



ANNO QUINQUAGESIMO NONO

GEORGI III. REGIS.

Cap. c.

An Act to continue the Term, and enlarge the Powers of several Acts of His late and present Majesty's Reign, for repairing the Road from the North-east Corner of *Nuffield Common*, by the Parish Church of *Nuffield* in the County of *Oxford*, through *Wallingford* to *Wantage*, and from thence to *Faringdon* in the County of *Berks*. [14th June 1819.]

WHEREAS an Act was passed in the Twenty-fifth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing the Road from Wallingford in the County of Berks, to Wantage, and from thence to Faringdon, and also from Wantage to Idson, in the said County*: And whereas an Act was passed in the Fifth Year of the Reign of His present Majesty King *George* the Third, intituled *An Act to continue the Term, and to vary and enlarge the Powers of an Act passed in the Twenty-fifth Year of His late Majesty for repairing the Road from Wallingford, in the County of Berks, to Wantage, and from thence to Faringdon, and also from Wantage to Idson, in the said County, so far as the same relate to the Road leading from Wallingford to Wantage, and from thence to Faringdon; and for discontinuing the said Term and Powers, so far as the same relate to the Road leading from Wantage to Idson; and for repairing the Road leading from the North-east Corner of Nuffield Common, by the Parish Church of Nuffield, otherwise Tuffield, in the County of Oxford, to the Commencement of the said Turnpike Road leading from Wallingford to Wantage*: And whereas an Act was passed in the Thirty-ninth Year of the

[Local.] 30. L. Reign

25 G. 2. c. 21.
5 G. 3. c. 55.

39 G. 3. c. 37.

Money borrowed still due.

Acts further continued.

Additional Trustees.

Reign of His said present Majesty, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and altering and enlarging the Powers of Two several Acts, the one passed in the Twenty-fifth Year of the Reign of His late Majesty King George the Second, and the other in the Fifth Year of the Reign of His present Majesty, for amending and keeping in Repair the Road leading from the North-east Corner of Nuffield Common, by the Parish Church of Nuffield, otherwise Tuffield, in the County of Oxford, through Wallingford to Wantage, and from thence to Faringdon in the County of Berks*: And whereas the Trustees appointed in or by virtue of the said recited Acts, have proceeded in the Execution thereof with respect to the said Road from *Nuffield Common* through *Wallingford* to *Wantage*, and from thence to *Faringdon*, and for that Purpose have borrowed considerable Sums of Money on the Credit of the Tolls by the said Acts granted and made payable, and a great Part of such Money is still due and owing, and cannot be paid off, or the Interest thereof discharged, nor can the said Road be effectually amended, improved, and kept in Repair, unless the Term granted and continued by the said recited Acts be further continued, and some of the Powers and Provisions thereof respectively amended, altered, and enlarged: And whereas it would be a great Accommodation to the Public, if Part of the said Road, lying within the Parishes of *Crowmersh Gifford*, *Bensington*, and *Nuffield*, in the County of *Oxford*, were discontinued as a Turnpike Road, and Power given to divert, turn, and alter the same, so as to pass along or near to the Track of Road or Highway leading out of the present Turnpike Road at or near to a certain Place called the *Old Gravel Pits*, in the said Parish of *Crowmersh Gifford*, and to communicate with the Turnpike Road called the *Dorbetter* and *Bix* Turnpike Road, at or near *Gangsdow Hill* in the said Parish of *Nuffield*, instead of its joining the said last-mentioned Road at the North-east Corner of *Nuffield Common*, as at present: But the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all and every the Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters and Things therein respectively contained (except such as are varied, altered, or repealed), shall be and continue in full Force and Effect, and be executed for and during the Term herein-after mentioned, in like Manner and as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in this Act, but subject nevertheless to the Alterations, Variations, Additions, and Amendments in this Act contained, and which shall commence and take Effect immediately upon and after the passing of this Act, and continue and be in force during the Term hereby granted; and this Act and the additional Term hereby granted and continued, shall be subject and liable to the Payment of all the Money now due and owing on the Credit of the said recited Acts, any or either of them, or the Tolls thereby granted and continued, or which shall be borrowed on the Credit of them and of this Act, and all Interest due and to grow due thereon respectively.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the respective Counties of *Berks* and *Oxford* shall be

added to and joined with the Trustees appointed by or in pursuance of the said recited Acts; and the Trustees hereby appointed, being qualified according to the Directions of this Act, are hereby empowered to act in the Execution of the said recited Acts and this Act, as fully and effectually to all Intents and Purposes as if they had been named in or appointed by the said Acts, or any or either of them.

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

Power to
appoint
additional
Trustees.

IV. And be it further enacted, That no Person shall be capable of acting as a Trustee in any case in the Execution of the said recited Acts and this Act, unless at the Time of his acting therein he shall have or be seised in his own Right, or in Right of his Wife, and be in the actual Possession and Enjoyment or Receipt of the Rents and Profits of a Real Estate, being Freehold or Copyhold, in the Counties of *Berks* and *Oxford*, or one of them, of the clear yearly Value of One hundred Pounds above Reprizes, or be Heir Apparent of some Person seised of such an Estate of the yearly Value of One hundred and fifty Pounds, or be in Possession of a Personal Estate to the Amount of Four thousand Pounds, nor (except in administering the Oath or Affirmation herein-after mentioned) unless he shall have taken and subscribed before any Two or more of the said Trustees (who are hereby authorized and empowered to administer the same) the Oath or Affirmation following; (that is to say),

Qualification
of Trustees.

‘ I Do swear, [*or, being one of the People called Quakers, do solemnly* affirm,] that I am truly and *bonâ fide* seised in my own Right, or in the Right of my Wife, and in the actual Possession and Enjoyment or Receipt of the Rents and Profits of a Real Estate in Law or Equity, being Freehold or Copyhold, situate in the Counties of *Berks* and *Oxford*, or one of them, of the clear yearly Value of One hundred Pounds; *or, am Heir Apparent of a Person who, to the best of my Knowledge and Belief, is seised of such an Estate, of the clear yearly Value of One hundred and fifty Pounds; or, am possessed of a Personal Estate to the Amount of Four thousand Pounds.* So help me GOD.’

Oath.

And if any Person not so qualified shall presume to act in the Execution of the said recited Acts and this Act, or any or either of them, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of the said Acts and this Act, or either of them, any thing in the said Acts contained to the contrary thereof notwithstanding: Provided always, that all Acts and Proceedings of any Person or Persons acting

acting as a Trustee or Trustees in the Execution of the said recited Acts and this Act, or either of them (although not duly qualified as aforesaid) previously to his or their being convicted of the said Offence, shall notwithstanding such Conviction be as good, valid, and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

No Act valid unless at a Meeting.

The Majority may act, the Number present not being less than Five.

Chairman to be appointed, who is to have the casting Vote.

V. And be it further enacted, That no Act of the said Trustees shall be or be deemed to be good, valid, or effectual, unless the same be made or done at some Meeting to be holden in pursuance of the said recited Acts and this Act, some or one of them, (except where otherwise particularly directed); and that all Powers and Authorities by the said several recited Acts and this Act granted to the said Trustees, shall and may be exercised from Time to Time by the major Part of them who shall attend at any Meeting to be holden in pursuance of the said recited Acts or this Act, (the Number of Trustees present at such Meeting not being less than Five, or such greater Number as is required by the said recited Acts and this Act, or either of them, for any particular Purpose); and all Acts, Orders, and Proceedings of the major Part of such Trustees present at such their several Meetings, shall have the same Force and Effect as if the same were made or done by all the Trustees for the Time being, (save and except as herein excepted); and at every Meeting of the said Trustees a Chairman shall be appointed; and when and as often as it shall so happen that there shall be an Equality of Votes at any such Meeting upon any Question, (including the Vote of the Chairman,) then and in every such Case the Chairman shall have, and he is hereby empowered to give, the decisive or casting Vote.

Trustees to take Security from their Treasurer, Receiver, and Collectors.

VI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby directed and required to take sufficient Security from the Treasurer or Treasurers, Receiver or Receivers, and Collector or Collectors already appointed, or to be elected and appointed by virtue of the said recited Acts and this Act, or any of them, for the due Execution of their respective Offices.

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

VII. 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 the said recited Acts or of this Act, in the Name or Names of their Clerk or Clerks for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees, in the Name or Names of their Clerk or Clerks, shall abate or be discontinued by the Death or Removal of any such Clerk, nor by the Act of such Clerk or Clerks, without the Consent of the said Trustees, or any Five or more of them, but that the Clerk or Clerks for the Time being to the said Trustees shall be deemed to be Plaintiff or Plaintiffs, or Defendant or Defendants (as the Case may be), in every such Action: Provided always, that such Clerk or Clerks in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid, out of the first Money to arise by virtue of the said recited Acts or this Act, after such Action or Suit shall be commenced or discontinued, all such Costs, Charges, Damages and Expences as by the Event, or in consequence of any such Action, Suit, or Proceeding, he or they shall bear, pay, expend or be put unto,

unto, or become chargeable with by reason of his or their being so made Plaintiff or Plaintiffs, Defendant or Defendants as aforesaid.

VIII. And be it further enacted, That such Parts of the said recited Acts of the Twenty-fifth Year of the Reign of His late Majesty, and Thirty-ninth Year of the Reign of His present Majesty respectively, as direct Meetings to be held annually at *Wallingford* on the First *Thursday* in the Months of *April* and *October*, and at *Wantage* on the Twenty-fifth Day of *March* and Twenty-ninth Day of *September*, shall be and the same are hereby respectively repealed; and that from and after the passing of this Act, Meetings of the said Trustees shall be held at *Wantage* aforesaid, in the Months of *April* and *October* in every Year, on the First *Thursday* in each of such Months respectively.

Meetings to be held in April and October yearly, at Wantage.

IX. Provided always, and be it further enacted, That from and after the passing of this Act no Order made by any Five or more of the Trustees of the said Road at a Meeting, shall be revoked or altered at any subsequent Meeting, unless a greater Number of Trustees shall be present than were present when such Order was made, and a Majority of Three at the least shall concur in such Revocation or Alteration, nor unless Ten Days Notice at least of the Time and Place of holding such subsequent Meeting, and of the Intent and Purpose then and there of considering such former Order, and if found expedient, of revoking or altering the same, shall be given, in pursuance of an Order of any Five or more of the said Trustees, at a Meeting, by the Clerk or Clerks; in some Newspaper circulated in the County of *Berks*, and also affixed at or on all the Turnpikes then erected upon the said Road.

No Order made by Five Trustees at a Meeting, to be revoked without public Notice.

X. And be it further enacted, That if at any Meeting of the Trustees under the said recited Acts and this Act, or any or either of them, there shall not appear a sufficient Number of Trustees to act or to adjourn (Two Trustees being deemed sufficient for the Purpose of Adjournment only); or in Case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, then and in either of such Cases the Clerk or Clerks to the said Trustees shall from Time to Time by Notice in Writing, to be affixed at or on all the Turnpike Gates then erected on the said Road, at least Fourteen Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was held or appointed to be held, on that Day Three Weeks, on which such last Meeting of the Trustees was held or appointed to have been holden; and in case the Clerk or Clerks to the said Trustees shall, for the Space of Seven Days, neglect to give, or shall by any Means be prevented from giving such Notice as aforesaid, it shall be lawful for any Five or more of the said Trustees, although not assembled at a Meeting, at any Time or Times thereafter, by Notice in Writing under their Hands, to be affixed at or on all the Turnpike Gates then erected on the said Road, to appoint the Trustees to meet at some House on or near to the said Road, within Ten Days next after the Day of the Date of such last-mentioned Notice; but no Business shall be done or proceeded on by the said Trustees at any Meeting to be holden under this Act or the said recited Acts, before the Hour of Eleven in the Forenoon, nor later than Four of the Clock in the Afternoon of the Day on which such Meeting shall be appointed to be holden.

Power for the Clerk to adjourn Meetings when a sufficient Number of Trustees shall not attend.

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

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

Clerk restrained from acting as Treasurer, and vice versa.

XII. And be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Acts and this Act, or any or either of them, or the Partner of any such Clerk, the Treasurer for the Purposes of the said Acts and this Act, or any or either of them, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said Acts and this Act, or any or either of them; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said Acts and this Act, or any or either of them, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk, in the Execution of the said recited Acts and this Act, or any or either of them, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance shall be allowed.

Clerk, Treasurer, or Surveyor not to be elected without public Notice.

XIII. Provided nevertheless, and it is hereby further enacted, That from and after the passing of this Act no Appointment of any Clerk, Treasurer, Surveyor or other Officer, under or by virtue of the said recited Acts and this Act, or any or either of them, shall take place or be valid unless Notice in Writing, specifying the particular Intention, be given of a Meeting to be held for that Purpose, by affixing the same on all the Turnpikes then erected upon or across the said Road, and also inserted in some Newspaper circulated in the Neighbourhood of the said Road, at least Fourteen Days before any such Meeting.

Power to remove Gates.

XIV. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to take down any Toll Gates, Turnpikes, Toll

Toll Houses, or other Buildings erected or to be erected upon or on the Side or Sides of the said Road by virtue of the said recited Acts and this Act, or either of them, and to discontinue the same, or to set up the same again upon or across, or on the Side or Sides of any other Part of the said Road where Gates are by the said recited Acts or either of them authorized to be erected, and across any Lane or Way that doth or shall lead into, from, or out of the same, as they the said Trustees shall think proper and expedient; but no such Toll Gate, Turnpike, Toll House, or Building shall at any time be taken down or removed to any other Place, unless by Order of Nine or more Trustees, at a Meeting convened for that Purpose, nor unless a Notice specifying the Purpose of such Meeting be affixed at or on all the Turnpike Gates then erected by virtue of the said recited Acts and this Act, and also inserted in some Newspaper circulated in the Neighbourhood through which the said Road passes, Twenty-one Days at least before such Meeting.

XV. Provided nevertheless, and be it further enacted, That nothing in the said recited Acts contained shall extend or be construed to extend to empower the said Trustees to cause more than One full Toll to be demanded or taken on that Part of the said Road which lies at or between *Wallingford* and *Wantage*, nor more than One full Toll on that Part of the said Road which lies between *Wantage* and *Faringdon*, for the Passage of the same Horse, Beast, Cattle, or Carriage through the Toll Gates now erected or hereafter to be erected on the said Road on the same Day, such Day to be computed from Twelve of the Clock in One Night till Twelve of the Clock in the next succeeding Night.

Only One full Toll to be taken on the same Day.

XVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, after Fourteen Days Notice at least to be given for that Purpose, by Writing affixed at or upon all the Turnpike Gates then erected on the said Road, and by Advertisement to be inserted in some public Newspaper circulated in the Neighbourhood through which the said Road passes, from Time to Time, by Writing under their Hands and Seals, to demise or lease the Tolls arising at all or any of the Turnpikes or Toll Gates erected or to be erected by virtue of the said recited Acts and this Act, or either of them, together with the Toll Houses and Appurtenances for collecting the same; and also the additional Tolls for Overweight to be collected or received at any Weighing Machine erected or to be erected upon the said Road, to any Person or Persons, and for any Term not exceeding Three Years at one Letting, upon public Bidding, to the best Bidders, and for the best Rent that shall be offered for the same, payable at such Times in such Manner, to such Person or Persons under such Covenants, Conditions, and Agreements, and with such Sureties for the Payment thereof as the said Trustees, or any Five or more of them shall think fit, any thing contained in any other Law or Statute to the contrary thereof notwithstanding; and if the said Trustees, at any Meeting for letting the said Tolls, shall be of Opinion that a Combination exists among the Bidders to undervalue the same, they may then proceed in such Letting in such Manner as to them shall seem more likely to create a real *bonâ fide* and advantageous Competition for the same; and at all such Lettings the Trustees shall have or be entitled to One or more Bidding or Biddings for the said Tolls, either by themselves or their respective Clerk or Clerks, or Treasurer, or other Person

Trustees may let the Tolls.

Person by them authorized, any thing in any Law or Statute to the contrary notwithstanding.

Power to
reduce the
Tolls.

XVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, from Time to Time, assembled at any Meeting to be holden for that Purpose, to lessen or reduce all or any of the Tolls by the said recited Acts or either of them granted, and to take and collect such Tolls so lessened or reduced, for such Time or Times, and in such Manner as the said Trustees or any Nine or more of them shall think proper, and afterwards from Time to Time to advance and raise all or any of the Tolls so lessened or reduced, to any Sum or Sums of Money, not exceeding the respective Rates by the said Acts granted; and to order and direct such Tolls so lessened, or reduced, or advanced, again to be collected, received, taken, laid out, and applied for the Purposes of the said recited Acts and this Act, in such Manner as the Tolls are by the said Acts directed to be collected, levied, and applied; but no such Reduction shall be made unless the Person or Persons who shall be entitled to Three-fourth Parts of the Money which shall be then owing on the Credit of the Tolls intended to be reduced shall be consenting thereto; nor shall any such Reduction or Advancement be made unless Fourteen Days Notice at the least shall be given in Writing, to be affixed at or on all the Turnpikes or Toll Gates then erected on the said Road, and by Advertisement inserted in some Newspaper circulated in the Neighbourhood of the said Road, expressing the Intention, Time, and Place of the Meeting for making such Reduction or Advancement.

Tickets to
be provided
denoting the
Payment of
Toll.

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

Exemptions
from Tolls.

XIX. And be it further enacted, That all Exemptions from Toll granted by the said recited Acts, or either of them, shall be and the same are hereby repealed, and that from and after the passing of this Act none of the Tolls granted and continued by the said recited Acts, and this Act, or any, or either of them, shall be demanded or taken of or from any Person, or Persons for or in respect of any Carriage, Horse, Cattle, or Beast employed in carrying or conveying, or going empty to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stones, Bricks, Timber, Wood, Gravel or other Materials for repairing the said Road, or any of the Highways or Bridges in the Parishes or Townships in which any Part of the said Road is situate, or with any Hay, Straw, or Corn, in the Straw, not sold or disposed of, or passing for that Purpose, but passing only to be laid up or placed in the Buildings or Yards, or on the Lands of the Owners thereof; or for or in respect of any Carriage, Horse, Cattle or Beast employed in carrying or conveying, or going empty to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, or Manure,

(Lime

(Lime excepted,) to be employed only in Husbandry for manuring or improving Lands, and not for Purposes of Trade, or for any other thing employed in the Management of any Farm or Lands; or for any Horse or Cattle going to or returning from Pasture or Watering Place, or going to be or returning from being shod or farried; or from any Person going to or returning from his or her Parochial Church or Chapel, or from any Person going to or returning from his or her usual Place of religious Worship tolerated by Law, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Hearse or Carriage conveying the Corpse or attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Road doth lie, or returning from any such Funeral; or for any Horse, Beast, Cattle, or Carriage of whatsoever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or returning back from conveying the same; or for any Horse or Carriage attending His Majesty or any of the Royal Family; or for any Horse, Beast, Cattle or Carriage attending any Soldiers on their March or on Duty, or attending them with their Arms or Baggage; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, Commissariat, or other public Stores of, for, or belonging to His Majesty for the Use of His Majesty's Forces, or returning from attending them on such Occasions; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, Inspection or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements, according to the Regulations of such Corps, at the Time of claiming such Exemption; or for any Horse, Cart, Waggon or other Carriage employed in the Conveyance of Vagrants sent by legal Passes, or returning from such Employment; or for any Horse, Cattle, Beast, or Carriage carrying or conveying any Person or Persons going to vote or returning from voting at any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Berks*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of the said recited Acts and this Act, and in all Cases the Proof of Exemption shall lie on the Person claiming the same.

XX. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other public Stores, of or belonging to His Majesty or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight in any such Waggon, Wain, Cart, or other Carriage, or for being drawn by any Number of Horses or Oxen;

[*Local.*]

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but

Exempting
Carriages
conveying
King's Stores,
&c. from
Penalties for
Overweight.

but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart or other Carriage to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage, any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act or the said recited Acts contained to the contrary notwithstanding.

Toll Collec-
tors to put up
their Names.

XXI. And be it further enacted, That every Toll Collector appointed either by the said Trustees, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate erected or to be erected upon the said Road, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately upon coming on Duty, each of the Letters of such Name to be at least One Inch in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having been paid the said Tolls or any of them, or shall give a false Name or Names on such Demand, or shall refuse to deliver a Ticket *gratis*, denoting the Payment of the Toll, and naming and specifying the Gate or Gates freed by such Payment, or shall make use of any scurrilous or abusive Language to any Person or Persons travelling upon the said Road, or shall without sufficient Cause detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector so offending shall forfeit and pay any Sum not exceeding Five Pounds.

Trustees may
appoint
temporary
Collectors.

XXII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls granted by the said recited Acts, or any of them, shall die or become incapable of performing his Duty, or shall abscond or absent himself, or become Insolvent or Bankrupt, it shall be lawful for any Five or more of the said Trustees (although not assembled at a Meeting of the said Trustees) to discharge such Collector or Receiver, and to nominate and appoint some other proper Person to be a Collector or Receiver of the said Tolls until the next Meeting of the said Trustees, in the Stead of such Collector or Receiver so dying or being discharged; and such Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner, in all respects, as the Person who shall so die or be discharged would have had or been subject to; and if any Collector or Receiver of the said Tolls who shall be discharged from his Office by the said Trustees as aforesaid, 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 become Insolvent or Bankrupt, or be discharged, or any other Person, shall refuse or neglect to deliver up the Possession of any Toll House or Building and Premises for the Space of Seven Days after Demand thereof made, and Notice in Writing given for that Purpose by the said Trustees, or any Five or more of them, (although not assembled at a Meeting) or by their Clerk or Clerks, Treasurer or Treasurers; then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County or Place in which such Toll House or Building and Premises shall be situated, by Warrant under his or their Hand or Seal, or

Hands and Seals, to order any Constable or other Peace Officer for the same County or Place, with such Assistance as shall be necessary, to enter such House or Building and Premises in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and to put the said Trustees, or any One or more of them, or such new appointed Collector, Receiver, or other Officer, into the Possession thereof.

XXIII. And be it further enacted, That if any Person or Persons shall with any Horse, Beast, Cattle or Carriage whatsoever, pass through or over any Land, Ground, or Hereditament (not being the Owner or Owners, Occupier or Occupiers thereof, or any of his, her, or their Family or Servants,) lying near any Turnpike or Toll Gate at any Time erected upon the said Road (the same not being a public Highway); or if any Owner or Occupier of any such Land, Ground, or Hereditament shall knowingly permit or suffer any Person or Persons, not being his, her, or their Servant or Servants, or any of his, her, or their Family, with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through or over the same, with an Intent to evade Payment of any of the Tolls by the said recited Acts and this Act, or any or either of them, authorized to be taken; or if any Person or Persons shall forcibly pass through any such Turnpike or Toll Gate with any Horse, Cattle, Beast, or Carriage, without having paid the Toll payable thereat, or shall take off or cause to be taken off any Horse, Beast, or other Cattle from any Carriage, or having passed through any Turnpike or Toll Gate erected upon the said Road, shall afterwards add or put any additional Horse or other Beast to such Carriage, with Intent to evade the Payment of the said Tolls or any of them, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on permitting Private Passages, &c. or evading the Tolls.

XXIV. And be it further enacted, That in case all or any of the Tolls arising by virtue of the said recited Acts and this Act, or any or either of them, at the Turnpike Gates or Toll Bars now erected or hereafter to be erected upon the said Road, or any of them, shall be demised or let to farm to any Person or Persons in pursuance of the said Acts, or any or either of them, and such Person or Persons shall neglect or refuse to perform the Terms and Conditions of the Demise or Contract by which the same shall be let to him, her or them, either by taking a greater or less Toll in respect of any Carriage, Horse, Beast or Cattle than those demised or let to him, her, or them, or in any other Way or Manner; or in case the Rent for which such Tolls shall be demised or let, or any Part thereof, shall be in Arrear or unpaid for the Space of Fourteen Days next after any of the Days or Times whereon the same shall become due and ought to be paid, pursuant to such Demise or Contract, and the Toll House or Toll Houses appertaining to such Turnpike Gate or Gates, Toll Bar or Toll Bars, shall be in the Possession of such Lessee or Lessees, Farmer or Farmers, or any Person or Persons by him, her, or them appointed to collect the Tolls thereat, then and in any or either of the said Cases it shall be lawful for the said Trustees or any Five or more of them, (if they shall think proper), to vacate and determine such Demise and Contract, giving a Notice in Writing of such their Determination to such Lessee or Lessees, Farmer or Farmers, by leaving the same at the Toll House or Toll Houses at such respective Turnpike Gate or Turnpike Gates, and such Lease or Contract shall from that Time be utterly void

To enable Trustees to take Possession of Toll Houses, &c.

to

to all Intents and Purposes, save as to the Covenants for Payment of the Rent to the Day of such Notice being delivered, as if the same had not been made; and in case any such Lessee or Lessees, Farmer or Farmers, shall not, on Service of such Notice as aforesaid, deliver up the Possession of the Toll House or Toll Houses, and the Turnpike Gate or Turnpike Gates, or Toll Bar or Toll Bars, with the Appurtenances, so demised and let to him, her, or them, it shall be lawful for any Justice of the Peace for the County or Place in which such Toll House or Toll Houses, Turnpike Gate or Turnpike Gates, or Toll Bar or Toll Bars, with the Appurtenances, shall be situate, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such Toll House or Toll Houses and Premises, in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of such House or Houses and Premises, and to put such Person or Persons into the Possession thereof as the said Trustees or any Five or more of them shall appoint.

Collectors of
Tolls not in-
competent
Witnesses.

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

Officers may
distrain and
be Witnesses.

XXVI. And be it further enacted, That where it shall be necessary to distrain for the Recovery of the Tolls authorized to be collected by the said recited Acts and this Act, any or either of them, such Distress shall and may be made or taken by the Person or Persons appointed to collect the said Tolls, or by any Surveyor of the said Road, or by any other Person or Persons who shall be for that Purpose appointed by them or either of them, or called on to assist; and that in case any Dispute, Litigation, or Suit shall arise, or be had or prosecuted, touching or concerning any such Distress, or the Prosecution thereof, or concerning the Non-payment of the said Tolls, any such Surveyor, Collector, or other Person or Persons, shall not by reason thereof be incompetent to prove the Legality of the Distress, the Non-payment of such Tolls, or to give any other Proof or Evidence concerning the Premises.

For settling
Disputes con-
cerning Tolls.

XXVII. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls, or the Charges of making, keeping, or selling any Distress, it shall and may be lawful for the Collector or the 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, and the Charges of the Distress and Sale, and of keeping the Distress, be ascertained by some Justice of the Peace for the County or Place wherein such Dispute shall happen to arise, who, upon Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses (which Oath such Justice is hereby authorized to administer), and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justices shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand and Seal of such Justice, rendering
the

the Overplus (if any) upon Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

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

Trustees not to administer Oaths on verifying Accounts.

XXIX. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, and to or for all such Persons as he or they shall appoint, to search for, cut, dig, get, gather, and take away any Furze, Heath, Stones, Gravel, Sand, or other Materials for repairing the said Road, out of or from any Commons or Waste Grounds, Common River, Brook or Pit in any Parish, Township, or Place, in which any Part of the said Road shall lie, or in any adjoining Parish, Township, or Place, without paying any thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that it shall be lawful for such Surveyor or Surveyors, or other Person or Persons as aforesaid, by Order of any Two or more Justices of the Peace for the County or Place in which the Lands, Fields, or Grounds shall lie, to search for, cut, dig, get, gather, and take away any such Materials as aforesaid, in, out of, or from the private Lands, Fields, or Grounds of any Person or Persons where the same may be had or found (such Lands, Fields, or Grounds not being a Garden or Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the same, and for any Damages done thereby, to the Owners or Occupiers of the Grounds and Premises where and from whence the same shall be cut, dug, gotten, gathered, and taken or carried away, or over which the same or any other Materials for repairing the said Road shall be carried, according to their respective Rights and Interests in such Ground and Premises, as the said Trustees, or any Five or more of them, shall deem reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning the Value of such Materials and Damages, it shall be lawful for any Two Justices of the Peace for the County or Place in which the said Lands, Fields, or Grounds shall lie, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Matters of such Payment and Damages; provided nevertheless, that no Order shall be made by the said Justices, to search for, dig, gather, or take away any Materials as aforesaid, in, out of, or from any private Lands, Fields, or Grounds not being within some Parish, Hamlet, or Place through which the Part of the said Road to be repaired shall lie or be situate, until it shall have been

For getting Materials to repair the Road.

[Local.]

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made

made appear, to the Satisfaction of such Justices, that sufficient and proper Materials for such Repairs cannot be had within the same Parish, Hamlet, or Place.

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

XXX. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons, under the Authority of the said recited Acts and this Act, or any or either of them, to dig, gather, get, take, or carry away any Materials for repairing the said Road, out of or from any inclosed Lands or Grounds, until Ten Days Notice in Writing, signed by such Surveyor, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at his or her last or usual Place of Residence, to appear before any One or more Justice or Justices of the Peace acting for the County or Place where such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier, or his or her Agent, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case it shall be lawful for the said Justice or Justices, by his or their Order or Orders to authorize such Surveyor or other Person or Persons, to dig, get, gather, take, and carry away such Materials, at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, such Justice or Justices shall and may make such Order therein as he or they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier, or his or her Agent had attended, any thing in the said recited Acts contained to the contrary notwithstanding.

Penalty on taking away Materials got by the Surveyor.

XXXI. And be it further enacted, That if any Person whomsoever shall take away any Materials which shall have been dug or gathered for the Purpose of repairing or improving the said Road, or shall get or take away any Materials out of any Pit or Quarry which shall have been made, dug, or opened for the Purpose of getting the said Materials, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Twenty Days, (except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials for his own private Use only, and not for Sale,) every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

In altering the Course of the present Road, Trustees not to deviate more than One hundred Yards from the present Road.

XXXII. And be it further enacted, That it shall not be lawful for the said Trustees, in diverting, turning, or altering the Course or Path of any Part or Parts of the said Road, to deviate more than One hundred Yards from the present Line or Course thereof, (except as next herein-after mentioned), without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being, of the Lands or Grounds which may be affected by any such Diversion or Alteration.

Power for the Trustees to divert a Part of the present Road.

XXXIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, at a Meeting to be holden after Twenty-one Days Notice thereof at least for that Purpose given, by Writing affixed at or on all the Toll Gates then erected upon the said Road, and by Advertisement inserted in some Newspaper circulated in the County

County of *Oxford*, to discontinue as a Turnpike Road, so much of the said Road as lies between the North-east Corner of *Nuffield Common*, within the Parish of *Nuffield* aforesaid, and a certain Place called the *Old Gravel Pits*, within the said Parish of *Crowmarsh Gifford*, and to divert and turn the same along or near to the Track of a Road or Highway leading out of the present Turnpike Road, at or near to the said *Gravel Pits* in the Parish of *Crowmarsh Gifford* aforesaid, over Lands within the said Parishes of *Crowmarsh Gifford*, *Bensington*, and *Nuffield*, belonging to the Right Honourable Lord Viscount *Killmaney*, and *William Butler* Esquire, respectively, in the respective Occupations of *William Parsons* and the said *William Butler*, so as to communicate with the Turnpike Road called the *Dorchester* and *Bix* Turnpike Road, at or near to a Hill on the same Road called *Gangsdow Hill*, within the aforesaid Parish of *Nuffield*, instead of its joining the said last-mentioned Road, as at present, at the North-east Corner of *Nuffield Common*, any thing in the said recited Acts, or either of them, contained to the contrary notwithstanding.

XXXIV. And whereas a Map, describing the Line of the said proposed Alteration of the said Road, and the Lands or Grounds through which the same is intended to be made or carried, together with a List of the Names of the Owners and Occupiers of such Lands and Grounds, have been deposited at the Office of the Clerk of the Peace for the said County of *Oxford*; be it therefore enacted, That the said Map and List of Owners and Occupiers shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may, at any reasonable Times, have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace a reasonable Compensation for making such Copies or Extracts; and that the said Trustees, in making the said Alteration of the said Line of Road, shall not deviate more than One hundred Yards from the Line described in the said Map, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such Deviation shall be made.

Plan deposited at the Office of the Clerk of the Peace for Oxford to remain there for Inspection, &c.

XXXV. Provided always, and be it further enacted, That if any or either of the Lands or Grounds, or the Owner or Owners, or Occupier or Occupiers thereof, or of any Part thereof, mentioned in the Map and List herein-before mentioned, or either of them, shall happen to be inaccurately described or misnamed in the said Map and List, or either of them, such inaccurate Description or Misnomer shall not prevent or retard the said Trustees in the Execution of this Act, but the said Trustees shall and may proceed in the Execution thereof, and of the Powers hereby and by the said recited Acts, or either of them, given in the same Manner, and as fully and effectually, to all Intents and Purposes, as if there had not been any such Inaccuracy or Misnomer, any thing herein contained to the contrary notwithstanding.

Misnomers not to prevent the Execution of this Act.

XXXVI. Provided always, and be it further enacted, That the Power and Authority given to the said Trustees as aforesaid shall not extend to the taking down of any Dwelling House or other Building, or taking in the Scite of any House or other Buildings, or to take in, cut through, or otherwise damage any Garden, Orchard, Yard, Court, Park, Paddock, inclosed Shrubbery, planted Walk or Avenue to a House, without the Consent

Houses, &c. not to be injured, except, &c.

Consent in Writing of the Owners and Proprietors thereof respectively first had and obtained.

Application
of Compen-
sation if
amounting to
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XXXVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds or upwards, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the said recited Acts and this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands 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 or Hereditaments, or affecting other Lands 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 and 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 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, or capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid; the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement was made.

Where less
than 200l. and
not under 20l.

XXXVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands 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 amount to or 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 Lands and 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

Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privy of the said Accountant General, 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 Trustees for executing the said recited Acts and this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction and Approbation of the said Court of Chancery.

XXXIX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last 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 Lands and Hereditaments so purchased, taken, or used for the Purposes of the said recited Acts and this Act, in such Manner 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.

When less than 20l.

XL. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands or Hereditaments to be purchased by virtue of the said recited Acts or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or any Five or more of them; or in case the Person or Persons to whom any such Sum or Sums of Money shall be awarded 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 as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privy 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 same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and

In case of not making out a good Title, or Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of Chancery on Petition.

[Local.]

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specifying

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.

In case of disputed Titles.

XLI. 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, 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 of the said recited Acts or of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities; the Person or Persons who shall have been in Possession of any 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 or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

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

XLII. 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 the said recited Acts or this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and be applied in the Purchase of other Lands or Hereditaments, to be settled to the like Uses in pursuance of the said recited Acts and this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts or this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of the said recited Acts or this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Penalty on drawing Timber or Stone.

Riding upon Footpaths.

XLIII. And be it further enacted, That if any Person or Persons shall haul or draw or cause to be hauled or drawn upon any Part of the said Road any Tree or Piece of Timber, or any Stone (otherwise than upon wheeled Carriages), or shall suffer any Part of any Tree or Piece of Timber or Stone, which shall be carried upon wheeled Carriages, to drag upon any Part of the said Road to the Prejudice thereof, or after having blocked or stopped any Waggon, Cart, or other Carriage whatsoever, in going up any Hill or rising Ground, shall leave or suffer or permit to be and remain on the said Road, or any Part thereof, the Stone or other Thing used in such blocking or stopping; or if any Person shall ride upon any Footway or Path adjoining to or made on the Side of any Part of the said Road, or shall drive any Horse, Cattle, or Carriage thereon, or shall cause any Damage to any such Footway, or to any Posts or Rails on the Side

Side of any Part of the said Road ; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Road, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the Left Side of the said Road ; or shall suffer any Horse, Beast, or other Cattle, to graze or be loose upon the said Road, or the Footpaths or Footways adjoining thereto ; or if any Person driving any Pigs or Swine upon the said Road, shall suffer the same to root up or damage the said Road or any Part thereof, or the Fences, Hedges, Walls, Backings, or Copse, on either Side thereof ; or if any Person shall in any Manner prevent any other Person or Persons from passing him or her on the said Road, or the Coach, Chaise, Waggon, Cart, or other Carriage under his or her Care ; or if any Person shall leave any Coach, Chaise, Waggon, Wain, Cart, or other Carriage, in, upon, or on the Side of any Part of the said Road, either with or without any Horse or Beast of Draught harnessed or yoked thereto, longer than may be necessary for the loading or unloading thereof, or in case the same shall not during such Time be drawn up as near the Side of the said Road as conveniently may be ; or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Road, or on the Side or Sides thereof, to the Prejudice thereof, or to the Annoyance or Inconvenience of Persons travelling thereon ; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

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

Persons preventing others from passing.

XLIV. And be it further enacted, That all and every Gate and Gates, Door and Doors, to be hereafter placed in any Field or Ground, or to any Erection or Building adjoining any Part of the said Road, shall be made and hung to open and swing inward towards such Field or Ground, Erection or Building, and not outward towards or into the said Road ; and it shall be lawful for any Five or more of the said Trustees to order all such Gates and Doors as are now erected, or may hereafter be erected, and open and swing outward towards or into the said Road, to be altered and made to open and swing inwards, as they the said Trustees, or any Five or more of them, shall think proper ; and if any Occupier or Occupiers of such Field or Ground, Erection or Building, upon or belonging to which any Gate or Gates, Door or Doors, is or are or shall be constructed so as to open and swing outward towards the said Road, shall (after Ten Days Notice from the Surveyor of the said Road, requiring him, her, or them to alter any such Gate or Gates, Door or Doors, and make the same to open and swing inwards) refuse or neglect to make such Alteration, or after such Alteration shall have been once made shall again alter the same, every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Gates to Fields to open inwards.

XLV. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls, Toll Gates, Toll Houses, and Buildings, shall seek to obtain the Possession of the said Toll Gates, Toll Houses, and Buildings, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession ; but such Person or Persons who shall obtain the Possession thereof, shall

An Action of Ejectment may be supported by One Mortgagee.

shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises *pari passu*, and in Proportion to the several Sums which may be due to them as such Mortgagees.

Justices to
act within
their own
Jurisdictions.

XLVI. Provided always, and be it further enacted, That all Acts, Orders, Proceedings, Matters, and Things whatsoever, which in and by the said recited Acts and this Act, or any or either of them, are directed to be heard, determined, made, done, or executed by or before any Justice or Justices of the Peace, shall be heard, determined, made, done, and executed by or before some Justice or Justices of the Peace for the County or Place in which the Offence shall be committed, or within whose Jurisdiction the Matter, Cause, or Thing in question shall happen to be or arise; and that all Appeals directed by the said Acts, or either of them, to be made to Justices of the Peace at their General Quarter Sessions shall be made to, and heard and determined by the Justices of the Peace at the General Quarter Sessions of the Peace to be holden for the County or Place in which the Matter of Appeal shall arise; and that all Commitments to be made by any Justice or Justices, or by any Five or more of the Trustees of the said Road, by virtue of the said recited Acts and this Act, or either of them, shall be to the Common Gaol or House of Correction of the County in which the Offence shall arise; and that all Conveyances and other Deeds and Instruments, which by the said recited Acts or either of them are directed to be inrolled, shall be inrolled with the Clerk of the Peace for the County in which the Lands or Hereditaments thereby expressed to be conveyed shall happen to be situate; any thing in the said recited Acts, or either of them, contained to the contrary notwithstanding.

Statute
Labour.

XLVII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road or any Part thereof, shall still remain liable thereto, in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the County or Place in which the said Road doth lie, and they are hereby empowered and required, upon Application made to them for that Purpose by the said Trustees or any Five or more of them, or by their Treasurer, Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes, Townships or Places in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or to their Treasurer; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Fourteen Days after the serving of such Summons) of the Names of the several Persons who within such Parish, Township or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done,
whether

whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in force or effect for the Repairs of the Public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Road as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall from Time to Time order, direct or appoint; and the said Justices also shall and may order and direct the Persons who by such Lists shall be subject or liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of the Highways of such respective Parishes or Places, to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said Acts or any of them authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid (after Notice in Writing given to or left for him, her, or them, at his, her or their last or usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees) shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts to be provided by him, her, or them, be subject and liable to such Fines, Penalties and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute now in force or effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, in such and the same Manner as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships or Places, shall refuse or wilfully neglect to give in any such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to pay over such Composition Money, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied, recovered, paid and applied in such and the same Manner as Penalties are by the said recited Acts directed to be levied, recovered, paid and applied.

XLVIII. And whereas Offences may be committed against the said re- For securing
cited Acts and this Act, some or one of them, by Persons unknown to transient
Offenders.
[Local.] 30 Q the

the Collectors, Surveyors, or other Officers appointed to put the same Acts into 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 for the County or Place, or near to the Place where the Offence or Offences shall be committed, to be dealt with according to Law.

Trustees may
reward
Informers.

XLIX. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, if they shall see cause, to pay and apply such Part, not exceeding One Moiety of any Penalties, Forfeitures, and Fines, by the said recited Acts and this Act, any or either of them, inflicted or authorized to be imposed (other than and except such as by the said Acts, or any of them, are otherwise particularly directed to be applied), to and for the Use of the Informer or Informers, or any Person or Persons taking or seizing or assisting therein; any thing in the said recited Acts or this Act contained to the contrary notwithstanding.

For Payment
of the Ex-
pences of this
Act.

L. And be it further enacted, That all Charges and Expences incident to or attending the obtaining and passing of this Act shall be paid out of any Money already collected and received by virtue of the said recited Acts or either of them, or out of the first Monies to be collected and received by virtue of the said recited Acts and this Act, in preference to all other Payments whatsoever.

This Act not
to affect
Wallingford
Bridge Act of
49 Geo. 3.

LI. Provided always, and be it further enacted, That nothing in this or the said recited Acts contained shall extend or be construed to extend in any Manner to prejudice or affect an Act passed in the Forty-ninth Year of the Reign of His present Majesty, intituled *An Act for taking down and rebuilding the whole or Part of a certain Bridge called Wallingford Bridge, in the Borough of Wallingford in the County of Berks, and for opening, widening, and improving the Avenues or Approaches to the said Bridge; or to alter, restrain, or abridge any of the Powers or Authorities given to the Trustees of the said Bridge by the said Act.*

Public Act.

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

Term and
Continuance
of the Act.

LIII. And be it further enacted, That the said recited Acts (subject to the Alterations, Additions, and Amendments in this Act contained) and this Act shall continue and be in force, and be executed for and during the Residue now to come of the Term granted and continued by the said recited Acts, and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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