



ANNO QUADRAGESIMO QUARTO

# GEORGII III. REGIS.

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## *Cap. 79.*

An Act, for more effectually repairing and improving the Roads leading from *Woodstock* to *Roll Right Lane*, and other Roads therein mentioned, all in the County of *Oxford*. [10:h July 1804.]

**W**HEREAS Four several Acts have been passed in the Third, Twenty-fourth, and Thirty-first Years of the Reign of His late Majesty King *George* the Second, and in the Twenty-fourth Year of the Reign of His present Majesty King *George* the Third, for repairing and amending the several Roads leading from *Woodstock* through *Kiddington* and *Enstone* to *Roll Right Lane*, and from *Enslow Bridge* to *Kiddington* aforesaid, in the County of *Oxford*: And whereas great Progress hath been made in the Repair of the said Roads, and several Sums of Money have been borrowed for that Purpose on the Credit of the Tolls authorized to be taken thereon, and a considerable Part of such Money still remains due and owing, and cannot be paid off, nor can the

3, 24, & 31 G. 2.  
and 24 G. 3.  
recited.

[*Loc. & Per.*]

14 Z

said

Said Acts repealed, and this Act to take place instead thereof.

said Roads be effectually amended, improved, and kept in Repair, until the Term of the said Acts be further continued; and the Powers and Provisions thereof being found in many Respects defective and insufficient, it would be more convenient to the Trustees of the said Roads, and the same might be more effectually repaired, improved, and maintained, if the said Acts were repealed, and further and other Powers granted in aid thereof: And whereas the Road leading from the upper End of *Blackall Lane*, through the Borough of *New Woodstock* into a Lane called *Henfington Lane*, to join the great Road leading from the Town of *Banbury* to the City of *Oxford*, at or near a House called *Sturdey's Castle*, situate between a Place called *Sbampton Brook* and the said House called *Sturdey's Castle*, in the said County of *Oxford*, is very much out of Repair, narrow, circuitous, and incommodious, and cannot be amended, widened, improved, and kept in Repair by the ordinary Course of Law: But if the same were made Turnpike, and included in the Powers and Provisions of this Act, it would be a great Convenience and Advantage to the Neighbourhood, and of publick Utility; 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 as soon as a sufficient Number of Trustees appointed by this Act are assembled at their first Meeting pursuant to the Directions herein-after contained, and shall have proceeded to put this Act in Execution, the said several Acts herein-before mentioned shall be and the same are hereby declared to be repealed, and instead thereof this Act shall take Effect, and shall continue in force, and be put in Execution for and during the Term herein-after mentioned, for the Purpose of repairing, widening, altering, improving, and keeping in Repair the Roads herein-after mentioned; (that is to say), the Road leading from *Old Woodstock* up the *Holoway*, through the Borough of *New Woodstock* to the East End of the said Borough towards the said City of *Oxford*; and also the Road leading from *Old Woodstock*, afore-said up a Lane called *Blackall Lane* into the Borough of *New Woodstock*, and from *Old Woodstock* through *Kiddington* and *Enstone* to the West End of *Roll Right Lane*, and from the West End of *Enstone Bridge* through *Glympton* to *Kiddington* afore-said; and also for the Purpose of turning, widening, altering, improving, and keeping in Repair, the said Road leading from the upper End of *Blackall Lane*, through the Borough of *New Woodstock* into a Lane called *Henfington Lane*, to join the great Road leading from the said Town of *Banbury* to the said City of *Oxford*, at or near the said House called *Sturdey's Castle*, situate between the said Place called *Sbampton Brook* and the said House called *Sturdey's Castle*, in the said County of *Oxford*; and also the Road from *Blackall Lane* afore-said through the said Borough on the North-east Side of the Town Hall, there to join the Road near to the *Marlborough Arms Inn* in the said Borough; and that this Act and the Term hereby granted, and all the Tolls hereby authorized to be collected upon the said Roads, shall be and are hereby declared to be charged with and subject to the Payment of all Money now due and owing upon the Creditor on Account of the said Acts hereby repealed as afore-said, and of the Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of this Act, and the Tolls hereby granted.

II. And

II. And be it further enacted, That the Most-Honourable *George Spencer* commonly called *Marquis of Blandford*, the Right-Honourable *Francis Almeric Spencer* commonly called *Lord Francis Almeric Spencer*, the Right Honourable *Charles Spencer* commonly called *Lord Charles Spencer*, *John Spencer*, *James Blackstone* Doctor of Laws, *Sir Henry Watkin Dashwood* Baronet, *Sir Clement Cotterell Dormer* Knight, the Honourable *Henry Augustus Dillon*, *Arthur Annesley*, *William Gore Langton*, *John Longston*, *Francis Peniston*, *Oldfield Bowles*, *Benjamin Holloway*, *Edward Vere Holloway*, *Thomas Bradley Pagett*, *Edward Lovden Loveden*, *Pryse Pryse*, *Henry Dawkins* the younger, *George Frederick Stratton*, *George Stratton*, *Charles Fettesplace*, *Richard Gorges*, *Charles Brown Mostyn*, *Charles Mostyn*, *Samuel Cox*, *Michael Corgan*, *William Taylor*, *James Taylor*, *Thomas Richards Walker*, *Arthur Jones*, *John Jones*, *John Bowden*, *William Sotham*, *Thomas Sotham*, *Sir Christopher Pegge* Knight, Doctor of Physick, *Martin Wall* Doctor of Physick, *Robert Bourne* Doctor of Physick, *Williams* Doctor of Physick, *John Cobb* Doctor in Divinity, *John Cook* Doctor in Divinity, *William Mavor* Doctor of Laws, *William Finch* Doctor of Laws, *Thomas Berkeley* Doctor in Divinity, *Thomas Brooks* Doctor in Divinity, *William Blumank* Doctor in Divinity, *Edward Tatham* Doctor in Divinity, *Walter Brown*, *John Roberts*, *Nicholas Marshall*, *Edward Marshall*, *Nicholas Earle*, *Charles Western*, *James Adams*, *George Turner*, *John Gregory*, *Charles Gore*, *Travell Clerks*, *William Turner*, *John Prior*, *Thomas Prior*, *Gemaliel Hodgkinson Bobart*, *Henry John North*, *John Kingdon*, *Henry Metcalfe*, *Thomas Brown*, *George Coles*, *Benjamin Churchill*, *Joseph Brooks*, and the Mayor, Recorder, and Aldermen of the Borough of *New Woodstock* for the Time being, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for amending, widening, altering, diverting, improving, and keeping in Repair the several Roads herein-before mentioned and described, and for otherwise putting this Act in Execution.

III. And be it further enacted, That when and as often as any Trustee shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands, to elect One other Person to be a Trustee, in the room of such Trustee so deceased or refusing to act, but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected or to be erected in or upon the said Roads, and also by inserting the same in some One Newspaper circulating in the Neighbourhood through which the said Roads pass, at least Ten Days before every such Meeting; and all Persons that shall be so elected, are hereby vested with the same Powers for putting this Act in Execution as the Persons in whose Places they shall be respectively chosen were vested with.

IV. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear Yearly Value of Forty Pounds above Reprizes, or shall be Heir Apparent of a Person possessed of an Estate in such Lands, Tenements, or Hereditaments, as aforesaid, of the clear Yearly Value of Eighty Pounds above

Trustees.

For appoint-  
ing new  
Trustees.Qualification  
of Trustees.

above Reprizes, or shall be possessed of or entitled unto a Personal Estate to the Amount of Eight hundred Pounds, nor (except in administering the Oath following) before he (not being such Heir Apparent) shall have taken and subscribed the Oath following before any Two or more of the said Trustees, who are hereby authorized and empowered to administer the same; (that is to say),

Oath. **I** *A. B.* do swear, That I truly and *bonâ fide* am seised of in my own Right  
 [or, in the Right of my Wife, as the Case may be], and in the actual Possession and Enjoyment [or, Receipt] of the Rents and Profits of a Real Estate in Law or Equity, of the clear Yearly Value of Forty Pounds [or, possessed of a Personal Estate of the Amount of Eight hundred Pounds].

‘ So help me GOD.’

Penalty on Persons acting if not qualified.

And if any Person, not being so qualified, shall presume to act as a Trustee in the Execution of this Act (except in administering such Oath as aforesaid) or being so qualified shall act as such Trustee before he hath taken and subscribed the said Oath, every such Person so offending in all or any of the Premises shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Complaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty without any other Proof or Evidence on the Part of the Prosecution, than that such Person hath acted as a Trustee in the Execution of this Act; and that no Trustee shall be capable of acting in the Execution of any of the Powers hereby granted during the Time he shall hold any Place of Profit under this Act, nor in any particular Case wherein he shall be personally interested, nor shall any Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Trustee, be capable of holding any Place of Profit under this Act, but all such Trustees as are Justices of the Peace may act as Justices in the Execution of this Act, notwithstanding their being Trustees (except only in such Cases where they shall be personally interested).

No Trustee to act whilst he holds any Place of Profit under this Act, nor where he shall be interested. Victuallers, &c. not to act.

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

V. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of this Act, either in the Names of Trustees, who may be Parties to any Deed or Instrument in Writing upon which any Action shall or may be brought, or in the Name of their Clerk or Treasurer for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees by virtue of this Act, in their Names, or in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death, Incapacity, or Removal of any Trustee or Trustees, or Clerk or Treasurer, or by the Act of such Clerk or Treasurer, without the Consent of the said Trustees, or any Five or more of them, but that the Clerk or Treasurer for the Time being to the said Trustees, in case such Action shall be brought against or defended in the Name of such Clerk or Treasurer, shall be deemed to be Plaintiff or Defendant (as the Case may be) in every such Action: Provided always, that such Trustees, or Clerk or Treasurer, in whose Names or Name any Action or Suit shall be commenced,

Trustees, Clerks, or Treasurer,

mented, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action or Proceeding they or he shall pay, bear, expend, or be put unto or become chargeable with, by reason of their or his being so made Plaintiffs or Defendants, Plaintiff or Defendant, as aforesaid.

to be reim-  
bursed their  
Expences.

VI. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet on the Second *Tuesday* next after the passing of this Act, or as soon after as conveniently may be, at the *Bar Inn* in *Woodstock* aforesaid, and proceed to the Execution of this Act, and shall then adjourn themselves, and afterwards meet yearly, some Time in the Month of *June* at the Place aforesaid, or at any other Place near to the said Roads, as the said Trustees, or any Five or more of them, shall think proper or convenient for putting this Act in Execution, which Meeting shall be deemed a General Meeting, and at which yearly Meeting all Accounts relating to the said Trust shall be examined, settled, and adjusted; and the said Trustees, or any Five or more of them, shall at any such Meeting adjourn themselves to some convenient Place or Places near the said Roads respectively, and may make such further Adjournments from Time to Time for putting this Act in Execution as they shall think proper; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees for the Purposes aforesaid, then and in such Case the Clerk to such Trustees by Notice in Writing to be affixed at or on all the Turnpikes then erected upon the said Roads, at least Ten Days before the next Meeting, shall appoint such Trustees to meet at the House where the last Meeting of such Trustees was appointed to be held on that Day Three Weeks on which such last Meeting of such Trustees was appointed to have been held; and that the said Trustees at all their Meetings shall defray their own Charges and Expences; and all Orders and Determinations of the said Trustees in the Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise (except as herein particularly mentioned) and no Order or Determination of the said Trustees shall be made, unless a Majority of the Trustees present at such Meeting shall concur therein, such Meeting not consisting of less than the respective Number herein mentioned (as the Case may be) nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Nine Trustees shall be present, nor unless the Person or Persons applying to revoke or alter any such Order, shall give Notice thereof in Writing to the Clerk to the said Trustees, and for want of such Clerk, to the Treasurer or Treasurers to the said Trustees, to be by him or them affixed and inserted in Manner herein-before mentioned, at least Ten Days previous to any such Meeting.

First Meeting  
of the Trust-  
tees.

Trustees to  
pay their own  
Expences, &c.  
and to make  
Orders, &c.

VII. And be it further enacted, That if after any Adjournment of the said Trustees, it shall be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, then and in that Case the Clerk to the said Trustees, upon an Order in Writing signed by Three or more of the acting Trustees, although not assembled at a Meeting, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner before directed, and of

Meetings on  
Emergencies.

the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Twenty Days after such Notice); and such earlier Meeting shall and may be held accordingly, and all the Proceedings of the Trustees at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournments.

Trustees to  
appoint Offi-  
cers;

and to remove  
them.

Officers to  
account  
by Oath.

VIII. And be it further enacted, That the said Trustees, or any five or more of them, may appoint such Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls by this Act granted, and such other Officers respectively, as they shall think proper; and that the said Trustees, or any five or more of them, shall and may at a Meeting to be held for that Purpose, whereof Twenty Days Notice shall be given in Writing, to be affixed upon the respective Turnpikes which shall be then erected on the said Roads, by any Writing or Writings under their respective Hands, from Time to Time to remove such Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers as they shall see Occasion, and appoint new ones in cases of Death or such Removal, and the said Tolls shall be paid after the Rates herein mentioned to such Persons as shall be so appointed to receive the same; and the said Treasurers, Receivers, Collectors, Surveyors, or other Officers, and all other Persons who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall at the said annual Meeting to be held in the Month of *June* in every Year, give unto such Trustees true and perfect Accounts in Writing under their respective Hands, of all the Monies which shall have been by them respectively collected or received, and how, to whom, and to what Uses the same have been paid and applied, together with proper Receipts and Vouchers for such Payments, and shall pay all such Monies as shall remain in their Hands to the said Trustees, or any five or more of them, or to such Person or Persons, or to such Uses and Purposes as they, or any five or more of them, shall direct and appoint, and that all such Officers and other Persons shall verify such Accounts upon Oath (which Oath any Two of the said Trustees are hereby empowered to administer); and if any of the said Officers or other Persons shall not give such Account, or shall refuse to verify the same in Manner as aforesaid, that then and in either of the said Cases it shall be lawful for any Two Justices of the Peace for the County or Place where such Officer or other Person shall be or reside, and such Justices are hereby authorized and required to make Enquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves as by the Testimony of One or more credible Witnesses or Witnesses upon Oath (which Oath the said Justices are hereby empowered and required to administer without Fee or Reward) and if any such Person shall be thereof convicted, such Justices shall commit the Party to the Common Gaol of the County or Place where such Person shall be or reside, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account, and verify such Account in Manner as aforesaid; and in case any of the said Officers or other Persons shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, it shall be lawful for any Two Justices of the Peace for the County or Place where such Person or Persons shall live or reside, to make Enquiry touching such Neglect or Refusal, in a summary Way in Manner as aforesaid, and by Warrant under  
their

their Hands and Seals to cause such Sums of Money as shall appear to them to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons, rendering the Overplus (if any) to the Party or Parties, after the Money remaining due, and the Charges of making such Distress and Sale, shall be deducted; and if sufficient Distress cannot be found, then the said Justices or any Two other Justices of the Peace for such County or Place shall commit such Person or Persons to the Common Gaol of the County or Place where such Person shall live or reside, there to remain without Bail or Mainprize until he or they shall have paid over such Money in Manner as aforesaid, or compounded for the same, and paid such Composition Money to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint to receive the same, which Composition the said Trustees, or any Five or more of them, at any Meeting are hereby empowered to make: Provided always, that no Person shall be committed for Want of sufficient Distress for any longer Space of Time than Six Calendar Months.

IX. And be it further enacted, That upon the Death, Incapacity, absconding, misbehaving, or Absence of any Collector or Receiver of the Tolls, any Five or more of the said Trustees, though not at a Meeting of the said Trustees appointed by virtue of this Act, shall and may lawfully discharge such Collector or Receiver, who shall abscond, misbehave, or become incapable, or absent himself as aforesaid, and nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, in the Stead of such Collector or Receiver so dying or being discharged, and to continue until the next Meeting of the said Trustees, 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 so die or be discharged would have had or been subject to; and that 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 other Representatives of any Collector or Receiver, who shall die, abscond, absent himself, or be discharged, or any other Person shall refuse or neglect to deliver up the Possession of any Toll House or Building, to be erected or set up by virtue of this Act, for the Space of Fourteen Days after Demand thereof made, and Notice in Writing given or left on the Premises for that Purpose, by or under the Hands of any Five or more of the said Trustees, or their Clerk or Treasurer, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County in which such Toll House or Building shall be, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable, or other Peace Officer within 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 and Persons who shall be found therein, and the Occupier and Occupiers thereof, 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 their Clerk, or their new appointed Officer, in the Possession thereof, with the Appurtenances.

Trustees may appoint Temporary Collectors.

X. And be it further enacted, That out of the Monies arising by the said Tolls to be collected at each respective Turnpike or Toll Gates, such Allowances shall be made to the Collector or Collectors of the Tolls

Trustees may allow Salaries.

at

at such respective Turnpike or Toll Gates as the said Trustees, or any Five or more of them, shall think proper; and that out of the Monies arising by the Tolls to be collected at all the said Turnpikes or Toll Gates, such Allowances and Compensations shall be made to the said Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Surveyor or Surveyors, and to such other Persons as shall be assisting in and about the Execution of this Act, as to the said Trustees, or any Five or more of them, shall seem reasonable.

Clerks, &c. to give Security.

XI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more, and they are hereby required to take such Security from their Clerks, Treasurers, Collectors of the Tolls, and other Officers for the due Execution of their respective Offices, as to such Trustees, or any Five or more of them, shall seem expedient.

Power to erect Turnpikes, and Toll Gates, &c.

XII. And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may erect and set up, or cause to be erected and set up, so many Turnpike or Turnpikes, Toll Gate or Toll Gates, in, upon, across, or on the Side or Sides of any Part of the said several Roads, or of any Lane or Way leading into the same respectively, as they may judge expedient; and shall and may also erect and provide, or cause to be erected and provided a Toll House, with suitable Outbuildings and Conveniencies, at or near each Turnpike or Toll Gate, and may also inclose from the said Roads convenient Garden Spots to the said Toll Houses, as they the said Trustees, or any Seven or more of them, shall judge proper; and may cause all or any of such Turnpikes, Toll Gates, Toll Houses, and other Buildings, from Time to Time to be taken down, removed, and set up again, or altered, as they the said Trustees, or any Seven or more of them, shall think proper.

Vesting Turnpikes and Toll Houses in the Trustees.

XIII. And be it further enacted, That the Right and Property of all the Turnpikes and Toll Houses, and other Buildings, Weighing Engines, and Fences erected or provided, or hereafter to be erected or provided, in, upon, and on the Sides of the said Roads, and of the Materials for building the same, and for repairing the said Roads, shall be vested in the said Trustees, and they, or any Five or more of them, are hereby empowered to bring Actions in the Name or Names of any One or more of them, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, or to prefer or cause to be preferred Bills of Indictment against any Person or Persons who shall disturb them in the Possession thereof.

Power to take Tolls, &c.

XIV. And be it further enacted, That the respective Tolls following shall and may be demanded and taken by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time appoint for that Purpose, before any Horse or other Cattle, Cart, Waggon, or other Carriage, shall be permitted to pass through any Turnpike or Toll Gate, Turnpikes or Toll Gates, as shall or may be erected by virtue of this Act; (that is to say),

Tolls

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

For



For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, any Sum not exceeding one Penny Halfpenny :

For every Drove of Oxen, Cows, or neat Cattle, any Sum not exceeding Ten-pence *per* Score; and so in proportion for any greater or less Number :

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

Which said respective Sums of Money shall be demanded and taken in the Name of or 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 (to be appointed as aforesaid to collect such Tolls) to seize and distrain any Horse, Beast, or other Cattle, or any of their Harness or Accoutrements, and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space, of Four Days next after such Seizure and Distress made, the Person or Persons so distraining shall and may sell the Horse, Cattle, Beast, or Things so distrained, returning the Overplus (if any) on Demand to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted; and that all the Tolls to be collected or levied by virtue of this Act shall be and are hereby vested in the said Trustees, and shall be applied and may be assigned in such Manner as herein-atter mentioned.

For Recovery of Tolls.

Tolls vested in the Trustees.

XV. And be it further enacted, That if any Dispute shall happen about the Amount of Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person so 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, or the Charges of such Distress and Sale, and of keeping the Distress (as the Case may happen) be ascertained by some Justice of the Peace for the said County, who, upon Application made to him for that Purpose, shall examine the Matter on Oath of the Parties, or other Witnesses or Witnesses, and shall determine the Amount of the Tolls due, and also assess the Charges of such Distress and Sale, and of the Collector's Attendance for that Purpose upon the said Justice, all which said Sums as shall be so determined or assessed shall be paid to the said Collector before he shall be obliged to return the said Distress, or the Overplus, after Sale thereof, or any Part thereof.

For settling Disputes concerning Tolls.

XVI. Provided always, and be it further enacted, That no Person who shall have paid Toll for passing through any Turnpike or Toll Gate, erected or to be erected upon the said Roads, shall be subject to pay any Toll for returning through such Turnpike or Toll Gate the same Day before Twelve or the Clock at Night, with the same Horses or other Cattle, or with the same Coach, Chaise, Waggon, or other Carriage, but shall return Toll-free, on delivering a Note or Ticket to the Collector of the Tolls at such respective Turnpikes or Toll Gates, denoting the Payment of such Toll (which Note or Ticket such Collector is hereby required to deliver *gratis* on Receipt of the Tolls).

Tolls to be taken but once a Day.

No Toll to be taken for crossing the Road.

XVII. And be it further enacted, That no Toll shall be demanded or taken for the passing of any Cattle or Carriage which shall only cross the said Roads, or any of them, or shall travel thereon respectively for the Space of One hundred Yards only, unless such crossing shall be with an Intent to avoid the Payment of Toll at any of the said Turnpikes or Toll Gates, and the Payment of such Tolls shall be avoided accordingly.

Exemptions from Tolls.

XVIII. And be it further enacted, That no Toll shall be demanded or taken for any Horse, Ox, or other Beast, drawing in any Carriage employed in carrying or conveying Stones, Bricks, Lime, Timber, Trees, Wood, Gravel, or other Materials for the making or repairing the said Roads, or any Works thereon, or any Hay, Straw, Corn in the Straw, or other Produce of Lands to be laid up, used, or consumed in the Houses, Outhouses, Barns, or Yards of or belonging to the Owners thereof, or Lime, or other Manure, to be used for the Improvement of Lands only, and not for Sale, nor when returning unladen after carrying or conveying any such Materials or Things; nor shall any Toll be demanded or taken for any Horse, Ox, or other Beast, drawing or not drawing, and employed in carrying or conveying any Ploughs, Harrows, or other Implements of Husbandry; nor for any Horses, Mares, Geldings, Mules, or other Cattle, when going to or returning from being shod or farried, or from work in cultivating the Lands or Grounds within the Parishes, Townships, Hamlets, or Places through which the said Roads lead, or going to or returning from Pasture or Watering Places; provided that such last-mentioned Exemption shall only extend to such Cattle as shall be driven to and from Water and Pasture, from one Parish to the next adjoining Parish; nor shall any of the Tolls hereby granted be demanded or taken for any Horse, or other Beast, when carrying or conveying any Person or Persons residing in the same Parishes, Townships, Hamlets, or Places who shall pass on *Sundays*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated, through any of the said Turnpikes or Toll Gates, to or from Church, Chapel, or any other Place of Religious Worship tolerated by Law, or when going to or returning from the Funeral of any Person or Persons who shall die and be buried in any of the same Parishes, Townships, Hamlets, or Places; nor shall any Toll be demanded or taken from any Rector, Vicar, or Curate going to or returning from his own Parish Church, or other Place of Divine Worship, or visiting his sick Parishioners; nor for any Horses or Carriages which shall be employed in conveying any Mail or Packet made up under the Authority or Direction of His Majesty's Postmaster General or his Deputies; nor for any Horses belonging to Officers or Soldiers upon their March or upon Duty; nor for any Horses, Cattle or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or carrying any wounded, sick, or disabled Officers or Soldiers, or returning empty after having been so employed; nor for any Horses, Carts, or Carriages, employed only in carrying or conveying Vagrants sent with legal Passes; nor for any Horse, Mare, Gelding, or Mule, drawing or not drawing, carrying or conveying any Elector or Electors to or from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Oxford*; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, or of any other of the Exemptions from Toll in this Act contained, not being entitled to the same, every

every Person so offending and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Five Pounds nor less than Forty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

XIX. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, or Beast, upon which any Toll is by this Act imposed, pass through any Land or Ground within the Distance of One Mile from any Turnpike or Toll Gate which shall be erected by virtue of this Act, the same not being a publick Road (other than and except such Person or Persons as his Grace *George Duke of Marlborough* and his Heirs, being Owners of *Blenheim*, shall give Leave to go through *Woodstock Park*); or if any Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any other Person or Persons (other than and except as last aforesaid) with any Horse, Cattle, or Beast, to pass through the same, whereby the Payment of any of the said Tolls or any Part or Parts thereof shall be evaded; or if any Person or Persons shall give to or receive from any Person (other than a Collector of the said Tolls) any Note or Ticket by this Act directed to be given by a Collector of the said Tolls, or shall forge or counterfeit any such Note or Ticket, or shall knowingly pass through any such Turnpike or Toll Gate as aforesaid with any Horse, Cattle, or Beast, or shall at any Time or Times take off any Horse, Cattle, or Beast, from any Carriage with an Intent to avoid Payment of the said Tolls whereby the Payment thereof or any Part or Parts thereof shall be evaded; or if any Person or Persons shall leave or cause to be left upon or near to any Part of the said Roads, any Carriage, Horse, Cattle, or Beast, with an Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage, every Person offending in any of the Cases aforesaid, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Five Pounds nor less than Forty Shillings, at the Discretion of the Justice or Justices before whom such Offenders shall be convicted, One Moiety whereof shall be for the Use of the Informer or Informers, and the other Moiety thereof shall be applied for the Purposes of this Act in Manner herein-after mentioned.

To prevent evading the Tolls.

XX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time as they shall see convenient, to compound and agree for any Term not exceeding One Year at any one Time, with all or any of the Inhabitants of the several Parishes, Townships, Hamlets, or Places to or through which the said Roads lead, for the passing of their Horses, Cattle, or Carriages through all or any of such Turnpikes or Toll Gates as aforesaid.

Power to compound for the Tolls.

XXI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, after giving Twenty-one Days previous Notice thereof in Writing to be affixed upon all the Turnpikes or Toll Gates erected across the said Roads, and to be inserted in some one Newspaper published within the said County of *Oxford*, from Time to Time to lease and demise the Tolls granted by this Act, or any Part or Parts thereof, for any Term not exceeding Three Years, for the best Rent or Price that can be reasonably obtained for the same, payable at such Times and in such Manner, and with, under, and subject to such Covenants,

Power to lease the Tolls.

nants, Conditions, and Agreements as the said Trustees, or any Five or more of them, shall think fit, they the said Trustees having a Counterpart of such Lease or Leases, and taking such other sufficient Security for Payment of the Rents to be reserved by and for the Performance of the Covenants contained in such Lease or Leases as the said Trustees, or any Five or more of them, shall think fit.

Barkeepers  
competent  
Witnesses.

XXII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall happen to arise touching or anywise relating to the said Tolls or the Recovery thereof, 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 they and every of them are and is hereby declared not to be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of their or his being appointed to collect the said Tolls, or acting under the Authority of the said Trustees as aforesaid.

No Exemption  
from Tolls for  
Carriages with  
Wheels of less  
Breadth than  
Six Inches.

XXIII. Provided always, and be it further enacted, That if any Waggon, Cart, or other Carriage hath or shall have Wheels of less Breadth than Six Inches on the Bottom or Sole thereof, and upon which the Sole thereof shall not lie flat, so as not to deviate more than Half an Inch from a flat Surface, and shall not have the Nails countersunk, so as not to rise above the Surface, or for or in respect of any Waggon, Cart, or other Carriage, which, together with the Loading thereof, shall be of greater Weight than is allowed by an Act passed in the Thirteenth Year of the Reign of His present Majesty, relating to Turnpike Roads in this Kingdom, to Waggon, Carts, or Carriages of the same Kind respectively, and laden with such Goods as do not exempt the same from the additional Toll thereby imposed, it shall be lawful for the said Trustees, or any Five or more of them, to order all such Waggon, Carts, or other Carriages to be weighed in like Manner, and with the same Powers and Authorities, as is directed for the weighing of Carriages by the said Act passed in the Thirteenth Year of His present Majesty's Reign.

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

XXIV. And be it further enacted, That if any Person shall offer or dispose of any Note or Ticket to any Person, in order to evade the Payment of the said Tolls, every Person so offering or disposing of such Note or Ticket, and the Person receiving or making use of the same, shall respectively forfeit any Sum not exceeding Forty Shillings, nor less than Twenty Shillings, whereof One Moiety shall go to the Informer, and the other Moiety shall be applied in such Manner as the Penalties and Forfeitures are hereindirected to be applied.

Trustees may  
make Fences  
on Commons  
to prevent  
Tolls being  
avoided.

XXV. And whereas Part of the said Roads may lead over Commonable and Waste Grounds, and the Tolls by this Act granted may by reason of the great Width and Extent of such Commons and Waste Grounds be easily avoided; be it therefore further enacted, That the said Trustees, or any Five or more of them, may and they are hereby authorized and empowered, if they see Occasion, to make or cause to be made such Ditches, Cops, Walls, and Fences, by the Sides of the said Roads, or upon, over, or across the said Commons or Waste Grounds, in such Manner and Directions as they shall find necessary, so that the Payment of the said Tolls may not be avoided; and if any Person or Persons shall pull down or otherwise damage, displace, or carry away any such Fence, or any  
Part

Part thereof, or shall fill up or spoil any such Ditch, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time assembled at any Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls hereby granted, and for such Time or Times as they the said Trustees, or any Five or more of them, shall think proper; and may afterwards from Time to Time advance all or any of the Tolls so lessened to any Sum or Sums of Money, not exceeding the respective Rates herein-before mentioned, and to order and direct such Tolls so lessened, reduced, or advanced, to be collected, received, taken, laid out, and applied for the Purposes of this Act, in such Manner as the said Tolls are herein-before directed to be collected, levied, and applied; but no such Reduction shall be made, unless the Person or Persons who shall be entitled to Five Sixth Parts of the Money which shall have been lent and be then due upon the Credit of the Tolls intended to be reduced, shall be consenting thereto; and that no such Reduction shall be made, unless Thirty Days Notice at least shall be given in Writing to be affixed on all the Turnpikes or Toll Gates which shall be then erected upon the said Roads, expressing the Intention of making such Reduction, and inserted in some publick Newspaper circulating in the Neighbourhood through which the said Roads do pass.

Trustees may alter and lessen the Tolls.

XXVII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, or such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to make Causeways, and also Ditches and Drains, in and upon the said Roads, and also through any Grounds lying contiguous thereto, in order to conduct the Water from and off the said Roads, and also to widen any part of the said Roads, by opening, clearing, and laying into the same any Grounds of any Person or Persons lying contiguous thereto, so as to make such Parts of the said Roads not exceeding Sixty Feet in Width, and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow, or ruinous Part of the said Roads, not being the Grounds whereon any House or Outbuilding stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any House, or any inclosed Ground planted and set apart as a Nurlery for Trees, previous to the First Day of *January* One thousand eight hundred and four, to be made use of as a publick Highway, whilst the high Road is repairing or widening; and also by Order of any Five or more of the said Trustees to build, erect, and repair, or keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Roads, and across any Stream, Brook, Water, Ditch, or Drain thereon, or contiguous thereto, making such Re-  
compence to the Owners and Occupiers of the private Grounds respectively for the Damage they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, or any Five or more of them; and in case of any Difference concerning such Damages the Justices of the Peace of the County or Place where such Difference shall arise, at the General Quarter Sessions of the Peace to be held in and for the same County or Place next after such Difference shall arise, (on Six clear Days Notice thereof

Surveyors may make Causeways.

to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, Occupier or Occupiers to the said Surveyor or Surveyors, or to be left at his or their respective Places of Abode), shall hear, settle, and determine the Matter of such Damages, and the Costs attending the hearing and determining the same, whole Judgement and Order therein shall be final and conclusive to all Parties; but no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Common or Waste Lands.

Surveyors to  
get Gravel.

XXVIII. And be it further enacted, That the said Surveyor or Surveyors, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are hereby empowered to cut, dig, gather, take, and carry away any Furze, Heath, Stones, Gravel, Sand, or other Materials proper for the making and repairing the said Roads in, upon, out of, or from any Waste Grounds or Commons, Rivers or Brooks, in any Parish, Town, or Place in which any Part of the said Roads lie, or in any neighbouring Parish, Town, or Place, to be used in making and repairing the said Roads, without paying any Thing for the same, and to cart and carry away the same over the Lands or Grounds of any Person or Persons, making Satisfaction as hereinafter mentioned, such Surveyor or other Person filling up the Pit or Pits, and levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pit or Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Furze, Heath, Stones, or other Materials proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Grounds or Commons, Rivers or Brooks contiguous to that Part of the said Roads therewith to be made and repaired, or so near or so convenient as the same can be found and gotten in any private Lands or Grounds contiguous to the same Roads, then and in such Case the said Surveyor or Surveyors, or other Person or Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, cut, dig, and make any Pit or Pits, and get, gather, take, and carry away such Materials as aforesaid, in, upon, or out of, from and over the Lands or Grounds of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House or any inclosed Ground planted or set apart as a Nursery for Trees) paying or tendering Payment to the respective Owners or Occupiers of such Lands or Grounds, such Damages for the cutting, digging, gathering, taking, and carrying away the said Furze, Heath, Stones, Gravel, and Materials, and for carrying the same, or the Materials gotten in any Common or Waste Grounds, Rivers, or Brooks as aforesaid, over their Lands or Grounds, as the said Trustees, or any Five or more of them, shall think reasonable; and in case of any Difference between the said Trustees, or any of them, or their Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, the said Justices of the Peace of the County or Place wherein such Lands or Ground shall lie, at their General Quarter Sessions of the Peace to be held in and for the same County or Place next after such Difference shall arise, and on Six clear Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, Occupier or Occupiers to the said Surveyor or Surveyors,

veyors, or to be left at their respective Places of Abode, shall hear, settle, and determine the Matter of the said Damages and the Costs attending the hearing and determining the same, whose Judgement and Order therein shall be final, binding, and conclusive to all Parties.

XXIX. Provided nevertheless, and be it further enacted, That it shall not be lawful for any such Surveyor or Surveyors, or any other Person or Persons under the Authority of this Act or any other Statute now in being, to take and carry away Materials for the repairing the said Roads out of or from any inclosed Lands or Grounds, until Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before the said Trustees, or any Five or more of them, or Two Justices of the Peace acting for the County or Limit where such Lands are situated, to shew Cause why such Materials shall not be had or taken out of or from such Lands and Grounds; and in case such Occupier shall attend pursuant to such Notice, the said Trustees, or any Five or more of them, or such Justices shall, if they think meet, authorize such Surveyor or Surveyors, or other Person or Persons, to dig, gather, take, and carry away such Materials, at such Time or Times as to such Trustees, or any Five or more of them, or to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, the said Trustees, or any Five or more of them, 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 Occupier or his Agent had attended.

Surveyors not to carry away Materials out of private Grounds without giving Notice to the Occupiers.

XXX. And be it further enacted, That if any Person whomsoever shall take or carry away Materials which shall have been dug or gathered for the Purpose of making, completing, or amending the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Thirty Days, (except the Owner or Occupier of any Private 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 forfeit for every such Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on taking away Materials got by Surveyors

XXXI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint from Time to Time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to remove and prevent all Annoyances on any Part of the said Roads by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and convert the same to his and their own Use and Uses, and to turn any Watercourses, Sinks, or Drains running along, into, or out of the said Roads to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining thereto, and to make the same as deep and as large as he or they shall think necessary, and to cut down, lop, or top any Trees, Shrubs, or Bushes growing or to grow on the said Roads, or in the Hedges or Banks adjacent thereto

Surveyors may remove Annoyances.

thereto respectively (not being a Garden, Orchard, Plantation, Walk or Avenue to a House), and to take and carry away the same, in case the Owners or Occupiers of the Premises shall for the Space of Seven Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors neglect to top, lop, cut down or remove such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Water-courses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors shall require, the Charges whereof to be settled by the said Trustees, or any Five or more of them, shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein directed to be recovered and applied; and if after removing any of the said Annoyances, any Person shall again offend in like Manner, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalties on  
obstructing  
Surveyor

XXXII. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any Collector of the Tolls, or any Turnpike Surveyor or any other Person or Persons by them or any of them, or by the said Trustees, or any Five or more of them, employed in the Execution of this Act, and while doing or performing any Work authorized to be done or performed by virtue of this Act, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Forty Shillings.

Power to turn  
and alter any  
Part of the  
Roads.

XXXIII. And be it further enacted, That it shall be lawful for the Majority of the Trustees present at any Meeting of any Nine more Trustees, at any Time or Times during the Continuance of this Act, and they are hereby authorized and empowered to widen, turn, or alter the Course or Path of any Part or Parts of the several and respective Roads hereby directed to be amended, widened, improved, and kept in Repair for the Accommodation of Passengers, through any private Lands, Grounds, or Hereditaments, under such Terms and Satisfaction as are herein-after mentioned, and also through any Commons or Waste Grounds, without making Satisfaction for the same; and also that it shall be lawful for the said Trustees, or such Majority as aforesaid, and for their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon any private Lands, Grounds, or Hereditaments through which or whereupon the said Roads are intended to pass, and to stake out and mark the same, in such Manner as the said Trustees, or such Majority as aforesaid, shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment, for entering or continuing upon any Part or Parts of such last-mentioned Lands, Grounds, and Hereditaments respectively, for any of the Purposes of this Act, first making and tendering Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain.

Notice to be  
given of dis-  
verting  
Roads.

XXXIV. Provided always, and be it further enacted, That in case the said Trustees, or any Five or more of them, shall at any Meeting or Meet-  
ings



ings to be convened under the Authority of this Act, signify by an Order in Writing under their Hands their Intention or Desire of diverting, turning, or altering any Part or Parts of the said Roads, that then Thirty Days Notice at least shall be previously given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected in or upon the said Roads, and also by inserting the same in some One Newspaper printed or circulated within the said County of *Oxford*, of the Time, Place, and Purpose of the said Meeting.

XXXV. And be it further enacted, That for the Purposes aforesaid it shall be lawful for the said Trustees, or any Five or more of them, to contract with the Owners of and Persons interested in any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the making, diverting, turning, or altering the Course or Path of any Part or Parts of the said Roads through such Lands, Grounds, or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by making, diverting, turning or altering the Course or Parth of any Part or Parts of the said Roads through such Lands, Grounds, or Hereditaments, and to pay for the same by and out of the Tolls and other Monies to be raised by virtue of this Act; and it shall be lawful for all Bodies Politick and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors and Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and all other Persons whomsoever to contract and agree with the said Trustees, or any Five or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or any Part thereof, or for their Interest therein for the Purposes aforesaid, and to sell and convey the same as Occasion shall be and require; and all Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and that all Persons shall be and are hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Trustees may purchase, and incapacitated Persons sell Lands and other Hereditaments wanted for the Purposes of this Act.

XXXVI. And be it further enacted, That if any such Bodies Politick or Corporate, Ecclesiastical or Civil, or any Person or Persons as aforesaid, interested in any such Lands, Grounds, or Hereditaments, upon Notice to him, her, or them given or left in Writing at the Dwelling House or Dwelling Houses, or last Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of Bodies Politick or Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands, Grounds, and Hereditaments, intended to be taken in and added to any of the said Roads, and through which any of the said Roads shall be intended to be turned as aforesaid, shall for the Space of Ten Days after such Notice given or left as aforesaid neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees, or any Five or more of them, shall cause it to be inquired into and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the County of *Oxford* (which Oaths any Two or more of the said Trustees, are hereby empowered and required to administer) what Damages shall be sustained by and what Recompence and Satisfaction shall be made to such Owner or

If Parties do not agree, or the Owners cannot make a Title, the Value of the Premises to be settled by a Jury.

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

Juries may be challenged, and Sheriffs fined for Default.

**XXXVII.** Provided always, and be it further enacted, That all Persons concerned shall have their lawful Challenges against any of the said Jurymen; and the said Trustees, or any Five or more of them, acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn, or refusing to give, or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury touching the Premises shall refuse or neglect to appear, or refuse to be examined and to give Evidence, and from Time to Time to levy and apply such Fine or Fines in such Manner as the Penalties and Forfeitures are herein-after directed to be levied

levied and disposed of, so that no such Fine exceed the Sum of Ten Pounds upon any One Person for One Offence.

XXXVIII. And be it further enacted, That all and every Sum and Sums of Money or Recompence to be agreed for as aforesaid, shall be and is and are hereby charged upon the Tolls by this Act granted, or on the Monies to be borrowed upon the Credit of such Tolls, and shall be paid thereout accordingly to the Persons entitled respectively thereto or to their Agents; and that upon Payment or Tender thereof to such Persons, or their Agents, and in case of Refusal to take and accept of the same, upon disposing of the Money in Manner by this Act directed, and after One Calendar Month's Notice thereof given to such Persons or their Agents to receive such Money, it shall be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents to enter into Possession of, and to lay such Land or Ground into the said Roads, and to do all and every such Act, Matter, and Thing, with relation to such Lands, Grounds, or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit, and the Lands, Grounds, or Hereditaments so taken into or made Part of the said Roads, shall be deemed and taken to be, and shall be to all Intents and Purposes a publick and common Highway, and shall be repaired and kept in Repair by such Ways and Means as the Roads hereby directed to be made, repaired, and widened, are by this or any other Law to be repaired; and after such new Road shall be completed, the Lands and Grounds constituting the former Road, unless leading over some Common or Waste, or to some Town or Place to which such New Road shall not lead, shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Five or more of them for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied in such Manner as the Tolls hereby granted are directed to be applied; and all Deeds of Conveyances executed by the said Trustees, or any Five or more of them, and enrolled with the Clerk of the Peace for the County in which such Lands lie, shall be good and effectual in the Law to all Intents and Purposes; but this Act, nor any Thing herein contained, shall not extend to give Power to the said Trustees, or any Five or more of them, to take down any House or other Building, or to take in any Land that is a Garden adjoining to any Dwelling House, or any Orchard, Yard, Park, Paddock, planted Walk or Avenue to any House or Nursery for Trees, or any Part thereof, without the Consent of the Owners and Occupiers thereof respectively in Writing first had and obtained.

Money allowed for Lands, etc. how to be charged and tendered.

XXXIX. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the said Trustees, or any Five or more of them, out of the Money to arise by virtue of this Act; but if such

How the Expences of Jury shall be paid.

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, or any Five or more of them before the summoning and returning of the said Jury, as a Recompence and Satisfaction for any such Right, Interest, or Property in or Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining such Difference, shall be paid and borne by the Person or Persons with whom the said Trustees, or any Five or more of them, shall have such Controversy or Dispute, which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the respective County, not interested in the Matter in question (who is hereby authorized and required to examine and settle the same) shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person and Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Trustees, in and by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures.

Application of  
Compensation  
where exceed-  
ing 200<sup>l</sup>.

**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 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 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 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 Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith to the same or the like Uses, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments which shall be conveyed and settled to, 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 and Settlement shall be existing undetermined 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

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 was 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 200<sup>l</sup>. nor less than 20<sup>l</sup>.

XLII. Provided always, and be it further enacted, That where such Money so agreed or awarded to be paid as next before-mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purpose 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 20<sup>l</sup>.

XLIII. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid, shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or any Five or more of them, or shall refuse to execute such Conveyance or Conveyances; or in case such Person or Persons, to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid, cannot be found; or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded to

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank;

[Loc. & Per.]

15 E

be

Subject to the  
Order of the  
Court of  
Chancery.

be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands or Hereditaments [*describing them*], subject to the Order, Controul, and Disposition of the said Court, 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 publick Funds, or to order Distribution thereof in Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any  
Question shall  
arise touching  
such Money,  
the Person who  
shall be in Possession of the  
Lands &c. at  
the Time of  
such Purchase,  
shall be deemed  
entitled  
thereto.

XLIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands or Hereditaments, or of any Estate, Right, or Interest, in any Lands or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands 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 have been lawfully entitled to such Lands or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends and Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made to 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, or Hereditaments, or to some Estate or Interest therein.

The Court  
may order  
reasonable Ex-  
pences of Pur-  
chases to be  
paid by the  
Trustees.

XLV. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands 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 Court, and to be applied in the Purchase of other Lands or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Five or more of them, who shall  
from

from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

XLVI. And be it further enacted, That upon Payment of such Sum or Sums of Money so to be agreed on or adjudged or awarded by the Jury to be paid for the Purchase of the said Lands or Grounds, or any Part thereof, the Person or Persons entitled thereto shall make and execute, or procure to be made and executed, proper and effectual Conveyances, Surrenders, Assignments, and Assurances in the Law to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint, of the said Premises for which such Sum or Sums of Money was or were so awarded or adjudged to be paid, and shall do all Acts, Matters, and Things necessary or requisite to make a good, clear, and perfect Title thereunto, and such Conveyances, Surrenders, Assignments, and Assurances, shall contain such usual and reasonable Covenants, as shall on Behalf of the said Trustees be required; and in case any Person or Persons to whom such Money shall be agreed, awarded, or adjudged to be paid as aforesaid, shall not evince a clear and perfect Title to the said Premises, and make or procure to be made, at the Expence of the said Trustees, proper and effectual Conveyances thereof, or shall refuse so to do being thereunto required, such Sum or Sums of Money so agreed or adjudged to be paid as aforesaid, being ready to be paid to him, her, or them, on making such Title, and tendered for that Purpose, or in case any Person or Persons entitled to the Premises for which such Sum or Sums of Money shall be so agreed, awarded, or adjudged as aforesaid, cannot be found, or in case by reason of Disputes depending in any Court or Courts of Law or Equity or for Defect of Evidence it shall not appear to the said Trustees, or any Five or more of them, what Person or Persons is or are entitled to the Premises in question, that then and in every such Case such Money shall with all convenient Speed be paid into the Bank of *England*, in Manner herein-before mentioned; and when and so soon as such Sum or Sums of Money shall be so invested in the publick Funds as aforesaid, all the Estate, Right, Title, Interest, Use, Trust, Property, Equity of Redemption, Claim, and Demand whatsoever in Law and Equity on all and every Person or Persons who shall be entitled to such Money, of, in, to, from, and out of the same Premises, or any Part thereof, shall vest in the said Trustees, and they the same Trustees shall be deemed in Law to be in the actual Possession thereof in Fee Simple, freed and discharged from all Claims, Demands, and Equity of Redemption whatsoever, either in Law or Equity, to all Intents and Purposes as fully and effectually as if all and every Person and Persons having any Estate, Right, Title, Trust, Dower, Right, or Title of Dower and Equity of Redemption, of, in, to, from, and out of the same Premises, had actually conveyed the same by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery or Seisin, Fine, and Recovery, or any other Conveyance whatsoever.

Upon Payment of Purchase Money Conveyances to be executed.

XLVII. And whereas by reason of the Purchases which the said Trustees, or any Five or more of them, are hereby empowered and required to make by virtue of this Act, they may happen to be seized of some Piece or Pieces of Ground over and above what shall be necessary for effecting the Purposes of this Act; be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to sell and dispose of such Piece or Pieces of Ground, either together or in Parcels, as they shall find

Trustees empowered to sell Ground not wanted for the Purposes of this Act.

find most advantageous and convenient to such Person or Persons as shall be willing to contract for and purchase the same.

Persons from whom such Lands, &c. have been purchased to have the Preference.

XLVIII. Provided always, and be it further enacted, That the said Trustees, before they shall dispose of the said Piece or Pieces of Ground, shall first offer to resell the same to the Person or Persons from whom they shall have purchased such Piece or Pieces of Ground; and in case such Person or Persons shall not then and thereupon agree, or shall refuse to repurchase the same, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Piece or Pieces of Ground shall lie, by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was not agreed to, or was refused by the Person or Persons to whom it was made (as the Case may be); and in case such Person or Persons shall be desirous of re-purchasing the same, and he, she, or they and the said Trustees shall differ and not agree, with respect to the Price thereof, in such case the Price or Prices thereof shall be ascertained by a Jury in manner herein-before directed with respect to disputed Value of Premises to be purchased by the said Trustees, or any Five or more of them, in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed, with respect to such Purchase made by the said Trustees, or any Five or more of them, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Parcel of Ground as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Trustees may borrow Money upon Mortgage of Tolls.

XLIX. And be it further enacted, That the said Trustees, or any Seven or more of them, at any Meeting or Meetings to be holden for that Purpose, whereof Fourteen Days Notice in Writing shall be given by the Clerk or Clerks, Treasurer or Treasurers, to be affixed on all Turnpike or Toll Gates then erected on the said Roads, and inserted in some One or more Publick Newspaper circulating in the Neighbourhood through which the said Roads pass, may, and they are hereby empowered from Time to Time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage all or any of the Tolls to be collected and arising by virtue of this Act, and also the Toll Houses and Appurtenances thereunto belonging (the Charges of assigning the same to be paid out of such Tolls) for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money to be borrowed by the said Trustees, or any Seven or more of them, upon the Credit of such Tolls, to such Person or Persons, his, her, or their Executors, Administrators, or Assigns, or his, her, or their Trustee or Trustees, who shall advance and lend the same, to secure the Re-payment thereof, with such legal Interest as the said Trustees, or any Seven or more of them, shall think proper; and that such Mortgage or Mortgages, Assignment or Assignments, may be in the Form following, or such other Form as the Trustees making the same shall think proper; (*videlicet*),



BY virtue and in pursuance of an Act, passed in the Forty-fourth Year of the Reign of His Majesty King George the Third, intituled, [here insert the Title of this Act] in Consideration of the Sum of  
to A. B. the Treasurer appointed by the Trustees for putting the said Act into Execution, having been this Day paid by C. D. of  
We whose Names are hereunto subscribed and Seals affixed, being Seven of the said Trustees, Do grant and assign unto the said C. D. his [or, her] Executors, Administrators, and Assigns, such Proportion of the Tolls arising upon the Roads in the said Act mentioned, and of the Turnpikes and Toll Houses for collecting the said Tolls as the Sum of  
doth or shall bear to the whole Sum due and owing on the Credit of the said Tolls, or charged thereupon for the Term of the said Act, To have, hold, receive, and take such Proportion of the said Tolls, Toll Houses, and Premises with the Appurtenances unto the said C. D. his [or, her] Executors, Administrators, and Assigns for the Residue and Remainder now to come of Years, for which the said Tolls are granted by the said Act, subject to the Proviso following; (that is to say) Provided always, that if the said Sum of shall be repaid to the said C. D. his [or, her] Executors, Administrators, or Assigns, together with Interest for the same after the Rate of per Centum per Annum, without any Deduction whatsoever, on or before the Day of  
now next ensuing, then this Assignment shall be void, or else shall remain in full Force. In Witness whereof we have hereunto set our Hands and Seals this Day of

Form of Mortgage.

And Copies of all which 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 Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be entitled to the same, or the Money thereby secured, is and are hereby empowered from Time to Time, by Assignment under his, her, or their Hand and Seal, or Hands and Seals, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, before One credible Witness, to assign over or transfer his, her, or their Right to the Principal and Interest Money thereby secured to any Person or Persons whomsoever, all which Assignments or Transfers shall be produced and notified to the Clerk or Treasurer to the said Trustees within Sixty Days after the Date thereof, who shall cause Entry to be made of such Assignments or Transfers, containing the Dates, Names, and Additions of the Parties, and Sums of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the said original Mortgages and Assignments, for which the Clerk or Treasurer shall be paid the Sum of Five Shillings and no more, and which said Book or Books shall and may, at all reasonable Times, be perused and inspected without Fee or Reward; and after such Entry made, and not otherwise, such Assignment or Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, or Assigns, to such Mortgage or Assignment and the Monies thereby secured and so assigned and transferred, and to the Benefit thereof and Payment thereon, and such Assignee or Assignees, his, her, or their Executors or Administrators, shall and may in like Manner assign and transfer again, and so *toties quoties*; and it shall not be in the Power of

Copies to be entered.

any Person or Persons who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies due thereon.

No Priority of Mortgage.

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

Application of the Money.

LI. And be it further enacted, That all the Monies which shall arise and be produced from the Tolls by this Act granted, together with the Monies which shall from Time to Time be borrowed in pursuance of this Act, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the Trustees for executing this Act for the Time being, and shall be applied to and for the several Uses, Intents, and Purposes following; (that is to say) in the first Place in Payment of the Costs, Charges, and Expences of obtaining and passing this Act, in paying the Interest accruing upon the several Sums of Money which shall from Time to Time be due and owing on the several Mortgages or Securities made in pursuance of the said recited Acts or this Act, in defraying the Expences of erecting and providing Turnpikes, Toll Houses, Weighing Engines, and other Buildings, and of making, forming, repairing, widening, and altering the said Roads, and purchasing Lands for those Purposes, and of erecting and maintaining necessary and convenient Bridges upon the said Roads, and of executing the several other Powers and Provisions of this Act, and in reducing, paying off, and discharging the several Principal Sums for the Time being, due on such Mortgages or Securities as aforesaid.

Persons liable to the Repair of the Roads, &c. to continue to.

LII. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees, of any Lands, Tenements, and Hereditaments, and all other Person or Persons liable to the amending or maintaining any Part or Parts of the said Roads, or any Bridge, Causeway, Drain, Arch, or Sewer therein, shall still remain liable and chargeable to the Repair thereof in such Manner as they were before the passing of this Act (subject nevertheless to the Regulations herein-after expressed concerning the same); and that all and every Person and Persons who by Law are obliged to do Statute Work, or are chargeable or liable to or towards repairing or amending of any Highways in the several Parishes, Townships, Hamlets, Districts, or Places through which the said Roads shall pass, shall be liable to the Repair of the said Roads, and to perform their respective Works thereon in such and the like Manner in every Respect as they are liable to the Repair of any other common Highway within such Parish, Township, Hamlet, District, or Place respectively.

How the Statute Work shall be apportioned.

LIII. And for ascertaining and determining what Part of the Statute Work ought to be performed on the said Roads by the Inhabitants of the several Parishes, Townships, Hamlets, Districts, or Places through which the

the same pass; be it further enacted, That it shall be lawful for any Two or more of the said Trustees, being acting Justices of the Peace for the said County of *Oxford*, from Time to Time to adjudge and order what Part of the Statute Work shall be done in or upon the said Roads hereby directed to be amended, improved, and kept in Repair, and for what Space of Time, and in what Manner the same shall be done upon the said Roads by the Inhabitants of each or any of the Parishes, Townships, Hamlets, Districts, or Places in or through which the said Roads shall pass.

LIV. And be it further enacted, That the respective Surveyors of the Highways in all the Parishes, Townships, Hamlets, Districts, or Places through which the said Roads pass, shall Yearly and every Year within Ten Days after Demand made to them respectively in Writing by the Surveyor, Clerk, or Treasurer of the said Roads in pursuance of an Order under the Hands of Two or more of the said Trustees being acting Justices of the Peace for the said County, give and deliver to the Person making such Demand, a true and exact List or Account in Writing under their respective Hands, of the Christian and Surname of every Person in their respective Parishes, Townships, Hamlets, Districts, or Places, who are by Law chargeable towards repairing the said Roads in such Parishes, Townships, Hamlets, Districts, and Places, and shall set forth and specify in such List what each Person is respectively chargeable with for and towards the same, and such respective Parish or Township Surveyor or Surveyors shall (within Four Days after Notice to them given by the said Turnpike Surveyor of the Time or Times when and where, and how many of the Persons so chargeable as aforesaid are to perform their respective Statute or Days Works) summon or give Notice thereof, in the Mode prescribed by Law to the Persons so chargeable as aforesaid; and if any such Parish or Township Surveyor or Surveyors shall neglect or refuse to do as he and they is and are required and directed to do, or shall wilfully return incorrect or imperfect Lists, he and they shall respectively forfeit and pay any Sum not exceeding the Sum of Five Pounds for every such Refusal or Neglect; and if any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, Wain or Wains, and chargeable towards repairing the said Roads, shall after such Summons or Notice as aforesaid neglect or refuse to send their respective Teams, Draughts, Carts, or Wains furnished with Labourers, Oxen, or Horses, according to the Custom of the Country, and proper Tools to do and perform such their respective Days Works upon the said Roads, he, she, or they so neglecting or refusing shall forfeit and pay any Sum not exceeding the Sum of Ten Shillings for every Day that each Team, Draught, Cart, or Wain shall be wanting, or shall not be duly employed in that Service; and if any Person or Persons who shall be sent with any Team, Draught, Cart, or Wain, to work on the said Roads, shall be found idle or negligent, it shall be deemed as if such Team, Wain, Draught, or Cart had not been sent to work on the said Roads, and the same Sum shall be accordingly forfeited and paid; and if any Statute Work shall not be performed within the Year in which the same is due, the same shall be performed in the Course of the succeeding Year.

LV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to compound and agree by the Year or otherwise with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to or chargeable with the Repair of any Part

For regulating  
the Perform-  
ance thereof.

Trustees may  
compound for  
Statute Work.

Part of the said Roads within their respective Districts, or of any Bridge, Arch, or Sewer, or with any Person or Persons for the Performance of his, her, or their Statute Work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships, or Places, by and with the Consent of the Majority of the Inhabitants of such Parishes, Townships, or Places first had at any Vestry or other Publick Meeting of such Inhabitants, to compound and agree by the Year, or otherwise, with the said Trustees, or any Five or more of them, for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part or Parts of the said Roads.

For recovering Composition Money.

LVI. And be it further enacted, That in case the Composition Money agreed to be paid for passing through any Turnpike or Toll Gate, or in lieu of any such Repairs or Statute Work as aforesaid, or any Part or Parts of such Composition Money respectively shall not be paid within Fifteen Days after the same shall become payable, it shall be lawful for the said Trustees, or any Justice or Justices of the Peace for the said County or *Oxford*, by Writing under their respective Hands and Seals, to empower the Person or Persons authorized to receive such Composition Money (Oath having been first made before such Trustees, or such Justice or Justices, that the same hath been demanded and remains due, which Oath the said Trustees, or such Justice or Justices are hereby respectively empowered to administer) to levy such Composition Money by Distress and Sale of the Goods and Chattels of the Surveyor or Surveyors of the Highways, or other Person or Persons, having compounded or agreed to pay such Composition Money as aforesaid, returning the Overplus (if any) upon Demand after deducting such Composition Money, and the reasonable Charges of such Distress and Sale, to the Owner or Owners thereof.

How Surveyors of Highways are to be reimbursed, and Composition Money paid by them.

LVII. And be it further enacted, That the respective Surveyors of the Highways who shall pay any such Composition Money, or of whom the same shall be recovered as aforesaid, shall be repaid or reimbursed the Composition Money paid by or recovered of them respectively, with the Costs and Charges attending such Recovery, by the several Ways, Means, and in such Manner as by the Laws in being Surveyors of the Highways are to be repaid or reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Trustees may contract for Repairs.

LVIII. And be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, are hereby empowered to contract with any Person or Persons, for making, altering, widening, or repairing the said Roads or any Part thereof, and for erecting Mile or Direction Stones or Posts thereon, or for doing any other Work to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees, or any Five or more of them, shall think proper; and that all Contracts or Agreements in Writing entered into pursuant to any Order of the said Trustees, or any Five or more of them, by their Clerk or Treasurer, Surveyor or other Officer, with any Workmen or other Person or Persons, relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Parties and Persons as shall sign the same, his, her, or their Executors and Administrators, and that Actions and Suits shall and may be maintained thereon by the said Trustees.

or any Five or more of them, or by their Clerk or Clerks, Treasurer or Treasurers, and in his or their Name or Names respectively, and Damages and Costs recovered against the Party or Parties, or Person or Persons failing in the Performance of such Contracts or Agreements respectively; and such Sum or Sums of Money as shall or may be requisite for making or repairing the said Roads, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against such Party, or Person or Persons so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

LIX. And be it further enacted, That in case any Action or Prosecution shall be commenced or prosecuted in pursuance of this Act, under the Authority or by the Direction of the said Trustees, or any Five or more of them, they the said Trustees, or any Five or more of them, shall, out of the Monies arising by virtue of this Act, allow and pay to the Prosecutor, or such Person or Persons in whose Name or Names such Action or Prosecution shall be commenced and prosecuted, all such reasonable Costs and Charges as such Person or Persons shall really and *bonâ fide* have incurred for or by reason of such Action or Prosecution, or any Judgement or Determination therein, and likewise indemnify all such Persons as shall be prosecuted, or have any Action or Actions brought against them for or by reason of any Thing done in pursuance of this Act, under the Authority and by the Direction of the said Trustees, or any Five or more of them.

Prosecutors  
and prosecuted  
indemnified.

LX. And be it further enacted, That the several and respective Persons who have subscribed Money, for and towards the amending and repairing the Roads hereby authorized to be made or any Part thereof, shall and they are hereby required to pay the Sum or Sums of Money so subscribed, within such Time and Times, and in such Parts and Proportions, as the said Trustees, or any Five or more of them, shall order and direct, and the same shall be paid to such Person or Persons as the said Trustees, or any Five or more of them, shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall be lawful for the said Trustees, or any Five or more of them, to sue for and recover the same in the Name of the said Trustees, or any Five or more of them, or in the Name of their Clerk or Treasurer, in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager at Law, or more than One Imparance shall be allowed.

To oblige Sub-  
scribers to pay  
their Subscrip-  
tions.

LXI. And be it further enacted, That in all Cases where any Action or Actions, Suit or Suits, shall be brought, commenced, or prosecuted against any Person or Persons for any Penalty or Penalties contained in this Act, or for Breach or Nonperformance of any Contract or Contracts entered into, it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to compound or agree for such Sum or Sums of Money as they shall think proper, instead of receiving the Whole of such Penalty or Penalties; and such Trustees, or any Five or more of them, may also mitigate, compound, or lessen any other the Forfeitures incurred

Trustees may  
compound for  
Penalties.

incurred under this Act, but the Sum so compounded or agreed for shall not be less than the Injury or Damage sustained by the Breach or Non-performance of any such Contract, and all the Costs, Charges, and Expences which shall be occasioned thereby, and the Mitigation of the said other Penalties or Forfeitures shall not extend to remit above One Moiety of such Penalties and Forfeitures respectively.

Distress not  
deemed un-  
lawful for  
want of Form.

LXII. And be it further enacted, That where any Distress shall be made for any Penalty or Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers *ab initio*, on Account of any Irregularity which shall hereafter be done by the Party or Parties so distraining, but the Person or Persons so aggrieved by such Irregularity, shall and may recover full Satisfaction for the Special Damage in an Action on the Case: Provided always, that no Plaintiff shall recover in any Action for such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on Behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity, Trespass, or wrongful Proceeding before such Action brought; and the Defendant or Defendants in any such Action by Leave of the Court where such Action shall depend, may at any Time before Issue joined, pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings or Orders and Judgements shall be had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Appeal.

LXIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, such Person and Persons shall and may appeal to the Justices of the Peace at any General Quarter Sessions, to be holden in and for the said County of *Oxford* within Three Calendar Months next after any Order or Determination of the said Trustees, or any Five or more of them, such Appellants first giving or causing to be given Six Days Notice at the least in Writing, of their, or his, or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk to the said Trustees, and within Four Days next after such Notice given, entering into Recognizance before some Justice of the Peace for the said County of *Oxford*, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order of the said Justices at such Quarter Sessions, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Sessions or at some Adjournment thereof, upon due Proof of the Notice having been given, and of the entering into Recognizance in Manner herein-before mentioned, shall hear and finally determine the Causes and Matters of every such Appeal in a summary Way, and shall award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper, and the Determination of the said Justices at such Sessions or Adjournment shall be final, binding, and conclusive.

Milestones to  
be set up.

LXIV. And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said Roads to be measured, and Stones or Posts to be set up in or near the Sides of the said Roads at the Distance of One Mile from each other, denoting the Distance of every Stone or Post from any Town or Place, and also such and so many Direction Posts

as to the said Trustees, or any Five or more of them, shall seem meet; and if any Person shall wilfully pull up or damage any such Posts or Stones, or shall obliterate or deface any of the Letters, Figures, or Marks which shall be inscribed thereon; or if any Person shall ride upon any Footway adjoining to the said Roads, or shall drive any Horse or other Cattle, or any Swine, or any Cart or other Carriage, or any Wheelbarrow thereon, or shall cause any Damage to be done to such Footway; or if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Roads, 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 Roads to the Prejudice thereof respectively; or shall lay any Hay, Straw, or other Matter or Thing, upon any Part of the said Roads to be made into Manure; or shall scrape off the same any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Roads with an Iron Rake, or other Instrument with sharp Points, or shall pull or force up any Stones, or other Part of the Pavement of the said Roads, whereby the said Roads, or any of them, shall be damaged; or shall lay down any Timber, Hay, Straw, Dung, or any other Matter or Thing whatsoever upon the said Roads, or any Part thereof, or shall otherwise obstruct or impede the Passage upon the said Roads; or shall turn out any Horses, Mares, Cows, or other Cattle or Swine, upon the said Roads hereby to be repaired, or any Part thereof, or in the Ditches adjoining the same, every Person so offending shall forfeit any Sum not exceeding Forty Shillings nor less than Ten Shillings, to be levied and recovered by such Ways and Means as are herein directed with respect to other Penalties and Forfeitures hereby inflicted.

Penalty on  
deterring  
them.  
Riding on  
Footpaths.

Dragging  
Timber or  
Stone.

Carts not to  
stand in the  
Road nor let  
out Cattle  
into the  
Land, nor  
lay Rubbish  
on the Cause-  
way, nor  
scrape Cause-  
ways.

LXV. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence before any Justice of the Peace touching any Matter of Fact contained in any Information or Complaint, or any Offence against this Act, either on the Part of the Prosecutor, or the Person or Persons accused; or if any Person or Persons shall be summoned as a Witness or Witnesses, to give Evidence at any General Quarter Sessions of the Peace for the said County of *Oxford*, or any Adjournment thereof, upon any Appeal by virtue of this Act, either upon the Part of the Appellant or Respondent, and any such Person or Persons respectively shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath, and to give Evidence before such Justice of the Peace, or at such Sessions or Adjournment thereof, then and in either of the said Cases, every such Person shall forfeit for every such Offence any Sum not exceeding Five Pounds.

For compel-  
ling Witnesses  
to attend.

LXVI. 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, upon Proof of the Offences respectively before any One Justice of the Peace of the County or Place wherein the Offence shall be committed, or any Justice of the Peace of the County or Place wherein the Offender shall reside, either by Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, (which Oath such Justice is hereby empowered

Penalties  
how to be  
levied and  
applied.

empowered and required to administer without Fee or Reward), shall be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending by Warrant or Warrants under the Hand and Seal of such Justice, which Warrant or Warrants such Justice is hereby empowered to grant for those 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, unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or recovered, shall be, if not otherwise directed to be applied by this Act, from Time to Time paid, Half to the Informer, and Half to any Five or more of the said Trustees, or to their Treasurer or Clerk, and applied in the Repair of the said Roads; and in case sufficient Distress shall not be found, or such Penalties or 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 or House of Correction of the County or Place wherein the Offender shall reside, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

For securing  
transient Of-  
fenders.

LXVII. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act in Execution, be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any other Warrant or Authority than this Act, to seize and detain any unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the County or Place, and near to the Place where the Offence or Offences shall be committed; and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, or to oblige such Person or Persons so offending to give Security for his or their Appearance at the next Petty Session to be holden within and for the County or District in which such Offence or Offences shall have been committed, to answer the said Complaint; and the Justices present at such Petty Session, or any Two or more of them, are hereby authorized and required to hear and determine the Matter of the said Complaint in a summary Way, and upon Conviction of the Offender or Offenders, either by the Justice before whom he, she, or they shall be first taken, or by the Justice at such Petty Session as aforesaid, it shall be lawful for the said Justice or Justices respectively to commit him, her, or them to the common Gaol or House of Correction, of the same County or District, there to remain for any Time not exceeding Twenty-one Days, unless he, she, or they shall sooner pay the respective Penalties by him, her, or them incurred for such Offence or Offences, together with the Costs and Charges attending the Conviction and Commitment.

LXVIII. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn



drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen ; (*videlicet*),

‘ Be 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 \_\_\_\_\_ [*or, County of \_\_\_\_\_ as the Case may be*] [*Specifying the Offence, and the Time and Place when and where the same was committed, as the Case shall be.*] Given under my Hand and Seal the \_\_\_\_\_ Day and Year first above written.’ Form of Conviction.

LXIX. And be it further enacted, That no Proceeding of the said Trustees, or of any Justice or Justices of the Peace, or any of them respectively, touching or concerning, or in Execution of any Power or Authority vested in such Trustees, or Justice or Justices respectively, by this Act, shall be quashed or vacated for Want of Form, or be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty’s Courts of Record at *Westminster*, or elsewhere ; any Law or Statute to the contrary notwithstanding. Proceedings not to be quashed for Want of Form.

LXX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Fourteen Days Notice thereof in Writing be given to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, or after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Three Calendar Months next after the Fact committed, and every such Action shall be laid in the County of *Oxford*, and not elsewhere ; and the Defendant or Defendants in every such Action or Suit shall and may plead at his Election specially or the general Issue, and give this Act or the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act ; and if the same shall appear to have been so done, or that such Action or Suit shall be brought before Fourteen Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought elsewhere than in the said County of *Oxford*, then the Jury shall find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law. Limitation of Actions.  
  
Treble Costs.

LXXI. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be made and entered in a Book or Books to be kept for that Purpose, and signed by a competent Number of Trustees ; and such Orders and Proceedings so entered and signed by the said Trustees, at any Meeting of Five or more of them the said Trustees, shall be deemed and taken to be original Orders, which said Book or Books, and also the said Book directed to be kept for registering the Mortgages and Assignments herein-before mentioned, shall and may be read in Evidence in all Cases Orders and Proceedings of Trustees to be entered.

[*Loc. & Per.*]

Cases of Appeal, and in all Suits or Actions, touching any Thing done in pursuance of this Act.

Publick Act.

LXXII. And be it further enacted, That this Act shall be adjudged, deemed, and taken to be a Publick Act, and be judicially taken Notice of by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

Commence-  
ment and  
Duration of  
the Act.

LXXIII. And be it further enacted, That this Act shall commence upon the Day on which the said Trustees shall hold their first Meeting as hereinbefore mentioned, and shall have Continuance from thence for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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