



ANNO QUINQUAGESIMO OCTAVO

# GEORGII III. REGIS.

\*\*\*\*\*

## Cap. xl.

An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Roads between the *Horse Shoe House* in *Stoke Goldington*, in the County of *Buckingham*, and the Town of *Northampton*, and from the North Bridge of *Newport Pagnel*, in the said County of *Buckingham*, to the said *Horse Shoe House*.

[8th May 1818.]

**W**HEREAS an Act was passed in the Thirty-seventh Year of the Reign of His present Majesty, intituled *An Act for more effectually repairing the Roads between the House commonly called the Horse Shoe House, in the Parish of Stoke Goldington, in the County of Buckingham, and the Town of Northampton, and from the North Bridge of Newport Pagnel, in the said County of Buckingham, to the said Horse Shoe House*: And whereas the Trustees appointed by or in pursuance of the said recited Act, have made great Progress in carrying into Execution the Powers and Authorities thereby vested in them, and several Sums of Money borrowed upon the Credit of the Tolls have, together with such Tolls, been duly applied, and now remain due and owing; which Money so borrowed, with the Interest thereof, cannot be repaid, nor the said Roads effectually amended and kept in Repair, unless the Term of the said Act be further continued, some of the Provisions thereof altered and enlarged, and further Powers granted: 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;

[Local.]

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37 G.3.c.177.

A& further  
continued.

bled, and by the Authority of the same, That the said recited Act, and all the Clauses, Provisions, Exemptions, Penalties, Forfeitures, Matters, and Things therein contained (except such Parts thereof as are varied, altered or repealed) shall be and remain in full Force and Effect, and together with this present Act shall be put in Execution for the several Purposes thereby and hereby intended, for and during the Term herein-after mentioned, as fully and effectually in all respects, and to all Intents and Purposes whatsoever, as if the same were hereby expressly repeated and re-enacted in the Body of this present Act; and that this Act, and the Term and Powers hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all Monies now due and owing, or which shall or may hereafter be borrowed and become due and owing on the Credit of the said recited Act or of this Act, or either of them, and all Interest now due and to become due for the same respectively.

Additional  
Trustees.

II. And be it further enacted, That the Right Honourable *John Charles Spencer* commonly called *Lord Viscount Althorpe*, *Everard Bouverie*, *Charles Bouverie*, *Robert Baxter Clerk*, *William Butlin Clerk*, *John Benton*, *John Benton the younger*, *John Buxton*, *George Baker*, *Richard Buswell*, *William Drake Clerk*, *Robert Carey Elwes*, *Robert Gunning*, *Henry Gunning*, *Orlando Gunning*, *Spencer Gunning*, *Joseph Hall*, *William Harris*, *Richard Howes*, *Thomas Howes*, *John Hall*, *John Slater Hall*, *Temple Hillyard*, *Clarke Hillyard*, *John Johnson Clerk*, *Theophilus Jeyes*, *John Manners Kerr*, *Joseph Kitelee*, *Richard Kitelee*, *John Kightley*, *Sir James Langham Baronet*, *Henry Locock M. D.*, *John Christopher Mansel*, *Charles Markham*, *Christopher Markham*, *Charles Newman the younger*, the Mayor and Aldermen of *Northampton* for the Time being, *George Osborn the younger*, *John Percival*, *William Percival*, *Samuel Percival*, *William Payne*, *Samuel Peach*, *George Peach*, *John Rudsell*, *William Tyler Smyth*, *John Stoddart Clerk*, *John Stoddart the younger Clerk*, *Michael Smith*, *George Smith*, *Charles Smith*, *John Shaw Smith*, *Josiah Smith*, *John Shaw*, *Thursby*, *Thomas Reeve Thornton*, *Samuel Tibbits*, *Thomas Taylor*, *David Thomas*, *Thomas Whalley Clerk*, *Edward Watkin Clerk*, *John Watts Clerk*, and *John Winter Clerk*, together with Ten other Persons to be named as Trustees at the First or any other Meeting to be holden under this Act, and their Successors (being qualified according to the Directions of the said recited Act), shall be and are hereby added to and joined with the surviving and remaining Trustees appointed by or in pursuance of the said Act, for putting the said Act and this Act into Execution, and shall have the like Powers for that Purpose as if they had been named and appointed Trustees in or by virtue of the said Act.

Empowering  
Three Truf-  
tees to act.

III. And whereas great Inconveniences have arisen in consequence of the said recited Act requiring the Attendance of Five or more Trustees at Meetings to be holden for putting the same into Execution, and it would tend very much to facilitate the Execution thereof and of this Act, and be of convenience to the Public, if Three or more Trustees were authorized and empowered to act at such Meetings; be it therefore further enacted, That it shall be lawful for, and Three or more of the said Trustees shall have full Power and Authority, from Time to Time to execute the several Powers granted by the said recited Act and this Act, as fully and effectually to all Intents and Purposes as if Five or more of the said Trustees were present at any such Meeting; any Thing in the said recited Act contained to the contrary notwithstanding.

IV. And whereas great Injury has been done to the said Roads, and Accidents have happened by reason of Caravans and such like Carriages passing and repassing thereon heavily laden and with great speed, and the Tolls now payable for or in respect of such Carriages are inadequate to the injury which the said Roads sustain thereby; be it therefore enacted, That every Caravan or such like Carriage, passing along the said Roads, shall be liable to be weighed at any Weighing Machine erected or to be erected upon any Part of the said Roads; and whenever any such Caravan or such like Carriage, together with the Lading thereof, shall in the Summer Season, *videlicet*, between the First Day of *May* and the Thirty-first Day of *October*, both inclusive, weigh more than Three Tons Ten Hundred, and in the Winter Season, *videlicet*, between the First Day of *November* and the Thirtieth Day of *April*, both inclusive, weigh more than Three Tons Weight, it shall be lawful for the said Trustees, or any Three or more of them, or for any Person or Persons empowered by them, or any Three or more of them, to receive and take, over and above the Tolls granted by the said recited Act, the several Sums of Money following, as an additional Toll for every Hundred Weight of One Hundred and Twelve Pounds to the Hundred, which any Caravan or such like Carriage, together with the Lading thereof, shall weigh at any such Machine over and above the before-mentioned Weights allowed to each of them respectively, *videlicet*, for the First and Second Hundred of such Overweight, the Sum of Three-pence for each Hundred; for every Hundred of such Overweight above Two Hundred, and not exceeding Five Hundred, the Sum of Sixpence; and for every Hundred of such Overweight above Five Hundred, the Sum of One Shilling; which said additional Toll or Duty shall and may be levied and recovered in any of the Cases aforesaid by Distress and Sale of the Goods and Chattels of any Person or Persons liable, who shall after Demand made thereof refuse or neglect to pay the same, in such Manner as any other Toll or Duty payable at the same Turnpike Gate or Bar is or are by the said recited Act directed to be levied and recovered, and shall be applied to the Repairs of the said Roads; and that if the Driver of any such Caravan or such like Carriage shall refuse or neglect to permit the same to be weighed, he shall for every such Offence forfeit any Sum not exceeding Five Pounds, which Penalty shall be applied for the Purposes of the said recited Act and this Act.

To prevent Injury to the Roads by heavy Carriages.

V. Provided always, and be it further enacted, That the several Powers, Clauses, and Provisions contained and expressed in an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act to enable Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, shall be extended to this Act, and shall and may be exercised and executed by the said Trustees or any Three or more of them, and be applicable to Caravans or any such like Carriages passing along or over the said Roads; any Thing in the said recited Act of the Thirty-seventh Year of His present Majesty's Reign, or this Act, contained to the contrary notwithstanding.

55 Geo. 3. extended to this Act.

VI. And be it further enacted, That upon Payment of any of the Tolls granted or made payable by virtue of the said recited Act or this Act, the Collector or Receiver shall and he is hereby required to deliver *gratis* to the Person paying such Toll, a Note or Ticket denoting such Payment; and all such Notes or Tickets shall be provided by the said Trustees, and there shall be printed and specified thereon the Names of the several or respective Gates

Tickets to be printed.

Gates which such Tickets shall free, or which ought under the Provisions of this Act to be passed free for one Payment of Toll.

Exemptions  
from Toll.

VII. Provided always, and be it further enacted, That no Person shall be charged with or subject to the Payment of any Toll by virtue of this Act or the said recited Act, for any Carriage, Horse, or other Cattle which shall be employed in the Conveyance of any Stones, Gravel, or other Materials for the repairing of any Road or Highway in any Town, Parish, or Place, through which the said Roads lead, or in the Carriage of any Lime, Dung, Mould, Soil or Compost of any Kind, for the manuring of any Garden or other Land or Ground in any Parish or Hamlet through which the said Roads pass; or for any Horse or other Cattle employed in the ploughing, sowing, tilling, cultivating, or stocking of any Land or Ground in any such Parish or Hamlet, not going more than One Mile on such Roads, or in the Carriage of any Hay, Straw, or Corn in the Straw, not sold or disposed of, nor carrying to be sold or disposed of, but to be laid in the Houses, Outhouses, or Grounds of the Owner or Owners, or Occupier or Occupiers of the Land on which such Hay, Straw, or Corn in the Straw shall grow, belonging to any of the Occupiers of Land or Ground in the several Parishes, Hamlets, or Places, or any of them, in which the said Roads lie, not passing more than One Mile on such Roads; or in the drawing or conveying any Plough, Harrow, Dray, or other Implements of Husbandry, or any Thing whatsoever that shall be used or employed in Husbandry, or in the manuring or stocking of Land, in any of the said Parishes, Hamlets, or Places; or for any Horses or other Beasts, or any Carriage carrying or conveying any Person or Persons residing in any Parish, Township, or Hamlet in which the said Roads lie, going to or from their proper parochial Church or Chapel, or other Place of Religious Worship tolerated by Law on a *Sunday*, or any other Day on which Divine Worship is ordered by Authority to be celebrated, or for attending the Funeral of any Person who shall die and be buried in any of the said Parishes; or any Clergyman going to or returning from visiting any sick Person, or to baptize any Child, or upon other his parochial or ministerial Duty within such Parish; or for any Horse or other Cattle, belonging to any Person or Persons who is or are an Occupier or Occupiers of Land in any Parish wherein the said Roads lie, going to or from Water or Pasture within the Parish where the Owner of such Horse or other Cattle doth live, or is or shall be an Occupier of Lands therein; or for any Horse or other Beast carrying any Person or Persons, being Owner or Occupier of any Farm or Lands in any Parish through which any Part of the said Roads lie, to or returning from his or their Farm or Lands only; or for any Horse or other Cattle passing in order to be, or returning from being shod or farried, not travelling more than Two Miles on the said Roads; or for any Horses or other Beasts, or any Carriage of what Description soever, employed in conveying from One Part of the Kingdom to another, the Mail or Packet which shall be made up under the Authority or Direction of His Majesty's Postmaster General, or his Deputy or Deputies; or for any Horses or Carriages belonging to Officers or Soldiers on their March or upon Duty, either by attending on Days of Exercise of their respective Corps, or otherwise; or for any Horse, Cattle, or Carriage, which shall be employed in the Carriage or Conveyance of the Arms or Baggage of any such Officers or Soldiers, or any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle

Cattle drawing the same, which shall be employed in 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; or for any Cattle or Carriages employed in the Conveyance of Vagrants sent by legal Passes; or for any Coach, Landau, Berlin, Chariot, Calash, Chair, or the Horses drawing the same, or Passenger on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Northampton* and *Buckingham*, or either of them, on the Day or Days of such Election or Elections, or on the Day before or Day after such Elections shall begin or be concluded; and that no Toll shall be demanded or taken for any Horse 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; or any Surveyor or Surveyors of the said Roads, when attending his or their Duty on the said Roads: Provided nevertheless, that if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, whereof One Moiety shall be paid to the Informer, and the other Moiety to the Purposes of this Act.

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

Carriages conveying Military Stores not to be subject to Penalty for Overweight, &c.

IX. And be it further enacted, That no Person shall be subject to pay the Tolls granted by the said recited Act or this Act at more than Two Gates on the same Day, for or in respect of the same Horse, Cattle, or other Beast or Carriage passing or repassing upon the said Roads, in case more than Two Gates shall hereafter be erected thereon.

Tolls not to be paid at more than Two Gates on the same Day.

X. And be it further enacted, That all and every Toll Collector, being Lessee of the Tolls authorized to be collected upon the said Roads, or appointed or continued, either by the said Trustees or by any such Lessee or Lessees, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the said recited Act or by this Act, shall and he and she is hereby required to place his or her Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately on

For punishing Toll Collectors for Misconduct.

[Local.]

his or her coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground or in Black Letters on a White Ground, and shall continue the same so placed during the whole Time he or she shall be upon Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he or she shall be authorized to do by virtue of this Act or the said recited Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof; or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption; or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname or shall refuse to tell his or her Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in answer to any such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, and naming and specifying the several Gates freed by such Payment, (all which Tickets the Collectors are hereby required to deliver *gratis* on Payment of such Toll); or shall unnecessarily detain any Passenger or Passengers, or shall make use of abusive Language to any Traveller or Travellers, Passenger or Passengers; then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by the said recited Act or by this Act directed to be recovered and applied.

For settling  
Disputes re-  
specting Tolls.

XI. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector, or Person 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 such Distress and Sale, and of keeping the Distress (as the Case may happen), be ascertained by One or more Justice or Justices of the Peace for the County, Town, or Place in which the cause of Dispute shall arise, who upon Application made to him or them for that Purpose, shall examine the Matter on the Oath of the Parties, and other Witness or Witnesses (if any), and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice or Justices shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, rendering the Surplus (if any) on Demand, after deducting such Costs and Charges, and the Costs and Charges of making such Distress, to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

Accounts to  
be kept of  
Receipts and  
Disburse-  
ments.

XII. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter, or cause to be entered, true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads, and of the several Articles, Matters, and Things

Things for which any Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall, at all seasonable Times, be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls, without Fee or Reward; and the said Trustees and Creditors shall or may take Copies or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Trustees, or such Creditors, or any of them, to inspect such Book or Books, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in Manner by the said Act directed.

XIII. Provided always, and be it further enacted, That nothing in the said recited Act contained shall extend or be construed to extend to authorize or empower the said Trustees or any of them, to verify the Accounts of, or to administer any Oath or Oaths to any Clerk, Treasurer, Collector of the Tolls, Surveyor, or other Officer or Officers now appointed or hereafter to be appointed under or by virtue of the said recited Act and this Act, or either of them.

Trustees not to have Power to administer Oaths on verifying Officers Accounts.

XIV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or to appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Act and this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or to appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and in case any Person shall act in both Capacities of Clerk and Treasurer for the Purposes aforesaid, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of the said recited Act or this Act, every Person so offending shall for every Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Impar lance shall be allowed.

Clerk not to be Treasurer, and vice versa.

XV. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls or any of them, or the Recovery of any of the Penalties imposed by the said recited Act or this Act, the Person or Persons appointed to collect the said Tolls, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be deemed incompetent to give Evidence in any such Dispute, Suit, or Litigation by reason of his, her, or their being appointed to collect the said Tolls, or acting as aforesaid.

Collectors, &c. not to be deemed incompetent Witnesses.

XVI. Provided always, and be it further enacted, That the said Trustees, in altering or improving any Part of the said Roads under or by virtue of the said recited Act or this Act, shall not deviate more than One hundred Yards from the present Line, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate through whose Lands or Grounds such Deviation shall be made.

Roads not to deviate more than One hundred Yards.

XVII. And

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

XVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Act or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as in the said recited Act particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the said recited Act or 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 Lands, Tenements, or Hereditaments, in the Purchase of Land Tax, or towards the Discharge of any Debt or Debts, or other Incumbrances, or any Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall be from Time to Time paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments by the said recited Act or this Act directed to be purchased, in case such Purchase or Settlement were made; any Thing in the said recited Act contained to the contrary notwithstanding.

Where, less  
than 200l.  
and amount-  
ing to 20l.

XVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of  
the



the said Accountant General of the High Court of Chancery, to be placed to his Account as aforesaid, in order to be applied in Manner 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 Three or more of the said Trustees (such Nomination and Approbation to be signified 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 can be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery; any Thing in the said recited Act to the contrary notwithstanding.

XIX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased; taken, or used for the Purposes aforesaid, in such Manner as the said Trustees, or any Three or more of them, shall think fit; and 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; any Thing in the said recited Act to the contrary notwithstanding.

When less than 20l.

XX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited Act or this Act, shall refuse to accept the same, or shall not be able to make out a good Title to the Premises to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Three or more of them, to order the said Sum or Sums of Money, so awarded as aforesaid, to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the 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 of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise as to the Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order the Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for

Directions in Cases of not making out Titles.

[Local.]

to R

whose

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.

Respecting  
disputed  
Titles.

XXI. Provided always, and be it further enacted, That when any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance of the said recited Act or this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments purchased in pursuance of the said recited Act or this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court  
of Chancery  
may order  
reasonable  
Expences of  
Purchases to  
be paid by  
Trustees.

XXII. Provided also, and be it further enacted, That when 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 the said recited Act or this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance of the said recited Act or this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said Act or 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 Three or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Notice to be  
given to the  
Owners and  
Occupiers of  
Lands, before  
Materials are  
taken for re-  
pairing the  
Road.

XXIII. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or other Person or Persons, under the Authority of the said recited Act or this Act, to dig, gather, get, take, or carry away any Materials for repairing the said Roads, or any Part thereof, out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Surveyor or Surveyors for the Time being 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 Two or more Justices of the Peace acting for the said Counties of *Buckingham* and *Northampton*, or either of them (as the Case may be), to shew cause why such Materials shall not be had from such Lands or Grounds; and in case

such Owners and Occupiers, or any of them, or their or his Agent or Agents, shall not attend, or shall attend in pursuance to such Notice, but shall not shew sufficient Cause to the contrary, then and in either of the said Cases the said Justices shall or may authorize 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 Justices shall seem proper; and if such Owner or Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier had attended; any Thing in the said recited Act contained to the contrary hereof notwithstanding.

XXIV. Provided always, and be it further enacted, That such Surveyor or Surveyors, or other Person or Persons as aforesaid, shall make or tender Satisfaction for the Materials so taken away, and for the Damages done thereby, to the Owners and Occupiers of such Lands, Fields, or 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 Roads shall be carried, according to their respective Rights and Interests in such Lands, Fields, or Grounds, as the said Trustees shall judge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons employed as aforesaid, and the said Owners or Occupiers respectively, or any of them, concerning such Damages, it shall be lawful for any Two or more Justices of the Peace for the County, City, or Place where or from whence such Materials shall be so cut, dug, gathered, taken, and carried away, on Application made to them for that Purpose, and Ten Day's 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 such Payment and Damages; and the Judgment or Order of the said Justices therein shall be final and conclusive to and upon all Parties.

Satisfaction  
for Materials  
and Damages.

XXV. And be it further enacted, That in case any Person or Persons shall at any Time during the Continuance of this Act take or carry away any Sand or Soil from off any Part of the said Roads, without Leave in Writing of the Surveyor for the Time being for that Purpose first had and obtained, all and every Person and Persons so offending, and being thereof convicted by Confession of the Party, or on Oath of One credible Witness, before Three or more of the said Trustees, or before One or more Justice or Justices of the Peace of the County wherein such Part of the said Roads shall lie or be, shall for every such Offence forfeit and pay unto the said Trustees any Sum not exceeding the Sum of Twenty Shillings to be levied as aforesaid.

Penalty on  
Persons tak-  
ing Sand, &c.  
from off the  
Roads.

XXVI. And be it further enacted, That all Gates to be hereafter made and placed in any Hedge or other Fence of any Field, Ground, Yard, or other Place adjoining to any Part of the said Roads, shall be so made, hung, and constructed as to open inward towards such Field, Ground, Yard or other Place, and not outwards towards the said Roads; and in case any Person shall hang or construct any Gate or Gates contrary to the Directions of this Act, or shall after the same shall have been hung so as to open inward towards such Field, Ground, Yard or other Place as aforesaid, again alter the same so as to open outward towards the said Roads, every such Person or Persons shall

Gates to  
Fields to open  
inward.

shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Five Pounds; and that it shall be lawful for the said Trustees or any Three or more of them to cause all or any such Gates as are now erected and open outward towards the said Roads to be altered and made to open inward towards such Field, Ground, Yard, or other Place, as they the said Trustees shall think proper.

Penalties on  
Persons riding  
or driving  
Cattle upon  
Footpaths or  
Causeways.

XXVII. And be it further enacted, That if any Person or Persons shall ride upon any Footpath or Causeway, or other Way or Ways made or to be made upon or by the Side of any of the said Roads for the Use of Foot Passengers, or shall lead or drive any Horse or Horses, or other Cattle, Beasts, or Swine, or any Carriage, or shall wheel any Barrow upon any such Footpath or Causeway, or shall cause any Injury or Damage to be done to the same, or shall wilfully pull up, remove, injure, or damage any Post, Rail, Stone, or Fence, which shall be put up for the Protection or Security of such Footpath or Causeway, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; which said Penalties shall be levied and recovered in Manner directed by the said recited Act, and shall be applied towards repairing of the said Roads, and to and for no other Use or Purpose whatsoever.

Statute  
Work.

XXVIII. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; 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 *Northampton*, and they are hereby empowered and required, (upon Application made to them for that Purpose 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 Roads by the Inhabitants of the respective Parishes or Places in which the said Roads lie, 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; 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 such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in force and effect for the Repair of the Public Highways; and out of such Lists such 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 Roads as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times  
(not

(not being Haytime or Harvest), and on such Parts of the said Roads, 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 Lists 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 Surveyor or Surveyors of any such Parish, Township, or Place, to be by him or them paid to the said Trustees or their Treasurer at such Time or Times as the said Justices shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited 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, signed by the Surveyor or Surveyors 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 Public 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 Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is 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 shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; 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 Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

XXIX. 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 Politic or Corporate, for the 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 Roads are situate, for a certain Sum of Money, by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads; 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 to the said Trustees in advance, on or before the Twenty-ninth Day of *September* in each and every Year, or otherwise the Inhabitants or Occupiers of such Parish or Place shall not be permitted to compound for that Year.

[Local.]

to S

XXX. And

For com-  
pounding  
for Statute  
Work.

For securing  
transient  
Offenders.

XXX. And whereas Offences may be committed against this and the said Act by some Person or Persons unknown to the Collectors, Surveyors, or other Officers employed by the said Trustees; be it therefore further enacted, That it shall be lawful for any One or more of the said Trustees, or their Clerk or Clerks, Collector or Collectors, Surveyor or Surveyors, or other Officer or Officers respectively, or such other 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 who shall refuse to tell his or her Christian and Surname to any Person or Persons who shall demand the same, or who shall in answer to such Demand give a false Name or Names, and take him, her, or them before any Justice of the Peace for the County in which such Offence or Offences shall be committed, in order to his, her, or their Conviction, and such Justice is hereby authorized and required to hear and determine the Matter of the Complaint in a summary Way.

For paying  
Expences of  
the Act.

XXXI. And be it further enacted, That out of the Monies already received by virtue of the said Act of the Thirty-seventh Year of the Reign of His present Majesty, or out of the Monies which shall be raised or received by virtue of this Act, the said Trustees or any Three or more of them shall in the first place pay, reimburse and discharge all the Costs, Charges, and Expences incident to and attending the obtaining and passing the present Act in preference to all other Payments and Disbursements whatsoever; and the Remainder of such Monies shall from Time to Time be applied in repairing, improving, and rendering commodious the said Roads, and repaying the principal Money by this Act and the said recited Act of the Thirty-seventh Year of the Reign of His present Majesty borrowed or to be borrowed, and the Interest due and to become due thereon, and putting this Act into Execution in all other respects.

Public Act.

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

Term and  
Continuance  
of the Act.

XXXIII. And be it further enacted, That the Term granted by the said Act of the Thirty-seventh Year of the Reign of His present Majesty, and all and every other Term and Terms in any ways relating to or concerning the said Roads, shall on the passing of this Act cease and determine, and the said Act of the Thirty-seventh Year of the Reign of His present Majesty (subject to the Alterations, Additions, and Amendments herein-before contained) and this Act shall from thenceforth commence, continue, and be in force, and be executed 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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