



ANNO QUINQUAGESIMO

GEORGI II. REGIS.

Cap. 94.

An Act for more effectually amending, widening and repairing the Road leading from *Aylesbury*, in the County of *Buckingham*, to *Hockliffe*, in the County of *Bedford*. [18th May 1810.]

WHEREAS the making, maintaining and keeping in Repair a Turnpike Road along the present Highway leading from *Aylesbury*, in the County of *Buckingham*, to *Hockliffe*, in the County of *Bedford*, commencing at or near the Messuage or Tenement called the *Black Swan*, in a certain Street called *Baker's Lane*, in *Aylesbury* aforesaid, and terminating at the Turnpike Road called the *Watling Street* or *West Chester Road*, in *Hockliffe* aforesaid, and passing into and through the several Parishes, Townships, Hamlets, Liberties or Places of *Aylesbury*, *Bierton*, *Hulcott*, *Wingrave*, *Wing*, and *Linslade*, in the said County of *Buckingham*, and *Leighton Buffard*, *Eggington*, and *Hockliffe*, in the said County of *Bedford*, would be a great Benefit, and attended with much Convenience and Accommodation to the Owners of Estates or Inhabitants within or near the said Parishes and Places, and others His Majesty's Subjects passing along the said Highway; and such Turnpike Road would afford a more easy Conveyance of Goods and Merchandizes along the said Highway, and open a better Communication than there is at present between the Town of *Aylesbury* [Loc. & Per.] 24 E aforesaid,

Trustees.

aforesaid, and the Town of *Bedford*, and between various other Parts of the Country, and would also be of public Utility; May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable *Francis Russell*, commonly called Marquis of *Tavishock*, the Right Honourable *Richard Grenville Nugent Chandos Temple*, commonly called *Earl Temple*, the Right Honourable *George Henry Cavendish*, commonly called Lord *George Henry Cavendish*, the Right Honourable *Philip Stanhope*, commonly called Lord Viscount *Mahon*, the Honourable *George Grenville*, commonly called Lord *George Grenville*, the Honourable *Vere Poulett*, the Reverend Sir *George Lee* Baronet, Sir *Jonathan Lovett* Baronet, Sir *George Nugent* Baronet, Sir *Andrew Corbett* Baronet, Sir *Gregory Osborn Page Turner* Baronet, Sir *Hugh Inglis* Baronet, the Reverend *Charles Ashfield*, *John Ayton*, *John Barker*, *Scrope Bernard*, *Robert Browne*, *Benjamin Bevan*, *Thomas Berry*, *Aiton Chaplin*, *Aiton Chaplin* the Younger, *Arthur Clark*, the Reverend *John Dell*, the Reverend Count *Henry Jerome De Salis*, Doctor in Divinity, the Reverend *Humphrey Drape*, *Philip Duncombe Pauncefort Duncombe*, *Thomas Dell*, *William Exton*, *Thomas Francis Fremantle*, *Francis Fleet*, *Giles*, *Richard Gilpen*, the Reverend *William Goodall*, *John Grant*, *Richard Gurney*, *Edward Hanmer*, *Walden Henry Hanmer*, the Reverend *John Harris*, the Reverend *Thomas Hopkins*, *Salisbury P. Humphries*, *Zachariah Daniel Hunt*, *Thomas Hufsey*, *John Harnboro*, *Cartwright How*, *Richard Thomas Howe*, the Reverend *Thomas Leigh*, *James Henry Leigh*, the Reverend *Thomas Le Mesurier*, the Reverend *Edward Levett*, the Reverend *William Lloyd* Doctor in Divinity, the Reverend *Thomas Lloyd*, *William Lowndes* of *Broughton*, *William Lowndes* of *Waddon Hall*, *Richard Lowndes*, the Reverend *Thomas Lowndes*, *Nathaniel Lucas*, *William Lawford*, *Joseph Lucas*, *Mansel Dawkin Mansel*, the Reverend *Stephen Henry Milner*, Doctor in Divinity, *George Rowland Minsbul*, *John Milliard Esquire*, *James Neale*, *James Neild*, *John Camden Neild*, *Edward Nugent*, *George Ormerod*, *John Parker*, *William Praed*, the Reverend *John Pretymn* Doctor in Divinity, *James Proctor*, *James Poulton*, *William Rickford*, the Reverend *John Robinson*, *George Henry Rose*, the Reverend *Montague Rush*, *Benjamin Reeve*, *Richard Ambrose Riddall Esquire*, *John Roberts*, *Joseph Rose*, *William Selby*, the Reverend *William Stockings*, the Reverend *Philip Thistlewayte Strong*, *Thomas Stevens*, *William Strong*, *Peter Still*, *John Owen Stubbs*, Doctor of Medicine, *Alexander Hale Strong*, the Reverend *Charles Turnor*, *David Uwens*, Doctor of Medicine, *Thomas Wakefield*, the Reverend *Joseph Wells*, Doctor in Divinity, the Reverend *John Wilson*, the Reverend *John White*, the Reverend *Thomas Winfield*, the Reverend *William Wodley*, *John Saunders Woodcock*, and *Thomas Lane Wood*, and their Successors to be elected in Manner hereinafter mentioned, shall be, and they are hereby appointed Trustees for making, maintaining, altering, repairing and improving the said Road; and that they, or any Five or more of them at such Meeting or Meetings as hereinafter directed, (unless where otherwise hereinafter specified,) shall and may, and are hereby authorized and empowered to carry this Act, and all the Matters and Things herein contained, or directed to be done by the said Trustees, into Execution and Effect.

II. And

II. And be it further enacted, That in case any of the said Trustees hereby appointed, or their Successors (to be elected in Manner herein mentioned), shall die or refuse or become incapable to act in the Execution of this Act, then, and in every such Case, it shall and may be lawful to and for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands, to elect and appoint one other Person to be a Trustee, in the Room of each Trustee so dying, or refusing or becoming incapable of acting; but Notice of the Time and Place of the Meeting for every such Election shall, by the Clerk or Clerks to the said Trustees for the Time being, be inserted in some Newspaper or Newspapers published or circulated in the said Counties of *Buckingham* and *Bedford*, and shall be affixed on all and every the Turnpike Gates that shall be standing on the said Road, at least Ten Days before such Meeting; and every Person so elected a new Trustee as aforesaid, being qualified as hereinafter mentioned, shall be and he is hereby empowered to act in the Execution of this Act, to all Intents and Purposes, in as full and ample Manner as if he had been named and appointed a Trustee in and by this Act.

Election of
new Trustees.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be, in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements or Hereditaments of the clear yearly Value of One hundred Pounds, or be possessed of or entitled to a Personal Estate alone, or Real and Personal Estate together, of the Value of Three thousand Pounds, or shall be Heir Apparent of some Person possessed of an Estate in Lands, Tenements or Hereditaments of the clear yearly Value of Two hundred Pounds, nor shall any such Person be capable of acting in the Execution of this Act, save and except in administering the Oath following, to the other Trustees, until he (not being such Heir Apparent as aforesaid) shall have taken and subscribed the Oath following, before any Two or more of the said Trustees, who are hereby authorized and required to administer the same; (that is to say)

Qualification
of Trustees.

“*I A. B. do swear, [or, being one of the People called Quakers, do solemnly affirm,] That I truly and bona fide am in my own Right [or in the Right of my Wife, as the Case may be] in the actual Possession or Enjoyment of Lands, Tenements or Hereditaments of the clear yearly Value of One hundred Pounds [or possessed of or entitled to a Personal Estate alone, or Real and Personal together, of the Amount or Value of Three thousand Pounds.]* So help me GOD.”

And if any Person not being so qualified shall act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record by Action of Debt or on the Case, or by Bill, Suit or Information, wherein no Essoign, Protection or Wager of Law, or more than one Imparance shall be allowed; and every such Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Plaintiff or Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act; Provided nevertheless, that all Acts and Proceedings

All Acts of Trustees not qualified, if done before Conviction, valid.

Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act, though not duly qualified as aforesaid previous 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.

Victuallers, &c. incapable of acting.

IV. Provided always, and be it enacted, That no Person or Persons who shall keep any Victualling House, or other House of public Entertainment, or who shall sell any Wine, Cyder, Beer, Ale, spirituous or other strong Liquors by Retail, shall be capable of acting as a Trustee, or of taking, holding or enjoying any Place or Places of Trust or Profit under the said Trustees, or of collecting the Tolls hereby granted and made payable and to be collected on the said Road during such Time as he, she or they shall keep such Victualling House, Alehouse or other House of publick Entertainment, or shall sell any Wine, Cyder, Beer, Ale, spirituous or other strong Liquors by Retail; but no such Person shall be precluded from farming such Tolls, provided he, she or they employ a Person or Persons to collect such Tolls who shall not be under any such Incapacity.

Trustees may act as Justices, except where interested.

V. And be it further enacted, That such of the said Trustees as are or shall be Justices of the Peace, shall and may in their respective Jurisdictions, and they are hereby empowered to act as Justices of the Peace in the Execution of this Act notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Time and Place of Meeting.

VI. And be it further enacted, That the said Trustees, or any Five or more of them shall, and they are hereby authorized and empowered to meet together at the County Hall, in the Town of *Aylesbury*, on the Second *Saturday* next after the passing of this Act, at Eleven of the Clock in the Forenoon, and proceed to the Execution of this Act, and shall then adjourn themselves to meet at such Time and Place within the Town of *Leighton Buffard* aforesaid, as the said Trustees, or any Five or more of them shall order and direct, and that all future Meetings of the said Trustees (Meetings on Emergencies only excepted), shall be holden at *Aylesbury* and *Leighton Buffard* alternately; and if there shall not appear at any Meeting a competent Number of Trustees to act or to adjourn to another Day (Two Trustees being hereby declared sufficient for the Purpose of Adjournment only), or in case the said Trustees at any Meeting shall neglect or omit to adjourn themselves, then and in either of the said Cases it shall be lawful for the Clerk or Clerks to the said Trustees, and he or they are hereby required to appoint a Meeting of the said Trustees at such Time as he or they shall think fit, not less than Seven Days, or exceeding Twenty-one Days from the Day on which the last Meeting was held or was to have been held: Provided nevertheless, that in all Cases where a competent Number of Trustees shall not attend, then such succeeding Meeting shall be appointed to be holden at the same Place as it would have been holden at if a competent Number of Trustees had assembled: and that the said Clerk or Clerks shall give Notice in Writing of such appointed Meeting, to be affixed on all the Turnpike Gates which shall be then erected upon the said Road, or to be left at the usual Place of Residence of the said

said Trustees, or by publick Advertisement in some Newspaper or Newspapers printed or circulated in the said Counties of *Buckingham* and *Bedford*; and in case no Adjournment, Notice or Appointment of Meeting shall be made or given by the Clerk or Clerks to the said Trustees, that it shall and may be lawful for any Five or more of the said Trustees, although not assembled at a Meeting, to cause such Notice in Writing to be given in any or either of the Ways aforesaid, appointing the Trustees to meet at such Time as they the said Five Trustees shall think proper, not exceeding as to Time Fourteen, and not being less than Seven Days from the Time of affixing or giving such Notice; and the Trustees shall at all their Meetings defray their own Expences.

Trustees to
defray their
own Ex-
pences.

VII. And it is hereby declared, That all Orders and Determinations of the said Trustees in the Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise, except as herein particularly mentioned, and that no Order or Determination shall be made unless a Majority of the respective Trustees present at a Meeting (every Trustee composing such Majority not being personally interested in the Matter or Matters in Question) shall concur therein, such Meeting not consisting of less than Five Trustees, nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Nine Trustees (not any of them being personally interested as aforesaid) shall be present, nor unless the Person or Persons applying to revoke or alter any such Order or Determination shall give Notice in Writing to the Clerk or Clerks to the said Trustees, to be by him or them affixed, inserted or given in Manner herein before directed with respect to Notices for the Election of new Trustees, at least Fourteen Days previous to any Meeting to be held for such Purpose.

Orders to be
made at
Meetings,
and not re-
voked, ex-
cept in cer-
tain Cases.

VIII. Provided nevertheless, That no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereon for the same, shall on such Account only be deemed unqualified.

Mortgagees
not un-
qualified.

IX. And be it further enacted, That if after Adjournment of any Meeting of the said Trustees, it shall be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by any Adjournment, or if for want of a proper Adjournment, or otherwise it shall be necessary to call a Meeting of the said Trustees, the Clerk or Clerks to the said Trustees, upon an Order in Writing signed by Five or more of them, mentioning the Time, Place and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees, (such Time not being less than Seven Days after such Notice) and such Meeting shall and may be held accordingly; and all the Proceedings of the Trustees, at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournment.

Meetings on
Emergen-
cies.

X. And be it further enacted, That the said Trustees shall and may at their First or any subsequent Meeting, by Writing under their Hands,

Trustees to
appoint Of-
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elect

elect and appoint a Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls by this Act granted, and shall take such Security from such Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors for the due and faithful Execution of his or their Office or Offices as the said Trustees shall think fit; and shall also elect and appoint a Surveyor or Surveyors and such other Officers as the said Trustees shall think proper, and also may, from Time to Time, remove such Clerks, Treasurers, Collectors, Receivers, Surveyors and other Officers, or any of them, as the said Trustees shall see Occasion, and appoint others in the Room of such of them as shall be so removed, or shall die, resign or refuse or neglect to perform, or become incapable of performing their Duty; and the said Trustees shall and may, out of the Money to be raised and received by virtue of this Act, give such Salaries, or make such Allowance to the Clerks, Treasurers, Receivers, Collectors, Surveyors, or other Officers so appointed for and in Consideration of the Care and Pains respectively taken in the Execution of their respective Offices, and to such other Persons who shall be assisting in and about the Execution of this Act, as to them the said Trustees shall seem proper; and all such Officers and other Persons shall, upon their respective Oaths, if thereunto required by the said Trustees, or any Five or more of them, at a Meeting to be held in pursuance of this Act, (which Oaths the said Trustees, or any one or more of them are and is hereby empowered to administer) from Time to Time, and as often as they shall be called upon for that Purpose, produce and give up to such Trustees full, true and perfect Accounts, in Writing under their respective Hands, of all Monies which shall have been by them respectively had, received or collected, and how, to whom and for what Purposes such Monies and every Part thereof shall have been paid, disposed of or applied, together with proper Receipts and Vouchers for such Payments, and shall and are respectively required to pay all such Monies as shall appear to be in their respective Hands to the said Trustees, or to such Person or Persons, or for such Uses and Purposes as they shall direct and appoint; and if such Officer or Person (being required so to do), shall refuse or neglect to render and give up, or verify upon Oath such Account or Accounts as aforesaid, or to produce and deliver up to the said Trustees the Receipts and Vouchers relating to the same, or to pay as aforesaid any Sum or Sums of Money which shall appear to remain in his or their Hands, or shall not deliver to the said Trustees, within Ten Days after being thereunto required by them, all the Books, Papers and Writings in his or their Custody or Power, relating to the Execution of this Act, then and in any of the said Cases any one or more of the Justices of the Peace for the County, Town or Place wherein such Officer or Person shall be and reside, shall, upon Complaint of the said Trustees, or of any one or more of them, or of such Person or Persons as they or any one or more of them shall appoint for that Purpose, issue a Summons under his or their Hand or Hands for such Officer or Person to appear before him or them, and upon his appearing or having been summoned and not appearing, or not being to be found, shall make Inquiry concerning such Default, and hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of one or more credible Witness or Witnesses upon Oath, (which

Officers to
account.

Proceedings
against Of-
ficers refusing
to account or
deliver
Books, &c.

Oath

Oath such Justice or Justices is and are hereby empowered and required to administer without Fee or Reward), it shall appear to such Justice or Justices that any of the Monies which shall have been raised or collected under this Act shall remain due from such Officer or Person, such Justice or Justices may, and he and they is and are hereby authorized and required upon Non-payment thereof, by Warrant under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels of such Officer or Person can be found sufficient to satisfy the said Money and the Charges of distraining and selling the said Goods and Chattels, or if any such Officer or Person shall be convicted of any other of the Offences aforesaid, such Justice or Justices shall and may commit such Officer or Person to the Common Gaol for the said Counties of *Buckingham* or *Bedford*, there to remain without Bail or Mainprize, until such Officer or Person shall give and make a true and perfect Account, and verify the same as aforesaid, and make such Payment as aforesaid, or until he shall have compounded with the said Trustees for the same, and shall have paid such Composition Money to the said Trustees, or their Treasurer or Treasurers, (which Composition the said Trustees are hereby empowered to make and accept), or until such Officer or Person shall have delivered up such Books, Papers and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees: Provided always, that no such Officer or other Person so committed as aforesaid, shall be confined or detained in Prison by virtue of this Act, for any longer Time than Six Calendar Months.

XI. And be it further enacted, That when and so often as any Collector or Receiver of the Tolls shall die, neglect or refuse to perform, or become incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for any Five or more of the said Trustees, although not assembled at a Meeting of the said Trustees to be appointed by virtue of this Act, to discharge such Collector or Receiver so neglecting or refusing to perform, or becoming incapable of performing his Duty, or absconding or absenting himself, and nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the then next Meeting of the said Trustees, in the stead of such Collector or Receiver as shall so die or be 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 that if any Collector or Receiver of the said Tolls who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family or other Representatives of any Collector or Receiver who shall die or be discharged, or any other Person or Persons shall refuse to deliver up the Possession of any Toll House or Building to be erected or let up on the said Road for the Space of Four Days after Demand thereof made, and Notice in Writing given for that Purpose by any Five or more of the said Trustees, (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 said Counties of *Buckingham* or *Bedford*, by Warrant under his or their Hand and Seal, or Hands and Seals, to order

Trustees may remove Collectors, and appoint temporary ones.

Collectors refusing to deliver up Toll Houses.

Justices empowered to grant Warrant and Con-

able to enter
and remove
such Collec-
tors.

order any Constable or other Peace Officer for either of the said Counties, with such Assistance as may be necessary, to enter such House or Building, in the Day Time, and to remove the Person or Persons who shall be found therein, together with his, her or their Goods out of the same, and to put the said Trustees, or any Two or more of them, or such new appointed Collector or Receiver, into the Possession thereof.

Trustees may
erect Toll
Houses.

XII. And be it further enacted, That the said Trustees or any Five or more of them shall and may from Time to Time cause to be erected and set up such and so many Turnpikes or Toll Gates in, upon, or across, or on the Side or Sides of any Part or Parts of the said Road, and across any Lane or Way leading into, from, or out of the same; and also such Toll House or Toll Houses, Weighing Engine or Weighing Engines to each Gate or Turnpike, or otherwise as they shall think necessary, with suitable Outbuildings thereto; and also may from Time to Time cause any such Turnpikes or Toll Gates, Toll Houses, Weighing Engines, or other Buildings to be taken down, removed, or altered as they shall judge proper; and also may inclose from the said Road and waste Grounds thereunto adjoining convenient Garden Spots to the said Toll Houses, not exceeding in the whole One Quarter of an Acre for each Toll House as they may judge proper, which said Turnpikes, Toll Houses, Weighing Engines and Buildings, and all Materials for making or repairing the same, are hereby vested in the said Trustees; and that the following Sums of Money shall and may be demanded and taken as Tolls before any Horse, Beast, Cattle or Carriage shall be permitted to pass through any such Turnpike or Toll Gate, Turnpikes or Toll Gates respectively; (that is to say)

Tolls to be
taken.

Tolls.

For every Horse, Mare, Gelding, Mule, or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, the Fellies of the Wheels thereof being of the Breadth of Six Inches or upwards, the Sum of Three Pence.

For every Horse, Mare, Gelding, Mule, or other Beast drawing any Waggon, Wain, Cart, or such like Carriage, the Fellies of the Wheels thereof being under the Breadth of Six Inches, the Sum of Four Pence Halfpenny.

For every Horse, Mare, Gelding, Mule, or other Beast drawing any Coach, Chariot, Landau, Berlin, Gig, Taxed Cart, Hearse, Post Chaise or Calash, or any such like Carriage, the Sum of Six Pence.

For every Horse, Mare, Gelding, Mule, or other Beast, laden or unladen, and not drawing, the Sum of Two Pence.

For every Drove of Oxen, Cows, or other Neat Cattle, the Sum of Ten Pence per Score, and so in Proportion for any less Number: and

For every Drove of Calves, Sheep, Lambs, Hogs or Swine, the Sum of Five Pence per Score, and so in Proportion for any less Number:

Double Tol's
on Sundays.

And that on every *Sunday* during the Continuance of this Act, there shall be demanded and taken at the said several Turnpikes or Toll Gates so to be erected as aforesaid on the said Road or on the Sides thereof,

or

or any Lane or Way leading into or out of the same respectively, before any Horse, Cattle, Beast, or Carriage whatsoever shall be permitted to pass through the same, or any, or either of them, double the respective Tolls or Sums of Money hereinbefore mentioned, which said respective Tolls shall be and are hereby vested in the said Trustees: and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made by any Collector or Collectors to be appointed as aforesaid, neglect or refuse to pay the same or any Part thereof, it shall be lawful for the said respective Collectors of the Tolls, or other Person or Person whom they or any of them shall take to their Assistance therein, to seize and distrain any Horse, Beast or other Cattle, upon which any such Tolls are by this Act imposed belonging to any Person or Persons so neglecting or refusing or liable to pay the Tolls as aforesaid (except the Bridle or Reins of any such Horse or other Beast separate from such Horse or other Beast); and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or other Beast or Cattle so seized and distrained, rendering the Overplus (if any) on Demand to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted.

Recovery of
Tolls.

XIII. Provided always, and it is further enacted, That no Turnpike, Toll Gate, or Weighing Engine shall be erected, or placed upon or across the said Road, at any Time during the Continuance of this Act, nearer to the West End of the Town of *Leighton Buffard* aforesaid, than the End of *Surcott Lane*, next to the Parish of *Wing*; and that no Turnpike, Toll Gate, or Weighing Engine shall be erected upon the said Road nearer to the East End of the Town of *Leighton Buffard* than the Hamlet of *Eggington*.

No Turnpike
to be erected
at certain
Places.

XIV. And be it further enacted, that the Road from the Grand Junction Canal to the Market House, in the Town of *Leighton Buffard*, shall be kept in Repair by the Parish of *Linslade*, in the County of *Buckingham*, and *Leighton Buffard*, in the County of *Bedford*, over or above all Highway Duty to be performed, and Rates to be paid for the Repair of Highways in general within the said Parishes, without any Aid or Assistance from the Tolls collected on the said Roads.

Directing by
what Parish a
certain Piece
of Road shall
be repaired,

XV. Provided always nevertheless, That nothing herein 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 for the same Horse, Mare, Gelding, Mule or other Beast, or Cattle passing or repassing in the same Day through all the said Turnpikes or Toll Gates so to be erected in, upon, across or on the Sides of any Part or Parts of the said Road between *Aylesbury* and *Leighton Buffard*, nor more than One such full Toll for the same Horse, Mare, Gelding, Mule, or other Beast or Cattle passing or repassing on the same Day through all the said Turnpikes or Toll Gates so to be erected in, upon, across or on the Sides of any Part or Parts of the said Road between *Leighton Buffard*, and *Hockliffe*, or across any Lane or Way leading into, from or out of the same Road; the Day to be computed from Twelve of the Clock

One Toll only
to be paid
between
Aylesbury
and *Leighton*
ton, and one
between
Leighton and
Hockliffe,
and that but
once a Day.

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at

at Night to Twelve of the Clock in the next Night; but that every Person or Persons having paid the said respective Tolls, and producing a Note or Ticket denoting such Payment, shall afterwards be permitted to pass and repass with every such Horse, Beast, or Cattle, Toll free, during the same Day (to be computed as aforesaid) through all the Turnpikes or Toll Gates to be erected upon the said Road; which Notes or Tickets the Collectors of the Tolls are hereby required to deliver gratis, on Receipt of the said Tolls.

Trustees may
reduce the
Toll.

XVI. Provided always, and be it enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby empowered at a Meeting to be holden for that Purpose, of which Meeting One Calendar Month's Notice shall be given in such Newspaper or Newspapers as aforesaid, and shall be affixed on all and every the Turnpike Gates that shall be standing on the said Road from Time to Time, to lessen or reduce all or any of the said Tolls, and also any additional Tolls payable by any Act or Acts of Parliament now in force for Overweight, in such Manner as to them shall seem fit and convenient, for and during such Time as they said Trustees shall think proper; and afterwards at any Meeting to be holden as aforesaid from Time to Time, if they shall see Occasion, to advance all or any of the Tolls so lessened or reduced, to any Sum or Sums of Money, not exceeding the several Rates granted by this Act, or now made payable by any Act or Acts of Parliament now in Force and Effect with respect to Overweight; Provided nevertheless, that until the whole Money borrowed on the Credit of the said Tolls shall have been paid and discharged, such Tolls shall not be lessened or reduced without the Consent of the Person or Persons entitled to Five-sixths of the Money remaining due upon the Credit of the said Tolls.

And afterwards ad-
vance them
again to any
Sum not ex-
ceeding the
Rates before
granted, Pro-
vided no Re-
duction be
made with-
out the Con-
sent of
Creditors.

Tolls may
be let.

XVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby empowered at any Meeting upon One Month's Notice being given in such Newspaper or Newspapers as aforesaid, and affixed on all or every the Turnpike Gates that shall be standing on the said Road, to demise or let to Farm the said Tolls to be collected by virtue of this Act, or any Part or Parts thereof, to any Person or Persons at and for the largest yearly Sum that can be reasonably got for the same, provided that the Leases, Contracts or Agreements of or for the same be in Writing, and be duly executed by the Person or Persons taking or farming such Tolls, and also by the said Trustees; but the same shall not be let for more than Three Years at any One Time; and the Rent which shall be agreed to be paid for the said Tolls shall be made payable, and shall be paid to the Treasurer to the said Trustees, so that Two Months' Payment of such Rent shall always be in advance, or sufficient Security given for the Payment of such Rent, to the Satisfaction of the said Trustees; or in Default thereof, every such Lease, Contract or Agreement shall be null and void to all Intents and Purposes whatsoever.

Lessees of
Tolls may
appoint Per-
sons to re-
ceive the
same.

XVIII. And be it further enacted, That during such Time as the said Tolls or any Part or Parts thereof shall be leased, demised or let to Farm to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other

other Persons as he or they shall by Writing or Writings under his or their Hand or Hands authorize or appoint to demand and take the said Tolls so leased, demised, or let to farm, with the like Powers for the Recovery thereof, to all Intents and Purposes as any Collector of the said Tolls appointed by the said Trustees is hereby authorized and empowered to demand, take and recover the same; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid so demanding and taking the said Tolls, shall be subject to the like Pains, Penalties and Forfeitures, and shall be liable to the like Actions and Prosecutions as any Collector of the said Tolls appointed by the said Trustees is subject or liable to.

XIX. And be it further enacted, That it shall and may be lawful to and for the said Trustees from Time to Time to compound with any Person or Persons for any Period of Time not exceeding Twelve Months, for any Horses, Beasts, Cattle or Carriages passing on the said Road or on any Part or Parts thereof, for all or any of the Tolls to be paid in respect of such Horses, Beasts, Cattle or Carriages passing and repassing on the said Road; and all such Composition-Money shall be paid in Advance Quarterly or otherwise as the said Trustees shall appoint, and in Default thereof every such Composition shall be null and void to all Intents and Purposes.

Trustees may compound.

XX. 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 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), till 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 said Counties of *Buckingham* or *Bedford*, who upon Application made to him for that Purpose shall examine the Matter on the Oath of the Parties, or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and also assess the Charges of such Distress and Keeping or Sale of the same, and of the Collector's Attendance for that Purpose upon the said Justice; and all Sums so determined or assessed shall be paid to the said Collector before he shall be obliged to return the said Distress or the Overplus after Sale thereof, or any Part thereof.

For settling Disputes concerning Tolls.

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

Toll Bar Keepers competent Witnesses.

XXII. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast or Carriage, pass through any Lands, Grounds, or Hereditaments lying near any Turnpike or Toll Gate which shall be erected by virtue of this Act (the same not being a public Highway), or if any Owner or Occupier of such Lands, Grounds or

Penalty for permitting private Passage or evading Tolls.

or Hereditaments shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, Beast or Carriage whatsoever to pass through the same, or if any Person or Persons shall give to or receive from any Person or Persons, or forge or counterfeit any Note or Ticket, Notes or Tickets, by this Act directed to be given, with Intention to evade, or whereby the Payment of any of the said Tolls or any Part thereof may and shall be evaded, or if any Person or Persons shall fraudulently pass through any such Turnpike or Toll Gate with any Horse, Beast or other Cattle, without Payment of Toll, 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 to be erected by virtue of this Act, shall afterwards add or put an additional Horse or Horses, Beast or Beasts to such Carriage, with Intent to evade the Payment of the said Tolls, every Person so offending shall for every such Offence forfeit any Sum not exceeding Ten Pounds.

Exemptions
from Toll.

XXIII. And be it further enacted, That no Toll shall be demanded or taken for any Carriage, Horse or other Cattle of any Person resident in any Parish where any Turnpike or Toll Gate shall be erected by virtue of this Act, for passing through the same and not travelling beyond the Boundaries of such Parish, nor for any Carriage, Horse or other Cattle going unladen for or being laden with or returning after having gone laden only with any Materials for repairing the said Road or any other Highway or Road; or for any Carriage or Cattle carrying any Hay, Straw or Corn in the Straw, not sold or disposed of, but passing to be laid up in the Houses, Outhouses, Barns, Yards or Closets of the Owner or Owners thereof, or returning empty therefrom; or for any Horses, Cattle or Carriages going with or for any Ploughs, Harrows or other Implements of Husbandry belonging to any of the Inhabitants of the Parishes, Townships, Hamlets or Places wherein any Part of the said Road lieth, or for any Cattle going to or from Plough or Harrow, or for any Carriage or Cattle carrying any Dung, Mould or Compost of any Kind whatsoever to be employed in Husbandry, or for manuring or stocking of Land, but for no other Purpose; or for any Horses or other Cattle or Carriages employed in the conveying of any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said Counties of *Buckingham* or *Bedford*, or of a Burghess or Burghesses to serve in Parliament for the Borough of *Aylesbury*, on the Day of such Election, or on the Day before or Day after such Election shall begin or be concluded, or going to or returning on *Sundays*, or any other Days on which Divine Worship is ordered by Authority to be celebrated, from any Church, Chapel or other Place of religious Worship, which shall be situate within the same Parish in which any Turnpike or Toll Gate shall be erected, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the Parishes, Townships, Hamlets or Places in which the said Road hereby directed to be made lies, or from any Clergyman going to perform or returning from his Duty at any Church or Chapel, or to or from visiting his sick Parishioners; or for any Cattle or Carriages employed only in carrying Corn to or Grift from the nearest or such other Mill as shall be used by the Owners of such Corn respectively: or for any Carriages or Horses employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when

when employed in conveying or guarding such Mails or Expresses, or returning from conveying or guarding the same; or for any Horse, Ox, Cow, Sheep or other Cattle going to or returning from any Pasture or Watering Place, or from being shod or farried; or for any Horses belonging to Officers or Soldiers upon their March or upon Duty, or for any Horses, Cattle or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or any sick, wounded or disabled Officers or Soldiers, 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, Commissariat or other Publick Stores of or belonging to His Majesty, or for the Use of his Majesty's Forces; or for any Horses, Carts or Waggon travelling with Vagrants sent by legal Passes; and that no Toll shall be demanded or taken for any Horse, Mare or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons shall 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 as aforesaid; and if any Person shall by any fraudulent or collusive Manner whatsoever, claim and take the Benefit of any of the Exemptions aforesaid not being entitled to the same, such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds; one Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

XXIV. And be it further enacted, That for the better preventing Frauds and Collusions respecting Carriages carrying Overweights, if any Lessee or Lessees of the Toll payable at the Turnpike Gate or Gates to be erected by virtue of this Act, or any Collector, or Collectors of the Tolls, or any Person or Persons to be appointed to the Care of any Weighing Machine or Machines to be erected on the said Road, shall suffer or permit any Waggon, Cart or other Carriage, liable to be weighed at any such Machine or Machines, to pass through the Turnpike Gate or Gates to be erected on the said Road, without weighing the same, or shall suffer or permit any such Waggon, Cart or other Carriage to proceed on the said Road without having first paid the Tolls payable for such Waggon, Cart or other Carriage, and for all such Overweight or Overweights as such Waggon, Cart or other Carriage respectively shall or may happen to have therein or thereon, each and every such Person shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Penalty on suffering Carriages with Overweights to pass without being weighed.

XXV. And be it further enacted, That no Person owning or driving, or causing to be driven any Waggon, Wain, Cart or other Carriage provided for the Service of his Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart

Carriages conveying Military Stores not to be subject to Penalties for Overweight.

Cart or other Carriage, or of 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.

Declaring
Contracts for
passing with
Overweight
void.

XXVI. And be it further enacted, That if any Lessee or Lessees of the Tolls payable at any Turnpike Gate or Gates to be erected on the said Road, or any Collector or Collectors, Person or Persons appointed to the Care of any Weighing Machine or Machines to be erected on the said Road, shall have bargained, contracted, compounded, or otherwise agreed with any Owner or Owners, Driver or Drivers of any Waggon, Cart, or other Carriage, liable to be weighed at the said Machine or Machines, either for the passing through any Turnpike Gate or Gates, or over any Weighing Machine or Machines to be erected on the said Road with Over-weight, every such Bargain, Contract, Composition, or other Agreement, shall be and is hereby absolutely declared to be null and void to all Intents and Purposes.

Penalties on
Lessees enter-
ing into Con-
tracts of Car-
riage for
Overweight.

XXVII. And be it further enacted, That if any Lessee or Lessees of the Tolls payable at any of the Turnpike Gate or Gates to be erected on the said Road, or any Collector or Collectors, Person or Persons appointed to the Care of any such Weighing Machine or Machines as aforesaid, shall make or enter into any Bargain, Contract, Composition, or other Agreement, verbal or written, wherein or whereby any specific Sum or Sums of Money in Gross or otherwise, is or are to be paid by any Person or Persons for the Carriage of Overweight in respect of any Waggon, Cart or other Carriage liable to be weighed at the said Machine or Machines, each and every such Lessee or Lessees, Collector or Collectors, and Person or Persons appointed to the Care of any such Weighing Machine or Machines, so bargaining, contracting, compounding or otherwise agreeing as aforesaid, shall for each and every such Bargain, Contract, Composition or Agreement, forfeit and pay any Sum not exceeding Ten Pounds.

No Toll for
crossing the
Road only.

XXVIII. And be it further enacted, That no Toll shall be demanded or taken at any Toll Gate or Turnpike to be erected by virtue of this Act, on the Side or Sides of any Part of the said Road, for any Horse, Cattle or Carriage which shall only cross the said Road, or shall not pass above One Hundred Yards thereon, unless such crossing shall be with intent to evade the Payment of Toll at any of the said Turnpikes or Toll Gates, and the Payment of such Toll would be thereby evaded.

Power to
borrow Mo-
ney.

XXIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to borrow and take up at Interest such Sum or Sums of Money as they shall think fit upon the Credit of the Tolls arising by virtue of this Act, or any Part or Parts thereof, and by Writing under their Hands and Seals to assign over the said Tolls or any Part or Parts thereof, and the Turnpike Gates and Toll Houses for collecting the same (the Charges of such Mortgages or Assignments to be paid out of the said Tolls) to any

any Person or Persons for any Term during the Continuance of this Act, as a Security or Securities for the Repayment of the several Sums that shall be borrowed, with the Interest thereof; which Assignment shall be in the Words, or to the Effect following:

BY virtue of an Act of Parliament made in the Fiftieth Year of the Reign of King George the Third, intituled, "An Act *[set forth the Title of this Act]* We, of the Trustees acting in the Execution of the said Act, in consideration of the Sum of to the Treasurer of the said Road in Hand paid by Do hereby grant, bargain, sell and demise unto the said Executors, Administrators and Assigns, such Proportion of the Tolls arising by virtue of the said Act as the said Sum of doth or shall bear to the whole Sum advanced or to be advanced on the Credit of the said Tolls, to be had and holden from the Day of for and during the Continuance of the said Act, unless the said Sum of with lawful Interest for the same, shall be sooner repaid and satisfied. Given under our Hands and Seals this Day of in the Year of our Lord

Form of Assignment.

And Copies of all such Mortgages and Assignments shall be entered in a Book to be kept for that Purpose by the Clerk to the said Trustees, but no Money shall be borrowed unless Notice be for that Purpose given in some Newspaper published or circulated within the said Counties of *Buckingham* and *Bedford*, and also upon the Turnpikes or Toll Gates which shall be then standing upon the said Road, at least Twenty-one Days before the borrowing thereof; and all Mortgages or Assignments which shall be made in the Manner and Form aforesaid, shall be good, valid and effectual to all Intents and Purposes; and all Persons to whom any such Mortgages or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time by Writing under their respective Hands and Seals, transfer their Right, Title, Interest or Benefit in and to the said Security, and the Principal and Interest thereby secured to any Person or Persons whomsoever, by Indorsement on the Back of such Security in the Presence of One credible Witness, which Transfer shall be in the Words, or to the Effect following:

I DO transfer the within Mortgage, and all the Principal and Interest now due thereon, unto Executors, Administrators and Assigns. Witness my Hand and Seal this Day of

Form of Transfer.

All which Transfers shall be produced and notified to the said Clerk, who shall cause an Entry or Memorial to be made thereof, containing the Dates, Names of the Parties, and Sums of Money, in a Book to be kept for that Purpose, for which the said Clerk shall be paid the Sum of Five Shillings and no more; and after such Entry made, every such Transfer shall entitle the respective Assignee or Persons to whom the same shall be made, their Executors, Administrators and Assigns, to the

the Benefit thereof and Payment thereon; and every such Assignee shall and may in like Manner assign and transfer again, and so *toties quoties*; and it shall not be in the Power of any Person making such Assignment or Transfer afterwards to make void, release or discharge the same Security, or any Monies thereon due, or any Part thereof; and all Persons to whom such Mortgages, Assignments or Transfers shall be made as aforesaid, shall be in Proportion to the Sums therein respectively mentioned Creditors on such Tolls, Turnpikes and Toll Houses in equal Degree one with another, and shall have no Preference in respect to the Priority of advancing any such Monies, or the Dates of such Mortgages or Assignments.

Application
of the Tolls
and Money
borrowed.

XXX. And be it further enacted, That the Monies arising by virtue of this Act shall be applied and disposed of by the said Trustees in Manner following; (that is to say) in Payment of the Costs, Charges and Expences of obtaining and passing this Act, and in making and constructing the said Roads, and repairing and amending the same, and in erecting Turnpikes, Toll Houses, and Weighing Engines thereupon, and defraying the Expences from Time to Time attending the Execution of this Act, and in paying and keeping down the Interest of the Monies borrowed on the Credit of the Tolls hereby granted, and afterwards in paying off and discharging such Principal Monies, and to and for no other Use or Purpose whatsoever.

Trustees may
make and
divert the
Road.

XXXI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby fully authorized and empowered to make and repair, and from Time to Time to widen, divert, shorten, vary, and alter within the Distance hereinafter mentioned the Course or Path of any Part or Parts of the said Road, through any Waste Grounds, Commons, or uncultivated Lands without making Satisfaction for the same; and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damages they shall sustain thereby; and for that Purpose it shall be lawful for the said Trustees, or any Five or more of them, to treat, contract, and agree with the Owners of and Persons interested in any Lands or Hereditaments which the said Trustees shall judge necessary for the Purposes aforesaid, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the making, widening, diverting, turning, or altering the Course or Path of any Part or Parts of the said Roads through such Lands or Hereditaments; and it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Husbands, Guardians, Trustees, or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Femes Covert who are or shall be seised of or interested in their own Right, and to and for all and every Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised of or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be seised, possessed of or interested in any such Lands or Hereditaments, to contract with the said Trustees for the Satisfaction to be made for such Damages

Damages as aforesaid; or to sell and convey unto them all or any such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter to the contrary notwithstanding; and all such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life Beneficial or in Fee Tail General or Special, or Lessees for Years, or for Years determinable on any Life or Lives, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be, and are hereby indemnified for what they are on any of them shall lawfully do by virtue or in pursuance of this Act.

XXXII. And whereas Maps or Plans describing the Line of the said Road, have been deposited at the Offices of the Clerks of the Peace for the Counties of *Buckingham* and *Bedford*; Be it therefore enacted, That the said Maps or Plans shall remain in the Custody of the Clerks of the Peace for the said respective Counties, to the end that all Persons may at all seasonable Times, have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the respective Clerks of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Maps or Plans, and that the said Trustees, in making the said Road, shall not deviate more than One hundred Yards from the Line described in the said Maps or Plans, without the Consent and Approbation in Writing, of the Person or Persons, Body Politic, Corporate or Collegiate, through whose Lands and Grounds such Deviation shall be made.

For retaining the Trustees from deviating beyond certain Distances of the Lines described in the Plan, &c.

XXXIII. And be it further enacted, That if any Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her or them given, or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of Lands or Hereditaments through which any Part of the said Road is intended to be made, widened, diverted, turned or altered, shall for the Space of Twenty-one Days next after such Notice given or left as aforesaid, neglect or refuse to treat or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees shall cause such Damage, Value or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men, either of the said Counties of *Buckingham* or *Bedford*, from the Neighbourhood of the Place where such Lands and Hereditaments do lie; and in order thereto the said Trustees are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined concerning the Premises (which Oath any

Where Persons interested neglect or refuse to treat.

[Loc. & Per.]

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One

Trustees to
issue Warrant
to the Sheriff
to impanel
a Jury.

Trustees may
impose Fines
on Sheriff,
Jurymen or
Witnesses
making De-
fault, &c.

One or more of the said Trustees is and are hereby empowered to administer), and such Trustees shall, by ordering a View, or otherwise, use all lawful Ways and Means as well for their own as for the Jury's Information in the Premises; and after the said Jury shall have enquired of and assessed such Damages and Recompence, they the said Trustees shall thereupon order, adjudge and determine the Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners or other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; and such Verdict and Inquisition, Order or Determination thereon, shall be final, binding and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim any Estate in Possession, Reversion or Remainder in Fee, or in Fee Tail General or Special, or for Life or Lives, or for Years determinable on any Life or Lives, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females, Coverts, Lunatics, Idiots and Persons under any other Disability whatsoever, Bodies Politick, Corporate and Collegiate, Corporations Aggregate or Sole, as well as all and every other Person and Persons whomsoever; and for summoning and returning such Juries, the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County of *Buckingham* or *Bedford*, requiring him to impanel, summon and return an indifferent Jury of Twenty-four Persons from the Neighbourhood of the Place where such Lands and Hereditaments lie, qualified to serve upon Juries, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon and return such Number of Persons accordingly, and out of the Persons so impaneled, summoned and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and are hereby empowered and required to draw by Ballot, and to swear, or cause to be sworn, Twelve Men, who shall be a Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to make the Number of Twelve, and all Persons concerned shall have their lawful Challenges against the said Jurymen when they come to be sworn; and the said Trustees acting in the Premises shall have Power, from Time to Time, to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and who shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner shall wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury, shall refuse or neglect to appear, without sufficient Excuse, or appearing shall refuse to be sworn and examined, or to give Evidence, or shall otherwise wilfully misconduct themselves in giving their Evidence, so that no One Fine be more than Five Pounds on any One Person for One Offence.

XXXIV. And

XXXIV. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Directions or Authority of this Act, shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest or Property of any Person or Persons in any such Lands or Hereditaments, or for any Loss or Damage to be by him, her or them sustained, than what shall have been agreed to, and offered by the said Trustees before the summoning and returning of the said Juries as a Recompence or Satisfaction for any such Right, or Interest or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Treasurer to the said Trustees out of any Money which shall then be in his Hands, or out of any Monies to be received by virtue of this Act; but if any Jury or Juries, so summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more or less Money than shall have been agreed to and offered by the said Trustees before the summoning or returning of the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest or Property in any such Lands or Hereditaments, or Losses or Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne or paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the Division or Liberty wherein the Cause of Dispute shall arise, not interested in the Matter in Question, (who is hereby required to examine and settle the same) shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Clerks to the said Trustees, by the Ways and Means hereinafter mentioned or provided for the Recovery of Penalties or Forfeitures: Provided always, that in all cases where any Person or Persons shall by reason of Absence have been prevented from treating about such Recompence or Satisfaction as aforesaid, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

Expences of
the Jury and
Witnesses
how to be
paid.

XXXV. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties respectively entitled thereto, or to their Agents; and upon Payment thereof or in case of Refusal to accept the same, or the Parties not being to be met with, upon leaving the same in the Hands of the Treasurer or Treasurers to the said Trustees, for the Use of such Parties or Persons respectively, to be thereafter disposed of as hereinafter directed; and after Eight Days' Notice thereof given to such Parties or Persons, or to their Agents, or left at their respective usual Places of Abode, or with the Tenant or Tenants

Money al-
lowed for
Lands how
to be charged
or rendered.

in

in Possession of such Lands or Hereditaments; then such Lands or Hereditaments shall be laid into and made Part of the said Road in such Manner as the said Trustees shall direct, and shall be by them or such Person or Persons as they shall appoint, sufficiently drained, ditched, fenced and set out for that Purpose, and shall to all Intents and Purposes whatsoever become and be deemed and taken to be a Common Highway, and be from thenceforth Part of the said Road for ever thereafter.

Trustees not
to take down
Houses, &c.

XXXVI. Provided always, and be it further enacted, That no Power or Authority by this Act given to the said Trustees, shall extend to the taking down or injuring any Dwelling Houses or other Buildings, or to the taking in of any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, or Plantation or Nursery of Trees, or of any Part or Parts thereof, without the Consent, in Writing, of the Owners or Proprietors thereof, and other Persons interested therein, first had and obtained.

Trustees em-
powered to
sell Ground
not wanted
for the Pur-
poses of this
Act, Persons
of whom it
was bo g
or whose
Lands adjoin,
to have the
first Offer.

XXXVII. And whereas by reason of the Purchases which the said Trustees are empowered and required to make by virtue of this Act, or by reason of the diverting of some Part or Parts of the said Road in Manner herein-before mentioned, they may happen to be seised of some Piece or Pieces of Land or Ground or other Hereditaments over and above what shall be necessary for effecting the Purposes of this Act; Be it therefore further enacted, That it shall be lawful for the said Trustees to sell and dispose of such Pieces or Parcels of Land or Ground or other Hereditaments, either together or in Parcels, as they shall find most convenient and advantageous to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees, before they shall sell and dispose of any Piece or Pieces of Land or Ground or other Hereditaments as aforesaid, shall first offer the same to the Person or Persons of whom the same shall have been purchased, or in case of diverting any Part or Parts of the said Road, to the Person or Persons whose Lands shall adjoin thereunto; and if such Person or Persons respectively shall not then and thereupon agree (except with respect to and on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said Counties of *Buckingham* or *Bedford*, (who are hereby respectively empowered to take the same,) by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the same, and he, she or they and the said Trustees shall differ and not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner herein-before directed with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect

respect to such Purchases made by the said Trustees, *mutatis mutandis*, and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Parcel of Road or Ground as aforesaid, shall be applied to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

XXXVIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements or Hereditaments purchased, taken or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, 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 there, *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements and Hereditaments in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts or other Incumbrances, or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements or Hereditaments, or affecting other Lands, Tenements or Hereditaments standing settled therewith to the same or the like Uses, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court in the Purchase of other Lands, Tenements 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, Tenements and Hereditaments which shall be so purchased, taken or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the 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 mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall, from Time to Time, be paid by Order of the said Court to the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the Lands, Tenements and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application
of Compen-
sation Money,
when amount-
ing to 200l.

at 1000
1000

XXXIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements or Hereditaments purchased, taken or used for the Purposes aforesaid, and belonging to any Corporation or to any Person or Persons under

When less
than 200l.

[*Loc. & Per.*]

24 K

Disability

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 or Tenements so purchased, taken or used, or of his, her or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees for executing 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 Manner herein-before directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the said Court of Chancery.

When less
than 20l.

XL. Provided always, and be it further enacted, That where such Money so agreed or awarded to be paid, as next before mentioned, shall be less than Twenty Pounds, then and in all such cases the same shall be applied to the Use of the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the Lands, Tenements and Hereditaments so purchased, taken or used as aforesaid, 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.

In case of
not making
out Tithes.

Or if Persons
cannot be
found the
Purchase-
Money to be
paid into the
Bank.

Subject to the
Order of the
Court of
Chancery on
Motion or
Petition.

XLI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be so ordered to be paid as aforesaid, shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or any Five or more of them, or shall refuse to execute such Conveyance or Conveyances; or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements or Hereditaments be not known or discovered, then and in every such Case it may be lawful to and for the said Trustees, or any Five or more of them, to order the said Sums of Money so awarded, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements or Hereditaments [*describing them*], subject to the Order, Controul and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and

and invested in the Publick Funds, or to order Distribution thereof or Payment of the Interest 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 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.

XLII. 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 Privy of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements or Hereditaments, or of any Estate, Right or Interest in any Lands, Tenements or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements or Hereditaments at the Time of such Purchase, and all Persons claiming 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 Money, and also the Capital of such Bank Annuities shall be paid, applied and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements or Hereditaments, or to some Estate or Interest therein.

Respecting
disputed
Titles.

XLIII. 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, Tenements or Hereditaments to be purchased under the Authority of this Act, the Purchase-Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the 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.

The Court
may order
Expences to
be paid.

XLIV. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors of the said Road, and to and for all such 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 making and repairing the said Road, out of

For getting
Materials to
make and re-
pair the
Road.

and

and from any Commons, or Waste Ground, River, Brook or Pits in any Parish, Township, Hamlet, Division, District or Place in which any Part of the Road hereby directed to be made, amended and repaired shall lie, or in any neighbouring Parish, Township, Hamlet, Division, District 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 the said Trustees, (such Order to be made at some Meeting of the Trustees to be holden in pursuance of this Act, and a Copy thereof to be given to such Surveyor or Surveyors, attested and signed by the Clerk or Clerks to the said Trustees,) search for, cut, dig, gather and take away any such Materials as aforesaid, in, of, from and out of the private Lands, Fields or Grounds of any Person where the same may be had or found, (such Lands, Fields or Grounds not being a Garden, Orchard, Yard, 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 and Occupiers of such Grounds 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 making and repairing the said Road shall be carried, according to their respective Rights and Interests in such Ground, as the said Trustees 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 and may be lawful for any Two Justices of the Peace of the County, District or Place where such Materials shall be so cut, dug, gotten, gathered, taken and carried away, 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; and the Judgment or Order of the said Justices shall be final and conclusive to all Parties.

Notice to be given to Occupiers of Lands before Materials are taken for repairing the Roads.

XLV. Provided, nevertheless, and be it enacted, That it shall not be lawful for any Surveyor or Surveyors, or other Person or Persons under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for repairing such Road, out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Surveyor or Surveyors, shall have been given to the Owner and Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner and Occupier, at their respective usual Places of Residence, to appear before the said Trustees, or Two or more Justices of the Peace acting for the County, District or Place where such Premises shall be situate, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner and Occupier, or One of them, or their or his Agent, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case the said Trustees, or such Justices, shall and may authorize such

such Surveyor or Surveyors, or other Person or Persons, to dig, get, gather and carry away such Materials, at such Time or Times as to the said Trustees or such Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear, by himself or his Agent, the said Trustees or such Justices shall and may make such Order therein as they respectively shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier or his Agent had attended.

XLVI. And be it further enacted, That if any Person or Persons whosoever shall take away any Stone or Materials which shall have been dug or gathered by or by Order of the said Surveyor or Surveyors, for the Purpose of making or amending the said Road, or any Part or Parts thereof, or shall get or take away any Stone, Gravel or Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials for amending the said Road, or any Part or Parts thereof, before the said Surveyor or Surveyors, or his or their Workmen shall have discontinued working therein for the Space of Three Weeks (except the Owner or Occupier of any private Ground wherein such Pit or Quarry shall have been so made, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only and not for Sale), every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on taking away Materials, &c. got by Order of the Surveyor.

XLVII. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and to and for any Person or Persons whom he or they shall appoint, by Order of the said Trustees, to cut and make any Causeways or Footpaths upon the Sides of the said Road, or to cut Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the said Road, or to erect Bridges over any Drains or Watercourses, in such Manner as such Surveyor or Surveyors shall deem and judge necessary and proper for amending or keeping in repair any Part of the said Road, and also to make a Way or Ways through the Lands and Grounds adjoining to any narrow or ruinous Part or Parts of the said Road, (not being a Garden, Orchard, Park, Yard, Paddock, planted Walk or Avenue to any House, or any inclosed Ground planted or set apart as a Nursery for Trees), to be made use of as a public Highway, whilst the narrow or ruinous Parts of the said Road are widening or repairing, and until the same shall be convenient and safe for the Passage of Travellers and Carriages, making such reasonable Satisfaction to the Owners and Occupiers of such Lands respectively, through and into which any such Drain shall be cut, or on or over which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case any Difference shall happen between such Owners or Occupiers and such Trustees touching such Damages, then and in such Case the Justices of the Peace, at the first General or Quarter Sessions of the Peace to be holden for the County of *Buckingham* or *Bedford*, next after the Expiration of Twenty one Days from the Time of doing such Damage, shall and are hereby authorized and required to hear, settle and determine the same, and their Determination therein shall be final and conclusive.

Surveyors may make Drains, &c.

On making Satisfaction for Damage done thereby,

And in case of Difference concerning same, Justices in Sessions to determine.

[Loc. & Per.]

24 L

XLVIII. And

Surveyors
may remove
Annoyances.

XLVIII. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (by Direction and under the Hands of any Five or more of the said Trustees), from Time to Time to remove and prevent all Nuisances or Annoyances on any Part or Parts of the said Road, by Rails, Steps, Sign-posts or other Nuisances, and to turn or stop any Watercourses, Sinks or Drains running into, along or out of any Part of the said Road, to the Prejudice thereof, and to make the same as large and deep as he or they shall think proper, and to cleanse any Ditch or Watercourse next adjoining to any Part of the said Road, and to cut down, lop or top any Trees or Bushes growing in any Part of the said Road, or in the Hedges or Banks adjoining thereto, at proper Seasons of the Year, in case the Person or Persons occasioning such Annoyance, or who ought to remove the same, or to cleanse such Ditch or Watercourse, or to cut down, lop or top such Trees or Bushes, shall refuse or neglect so to do for the Space of Twenty-one Days next after Notice in Writing given for that Purpose, signed by any Five or more of the said Trustees, or by their Surveyor or Surveyors, the reasonable Charges whereof shall be reimbursed to the said Surveyor or Surveyors by the Person or Persons refusing or neglecting as aforesaid; and in case any such Person shall not upon Demand pay and reimburse to such Surveyor or Surveyors such Charges as aforesaid, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Person or Persons in like Manner as is herein authorized or directed for the Recovery of any other Penalty inflicted by this Act; and if after the Removal of any of the said Annoyances any Person shall again offend in the like Manner, every such Person shall for every such Offence, over and above such Charges as aforesaid, forfeit and pay 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 this Act.

Road to be
measured,
and Mile
Stones and
Guide Posts
erected.

XLIX. And be it further enacted, That the said Trustees shall and may cause the said Road to be measured, and Mile Stones to be set up at or near the Sides thereof, at the Distance of One Mile from each other, with Inscriptions thereon, denoting the Number of Miles, and Distance of Places, as the said Trustees shall think fit; and also cause to be erected Guide Posts upon such Parts of the said Road where the same are crossed or joined by other Roads, as they shall judge proper; and if any Person or Persons shall wilfully break, throw down, injure, destroy, obliterate or deface any Table of Tolls, Mile Stone or Post erected on any Part of the said Road, or any of the Letters, Figures or Marks inscribed thereon, or shall wilfully break, throw down or injure any Stone or Stones, or Parapet Wall or Walls on the Side or Sides of any Bridge or Bridges, Arch or Arches, or any Part or Parts of the said Road, every such Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for each Table of Tolls, Stone, Post, Parapet Wall and Arch so broken, thrown down, injured or destroyed, or on which any Letters, Figures or Marks shall be so obliterated or defaced; one Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

L. And

L. And be it further enacted, That if any Person or Persons shall wilfully or negligently injure, destroy, break down or otherwise damage, or shall ride on, or drive, or lead any Horse, Beast, Cattle, or Carriage over or upon any Foot Path or Causeway made, or to be made on the Side or Sides of any Part of the said Road; or if any Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts or Stones which may be erected for the Security of the said Foot Paths or Causeways, or if any Person or Persons shall plough over, or drag any Plough upon any Part of the said Road, or in ploughing shall turn any Horse or other Beast drawing any Plough upon any Part of the said Road, to the Prejudice thereof; or if any Person or Persons shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Road, with any Instrument so as to damage the said Road, or any Part thereof; or if any Person shall hale or draw, or cause to be haled or drawn upon any Part of the said Road, any Tree or Piece of Timber, or any Stone, (otherwise than upon Wheel Carriages), or shall suffer any Part of any Tree, or Piece of Timber or Stone which shall be carried upon a Wheel Carriage, to drag upon any Part of the said Road, to the Prejudice thereof; 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, Hedgings, Bankings, or Cople on either Side thereof; or if any Person or Persons shall leave, or suffer any Cattle, Sheep or Beast to be and remain loose on the said Road; or if any Person driving any Coach, Chaise, or 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 or near Side of the said Road; or if any Person shall in any Manner wilfully prevent any other Person from passing him, her or them upon the said Road, or the Coach, Chaise, Waggon, Cart or other Carriage under his or their Care; or if any Person shall make, or assist in making any Fire or Fires whatsoever, or shall set fire to, or let off or throw any Squib, Rocket, Serpent, or Fire-Work whatsoever, on any Part or Parts of the said Road; or if any Person or Persons shall leave any Waggon, Wain, Cart or other Carriage, or any Plough, Harrow, or other Implement of Husbandry, (without some reasonable Cause, to be allowed by the Justice of the Peace before whom the Person so offending shall be summoned or conveyed, in order to his or her Conviction, and save and except with regard to such Waggon, Wain, Cart or other Carriage during such reasonable Time as the same shall be loading or unloading, and standing as near to the Side of the said Road as conveniently may be) in, upon or on the Side of the said Road, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or if any Person shall lay any Piece of Timber, or any Stones, Bricks, Hay, Straw, Lime, 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 Prejudice of any Person or Persons travelling thereon, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Penalty on
riding on
Foot Paths,
&c.

LVII. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted,

Penalty for
obstructing
the Execu-
tion of this
Act.

or hindered, any Collector of the Tolls, or any Surveyor or Surveyors, or any other Person or Persons by them or any of them, or by the said Trustees employed in the Execution of this Act, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Townships
to be liable
to Repairs.

LII. And be it further enacted, That all the Inhabitants of the several Parishes, Townships, Hamlets, Districts or Places through which the said Road hereby directed to be amended, widened and repaired, passes, shall be liable to the Repair of such Parts of the said Road as are within their respective Parishes, Townships, Hamlets, Districts or Places, in such and the same Manner as they are liable to the Repair of any other Highway within the same.

Persons
chargeable
to Statute
Work to con-
tinue so.

Justices to
determine
Differences.

LIII. Provided always and be it enacted, That all Persons who are by law liable to do Statute Work on any Part of the Road within the Parishes, Townships or Places through which the said Road or any Part thereof passes, shall be liable to do the same on the said Road; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said Counties of *Buckingham* or *Bedford*, and they are hereby empowered and required, upon Application made to them by the said Trustees, or by their 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 their Treasurer or Treasurers; and in order thereunto it shall and may be lawful to and 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 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 Manner and under such Regulations and Restrictions as is or may be directed by any Law or Statute in Force and 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 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 in such Parts of the said Road as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct and appoint; and the said Justices shall and may also order and direct the Persons who by such

such Lifts shall appear to 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 said Trustees or their Treasurer, at such Time or Times as they 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 this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her or them, at his, her or their last or usual Place or Places of Abode, for that Purpose, 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 Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the Publick Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught, to work upon the said Road, shall be found idle or negligent by any Surveyor or Surveyors to the said Trustees, such Surveyor or Surveyors is and are hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person sending such Labourer, Team or Draught shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if 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 or Places shall refuse or wilfully neglect to give in such Lifts as aforesaid, or shall knowingly or wilfully give in false or imperfect Lifts, every such Surveyor or Surveyors so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

LIV. And be it further enacted, that it shall and may be lawful to and for the said Trustees to compound and agree with any Person or Persons, Bodies Politick or Corporate, for the Repairs or Statute Work to be by them done on the said Roads, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements or Hereditaments of and in all or any of the Parishes or Places in which the said Road shall lie and be situate, or with the Surveyor of the Highways for such Parishes or Places, duly authorized for that Purpose at a publick Vestry for a certain Sum of Money by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the whole or any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Road, which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways or other Officer of the Parish, or by the Person or Persons so compounding to the Treasurer or Treasurers of the said Trustees in Advance, on or before the First Day of May in each and every Year, or otherwise the

Trustees may
compound
for Statute
Work.

[Loc. & Per.]

24 M

Inhabitants

Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

Power to
compel Pay-
ment of Sub-
scriptions.

LV. And be it further enacted, That all Persons who have subscribed to pay any Money towards making and repairing the said Road shall, and he, she and they is and are hereby required to pay his, her and their Subscription Money to the Treasurer to the said Trustees, at such Time or Times as shall be appointed by the said Trustees; and if any such Subscriber shall neglect or refuse to pay such Money as aforesaid, it shall and may be lawful to and for the said Trustees to sue for and recover the same by Action at Law in any of His Majesty's Courts of Record at *Westminster*.

For securing
transient Of-
fenders.

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

Actions to be
brought in the
Name of the
Treasurer or
Clerk, or of
Trustees,
who are not
to be person-
ally liable to
Costs.

LVII. And be it further enacted, That the said Trustees may sue and be sued in the Name or Names of their Treasurer or Clerk, or in the Name of any one of the said Trustees, on behalf of the said Trustees; and no such Action shall abate or be discontinued by the Death or Removal of the Person in whose Name or against whom the same shall be brought or commenced, nor by the Act of such Person or Persons done without the Consent of the said Trustees or any Five or more of them; at a Meeting held in pursuance of this Act; but no Treasurer, Clerk or Trustee, or any or either of them shall be subject to the Pay-
ment

ment of any Costs or Expences on account thereof, but all such Costs and Expences shall be defrayed out of the Money arising by virtue of this Act collected or received by the said Trustees.

LVIII. And be it further enacted, That all Penalties and Forfeitures by virtue of this Act imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of any Justice of the Peace for the County, Town or Place where the Offence shall be committed, (which Warrant such Justice is hereby empowered to grant upon the Confession of the Party, or upon the Evidence of any credible Witness upon Oath, and which Oath such Justice is hereby empowered to administer) and the Overplus (if any) of the Money arising by such Distress and Sale shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making, keeping and selling the Distress; and such Penalties and Forfeitures when recovered (if not hereinbefore directed to be otherwise applied) shall be paid to the Treasurer to the said Trustees, to be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby authorized and required; by Warrant under his Hand and Seal, to cause the Offender to be committed to the Common Gaol or House of Correction of such County, Town, or Place where the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, nor less than One Month, unless such Penalties and Forfeitures shall be sooner fully paid and satisfied.

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

‘ To wit. } BE it remembered, That on the _____ Day of _____
 ‘ _____ in the Year of our Lord _____
 ‘ _____ is convicted before me (or us)
 ‘ _____ of His Majesty’s Justices of the Peace for the _____
 ‘ _____ by virtue of an Act of Parliament made _____
 ‘ and passed in the Fiftieth Year of the Reign of His Majesty King _____
 ‘ George the Third, intituled, *An Act [here set forth the Title of this*
 ‘ *Act, and specify the Offence, and the Time and Place when and where the*
 ‘ *same was committed.]* Given under my Hand and Seal (or, our Hands
 ‘ and Seals) the Day and Year first above written.’

LX. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the First General or Quarter Sessions of the Peace to be holden for the County of *Buckingham* or *Bedford* next after

after the Expiration of Three Months from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Fourteen Days Notice at least of his, her or their Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or Treasurers, or Clerk to the said Trustees, and within Seven Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order thereof, and to pay such Costs as shall be awarded by the Justices at such Quarter Session: And the said Justices in such Session, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination therein, and to award such Costs to either of the Parties or otherwise as they shall judge proper; and the said Justices may, if they see Cause, mitigate any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Distress not
to be unlaw-
ful for want
of Form.

LXI. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Notice, Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

Proceeding
not to be
quashed for
want of
Form.

LXII. And be it further enacted, That no Order, Verdict, Assessment, Judgement, or other Proceedings, made, touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form only, or be removed or removeable by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary thereof in anywise notwithstanding.

Notice of
Action to be
given, and
Plaintiffs not
to recover af-
ter Tender of
Amends.

LXIII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done in Pursuance of this Act, unless Notice in Writing shall be given to the Defendant or Defendants Twenty-one Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends hath been made to him, her or them, or to his, her or their Attorney, by or on Behalf of the Defendant.

Defendant or Defendants, before any such Action brought; and in Case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she or they shall think fit, whereupon such Proceedings, Order and Judgement, shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

If no Tender was made Money may be paid into Court.

LXIV. Provided always, and be it enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, after Twelve Calendar Months next after the Fact committed: and every such Action or Suit shall be brought and tried in the County of *Buckingham* or County of *Bedford*, where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead at his and their Election, specially or the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any such Action or Suit shall be brought before Twenty-one Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find a Verdict for the Defendant or Defendants, and upon such Verdict, or if the Party or Parties shall be nonsuited or discontinue his, her or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover treble Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law.

Limitation of Actions.

LXV. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be regularly entered in a Book or Books to be kept for that Purpose, and signed by the Trustees present, at the Meeting or Meetings at which such Order shall from Time to Time be made, or Proceedings shall be had, or the major Part of such Trustees; and that such Book or Books shall be opened at all reasonable Times for the Inspection of any of the Trustees appointed, or to be appointed by virtue of this Act without Fee or Reward; and such Entries, being so signed, shall be deemed Originals, and the same, or true copies thereof, shall be admitted as Evidence in all Courts whatsoever.

Orders and Proceedings of Trustees to be entered in a Book.

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

Public Act.

Commence-
ment and
Continuance
of the Act.

LXVII. And be it further enacted, That this Act shall commence and take place on the Second *Saturday* next after the passing thereof, and shall be in Force and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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