



ANNO QUINQUAGESIMO NONO

GEORGI III. REGIS.

Cap. cxxii.

An Act to continue the Term and alter and enlarge the Powers of an Act of His present Majesty's Reign, for repairing the Road from the Guide Post in the Village of *Adderbury*, in the County of *Oxford*, through *Kidlington*, to the End of the Mileway in the City of *Oxford*. [2d July 1819.]

WHEREAS an Act was passed in the Thirty-seventh Year of the Reign of His present Majesty King *George* the Third, intituled *An Act for more effectually repairing, improving, and keeping in repair the Road leading from the Guide Post in the Village of Adderbury, in the County of Oxford, through Kidlington, to the End of the Mileway in the City of Oxford*: And whereas the Trustees appointed in or by virtue of the said Act have proceeded in the Execution thereof, and have borrowed a considerable Sum of Money upon the Credit of the Tolls thereby authorized to be collected, a considerable Part of which still remains due and owing: And whereas the Money borrowed and due as aforesaid cannot be paid off and discharged, and the said Road effectually amended and kept in repair, unless the Term of the said Act be continued, and some of the Powers thereof altered, amended, and enlarged: 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 Act, passed in the Thirty-seventh Year of the Reign of His present Majesty, and all and every the Authorities, Powers, Privileges, Provisoos, and Clauses therein contained respectively, (except such of them as are varied,

37 G. 3. c. 170.

Act further continued.

[Local.]

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altered

altered, or repealed), shall be and continue in full force and be executed for and during the Term herein-after mentioned, in as full and ample Manner, and as effectually to all Intents and Purposes, as if the said Act, and all the Clauses, Powers, Authorities, Trusts, Provisions, Directions, Rules, Exemptions, Penalties, Forfeitures, Payments, Remedies, Articles, Matters, and Things whatsoever therein contained, were repeated and re-enacted in the Body of this Act, for repairing, widening, altering, improving, and keeping in Repair the Road comprised in the said recited Act, but subject nevertheless to the Amendments and Alterations herein contained; and that this Act, and the additional Term hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all Monies now due or owing on the Credit or Account of the said recited Act, or that may be borrowed or become due on the Credit of the said recited Act, and of this Act, and of all Interest due or to grow due for the same respectively.

Additional
Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the said County of *Oxford*, together with *William Henry Ashhurst*, *Matthew Robinson Boulton*, the most Honourable *George Spencer Churchill* commonly called the Marquis of *Blandford*, *Thomas Cartwright*, *Charles Cottrell*, *Samuel Churchill*, *John Churchill*, *George Dashwood*, *Charles Dashwood*, the Reverend *Thomas Fawcett* Clerk, the Reverend *John Faulkner* Clerk, *Samuel Churchill Field*, *William Holbeck*, *John Hall*, the Reverend *John Lowe* Clerk, *George North Robinson*, the Reverend *William Thorp* Clerk, the Reverend *Robert Wright* Clerk, the Reverend *William Shippen Willes* Clerk, and *Joseph Wilson*, shall be and they are hereby added to and joined with the surviving Trustees named in or appointed by or in pursuance of the said recited Act for putting the said Act and this Act in Execution, and shall be and are hereby empowered to act in the Execution of the said recited Act and this Act, as fully and effectually to all Intents and Purposes, as if they had been appointed Trustees in or by the said recited Act.

Power to
appoint addi-
tional Truf-
tees.

III. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Ten in the Whole, to be Trustees for the Purposes of this Act and the said recited Act, in addition to the Trustees hereby appointed; and such Trustees so elected and being qualified according to the Directions of the said recited Act, shall be and are hereby invested with the same Powers and Authority for executing this and the said recited Act, as if they had been hereby nominated and appointed.

Five Trustees
to be a
Quorum.

IV. And be it further enacted, That all Acts to be done relative to the Execution of the said recited Act and of this Act, or either of them, shall and may be done and executed by the Majority of the Trustees who shall be present at the respective Meetings to be holden in pursuance thereof respectively, the whole Number present of such Trustees not being less than Five, and all Acts, Proceedings, Matters, and Things so done, shall be as good, valid, and effectual, as if the same had been done by all the Trustees named in or appointed under or by virtue of the said recited Act and this Act, or either of them.

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

Trustees, &c. not disqualified from being Witnesses.

VI. Provided always, and be it further enacted, That nothing in this Act 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 Act and this Act, or either of them, for the Purpose of verifying his or their Accounts.

Trustees not to administer Oaths on verifying Officers Accounts.

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

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

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

Clerk restrained from acting as Treasurer, and vice versa.

Essoign,

Effoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Repealing the Clause in said recited Act, which declares that Tolls shall be paid but Once a-day.

IX. And be it further enacted, That so much of the said recited Act as enacts that no Person shall be subject or liable to pay any of the Tolls thereby granted more than Once in any one Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock the succeeding Night, for passing and repassing any Time or Times with the same Horse, Cattle, Beast, and Carriages through all or any Gate or Turnpike Gates, or Turnpikes erected or to be erected upon or at or near the Sides of the said Road, such Person producing a Ticket denoting that the respective Toll hath been paid on that Day, which Ticket the Collectors of the Tolls were thereby required to deliver *gratis*, if demanded, on Receipt of such Toll, shall be and the same is hereby declared to be repealed and null and void to all Intents and Purposes whatsoever.

Limiting the whole Number of Tolls on the Road.

X. Provided always, and be it further enacted, That no more than Two full Tolls in the Whole shall be demanded or taken for or in respect of the same Horse or Horses, Beast, Cattle and Carriage, in any one Day, (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night), for passing and repassing through all the Gates erected or which shall hereafter be erected on the whole Line of the said Road.

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

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

Tickets to be provided denoting Payment of Tolls.

XII. And be it further enacted, That upon Payment of the Tolls by this Act granted, the Collector or Receiver thereof shall and he is hereby required, in case there shall be any ticketting, 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.

For settling Disputes concerning Tolls.

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

mand, 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.

XIV. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls, Toll Gates, Bars, Chains, Toll Houses, and Buildings, shall seek to obtain the Possession of the said Toll Gates, Bars, Chains, 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 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 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.

An Action of Ejectment may be supported by one Mortgagee.

XV. And be it further enacted, That this Act shall not extend or be construed to extend, to charge with Toll any Horse or Carriage belonging to His Majesty or any of the Royal Family, or any Horse or Carriage attending His Majesty or any of the Royal Family; nor any Carriage, Horse, Cattle, or Beast employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying, on the same Day, Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials for repairing of the said Road, or any of the Roads or Bridges in the Parishes or Townships in which any Part of the said Road is situate; or Hay, Grass, Straw, or Corn in the Straw, not sold or disposed of, or passing for that Purpose, but passing to be placed or laid up in the Buildings or on the Premises of the Owners thereof; or any Carriage, Horse, Cattle, or Beast employed only in carrying or conveying, or going empty or unladen to carry or convey, or returning empty or unladen 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 other Manure, 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 managing of any Farms 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; nor any Horse, Cattle, or Carriage of whatsoever Description, employed in conveying the Mails of Letters or Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom; nor for any Horses belonging to any Officers or Soldiers on their March or on Duty, nor for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers, or returning empty after having been so employed; nor 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, or Commissariat or other Public Stores

Exemptions from Toll.

[Local.]

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of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry respectively, and rode by them; nor for any Carriage conveying Volunteer Infantry, in going to or returning from the Place appointed for and on the Days of Exercise, (provided that such Person or Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption); nor for any Horse or other Beast used by any Rector, Vicar, or Curate going to or returning from his own Parish Church or other Place of Divine Worship, or on other his Parochial or Ministerial Duties, or visiting his sick Parishioners; nor from any Person or Persons going to or returning from his, her, or their Parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship on *Sundays*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated; nor for any Horses, Beasts, Cattle, or Carriages used or employed for the Purpose only of carrying or conveying Persons to or from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Oxford*, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded; or in carrying or conveying Vagrants sent by legal Passes; and if any Person shall claim and take the Benefit of any of the Exemptions in this and the said recited Act contained or provided for, or either of them, not being entitled to the same, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

Penalty on fraudulently taking Benefit of Exemptions.

Owners or Drivers of Waggon in King's Service not subject to Penalties for Overweight.

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

Toll Collectors to put up their Names.

XVII. And be it further enacted, That all and every Toll Collector appointed either by the said Trustees, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the said recited Act and this Act, or either of them, upon the said Roads, 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

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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 demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of the said recited Act and this Act, or any or either of them, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having been paid the said Tolls, or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to deliver a Ticket *gratis* denoting the Payment of the Tolls, and naming and specifying the several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Road, or shall without sufficient cause detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, and such Penalty shall be levied, recovered, and applied in such and the same Manner as other Penalties are by the said recited Act or this Act, or either of them, directed to be levied, recovered, and applied.

XVIII. And be it further enacted, That in case all or any of the Tolls arising by virtue of the said recited Act or of this Act, at the said Turnpike Gates, or any of them, shall be demised or let to farm to any Person or Persons in pursuance of the said recited Act or this Act, and such Person or Persons shall neglect or refuse to perform the Terms and Conditions of the Demise or Contract by which the same are let to him, her, or them, either by taking a greater or less Toll, in respect of any Kind of Carriage, Waggon, Cart, 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 Instalment thereof, shall be in Arrear and unpaid for the Space of Ten 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 shall be in Possession of any 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 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 Houses at such respective Turnpike or Turnpikes, and such Lease or Contract shall from that Time be utterly void 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 the Possession of the Toll House or Toll Houses, and the Turnpike Gate or Gates, with the Appurtenances, so demised or let to him, her, or them, it shall be lawful for any Justice of the Peace for the County in which such Toll House or

To enable the Trustees to take Possession of Toll Houses.

Toll

Toll House, Turnpike Gate or Gates, 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 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.

Gates not to swing or open into the Roads.

XIX. And be it further enacted, That all Gates to be hereafter set up in any Field, Ground, or Place adjoining any Part of the said Road, shall be made and hung to open and swing inward towards such Field, Ground, or Place, and not towards the said Road; and it shall be lawful for the said Trustees, or any Five or more of them, to order all such Gates as are now erected or may hereafter be erected, and open to swing towards the said Roads, to be altered and made to open and swing inwards, as they the said Trustees shall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates 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, 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.

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

XX. And be it further enacted, That if any Cow, Horse, Ass, Pig, or other Live Stock or Cattle, shall at any Time be found wandering, straying, or lying about or on the Sides of the said Road, or any Part thereof respectively, it shall be lawful for the Surveyor of the said Road for the Time being, or other Person or Persons whomsoever, to seize and impound every such Cow, Horse, Ass, Pig, or other Live Stock or Cattle, in the common Pound (if any) of the Hamlet, Township, Parish, or Place in which the same shall be found wandering, straying, or lying about or on the Sides of the said Road, or any Part thereof, or in such other Place or Places as the said Trustees, or any Five or more of them (although not assembled at a Meeting), or the said Surveyor shall appoint, and the same there to detain until the Owner or Owners thereof shall for every and each Cow, Horse, Ass, Pig, or other Live Stock or Cattle so impounded, pay the Sum of Five Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Five Days after such impounding, it shall be lawful for any One or more Justice or Justices of the Peace of the County or Place where the Offence shall have been committed, by an Order or Warrant under his or their Hand or Hands, to sell or cause every such Cow, Horse, Ass, Pig, or other Live Stock or Cattle to be sold, and the Money arising from such Sale, after deducting the said Penalty and the Charges and Expences of impounding, keeping, and selling every such Cow, Horse, Ass, Pig, or other Live Stock or Cattle, and all Expences respecting the same, shall be paid to the Person whose Property the same so sold shall appear to have been.

XXI. And

XXI. And be it further enacted, That if any Person or Persons driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Road (except when overtaking in order to pass another Coach, Chaise, Waggon, Cart, or other Carriage), shall not drive or keep his Carriage on the Left Hand Side of the Middle of the said Road; or if any Person shall ride upon any Footway on the Side of or adjoining the said Road, or shall drive any Horse or other Cattle, or any Swine or Sheep, or any Cart or other Carriage, upon any such Footway, or shall cause any Damage to be done thereto; or if any Person shall suffer any Horse, Cattle, or other Beast to graze or be and remain loose upon the said Road, or any Footway on the Side or Sides thereof; or if any Person driving any Waggon or Cart shall absent himself therefrom, or shall not drive on the Left Hand Side of his Horse or Horses; or if any Person or Persons, driving or riding upon any Horse or other Beast carrying Milk Pans, Crates, Cans, or Panniers, shall not keep the said Horse or other Beast on the Left Hand Side of the Middle of the said Road; or if any Person shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever; or let off or fire any Gun, Pistol, or other Fire Arm (except in case of necessary Defence); or shall play at Football or any other Game or Games upon the said Roads, or any Part thereof, to the Annoyance of any Passenger or Passengers; or if any Person or Persons shall lay any Hay, Straw, or other Matter or Thing upon any Part of the said Roads, or the Sides thereof, 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 Road, without Leave of the Surveyor of the said Road, or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever (except Materials for the Repair of the said Road deposited by or by the Order of the Surveyor thereof), on any Part of the said Road, or on the Side or Sides thereof, to the Prejudice or Injury thereof, or to the Annoyance or Prejudice of any Person or Persons travelling thereon; or if any Person or Persons, 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 any Part of the said Road the Stone or other Matter or Thing used in blocking or stopping; or shall do any other wilful Act, Damage, or Injury to the said Road, or any Part thereof, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and the said Penalties, Forfeitures, or Fines, and other the Penalties, Forfeitures, and Fines mentioned and imposed by this Act, shall be recoverable and applied in the same Manner as is provided and directed by the said recited Act, touching the Penalties and Forfeitures thereby inflicted or authorized to be imposed.

Penalty on Persons not keeping on the Left Side of the Road, when meeting or being overtaken by another Carriage.

Laying Straw, &c. on the Road, to be made into Manure, or scraping the Road.

XXII. And be it further enacted, That the said Trustees, or any Five or more of them, shall or may receive in and cancel all or any Mortgages, Warrants, Orders, or other Securities made by virtue of the said recited Act, and shall or may give and execute a Mortgage or Mortgages in lieu thereof respectively, or for any Sum or Sums of Money heretofore advanced, borrowed, or taken up for the Purposes of the said recited Act, and for which Securities may not have been regularly given, or have been omitted to be given; and all such Mortgages shall be in the Form directed in and by the said recited Act, or as near thereto as the Case will admit of, and shall

Old Mortgages or other Securities to be cancelled, if required, and new ones granted.

[Local.]

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and may bear any Rate of Interest not exceeding Five Pounds *per Centum per Annum*.

No Mortgage to be for more than 100l.

XXIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, or any of them, to give, execute, or deliver to any Person or Persons, any Mortgage under the Authority of this Act, for any greater Principal Sum than One hundred Pounds, notwithstanding the said Trustees shall borrow and take up at Interest of the same Person or Persons, at one and the same Time, a greater Sum of Money than One hundred Pounds, and notwithstanding they shall be required to exchange and give a new Mortgage or Mortgages, in lieu of any Security or Securities, now standing out and remaining unsatisfied, which were granted by virtue of the said recited Act; but that the Monies to be advanced or secured as aforesaid, shall be secured by separate Mortgages for One hundred Pounds each, or for any less Sum or Sums of Money as the said Trustees, or any Five or more of them, and the Person or Persons to receive such Security or Securities, shall agree upon.

For getting Materials to make and repair the Road.

XXIV. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, and to and for all such Person or Persons as he or they respectively 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 such Surveyor or Surveyors or other Person or Persons as aforesaid, may, by Order of any Two or more Justices of the Peace for the County or Place in which the said Road doth lie, search for, cut, dig, 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 in any Parish, Township, or Place in which the said Road shall lie or be situate, 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 carried away, or over which the same or any other Materials for repairing the said Roads 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 and Occupiers, or any of them, concerning the Value of such Materials and Damages, it shall and may be lawful to and for any Two Justices of the Peace for the said County or Place in which the said Road doth lie, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective

Places

Places of Abode, to hear, settle, and determine the Matters of such Payment and Damages; and the Judgment or Order of the said Justices therein shall be final and conclusive to all Parties; any thing in the said recited Act to the contrary hereof notwithstanding.

XXV. 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 Act or this Act, 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 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 Surveyors, 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 Act contained to the contrary notwithstanding.

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

XXVI. Provided also, 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 Forty 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, the same to be recovered, levied, and applied in manner by the said recited Act mentioned.

Penalty on taking away Materials got by the Surveyor.

XXVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Act or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the respective Trustees for executing the said recited Act and this Act,

Application of Compensation Money when amounting to or exceeding 200l.

Act, to the Intent that such Money shall be applied; under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Parts 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 to the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out, under the 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, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said 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 the 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 Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application
when the
Compensation
is less than
200l. and not
less than 20l.

XXVIII. 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, 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, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in cases 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 Persons, to be nominated as Trustees by the Person or Persons making such Option, and approved of by Five or more of the said Trustees for executing the said recited Act 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 and Interest arising thereon, may be applied in manner herein-before directed;

so

so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

XXIX. 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, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of the said recited Act 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 or for the Use and Benefit of such Person or Persons so entitled respectively.

Application when less than 20l.

XXX. 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, Tenements, or Hereditaments to be purchased by virtue of the said recited Act 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 such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such case it shall and may be lawful to and 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 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 Lands, Tenements, and Hereditaments, (describing them), subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the 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 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 not making out Titles;

or if Persons cannot be found, Purchase Money to be paid into the Bank;

subject to the Order of the Court of Chancery, on Motion or Petition.

XXXI. 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 the said recited Act or this Act, for the Purchase of any Lands, Tenements, or

Persons in Possession to be deemed presumptively entitled, &c.

Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said recited Act or this Act, 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, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, 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 Monies, and also the Capital of such Bank Annuities, shall be applied and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court of
Chancery to
direct Pay-
ment of
Expences.

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

Statute
Labour.

XXXIII. 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 lies, and they are hereby required and empowered, (upon Application made to them 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 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 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 or Place, to bring in Lists before such Justice or Justices, at some Place to be expressed in such Summons, (within Ten Days after the serving of such Summons,) of the Names of the several Persons who within such Parish 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 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 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 to the said Justices shall seem reasonable; and the same shall be done on such Days and at such Times (not being Hay-time or Harvest,) and in such Parts of the said Road as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall from Time to Time order, direct, or appoint; and the said Justices shall and may order and direct the Persons who by such Lists shall be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of such Parish, Township, or Place respectively, to be by him or them paid over to the said Trustees or their Treasurer or Surveyor, 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 Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, (after Notice in Writing given to or left for him, her, or them at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees,) shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts to be provided by him, her, or them, be subject and liable to such 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 as 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 the said Road; all which Forfeitures shall be paid to the Treasurers of the said Trustees, and applied towards amending the said Road; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in any such Lists as aforesaid, or shall knowingly or wilfully give in false and imperfect Lists, or shall refuse or neglect to collect or 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 Forty Shillings, to be levied, recovered, paid, and applied in such and the same Manner as Penalties are by the said recited Act directed to be levied, recovered, paid, and applied.

XXXIV. And

In altering the Course of the present Road, Trustees not to deviate more than 100 Yards from the present Line.

Houses, &c. not to be injured.

For paying the Expences of this Act.

Public Act.

Continuance of Act.

XXXIV. 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 of the said Road, to deviate more than One hundred Yards from the present Line or Course of the said Road, 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.

XXXV. And be it further enacted, That nothing in this or the said recited Act or either of them contained shall extend or be construed to extend to authorize the said Trustees, in diverting or altering the Line of the said Road, to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground, planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

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

XXXVII. 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.

XXXVIII. And be it further enacted, That this Act shall commence and take effect from the passing thereof; and that the said recited Act (subject to the Alterations and Amendments herein contained,) and this Act, shall continue and be in force, and be executed for and during the Residue now to come and unexpired of the Term granted by the said recited Act, 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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