



ANNO TERTIO

GEORGIIV. REGIS.

Cap. xcv.

An Act for more effectually repairing the Road leading from the *Cross-of-Hand* near *Finford Bridge* in the County of *Warwick*, through the Town of *Southam* in the same County, to the Borough of *Banbury* in the County of *Oxford*.

[24th June 1822.]

WHEREAS an Act was passed in the Twenty-eighth Year of the Reign of His late Majesty King George the Second, intituled *An Act for repairing and widening the Roads leading from the Cross-of-Hand near Finford Bridge in the County of Warwick, through the Town of Southam in the same County, to the Borough of Bambury in the County of Oxford, and from the Guide Post in the Village of Adderbury in the same County, through Kidlington, to the Mile Way leading towards the City of Oxford; and also the Road leading from a Place called the Two Mile Tree near the City of Oxford, over Gosford, otherwise Gossard Bridge, to a certain Gate entering upon Weston-on-the-Green in the said County:* And whereas another Act was passed in the Twentieth Year of the Reign of His late Majesty King George the Third, intituled *An Act for continuing the Term, and altering and enlarging the Powers of an Act passed in the Twenty-eighth Year of the Reign of His late Majesty King George the Second, for repairing and widening the Roads leading from the Cross-of-Hand near*

[Local.]

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Finford

Finford Bridge in the County of Warwick, through the Town of Southam in the same County, to the Borough of Banbury in the County of Oxford, and from the Guide Post in the Village of Adderbury in the same County, through Kidlington to the Mile Way leading towards the City of Oxford; and also the Road leading from a Place called the Two Mile Tree near the City of Oxford, over Gosford, otherwise Gossard Bridge, to a certain Gate entering upon Weston-on-the-Green in the said County, so far as the same relates to the Road leading from the Cross-of-Hand near Finford Bridge in the County of Warwick, through the Town of Southam in the same County, to the Borough of Banbury in the County of Oxford: And whereas another Act was passed in the Forty-second Year of the Reign of His said late Majesty King George the Third, intituled *An Act for continuing the Term, and altering and enlarging the Powers of so much of Two Acts passed in the Twenty-eighth Year of the Reign of His said late Majesty King George the Second, and the Twentieth Year of the Reign of His (then) present Majesty King George the Third, for repairing and widening the several Roads therein mentioned, as relates to the Road leading from the Cross-of-Hand near Finford Bridge in the County of Warwick, through the Town of Southam in the same County, to the Borough of Banbury in the County of Oxford*: And whereas the Trustees appointed in and by virtue of the said Acts have proceeded in the Execution thereof, and have borrowed several Sums of Money upon the Credit of the Tolls authorized by the said recited Acts to be demanded and taken, which Money cannot be repaid, and the said last-mentioned Road be kept in sufficient Repair, unless the said Acts are repealed, and further and other Powers for more effectually amending, widening, improving, and keeping in Repair the said last-mentioned Road granted, and the Tolls increased: 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 Third *Monday* next after the passing of this Act the said recited Acts shall be and the same are hereby repealed, and that this Act shall commence and take effect, and be put into Execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, amending, widening, improving, and keeping in Repair the Road herein-after mentioned; that is to say, the Road leading from the *Cross-of-Hand* near *Finford Bridge* in the County of *Warwick*, through the Town of *Southam* in the same County, to the Borough of *Banbury* in the County of *Oxford*.

Recited Acts repealed, and this Act to be executed instead thereof.

This Act made subject to the Payment of all Monies borrowed on the Credit of the former Acts.

II. And be it further enacted, That this Act and the Term and Tolls hereby granted, shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed, are now due and owing, or which shall be borrowed and due and owing on the Twenty-ninth Day of *September* next, on the Credit of the Tolls authorized to be taken by the said recited Acts, so far as the same relates to the said Road leading from the *Cross-of-Hand* near *Finford Bridge*, through *Southam* to *Banbury*, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or had become due and owing on the Credit or on account 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 former Acts, shall be liable to the Payment thereof to the Trustees for executing this Act;

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 former Acts, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on account of and for the Benefit of the Trust under this Act; and all Lettings of Tolls, Orders, Contracts, and Agreements made and entered into by the said Trustees for executing the said former Acts, shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees under this Act, according to the Stipulations thereof respectively; the Repeal of the said former Acts, or any Law to the contrary notwithstanding.

III. And be it further enacted, That all His Majesty's Justices of the Peace acting for the several Counties of *Warwick* and *Oxford*, or either of them for the Time being, together with the Right Honourable *Charles Spencer* commonly called Viscount *Althorpe*, *William Henry Ashurst*, *Nathaniel Arnold*, Sir *Theophilus Biddulph* Baronet, *Theophilus Biddulph*, *Richard Burman*, *Charles Oldfield Bowles*, *Aboliah Bradshaw*, *William Williams Broomfield*, *Henry Broomfield*, *John Biddulph* Clerk, *Thomas Ross Broomfield* Clerk, *John Ballard* Clerk, *Robert Barnard* Clerk, *Thomas Bettrell Bicknell*, *William Banbury*, *William Ralph Cartwright*, *Thomas Carter*, *Charles Crane* Clerk, *George Chandler* Clerk, *Thomas Hughes Chamberlain* Clerk, *Dugdale Stratford Dugdale*, *Daubeny* Clerk, *Thomas Elkington*, *John Fane*, Honourable Sir *Charles Greville* Baronet, *Kelynge Greenway*, *George Greenway*, *Thomas Golightly* Clerk, *Richard Griffin*, *William Holbeck*, *George Holbeck*, *Edward Holbeck*, *Henry Hugh Holbeck*, *Richard Heyden*, *Charles Holbeck* Clerk, *Robert Green Jeston* Clerk, *George Innes* Clerk, *John Knightly*, *James Henry Leigh*, *Felix Ladbrooke*, *Francis Lawley*, Honourable *Heneage Legge*, *John Loveday*, *Thomas Lea* Clerk, *Thomas William Lancaster* Clerk, *George Loudell*, *Clement Newsam* Clerk, *Francis Parrott*, *William Palmer*, *Charles Palmer* Clerk, *Robert Poole*, *Pearce* Clerk, *John Russell*, *Joseph Russell*, *William Russell*, *Edward Reading*, Sir *Francis Shuckbrugh* Baronet, *Daniel Stewart*, *Henry Lilley Smith*, *John Salmon*, *John Shuckbrugh*, *Richard Tawney*, *Charles Tawney*, *John Tomes*, *Richard Tomes*, *Edward Tomes*, *Edmund Tompkins*, *James Turner*, *Robert Vyner*, *John Venour* Clerk, *Charles John Wheeler*, *William Walford*, *Thomas Wood*, *Matthew Wise*, *Edward Willes*, *Thomas Wyatt*, *William Corbett Willson* Clerk, *Charles Watkins* Clerk, *Charles Francis Wyatt* Clerk, *Thomas Wyatt* Clerk, *George Wasey* Clerk, *Henry Wise* Clerk, *John Wise* Clerk, *Poyntz Ward* Clerk, and *William Winkley*, shall be and they are hereby appointed Trustees for putting this Act into Execution. Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees appointed by this Act, or any Three or more of them, and they are hereby authorized and empowered at a Meeting to be held for that Purpose, of which Meeting and the Purpose thereof Ten Days Notice shall be given in the Manner herein-after directed respecting Meetings for the Appointment of Trustees on Vacancies, to elect and appoint any Number of Persons not exceeding Ten in the whole, to be Trustees for executing this Act, in addition to the Trustees hereby appointed; and such Trustees so elected and appointed, and being duly qualified, shall be and Additional Trustees.

and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been nominated and appointed in and by this Act.

Power to
choose new
Trustees.

V. And be it further enacted, That in case any of the Trustees, other than and except the Justices of the Peace acting for the said respective Counties appointed in and by virtue of this Act, shall die or become Bankrupt or Insolvent, or refuse, decline, or become disqualified or incapable to act, it shall be lawful for any Three or more of the surviving or remaining Trustees, by Writing under their Hands (at any Meeting, whereof at least Ten Days Notice shall be given upon all the Toll Gates erected or to be erected upon and across the said Road, specifying that an Appointment of new Trustees is intended to be made at such Meeting, and also by inserting a public Notice of the Time, Place, and Purport of such Meeting Twice in some Newspaper or Newspapers, published or circulated in the said Counties of *Warwick* and *Oxford*, or one of them, to nominate and appoint One or more fit Person or Persons to be a Trustee or Trustees in the Room of such Trustee or Trustees so dying, becoming Bankrupt or Insolvent, or disqualified, or refusing, declining, or becoming incapable to act as aforesaid; and every Person so nominated and appointed as aforesaid (being qualified as by this Act is required), shall have the same Power and Authority to act as a Trustee or Trustees in the Execution of this Act, and he and they are hereby authorized and empowered to act as fully and amply as if he and they had been hereby nominated and appointed.

Qualifica-
tion of Trus-
tees.

VI. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall, in his own Right, or in Right of his Wife, be possessed of or in the Receipt of the Rents, Issues, and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or possessed of a Personal Estate alone, or Real and Personal Estate together, of the Amount of Four thousand Pounds, or unless he be Heir Apparent to a Person possessed of or in the Receipt of the Rents, Issues, and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds above Reprizes; and if any Person, not qualified as aforesaid, or being disqualified by any of the Causes aforesaid, or not having taken and subscribed the Oath herein-after mentioned, or being a Quaker, not having made and subscribed the Affirmation herein-after mentioned, shall nevertheless presume to act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* or elsewhere, by Action of Debt or on the Case, wherein no Essoign, Protection, or Wager of Law, or more than one Impar lance shall be allowed; and the Person so prosecuted shall prove that he is qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecution than that such Person hath acted as a Trustee in Execution of this Act: Provided always, that all Acts which shall have been done by any such Person, touching the Execution of this Act, previous to his being convicted of or a Verdict given against him for the Offence before mentioned, shall, notwithstanding such Conviction or Verdict,

dict, be as valid and effectual as if such Person had been duly qualified to act as a Trustee according to the Directions of this Act.

VII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act (save and except in administering the Oath or Affirmation following to the other Trustees) until he shall have taken and subscribed the Oath or Affirmation following before any Two or more of the said Trustees, who are hereby authorized to administer the same; (that is to say),

Trustees
Oath.

‘ I *A. B.* do swear [*or being One of the People called Quakers, do solemnly, sincerely, and truly affirm and declare,*] That I am truly and *bonâ fide,* in my own Right [*or in the Right of my Wife, as the Case may be*] possessed of or in the Receipt of the Rents, Issues, and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes; *or am Heir Apparent of C. D.* who to the best of my Knowledge and Belief is seised and possessed of or in the Receipt of the Rents, Issues, and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds above Reprizes; or am possessed of a Personal Estate alone or of a Real and Personal together, to the Amount of Four thousand Pounds, after the Payment of all my just Debts. So help me GOD.’

[Except, that in case of any of the People called *Quakers*, the Words, ‘ So help me God,’ are to be omitted.]

VIII. And be it further enacted, That no Person or Persons appointed or to be appointed a Trustee or Trustees for putting this Act into Execution, who shall have or accept any Place or Office of Profit arising out of or by reason of any Tolls or Duty by this Act granted, or who shall be interested or concerned in any Contract or Contracts, or a Lessee or Lessees, Farmer or Farmers of the Tolls granted by this Act, shall be capable of acting as a Trustee or Trustees in the Execution of this Act during the Time of his or their Enjoyment of such Place of Profit as aforesaid.

Persons
holding any
Place of
Profit not
to act as
Trustees.

IX. Provided always, and be it further enacted, That no Person or Persons who shall keep any Victualling House, Ale House, or other House of Public Entertainment, or who shall sell any Wine, Cider, Beer, Ale, Spirituous or other strong Liquors by Retail, shall be capable of acting as a Trustee, or of taking, holding, or enjoying any Place or Places of Trust or Profit under the said Trustees, or of collecting the Tolls hereby granted or made payable, and to be collected on the said Road, during such Time as he, she, or they shall keep such Victualling House, Ale House, or other House of Entertainment, or shall sell any Wine, Cider, Beer, Ale, Spirituous or other strong Liquors by Retail; but no such Person shall be precluded from farming such Tolls, provided he, she, or they employ a Person to collect such Tolls who shall not be under any such Incapacity.

Victuallers,
&c. incap-
able of acting
or holding
any Place of
Profit.

X. And be it further enacted, That the First Meeting of the said Trustees shall be held at *Southam*, on the Third *Tuesday* next after the passing of this Act, or as soon after as conveniently may be, between the

First Meeting
of Trustees.

[Local.]

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Hours

Hours of Ten in the Morning and Two in the Afternoon, and the said Trustees shall then and there proceed in the Execution of this Act, and from Time to Time adjourn themselves to meet at the same Place or at such other Place upon or near to some Part of the said Road; and at such Times as the said Trustees shall from Time to Time order and direct, not exceeding Three Calendar Months from any such Meeting: Provided always, that Two Trustees shall be sufficient for the Purpose of Adjournment only; and that in case a competent Number of Trustees shall not appear at the Time and Place appointed for any Meeting of the Trustees for putting this Act in Execution, either to act or to adjourn to any other Time, or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, then and in either of the said Cases it shall be lawful for any Two or more of the said Trustees (or the Clerk to the said Trustees, being authorized by an Order in Writing signed by any Two or more of the said Trustees), to call a Meeting of the said Trustees, by a Notice in Writing to be affixed upon all the Turnpikes and Toll Gates which shall be then erected upon and across the said Road, at least Ten Days previous to the Time of such Meeting, at such Time and Place as such Two Trustees shall think proper and appoint; and that the said Trustees shall, at their First and all their subsequent Meetings, pay their own Charges and Expences, except a reasonable Allowance for the Use of the Room where such Meeting shall be held, which shall be paid out of the Tolls.

Meetings on
Emergencies.

XI. And be it further enacted, That if after any Adjournment of the said Trustees, it shall on any Emergency be thought necessary that an earlier Day of Meeting should be appointed, it shall and may be lawful to and for any Two or more of the said Trustees, or the Clerk to the said Trustees (being authorized by an Order in Writing signed by Two or more of the said Trustees, although not assembled at a Meeting, mentioning the Time and Place and Purposes of such Meeting), to give Notice thereof in the Manner before directed, and of the Time, Place, and Purposes of such Meeting as shall be mentioned in the Order of the said Trustees (such Time not being less than Five Days after such Notice); and all Proceedings of the Trustees at such Meeting, whether relating to the particular Subject on which such Meeting shall be called or not, shall be as valid as they would have been in case the Trustees had met in pursuance of any Adjournment; and such Meeting shall and may be adjourned to such Time and Place as any other Meetings under this Act are authorized to be adjourned or held.

Orders to
be made at
Meetings
only, and
Majority to
concur.

XII. And be it further enacted, 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 relating to this Act, which are directed to be had, made, done, or exercised by or before the said Trustees, and all the Powers and Authorities hereby in them vested generally, shall and may be had, made, done, and exercised by the major Part of the Trustees who shall be present at the respective Meetings to be held by virtue of this Act, the whole Number present not being less than Three (except in such Cases where any other Number is herein named); and that all Acts, Orders, or Proceedings had, made, or done by or before such Three Trustees shall have the same Force and Effect, and be binding and conclusive on all Persons, and to all Intents and Purposes whatsoever, as fully and effectually

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as if the same were had, made, done, or executed, by or before all the said Trustees; and a Chairman shall and may in the first Place be appointed at every Meeting to be held by virtue and for the Purposes of this Act, who in case of an equal Number of Votes upon any Occasion (including such Chairman's Vote), shall have the casting or decisive Vote.

XIII. And be it further enacted, That no Order made by the said Trustees shall be revoked or altered, unless the Number of Trustees revoking or altering the same shall exceed the Number of Trustees by whom such Order shall have been made, and unless Twenty-one Days Notice shall be given by Three 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 Clerk Ten Days at least before such Meeting, as well to such Trustees as were present when the Order was made of the Intention to revoke or alter such Order (which Notice may either be served on such Trustees personally, or sent to them through the Post Office, or left at their respective Dwelling Houses or usual Places of Residence), as also by inserting a Public Notice of the Time, Place, and Purport of such Meeting Twice in some Newspaper or Newspapers published or circulated in the said Counties of *Warwick* and *Oxford*, or One of them, and by affixing a similar Notice at least Ten Days before such Meeting upon all the Toll Gates erected or to be erected upon and across the said Road.

How Orders may be revoked or altered.

XIV. Provided always, and be it further enacted, That sometime in the Month of *October* in every Year, a General Meeting of the said Trustees shall be holden for the Purpose of examining the Accounts of the Clerk, Treasurers, Surveyors, and Collectors of Tolls, and other Persons employed in the Receipt and Expenditure of any of the Monies belonging to the said Road; and it shall and may be lawful to and for the said Trustees then and there assembled, to allow and pass such Accounts, or so much thereof as they shall think proper, and to do such other Acts, Matters, and Things in the Business of the Trust, which shall at any such Meeting occur: Provided also, that nothing herein contained shall extend, or be construed to extend, to prevent the said Trustees from calling for and examining the said Accounts when and as often as they shall think proper so to do.

Annual Meeting of the Trustees to be held for auditing the Accounts.

XV. And be it further enacted, That such of the Trustees as are or shall be Justices of the Peace shall and may, in their respective Jurisdictions, and they are hereby empowered to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Case where he or they shall be personally interested; and that no 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 for the same, shall on that Account be deemed disqualified to act as a Trustee in the Execution of this Act.

Trustees being Justices of the Peace may act as such, and Mortgagees.

XVI. 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,

Proceedings to be entered in a Book, and signed.

Purpose, and such Orders and Proceedings so entered shall be signed by the Trustees making the same, or the major Part of them, which said Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments of the Tolls or Transcripts thereof, shall and may be read in Evidence in all Cases of Appeal, and in all Suits, Actions, Controversies, or Disputes, touching any thing done or to be done by virtue of or in pursuance of this Act, or in anywise relating thereto.

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

XVII. 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 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 hereby granted, without Fee or Reward; and the said Trustees and Creditors, or any of them, 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, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay such Sum of Money as the said Trustees at any General Meeting shall appoint, not exceeding the Sum of Five Pounds, to be levied and recovered in Manner herein-after mentioned.

Trustees may appoint Officers.

XVIII. And be it further enacted, That the said Trustees, as Occasion shall require, may by Writing under their Hands elect and appoint a Clerk or Clerks, and Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of such Money as shall arise and be made due and payable by virtue of this Act; and also a Surveyor or Surveyors, and all such other Officers as they the said Trustees 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 shall see Occasion; and upon the Death, Resignation, or Removal of such Officers, or any or either of them, the said Trustees may appoint others in their Stead; and the said Trustees shall and may, out of the Money to be raised and received by virtue of this Act, make such Allowance unto the Clerks, Treasurers, Receivers, Collectors, Surveyors, and all 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 shall seem proper; and every Officer and Person who shall be so appointed as aforesaid shall from Time to Time when thereunto required by the said Trustees, by Writing under their Hands, make out and deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his or her, or their Hand or Hands, of all Monies which shall have been by him, her,

or them had, collected, or received, and how and to whom, and for what Purpose the same and every Part thereof hath or have been disposed of, together with the Vouchers and Receipts for such Payments; 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, her, or them to such Person or Persons as the said Trustees shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver up such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, 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 to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Trustees, or by such other Person or Persons, 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 any One of the said Trustees, or by any Person or Persons on Behalf of the said Trustees, or of any such Neglect or Refusal, to any Justice of the Peace for the Counties of *Warwick* or *Oxford*, or either of them, 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 might have done; and if, upon 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 and Chattels of such Officer or Person respectively; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, and 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 produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts, 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 in that County 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 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 for such Money and Charges, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees

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are

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: 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.

Treasurer to give Security.

XIX. And be it further enacted, That the said Trustees shall and they are hereby authorized, directed, and required to take such Security from the Treasurer or Treasurers, and other Officers to be appointed for the Purposes of this Act, for the due Execution of his and their said Office and Offices, as to the said Trustees shall seem meet.

Officers under former Acts (other than the Treasurer) continued.

XX. And be it further enacted, That every Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers (other than the Treasurer), nominated and appointed under and by virtue of the said Acts hereby repealed, or any 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 every such Clerk, Collector, Surveyor, or other Officer or Officers, shall have the like Powers and Authorities for carrying this Act into Execution, and shall be subject and liable to such Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations, in all respects whatsoever, as if he or they had been nominated or appointed under or by virtue of this Act.

Clerk not to act as Treasurer, and vice versa.

XXI. 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 may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, 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 this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

Trustees may discharge Collectors, and appoint temporary ones.

XXII. 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 (though not assembled at a Meeting of the said Trustees appointed to be held by virtue of this Act) may discharge such Collector or Receiver so neglecting or being incapable of performing his Duty, or absconding or absenting himself; and in such Case, and also in case any such Collector or Receiver of the Tolls shall die, the said Trustees or any Two or more of them (though not assembled at such Meeting) 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

the said Trustees, in the Stead of such Collector or Receiver who shall so die or be discharged; and such Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects as the Person who shall 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 Two 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 a Meeting), or by the Clerk or Treasurer of the said Trustees for the Time being; or if any Lessee or Farmer of any of the Tolls arising by virtue of this Act, shall retain and keep Possession of any such Toll Gate, Toll House, or Appurtenances, after the End and Termination of his, her, or their Lease or Term therein; then and in any of the said Cases it shall and may be lawful for any Justice or Justices of the Peace for the Counties of *Warwick* or *Oxford*, 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 into such Toll House and Appurtenances in the Day-time, and to remove the Person or Persons who shall be found therein, or in Possession of the said Gate, together with his, her, or their Goods out of and from the same, and put the said Trustees, or any one of them, or their Clerk or Treasurer, or such new appointed Collector or Receiver, into the Possession of such Toll Gate, Toll House, and Appurtenances.

XXIII. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing to be done by virtue of or in pursuance of this Act, in the Name of any one of the said Trustees, or of their Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees, by virtue of this Act, in the Name of such Trustee or Clerk, shall abate or be discontinued by the Death or Removal of any such Trustee or Clerk, nor by the Act of such Trustee or Clerk without the Consent of the said Trustees at a Meeting held in pursuance of this Act; but that One of the said Trustees, or the Clerk for the Time being to the said Trustees, shall be deemed to be the Plaintiff or Defendant (as the Case may be) in every such Action or Suit: Provided always, that every such Trustee or Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully indemnified, reimbursed, and paid out of the Monies to arise by virtue of this Act, all such Costs, Damages, and Expences as by the Event, or in consequence of any such Action or Proceeding he shall pay, bear, expend, or to be put unto, or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid.

Trustees may sue and be sued.

XXIV. And whereas the Tolls granted by the said last recited Act on the said Road are found insufficient for the proper Support and Improvement thereof; be it further enacted, That the said Tolls shall continue to be demanded, taken, and received until the Twenty-ninth Day of *September* next after the passing of this Act, and from the said Twenty-ninth

Former Tolls repealed, and new Tolls granted.

ninth Day of *September* the said Tolls shall cease, determine, and be no longer paid or payable, and that instead thereof, from the said Twenty-ninth Day of *September* the respective Tolls following shall be demanded and taken, collected and paid, at any and every Gate or Gates erected or to be erected on, across, or on the Side or Sides of the said Road or any Part thereof; that is to say,

New Tolls.

For every Horse, Mule, or other Beast, drawing any Waggon, Wain, or Cart, not being a Taxed Cart, the Sum of Five-pence :
 And for every Horse, Mule, or other Beast, drawing any Taxed Cart or other Carriage not above-mentioned, the Sum of Sixpence :
 For every Horse, Mule, or Ass, not drawing as aforesaid, the Sum of Three Halfpence :
 For every Drove of Oxen, Cows, or 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, Hogs, Sheep or Lambs, the Sum of Ten-pence *per* Score; and so in proportion for any greater less or Number.

Tolls vested
in Trustees.

XXV. And be it further enacted, That the 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 and may be lawful for the Person or Persons authorized and appointed 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 Horse, Cattle, or other Thing upon or in respect of which such Toll or any Part thereof is hereby imposed, together with their respective Bridles, Saddles, Gears, Harness, or Accoutrements (except the Bridle or Reins of any Horse or Beast separate from such Horse or Beast), or any Carriage, in respect of the Horses or Cattle drawing the Carriage on which such Toll is imposed, or any of the Goods and 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 Charge 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 Horse, Cattle, Carriage, or Thing 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.

Penalty on
evading
Tolls.

XXVI. And be it further enacted, That if any Person or Persons whomsoever, owning or occupying any Lands or Grounds near to the said Road, shall knowingly or wilfully permit or suffer any Person or Persons (save and except his, her, or their Servant or Servants, or any Person or Persons in his, her, or their Employ, or any of his, her, or their Family), to pass through any inclosed Ground, Gate, Passage, or private Way, with any Horse, Beast, Cattle, or Carriage on which a Toll is by this Act imposed,
 with

with an Intent to evade the Payment of the said Toll; or if any Person or Persons owning, going in or driving any such Carriage, or owning, riding, or driving any such Horse, Beast, or Cattle, shall therewith pass through any such Ground, Gate, Passage, or private Way (not being the Owner, Occupier or Occupiers thereof, nor any of his, her, or their Servant or Servants, or any Person or Persons in his, her, or their Employ, or Part of his, her, or their Family), with Intent to evade the Payment of the said Tolls, or any Part thereof; or if any Person or Persons shall unload, or cause to be unloaded, any Goods or other Things, or shall take off, or cause to be taken off, any Horse or Beast of Draught from any Carriage, and having passed through any of the said Toll Gates, shall afterwards add or put any Horse or other Beast to any Carriage for the Purpose of drawing the same upon any Part of the said Road, with Intent to evade the Payment of any of the Tolls hereby imposed, or shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons (except the Person or Persons appointed to receive the Tolls hereby made payable), any Note or Ticket, with Intent to evade the Payment of the said Tolls or any Part thereof; or if any Person or Persons liable to the Payment of any of the said Tolls, shall forcibly pass, or attempt to pass, any of the said Toll Gates or Turnpikes, without Payment thereof at such Gate or Gates, each and every Person and Persons in any Manner aforesaid offending, and being thereof convicted on the Oath of One or more competent Witness or Witnesses, before One or more of His Majesty's Justices of the Peace for the County, Division, or District wherein any such Offence shall be committed (which Oath the said Justice or Justices is and are hereby empowered and required to administer), shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXVII. And be it further enacted, That the same Tolls shall be demanded and taken at each of the Gates, Bars, or Turnpikes already erected, or which shall be erected upon the said Road, or upon the Side or Sides thereof, or across any Highway or Lane leading into or out of the said Road, by such Person or Persons as the said Trustees or any Five or more of them shall from Time to Time appoint for that Purpose, before any Horse or other Cattle, Coach, Waggon, or other Carriage shall be permitted to pass through any of the said Gates or Turnpikes as are hereinbefore made payable, or passing through any Gate upon the said Road, unless otherwise ordered by the said Trustees, or any Five or more of them.

Tolls to be paid before passing through the Gate.

XXVIII. Provided always, and it is hereby enacted and declared by the Authority aforesaid, That no Person or Persons who shall, from and after the said Twenty-ninth Day of *September*, pay any of the respective Tolls hereby imposed and made payable at any Gate or Turnpike erected or to be erected upon the said Road, or any Part thereof, on producing a Note or Ticket signifying the Payment thereof (which Note or Ticket the Collector or Collectors, Receiver or Receivers of the respective Tolls aforesaid, is and are hereby required to give *gratis* to every Person paying such Tolls), shall be liable to pay the same Toll so payable a Second Time, provided such Person or Persons pass through the same Gate or Turnpike before Twelve of the Clock at Night next coming after having paid such Tolls as aforesaid, and with the same Horse, Mule,

Toll once a Day.

[Local.]

or other Beast, Oxen, Cows, or Neat Cattle, Calves, Hogs, Sheep or Lambs.

Power to erect and remove Gates, and limiting Number of Tolls to be paid.

XXIX. And be it further enacted, That from and after the Twentieth Day of *September* next after the passing of this Act, it shall and may be lawful for the said Trustees, or any Five or more of them, to continue all and every or any of the Turnpikes or Toll Gates, and Toll Houses and Ticket Gates, and Side Bars and Side Gates, now standing and being in, upon, on the Side or across the said Road, or to discontinue the same, or any or either of them, and to erect and set up or build, or cause to be erected, set up, and built, upon, across, or on the Sides of the said Road, or any Part thereof, or at the Entrance of any Lane or Highway that doth or shall lead into or out of the said Road, when and as often as they shall adjudge necessary, any Toll Gate or Toll Gates, Side Bar or Side Bars, Chain or Chains, and also One or more Toll House or Toll Houses, with Outbuildings and Conveniences suitable thereto, at or near such Toll Gate or Toll Gates, and to take in and enclose on the Side of the said Road, a suitable Garden Spot for each and every such Toll House or Toll Houses, not exceeding One-eighth of an Acre to each Toll House, and from Time to Time take down or remove, or again to put up in a different Situation, or to alter or discontinue the same, or any of them, and to erect and set up, and to build, or cause to be erected, set up, and built, upon, across, or on the Sides of the said Road, any such other Toll Gate or Toll Gates, Ticket Gate or Ticket Gates, Side Gate or Side Gates, Bar or Bars, as they may think proper, so that no Person going the whole Length of the Road shall be obliged to pay more than Three full Tolls in One Day; any Clause, Matter, or Thing contained in any Law or Statute relating to Turnpike Roads, to the contrary notwithstanding.

Stage Coaches and Post Chaises to pay each Time of passing, the Driver delivering a Ticket denoting a fresh Hiring.

XXX. And be it further enacted, That notwithstanding any thing herein contained the Tolls hereby granted shall be paid for and in respect of all Horses or Mules drawing any Stage Coach, every Time they shall pass and repass along the said Road, and also for and in respect of all Horses or Mules travelling post or for Hire, and drawing any Post Chaise or other such Carriage, every Time they shall pass and repass along the said Road, provided the Driver thereof shall deliver a Ticket denoting a fresh Hiring.

Return Chaises and Post Horses Exception.

XXXI. 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 be produced), be permitted to repass Toll-free, although such Horses, Chaise, or Carriage shall not have passed through such Turnpike on the same Day.

Waggons, &c. having Wheels and Axletrees according to 55G.3.c.119. to have an Abatement.

XXXII. And be it further enacted, That for or in respect of all Waggons, Carts, or other Carriages, having the Wheels of the Widths and Descriptions, and the Axletrees fixed as mentioned and set forth in and by an Act made 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 or in respect of the several Horses or other

Beasts

Beasts drawing the same, there shall be granted and allowed the several Provisions and Exemptions granted by such Act.

XXXIII. And be it further enacted, That if any Dispute shall happen about the Amount of Toll due, or of the Charges of keeping any Distress, it shall be lawful for the Collector or Person distraining to detain the same, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of Toll due, and the Charges of seizing, distraining, keeping, and selling (as the Case may happen), shall be ascertained by One or more Justice or Justices of the Peace for the Counties of *Warwick* or *Oxford*, who, upon Application made to him or them for that Purpose, shall examine the said Matter on Oath of the Parties, or other Witness or Witnesses, and determine the Amount of the Toll due, and shall award such Costs and Charges to either Party as to the said Justice or Justices shall appear right and proper; 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 or Justices, 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 be so distrained and sold.

Disputes concerning Tolls how to be settled.

XXXIV. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his, her, or their being appointed to collect such Tolls, or by reason of his, her, or their acting under the said Trustees.

Collectors of Tolls not incompetent Witnesses.

XXXV. And be it further enacted, That if any Person or Persons, after having been summoned as a Witness or Witnesses to give Evidence before any Justice of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, shall refuse or neglect to appear at the Time and Place for that Purpose appointed (after having been paid or tendered a reasonable Sum of Money for his, her, or their Expences), without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath, and give Evidence before such Justice of the Peace, then and in either of the said Cases every Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on Witnesses not attending when summoned.

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

Table of Tolls to be put up.

XXXVII. And be it further enacted, That upon Payment of the said Tolls by this Act directed to be demanded and taken, the Collector and Receiver thereof shall and he is hereby required to deliver *gratis* to the Person paying such Tolls, a Ticket denoting such Payment, and there shall be specified thereon the Names of the Turnpike Gates freed by such Payment, and the Name of the Gate at which the Ticket shall be delivered.

Trustees to provide Tickets denoting the Payment of Tolls.

XXXVIII. And

Penalty on
Persons dis-
posing of
Tickets to
avoid paying
Toll.

XXXVIII. And be it further enacted, That if any Person shall offer or dispose of any such Ticket, with Intent to evade the Payment of any of the Tolls hereby authorized to be taken, every such Person so offering or disposing of such Ticket, and the Person receiving the same, shall respectively forfeit and pay any Sum not exceeding Forty Shillings.

Power to
vary Tolls.

XXXIX. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time assembled at any Meeting or Meetings to be held for that Purpose, and they are hereby empowered to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said Trustees shall think proper, and from Time to Time afterwards to advance all or any of the Tolls so lessened or reduced to any Sum or Sums of Money not exceeding the respective Tolls herein-before mentioned, so that such Reduction be made with the Consent of the several Persons who shall be entitled to Five-sixth Parts of the Money then due on the Credit of the said Tolls; and that such reduced Tolls shall and may be collected, levied and applied, in such and the same Manner as the Tolls hereby granted are directed to be collected, levied, and applied; but that no Meeting shall be held for the Purpose of lessening, reducing, or advancing all or any of the said Tolls, after the First Meeting, unless Twenty Days previous Notice at the least shall be given thereof in Writing, to be affixed upon all the Turnpikes or Toll Gates which shall be then erected upon and across the said Road.

Property of
Toll Gates,
&c. vested in
Trustees.

XL. And be it further enacted, That the Right and Property of all the Turnpikes, Toll Gates, and Toll Houses, Side Gates, Tables of Tolls, and the several Conveniences and Appurtenances thereto belonging, which are already erected or made upon or on the Sides of the said Road, or which shall be erected or made by virtue of this Act, and all Materials for building or repairing the same, and for repairing the said Roads, and all the Lamps, Lamp Posts, Lamp Irons, and the Furniture thereof respectively, and all other Materials, Articles and Things which shall be purchased, collected, or provided for the Purposes of this Act, shall be vested in the said Trustees and their Successors, and they are hereby empowered to sell or dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, or prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall keep Possession of any such House or Appurtenances, or shall break down or damage, steal or take away, any of such Turnpikes, Toll Gates, Toll Houses, Conveniences, Appurtenances, Materials, Articles, or Things, or disturb them, or their Agents or Servants in the Possession thereof; and in all such Actions and Bills of Indictment respectively, it shall be sufficient to state generally that the Article or Articles, Thing or Things, for or concerning which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Trustees for repairing the said Road, without particularly mentioning or specifying the Name or Names of all or any of the said Trustees.

Toll Collec-
tors to put
up their
Names.

XLI. And be it further enacted, That all and every Toll Collector appointed either by the said Trustees, or by any Lessee or Lessees under them, to collect the Tolls payable by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board
in

in legible Characters, in the Front or some other conspicuous Part of the Toll House or Turnpike Gate, immediately on his coming on Duty, each of the Letters of such Names to be at least One Inch 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 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 wilfully demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of this Act, or shall demand or take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and who shall claim such Exemption, or shall refuse to permit or suffer to be read, or shall in anywise hinder any Person or Persons from reading such Christian and Surname, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same on having paid the said Tolls, or shall give a false Name or Names on such Demand, or shall refuse or neglect to give a Ticket on Payment of the Toll, denoting the Payment of the Toll, and having specified thereon the Name of the Gate at which such Payment shall have been made, and also of the several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Road, or shall without a sufficient Cause detain or delay any Person or Persons 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.

XLII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for or in respect of any Horse or other Cattle or Beast drawing any Carriage, or not drawing, attending His Majesty or any of the Royal Family, or returning from having so attended. Exempting
the Royal
Family from
Toll.

XLIII. Provided also, and be it further enacted, That no Tolls shall be demanded or taken for any Horse or Cattle drawing any Carriage passing laden with, or unladen for, or returning the same Day unladen, after having been laden with Materials for making or repairing the said Road, or for repairing the Highways in any Township or any Public Bridges; nor for any Horse or other Beast drawing any Carriage laden with, or passing unladen for, or returning the same Day unladen, after having been laden with Grass, Hay, Straw, Corn in the Straw only, not bought, sold, or disposed of, or carried for the Purpose of being sold or disposed of, but passing to be placed in the Outhouses or on the Lands of the Owner thereof, nor with any Marl, Muck, Dung, Compost, or other Manure (Lime excepted), for the Improvements of Lands, nor for any Implements of Husbandry passing in order to the using or repairing of the same, in any of the Townships through which the said Road shall pass; nor for any Horse or Beast going to or from Water, Pasture, or Work in Husbandry, upon or within any of the Lands within such Townships or any of them; nor for any Horse or Beast belonging to any Inhabitant of any of the Townships through which the said Road shall pass, which shall be only passing in order to be shod or farried, or drawing any Carriage or Implement in Husbandry, or other Thing to the Carpenter's or Wheelwright's Shop to be repaired, or for the Return of such

[Local.]

35 Q

Horses

Horses or other Cattle ; nor from any Rector, Vicar, or Curate, going to or returning from his own or any other Parish Church or Place of Divine Worship, or visiting his sick Parishioners ; nor from any Person or Persons going to or returning from his, her, or their proper Parochial Church or Chapel ; nor from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law, upon *Sundays*, or on any other Day on which Divine Worship is ordered by Authority to be celebrated ; nor from any Person or Persons going to or returning from the Funeral of any Person or Persons who shall die and be buried in any Parish or Place in which such Turnpike shall be situate ; nor for any Person or Persons going to or returning from any Election of a Member or Members to serve in Parliament for either of the said Counties of *Warwick* and *Oxford*, during the Time of or on the Day before or Day after such Election shall begin or be concluded ; nor for any Horses or other Beasts of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster-General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back therefrom ; nor for any Horse, 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 such Person be dressed in the Uniform of his Corps, and wear his Arms, Furniture, and Accoutrements according to the Regulations appointed for such Corps at the Time of claiming such Exemptions ; nor for the Horses of Soldiers passing who are upon their March or upon Duty, nor for Horses or other Beasts drawing any Waggon, Wain, or Carriages employed in conveying the Arms or Baggage of any such Soldiers, or any sick, wounded, or disabled Officers or Soldiers, or the Wives and Children of such Soldiers ; nor for any Horse or Beast drawing any Waggon, Wain, Cart, or other Carriage whatsoever, employed in carrying or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning after having been so employed ; nor for any Horses or Beasts drawing any Carriage employed in conveying Vagrants sent by legal Passes, or Prisoners under any legal Warrant, or returning after having been so employed ; and if any Person or Persons shall in any fraudulent or collusive Manner claim the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds ; and in all Cases the Proof of Exemption shall lie on the Person claiming the same.

Carriages
conveying
Military
Stores not to
be subject to
Penalties for
Overweight.

XLIV. And be it further enacted, That no Person owning or driving any Waggon, Wain, Cart, or Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty for Overweight ; nor shall any such Waggon, Wain, 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 other Beasts of Draught, but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage to employ any Number of Horses or other Beasts of Draught ; any thing in any Act or Acts of

Parliament

Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

XLV. And be it further enacted, That the said Trustees shall be and they are hereby empowered, after giving Seven Days Notice thereof in One or more of the Public Newspapers printed or circulated in the Neighbourhood of the said Road, and also in Writing to be affixed upon the Turnpike the Tolls whereof are intended to be leased, from Time to Time to lease and demise the Tolls granted by this Act, or any Part or Parts of such Tolls, and all and any of the Toll Houses, and the Conveniences and Appurtenances thereunto belonging, for any Term not exceeding Three Years, upon Public Bidding to the highest Bidder, and for the best Price that can be gotten for the same, payable at such Times, to such Person or Persons, in such Manner, and under such Conditions and Agreements, and with such Sureties for the Payment thereof as the said Trustees shall think fit, without being compelled to put up the said Tolls at the Sum at which they were last let, or to have any other Meeting for the Letting thereof; and in case at any Time or Times hereafter when the said Tolls shall be put up to Auction there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall and may be lawful for the said Trustees to accept a private Tender for the same, and to demise or let to farm, or 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 last let, and the Money arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied, any Law or Statute to the contrary thereof notwithstanding; and if the said Trustees, at any Meeting for letting the said Tolls, shall be of Opinion that a Combination exists among the Bidders to undervalue the same, they may then proceed in such Letting in such Manner as to them shall seem more likely to create a real *bonâ fide* and advantageous Competition for the same, and at all such Lettings the Trustees shall have or be entitled to One or more Bidding or Biddings for the said Tolls, either by themselves or their respective Clerk or Clerks, or Treasurer or other Person by them authorized; any thing in any Law or Statute to the contrary notwithstanding.

Trustees may lease Tolls.

XLVI. And be it further enacted, That it shall be lawful for the said Trustees, and for any Renter or Collector of the said Tolls, or any Part thereof, with their Concurrence and Approbation, but not without, to compound for any Term not exceeding One Year at any One Time, with any Person or Persons for any Carriage or Carriages, Horses, Beasts, or Cattle travelling on the said Road for all or any of the said Tolls to be paid in respect of such Carriage or Carriages, Horses, Beasts, or Cattle passing or to pass during such Term through all or any of the Toll Gates then erected on the said Road, such Composition Money to be paid in advance quarterly or otherwise, as the said Trustees shall think fit, and in Default thereof the Composition to be void.

Tolls may be compounded for.

XLVII. And be it further enacted, That out of the Tolls or other Monies already received by virtue of the said recited Acts, and of each of them, or out of the Tolls and all other Monies which shall be raised or received by virtue of this Act, the said Trustees shall in the first Place pay and discharge all Costs and Expences relative to procuring and passing

Application of the Tolls and Money to be borrowed.

passing this Act, together with lawful Interest for the same, from the Time such Advances were or shall be made; and the Remainder of all such Monies shall from Time to Time be applied in repaying the Money borrowed, or now owing by virtue of the said recited Acts, or any of them, or to be borrowed in pursuance of this Act, and the Interest due and to grow due thereon respectively, and in repairing, widening, improving, and rendering commodious the said Road, and in otherwise putting this Act into Execution, and to or for no other Use or Purpose whatsoever.

Enabling Trustees to take Possession of Toll Houses in case of Non-performance of the Terms of the Lease.

XLVIII. 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 for the Space of Three Days next after any of the Days on which the same ought to be paid pursuant to the Lease, Contract, or Agreement for demising or letting thereof, or in case such Lease, Contract, or Agreement shall in any other Manner become void, then and in either of such Cases it shall and may be lawful for any Justice of the Peace for the County or Place where the Toll Gate, Toll Bar, Chain, or Toll House shall be situate, and he is hereby required, upon Application made to him by the said Trustees, or any Two or more of them, or their Clerk or Treasurer, or any other Person authorized by Writing under the Hands of any Two or more of them, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter into and upon and take Possession of any or every Toll House or Toll Houses, Toll Gate, Bar, or Chain so let, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove or put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees, or any Person acting by or under their Authority, Possession thereof; and that thereupon it shall be lawful for the said Trustees, if they shall think fit, to vacate and determine the Lease, Contract, or Agreement for demising and 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 Lessee's Part) as if such Lease, Contract, or Agreement had never been made; and in that Case, or in case the Lease, Contract, or Agreement shall otherwise become void, it shall and may be lawful for the said Trustees 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 Lease, Contract, or Agreement had been made relative thereto.

Power to borrow Money.

XLIX. And be it further enacted, That it shall and may be lawful to and for the said Trustees to borrow and take up at Interest such Sum or Sums of Money as they shall think necessary for the Purposes of this Act, and from Time to Time, by any Writing or Instrument under their Hands

and Seals, to assign over or mortgage all or any Part of the Tolls to be collected and levied at the said Turnpikes already erected or to be erected by virtue of this Act (the Charges of assigning or mortgaging the same to be paid out of such Tolls), for any Term during the Continuance of this present Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed by the said Trustees upon the Credit of the Tolls arising from the said Road, and also for any Sum or Sums of Money now or which may hereafter become due and owing to any Person or Persons upon the Credit of the Tolls arising on the said Road to such Person or Persons, or his, her, or their Trustee or Trustees who shall advance and lend the same, or to whom any Sum or Sums of Money may be due and owing as aforesaid, by the following Words of Assignment under their Hands and Seals, or by any Words to the following Effect :

‘ BY virtue of an Act passed in the Third Year of the Reign of King
 ‘ *George* the Fourth, intituled [*here insert the Title of this Act*], in
 ‘ Consideration of the Sum of _____ to *A. B.*, the Treasurer
 ‘ appointed by the Trustees for putting the said Act into Execution,
 ‘ having been this Day paid by *C. D.*, of _____ [or in Consideration
 ‘ of the Sum of _____ due and owing unto *C. D.* of
 ‘ upon a Mortgage of the Tolls granted by an Act passed in the
 ‘ Year of the Reign of _____] we whose Hands and
 ‘ Seals are hereunto subscribed and set, being Five of the said Trustees, do
 ‘ grant and assign unto the said *C. D.*, his Executors, Administrators, and
 ‘ Assigns, such Proportion of the Tolls arising or to arise upon the said
 ‘ Road, in the said Act of the Third Year of the Reign of His present
 ‘ Majesty, and of the Turnpikes and Toll Houses for collecting the said
 ‘ Tolls, as the said Sum of _____ doth or shall bear to the
 ‘ whole Sum due and owing on the Credit of the said Tolls, or charged
 ‘ thereon for the Term of _____ to have, hold, receive, and
 ‘ take such Proportion of the said Tolls, Toll Houses, and Premises,
 ‘ with the Appurtenances, unto the said *C. D.*, his Executors, Administra-
 ‘ tors, and Assigns, for the Residue or Remainder now to come of the said
 ‘ Term of Years for which the Tolls are granted by the said Act [and (*if*
 ‘ *the Case shall require*) the said *C. D.* hereby agrees to accept such Assign-
 ‘ ment or Mortgage in lieu of such Mortgage Debt], subject to the Proviso
 ‘ following ; (that is to say), provided always, that if the said Sum of
 ‘ _____ shall be repaid to the said _____, his Executors,
 ‘ Administrators, or Assigns, together with Interest for the same after
 ‘ the Rate of _____ *per Centum per Annum*, without any Deduction what-
 ‘ soever, on or before the _____ Day of _____ now next ensuing,
 ‘ then this Assignment shall be void, or else shall remain in full force.
 ‘ In witness whereof we have hereunto set our Hands and Seals this
 ‘ _____ Day of _____ One thousand eight hundred and _____
 ‘ Witness *E. F.*’ _____ *C. D.*

Form of Mortgage for Money to be borrowed.

And Copies of all such Mortgages, and Assignments thereof, shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees, and all and every Person or Persons to whom any such Mortgage or Mortgages shall be made as aforesaid, and also all and every Person or Persons who now have any Mortgage or Security, or who shall be entitled to the Money secured to them, may from Time to Time assign his, her, or their Right, Title, Interest, or Benefit to the Principal and Interest thereby secured, or any Part thereof, to any Persons whomsoever,
 [Local.] _____ 35 R _____ by

Mortgages to be entered in a Book or Books.

by endorsing on the Back of such Security, before One credible Witness, the following Words, or Words to the like Effect; (that is to say),

Form of Assignment of Mortgages, &c.

‘ I the within named *A. B.*, or *I, C. D.*, Assignee, Executor, or Administrator of the within named *A. B.* [*as the Case may happen to be*]
 ‘ do transfer the within Mortgage, with all my Right and Title to the
 ‘ Principal Money thereby secured, and to all Interest now due and here-
 ‘ after to become due thereon, unto _____, his [*or her*] Exe-
 ‘ cutors, Administrators, and Assigns. Dated this _____ Day of
 ‘ One thousand eight hundred and _____
 ‘ Witness *C. D.* *A. B.*

Entry of Assignments to be made in said Book or Books.

Which said Transfer or Assignment shall be produced and notified to the said Clerk, who shall cause an Entry to be made of such Assignment or Transfer, containing the Dates, Names of the Parties, and Sums of Money therein transferred, in the said Book or Books to be kept for entering the said original Assignments, for which the said Clerk shall be paid such Sum as the said Trustees shall appoint, not exceeding the Sum of Six Shillings and Eight-pence; and after such Entry made, but not till then, every such Assignment shall entitle such Assignee, his, her, and their Executors, Administrators, and Assigns to the Benefit thereof and Payment thereon, and every such Assignee may in like Manner assign again, and so *toties quoties*; which said Money so borrowed shall, after paying the Expences of this present Act, be applied and disposed of for the Purposes of this Act, according to the true Intent and Meaning thereof, and to no other Use or Purpose whatsoever.

Books used under former Acts to be Evidence.

L. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

No Priority of Mortgages.

LI. Provided nevertheless, and be it further enacted, That no Preference shall be given to any Person who shall advance 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, in respect to the Priority of advancing or of having advanced any such Sum or Sums of Money; but that all Persons to whom such Mortgages or Assignments have been or shall be made as aforesaid, shall be (in proportion to the Sums of Money due to them) Creditors on this Act, in equal Degree one with another.

Old Mortgages may be called in and new ones granted.

LII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may receive in and cancel all or any of the Mortgages now standing out that were made by virtue of the said recited Acts, and give and execute other Mortgages instead and in lieu thereof respectively, in Manner and transferrable as herein-before mentioned.

One Mortgagee may obtain Possession of the Toll Houses.

LIII. And be it further enacted, That if any Mortgagee or Mortgagees shall seek to obtain Possession of the said Turnpikes, Weighing Machines, Engines, Toll Houses, and Buildings, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof

thereof due to him, her, or them, it shall be competent for 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 consequently be 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, Turnpike Gates, Toll Houses, Buildings, and Premises, *pari passu* and in proportion to the several Sums which may be due to them as such Mortgagees respectively.

LIV. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Trustees, and all such Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any Materials for making or repairing the said Road, out of any common River or Brook, or out of or from any Waste or Common in any Parish, Hamlet, or Place in which any Part of the said Road lies, or in any adjoining Parish, Hamlet, or Place, and to haul and carry away any such Materials when got, over any Common or Waste Lands, without paying any thing for such Materials, and without being deemed a Trespasser or Trespassers, the said Surveyor or Surveyors, or other Person or Persons filling up the Pits or Quarries, levelling the Grounds, or sloping down the Banks wherefrom such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying or tendering for the Damage done by going through and over any inclosed Lands or Grounds for or with such Materials, and such Damages to be ascertained as hereinafter mentioned; and also that it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, by an Order in Writing signed by Two or more Justices as hereinafter directed, to search for, dig, get, gather, take, and carry away any such Materials in or out of the Land of any Person or Persons where the same may be had or found, in any Parish, Hamlet, or Place in which any Part of the said Road shall lie or be situate, or in any adjoining Parish, Hamlet, or Place (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for such Materials, and for the Damage done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees shall judge reasonable; and also to land on and carry through or over any inclosed Lands or Grounds (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House), or on, through, or over any open Land or Common, any Stone or other Materials for making or repairing the said Road, brought on any River, Stream, or Canal, in any Parish, Hamlet, or Place in which the said Road lies, or in any adjoining Parish, Hamlet, or Place, paying or tendering for the Damage done in landing on or going through or over any inclosed Lands or Grounds, for or with such Materials, such Sum or Sums of Money as the said Trustees shall judge reasonable; and in case of any Difference between such Trustees, Surveyors, or other Persons appointed or employed as aforesaid, and the Owners and Occupiers of such Lands

Power to get
Materials.

or

or any of them, concerning such Payments and Damages as aforesaid, any Two or more Justices of the Peace for the County, Liberty, or Place wherein the Place from whence such Materials shall have been taken shall be situate, on Ten Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages, and the Costs attending the hearing and determining the same.

Notice to be given before Materials taken from private Lands.

LV. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing the said Road out of or from any inclosed Land or Ground, until Notice in Writing, signed by the Surveyor, shall have been given to the Owner or Owners of the Premises from which such Materials are intended to be taken, or his or her known Agent, or to the Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Two or more Justices of the Peace acting in and for the County, Liberty, or Place where the Lands from whence such Materials are intended to be taken shall lie, to show Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person to dig, get, gather, take, and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Owner, Agent, or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, the said Justices shall and may (upon Proof on Oath of the Service of such Notice, and which Oath they are hereby empowered to administer), 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.

Penalty on taking away Materials raised by Surveyors.

LVI. And be it further enacted, That if any Person whomsoever shall take away any Materials which shall be dug, gotten, or gathered 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 which shall have been made or opened for the Purpose of getting Materials for making or repairing the said Road, or any other the Purposes of this Act, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Six Weeks (except the Owner or Occupier of the Land in which such Pit 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.

Doors and Gates to open inwards.

LVII. And be it further enacted, That no Gate of or to any Building, Yard, Park, Paddock, Field, or Inclosure whatsoever, shall hereafter be made to open into or towards any Part of the said Road, or the Footpaths belonging thereto, or be suffered to continue so to open, except the Hanging Post thereof shall be so far removed from the Centre of any such Part of the said Road, so that no Part of such Gate shall project over any Part of the said Road, or any Footpath belonging thereto; and the Occupier
or

or Occupiers of every such Building, Yard, Park, Paddock, Field, or Inclosure, having any Gate opening outwards contrary to the Meaning of this Act, shall, within Ten Days after Notice to him, her, or them given, either personally or in Writing, from the Surveyor of the said Road, cause such Gate to be hung so that no Part of the Gate when open shall project over any Part of the said Road, or any Footpath belonging thereto, and in Default thereof 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 or Justices of the Peace acting in and for the County, Liberty, or Place where such Neglect shall happen, and upon Conviction upon the Oath of One credible Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Gates, and shall also forfeit and pay a further Sum of Money, not exceeding Forty Shillings, for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made.

LVIII. And be it further enacted, That it shall be lawful for the said Trustees, or their Surveyor or Surveyors, and such Person or Persons as they or he shall appoint, from Time to Time to remove and prevent all Annoyances by Timber, Stone, Carriages, Hovels, Lime, Mortar, Filth, Dung, Ashes, Rubbish, Straw, or other Things being laid on any Part of the said Road, or upon Open, Common, or Waste Land within Thirty Feet of the Centre thereof, and to dispose of the same for the Benefit of the said Road, in case the Owners thereof shall neglect to remove the same for the Space of Three Days after Notice in Writing, signed by the Surveyor of the said Road, given to such Owners for that Purpose, or in case the Owners are not known, after a like Notice affixed for Seven Days on the nearest Turnpike Gate; and it shall and may be lawful to and for the said Trustees or their Surveyor, or such Person or Persons as he or they shall appoint, from Time to Time to turn any Watercourses, Sinks, or Drains running along, into, or out of the said Road, to the Prejudice thereof; and to open, scour, cleanse, widen, or make deeper any Watercourse or Ditches adjoining or near thereto, and to make the same as deep and large as he or they shall think necessary; and at proper Seasons of the Year to cut down or lop any Branches, Shrubs, or Bushes growing on or over the said Road, or in the Hedges or Banks adjacent thereto respectively (not being a Garden, Orchard, Plantation, Walk, or Avenue to a House, or any Tree being an Ornament or Shelter to a House), and to take and carry away the same, and to cut and reduce all such Hedges to the Height of Five Feet, in case the Owners or Occupiers of the Premises shall, for the Space of Fourteen Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to lop, cut down, or remove such Branches, Shrubs, or Bushes, or to cut and reduce such Hedges, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees or their said Surveyor or Surveyors shall require; the Charges whereof, to be settled by any Justice or Justices of the Peace of the County, Liberty, or Place where the same shall happen, shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as

For removing other Annoyances and Nuisances.

[Local.]

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the Penalties and Forfeitures imposed by this Act are herein-after directed to be recovered and applied; and if after the Removal of any of the said Annoyances any Person shall again offend in like Manner; every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Surveyors to impound Cattle found straying on the Road.

LIX. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind, shall at any Time be found wandering, straying, or lying in the said Road, or by the Sides thereof, it shall and may be lawful to and for the Surveyor or any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle in the Common Pound of the Hundred, Parish, Township, Tithing, or Place where the same shall be; or in such other Place as the said Trustees shall appoint, and the same there to detain until the Owner or Owners thereof shall for every and each Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of One Shilling 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 Five Days next after such impounding, it shall and may be lawful to and for the said Trustees to sell or cause to be sold every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, and the Money arising from such Sale, after deducting the said Penalty, and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been, on Demand.

Punishment of Persons guilty of Pound Breach.

LX. 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; or shall release or attempt to release any Horse, Cow, Ass, Swine, or other live Stock or Cattle which shall be 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, Liberty, 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 the County or Division wherein the said Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

LXI. And be it further enacted, That the said Trustees shall from Time to Time cause Stones or Posts to be set up and placed in or near the Sides of the said Road, at the Distance of One Mile from each other, denoting the Distance of any and every such Stone or Post from any Town or Place, and also such Direction Post at the several Roads leading out of the said Road, or at any Crossings, Turnings, or Terminations thereof, with such Inscriptions thereon, denoting to what Place or Places the said Roads respectively lead, of such Height or Size; and to be erected in such Situations as they the said Trustees shall think proper; and if any Person or Persons shall wilfully break, cut down, pull up, or damage any such Posts or Stones, or shall obliterate, deface, spoil, or destroy all or any of the Letters, Figures, or Marks which shall be inscribed or painted thereon, and be thereof convicted before any Justice of the Peace for the County, Liberty, or Place where such Stones or Posts shall be so as aforesaid erected, by the Confession of the Party; or by the Oath of One credible Witness, such Person or Persons so offending shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Mile-stones
and Direc-
tion Posts
to be erect-
ed.

LXII. And be it further enacted, That if any Person or Persons shall ride upon any Footpath or Causeway by the Side of the said Road, made or set apart for the Use or Accommodation of Foot Passengers, or shall lead or drive any Horse, Ass, Mule, Swine, or Cattle or Carriage of any Description upon any such Footpath or Causeway, or shall cause any Injury or Damage to be done to the same, or the Hedges, Posts, Rails, or Fences thereof; or shall wilfully pull down or damage any Bridge, Wall, or any other Building or Erection made by the said Trustees under the Authority of this Act, or repaired or repairable by them; or 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 principally or in part upon wheeled Carriages, to drag or trail upon the said Road, to the Prejudice thereof; or shall in or upon the said Road, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, burn, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or shall have, make or assist in making, any Fire or Fires, or shall set fire to or wantonly let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, within Eighty Feet of the Centre of the said Road; or bait, or run for the Purpose of baiting, any Bull; or play at Foot-ball, or any other Game or Games upon the said Road, or on the Side or Sides thereof, or in any exposed Situation near thereto, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Waggon, Wain, or Cart (except in case of Accident) upon the said Road, or on the Side or Sides thereof, without any proper Person in the sole Custody or Care thereof, longer than may be necessary to load or unload the same, or shall not place the same during the Time of loading or unloading, the same, or of taking Refreshment, as near to one Side of the Road as conveniently may be, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or shall lay any Timber, Stones, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever upon the said Road, or on the Side or Sides thereof, or the Footpaths or Causeways adjoining, to the Prejudice of such Road or Footpaths; or to the Prejudice, Annoyance, Interruption, or personal Danger of any Person or Persons travelling thereon;

Penalty on
Persons
committing
Nuisances.

or

or shall suffer any Water, Filth, Dirt, or other offensive Matter or Thing whatsoever, to run or flow into or upon the said Road or Footpaths, from any House, Building, Erection, Lands, or Premises adjacent thereto; or if any Person or Persons shall plough, dig, or break up any of the Soil upon the said Road, between the Fences bounding the same, for the Purpose of making Compost or Manure, or otherwise shall scrape off any Soil or other Thing from the said Road, or the Sides thereof, or shall take up and carry away any Scraping thereof without the Leave of the said Trustees, or their Surveyor; or if the Surveyor of the said Road, or any Undertaker or Contractor for the Repairs thereof, or any Person acting by or under his or their Authority, shall lay or cause to be laid upon the said Road, or the Sides thereof, any Heap of Stones or other Materials for the Repair thereof, or of any Part thereof, and shall permit or suffer the same to remain longer than shall be necessary for spreading or laying such Stones or Materials over or upon the said Road; 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 the Fences, Hedges, Banks, or Copse on either Side thereof respectively; or if any Person shall, after having blocked or stopped any Cart, Waggon, or other Carriage, in going up a Hill or rising Ground, cause or suffer to be or remain on the said Road, the Stone or other Thing with which such Cart or other Carriage shall have been blocked or stopped; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage used for the carrying of Goods and Merchandize, shall ride on the Shafts or on any other Part of such Waggon, Cart, Dray, Sledge, or other Carriage, or on any of the Horses drawing the same, upon the said Road, without having some proper Person immediately on the Side of and attending to guide such Horses or Beasts of Draught thereof; and if any such Person meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his or her Carriage on the Left or Near Side of the said Road; 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 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 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 or Pannier, or any other Matter or Thing, shall place such Bars or Rods, Basket or Pannier, Matter or Thing, so that the same shall 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 Hawker, Higgler, Gipse, or other Person or Persons travelling with any Machine, Vehicle, Cart, or other Carriage, with or without any Horse, Mule, or Ass, shall pitch any Tent, or encamp upon or by the Sides of any Part of the said Road; every Person offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and above such Damages occasioned thereby.

Penalty for erecting Encroachments on the Sides of the Road, &c.

LXIII. And whereas great Inconveniences have arisen, and may arise, from erecting Dwelling Houses and other Buildings, and making Hedges, Ditches, and other Fences too near the said Road; for Remedy whereof, be

be it enacted, That if any Person shall from and after the passing of this Act encroach, by making or causing to be made any Dwelling House or other Building, Hedge, Ditch, or other Fence, within the Distance of Fifteen Feet from the Middle or Centre of the said Road (except Turnpike Houses erected or to be erected by Order of the said Trustees, or unless the said Trustees shall consent or agree thereto, or that the same shall remain), every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds; and it shall be lawful for the said Trustees, by Order under their Hands made at a Public Meeting, or some Adjournment thereof, or at any Meeting to be held for that or any other Purpose, directed to their Surveyor, to cause such Dwelling Houses, Buildings, Hedges, Ditches, or other Fences to be pulled down or filled up at the Expence of the Person or Persons to whom the same shall belong; and it shall and may be lawful for any One or more Justice or Justices of the Peace in and for the said Counties of *Warwick* or *Oxford*, upon Proof thereof to him or them made upon Oath, to levy as well the Expences of taking down such Dwelling Houses, Buildings, Hedges, and Fences, and filling up the Ditches as aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus to the Owner on Demand.

LXIV. And be it further enacted, That it shall be lawful for the said Trustees, or for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees), to make and repair, or cause to be made and kept in repair, any Causeway or Causeways for the Use of Foot Passengers along any Part or Parts of the said Road, in such Manner as they shall see convenient, and also Ditches and Drains in and upon the said Road, and also through any Ground lying contiguous thereto; and also to erect, build, and keep in repair, Bridges and Arches upon the said Road, or across any such Ditches or Drains where necessary; and also to make or cause to be made a Road through the Grounds adjoining to any ruinous or narrow Part of the said Road (such Grounds respectively not being the Site of or Ground whereon any House or Houses stand, not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or inclosed Ground planted and set apart as a Nursery for Trees), to be made use of by all Passengers, Cattle, and Carriages, as a Public Highway, whilst such ruinous or narrow Part of the said Road is repairing or widening, and until it shall be convenient for Passengers or Carriages to pass along the same, making such Recompence to the Owners and Occupiers of such private Grounds respectively for the Damage they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon or through any Heath, Moor, Common, or Waste Grounds; and in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, that then it shall be lawful for any Two Justices of the Peace acting in and for the County, Liberty, or Place wherein such Grounds shall be situate, on Ten Days Notice in Writing being given by either Party to the other, to settle, adjudge, and finally determine what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid, which Determination shall be final and conclusive to all Parties; but no Satisfaction

Power to
make Cause-
ways and
Drains.

[*Local.*]

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tion

tion shall be made for doing or performing any of the Works aforesaid upon or through any Heath, Moor, Common, or Waste Lands.

Trustees
may con-
tract for
making or
repairing
the Road,
&c.

LXV. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, shall or may, and they and he are and is hereby empowered to contract with any Person or Persons for making, altering, widening, or repairing the said Road or any Part thereof, or for erecting Mile or Direction Stones, Posts, or Guide Posts thereon, or for doing any other Work to be 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; and that all Contracts or Agreements in Writing entered into pursuant to any Order of the said Trustees by their Clerk or Treasurer, Surveyor, or other Officer, with any Workmen, or any other Person or Persons, relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Parties and Persons as shall sign the same, his, her, or their Executors and Administrators; and that Actions and Suits shall and may be maintained thereon by the said Trustees, or by their Clerk or Clerks, Treasurer or Treasurers, and in his and their Name or Names respectively, and Damages and Costs recovered against the Party or Parties, or Person or Persons failing in the Performance of such Contracts or Agreements respectively, and such Sum or Sums of Money as shall or may be requisite for repairing the said Road, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against such Party or Parties, or Person or Persons so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

Penalty on
obstructing
Collectors,
Surveyors,
&c.

LXVI. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause or promote to be assaulted, interrupted, or hindered, any Collector of the Tolls, or other Person or Persons, when employed either in taking the Measure or Gauge of any Wheel or Wheels, or otherwise employed in the Execution of this Act, while doing or performing any Work or Thing authorized, to be done or performed by virtue of this Act, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For regula-
ting Statute
Labour.

LXVII. Provided always, and be it further enacted, That all Persons who are liable by Law to do Statute Work on any Part of the Road within the Parishes, Townships, or Places through which the said Road or any Part thereof shall pass, or may hereafter pass, shall be liable to do the same on the said Road; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said Counties of *Warwick* or *Oxford*, and they are hereby empowered and required, 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 upon the said Road by the Inhabitants of the respective Parishes, Townships, or Places in which the said Road lies; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for such Statute Work as aforesaid,

aforesaid, shall be by him, her, or them paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereunto it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Five Days after the serving of such Summons), of the Names of the several Persons who within such Parish, Township, 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 and 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 Manner, and under such Regulations as is or may be directed by any Statute in force and effect, or hereafter to be made, 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 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 their Surveyors or Surveyor, shall from Time to Time order, direct, or appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as they 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, 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 Pains, Penalties, and Forfeitures as such Person and Persons may be subject and liable to by any Law or Statute in force and effect, or hereafter to be made 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 or Surveyors to the said Trustees, such Surveyor or Surveyors is and are hereby empowered to remove and turn off the Person or Persons who shall be found idle or negligent as aforesaid, and in that Case every such Person sending such Labourer, Team, or Draught, shall be subject and liable to the respective Forfeitures and Payments as aforesaid, as if 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, Townships, or Places shall refuse or wilfully neglect to give in such

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 Ten Pounds.

Trustees
may com-
pound for
Statute
Work.

LXVIII. And be it further enacted, That it shall be lawful for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Repairs of Statute Work to be by him, her, or them done on the said Road, and also with the Surveyor or Surveyors of the Highways for any of the Parishes, Hamlets, or Places in which the said Road shall lie and be situate, for a certain Sum of Money, by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or any Part of the Statute Work 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, Hamlet, or Place, or by the Person or Persons so compounding, to the Treasurer of the Trustees in advance, on or before the Thirty-first Day of *October* in each and every Year; or otherwise such Person or Persons, Bodies Politic or Corporate, or Inhabitants and Occupiers within such Parish, Hamlet, or Place, shall not be permitted to compound for that Year, and all such Composition Money shall be applied for the Purposes of this Act; and that every such Surveyor of the Highways who shall pay any such Composition Money shall be reimbursed the same, in like Manner as Surveyors of the Highways are by the Laws in being to be reimbursed the Money by them laid out and expended in buying Materials for the repairing and mending of any other Highway or Highways.

Recovery
of Penalties
and For-
feitures.

LXIX. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein otherwise directed) shall, upon Proof of the Offences respectively before any Justice of the Peace for the County, Liberty, or Place where the Offence shall have been committed (as the Case may require), either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justice is in every such Case hereby fully authorized to administer), be levied, together with the Costs attending the Information and Conviction, 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 (if any), 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 in case such Fines, Penalties, and Forfeitures shall not forthwith be paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his 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 Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby em-
powered

powered 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 such Justice of the Peace as aforesaid, 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 the County, Liberty, or Place where the Offender shall be or reside, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, 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 and disposed of for the Purposes of the said Road and of this Act.

LXX. And be it further enacted, That it shall and may be lawful for any of the said Trustees, or their Collectors, Lessees, or Farmers of Tolls, Surveyors, or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance (and which all By-standers and other Persons, on Demand, are hereby required to give), without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Trustees, Collectors, Lessees, Farmers, Surveyors, or other Officers) who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the County, Liberty, or Place where the Offence or Offences shall be committed, or such Offender or Offenders shall be seized and apprehended; and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

For securing transient Offenders.

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

Warwickshire } BE it remembered, That on the Day of Form of
 or Oxfordshire, } in the Year of our Lord Conviction.
 to wit. }
 A. B. is convicted before of His
 Majesty's Justices of the Peace for the said County of Warwick or
 Oxford, on his [or her] own Confession [or on the Oath of
], a credible Witness, or on the Oaths of
 and Two credible Witnesses [as the
 Case may be], of [here specify the Offence, and the Time and Place when
 and where committed], contrary to an Act passed in the Third Year of
 the Reign of His Majesty King George the Fourth, intituled [here in-
 sert the Title of this Act, or so much thereof as may be necessary], and
 I, the said Justice [or we, the said Justices], do adjudge the said
 to have incurred the Penalty of
 to be paid, recovered, and applied in Manner directed by the said Act.
 [Local.] 35 U—Y Given

Given under our Hands and Seals [*or my Hand and Seal*], the Day and Year first aforesaid.

Proceedings
not to be
quashed for
Want of
Form, or
removed.

LXXII. And be it further enacted, That no Order or Proceeding of the said Trustees, or of their Clerk, Treasurer, or Surveyors, or of any Justice or Justices of the Peace, to be made concerning any of the Matters in this Act contained, either on the Conviction or Convictions of any Offender or Offenders by virtue hereof or otherwise, shall be quashed, set aside, or vacated for Want of Form only, but the same shall be amended, if necessary, on any Appeal, and be proceeded upon on the Merits thereof, nor shall the same be removed or removable by Certiorari or otherwise, into any of His Majesty's Courts of Record at *Westminster*; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect, Omission, or Want of Form in the Summons, Conviction, Warrant of Distress, or any other Proceeding relating thereto; and if any Irregularity shall afterwards be committed by any Person or Persons distraining, he, she, or they shall not on that account be deemed a Trespasser or Trespassers *ab initio*, but the Party or Parties aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage sustained thereby 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 shall be made by or on Behalf of the Party distraining before such Action shall be brought.

Persons
aggrieved
may appeal
to the Quar-
ter Sessions.

LXXIII. 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 or Persons may, within Six Calendar Months next after such Cause of Complaint shall have arisen, appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be holden for the County, Liberty, or Place in which the Cause of Complaint shall arise (as the Case may be), unless such Complaint shall arise within Thirty Days preceding such Sessions, in which Case such Appeal may be brought at the following Sessions after such Cause shall arise, such Appellant or Appellants first giving or causing to be given Twenty-one Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Respondent or Respondents, and to the Clerk or Clerks of the said Trustees, and within Ten Days after such Notice entering into a sufficient Recognizance before some Justice of the County, Liberty, or Place (as the Case may be), with Two sufficient Sureties conditioned to try such Appeal and abide the Order of and pay such Costs as shall be awarded by the Justices at such Sessions; and the said Justices at such 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 Party or Parties appealing, or appealed against as they the said Justices shall think proper; and the said Justices may, if they see Cause, by Order of such Sessions, mitigate at their Discretion any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction

tion to be made to the Party or Parties so injured as they shall judge reasonable, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify or confirm the same, with such Costs as to them in their Discretion shall seem reasonable, and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices may also at such Sessions, by their Order or Warrant, levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same, and for want of sufficient Distress may commit such Person or Persons to the Common Gaol or House of Correction within the County, Liberty, or Place (as the Case may be) wherein the Offence shall be committed, for any Time not exceeding the Term of Six Calendar Months, or until Payment of such Costs.

LXXIV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done or pretended to be done in pursuance of this Act, until after Twenty-eight Days Notice shall be given to the Clerk or Clerks to the said Trustees, nor after a sufficient Satisfaction, or a Tender thereof, 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 shall be committed, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear that the same was so done, or that such Action or Suit was brought before Twenty-eight Days Notice thereof had been given as aforesaid, or after a sufficient Satisfaction, or a Tender thereof, had been made as aforesaid, or after the Time limited for bringing the same as aforesaid, or if such Action shall be brought in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or shall discontinue his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared, or if upon any Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any Course of Law.

LXXV. 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.

LXXVI. And be it further enacted, That this Act shall commence and take effect upon the Third *Monday* next after the passing of this Act, and shall be put in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the next Session of Parliament.

