



ANNO QUADRAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 59.

An Act for more effectually repairing, widening, di-
verting, and improving, the Road leading from
Reading in the County of *Berks*, to *Basingstoke* in
the County of *Southampton*. [20th June 1801.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His Majesty King George the First, another in the Ninth Year of the Reign of King George the Second, another in the Thirtieth Year of the Reign of His said Majesty, and another in the Eighteenth Year of the Reign of His present Majesty King George the Third, for repairing the Highways from *Crown Corner* in the Town of *Reading*, leading by and through the several Parishes of *Skinfield* and *Hackfield* in the several Counties of *Berks*, *Wilts*, and *Southampton*, to *Basingstoke* in the said County of *Southampton*: And whereas the said Road, under the first recited Act, was made to *Skinfield Green* and no farther, and at this Distance of Time it cannot be ascertained at what Place the said Road was to communicate and join the present accustomed Road in the Parish of *Hackfield*, and especially as another Line of Road was immediately adopted, and began at a certain Pond called the *King's Head Pond*, in the Parish of *Saint Giles* in *Reading* aforesaid, by and through a Village called *Three Mile Cross*, and over Two Bridges on the River *Loddon* in the Parish of *Swallowfield* in the said Counties of *Berks* and *Wilts*, to or near the Seven Mile Stone in the said Parish of *Hackfield*, where it is supposed the original Line of Road was to communicate, and does now communicate:

[*Loc. & Per.*] I I T And

Recital of former Acts.

Road was
made to
Shinfield
Green.

New Road.

Bridges at
Swallowfield
are Private
Property.

Road to be
extended in
Basingstoke.

And whereas the said Bridges at *Swallowfield* aforesaid are Private Property, and an Annual Sum has always been and still continues to be paid to the Owner thereof for passing over the same; and One of the said Bridges being ~~inconvenient and dangerous~~, considerable Charges will accrue to the Trustees to render the Passage over the same safe: And whereas the Termination of the said Road in *Basingstoke* is very inconvenient and dangerous, being only about Ten Feet in Width, and the Trustees are desirous of purchasing certain Premises not exceeding Fifteen Feet in Width and Forty Feet in Length, Part of a Piece of Ground now used as Tan Pits, the Property of and in the Tenure or Occupation of *Anne Mulhars* Widow, immediately adjoining the said Road, in order to remove such Inconveniencies, and thereby render such Road safe for Travelling thereon, and also continue the said Road to join the ~~Aldermaston~~ Turnpike Road which leads through *Basingstoke* about Five Hundred Yards or thereabouts: And whereas the said Trustees have proceeded in the Execution of the Powers thereby vested in them, and have from Time to Time borrowed several considerable Sums of Money on the Credit of the Tolls authorized to be taken, which cannot be repaid, nor the said Roads properly amended, improved, diverted, extended, and kept in Repair, unless the Term of the said Acts is continued; and the Powers and Provisions therein being found in many Respects defective, it would be more convenient to the Trustees, and beneficial to the Roads, if the said Acts were repealed, and further and other Powers granted instead thereof; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon the First Meeting of the Trustees to be holden on Monday the Twelfth Day of July One thousand eight hundred and one, the said several Acts herein-before mentioned shall be, and the same are hereby declared to be repealed; and that on the same Day this Act shall commence and take Effect instead thereof, and be put in Execution, for and during the Term herein-after mentioned, for the Purpose of repairing, widening, diverting, improving, and extending the said Road from *Crown Corner* in the Town of *Reading*, to *Skinfield Green* aforesaid, and also from the said *Crown Corner* by the King's Head Pond aforesaid, through *Three Mile Cross*, to a certain Spot in the Town of *Basingstoke* at the Bottom of *Chapel Street*, which joins the *Aldermaston* Turnpike Road in *Basingstoke*; and this Act, and the Tolls hereby granted, shall be and are hereby made subject to the Payment of all Monies which have been borrowed, or are now due and owing on the Credit of the Tolls authorized to be taken by the said Acts or either of them, and of all Interest due and to grow due thereon respectively, as fully, to all Intents and Purposes, as if such Money had been borrowed or become due and owing on the Credit or on Account of this Act.

Trustees.

II. And be it further enacted, That the Honourable *George Legge*, commonly called Lord Viscount *Lewisham*, the Right Honourable Sir *William Pitt* Knight of the Most Honourable Order of the Bath, the Honourable *George Pitt*, the Mayor, Aldermen, and Burgeffes, the High Steward, Members, Recorder, and Town Clerk, of the Town of *Reading* for the Time being; the Mayor, High Steward, Recorder, Aldermen, Burgeffes, and

and Town Clerk, of *Basingstoke* for the Time being; *Samuel Atthawes*, the Reverend *Awbery*, *George Baker*, *Charles Best*, *Charles Bailey*, *Bernard Brocas*, *Alexander Cobham*, *William Chute*, *John Covey*, *William Champion*, *Thomas Collis*, *Richard Davis Clerk*, *John Deane of Hartley*, the Reverend *George Deane LL.D.* *John Deane*, *Thomas Deane*, *Richard Davidson*, *Thomas Drowatt*, *Timothy Hare Earle*, *Timothy Hare Earle Junior*, the Reverend *Eyre*, the Reverend *Joseph Eyre*, *Stephen Flory*, *Henry Finch*, *Peter William French*, the Reverend *T. Fisher* Doctor in Divinity, the Reverend *John Greene Clerk*, *Robert Greene*, *William Granger*, *David Graham*, *Gill*, *William Guiott*, *James Hawkes*, *Thomas Hasker*, *John Hasker*, the Reverend *William Hasker*, *Thomas Hasker Junior*, *Robert Hulbert*, *Robert Harris*, *John Harris*, *John Hooper*, *John Hooper Junior*, *William Halbed*, *William Hulme*, *Colonel Hawley*, *Herbert*, *James Hawthorne*, *Henry Hodgkinson Clerk*, *William Simmonds Higgs*, the Reverend *James Jones* Doctor in Divinity, Archdeacon of *Hereford*, *Daniel Jackson*, *John Jackson*, *Richard Jeffrys*, the Reverend *John Illey Clerk*, *Charles Shawe Lefevre*, *Edward Lane*, *John Lyford*, *Richard Lawrence*, *Thomas Letchworth*, *Sir Charles Marsh Knight*, the Reverend *William Marsh*, *Christopher Musgrave*, *George Midford* Doctor in Medicine, *Thomas May*, *Charles May*, *Robert Maddock*, *John Meech*, *J. B. Morton*, *John Man*, *John Neale*, *Thomas Newbury*, *John Newbury*, *Jacob Newbury*, *Thomas Nowell*, *James Phelp*, *William Parfit*, *William Phillips*, *William Phillips Junior*, *Thomas Ring*, *Thomas Robins*, *Richard Richards Junior*, *Andrews Reeve*, *William Romane* Doctor in Divinity, *Thomas Round*, *James Simonds*, *Thomas Simmonds*, the Reverend *Salter*, *Thomas Shepard* Doctor in Divinity, *Edward Stephenson*, the Reverend *Charles Sturges*, *John Taylor* Doctor in Medicine, *John Toovey*, *Charles Toovey*, *Jonathan Tanner*, *Thomas Tanner*, *Samuel Toomer*, *Richard Valpy* Doctor in Divinity, *Edward Valpy Clerk*, *George Voules*, *John Wilmshurst*, *William Williams*, *Thomas Edmunds Williams*, *William Watlington*, *Henry Willatts*, *Thomas Ward*, *John Woodard*, and *Maurice Workman*, and their Successors to be elected as herein-after mentioned, shall be and they are hereby appointed Trustees for putting this Act into Execution.

III. And be it further enacted, That in case any of the Trustees named in or appointed by virtue of this Act shall die or refuse to act, it shall be lawful for the surviving Trustees, by Writing under their Hands, from Time to Time, at any General Quarterly Meeting, to nominate and appoint some other Person to be a Trustee in the Room of such Trustee so dying or refusing to act as aforesaid; and every Person so nominated and appointed, being qualified as by this Act is required, shall have the like Power and Authority to act as a Trustee under this Act, as the Person had in whose Stead he shall be appointed. Trustees dying, or refusing to act, new Ones to be appointed.

IV. And be it further enacted, That all Acts, Matters, and Things relative to the Execution of this Act, may be done and executed by any Five or more of the Trustees hereby nominated and appointed, or hereafter to be elected and appointed as aforesaid. All Acts to be done by Five Trustees.

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

Wife at the Time of his acting, be in the actual Possession or Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments in the Counties of *Berks, Wilts, or Southampton*, or some or One of them, of the clear Yearly Value of Fifty Pounds, or be Heir Apparent of some Person having such Estate of the clear yearly Value of One hundred Pounds, or be possessed of or entitled to a Personal Estate to the Amount of One thousand Pounds, nor (except in administering the Oath or Affirmation following,) until he shall have taken and subscribed before any Three or more of the said Trustees (who are hereby authorized to administer the same), an Oath or Affirmation in the Words or to the Effect following, that is to say,

Oath of Trustees.

I *A. B.* do swear (or being One of the People called Quakers do solemnly affirm), That I am ~~and have~~ *solely* in my own Right (or in the Right of my Wife), in the actual Possession and Enjoyment (or Receipt) of the Rents and Profits of Lands, Tenements, or Hereditaments in the Counties of *Berks, Wilts, and Southampton*, or some or One of them, of the clear yearly Value of Fifty Pounds above Reprizes (or ~~am~~ *am* possessed of or entitled to a Personal Estate of the Value of One thousand Pounds), or am the Heir of *C. D.* who to the best of my Knowledge is seised of Lands, Tenements, or Hereditaments in the Counties of *Berks, Wilts, and Southampton*, or some or One of them, of the clear yearly Value of One hundred Pounds.

So help me GOD.

Penalty of acting disqualified.

And if any Person disqualified by any of the Causes aforesaid, or not being qualified as aforesaid, shall nevertheless presume to act contrary to the true Intent and Meaning of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Twenty 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*, by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Effoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, That such Acts and Proceedings as shall have been done and performed by any such Person touching the Execution of this Act previous to his being convicted of the Offence before mentioned, shall notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Mortgagees may act.

VI. Provided always, That any Mortgagees, or Assignees of any Mortgage or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by this Act, or receiving Interest thereout for the same, shall not on that Account be deemed unqualified to act as a Trustee; and that such Trustees as are or shall be in the Commission of the Peace for the said Counties of *Berks, Wilts, and Southampton*, or either of them, may act as Justices of the Peace in the Execution of this Act within their respective Districts, notwithstanding their being Trustees.

Trustees in the Commission of the Peace may act as Justices.

VII. And

VII. And be it further enacted, That the said Trustees shall meet at the *George Inn*, or any other Place in *Reading* aforesaid, on the Twelfth Day of *July* One thousand eight hundred and one, or as soon afterwards as conveniently may be, between the Hours of Eleven of the Clock in the Forenoon, and Two of the Clock in the Afternoon, and shall afterwards hold Four General Quarterly Meetings for the Purposes of carrying this Act into Execution on the following Days and at the following Places, that is to say, on every Second *Monday* after the Twenty-fourth Day of *June*, the Twenty-ninth Day of *September*, and the Twenty-fifth Day of *December*, in *Reading* aforesaid, and on the Second *Monday* after the Twenty-fourth Day of *June* in *Basingstoke*, at such Time and Place as the said Trustees at their last Meeting previous to the said Second *Monday* after the Twenty-fourth Day of *June*, shall appoint; and the said Trustees shall adjourn themselves from Time to Time, and afterwards meet there, or at any other Place on or near the said Road as the said Trustees shall think proper and appoint, as often as it shall be necessary for putting this Act in Execution.

First Meeting and Quarterly Meetings where to be held.

Power to adjourn.

VIII. And be it further enacted, That if after any Adjournment of the said Trustees it shall at any Time be thought necessary by the said Trustees that an earlier Day of Meeting should be appointed than that Day to which such Meeting shall have been adjourned, the said Clerk, by an Order in Writing signed by the said Trustees, although not assembled at a Meeting, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice of such earlier Meeting (so as such Extra Meeting be not less than Fourteen Days after such Notice), and all Proceedings of the Trustees at such Meetings shall be as valid as they would have been in case the Trustees had met in pursuance of any Adjournment.

Meetings on Emergencies.

IX. Provided always, and be it further enacted, That no Order made by any Five or more of the Trustees, shall be revoked or altered, unless Eleven Trustees at least shall be then present, and Nine or more of them shall concur therein.

No Order to be revoked without Nine Trustees.

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

Proceedings to be entered in a Book.

XI. And be it further enacted, That the said Trustees shall and may, as they think proper, continue or remove all or any of the Toll Gates erected by virtue of the said former Acts, and may erect and set up, or cause to be erected and set up, any other Toll Gate or Gates, Bar or

Continue or remove Gates.

[Loc. & Per.]

11 U

Bars,

Side Gates.

Bars, in, upon, or across any Part or Parts of the said Roads, by this Act directed to be repaired, and upon the Sides thereof, and also across any Street, Lane, Common, or Way, leading into or out of the same, except on that Part of the said Road which is to be extended to join the *Aldermaston* Turnpike Road, and may also continue, erect, or provide, a Toll House, with suitable Outbuildings and Conveniencies at or near each Toll Gate, and may from Time to Time afterwards remove, alter, or discontinue, the Toll Gates or Toll Houses, or any of them, as they the said Trustees shall think expedient; and also may take in and inclose from the said Roads, or any Part thereof, convenient Garden Spots for each of the said Toll Houses not exceeding One Eighth Part of an Acre, as the said Trustees shall direct or appoint; and the respective Tolls following shall be demanded and taken at each and every of such Toll Gates of the Person or Persons attending any Cattle or Carriages, by such Person or Persons as the said Trustees shall from Time to Time authorize and appoint for that Purpose, before any such Cattle or Carriages shall be permitted to pass through the same; that is to say,

Tolls.

For every Coach, Chariot, Landau, Berlin, Hearse, Chaise, Calash, or other such Carriage, drawn by Six Horses, the Sum of One Shilling and Sixpence; by Four Horses, Mares, Geldings, or Mules, the Sum of One Shilling; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of Sixpence:

For every Chaise or Chair drawn by One Horse, Mare, Gelding, or Mule, the Sum of Four-pence:

For every Waggon, Wain, Cart, or other Carriage, drawn by One Horse or Beast of Draught, the Sum of Three-pence; and drawn by Two Horses or Beasts of Draught the Sum of Sixpence; and drawn by any Three Horses or Beasts of Draught the Sum of Nine-pence; and drawn by any Four Horses or Beasts of Draught the Sum of One Shilling:

And for every Carriage loaden with One single Stick or Piece of Timber, drawn by Four Horses or Beasts of Draught, the Sum of One Shilling; and for every additional Horse or Beast of Draught the Sum of One Penny Halfpenny each:

And for every Horse, Mare, Gelding, Mule, or Ass, loaden or un-loaden, and not drawing, the Sum of One Penny:

For every Drove of Oxen or Neat Cattle the Sum of Ten-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 Five-pence per Score, and so in proportion for any greater or less Number:

Manner of Recovery.

Which said respective Sums of Money shall be demanded and taken as a Toll; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed to collect the said Tolls by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary (and which Assistance all Persons are hereby required to give, if called upon), to seize and distrain any Horse or Horses, or other Beasts or Cattle, upon

upon which such Toll is by this Act imposed, together with their Bridles, Saddles, Geers, Harness, or Accoutrements; or to stop, seize, and distrain, any Carriage drawn by such Horse or Horses, or other Beasts or Cattle; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Six Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, or Carriage, so seized or distrained, or a sufficient Part thereof, returning the Overplus (if any be), and what shall remain unsold, on Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure and Distress shall be deducted and paid; and that all the Tolls and Monies so to be collected and levied, and the Money borrowed or to be borrowed on the Credit thereof, and all other Monies arising by virtue hereof, shall be and are hereby vested in the said Trustees, and shall be paid, applied, and disposed of, to and for the several Uses, Intents, and Purposes, and in such Manner as is herein mentioned.

XII. And be it further enacted, That the said Trustees shall, and they are hereby authorized and empowered, from and after the passing of this Act, to demand and take, or cause to be demanded and taken, at any Toll Bar or Gate which they may think necessary to erect, or cause to be erected, on either of the said Bridges at *Swallowfield*, or within Two Miles of the same, as an additional Toll, any Part of the several and respective Tolls by this Act authorized, or allowed to be taken at any of the Toll Gates erected by virtue hereof, not exceeding One Half Part thereof; and such last mentioned Toll shall be demanded, levied, and recovered, with the like Powers and Authorities as the other Tolls are authorized to be collected, levied and recovered, and shall be applied and disposed of, in the Manner herein-after directed: Provided nevertheless, That no such last mentioned Toll shall be payable or paid for, in respect of any Horse, Mare, Gelding, Mule, Ass, or Beast, going to or returning from a certain Mill called *Sheepbridge Mill*, near to the said Bridges, laden with any Corn or Grist to be ground, or having been ground thereat, or returning from the said Mill, having carried such Corn or Grist thereto; or for any Waggon or Wain, Cart or other Carriage, drawn by One or more Horse or Beast of Draught going to the said Mill with Corn, or returning from the said Mill with Flour or Meal, or returning from having there deposited such Corn or Grist, or going to the said Mill for the Purpose of taking up any Corn or Grist, or going from the said Mill with any such Corn, Flour, or Meal.

XIII. And be it further enacted; That it shall be lawful for the said Trustees, or any Seven or more of them, and they are hereby empowered from Time to Time to cause Lamp Irons or Lamp Posts to be put or affixed upon the said Roads, in such Manner and Place as they shall think proper and convenient, and also to cause such Number of Lamps of such Sizes and Sorts to be provided and affixed, or put upon such Lamp Irons or Lamp Posts as they shall think proper or necessary, for lighting all or any Part of the said Roads, and to cause the said Lamps, or such of them as they shall think proper, to be properly lighted; and if any Person or Persons shall wilfully break, throw down, take away, spoil, or damage any of the Lamps put up by virtue of this Act, or any Post, Iron,

Iron, or other Furniture thereof, or extinguish the Light or Lights with in any such Lamp, it shall be lawful for any Person, who shall see such Offence committed, to apprehend, and also for any other Person or Persons, to assist in apprehending the Offender or Offenders, by virtue of this Act, and without any other Warrant, to convey and deliver him, her, or them, into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace of the Counties of *Wills*, *Berks*, or *Southampton*; or in case such Offender or Offenders shall not be so apprehended, then it shall be lawful for any such Justice, upon Information to him exhibited, touching any such Offence, to issue his Warrant for the Apprehension of such Offender or Offenders; and when any such Offender or Offenders shall, by either of the Means aforesaid, be brought before such Justice, the said Justice shall hear and determine the Matter of such Offence, and in order thereto, shall examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching the same; and if the Party or Parties accused shall be convicted of any such Offence, either by his, her, or their own Confession, or upon such Evidence as aforesaid, he, she, or they, so convicted, shall forfeit and pay any Sum not exceeding Forty Shillings nor less than Ten Shillings for each Lamp, Lamp Post, Iron, or other Furniture, so taken away, broken, thrown down, or damaged, and for every Light so extinguished as aforesaid, One Moiety of which Penalty shall go to the Informer, and such Offender or Offenders shall also make full Satisfaction to the said Trustees, or to such Person or Persons as they shall appoint, to receive the same for the Damage so by him, her, or them done, as aforesaid; and in case such Offender or Offenders shall not, on Conviction, pay such Forfeiture, and make such Satisfaction as aforesaid, such Justice is hereby required to commit him, her, or them, to the common Gaol or Prison for the said Town, or to the common Gaol or House of Correction for either of the said Counties, there to be kept to hard Labour for any Time not exceeding Fourteen Days nor less than Three Days; and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they, shall be so committed, unless such Forfeiture and Satisfaction shall be sooner paid and given; and if any Person or Persons shall carelessly or accidentally break, throw down, or damage, any of the said Lamps, or the Posts, Irons, or other Furniture thereof, and shall not, upon reasonable Demand, make Satisfaction to the said Trustees, or to their Surveyor, for the Damage done thereto, within Seven Days of such Demand, then and in any such Case it shall be lawful for any Justice of the Peace, acting for either of the said Counties, upon Proof thereof made upon the Oath of any credible Witness, or on the Confession of the Party, to award such Sum or Sums of Money, by way of Satisfaction to the said Trustees, for such Damage, together with the Costs and Charges attending such Complaint, as such Justice shall think reasonable; and in default of Payment thereof, upon Notice of such Award or Order given to the Party, to cause the same to be levied in Manner herein-after mentioned.

Exemption
from Toll.

XIV. And be it further enacted, That none of the Tolls hereby granted and made payable shall be demanded or taken at any of the Gates or Turnpikes erected, or to be erected by virtue of this Act, for any Carriage or for any Horse or other Beast drawing the same, which shall be used

used or employed in the Carriage of any Materials for repairing and Highway or Road, or in the Carriage of any Lime, Dung, or other Manure, or in the Carriage of any Hay or Corn in the Straw or Fodder not sold or disposed of, but to be laid up in the Houses, Outhouses, Barns, or Yards, of the Inhabitants of the Parishes through which the said Roads lead, or for any Ploughs, Harrows, or other Implements in Husbandry, or for any Coaches or other Carriages, or of Passengers on Horseback, going to or returning from any Election or Elections of a Knight of the Shire to serve in Parliament for the Counties of *Berks*, *Wilts*, and *Southampton*, or for any Horses or Carriages carrying or conveying any Rector, Vicar, Curate, or other Person to or from his own Parish Church or other Place of religious Worship, on *Sundays* or any other Day on which Divine Service is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person who shall die and be buried in any of the Parishes aforesaid, or for any Horses, Mares, Geldings, or Cattle going to or returning from Work, in cultivating the Lands or Grounds in any such Parishes, or going to or returning from Pasture or Watering Places, and shall not pass upon the said Roads more than the Space of Two Miles, or for any Horses or Carriages of whatever Description, employed in conveying the Mails of Letters, or Expresses, under the Authority of His Majesty's Postmaster General, either when employed in conveying such Mails or Expresses, or in returning back from conveying the same, or for the Horses of any Officers or Soldiers on their March or upon Duty, or any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers, or for Waggon, Carts, or other Carriages, sent with Vagrants by Passes; and that no other Carriage or Cattle shall be exempted from Toll, any Thing in this Act to the contrary notwithstanding.

XV. Provided always, That no Person or Persons having Occasion to pass the Place where the Toll is taken, and return the same Day before Twelve of the Clock at Night, with the same Horse, or Horses, Ass, Mule, or Cattle, and the same Coach, Chariot, Calash, Chaise, Waggon, Cart, Dray, or other Carriage, shall be compelled the same Day to pay the said Tolls a Second Time, if such Person or Persons shall produce a Note or Ticket, that such Toll was paid before, or satisfy the Gate-Keeper thereof, any Thing in this Act to the contrary notwithstanding. Tolls paid
Once a Day.

XVI. And be it further enacted, That if any Person or Persons shall go or pass with, or ride, or drive, any Horse or Beast, or ride in or drive any Carriage through or over any Land, Ground, or Place, lying by the Side of, or near to any Part of the said Roads, or if any Person or Persons owning or occupying any such Land, Ground, or Place, (the same not being a Publick Highway), shall knowingly or wilfully permit or suffer any other Person or Persons to go or pass with any Cattle or Carriage through or over such Land, Ground, or Place, in order, or with Intent thereby to evade the Payment of the Tolls by this Act granted, or any Part thereof, or whereby or by Means whereof any such Evasion shall take Place or be effected, or if any Person shall forge, counterfeit, or To prevent
evading of
Tolls.

[Loc. & Per.] II X alter,

alter, or shall deliver to or receive from any other Person or Persons, any Note or Ticket, with Intent to avoid the Payment of all or any Part of the said Tolls, ~~or if any Person or Persons shall unload or cause to be unloaded,~~ any Goods or Merchandizes, or shall take off, or cause to be taken off, any Horse or other Beast from any Carriage, either before or after having passed through any Toll Gate; or having passed through any Toll Gate, shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of the said Roads so as to increase the Number of Horses or other Beasts drawing the said Carriage after the same shall have passed through the said Toll-Gates, with Intent to avoid the Payment of any Tolls; or if any Person shall claim any of the Exemptions by this Act authorized, not being entitled thereto, or if any Person or Persons shall do any other Act, in order or with Intent to avoid the Payment of the said Tolls, or any Part thereof, such Persons and every of them shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor less than Twenty Shillings, to be recovered in such Manner as is herein-after mentioned and provided for the Recovery of Penalties and Forfeitures, One Moiety whereof, when raised, shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the other Penalties and Forfeitures are herein-after directed to be applied.

Disputes
about Tolls
to be settled
by a Justice.

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

Power to
vary Tolls
with Con-
sent of Per-
sons inter-
ested.

XVIII. And be it further enacted, That the said Trustees respectively, at any Meeting to be held for that Purpose, whereof Fourteen Days Notice shall be affixed on all the Turnpikes erected on the said Road in respect of which any Alteration is intended to be made, may and they are hereby empowered from Time to Time to reduce all or any of the Tolls hereby granted, and to order such Tolls so reduced to be collected and received in such Manner, Parts and Proportions, as they shall think fit, so as such Reduction be with the Consent of the Person or Persons entitled to Three Fourths of the Money then due on the Credit of the said Tolls, and to raise the same again, or any Part thereof, so as the same do not exceed the respective Tolls herein-before granted; and the said Tolls so reduced and raised again respectively shall be collected, recovered and applied, in the same Manner as the Tolls herein-before granted are directed to be collected, recovered, and applied.

XIX. And

XIX. And be it further enacted, That the Right and Property of all the said Toll Houses and other Buildings to be erected or provided by virtue of this Act, and of the Materials for building or altering the same respectively, and all Materials, Tools, and other Things, which shall be provided, collected, or made use of, for making, repairing, or improving the said Road, or for executing this Act, shall be and the same are hereby vested in the said Trustees for the Time being; and they are hereby authorized and empowered to bring Actions in the Name or Names of any One or more of them, or of their Treasurer or Treasurers, Clerk or Clerks, or to prefer Bills of Indictment against any Person or Persons who shall steal, take away, or damage any of such Toll Gates, Turnpikes, Toll Houses or other Buildings, Materials, Tools, or other Things as aforesaid, or disturb the said Trustees, or any of their Collectors or other Officers in the Possession thereof, or any of them.

Turnpike
and Toll
Houses
vested in
Trustees.

XX. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, by Writing under their Hands, elect and appoint One or more fit Person or Persons, Treasurer or Treasurers, Collector or Collectors of the Tolls, and such Money as shall be due and payable or received by virtue of this Act, and shall take such Security for the due Execution of their respective Offices as the said Trustees shall think fit; and also a Surveyor or Surveyors, and all such other Officers as they the said Trustees shall think proper; and also may remove from Time to Time all such Clerks, Treasurers, Collectors, Surveyors, and other Officers, or any of them, as they the said Trustees shall see Occasion; and the said Trustees shall and may, out of the Monies to be raised by virtue of this Act, make them such Allowance as to them shall seem proper; and all such Officers shall, when thereunto required by the said Trustees, deliver to them a true and perfect Account of all Monies which shall have been by them respectively collected or received, and shall verify such Account and Accounts upon Oath, if thereunto required by the said Trustees (which Oath any Two of the said Trustees is hereby empowered to administer); and all Monies so received shall be paid to such Person or Persons, and applied to such Purposes, as they the said Trustees shall direct: And in case any Collector, Surveyor, or other Person shall neglect or refuse to make up such Accounts when thereunto required by the said Trustees, and pay the respective Sums remaining in their Hands, such Collector, Surveyor, or other Officer, shall be liable to a Penalty of Five Pounds, to be recovered as after mentioned.

Appoint-
ment of
Officers.

Remedy
against Col-
lectors, &c.
on a Non-
Compliance,
&c.

XXI. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall neglect or be incapable of performing his Duty, or absent himself, the said Trustees, though not assembled at a Meeting, shall and lawfully may discharge such Collector or Receiver; and in case such Collector or Receiver shall die, such Trustees shall and may nominate a proper Person to be Collector or Receiver until the next Meeting of the respective Trustees in the Stead of such Collector or Receiver who shall die or be discharged; and the said Trustees shall and may remove such Collector or Representative, or Person possessing the Toll House in such Manner as herein-after mentioned respecting the Farmer or Renter of the Tolls.

Appointment
of tempo-
rary Col-
lectors, and
Power to re-
move them.

XXII. And

Trustees
may let
Tolls.

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

Power to
eject Farmers
of Tolls.

XXIII. And be it further enacted, That if any Person who shall be the Farmer or Renter of the Tolls by this Act authorized to be collected, shall not pay or cause to be paid to the said Trustees, or their Treasurer for the Time being, the Rent which he or they shall have agreed to give for the same, within the Space of Twenty-one Days next after the several and respective Days on which the same shall become due and payable, it shall be lawful for the said Trustees, although not assembled at a Meeting, to nominate and appoint some fit Person to collect and receive the Tolls arising at the Toll Gate of which such Person shall be the Farmer or Renter until the next Meeting of the said Trustees, which Person so to be nominated and appointed shall have the like Power, and be accountable in the same Manner in all respects as if he had been appointed a Collector at a Meeting held by virtue of this Act: And if any such Farmer or Renter, or other Person who shall inhabit the same, shall refuse to deliver up the Possession of the House, Buildings and Appurtenances, which he enjoyed in Right of his being such Farmer or Renter as aforesaid, for the Space of Ten Days next after Notice of such Appointment shall be given to him, or left at his House, then it shall be lawful for any Justice of the Peace for the County, Town, or Place wherein such Turnpike shall be situate, by Warrant under his Hand and Seal, to order the Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such Toll House and Premises in the Day-time, and to remove the Persons who shall be found therein, together with their Goods, out of such House and Premises, and to put the new appointed Officer into the Possession thereof; and then and from thenceforth the Contract or Lease by which the said Tolls shall be rented or holden shall become null and void to all Intents and Purposes whatsoever; and the Sum or Sums of Money which shall have been deposited in the Hands of the said Trustees or their Treasurer, for better securing the regular Payment of the said Rent, and all Interest which shall be then due thereon, shall become forfeited to the said Trustees, and be by them applied to the several Purposes of this Act.

Surveyors to
dig Gravel.

XXIV. And be it enacted, That it shall and may be lawful for the said Surveyors, and such Person and Persons as they shall appoint, to dig, take, and carry away any Gravel, Chalk, Stone or Stones, or other Materials out of any Common Waste Ground in any of the said Parishes in which

which the said Highways or Roads do lie, and for Want of sufficient Gravel, Chalk, Stones, or Materials there, out of the Waste or Commons of any neighbouring Parish, Town, Village, or Hamlet, without paying any Thing for the same; and where there is not sufficient of such Materials in any Common or Waste Grounds next adjoining, to dig or gather in the several Grounds of any Person or Persons, (not being an House, Garden, Orchard, Yard, or Meadow, planted Walk or Walks, or Avenue to a House,) where any such Materials are or may be found, and from Time to Time to carry such and so much thereof as the said Surveyors in their respective Places shall adjudge necessary for the repairing the said Highways, without paying any Thing for such Materials, save only such reasonable Satisfaction to the Owners or Occupiers of the Ground where the same shall be digged, gathered, and carried away, for the Damage which he or they shall or may thereby sustain, as shall be assessed and adjudged by the Justices of the Peace at the next Special Sessions or Monthly Meeting to be holden for the District or Division where such Materials shall be digged, gathered, and carried away, in case the said Trustees cannot adjust and settle the same.

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

Notice previous to digging Gravel in Inclosures.

XXVI. And be it further enacted, That the said Trustees at any Meeting to be holden for that Purpose, (whereof Fourteen Days Notice shall be given in Writing affixed upon all the Toll-Gates then erected upon the said Roads,) may, and they are hereby empowered, from Time to Time, to borrow and take up at Interest, such Sum and Sums of Money as they shall think needful, and they are hereby empowered either at such Meeting or afterwards, 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 Toll-Gates, (the Charges of assigning or mortgaging the same to be paid out of such Tolls,) for any Term during

For borrowing Money and assigning Tolls.

[*Loc. & Per.*]

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the

the Continuance of this 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 such Tolls, to such Person or Persons, or his, her, or their Trustee or Trustees as shall advance and lend the same, by the following Words of Assignment under their Hands and Seals, or by any other Words to the like Effect: (*videlicet*,)

Form of Assignment.

BY virtue of an Act passed in the Forty-First Year of the Reign of His Majesty King George the Third [*Here insert the Title of this Act*,]
We, Five of the Trustees for putting the said Act in Execution, in Consideration of the Sum of _____ to the Treasurer of the said Road in Hand paid, do grant, bargain, sell, and demise, unto A. B. his Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of this Act, and of the Toll-Gates and Toll-Houses for collecting the same as the said Sum of _____ doth or shall bear to the Whole Sum due and owing on the Credit thereof, to be had and holden from this _____ Day of _____ in the Year of our Lord _____ for and during the Term of the said Act, unless the said Sum of _____ with Interest at the Rate of _____ per Centum per Annum, shall be sooner repaid and satisfied. Given under our Hands and Seals this _____ Day of _____

Mortgages to be entered in a Book.

And Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; and all and every such Person or Persons to whom any Assignment or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby secured, or to whom any Assignment or Assignments of Tolls may have been made under the said recited Acts or either of them, may from Time to Time, assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest thereby secured, or any Part thereof, to any Person or Persons, whomsoever, by signing an Instrument to be annexed to, or by indorsing such Security, before Two credible Witnesses in the following Words, or Words to the like Effect: (*videlicet*,)

Form of Transfer.

I do transfer this Assignment (or the annexed Mortgage, as the Case may be) with all my Right and Title to the Principal hereby (or thereby) secured, and all the Interest now due thereon, unto C. D. his Executors, Administrators, and Assigns. Dated this _____ Day of _____
Witness E. F.

Which Transfer shall be produced and notified to the said Clerk or Treasurer, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, containing the Numbers, Dates, Names of the Parties, and Sums of Money therein transferred, for which the said Clerk or Treasurer shall be paid the Sum of Five Shillings, and no more; and such Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignees may in like Manner assign or transfer the same again and to *terius quoties*, and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be

be last transferred) to make void, release, or discharge, the original Security, or any Monies thereby due, or any Part thereof.

XXVII. Provided always, and be it further enacted, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, or who shall have already advanced any Sum or Sums of Money on the Credit of the said recited Acts or either of them, in respect of the Priority of advancing, or 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 Sum or Sums of Money therein mentioned, Creditors on the said Tolls, in equal Degree one with another.

No Priority
of Mort-
gages.

XXVIII. And it is hereby further enacted, That the said Trustees shall and may, if thereunto required, 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 another Mortgage or other Mortgages instead of or in lieu thereof respectively, in the Manner and transferable as herein-before mentioned.

Old Mort-
gages may
be called in,
and new
Ones
granted.

XXIX. And be it further enacted, That out of any Monies already received by virtue of the said Acts, or out of the Monies which shall be raised or received by virtue of this Act, the said Trustees shall, in the first Place, pay and discharge all the Costs and Expences relative to the procuring and passing of this Act, unless the same shall be otherwise paid and discharged, and then the Remainder of such Monies shall, from Time to Time, be applied in putting this Act in Execution, and in repaying the Principal Money by this Act charged or to be borrowed, and the Interest due and to grow due thereon.

Application
of the
Money.

XXX. And be it further enacted, That all Inhabitants, and Occupiers of Lands, Tenements, Woods, Tythes, and Hereditaments, in and of the several Parishes, Hamlets, Townships, and Places, into or through which any Part of the said Roads by this Act intended to be altered, turned, and repaired, leads, who are or shall be liable to do Statute Work or Duty in the Highways, shall yearly and every Year do such Proportion of such Statute Work or Duty, as they are by Law liable to perform; or if the said Trustees shall think that Proportion insufficient, such further Proportion as the Justices of the Peace at any Special Sessions of the Highways shall direct, in such Part or Parts of the said Roads as doth or do lie in such Parishes, Hamlets, or Places, respectively, and in such Places thereof, at such Times, and in such Manner, as the said Trustees respectively, or their Surveyor or Surveyors, shall for those Purposes direct or appoint; and that all and every of the Inhabitants and Occupiers of Lands, Tenements, Woods, Tythes, and Hereditaments, parcel of or lying within any extra-parochial Place, into or through which any Part leads and of the Roads hereby intended to be turned, altered, amended, and repaired leads, and not actually charged with or towards the Repair of any other Turnpike Road, shall from thenceforth stand and be charged and chargeable with and towards the Repair of such Part of the said Roads hereby intended to be altered and repaired as aforesaid as doth or shall lie within such extra-parochial Place

Statute
Duty.

or

or Places, in such and the like Proportions, Manner, and Form, and shall do and perform such and the like Duty, or pay such and the like Compositions in lieu thereof, as are by this Act required to be done, and paid by the Inhabitants, and Owners and Occupiers of Lands, Tenements, Woods, Tythes, and Hereditaments, in and of the several Parishes, Hamlets, and Places, into or through which any Part of the Roads by this Act intended to be altered, widened, and repaired, doth lead, under such and the like Penalties, Directions, and Regulations, as are enacted, directed, and provided, by the Act made in the Thirteenth Year of the Reign of his present Majesty, for the Amendment and Preservation of Publick Highways.

Composition
for Statute
Duty.

XXXI. Provided always, and be it further enacted, That the said Trustees may, and are hereby empowered to compound with the Inhabitants of the several Parishes, Hamlets, and Places, through which the said Roads by this Act intended to be altered, widened, and repaired, do lead, for the Statute Work and Labour by them respectively by virtue of this Act to be done in the said respective Roads in every Year, the several Sums of Money at and for which such Work and Labour shall be compounded being paid down at the respective Times of making such Composition.

General
Composition.

XXXII. And be it further enacted, That the said Trustees may, and they are hereby authorized and empowered to compound or agree by the Year or otherwise with any Person using the said Road (Common Carriers excepted), for any Sum or Sums of Money which the said Trustees shall think fit, for and in lieu of Payment of any of the Tolls or Duties, which Composition shall be paid Quarterly in advance to the said Trustees, or to such Person or Persons as they shall appoint to receive the same.

Trustees
may contract
for repairing
the Roads.

XXXIII. And be it further enacted, That the said Trustees may, and they are hereby empowered from Time to Time to contract and agree with any Person or Persons for making, repairing, widening, altering, turning, or amending the said Roads, or any Part or Parts thereof, or for doing any other Work to be done 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 and Agreements in Writing entered into pursuant to an Order made at any Meeting by the said Trustees, shall be binding to the said Trustees and their Successors, and also to all other Parties who shall sign the same, his, her, and their Executors and Administrators respectively; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Party or Parties failing in the Execution of such Contract or Agreements.

Surveyors
may remove
Annoyances.

XXXIV. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances on any Part or Parts of the said Roads, by Timber, Stone, Carriages, Saw-Pits or other Pits, Ashes, Dung, Filth, Rubbish, or otherwise, and to turn any Watercourses, Gutters, Conduits, or Drains running into the same Roads to the Prejudice thereof, and to open, scour, and cleanse, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourse,

course, adjoining or near to the said Roads, or any Part or Parts thereof respectively, and also to cut down, top, or lop any Trees, Branches, or Bushes growing in the Hedges, Fences, or Grounds adjoining thereto, within the Distance of Ten Yards measured from the Centre of the Road (so as to reduce such Hedges to any Height not less than Four Feet); and to take and carry away the same in case the respective Owners or Occupiers of the Lands where such Annoyances shall happen to be shall neglect so to do for the Space of Fourteen Days after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof, to be settled by the said Trustees, shall be reimbursed to the said Surveyor or Surveyors by such respective Owners or Occupiers neglecting to cut down such Trees, Branches, or Bushes, or by the Person or Persons occasioning or neglecting, or refusing to remove such Annoyances as aforesaid, which Charges shall be levied and recovered in the same Manner as Forfeitures and Penalties are herein-after directed to be levied and recovered.

XXXV. And be it further enacted, That the said Trustees shall be, and are hereby fully empowered to make the Road herein-before described, and from Time to Time to turn, divert, alter, or widen any Part of the said Road or Roads, and for that Purpose from Time to Time to contract with any Person or Persons for the Purchase or Exchange of any Lands or Hereditaments lying by the Side or Sides of, or near to any Part or Parts of the said Roads (provided that such Part or Parts of the said Roads as shall be so widened, turned, or altered, be not thereby made wider than the Breadth of Thirty-six Feet including the Ditches), and to pay for the said Lands and Hereditaments respectively by and out of the Tolls and other Monies to arise by virtue of this Act; and it shall be lawful for all Bodies Politick or Corporate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees for and on behalf of Infants, Females Covert, and to and for all other Persons whatsoever, to contract and agree with the said Trustees for the absolute Sale or Exchange of such Lands or Hereditaments, and of their respective Estates and Interests therein, and may and are hereby enabled to convey such Lands to the said Trustees, or to permit them to take and use the same for the Purposes aforesaid; and all Contracts, Sales, and Conveyances that shall be so made as aforesaid, shall be valid and binding against and to all Persons, and to all Intents and Purposes whatsoever; but this Act shall not extend to the taking down of any Dwellinghouse or other Building, or to the taking in of any Land that is a Garden adjoining to any Dwellinghouse, or any Yard, Park, Paddock, or planted Walk, inclosed Nursery for Trees, or Avenue to a House, without the Consent of the Owner or Proprietor thereof, except the said Strip of Ground used as Tan Pits near the said Town of *Basingstoke*.

Trustees may
alter or
widen Roads.

XXXVI. And be it further enacted, That if any Person or Persons whatsoever intitled to or interested in any Lands, Messuages, Buildings, or Hereditaments, which the said Trustees shall think necessary to be purchased for the widening, turning, or altering any Part of the said Roads shall, upon Application to them or any of them for that Purpose made, refuse or neglect to treat with such Trustees for the Sale of such Lands, Messuages, Buildings or Hereditaments, or for any Loss or Damages to be

Trustees may
purchase.

[Loc. & Per.]

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by

by them sustained in consequence of the Execution of this Act; or if by reason of their or any of their Absence or distant Residence from the Lands intended to be purchased, he or they cannot be conveniently applied to or treated with for that Purpose, or if on treating he or they shall not agree with the said Trustees for the Price of such Lands, then, and in either of such Cases, the said Trustees may, and are hereby empowered, by a Warrant or Warrants, Precept or Precepts, under their Hands and Seals, to require the Sheriff of the County in which such Lands lie, or his Deputy, to impanel, summon, and return a Jury of Twelve honest and disinterested Men of the said County, to be and appear before the said Trustees, at a certain Time and Place within such County, to be specified in the said Warrant or Warrants, Precept or Precepts respectively, then and there to assess and ascertain the Prices and Value of the Lands intended or necessary to be purchased; and the said Sheriff or his Deputy are hereby required to impanel, summon, and return the said Jury accordingly, giving to each Jurymen Three Days Notice of the Time and Place of his Attendance, and the said Trustees are hereby empowered to summon Witnesses, and each Jury and Witnesses are hereby required to attend accordingly; and the said Trustees having caused Fourteen Days Notice, in Writing under their Hands, to be given to the said Person or Persons entitled to the said Lands and Hereditaments intended to be purchased, or to be left at their last or usual Place or Places of Abode, or at any Place or Places of Abode of the respective Tenant or Tenants in Possession of such Lands, thereby setting forth the Nature, Situations, and Quantities of such Lands and Hereditaments, and the Time when and Place where the said Jury are to meet to assess and ascertain the Value thereof, they the said Trustees may proceed to enquire by Twelves of the said Jurors on their Oaths of the Value of such Lands and Hereditaments, and in Default of a sufficient Number of Jurors, the Sheriff or his Deputy shall return other indifferent Persons of the Shire or by, or that may be conveniently had for that Service, and to make up the Number of Twelve, and to which Jurors all Parties interested shall have their lawful Challenge when they come to be sworn; and the said Trustees having given the Nature of the Enquiry in Charge to the said Jury that shall be sworn, may and are hereby empowered to examine all proper Persons on their Oaths concerning the Nature and Value of the said Lands and Hereditaments, and if needful or requisite to cause the Jury sworn to view the said Lands and Hereditaments, and to take such other Measures to inform themselves and the Jury sworn concerning the Nature and Values of the said Lands or Hereditaments as they shall think proper; and the said Jury, being so informed, shall by their Verdict assess and ascertain the Values of the respective Lands that shall have been given them in Charge to enquire of, and the said Trustees present at the taking of such Verdict shall thereupon adjudge the Sum of Money assessed by the said Jurors as the Value of the Lands or Hereditaments to be paid to the Person or Persons entitled to the said Lands or Hereditaments; and such Findings of the Jurors and Judgements of the said Trustees shall be finally binding and conclusive on all Infants, Females Covert, and other Persons whomsoever, anywise interested or to be interested in the said Lands or any Part thereof; and if any such Sheriff or his Deputy shall refuse or neglect to obey any Warrant or Precept of the said Trustees, or to do any Act or Matter of his Office relating to the

Premises; or if any Juryman so summoned as aforesaid shall not appear (except for some reasonable Excuse to be allowed by such Trustees), or appearing shall refuse to be sworn, or if sworn shall not find his Verdict concerning the Matters that shall have been given in Charge; or if any Witness being sent for or summoned to appear and give Evidence to the said Trustees and Juries shall not appear, (except for some reasonable Excuse,) or if appearing shall refuse to be sworn, or, being one of the People called Quakers, affirm, and thereupon to give his Evidence concerning the Matters aforesaid, every such Sheriff, Deputy, Juryman, and Witness shall for every such Refusal, Neglect or Offence, forfeit and pay any Sum not exceeding Three Pounds, nor less than Forty Shillings.

XXXVII. And be it further enacted, That all Conveyances of Lands and Hereditaments to be purchased by virtue of this Act, and Memorials of all the Verdicts of Juries, and Judgements of the Trustees, concerning the Value thereof which shall be ascertained by the Juries, shall be entered in some Book or Books of the said Trustees; and that after the Execution of such Conveyances, and giving such Judgements of the said Trustees, and after Payment or Tender of the Consideration Monies mentioned in such Conveyances, or if the Monies assessed and adjudged to be the Value of any Lands, the Values whereof shall be assessed or ascertained by any Jury or Juries to the Person or Persons entitled to the same; or in case of want of Opportunity to tender, or of Refusal to accept the said Monies when tendered, then, on leaving the same with the Clerk of the Peace for the County in which such Lands or Hereditaments lie, or his Deputy, for the Use or Uses of the Person or Persons entitled thereto, it shall be lawful for the said Trustees to enter upon the said Lands or Hereditaments, and the same to add or turn into a Highway, and the said Lands or Hereditaments shall from thenceforth for ever afterwards be deemed, taken, and used as a publick Highway or publick Highways to all Intents and Purposes; and after any such new Roads shall be completed, the Lands or Hereditaments constituting the former Road, unless the same leads to some Town, Village, or Place to which such new Road doth not lead, shall be and are hereby vested in and may be exchanged, or sold and conveyed by the said Trustees for the best Price that can be got for the same; and the Money arising by such Sale shall be applied in such Manner as the said Tolls are hereby directed to be applied.

Conveyances
to be re-
gistered in a
Book.

XXXVIII. And be it further enacted, That in case any Jury shall give and deliver a Verdict or Assessment for more Money, as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by them sustained, than what shall have been agreed to and offered by the said Trustees before the summoning and retaining the said Jury, then in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the said Trustees respectively out of the Monies arising by virtue of this Act; and if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees before the summoning and retaining the said Jury, as a Recompence or Satisfaction for

Award of
Jury.

for any such Rights, Interest, or Property, or Loss or Damage as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the said County not interested in the Matter in question, (who is hereby required to examine and settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose,) shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and paid for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Money shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum so assessed and adjudged, or otherwise such Costs and Expences, in case the same shall not be paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the Trustees by such Ways and Means as are herein-after provided for recovering of Penalties and Forfeitures.

Persons being absent to be charged with only One Half of the Expence.

XXXIX. Provided always, and it is hereby declared, That in Cases where any Person or Persons shall, by reason of Absence, have been prevented from treating, One Half of such Costs and Expences shall be deducted out of the Purchase Money, and the other Half shall be borne and paid by the Treasurer to the said Trustees, in Manner aforesaid.

Application of Compensation, where exceeding Two Hundred Pounds.

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

and capable of taking Effect, and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities, and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

XLI. 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 all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money and the Dividends arising thereon may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application, where the Compensation does not exceed Two hundred Pounds, nor less than Twenty Pounds.

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

Application, where the Money is less than Twenty Pounds.

XLIII. And be it further enacted, That it shall be lawful for the said Trustee, or any Five or more of them, from Time to Time, to cause the said Road to be measured, and Stones or Posts to be placed in or near

Mile Stones to be erected.

[Loc. & Per.]

12 A

the

Penalty on
defacing
them.

Riding upon
Foot Paths.

Drawing
Timber or
Stone.

Drivers of
Carriages
not keeping
on the Left
Side the
Road.

Persons pre-
venting
others from
passing,
making Bon-
fires, or let-
ting off Fire-
works, leav-
ing Car-
riages, or
leaving Tim-
ber, &c. on
the said
Roads.

Gates to
Fields to
open In-
wards.

Penalty for
taking away
Materials
raised by
Surveyors.

the same, with Inscriptions thereon denoting the Number of Miles and Distance of Places, as they shall think proper; and if any Person or Persons shall wilfully pull up or damage any Direction-post or Mile Stone erected or fixed, or to be erected or fixed, in or near the Side of the said Road, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person shall ride upon any Footway or Path adjoining to, or made on the Side of or upon the said Road, or shall drive any Horse, Cattle, or Swine, or any Carriage thereon, or shall cause any Damage to any such Footway; or if any such Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Road, any Tree or Piece of Timber or any Stone, (otherwise than upon wheeled Carriages,) or shall suffer any Part of any Tree or Piece of Timber or Stone, which shall be carried upon wheeled Carriages, to drag upon any Part of the said Road, to the Prejudice thereof; or if any Person, driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Road, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the Left Side of the said 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 Carriage under his Care; or if any Person shall make or assist in making any Fire or Fires, commonly called *Bonfires*, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, on any Part or Parts of the said Road; or if any Person shall leave any Coach, Chaise, Waggon, Wain, Cart, or other Carriage in, upon, or on the Side of any Part of the said Road, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Road, or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice, Annoyance, or Inconvenience of Persons travelling thereon, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor less than Twenty Shillings.

XLIV. And be it further enacted, That all Gates to be hereafter made, and placed in any Field or Ground adjoining any of the said Roads, shall be made and hung to open inwards towards such Field or Ground, and not outwards towards the said Roads, and that no Gate shall be permitted to stand across either of the said Roads; and that it shall be lawful for the said Trustees to cause all such Gates as are now erected and open outwards towards the said Roads, to be altered and made to open inwards, as they the said Trustees shall think proper, and to remove all Gates standing across either of the said Roads.

XLV. And be it further enacted, That if any Person whomsoever shall take away any Materials which shall have been dug, gotten, or gathered, for the Repair or Use of the said Roads, or shall raise or carry away any Materials out of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for the said Roads before any Surveyor or their Workmen shall have discontinued working therein, for the Space of Ten Days (except the Owners or Occupiers of any private Ground,

Ground, and Persons authorized by such Owner or Occupier to get Materials for his own Private Use only, and not for Sale), every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings, nor less than Twenty Shillings.

XLVI. And be it further enacted, That all Bodies Politick and Corporate, and other Persons whatsoever, who by any Law, Custom, or Usage, or otherwise, are or shall be liable to the Repair of any Part or Parts of the Roads or Bridges by this Act intended to be repaired, or to pay any Sum or Sums of Money, for or towards the Repair thereof, shall, notwithstanding this Act, remain liable to repair the same, or to pay such Monies for or towards the Repairs thereof, as they respectively were liable to do or pay.

Persons liable to repair the Roads to continue so, or the Bridges thereon.

XLVII. And be it further enacted, That in case any Dispute 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 be and are hereby declared to be competent to give Evidence in any Dispute, Suit, or Litigation.

Gate Keepers Witnesses.

XLVIII. And be it further enacted, That where it shall be necessary to distrain for the Recovery of the Tolls authorized to be collected by this Act, such Distress shall and may be made or taken by the Person or Persons appointed to collect the said Tolls, or by any Surveyor of the said Road, or by any other Person or Persons who shall be fit for that Purpose, appointed by them, or either of them, or called on to assist; and that in case any Dispute, Litigation, or Suit, shall arise or be had or prosecuted touching or concerning any such Distress, or the Prosecution thereof, or concerning the Non-payment of the said Tolls, any such Surveyor, Collector, or other Person or Persons, shall at all Times, and in all Courts, and before all Justices, be good and competent Witnesses to prove the Legality of the Distress, the Non-payment of such Tolls, or to give any other Proof or Evidence concerning the Premises.

Officers may distrain and be Witnesses.

XLIX. 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 any Surveyor or Surveyors, or any other Person or Persons, by them or any or them, or by the said Trustees employed in the Execution of this Act, every such Person shall for every such Offence forfeit any Sum not exceeding Forty Shillings, nor less than Twenty Shillings.

Assaulting Officers.

L. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put this Act into Execution, be it therefore enacted, That it shall be lawful for them or any of them, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person who shall commit any such Offence, and take him before any Justice of the Peace for the County wherein such Offence shall have been committed,

Punishing transient Offenders.

ted, and such Justice is hereby empowered to hear and determine the Matter of the said Complaint in a summary Way.

Interrupting
Surveyors
digging
Gravel.

LI. And be it further enacted, That if any Person or Persons whomsoever shall obstruct or hinder the Surveyor or Surveyors appointed or to be appointed by the said Trustees, or any Person or Persons employed by him or them, in digging for or collecting or gathering any Gravel, Sand, Stones, or other Materials, in any Place or Places where he or they have a Right to dig for, gather, or collect the same, or shall, after the same shall have been so collected and gathered, take and carry away the same, every Person or Persons offending herein shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings nor less than Twenty Shillings, over and above the Value of the Materials so taken away.

Penalties
and Forfeitures.

LII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (if the Manner of levying and recovering thereof is not herein otherwise directed), shall upon Proof of the Offences respectively before any One Justice of the Peace for the County in which the Offence shall be committed, or any One Justice of the Peace for the County or Place wherein such Offender shall be and reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties so offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby required and empowered to grant for these Purposes), and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels, and the Penalties, Forfeitures, and Fines when paid and levied (if not otherwise directed to be applied by this Act), shall be from Time to Time paid to the Treasurer or Treasurers of the said Trustees, and applied in the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any One 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 for such County or Place, there to remain without Bail or Mainprize, for any Time not exceeding Three Months nor less than One Month, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges shall be sooner paid and satisfied.

Trustees
may direct
Prosecution
at the Ex-
pence of the
Tolls.

LIII. And be it further enacted, That the said Trustees at a Meeting to be held, whereof Notice in Writing specifying the Time and Place and the Purpose for which such Meeting is intended to be held, shall be affixed upon the Turnpike Gates then erected by virtue of this Act, and inserted in some Newspaper circulated in the Neighbourhood of the said Roads, at least Fourteen Days previous to the Time when such Meeting is appointed to be held, may, and they are hereby authorized and empowered, when and as often as they shall think fit and necessary, to direct Indictments to be preferred and prosecuted at the Expence of the Tolls

Tolls arising by virtue of this Act, against the Inhabitants of all or any of the Townships, Districts, or Places through which the said Road passes, and against the Hundred or Parish liable to repair Bridges, who shall have neglected or refused respectively to repair the same.

LIV. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk or Treasurer; and that no Action which shall be brought or commenced by or against the said Trustees, or any of them, by virtue or on account of this Act, in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of such Clerk or Treasurer, or by the Act or Default of such Clerk or Treasurer, without the Consent of the Trustees at a Meeting to be held for that Purpose, but the Clerk or Treasurer to the said Trustees for the Time being shall be deemed Plaintiffs or Defendants in such Action, as the Case may be.

Trustees
may sue or
be sued in
the Name of
their Clerk,
or Treasurer.

LV. Provided always, That every such Clerk or Treasurer in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be reimbursed and paid out of the Monies to be raised by virtue of this Act all such Costs, Damages, and Charges, as by the Event of every such Proceeding he shall be put to, or become chargeable with, by occasion of his being so made Plaintiff or Defendant.

Clerk to be
repaid his
Expences.

LVI. And be it further enacted, That all the Penalties and Forfeitures by this Act imposed shall be paid to the said Trustees, their Treasurer or Surveyors, and shall be applied in repair of such Part of the Roads in respect whereof such Penalties and Forfeitures respectively shall be incurred; and that it shall be lawful for the said Trustees to pay and apply such Part of the said Penalties and Forfeitures as they shall think proper, not exceeding One Half Part of them, to and for the Use of the Informer, or any Person taking, seizing, or assisting therein; any Thing herein contained to the contrary notwithstanding.

Application
of Penalties.

LVII. And be it further enacted, That Convictions for Offences against this Act may be drawn up in the following Form, or to the like Effect; (that is to say),

Conviction.

‘ BE it remembered, That on the [*Here insert the Day of the Month,*
‘ *the Year of our Lord and of the King's Reign*] A. B. is convicted
‘ before me C. D. One of His Majesty's Justices of the Peace for the
‘ County of _____ on his own Confession, (or on the Oath of
‘ _____ a credible Witness, or _____ credible Witnesses, as
‘ the Case may be,) of [*Here insert the Offence, and the Time and Place*
‘ *when and where the same was committed*] contrary to the Form of an
‘ Act, passed in the Forty-first Year of the Reign of King George the
‘ Third [*Here insert the Title of this Act*]; and I the said Justice do ad-
‘ judge the said A. B. to have thereby incurred the Penalty of
‘ to be paid, recovered, and applied in Manner directed by the said Act.
‘ Given under my Hand and Seal the Day and Year aforesaid.’

Which Conviction shall be valid and effectual in Law to all Intents and Purposes whatsoever.

[*Loc. & Per.*]

12 B

LVIII. And

Proceedings
not to be
quashed for
Want of
Form, nor
be removed
by *Certio-
rari*.

LVIII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender against this Act shall be quashed or vacated for Want of Form, or be removeable by *Certiorari*, or any other Writ or Writs, or *Process*, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

Appeal.

LIX. Provided always, and be it further enacted, That if any Person or Persons shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the Counties of *Berks*, *Wilts*, or *Southampton*, within Three Calendar Months Notice after the Cause of such Complaint shall have arisen; such Appellant first giving, or causing to be given, Fourteen Days Notice at least in Writing of his or her Intention to bring such Appeal, and of the Nature thereof, to the Clerk or Treasurer to the said Trustees, and within Ten Days after such Notice entering into Recognizance before some Justice of the Peace for either of the said Counties, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the 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 Causes and Matters of such Appeal in a Summary Way, and award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper, and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes.

Limitation
of Actions.

LX. And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, the same shall be commenced within Three Calendar Months next after the Offence committed or Cause of Action or Suit accrued, and not afterwards, and shall be laid and brought in the County where the Cause of Complaint shall have arisen, and not elsewhere; and the Defendant and Defendants in such Action or Suits 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 that if it shall appear so to have been done, or that such Action or Suit shall be commenced after the Time before limited for bringing the same, or shall be brought in any other County or Place, that then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may have and recover treble Costs, and have the like Remedy for the same as any other Defendant or Defendants hath or have by Law in any other Case.

Act to com-
mence.

LXI. And be it further enacted, That the Term of this Act shall commence upon the Day on which the First Meeting of the Trustees shall be held

held as aforesaid, and shall continue for the Term of Twenty-one Years, Term.
and from thence to the End of the then next Session of Parliament:
And that this Act shall be deemed a Publick Act, and shall be judicially Publick Act.
taken notice of as such by all Judges, Justices, and other Persons whom-
soever, without specially pleading the same.

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