir James Musgrave* Baronet, *William Augustus Musgrave* Clerk, *Thomas Henry Musgrave*, *Thomas Masters*, *Thomas Maule*, *Richard Marter* Clerk, *John Mittington*, *John Masters*, *Thomas Minchin*, *Joseph Pitt*, *Cornelius Pitt* Clerk, *William Price* Clerk, *Henry Anthony Pye* Clerk, *John Pinnell*, *Thomas Pettatt* Clerk, *John Parsons*, the Honourable *Edward Rice* Clerk, *Thomas Reynolds*, the Right Honourable *John Lord Sherborne*, *Timothy Stevens*, *William Stevens*, *William Stevens* the younger, *Charles Street*, *George Talbot*, *Edward Wilbraham*, *Harry Waller* Clerk, *John Shippen Willes* Clerk, and *John Williamson*, shall be and they are hereby appointed the Trustees for executing the said recited Acts and this Act; and the Trustees hereby nominated, and their Successors, being qualified according to the Directions of this Act, are hereby empowered to carry into Execution the said recited Acts and this Act.

III. And be it further enacted, That it shall be lawful for the said Trustees, at any of their Meetings to be holden in pursuance of the said recited Acts and this Act, or any of them, to elect any additional Number of fit and proper Persons, not exceeding Five in the whole, to be Trustees for the Purposes of the said recited Acts and this Act; and such Trustees, when so elected, shall be and are hereby invested with the same Powers and Authorities for executing the said recited Acts and this Act, as if they had been herein named and appointed.

Power to appoint additional Trustees.

IV. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said recited Acts and this Act, or any of them, whilst he is concerned or interested in any Contract or Contracts under the said recited Acts and this Act, or any of them, nor in any Case where 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 actual Possession and Enjoyment of or in Receipt of the Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent to some Person in the actual Possession and Enjoyment of or in the Receipt of the Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements or Hereditaments, of the clear yearly Value of Two hundred Pounds, or be possessed of a Personal Estate alone, or Real and Personal Estate together to the Amount of Four thousand Pounds, nor (except in administering the Oath or Affirmation herein-after mentioned), until he shall have taken and subscribed, before any One 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, and which Oath the said Trustees are hereby empowered to administer; (that is to say),

Qualification of Trustees.

I *A. B.* do swear, [or, being One of the People called *Quakers*, do solemnly affirm], That I truly and *bonâ fide* am in my own Right [or, in the Right of my Wife,] in the actual Possession and Enjoyment of or in Receipt of the Rents and Profits issuing out of Freehold, [or, Copyhold] Lands, Tenements or Hereditaments, of the clear

Oath.

‘ clear yearly Value of One hundred Pounds above Reprizes; [*or*,  
 ‘ am possessed of a Personal Estate alone, *or*, Real and Personal Estate  
 ‘ together, to the Amount of Four thousand Pounds,] [*or*, am Heir  
 ‘ Apparent of *A. B.* who, to the best of my Knowledge, is in the  
 ‘ actual Possession and Enjoyment of *or* in the Receipt of the Rents  
 ‘ and Profits issuing out of Freehold, [*or*, Copyhold] Lands, Tenements,  
 ‘ or Hereditaments, of the clear yearly Value of Two hundred Pounds];  
 ‘ and that I will truly, faithfully, and impartially act in the Execution  
 ‘ of the Trusts and Powers reposed in me by virtue of an Act passed  
 ‘ in the Third Year of the Reign of His Majesty King *George* the  
 ‘ Fourth, intituled *An Act, &c.* [*here insert the Title of this Act.*]  
 ‘ So help me GOD.’

And if any Person not being so qualified, or being disqualified by any of the Reasons aforesaid, or not having taken and subscribed the Oath as herein mentioned, or being a Quaker, not having made and subscribed such Affirmation as herein mentioned, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall inform or sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of the said recited Acts and this Act, or either of them: Provided nevertheless, that all Acts and Proceedings of any Person acting as a Trustee in the Execution of the said recited Acts and this Act, or any of them (although not duly qualified), previously to his being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person had been qualified according to the Directions of this Act.

Acts of Trustees before Conviction to be valid.

Meetings and Quorum of Trustees.

V. And be it further enacted, That all Acts, Orders, and Proceedings of the Trustees acting in Execution of the said recited Acts and this Act, shall be done, made, and had by the major Part of the Trustees present at their several Meetings, the whole Number present not being less than Three, except in Cases hereby particularly provided for; and at every Meeting to be held by virtue of the said recited Acts or this Act, a Chairman shall and may, in the first Instance, be appointed, who, in case of an equal Number of Votes upon any Occasion (including such Chairman's Vote) shall have the casting or decisive Vote: Provided always, that no order made by Three or more Trustees at any Meeting, shall be revoked or altered at any subsequent Meeting, unless Five Trustees at the least shall be present, nor unless a Majority of the Trustees present at such subsequent Meeting shall concur in such Revocation or Alteration, nor unless Fourteen Days Notice shall be given by Two or more Trustees to the Clerk of the said Trustees, of their Desire to have a Meeting at a Time and Place to be mentioned in such Notice, for the Purpose of taking into Consideration the said Order, with a View to revoke or alter the same, or that it will be proposed to revoke or alter such Order at the next adjourned Meeting, and in such case Notice shall be given by the said Clerk, or by any Two or more of the said Trustees, Ten Days at least before such Meeting, to such Trustees as were present  
 when

when the Order was made, of the Intention to revoke or alter such Order, which Notice may be either served on such Trustees personally, or sent to them through the Post Office, or be left at their respective Dwelling Houses or Places of Residence, as also by inserting a Notice of the Time, Place, and Purport of such Meeting Twice in some Newspaper or Newspapers published or circulated in the Neighbourhood of the said Road, and by affixing a similar Notice at least Ten Days before such Meeting, upon all the Toll Gates erected on the said Road.

VI. 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 appointed by such Adjournment, it shall be lawful for any Three or more of the said Trustees, or for the Clerk to the said Trustees, by an Order in Writing signed by any Three or more of the said Trustees, to give Notice of such earlier Meeting, and in such Notice shall be expressed the Time, Place, and Purpose of such earlier Meeting, such Time being not less than Ten Days after such Notice, and such earlier Meeting shall and may be held accordingly; and all the Orders and Determinations of the said Trustees at all such Meetings shall be as valid and effectual as they would have been, in case such Meetings had been held in pursuance of Adjournments.

Meetings on Emergencies.

VII. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time and at all Times during the Continuance of the said recited Acts and this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls by this Act granted, without Fee or Reward; and the said Trustees and Creditors shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit, the said Trustees or such Creditors to inspect such Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied, recovered, and applied in manner herein-after mentioned.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of the Trustees and Creditors.

VIII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Trustees, or any of them, to administer any Oath to any Clerk, Treasurer, Collector of the Tolls, Surveyor, or other Officer now appointed or hereafter to be appointed under or by virtue of the said recited Acts and this Act, or any of them, for the Purpose of verifying his Accounts.

Trustees not to administer Oaths on verifying Officers Accounts.

IX. And be it further enacted, That upon the Death, Incapacity, Absconding, or Absence of any Collector or Receiver of Tolls, any Two or more of the said Trustees, although not assembled at a Meeting of the Trustees appointed by virtue of this Act or the said recited Acts,

Trustees may appoint temporary Collectors, &c. in certain Cases.

Acts, by Writing under their respective Hands, shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the then next Meeting of the said Trustees; in the stead of such Collector or Receiver as shall so die, become incapable, abscond, or absent himself; which Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same manner, in all respects, as the Person who shall die, become incapable, abscond, or absent himself, would have had or been subject to.

Clerk restrained from acting as Treasurer, and vice versa.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or who may be appointed to act as their Clerk in the Execution of the said recited Acts and this Act, or any of them, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Acts and this Act, or any of them, or to continue or appoint the Person who has been or who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said recited Acts and this Act, or any of them; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Acts and this Act, or any of them, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer, shall act as Clerk in the Execution of the said recited Acts and this Act, or any of them, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Impar lance, shall be allowed.

Trustees may sue and be sued in the Name of their Clerk, &c.

XI. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing relating to the Execution of this Act or the said recited Acts, in the Name of their Clerk for the Time being, or in the Name of any One of the said Trustees, and no Action or Suit which shall be so brought, shall abate or be discontinued by the Death or Removal of any such Clerk or Trustee, or by the Act of any such Clerk or Trustee, without the Consent of the said Trustees; but the Clerk or the Trustee in whose Name such Action or Suit shall have been brought, shall always be deemed the Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent, in any such Action or Suit, as the Case may be: Provided always, that every such Clerk or Trustee in whose Name any Action, Suit, Prosecution, Information, Appeal, or other Proceeding, shall be had, taken, prosecuted, continued, or defended, in pursuance of this Act or the said recited Acts, shall be fully reimbursed and paid out of the Monies arising by virtue of the said recited Acts or this Act, all such Costs, Charges, Damages, and Expences, as by the Event, or in consequence of any such Action, Suit, Prosecution, Information or Appeal, or other Proceeding, he shall pay, bear, sustain, expend, or be put unto, or become chargeable with or liable for, or be fairly entitled to, by reason of being so made Plaintiff, Prosecutor, Defendant, Informant, Appellant, or Respondent, as aforesaid.

XII. And be it further enacted, That from and after the Third *Monday* after the passing of this Act, the several Tolls granted and made payable by virtue of the said recited Acts or any of them shall cease, determine, and be no longer paid or payable; and that, instead thereof, the following Tolls shall be demanded and taken at each and every Toll Gate or Turnpike continued or to be erected on the said Road; that is to say,

Tolls:  
 ...  
 ...  
 ...

For every Horse, or other Beast, drawing any Coach, Barouche, Landau, Chariot, Chaise, Curricle, Caravan, Chair or other wheeled Carriage, not being a Waggon or Cart, the Sum of Nine-pence:

For every Horse, or other Beast, drawing any Waggon, Wain, Cart, or other such like Carriage, the Fellies of the Wheels whereof shall be of the Breadth of Six Inches or more, at the Bottom or Sole thereof, the Sum of Sixpence:

For every Horse, or other Beast, drawing any Waggon, Wain, Cart, or other such like Carriage, the Fellies of the Wheels whereof shall be of less Breadth than Six Inches at the Bottom or Sole thereof, the Sum of Nine-pence:

For every Horse or other Beast, laden or unladen, and not drawing, the Sum of Two-pence:

For every Drove of Oxen, Cows or other Neat Cattle, the Sum of One Shilling and Eight-pence *per* Score, and so in proportion for any greater or less Number:

And for every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Ten-pence *per* Score, and so in proportion for any greater or less Number:

Which said Tolls shall be and the same are hereby respectively vested in the said Trustees; and the same and every Part thereof shall be collected, recovered, levied, paid, applied, varied, reduced, assigned, leased, and disposed of in such and the same Manner, and by the same Ways and Means, and with such Remedies for securing and enforcing the due Payment thereof, and with such Penalties for the Nonpayment or Evasion of the same, and with such Powers, Provisions, and Regulations, as are contained in the said recited Acts with respect to the Tolls thereby authorized to be taken, except so far as the same Provisions, Regulations, Remedies, and Penalties are by this Act varied or altered.

XIII. And be it further enacted, That a Table of the Tolls payable by virtue of this Act shall be affixed to all the Toll Houses, erected or to be erected on the said Road, and the Name of the Turnpike Gate adjoining thereto respectively shall be placed over the said Table of Tolls.

Table of Tolls  
 to be affixed  
 to the Toll  
 Houses.

XIV. And be it further enacted, That upon Payment of the Tolls authorized to be collected and taken upon the said Road, the Collector or Receiver thereof shall and he is hereby required to deliver *gratis* to the Person paying such Toll, a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the said Trustees, and there shall be printed and specified thereon the Name of the Gate at which such Payment is made, and also the Name or Names of the Gate or Gates freed by such Payment.

Tickets to be  
 provided de-  
 noting Pay-  
 ment of Toll.

No more than Two Tolls to be paid on the whole Line of Road.

XV. Provided always, and be it further enacted, That no more than Two Tolls in the whole shall be demanded or taken from the same Person for passing or repassing on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night), through all the Turnpikes or Toll Gates now erected or to be erected on the said Road, with the same Horses, Beasts, Cattle or Carriages; nor more than One Toll for passing or repassing at any Time or Times in any One Day, to be computed as aforesaid, through any One of the said Gates or Turnpikes, with the same Horses, Beasts, Cattle or Carriages; and every such Person producing a Ticket denoting Payment of such Toll shall be permitted to pass or repass during such Day with the same Horses, Cattle, Beasts or Carriages, Toll-free through the same Turnpike or Toll Gate, Turnpikes or Toll Gates.

Tolls on Stage Coaches and Post Chaises.

XVI. Provided always, and be it further enacted, That all Horses travelling for Hire, and drawing or having drawn any Chaise or other Carriage for which any Toll shall have been paid at any Turnpike erected or to be erected on the said Road shall, on returning without a Ticket denoting a fresh Hiring being produced, be permitted to repass Toll-free, although such Horses, Chaise or Carriage shall not have passed through such Turnpike on the same Day.

Repeal of certain Exemptions.

XVII. And be it further enacted, That so much of the said recited Act of the Forty-first Year of the Reign of His late Majesty King *George* the Third, as enacts that it shall be lawful for the Inhabitants and Occupiers of Land within the Parish of *Bibury*, and the Hamlets of *Arlington* and *Ablington* within the Parish of *Bibury*, to go, travel, pass, and repass with any Horses, Cattle, Carts, or Carriages, through any Turnpike Gate or Turnpike Gates to be continued or erected by virtue of that Act, or the Acts therein recited, upon Payment of One Moiety of the Tolls authorized and required to be collected and paid by virtue of such Act, shall be and the same is hereby declared to be repealed.

General Exemptions from Toll.

XVIII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horses or Carriages attending His Majesty or any of the Royal Family; nor for any Horses, Cattle, or Carriages of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching or guarding such Mails or Expresses, or in returning therefrom; nor for any Horses, Cattle, or Carriages employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any Officers or Soldiers, or any sick, wounded, or disabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, nor for the Horse or Horses, or other Cattle drawing the same, employed in conveying any Ordnance, Barrack, Commissariat or other Public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty from having been so employed; nor for the Horses belonging to or used by any Officers or Soldiers, or Militia, or Local Militia, on their March or on Duty, or belonging to or furnished by or for any Persons belonging to any Corps of Yeomanry, or Volunteer Cavalry or Infantry respectively, and rode by them, or drawing any



any Carriage conveying Volunteer Infantry in going to or returning from the Place appointed for and on the Days of Exercise, Inspection or Review, provided that such Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption; nor from any Rector, Vicar or Curate going to officiate or returning from officiating at his proper Parish Church or other Place of Divine Worship, or on other his parochial or ministerial Duty, or visiting his sick Parishioners; nor from any Person residing in any Parish, Township or Place through which the said Road or any Part thereof doth or shall lead, going to or returning from his or her proper parochial Church or Chapel, nor from any Person going to or returning from his or her usual Place of Religious Worship tolerated by Law, on *Sundays* or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated, or going to or returning from the Funeral of any Person who shall die and be buried in any such Parish, Township or Place; nor for any Horse, Beast or Cattle, nor for any Waggon, Cart or other Carriage, used for the Purpose only of conveying or going empty to fetch or convey, or returning empty from conveying, having been employed only in conveying on the same Day, any Gravel, Sand, Stones or other Materials for repairing the said Road, or any other Highway within any Parish or Place in which any Part of the said Road lies, or for building or rebuilding, enlarging or repairing any present or future Bridge or Bridges on the said Road; nor for any Horse, Cattle, Beast, or Carriage, going no more than One hundred Yards upon the said Road; nor for any Horse, Ass, Beast, Cattle or Carriage used or employed for the Purpose only of carrying or conveying Persons to or from any Election of any Knight of the Shire to serve in Parliament for the said Counties of *Oxford* and *Gloucester* during the Time of such Election, or on the Day before or the Day after such Election shall begin or be concluded; or of carrying or conveying Vagrants sent by legal Passes, or Prisoners sent in Custody under any legal Warrant, or returning after having been so employed; or of carrying or conveying Hay or Straw, or Corn in the Straw only, and not sold or disposed of, or going to be sold or disposed of, but passing to be laid up in the Houses, Out Houses, Barns or Yards, or on the Lands of the Owners thereof; nor for any Horse, Beast, Cattle or Carriage employed in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Plough, Harrow, or other Implement of Husbandry or Thing used therein belonging to any Inhabitant or Occupier of Lands within the said respective Parishes or Places; or any Dung, Mould, Manure or Compost (Lime excepted), used in Husbandry for manuring or improving Lands or Gardens; nor for any Horse, Beast or Cattle going to or returning from ploughing or harrowing, or to or from Water or Pasture, or going to be or returning from being shod or farried; and if any Person shall by any fraudulent or collusive Means whatsoever claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied, recovered and applied in Manner herein-after provided.

Penalty on fraudulently taking Benefit of Exemptions.

Owners or Drivers of Waggon's in His Majesty's Service not subject to Penalties for Overweight.

XIX. 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 or Barrack or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight in any such Waggon, Wain, Cart or other Carriage, or for 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 or Oxen to 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.

Abatement of Tolls in certain Cases.

55 G.3.c.119.

XX. And be it further enacted, That for and in respect of all Waggon's, Carts, and other Carriages, having the Wheels of the Widths and Descriptions, and the Axletrees fixed as mentioned and set forth in and by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, and for and in respect of all Horses and other Beasts drawing the same, there shall be allowed and granted the several Privileges and Exemptions allowed and granted thereby.

For settling Disputes concerning Tolls.

XXI. And be it further enacted, That if any Dispute shall happen about the Amount due for any of the Tolls hereby granted, or the Charges of making, keeping or selling any Distress, such Dispute shall be settled and determined by any One Justice of the Peace for the County or Place wherein the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties, or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall make such Order, and award such Costs and Charges to either Party, as to the said Justice shall appear right; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Toll Gate Keepers, &c. competent Witnesses.

XXII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in any wise relating to the said Tolls, or any of them, or to the Recovery of the Penalties inflicted by the said recited Acts or this Act, or to the Execution of any of the Powers of the said recited Acts or this Act, no Trustee, nor any Person appointed to collect the said Tolls, or any other Person acting by or under the Authority of the said Trustees, shall be deemed to be an incompetent Witness to give Evidence in any such Dispute, Suit or Litigation, by Reason of his or her being such Trustee or Person appointed to collect the said Tolls, or acting under the Authority of the said Trustees.

XXIII. And be it further enacted, That the said Trustees at any Meeting for letting the said Tolls, shall be entitled to One or more Bidding or Biddings for the said Tolls, either by themselves or their Clerk or Treasurer, or other Person by them authorized; and in case at any Time hereafter, when the said Tolls shall be put up to Auction, there shall not be any Bidder, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees to accept a private Tender for the letting of the same, and to demise or let to farm, or to agree to demise or let to farm, all or any of such Tolls, at any Sum not less than the Sum at or for which they shall have been then last let; any thing in any Law or Statute to the contrary notwithstanding; and the Money arising thereby shall be applied in such Manner as the Tolls under this Act are directed to be applied.

For re-letting  
the Tolls.

XXIV. And be it further enacted, That every Toll Collector appointed either by the said Trustees, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the said recited Acts and this Act, or any of them, upon the said Road, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate immediately upon coming on Duty, each of the Letters of such Name to be at least Two Inches in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground; and shall continue the same so placed, during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of the said recited Acts and this Act, or any of them, or shall demand or take a Toll from any Person who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer any Person to read, or shall in anywise hinder any Person from reading, such Christian and Surname, or shall refuse to tell his Christian and Surname to any Person, who shall demand the same, on having paid the said Tolls, or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to deliver a Ticket gratis, denoting the Payment of the Tolls, and naming and specifying the Gate at which such Payment shall have been made, and also the Gate or several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Person travelling upon the said Road, or shall without sufficient Cause detain or delay any Person travelling thereon; then and in every such Case, every such Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty, in case of Non-payment thereof, shall be levied, recovered, and applied in manner herein-after mentioned: Provided always, that if any Person shall at any Time assault, hinder, obstruct, or molest any Collector of Tolls in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied, recovered, and applied in the same Manner as such last-mentioned Penalty.

Toll Collect-  
ors to put up  
their Names.

XXV. And

Trustees in diverting the Road, not to deviate more than 100 Yards from the present Line.

XXV. And be it further enacted, That it shall not be lawful for the said Trustees, in diverting, turning, or altering the Course or Path of any Part of the said Road, to deviate more than One hundred Yards from the present Line or Course of the said Road, (unless such new Line or Course shall be along any public Road or Highway, or over any Common or Waste Ground), without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands or Grounds which may be affected by any such Diversion or Alteration.

Houses, &c. not to be injured.

XXVI. And be it further enacted, That nothing in this Act or in the said recited Acts, or any of them contained; shall extend or be construed to extend to authorize the said Trustees, in diverting or altering the Line of the said Road, to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

In case of not making out Title.

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

Persons in Possession to be presumptively deemed entitled, &c.

XXVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the

the said Accountant General, in pursuance of the said recited Acts or 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 of the said recited Acts or this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

Court of Chancery may direct Payment of Expences,

XXX. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls, or of the Toll Gates, Bars, Chains, Toll Houses, and Buildings shall seek to obtain the Possession of the said Toll Gates, Bars, Chains, Toll Houses, and Buildings, in order to pay himself, herself, or themselves the Principal Money or Interest, or any Part thereof, due to him, her, or them, it shall be competent to him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof, shall not apply the Tolls which may be consequently received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

An Action of Ejectment may be supported by One Mortgagee.

XXXI. And be it further enacted, That so much of the said recited Act of the Twenty-sixth Year of the Reign of King George the Second, as authorizes any Surveyor of the said Road, and Persons employed by

Repealing Power in Act 26 G. 2. to procure Materials.

[*Local.*]

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him,

him, or by the Trustees of the Road, to dig for and take away Materials for making or amending the said Road, shall be and the same is hereby repealed.

For getting Materials to make and repair the Road.

XXXII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, and for all such Person or Persons as he or they respectively shall appoint, to search for, cut, dig, get, gather and take away any Furze, Heath, Stones, Gravel, Sand, or other Materials for repairing the said Road, out of or from any Commons or Waste Grounds, Common River, Brook or Pit, in any Parish, Township or Place in which any Part of the said Road shall lie, or in any adjoining Parish, Township or Place, without paying any thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, 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 also that such Surveyor or Surveyors, or other Person or Persons as aforesaid, may, by Order of any Justice of the Peace for the County or Place in which the said Road doth lie, search for, cut, dig, get, gather and take away any such Materials as aforesaid, in, out of, or from the private Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, in any Parish, Township or Place in which any Part of the said Road shall lie or be situate (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Paddock, planted Walk or Walks, or Avenue to a House, or any Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the same, and for any Damage done thereby, to the Owners or Occupiers of the Grounds and Premises where and from whence the same shall be cut, dug, gotten, gathered and taken or carried away, or over which the same or any other Materials for repairing the said Road shall be carried, according to their respective Rights and Interest in such Ground and Premises, as the said Trustees shall deem reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning the Value of such Materials and Damages, it shall be lawful for any Justice of the Peace for the County or Place in which the said Road doth lie, on Three Days Notice thereof in Writing being given by either Party to the other, and left at their respective Places of Abode, to hear, settle, and determine the Matters of such Payment and Damages, and the Judgment or Order of the said Justices therein shall be final, binding and conclusive to and upon all Parties: Provided always, that no such Materials as aforesaid shall be dug for or taken away within the Distance of One hundred Yards of any Bridge, Mill, Weir or Dam, on any Account or Pretence whatsoever.

Notice to be given to Occupiers of inclosed Lands before Materials are taken therefrom.

XXXIII. And be it further enacted, That it shall not be lawful for any Surveyor, or any other Person under the Authority of the said recited Acts and this Act, or any or either of them, to dig, gather, get, take or carry away any Materials for repairing the said Road, out of or from any inclosed Lands or Grounds, until Seven Days Notice in Writing, signed by such Surveyor, shall have been given to the Owner

or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at his or her last or usual Place of Residence, to appear before some Justice of the Peace acting for the County or Place where such Premises shall lie, to show Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier, or his or her Agent, shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, then and in such Case it shall be lawful for such Justice by his Order, to authorize such Surveyor, or other Person, to dig, get, gather, take and carry away such Materials, at such Time or Times as to such Justice shall seem proper; and if such Owner or Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, such Justice shall and may make such Order therein as he 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; any thing in the said recited Acts contained to the contrary notwithstanding.

XXXIV. Provided always, and be it further enacted, That if any Person whomsoever shall take away any Materials which shall have been dug or gathered for the Purpose of repairing, amending or improving the said Road, or shall get or take away any Materials out of any Pit or Quarry which shall have been made, dug or opened for the Purpose of getting the said Materials, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Thirty Days, (except the Owner or Occupier of any Private Ground, and any Person authorized by such Owner or Occupier to get Materials for his own Private Use only, and not for Sale), every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied, recovered, and applied in manner herein-after mentioned.

Penalty on  
taking away  
Materials.

XXXV. And be it further enacted, That if any Horse, Ass, Swine, or other Live Stock or Cattle, shall at any Time be found tied or fastened, or wandering, straying or lying upon, about, or on the Sides of the said Road, or any Part thereof respectively (except in such Parts of the said Road where the same is not fenced, or are open on either Side to any Commons or Waste Lands) it shall be lawful for the Surveyor of the said Road for the Time being, or other Person or Persons whomsoever, to seize and impound every such Cow, Horse, Ass, Swine, or other Live Stock or Cattle, in the Common Pound (if any), of the Parish or Place in which the same shall be found tied or fastened, or wandering, straying or lying about or on the Sides of the said Road, or any Part thereof, or in such other Place or Places as the said Trustees, although not assembled at a Meeting, or the said Surveyor, shall provide for that Purpose, and the same there to detain until the Owner or Owners thereof shall for every and each Cow, Horse, Ass, Swine, or other Live Stock or Cattle so impounded, pay the Sum of Five Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Three Days after such impounding, it shall be lawful for any Justice of the Peace of the County or Place where the Offence shall have been committed,

For impound-  
ing Cattle or  
Swine stray-  
ing on the  
Road.

by

by an Order or Warrant under his Hand and Seal, to sell or cause every such Cow, Horse, Ass, Swine, or other Live Stock or Cattle to be sold; and the Money arising from such Sale, after deducting the said Penalty, and the Charges and Expences of impounding, keeping, and selling every such Cow, Horse, Ass, Swine, or other Live Stock or Cattle, and all Expences respecting the same, shall (on Demand) be paid to the Person whose Property the same so sold shall appear to have been.

Punishment  
of Persons  
guilty of  
Pound  
Breach.

XXXVI. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine or other Live Stock or Cattle, which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine or other Live Stock or Cattle seized or so impounded, or such Distress or Levy so made shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon the Confession of the Party or Parties offending, or upon the Oath of one credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of such of the said Counties wherein the said Offence shall have been committed, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months.

Penalty on  
Persons com-  
mitting Nui-  
sances on the  
Road, &c.

XXXVII. And be it further enacted, That if any Person driving any Coach, Chaise, Waggon, Cart or other Carriage upon the said Road, (except when overtaking in order to pass any other Coach, Chaise, Waggon, Cart or other Carriage) shall not, on meeting another Coach, Chaise, Waggon, Cart or other Carriage, drive or keep his Carriage on the Left Hand Side of the Middle of the said Road; or shall ride on the Shafts, or on any Part of any Waggon, Cart, Dray, Sledge or other such Carriage; or if any Person shall ride upon any Causeway or Footway on the Side of or adjoining to the said Road, or shall drive any Horse or other Cattle, or any Swine or Sheep, or any Cart or other Carriage upon any such Causeway or Footway, or shall cause any Damage to be done thereto; or if any Person driving any Waggon or Cart shall absent himself therefrom, or shall not drive on the Left Hand Side of his Horse or Horses; or if any Person shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent or Fire-work whatsoever, within Eighty Feet of the Centre of the said Road; or shall play at Football, or any other Game or Games upon the said Road, or any Part thereof, to the Annoyance of any Passenger; or if any Person shall lay any Hay, Straw or other Matter or Thing upon any Part of the said Road, or the Sides thereof, to be made into Manure, or shall scrape off the same  
any

or laying  
Straw, &c.  
on the Road  
to be made



any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Road, without Leave of the Surveyor of the said Road, or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure or Soil, or leave any Cart, Carriage, or Wheelbarrow, Rubbish or other Matter or Thing whatsoever, (except Materials for the Repair of the said Road deposited by or by the Order of the Surveyor thereof for immediate Use) on any Part of the said Road, or on the Side or Sides thereof, to the Prejudice or Injury thereof, or within Fifteen Feet from the Middle of the said Road, to the Annoyance or Prejudice of any Person travelling thereon; or if any Person shall leave any Carriage (except in Cases of Accidents) upon or on the Side of the said Road, longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case such Carriage shall not during such Time be drawn up to the Side of the said Road, as near as conveniently may be; or if any Person after having blocked or stopped any Waggon, Cart, or other Carriage whatsoever in going up any Hill or rising Ground, shall leave or suffer, or permit to lie and remain on any Part of the said Road the Stone or other Matter or Thing used in such blocking or stopping, or shall do any other wilful Act, Damage or Injury to the said Road, or any Part thereof; or if any Person shall haul or draw, or cause to be hauled or drawn upon any Part of the said Road, any Timber, Stone, or other Thing, otherwise than upon wheeled Carriages, or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled Carriages, to drag or trail upon any Part of the said Road, to the Prejudice thereof; or shall in or upon any Part of the said Road, or by the Side or Sides thereof, or in any exposed Situation near thereto, bleed, kill, slaughter, singe, scald, burn, dress or cut up any Beast, Swine, Calf, Lamb or other Cattle; or cause or permit any Blood to run from any Shambles or Slaughterhouse into the said Road; or burn, dress, or sweep any Cask, or hoop, fire or cleanse any Cask on the said Road, or in any exposed Situation near thereto; or if any Person shall turn loose any Horse, Ass, Beast or Swine upon the said Road, to graze or depasture thereon; or if any Person driving any Pigs or Swine upon the said Road, shall suffer such Pigs or Swine to root up or damage the said Road or any Part thereof, or the Hedges or Fences on either Side thereof respectively; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Coach, Chaise, Waggon, Cart, or other Carriage under his or her Care upon the said Road; or if any Person shall bait or worry any Bull or Bear with Dogs, or otherwise, upon the said Road; or if any Hawker, Pedlar, Gipsy or other Person travelling with any Machine, Vehicle, Cart or other Carriage whatsoever, with or without any Horse, Mule, Ass, or other Beast, shall pitch or place any Tent, or shall encamp upon or by the Side or Sides of the said Road, or any Part thereof; or if any Blacksmith or other Person, occupying a Blacksmith's Shop, having Doors or Windows to the Front of the said Road, shall not, by good and close Shutters, every Evening after it becomes Twilight, and every Morning until after Twilight, bar and prevent the Light from such Shop shining into the said Road; or if any Person driving any Horse or other Beast on the said Road, carrying Iron in Bars or Rods, Basket, Pannier, or Brush, or any other Matter or Thing, shall place such Bars or Rods, Basket, Pannier or Brush, or other Matter or Thing so that the same shall

into Manure,  
or scraping  
the Road.

[Local.]

17 E

project

project more than Thirty Inches from the Side of such Horse or other Beast; or so as in any Manner to obstruct or impede the Passage of any Person; or any Horse, Beast or Carriage travelling along the said Road; or if any Person shall do any other wilful Damage or Injury to the said Road, or any Part thereof, or shall in any Manner whatsoever obstruct or impede the Passage upon the said Road, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and the said Penalties and Forfeitures shall be levied, recovered, and applied in manner herein-after mentioned; and such Offender shall also pay to the said Trustees or their Treasurer, such Sum of Money as shall be a full Satisfaction for the Damage so done, to be levied and recovered in such Manner as such last-mentioned Penalty.

Gates not to  
open into the  
Road.

XXXVIII. And be it further enacted, That no Gate of any Park, Paddock, Field or Inclosure whatsoever, shall be made to open into or towards any Part of the said Road, or be suffered to continue so to open (except the Hanging Post thereof shall be so far removed that no Part of the Gate when open, shall project over any Part of the said Road, or any Foot Path belonging thereto); and if the Occupier of any Land in which any Gate is or shall be so constructed so as to open or swing outward towards the said Road, contrary to the true Meaning of this Act, shall not within Ten Days after Notice to him or her given in Writing from the Surveyor of the said Road, cause such Gate to be so hung that no Part of such Gate shall, when open, project over any Part of the said Road, or any Footpath belonging thereto, then and in every such Case the Surveyor of the said Road is hereby authorized to cause the Gate to be hung according to the Directions of this Act, and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice of the Peace acting for the County or Place where the Cause of Complaint shall arise, upon Conviction upon the Oath of One credible Witness, pay to such Surveyor such Sum of Money as the said Justice shall direct, to defray the Expence of making the Alteration, and hanging such Gate in a proper Manner, and shall also forfeit and pay a further Sum not exceeding Forty Shillings, for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice before whom such Conviction shall be made; and such Penalty shall be levied, recovered, and applied in manner herein-after mentioned.

Statute  
Labour.

XXXIX. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or who are or shall be chargeable towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said Counties of *Oxford* and *Gloucester*, (within their respective Jurisdictions) and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Clerk or Surveyor, by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done on the said Road, by the Inhabitants of the respective Parishes or Places in which the said Road doth lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees,

or their Surveyor or Treasurer; and in order thereunto it shall be lawful for such Justices, from Time to Time to summon the Surveyor or Surveyors of the Highways of every such Parish or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons, (within Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish or Place, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as are or may be directed by any Law or Statute in force and effect for the Repairs of the Public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do 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 on such Parts of the said Road as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may order and direct the Persons who by such List shall be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the Surveyor or Surveyors of any such Parish or Place, to be by him or them paid over to the said Trustees, or their Treasurer, at such Time or Times as the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered, by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Fines, Penalties, and Forfeitures as such Person or Persons may be subject or liable to, by any Law or Statute now in force or effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss 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 as aforesaid, in such Manner as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the 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

give in false or imperfect Lists, or shall refuse or neglect to collect and pay over such Composition Money, every Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, to be levied, recovered, and applied in manner hereinafter mentioned.

For securing  
transient  
Offenders.

XL. And be it further enacted, That it shall be lawful for any of the said Trustees, or their Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as they shall call to their Assistance, without any other Authority or Warrant than this Act, to seize and detain such unknown Person or Persons as shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice of the Peace of the County or Place where the Offence or Offences shall have been committed, and such Justice is hereby empowered and directed to hear and determine such Complaint.

In case of  
Nonpay-  
ment of Com-  
pensation for  
Materials,  
Damages, or  
Injury done  
by the Trus-  
tees, the  
same may be  
levied by  
Distress of  
the Goods of  
such Trus-  
tees, &c.

XLI. Provided always, and be it further enacted, That when and as often as any Sum of Money shall be directed or ordered by any Justice or Justices of the Peace, to be paid in pursuance of the Directions of the said recited Acts or this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority; and such Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of the said recited Acts and this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Trustees, or to their Treasurer for the Time being, as the Case may be.

Recovery and  
Application  
of Penalties.

XLII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby and by the said recited Acts, or any of them, inflicted or authorized to be imposed, (the Manner of levying and recovering whereof is not otherwise directed) shall, upon Proof of the Offence before any Justice of the Peace of the County or Place wherein the Offence shall be committed, either by Confession of the Party or Parties offending,  
or

or by the Oath of any credible Witness or Witnesses, (which Oath such Justice is hereby empowered and required to administer), 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 to grant, and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels, and the Penalties, Forfeitures, and Fines when paid or recovered, if not otherwise directed to be applied by the said recited Acts, or any of them, shall be from Time to Time paid, One Moiety to the Informer, and the other Moiety to the said Trustees, or to their Treasurer or Clerk, and be applied in the Repair of the said Road; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted, to be retained safe in Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Ten Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant, it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place wherein the Offence shall be committed, there to remain, without Bail or Mainprize, for any Time not exceeding Six Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

XLIII. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, together with lawful Interest, or any Money which shall be advanced for the Payment thereof, shall be paid and discharged by the said Trustees, out of any Money now in the Hands of the said Trustees or their Treasurer, or out of the first Money which shall arise by virtue of the said recited Acts and this Act, in preference to all other Payments whatsoever. For paying the Expences of the Act.

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

XLV. And be it further enacted, That this Act shall commence on the passing thereof; and that the said recited Acts (subject to the Alterations, Additions, and Amendments herein contained) and this Act, shall from thenceforth continue and be in force, and be executed, for and during the Continuance of Term and Term of Act.

[Local.]

Residue now to come and unexpired of the Term granted by the said last recited Act, and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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