



ANNO PRIMO

# GEORGIIV. REGIS.

\*\*\*\*\*

## Cap. lxxxi.

An Act to continue the Term and alter and enlarge the Powers of Two Acts of His late Majesty King *George* the Third, for amending the Road leading from the Turnpike Road in the Parish of *Asthall*, in the County of *Oxford*, to the Turnpike Road at or near *Buckland*, in the County of *Berks*.

[15th July 1820.]

**W**HEREAS an Act was passed in the Seventeenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending, widening, and keeping in Repair the Road leading from the Turnpike Road in the Parish of Asthall, in the County of Oxford, to the Turnpike Road at or near Buckland, in the County of Berks:* And whereas another Act was passed in the Thirty-ninth Year of His said Majesty, intituled *An Act to continue for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term and Powers of an Act passed in the Seventeenth Year of the Reign of His present Majesty, intituled 'An Act for amending, widening, and keeping in Repair the Road leading from the Turnpike Road in the Parish of Asthall, in the County of Oxford, to the Turnpike Road at or near Buckland, in the County of Berks:'* And whereas considerable Sums of Money borrowed on the Credit of the Tolls granted by the said Acts are now due and owing, together with a very large Arrear of Interest thereupon, and the

17G.3.c.104.

39 G. 3. c.76.

[Local.]

26 N

same

For extending former Acts to this Act.

same cannot be paid off, nor the said Roads kept in good and sufficient Repair, and safe and commodious for Travellers, unless the Terms and Powers of the same Acts are further continued and enlarged, and the Tolls increased; but the same cannot be done without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said Two first recited Acts and this present Act, and all the Powers, Authorities, Provisions, Regulations, Payments, Penalties, Forfeitures, Clauses, Matters, and Things therein and herein contained (except so much of the said recited Acts as is herein varied, altered, or repealed) shall be and continue in full force and effect, and be put in Execution for the Purposes in the said recited Acts and this Act mentioned, for and during the Term hereinafter mentioned, as fully and effectually to all Intents and Purposes as if the same were re-enacted in the Body of this Act, but subject nevertheless to the Amendments, Variations, and Additions herein contained; and that this Act and the additional Term and Tolls hereby granted shall be and the same are hereby declared to be subject and liable to the Payment of all Monies which are or shall be borrowed on the Credit of the Tolls arising or to arise by virtue of the said Two first recited Acts and this Act, or any of them, and all Interest due and to grow due thereon respectively.

Appointing new Trustees.

For electing new Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the said several Counties of *Oxford* and *Berks* respectively, together with the Honourable *Philip Pusey*, Sir *George Throckmorton* Baronet, *Charles Courtenay*, *Robert Throckmorton*, *Edward Loveden Loveden*, *William Yarnton Mills*, the Reverend *John Rawbone* Doctor in Divinity, *Charles Loder Stephens*, *Samuel James Goodenough* Clerk, *James Thorold* Clerk, *Peter Maingy* Clerk, *William Joseph Walker* Clerk, *Edward Whitaker*, *Frederick Whitaker*, *Robert Bullen*, *Charles Gillett*, *Robert Symonds* Clerk, *John Wright*, *Joseph Arnatt*, *Walter Strickland*, *Walter Strickland* junior, *James Stopes* Clerk, *Francis Whitcombe* Clerk, *Noble Kent Nalder*, *Samuel Druce*, *Thomas Colston* Clerk, *Thomas Neate* Clerk, *Hugh Owen* Clerk, *William Harvey*, *Daniel Rutter*, *Charles Winkworth*, *George Johnson* Clerk, and *John Stephens*, shall be and are hereby added to and joined with the surviving or continuing Trustees, named in or appointed by virtue of or acting under the said recited Acts; and that they, and also all and every the Trustees appointed or acting under or by virtue of the said recited Acts, shall be Trustees for putting the same and this Act into Execution to all Intents and Purposes whatsoever; and that it shall be lawful to and for the said Trustees, or any Three or more of them, and they are hereby empowered, at any Time or Times, and from Time to Time as Occasion may require, to elect any Number of additional Trustees, not exceeding Ten, who shall have the same Power and Authority for executing the Powers and Provisions of the said recited Acts and this Act, as if they had been hereby expressly named and appointed.

Repeal of Qualification of Trustees.

III. And whereas it is by the said first recited Act enacted, that no Person shall act as a Trustee in the Execution thereof who shall not be possessed

possessed of Lands, Tenements, or Hereditaments of the clear yearly Value of Seventy Pounds, or shall have a Personal Estate of the Value of Two thousand Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds: And whereas the said Provision has been found inconvenient; be it therefore enacted, That the same shall be and is hereby repealed.

IV. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said Acts and this Act unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Enjoyment or Receipt of the Rents and Profits of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person so seised of Messuages, Lands, Tenements, or Hereditaments, Freehold or Copyhold, of the clear yearly Value of One hundred and fifty Pounds above Reprizes, or shall be possessed of a clear Personal Estate, or of a Real and Personal Estate together, of the Amount or Value of Four thousand Pounds; and if any Person not being so qualified shall presume to act as a Trustee in the Execution of the said Acts and this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record, 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 Imparance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof being given of his having acted as a Trustee in the Execution of the said Acts and this Act: Provided nevertheless, that all Acts and Proceedings by any such Person as a Trustee in the Execution of the said Acts and this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Qualification  
of Trustees.

V. And be it further enacted, That every Trustee appointed or to be elected and appointed by virtue of this Act, before he shall act as such (except in administering the Oath herein-after mentioned), shall take and subscribe an Oath before Two or more of the said Trustees (who are hereby empowered to administer the same) in the Form or to the Effect following; (that is to say),

Trustees to  
take an Oath.

I *A. B.* do swear, That I am in my own Right [*or*, in the Right of my Wife], truly and *bonâ fide* seised or possessed of and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or am Heir Apparent of a Person truly and *bonâ fide* seised or possessed of and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds above Reprizes; *or*, am truly and *bonâ fide* possessed of a clear Personal Estate [*or*, of a Real and Personal Estate together, *as the Case may be*] of the Amount or Value of Four thousand

‘ thousand Pounds; and that I will truly and faithfully execute the  
 ‘ Powers and Trusts reposed in me by Three Acts of Parliament, passed  
 ‘ in the Seventeenth and Thirty-ninth Years of the Reign of His late  
 ‘ Majesty King *George* the Third, and the First Year of the Reign of His  
 ‘ Majesty King *George* the Fourth, intituled [here set forth the Title of the  
 ‘ said Acts.] So help me GOD.’

Trustees  
 holding  
 Places of  
 Profit not to  
 act.

VI. Provided also, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said Acts and this Act, during the Time he shall hold any Place of Profit, or be interested or concerned in any Contract or Contracts under the said Acts and this Act; but that no Mortgagee or Assignee of any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted by the said Acts and this Act, or receiving Interest thereout for the same, nor any Creditor upon the said Road, shall be on that Account deemed unqualified to act as a Trustee in the Execution of the said Acts and this Act.

All Acts may  
 be done by  
 the Majority  
 of Trustees,  
 unless other-  
 wise directed.

VII. And be it further enacted, That all Acts, Proceedings, Matters, and Things relative to the Execution of the said recited Acts and this Act, may be done and executed by the Majority of the Trustees nominated and appointed in pursuance of the said Acts and this Act, or who shall hereafter be elected and appointed as aforesaid, present at their respective Meetings, the whole Number present not being less than Three; and all Acts, Matters, and Things so done by any such Three or more Trustees, shall be as good, valid, and effectual as if the same had been done by all the Trustees appointed or to be appointed (except only in Cases herein particularly directed to be done and executed by any greater Number); and at every Meeting of the said Trustees a Chairman shall and may be appointed; and when and so often as it shall happen that there shall be an Equality of Votes at any such Meeting, upon any Question, including the Vote of the Chairman, then and in every such Case it shall and may be lawful for the Chairman to give the decisive or casting Vote: Provided always, 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 the said Acts and this Act, or receiving Interest for the same, or any Creditor, shall on that Account be deemed disqualified to act as a Trustee in the Execution of the said Acts and this Act, save and except only in those Cases where they respectively may happen to be personally interested.

Chairman to  
 have the  
 casting Vote.

Repeal of  
 Penalties for  
 verifying Ac-  
 counts on  
 Oath.

VIII. And be it further enacted, That so much of the said Act passed in the Seventeenth Year of the Reign of His late Majesty, as requires any Officer or other Person to verify his Account on Oath, and as authorizes the Trustees for executing the said Act to administer an Oath to any such Officer or Officers appointed or to be appointed by virtue of the said Acts or this Act, as to the Correctness or Justness of his or their Accounts, or respecting any Sum or Sums of Money received or expended by virtue of his or their Office, shall be and the same is hereby repealed.

Orders to be  
 entered in a  
 Book.

IX. And be it further enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered shall be signed by the Trustees making the same, or by the Chairman at such Meeting; which  
 Book

Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments or Transfers thereof, shall be admitted as Evidence in all Courts whatever.

X. And be it further enacted, That the said Trustees shall, and they are hereby required from Time to Time and at all Times during the Continuance of the said Acts and this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Road, and of the several Articles, Matters, and Things, for which any 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 granted by the said Acts and this Act, without Fee or Reward; and the said Trustees and Creditors shall or 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 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 any Sum not exceeding Five Pounds, to be levied and recovered in Manner in the said first recited Act directed.

Accounts to be kept of Receipts and Disbursements.

XI. And be it further enacted, That upon the Death, Incapacity, Absconding, or Absence of any Collector or Receiver of Tolls, any Three or more of the said Trustees, though not assembled at any General Meeting of the Trustees appointed by virtue of this Act, by Writing under their respective Hands, shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the then next Meeting of the said Trustees, in the Stead of such Collector or Receiver as shall so die, become incapable, abscond or absent himself; which Person so nominated and appointed shall have the like Power and Authority and be answerable and accountable in the same Manner in all respects, as the Person who shall die, become incapable, abscond or absent himself, would have had or been subject to; and if any Collector or Receiver of the said Tolls, who shall be discharged from his said Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or Representatives of any Collector or Receiver, who shall die, abscond, absent himself or be discharged, or any other Person having the Possession of any Tollhouse or Buildings erected or to be erected or set up by virtue of the said Acts and this Act, shall neglect or refuse to deliver up such Possession for the Space of Three Days after Demand thereof made, and Notice in Writing given for that Purpose, by any Three or more of the said Trustees, or by their Clerk or Treasurer, then and in any of the said Cases, it shall and may be lawful for any Justice or Justices of the Peace for the County where the Offence shall be committed, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the same County, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and to put the said Trustees, or any Three or more of them, or any of their Officers, in the Possession thereof.

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

Clerk restrained from acting as Treasurer, or vice versa.

XII. 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 said recited Acts, or either of them, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Acts or this Act, or either of them, 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 for executing the said Acts and this Act, or either of them; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said Acts and this Act or either of them, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk, in the Execution of the said Acts or this Act, or either of them, 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 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, or more than one Imparlance shall be allowed.

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

XIII. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk for the Time being, and that no Action to be brought or commenced by or against the said Trustees, or any of them, by virtue of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk, without the Consent of the said Trustees, or any Three or more of them, but that the Clerk for the Time being shall always be deemed the Plaintiff or Defendant in such Actions or Suits, as the Case may be: Provided always, that every such Clerk shall be reimbursed out of the Monies to be received by virtue of this Act all such Costs, Charges, and Expences as he shall be put unto or become chargeable with by reason of his being so made Plaintiff or Defendant.

Turnpikes, &c. vested in the Trustees.

XIV. And be it further enacted, That the Right and Property of the several Toll Houses and Turnpikes or Toll Gates, Weighing Engine or Weighing Engines, and other Erections and Buildings already erected and provided, or hereafter to be erected and provided by virtue of the said recited Acts or of this Act, with the Materials, Grounds, Fences, and Appurtenances thereto belonging, and of all Arches, Bridges, Walls and other Erections, Buildings and Premises, and of all Milestones and Posts already erected or hereafter to be erected, and also of all Materials, Tools, and Implements which are or shall be provided for the Use of or for repairing the said Road, shall be and the same respectively are and is hereby vested in the said Trustees; and in all Actions, Suits, Informations, and Bills of Indictment to be commenced or preferred against any Person or Persons who shall steal, break down, take away, injure, spoil or deface any such Toll Houses, Turnpikes, or Toll Gates, or other Buildings or Erections, Fences, Milestones or Posts, or any of them, or any such Materials, Tools or Implements as aforesaid, it shall be sufficient to state generally all or any such Toll Houses, Turnpikes, or Toll Gates, or other Buildings or Erections, Fences, Milestones, Posts, or any such Materials, Tools or Implements, or other Matters or Things, to be the Property of the Clerk for the Time being to the said Trustees.

XV. And

XV. And whereas the Tolls payable by virtue of the said recited Acts are inadequate to the Charges of keeping the said Road in a proper State of Repair, and of defraying the Interest of the several Sums borrowed and advanced upon Security of the same, and other Charges incident thereto, it is therefore expedient that the same should be increased; be it therefore enacted, That the said several Tolls, and the particular Exemptions therefrom, contained in the said Acts or either of them, shall, from and after the Fifteenth Day of *November* next, be and the same are hereby declared to be repealed; and that instead thereof the following Tolls, or so much thereof respectively as shall be authorized and required to be collected by an Order of the said Trustees to be made for that Purpose, shall thenceforth be demanded and taken at each and every Gate and Gates now erected, or which may hereafter be erected by virtue of the said recited Acts and this Act, or either of them, of all and every the Person and Persons attending any Horses, Cattle, or Carriages herein-after mentioned, before any such Horse, Cattle, or Carriage shall be permitted to pass through the same; (that is to say),

Former Tolls repealed, and new ones granted.

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

For every Horse, Mule, Ass, or other Beast, laden or unladen, and not drawing, any Sum not exceeding Two-pence:

For every Drove of Oxen, Cows, or Neat Cattle, any Sum not exceeding One Shilling and Eight-pence *per* Score, and so in proportion for any greater or less Number:

And for every Drove of Calves, Swine, Pigs, Sheep, or Lambs, any Sum not exceeding Ten-pence *per* Score, and so in proportion for any greater or less Number:

Which said Tolls shall be and the same are hereby declared to be vested in the said Trustees, and shall be demanded and taken in the Name of or as a Toll, at all and every the said Gate and Gates now erected, or which may be erected and set up by Authority of the said recited Acts or this Act, on any Part of the said Road, or upon the Side or Sides of the same, subject to the Exemptions in this Act mentioned and declared.

XVI. Provided always, and be it enacted, That no Person who shall pay any of the Tolls aforesaid at any Turnpike or Sidegate erected or to be erected upon any Part of the said Road, between the Turnpike Road in the said Parish of *Ashall* and the Market Cross in *Bampton*, shall be subject or liable to pay any further Toll on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) for afterwards passing and repassing any Time or Times through the same Turnpike or Sidegate, or through all or any of the Turnpikes or Sidegates upon the said Road between *Ashall* and the Market Cross in *Bampton* aforesaid, or on the Side or Sides thereof, for or in respect of any such Horses, Cattle, or Carriages for which such Toll shall have been so paid; and that no Person who shall pay any of the Tolls aforesaid at any Turnpike or Sidegate upon any Part of the Road between the Market Cross in *Bampton* aforesaid, and the Turnpike Road at or near *Buckland* aforesaid, shall be subject or liable to pay any further Toll on the same Day (to be computed as aforesaid) for afterwards passing and repassing any Time or Times through the same Turnpike or Sidegate, or through

Tolls to be paid but once a Day between *Ashall* and *Bampton*, and between *Bampton* and *Buckland*.

through all or any other Turnpike or Turnpikes upon the said Road, between the Market Cross in *Bampton* and *Buckland* aforesaid, or on the Side or Sides thereof, for or in respect of any such Horses, Cattle, or Carriages for which such Tolls shall have been so paid.

Tolls may be lessened, &c.

XVII. And be it further enacted, That the said Trustees, or any Three or more of them, may and they are hereby authorized and empowered from Time to Time, as they shall think proper, to lessen, vary, reduce, or alter all or any Part or Parts of such Tolls, at all, any, or either of the said Turnpikes, and to raise the same again, so as not to exceed the Tolls by this Act granted; but no such Alteration, Variation, or Reduction shall be made, unless Notice in Writing be given for that Purpose by affixing the same upon all the Turnpike Gates erected or to be erected by virtue of the said recited Acts and this Act, at least Ten Days before the Meeting for making such Alteration, Variation, or Reduction; nor shall any such Reduction be made without the Consent of the Person or Persons who shall be entitled to Five-sixth Parts of the Money which shall have been borrowed and be then due and owing on the Credit of the said Tolls; and such Tolls so lessened, reduced, varied, or altered shall be collected, recovered, paid, and applied in the same Manner as the Tolls hereby granted, or any Toll by the said recited Acts or this Act is or are directed to be collected, recovered; and applied.

Reciting Clause in 17 G. 3. and repealing it.

XVIII. And whereas by the said first recited Act it is enacted, that all Oxen, Cows, Neat Cattle, Calves, Swine, Sheep and Lambs, going to Fairs or Markets at *Burford*, *Witney*, *Farringdon*, *Wantage*, *Stowe*, *Newbury*, *Market Ilsey*, and *Abingdon*, to be sold, or returning from thence, and all such Oxen, Cattle, and Lambs, really the Property of any Person or Persons living within Six Miles of any Part of the said Road, may at all Times pass and repass through the Turnpikes or Gates erected by virtue of the said Act upon paying only Half Toll: And whereas the said Provision has been found injurious to the said Road; be it therefore enacted, That so much of the said first recited Act as permits the Passage of any Oxen, Cows, Neat Cattle, Calves, Swine, Sheep and Lambs, through the said Gates, or either of them, upon paying only Half Toll, shall, from and after the passing of this Act, be and the same is hereby repealed.

Repealing Payment of the 20l. per Annum to the Witney Roads Trust.

XIX. And whereas Part of the Road repaired by virtue of the said recited Acts was, previously to the passing of the said first recited Act, and is therein described to be Part and Parcel of the Road directed to be repaired by an Act therein-mentioned to have been made in the Eleventh Year of the Reign of His said late Majesty, and to be intituled *An Act for amending, widening, turning, and altering the Road from the Bottom of Galley Hill, near the Town of Witney, to the Cross in Clanfield, in the County of Oxford*; and the said Part of the said Road is by the said first recited Act of the Seventeenth Year of His said late Majesty vested in the Trustees for putting the same in Execution, and thereby deemed or declared to be Part of the Road to be repaired by the said Act: And whereas it was by the said first recited Act enacted, that the Trustees for putting the same in Execution should yearly pay to the Treasurer to the said Trustees, acting under the said recited Act of the Eleventh Year aforesaid, the annual Sum of Twenty Pounds free and clear from all Deductions, the same



same to be paid on the Fifth Day of *May* in every Year, as a proper Compensation to the said last named Trustees for their Loss to be sustained by giving up the Tolls of their Side Gate at *Ven Bridge*, and the said Sum of Twenty Pounds hath accordingly been annually paid up to the Fifth Day of *May* now last past: And whereas it is expedient that the said yearly Payment should cease and determine; be it therefore enacted, That so much of the said recited Act of the Seventeenth Year aforesaid, and of any subsequent Act or Acts as directs or authorizes the said yearly Payment of Twenty Pounds, and all Remedies for recovering or compelling Payment of the same, shall, from and after the passing of this Act, be and the same is hereby repealed.

XX. And be it further enacted, That in case all or any of the Tolls arising by virtue of the said recited Acts or this Act, shall be demised, taken, agreed for, or let to farm to any Person or Persons in any Manner whatsoever, and if the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms or Conditions on which the same shall be so demised, taken, agreed for, or let to farm, either by taking greater or less Tolls, or no Tolls at all, or in any other Way or Manner, or in case the Rent or Rents, Instalment, or Sum or Sums of Money agreed or undertaken to be paid by such Lessee or Lessees, Farmer or Farmers, or any of them, or any Part thereof, shall be in Arrear by the Space of Ten Days next after any one of the Days on which the same ought to be paid, pursuant to the Lease, Agreement, or Undertaking for demising, letting, taking, or holding thereof, or in case any Toll House or Toll Houses shall be in the Possession of any Lessee, Farmer, Collector or Collectors, who shall be discharged or removed from his or their Office of Collector, or who shall happen to die, or if such Lease or Agreement shall in any other Manner become void, then and in either of those Cases, it shall be lawful for any Justice or Justices of the Peace for the County or Place in which such Toll House, Building, or Appurtenances shall besituate, upon Application made to him by the said Trustees, or their Clerk or Treasurer, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the same County or Place, with such Assistance as shall be necessary, to enter such Toll House or other Building in the Day-time, and to remove and put out such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and to give to the said Trustees, or other Person or Persons acting by or under their Authority, Possession thereof; and that thereupon it shall be lawful for the said Trustees (if they shall think fit) or any Three of them, to vacate and determine the Contract, (if any) Bond, Agreement, or Undertaking for demising, letting, taking, holding, or collecting the said Tolls, to or by such Lessee or Lessees, Farmer or Farmers, or Collector or Collectors, and the same shall be from that Time utterly void to all Intents and Purposes (save as to the Covenants, Agreements, or Undertaking for Payment up to that Time of the Rent or Rents, Sum or Sums thereby reserved or agreed for, or other Covenants or Agreements which on the Lessees or Tenants Part shall have been failed in or broken) as if such Demise, Agreement, or Undertaking had never been made; and it shall be lawful for the said Trustees in every such Case, to demise, let, or agree for the said Tolls again, to any Person or Persons, or to cause them to be collected, as if no former Demise,

Trustees may take Possession of Toll-houses.

Contract, Agreement, or Undertaking had been made relative thereto, an Law, Custom, or Usage to the contrary thereof notwithstanding.

Obtaining Possession of Tollhouses from Collectors.

XXI. And be it further enacted, That upon the Death, Incapacity, Absconding, or Absence of any Collector or Receiver of Tolls, any Three or more of the said Trustees, though not assembled at any Meeting of the Trustees appointed by virtue of the said Acts or this Act, by Writing under their respective Hands, shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the then next Meeting of the said Trustees, in the Stead of such Collector or Receiver as shall so die, become incapable, abscond, or absent himself, which Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner, in all Respects, as the Person who shall die, become incapable, abscond, or absent himself, would have had or been subject to; and if any Collector or Receiver of the said Tolls who shall be discharged from his said Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or Representatives of any Collector or Receiver who shall die, abscond, absent himself, or be discharged, or any other Person having the Possession of any Toll House or Buildings to be erected or set up by virtue of the said Acts or this Act, shall neglect or refuse to deliver up such Possession for the Space of Three Days after Demand thereof made, and Notice in Writing given for that Purpose by any Three or more of the said Trustees, or by their Clerk or Treasurer, then and in any of the said Cases it shall and may be lawful for any Justice of the Peace for either of the said Counties, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer for the same County, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees, or any Three or more of them, or any of their Officers in the Possession thereof.

Collectors not incompetent Witnesses.

XXII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, or any of them, the Person or Persons appointed to collect or lawfully collecting 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.

For settling Disputes concerning Tolls.

XXIII. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen) until the Amount of the Tolls due, and of the Charges of the Distress and Sale and of keeping the Distress (as the Case shall happen) shall be ascertained by some Justice of the Peace for the County where such Dispute shall arise, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party, as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forth-

with,

with, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, by Warrant under the Hand and Seal of such Justice, 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.

XXIV. And be it further enacted, That upon Payment of the Tolls by this Act granted, the Collector or Receiver thereof shall, and he is hereby required to deliver *gratis* to the Person paying such Tolls, a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the said Trustees, and there shall be printed and specified thereon the Names of the several and respective Gates freed by such Payment. Tickets to be provided.

XXV. And be it further enacted, That all and every Toll Collector, being Lessee of the said Tolls, or other Person employed or appointed, either by the said Trustees or by any such Lessee or Lessees, to collect the Tolls payable at any Turnpike or Toll Gate now erected or to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate; immediately upon his coming on Duty; each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the same Tolls shall not place such Board so legibly marked as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption; or shall refuse to permit or suffer or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid or tendered the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket to denote the Payment of the Toll when demanded, or upon the legal Toll being paid or tendered, shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Trustee, Treasurer, Clerk, Surveyor, or other Officer, or any Passenger or Passengers, then and in every such Case, every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied. For preventing Toll Collectors from taking undue Tolls.

XXVI. And be it enacted, That no Toll shall be demanded or taken for any Carriages or Horses attending His Majesty, or any of the Royal Family. Exempting Carriages of the Royal Family

XXVII. Pro-

Exemption  
from Tolls.

XXVII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Road, or any Bridge or Bridges thereupon, or any of the Roads in the Townships or Parishes in which any Part of the said Road lies, or with Seed for seeding the Ground, or Hay, Turnips, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Outhouses, or Yards, or on the Lands of the Owners thereof; or for any Horse, Beast, or other Cattle or Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey; or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, or Manure (Lime only excepted) employed in Husbandry, or for manuring or improving Land, or for any other Thing employed in the Management of any Farm or Lands, such Hay, Turnips, Straw, or Corn in the Straw, Seed or Seed Corn, being respectively the Growth and Produce of Lands held and occupied by such Owner or Owners, and carried for his, her, or their own proper Use and Consumption, and not for Sale; or for any Horses or other Beasts going to or returning from Pasture or Watering Places, or going to be shod or farried, or returning from being shod or farried; or from any Person or Persons going to or returning from his, her, or their proper parochial Church or Chapel, or Place of religious Worship, tolerated by Law, on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or going to or returning from attending the Funeral of any Person who shall die, and be buried in any of the Parishes or Places in which the said Road lies; or from any Clergyman going to visit or returning from visiting any sick Person, or on other his parochial or ministerial Duty; nor shall any such Toll be demanded or taken for any Horses or Carriages of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses, under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying or guarding the same, or for the Horse or Horses of any Officers or Soldiers on their March or on Duty, or for any Horse or Horses or other Beasts, or any Cart, Carriage, or Waggon employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying or conveying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle, drawing the same, which shall be employed in conveying any Ordnance or Barrack or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from having been so employed; or for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that all such Persons are

are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption, and not otherwise; or for any Horses, Coaches, or other Carriages going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said Counties of *Oxford* or *Berks* respectively, on the Day or Days of such Election, or the Day before or Day after such Election shall begin or be concluded; and if any Person shall by any fraudulent or collusive Means whatsoever claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of the said recited Acts and this Act.

XXVIII. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any Waggon, Wain, Cart, or other Carriage, while so employed, 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 Cattle; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage; any thing in any Act of Parliament relating to Highways or Turnpike Roads or in this Act contained to the contrary notwithstanding.

Carriages employed in His Majesty's Service not to be subject to Regulations for Overweight.

XXIX. And be it further enacted, That all Waggons, Carts, and other such like Carriages, having the Wheels and Axletrees of the Widths and Descriptions directed by an Act passed in the Fifty-fifth Year of the Reign of His said late Majesty, 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 the Horses and other Cattle drawing the same, shall have and enjoy the Privileges and Exemptions granted thereby.

Certain Carriages entitled to Exemptions.

XXX. And be it further enacted, That when the Tolls payable at any Turnpike or Toll Gate or Gates on the said Road shall be put up to be set to farm by Auction, the said Trustees may, if they think fit, appoint some Person to bid once for the same, to the Intent that such Tolls may not be let for less than an adequate Value.

Trustees to have a Bidding when Tolls are put up to Auction.

XXXI. And be it further enacted, That if any Mortgagee or Mortgagees, or their Assignee or Assignees of the said Tolls, Toll Gates, Bars, Chains, Toll Houses and Buildings, shall seek to obtain the Possession of the same, or any of them, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part 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 the Person or Persons who shall obtain the

An Action of Ejectment may be supported by one Mortgagee.

[Local.]

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, and their Assignees, of the said Tolls, Toll Gates, Buildings and Premises, *pari passu*, and in Proportion to the several Sums which may be due to them as such Mortgagees or Assignees.

Trustees not to widen or alter Road beyond certain Limits.

XXXII. And be it further enacted, That it shall not be lawful for the said Trustees to make, widen, divert, turn, or alter any Part or Parts of the said Road beyond the Limits of One hundred Yards, without the Consent in Writing of the Owners or Proprietors of the Lands through which the same shall be carried.

First Offer of Land to be sold to whom to be made.

XXXIII. And be it further enacted, That in case the said Trustees shall think proper to sell or dispose of any Piece or Pieces of Ground not wanted for the Purposes of the said Acts and this Act, or any old Road to be stopped up or discontinued by virtue of the said Acts and this Act, they shall first offer the same for Sale to the Person or Persons whose Land shall adjoin thereto; and if such Person or Persons shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before any of His Majesty's Justices of the Peace for the said County (who are hereby respectively empowered to take such Affidavit) by some Person or Persons not interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner by this Act directed with respect to the disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in Manner by this Act directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*, and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Pieces of Road or Ground as aforesaid shall be applied to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Application of Compensation when amounting to 200l.

XXXIV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said Acts and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the

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

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

Where less than 200l. and amounting to 20l.

be

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

Where not  
more than  
20l.

XXXVI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall not exceed Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of the said Acts and this Act, in such Manner as the said Trustees or any Three or more of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not  
making out  
a good Title,  
&c.

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

In case of  
disputed  
Titles.

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



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

XXXIX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporations, entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said High Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees, out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

XL. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, to dig, gather, and carry away Gravel, Furze, Heath, Sand, Flint, Stones or other Materials, out of any common River or Brook, or out of or from any Waste or Common, proper and convenient for repairing and amending the Road aforesaid, within Three Miles of any Part of the said Road, without paying any thing for the same; such Surveyor or Surveyors or other Persons levelling or causing to be levelled all such Holes and Pits where any Materials as aforesaid shall be digged, gathered, or taken, and from whence the same shall be carried away, or making a safe and sufficient Fence round all such Holes or Pits; and where a sufficient Quantity of Materials cannot be had from such Rivers, Brooks, or Common for repairing and amending the said Road, it shall and may be lawful for such Surveyor or Surveyors or other Persons as aforesaid, by Order of any Justice or Justices of the Peace for the County in which such Materials are to be gotten, to be made upon the Application of the said Trustees, or any Three or more of them, to dig and gather such Materials in and carry the same out of and from the Lands and Grounds of any Person or Persons, not being the Ground whereon any House stands, or a Garden, Orchard, Yard, or Park, Paddock, planted Walk or Avenue to any House, or a Piece or Parcel of Ground set apart or used as a Nursery for Trees, where such Materials are or may be found, in any Parish, Township, or Place in which any Part of the said Road shall lay or be situated, or in any adjoining Parish, Township, or Place, and from Time to Time to

Getting Materials.

[Local.]

26 R

carry

carry away the same or so much thereof as the Surveyor or Surveyors shall judge necessary for repairing and amending the said Road, paying such Rates for such Materials, and for the Damage done to the Owners and Occupiers respectively of the Lands or Grounds where and from whence the same shall be digged, gathered, or carried away, or over which the same shall be carried, as also for the Damage done to the Owners and Occupiers of any private Lands or Grounds over which such Materials gotten in any River, Brook, or Waste Ground shall be carried or conveyed, as the said Trustees or any Three or more of them shall judge reasonable; and in case of Difference concerning the same, between such Owners or Occupiers and the said Trustees, touching such Damages as aforesaid, then Two Justices of the Peace acting in and for the said County shall and may adjudge, assess, and determine the same.

Notice to be given before Materials taken.

XLI. And be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any other Person or Persons acting by or under the Authority of the said recited Acts or this Act, to dig, gather, get, take or carry away any Materials for repairing the said Road, or any Part or Parts thereof, out of or from any inclosed Lands or Grounds without the Consent in Writing of the Owners thereof or their Agents first had and obtained for that Purpose; and in case such Consent shall not be obtained, then not until Ten Days previous Notice in Writing, signed by the Surveyor of the said Road, or the Clerk to the Trustees, shall have been given to the Occupiers of the Premises from which such Materials are intended to be taken, or left at the House or last usual Place of Abode of such Occupiers, to appear before one or more Justice or Justices of the Peace acting in and for the County or Place in which such Lands shall be situate, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his Agent shall not attend, or shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in either of the said Cases, the said Justice or Justices shall authorize such Surveyor or Surveyors, or other Person or Persons, to dig, gather, get, take, and carry away such Materials at such Time or Times as to the said Justice or Justices shall seem proper, and shall and may make such Order therein as he or they shall think fit, the said Trustees or their Surveyor making or tendering such Satisfaction for the Materials and for the Damage to be done to the Owners or Occupiers respectively of such Lands or Grounds where or from whence the same shall be dug, gathered, gotten, taken, or carried away, or upon, over, or through which the same or any other Materials so dug for repairing the said Road, and gathered as aforesaid, shall be conveyed, as any one or more Justice or Justices of the Peace for the said County or Place shall adjudge reasonable.

For keeping Pits and Materials.

XLII. And be it further enacted, That if any Person whatsoever shall take away any Materials which shall have been digged or gathered in any Lands, Fields, Wastes or Grounds, River or Brook, for the Use of the said Trustees, or for amending the said Road; or shall get or take away any Materials out of any Pit or Quarry which shall have been made by or under this Act for the Purpose of getting such Materials, before the Surveyor or Surveyors his or their Workmen shall have discontinued working therein for the Space of Six Weeks (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or

Occupier to get Materials therein for his own private Use only and not for Sale); every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

XLIII. And be it further enacted, That if any Person or Persons shall drive any Horse or other Cattle, or any Cart or other Carriage, or hale, draw, carry, pass, or wheel any Hurry, Truck, or Wheelbarrow on any Footway or Causeway adjoining the said Road, or shall cause any Damage to be done to any Footway or Causeway adjoining to the said Road, or shall cause any Damage to be done to the Hedges, Fences, Breastwalls, Posts, Rails, or Paling set up along the Side of or upon such Footway, or shall in or upon any Part of the same Road, or by the Side or Sides thereof, kill, slaughter, singe, burn, scald, dress, or cut up any Beast, Swine, Calf, Sheep, Lamb, or other Cattle, or cause or permit any Blood to run from any Slaughterhouse, House, Building, Butchers Shop or Shambles into the said Road; or burn, dress, or sweep any Piece or Pieces of Cork, or hoop, fire, cleanse, wash, or scald any Cask or Casks in any Part or Parts of the said Road, or in any exposed Situations near thereto; or shall hew, saw, or cut, or cause to be hewn, sawed, or cut, any Stone, Wood, or Timber; or shall shoe, farry, or bleed any Horse, Mule, or Ass, except in the Case of Accidents, upon any Part of the said Road, or immediately adjoining thereto; 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 any Part of the said Road; or if any Person shall, after having blocked or stopped any Waggon, Cart, or other Carriage in going up any Hill or rising Ground, not immediately remove from off the said Road the Stone or other Thing with which such Waggon, Cart, or other Carriage shall have been so blocked or stopped; or if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Road any Tree or Piece of Timber, or any Stone, otherwise than wholly upon wheeled Carriages, or shall suffer any Part of any Tree or Piece of Timber or Stone which shall be carried upon wheeled Carriages to drag on any Part of the said Road, to the Prejudice thereof respectively; or if any Person driving any Pigs or Swine upon the said Road shall suffer the same to root up and damage the same, or any Part thereof, or the Fences, Hedges, Banks, or Copse on either Side thereof; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Road, or driving, leading, or riding any Beast carrying Milk Pans, Crates, Cans, or Panniers, and meeting or being overtaken by any other Person riding or driving any other Horse, Beast, Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the Left or Near Side of the Road; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him upon the said Road, or the Coach, Chaise, Waggon, Cart, or other such Carriage under his Care; or if any Person shall make or assist to make any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever on any Part of the said Road or within Eighty Feet of the Centre thereof, or play at Football or any other Game or Games on any Part or Parts of the said Road, to the Annoyance of any Passenger or Passengers; or if any

For prevent-  
ing Nui-  
sances.

any Person shall leave any Waggon, Wain, Cart, Wheelbarrow, or other such like Carriage, in, upon, or on the Side of any Part of the said Road longer than may be necessary for loading or unloading or using the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or some Person left in Care of the same; or in case the same shall not during such Time be drawn up or placed as near to the Side of the said Road as conveniently may be; or if any Person shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Ashes, Filth, Rubbish, or other Matter or Thing whatsoever on any Part of the said Road, or on the Side or Sides thereof, or upon the Footpaths or Causeways adjoining to such Road, to the Prejudice, Annoyance, or Interruption of Persons travelling and passing thereon; every Person so offending shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds, and such Penalty shall be levied, recovered, apportioned, and applied as other Penalties are, by this Act directed to be recovered and applied.

For impounding Cattle or Swine straying, &c. on the Road.

XLIV. And be it further enacted, That if any Horse or other Beast, or any Swine, shall at any Time be found wandering, straying, or laying upon, about, or on the Sides of the said Road, or shall be tied or fastened and left for the Purpose of feeding or grazing upon the said Road, or the Side thereof, or any Part thereof respectively, it shall be lawful for the Surveyor of the said Road for the Time being, or some other Person, or Persons employed by him or by the said Trustees, or any Two of them (although not assembled at a Meeting), to seize and impound every such Horse, Beast, or Swine in the common Pound (if any) of the Parish, Township, Hamlet, or Place in which the same shall be found wandering, straying, lying, fastened, or tied upon, about, or on the Sides of the said Road, or any Part thereof, or in such other Place or Places as the said Trustees, or any Two of them (although not assembled at a Meeting), or the said Surveyor shall find convenient, and the same there to detain until the Owner or Owners thereof shall, for every Horse, Beast, or Swine so impounded, pay the Sum of Ten Shillings to the Person seizing or impounding the same, together with the reasonable Charges and Expences of such Seizure, Impounding, and Keeping; and in case the said Penalty, Charges, and Expences shall not be paid within Three Days after such seizing or impounding, it shall be lawful for any One or more Justice or Justices of the Peace of the County or Place where the Offence shall have been committed, and he or they is and are hereby required, by an Order or Warrant under his, her, or their Hand or Hands, to sell or cause every such Horse, Beast, or Swine to be sold, and the surplus Money (if any) arising from such Sale, after paying the said Penalty, and the Charges and Expences of seizing, impounding, keeping, and selling such Horse, Beast, or Swine, and of the Order and all Expences respecting the same, shall be paid to the Person who shall appear to have been the Owner of the Horse, Beast, or Swine so seized, upon his demanding the same and proving his Right thereto, or otherwise the Party offending shall be liable to the Forfeiture or Penalty of Forty Shillings, at the Discretion of such Justice or Justices, to be levied by Warrant under his or their Hand and Seal by Distress and Sale; and upon Payment thereof, and of all Costs and Charges, the Horse, Beast, or Swine so seized or impounded shall be restored to such Owner as aforesaid.

XLV. And

**XLV.** And be it further enacted, That all Gates to be hereafter set up in any Field, Ground, Place, or Outhouse adjoining any Part of the said Road shall be made and hung to open and swing inwards towards such Field, Ground, Place, or Outhouse, and not towards the said Road; and it shall be lawful for the said Trustees, or any Three or more of them, to order all such Gates as are now erected or may hereafter be erected, and open to swing towards the said Road, to be altered and made to open and swing inwards as they the said Trustees shall think proper; and if any Occupier or Occupiers of the Lands or Premises upon which any Gate or Gates is or are or shall be constructed so as to open and swing outwards towards the said Road, shall (after Ten Days Notice from the Surveyor or Clerk of the said Road requiring such Occupier or Occupiers to alter any such Gate or Gates, and make the same to open and swing inwards) refuse or neglect to make such Alterations, or after such Alteration shall have been once made shall again alter the same, every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Gates not to swing or open into the Road.

**XLVI.** And be it further enacted, That so much of the said recited Acts as relate to the Performance of Statute Labour on the said Road shall be and the same is hereby repealed, and that all Persons who by Law are or shall be liable to do Statute Work on the said Road, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful to and for any Two or more Justices of the Peace acting in and for the County, Borough, Riding, or Place where the said Road is situate, and they are hereby required and empowered (upon Application made to them by the said Trustees, or any Three or more of them, or by the Treasurer, Clerk, or Surveyor, or 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 or any Part thereof lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of any such Township, Parish, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him or them paid to the said Trustees, or their Treasurer or Treasurers; and in order thereto, it shall be lawful 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 Ten Days after the serving of such Summons, of the Names of the several Persons who within such Parish, Township, or Place respectively are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as is, are, or may be directed by any Law or Statute in force or effect for the Repair of the Public Highways; and out of such Lists the said Justices shall and may appoint, and order such and so many Persons, who shall appear to be subject and liable to do 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

Statute Labour and Composition Money how to be performed and apportioned.

[Local.]

26 S

same

same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Road as the said Trustees, or any Three or more of them, or their Surveyor or Surveyors shall from Time to Time order, direct, and 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 such Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the Surveyor or Surveyors of such respective Parishes, Townships, or Places, to be by him, her, or them paid over to the said Trustees or their Treasurer or Surveyor, at such Time or Times as they the said Justices shall direct; and in default of Payment thereof the same shall or 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 the said recited Acts or this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode, for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall for every Day of his 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 or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject and liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person employing or sending such Labourer, and not supplying his Place by some other proper Labourer, shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been set to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied toward 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 Lists, or to collect or pay over such Composition or any Part thereof in Manner as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Trustees to  
compound  
for Statute  
Work.

XLVII. Provided always, 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 Statute Work to be by them done on the said Road, or any Part thereof, and also with the Surveyor or Surveyors of the Highways and the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, in all or any of the Parishes or Places in which the said Road is situate, for a certain Sum of Money, by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or any Part of the Statute or other Work to be done by all or any of the said Inhabitants and Occupiers on the said Road; which

Composition

Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officers of the Parish, Township, or Place, or by the Person or Persons so compounding, to the Treasurer to the said Trustees, or their Surveyor or Surveyors in advance, on or before the Tenth Day of *October* in each and every Year, or otherwise the Inhabitants and the Occupiers of such Parish, Township, or Place shall not be permitted to compound for that Year.

XLVIII. And be it further enacted, That the being a Trustee of the said Road, or a Mortgagee of the Tolls thereof, or being a Treasurer or Clerk or Surveyor under the said recited Acts or this Act, or being an Inhabitant of any Parish, Township, or Place through which the said Road does or shall pass, shall not disqualify any Trustee, or any other such Persons as are herein-before described, from giving his Testimony or Evidence in any Suit, Prosecution, or other legal Proceedings under the said recited Acts or this Act; nor shall such Testimony or Evidence (for any of the Reasons aforesaid) be liable to be questioned or set aside.

Trustees, &c. not disqualified from being Witnesses.

XLIX. And for the more easy and speedy Conviction of Offenders against the said recited Acts or this Act, be it further enacted, That all and every the Justice or Justices of the Peace, before whom any Person or Persons shall be convicted, shall and may cause the Conviction to be drawn up in the following Form of Words, subject to appeal to the next General Quarter Sessions of the Peace of and for the County wherein the Offence shall have been committed, in manner as in the first recited Act is mentioned, or in any other Form of Words to the same Effect, as the Case shall happen; *videlicet*,

Form of Conviction.

‘ **B**E it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_ in the \_\_\_\_\_ Year of our Lord \_\_\_\_\_ *A. B.* is convicted before me *C. D.* one of His Majesty’s Justices of the Peace for the County of \_\_\_\_\_ [*specifying the Offence, Time and Place when and where the same was committed, as the Case may be, and the Adjudication and Penalty*]. Given under my Hand and Seal, the Day and Year first above-mentioned.’

L. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the procuring and obtaining this Act, together with lawful Interest from the Time of advancing the same until the Time of Payment, shall be paid and satisfied by the said Trustees; and that it shall be lawful for the said Trustees, or any Three or more of them, and they are hereby required, to order and direct the Payment of the said Charges and Expences, with Interest as aforesaid, out of any Monies in their Hands, and the first Monies that shall be collected, borrowed, or received by virtue of the said recited Acts and this Act, in preference to all other Payments and Disbursements whatsoever.

Expences of Act how paid.

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

Public Act.

LII. And be it further enacted, That this Act shall commence and take effect from the passing thereof, and that the said recited Acts (subject to the

Continuance of Act.

the Alterations and Amendments herein contained) and this Act shall continue and be in force, and be executed, for and during the Residue now to come and unexpired of the Term granted by the said recited Acts, and from the Expiration thereof, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

---

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1820.