ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

Cap. 102.

An Act for more effectually repairing and improving the Road leading from the West End of the Town of *Beaconsfield*, in the County of *Buckingham*, to within Half a Mile of the River *Colne*, near *Uxbridge*, in the County of *Middlesex*.

[3d *July* 1806.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty King *George* the First, intituled, *An Act for repairing the Road from* Wendover *to the Town of* Buckingham, *in the County of* Bucks: And whereas an Act was passed in the Fifteenth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for continuing and making more effectual an Act, made in the Seventh Year of the Reign of His late Majesty King* George *the First, intituled,* '*An Act for repairing the Road from* Wendover *to the Town of* Buckingham, *in the County of* Bucks, *and for building a Bridge at* Pidbury, *and making it a County Bridge:*' And whereas an Act was passed in the Twenty-fourth Year of the Reign of His said late Majesty King *George* the Second, intituled, *An Act for enlarging the Term and Powers granted by Two Acts of Parliament, for repairing the Road from* Wendover *to the Town of* Buckingham, *in the County of* Bucks, *and also for repairing and widening the Road leading from the West End of the said Town of* Wendover *to the End of a Lane called* Oak Lane, *next the great Road called the* Oxford Road, *lying*

7 G. 1. c. 24

15 G. 2. c. 5.

24 G. 2. c. 32.

lying between the Town of Beaconsfield, *in the said County of* Bucks, *and* Uxbridge, *in the County of* Middlesex, *and that Part of the said great Road which leads from the West End of the said Town of* Beaconsfield *to the River* Colne, *near* Uxbridge *aforesaid*: And whereas an Act was passed in the Nineteenth Year of the Reign of His present Majesty King *George* the
19 G. 3. c. 83. Third, intituled, *An Act for enlarging the Terms and Powers of Three Acts, passed in the Seventh Year of the Reign of King* George *the First, and in the Fifteenth and Twenty-fourth Years of the Reign of King* George *the Second, for repairing the Road from* Wendover *to the Town of* Buckingham, *and other Roads in the County of* Buckingham, *so far as the same relate to the Road from the West End of the Town of* Beaconsfield, *to within Half a Mile of the River* Colne, *near* Uxbridge, *in the County of* Middlesex, whereby the said several Acts, passed in the Seventh Year of King *George* the First, and the Fifteenth and Twenty-fourth Years of the Reign of His late Majesty King *George* the Second, so far as the same relate to the said Road leading from the West End of the said Town of *Beaconsfield*, to within Half a Mile of the said River *Colne*, were to continue in force for and during the Term thereby granted: And whereas the Trustees appointed in or by virtue of the said Acts, have proceeded in the Execution of the Powers and Authorities thereby vested in them, and have for that Purpose borrowed several considerable Sums of Money on the Credit of the Tolls authorized to be taken on the said Road, leading from the West End of the said Town of *Beaconsfield*, to within Half a Mile of the said River *Colne*, which still remain due and owing: And whereas the Money so due cannot be paid off, nor can the said last-mentioned Road be kept in Repair and properly improved, unless the Term of the said Acts, with respect to the said last-mentioned Road, is continued; and the Powers and Provisions of the said Acts having been found, in many Respects, defective and insufficient, it is expedient that the said Acts, so far as the same relate to the said Road leading from the West End of the said Town of *Beaconsfield*, to within Half a Mile of the said River *Colne*, should be repealed, and further and other Powers granted instead thereof; 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, from and after the First *Monday* next after the passing of this Act, the said Act passed in the Seventh Year of the Reign of His said late Majesty King *George* the First, the said Acts passed in the Fifteenth and Twenty-fourth Years of the Reign of His said late Majesty King *George* the Second, and the said Act passed in the Nineteenth Year of the Reign of His present Majesty King *George* the Third, so far only as they relate to or concern the said Road leading from the West End of the said Town of *Beaconsfield*, to within Half a Mile of the said River *Colne*, shall be, and the same are hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever; and this Act, and the Term and Tolls hereby granted, shall be, and are hereby made subject and liable to the Payment of all Monies which have been borrowed, or are now due and owing on the Credit of the Tolls authorized to be taken by the said recited Acts, or either of them, on the said last-mentioned Road, and of all Interest due and to grow due thereon respectively, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed, or become due and owing on the Credit or on Account of this Act.

Former Acts repealed as to the First District, and this Act to take place instead thereof.

II. And

Trustees.

II. And be it further enacted, That the Most Honourable *William Henry Cavendish Scott Bentinck* commonly called *Marquis of Titchfield*, the Right Honourable *Richard Grenville Nugent Chandos Temple* commonly called *Earl Temple*, the Right Honourable *George Augustus Henry Cavendish* commonly called *Lord George Augustus Henry Cavendish*, the Right Honourable *John Hamilton Fitzmaurice* commonly called *Lord Viscount Kirkwall*, the Honourable *George Irby*, Sir *John Dashwood King* Baronet, Sir *Francis Baring* Baronet, Sir *Robert Bateson Harvey* Baronet, Sir *Henry Thomas Cott*, Sir *George Young* Knight, the Reverend the Archdeacon of *Bucks*, *Henry Allnutt*, *Henry Alnutt* the younger, *Benjamin Anderson* Clerk, *John Bates*, *Joseph Bell*, *William Ball*, *Thomas Stanhope Badcock*, *John Charsley*, *John Carter*, *Charles Clark*, *Richard Calvert*, *John Henry Campbell*, *Robert Charsley*, *Robert Crook*, *William Davis*, *William Drake*, *James Dupré*, *John Drake* Clerk, *Thomas Drake*, *Tyrwhit Drake*, *Thomas Edmunds*, *William East*, *Samuel Ferris* Doctor of Physick, *William Frogat*, *Thomas Foster*, *Edmund Grove*, *Pascoe Grenfell*, *Thomas Grove*, *John Hollis*, *Thomas Hibbert*, *Christopher Hill*, *Richard Ibbotson*, *William Jones* Clerk, *Isaac King*, *Robert Lunnon*, *John Lawrence*, *Thomas Ludbey*, *William Lowndes*, *Richard Lansdale*, *Francis Sackville Lloyd*, *Samuel Manning*, *John Manning* Clerk, *John Middleton* Clerk, *John Mason*, *Francis Peter Mallet*, *Thomas Mason*, *William Moore*, *Peter Parker*, *James Price* Clerk, *John Penn*, *Robert Quarme*, *Thomas Rolfe*, *Thomas Rose*, *Freeman Gage Spicer*, *Thomas Drake Tyrwhit*, *Samuel Wells*, *Benjamin Way*, *Harry Waller* Clerk, *Edmund Waller*, *Joseph Wells* Clerk, Doctor in Divinity, *William Way* Clerk, *Owen Williams*, *Thomas Wilkinson*, *Benjamin Way* the younger, and their Successors, to be elected in Manner herein-after mentioned, shall be, and they are hereby appointed Trustees for repairing, widening, improving, and keeping in Repair the said Road leading from the West End of the said Town of *Beaconsfield*, to within Half a Mile of the said River *Colne*, and for otherwise putting this Act in Execution.

Power to choose new Trustees.

III. And be it further enacted, That in case any of the Trustees named in or to be appointed by virtue of this Act, shall die or refuse to act, it shall be lawful for any Five or more of the surviving or remaining Trustees, by Writing under their Hands (at any Meeting whereof at least Seven Days Notice shall have been given upon all the Toll Gates erected or to be erected on the said Road hereby intended to be repaired, and in some Newspaper circulated in the Neighbourhood of the said Road, specifying that an Appointment of new Trustees is intended to be made at such Meeting) to nominate and appoint some other Person to be a Trustee in the Room of such Trustee so dying or refusing to act as aforesaid; and every Person so nominated and appointed (being qualified as by this Act is required) shall have the like Power and Authority to act as a Trustee in the Execution of this Act, as the Person had in whose Stead he shall be appointed.

Qualification of Trustees.

IV. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall in his own Right, or in the Right of his Wife, be in the actual Possession or Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments in the County of *Buckingham*, of the clear yearly Value of One hundred Pounds: And if any Person hereby deemed incapable to act shall presume to act in the Execution of this Act, every such Person shall, for

Penalty on acting if not qualified.

every such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall inform or sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* or elsewhere, by Action of Debt or on the Case, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act; and no Trustee shall be capable of acting in the Execution of any of the Powers hereby granted, during the Time in which he shall hold any Place of Profit under this Act, or in any Case where he shall be personally interested; nor shall any Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Trustee, be capable of holding any Place of Profit under this Act.

No interested Trustee to act, nor any Victualler or menial Servant of a Trustee to hold Place of Profit.

Validating Acts of unqualified Trustees before Conviction.

V. Provided always, and be it further enacted, That all Acts which shall have been done by any such Person touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Trustees may sue, &c. in the Name of the Treasurer or Clerk.

VI. And be it further enacted, That the said Trustees may sue and be sued, for or concerning any Thing to be done by virtue or in pursuance of this Act, in the Name of their Treasurer or Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees, by virtue of this Act, in the Name of their Treasurer or Clerk, shall abate or be discontinued by the Death or Removal of any such Treasurer or Clerk, nor by the Act of such Treasurer or Clerk, without the Consent of the said Trustees, or any Five or more of them, at a Meeting held in pursuance of this Act; but that the Treasurer or Clerk for the Time being to the said Trustees shall be deemed to be the Plaintiff or Defendant, as the Case may be, in every such Action: Provided always, that every such Treasurer or Clerk, in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall be fully indemnified, reimbursed, and paid, out of the Monies to arise by virtue of this Act, all such Costs, Damages, and Expences, as by the Event or in consequence of any such Action or Proceedings he shall pay, bear, expend, or be put unto, or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid.

Treasurer or Clerk to be reimbursed Expences.

Trustee First Meeting.

VII. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet at the *Saracen's Head Inn*, or some other House in *Beaconsfield* aforesaid, on the *Tuesday* Sevennight next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven of the Clock in the Forenoon and One of the Clock in the Afternoon, and shall then and there proceed to the Execution of this Act, and adjourn themselves from Time to Time, and afterwards meet there or at any other Place on or near the said Road, as the said Trustees, or any Five or more of them, shall think proper and appoint, as often as it shall be necessary for putting this Act in Execution: Provided always, that Two Trustees shall be sufficient for the Purpose of Adjournment only; and that in case a competent Number of Trustees shall not appear at any

Power to adjourn.

Time

Time and Place appointed for a Meeting of the Truſtees for putting this Act in Execution, either to act or to adjourn to any other Time, or in caſe the Truſtees at any Time aſſembled ſhall omit or neglect to adjourn themſelves, then and in either of the ſaid Caſes, it ſhall be lawful for the Clerk or Treaſurer to the ſaid Truſtees for the Time being, by a Notice in Writing to be affixed on all the Turnpikes or Toll Gates erected upon the ſaid Road, or inſerted in ſome Newſpaper circulating in the Neighbourhood of the ſaid Road, at leaſt Seven Days before the next Meeting, to appoint them to meet at the ſame Place where the laſt Meeting was held or was appointed to have been held, on ſuch future Day as ſhall be ſpecified in ſuch Notice, not exceeding Four Weeks after the Day on which ſuch laſt Meeting was held or was to have been held as aforeſaid; and in caſe ſuch Clerk or Treaſurer reſpectively ſhall refuſe or neglect to give Notice, or ſhall by any Means be prevented from giving Notice as aforeſaid, it ſhall be lawful for any Three of the ſaid Truſtees, although not aſſembled at a Meeting, at any Time or Times after ſuch Refuſal, Neglect, or Prevention reſpectively as aforeſaid, by Notice in Writing under their Hands, to be affixed or inſerted in Manner aforeſaid, to appoint the Truſtees to meet at ſome Houſe on or near to the ſaid Road, upon ſome Day within Four Weeks next after the Date of ſuch laſt-mentioned Notice.

Meetings on Emergencies.

VIII. And be it further enacted, That if after any Adjournment of the ſaid Truſtees, it ſhall be thought neceſſary that they ſhould meet at an earlier Day than the Day appointed by ſuch Adjournment, in that Caſe the Clerk to the ſaid Truſtees, upon an Order in Writing ſigned by Three 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 ſuch Order (ſuch Time not being leſs than Seven Days after ſuch Notice) and ſuch earlier Meeting ſhall and may be held accordingly; and the Proceedings of the Truſtees at all ſuch Meetings as aforeſaid, ſhall be as valid and effectual as they would have been in caſe ſuch Meetings had been held in purſuance of Adjournments; and all Orders and Determinations of the ſaid Truſtees ſhall be made at Meetings to be held in purſuance of this Act, and not otherwiſe (except as herein mentioned); and no Order or Determination ſhall be made, unleſs the major Part of the Truſtees preſent at any Meeting ſhall concur therein; and all ſuch Truſtees as are Juſtices of the Peace may act as Juſtices in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſes where they ſhall be perſonally intereſted.

Truſtees being Juſtices may act as ſuch.

How Orders of Truſtees to be revoked.

IX. Provided always, and be it further enacted, That no Order made by any Five or more of the ſaid Truſtees ſhall be revoked or altered, unleſs Five Truſtees at leaſt be then preſent, and Three or more of them ſhall concur therein.

Proceedings to be entered in a Book.

X. And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſuch Orders and Proceedings ſo entered ſhall be ſigned by the Truſtees making the ſame, or the major Part of them, or by their Clerk by their Order, which ſaid Book or Books, and alſo the Books herein-after directed to be kept for regiſtering Mortgages and Aſſignments

of Tolls, or Transcripts thereof, signed by the Clerk to the said Trustees, shall and may be read in Evidence in Cases of Appeal, and in all Suits or Actions touching any Thing done or to be done in pursuance of this Act.

Trustees to appoint Officers.

XI. And be it further enacted, That the said Trustees, or any Five or more of them, at their First or any subsequent Meeting, as Occasion shall require, may, by Writing under their Hands, elect and appoint a Clerk or Clerks, and a Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of such Money as shall be due and payable by virtue of this Act, and also a Surveyor or Surveyors, and all such other Officers as they the said Trustees, or any Five or more of them, shall think necessary and proper to be employed in the Execution of this Act, and also may remove from Time to Time all such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they the said Trustees, or any Five or more of them, shall see Occasion; and the said Trustees, or any Five or more of them, shall and may, out of the Money to be raised or received by virtue of this Act, make such Allowance unto the Clerks, Treasurers, Receivers, Collectors, Surveyors, or other Officers so appointed, and to such other Persons as shall be assisting in and about the Execution of this Act, as to them the said Trustees, or any Five or more of them, shall seem proper; and every Officer and Person who

Officers to account,

shall be appointed as aforesaid, shall from Time to Time, when thereunto required by the said Trustees, or any Five or more of them, by Writing under their Hands, make out and deliver to such Trustees, or to such Person or Persons as they, or any Five or more of them, shall for that Purpose appoint, a true and perfect Account in Writing under his or her Hand, of all Monies which shall have been by him or her had, collected, or received, and how and to whom, and for what Purpose the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payments, and shall verify such Account upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oath the said Trustees, or any One of them, are or is hereby empowered to administer); and every such Officer or Person shall and is hereby required to pay all such Monies, as upon the Balance of such Account shall appear to be owing from him or her, to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to

or be punished.

receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof upon Oath, or to pay the Balance thereof when thereunto required in Manner aforesaid; or shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint, within Seven Days after being thereunto required by the said Trustees, or any Five or more of them, or by such other Person or Persons, all Books, Papers, and Writings in his or her Custody or Power, relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Trustees, or any Five or more of them, or by any Person or Persons on their Behalf, of any such Neglect or Refusal, to any Justice of the Peace for the County or Place where the Officer or Person so neglecting or refusing shall live or reside, such Justice may, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing or not being

being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Trustees, or any Five or more of them, might have done; and if, upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been collected or received, shall be in the Hands of, or owing from such Officer or Person, such Justice may, and he is hereby authorized and empowered, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before the said Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, or to verify the same on Oath as aforesaid, if so required by the said Justice, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up as aforesaid all such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid, the said Justice may, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction of the County or Place where he or she shall live or reside, there to remain, without Bail or Mainprize, until he or she shall have delivered in and settled such Account, and have verified the same upon Oath as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Trustees, or any Five or more of them, for such Money and Charges, and paid the Composition Money to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees, or any Five or more of them, are hereby empowered to make) and shall have delivered up as aforesaid such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees, or any Five or more of them: Provided always, that no Person who shall be committed for want of sufficient Distress, shall be detained in Prison for any longer Time than Six Calendar Months.

Old Officers to continue until new Ones are appointed.

XII. And be it enacted, That each and every Treasurer, Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers, nominated and appointed under or by virtue of the said recited Acts or either of them, shall hold and enjoy their several and respective Offices and Employments until he or they shall be removed therefrom respectively by the said Trustees; and each and every such Treasurer, Clerk, Collector, and other Officer and Officers, shall have the like Powers and Authorities for carrying this Act into Execution, and shall be subject and liable to the like Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations, in all Respects whatsoever, as if he and they had been nominated and appointed by virtue of this Act.

XIII. And

Treasurer to give Security.

XIII. And be it further enacted, That the said Trustees, or any Five or more of them, are hereby authorized, directed, and required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his and their said Office and Offices, as the said Trustees, or any Five or more of them, shall seem meet.

Persons who have received Tolls, &c under the former Acts to account.

XIV. Provided always, and be it further enacted, That every Person who shall have been employed to receive, or who shall have received any Tolls or other Monies by virtue or on Account of the said recited Acts, or shall have in his or her Custody or Possession, any Vouchers, Books, Accounts, Papers, Writings, or other Things relating to the said Road hereby intended to be repaired, shall account for and deliver the same, and every Part thereof, to the said Trustees, or any Five or more of them, in the like Manner and under the like Penalties as any other Officer or Person is herein-before directed to account and deliver.

Trustees may appoint temporary Collectors.

XV. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls by this Act granted, shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, any Two or more of the said Trustees (though not assembled at a Meeting of the said Trustees appointed by virtue of this Act) may discharge such Collector or Receiver so neglecting or being incapable of performing his Duty, or absconding or absenting himself; and in such Case, and also in case any such Collector or Receiver shall die, the said Trustees, or any Two or more of them, shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the next Meeting of the said Trustees, in the Stead of such Collector or Receiver who 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 would have been subject to; and 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 Representative or Representatives of any Collector or Receiver who shall die or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll Gate or Toll House, or any of the Appurtenances thereof, for the Space of Seven Days after Demand thereof made, and Notice in Writing given for that Purpose by any Two or more of the said Trustees (although not assembled at any Meeting) or by their Clerk or Treasurer for the Time being, then and in any of the said Cases, it shall be lawful for any Justice or Justices of the Peace for the said County of *Buckingham*, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House and Appurtenances in the Day-time, and to remove the Person or Persons who shall be found therein, or in Possession of the said Gate, together with his, her, or their Goods, out of and from the same, and to put the said Trustees, or any of them, or such new appointed Collector or Receiver, into the Possession of such Toll House, Appurtenances, and Gate.

Power to continue and erect Toll Gates, &c.

XVI. And be it further enacted, That the said Trustees, or any Five or more of them, shall or may, as they shall think proper, continue or remove all

all or any of the Toll Gates erected by virtue of the said recited Acts, and may erect and set up, or cause to be erected and set up, any other Toll Gate or Gates, Bar or Bars, Chain or Chains, in, upon, or across any Part or Parts of the said Road leading from the West End of the said Town of *Beaconsfield*, to within Half a Mile of the River *Colne*, and upon the Sides thereof, and also across any Lane or Way leading into or out of the same; and may also continue, erect, or provide a Toll House, with suitable Outbuildings and Conveniencies, at or near each Toll Gate, and may from Time to Time afterwards remove, alter, or discontinue such Toll Gates or Toll Houses, or any of them, as they the said Trustees, or any Five or more of them, shall think expedient; and also may take in and inclose from the said Road convenient Garden Spots for the said Toll Houses respectively, not exceeding One Eighth Part of an Acre to each Toll House: Provided always, and it is hereby declared and enacted, that no Gate or Turnpike shall be erected nearer to the said Town of *Uxbridge*, than the West Corner of the Lane called *Oak Lane*, next to the said Road called *The Oxford Road*.

Tolls to be taken.

XVII. And be it further enacted, That the respective Sums following shall (under the Provisions and Restrictions herein-after contained) be demanded and taken at each and every of such Toll Gates, from the Owner or Owners of, or Person or Persons using or attending any Horse, Beast, Cattle, or Carriage, by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time authorize or appoint for that Purpose, before any such Horse, Beast, Cattle, or Carriage, shall be permitted to pass through the same; that is to say,

Tolls.

For every Horse, Mare, or Gelding drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, or Hearse, or drawing any Waggon, Wain, Cart, or other Carriage, the Sum of Three-pence:

For every Horse, Mare, Gelding, Mule, or Ass, not drawing, the Sum of One Penny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence *per* Score; and so in proportion for any greater or less Number: And,

For every Drove of Hogs, Sheep, or Lambs, the Sum of Five-pence *per* Score; and so in proportion for any greater or less Number.

Half Toll for Sixteen Inch Rolls.

Provided always, that no more than One Half of the said Tolls shall be paid in respect of Waggons, Wains, or Carts, having the Fellies of the Wheels thereof of the Breadth of Nine Inches, and rolling a Surface of Sixteen Inches on each Side thereof, or moving on Rollers with flat Surfaces of the Breadth of Sixteen Inches on each Side thereof; which said respective Sums of Money, hereby authorized to be taken as aforesaid, shall be demanded and taken in the Name of, or as Tolls, and shall be and are hereby vested in the said Trustees, and shall be applied as herein-after is directed; and if any Person, subject or liable to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part or Parts thereof, it shall be lawful for the Person or Persons authorized and appointed as aforesaid to collect such Tolls by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain any Cattle or other Thing, upon or in respect of which such Toll is hereby imposed, together with their respective Bridles, Saddles, Gears, Harness, or Accoutrements, or any

Manner of Recovery of Tolls.

Carriage in respect of the Horses or Cattle drawing the Carriage on which such Toll is imposed, or any of the Goods or Chattels of the Person or Persons so neglecting or refusing; and if the Toll, or any Part thereof, so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Five Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining may sell the Cattle, Carriage, or Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any) and what shall remain unsold, upon Demand, to the Owner thereof, after such Toll, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

Disputes concerning Tolls how to be settled.

XVIII. Provided always, and be it further enacted, That if any Dispute shall happen about the Amount of Toll due, or the Charges of Keeping any Distress, it shall be lawful for the Collector or Person distraining to retain the same, or the Money arising from the Sale thereof (as the Case may happen) until the Amount of Toll due, and Charges of seizing, distraining, keeping, and selling (as the Case shall happen) shall be ascertained by One or more Justice or Justices of the Peace for the County of *Buckingham*, who, upon Application made to him or them for that Purpose, shall examine the said Matter on Oath of the Parties, or other Witness or Witnesses, and determine the Amount of the Toll due, and also assess the Charges of such Seizure, Distress, Keeping, and Sale, and also of the Collector's Attendance for that Purpose on the said Justice or Justices; all which Sums so determined or assessed, shall be paid to the said Collector or other Person, before he shall be obliged to return the Distress, or the Overplus after the Sale thereof, or of any Part thereof.

Collectors of Tolls competent Witnesses.

XIX. 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 appointed to collect such Tolls, or by reason of his, her, or their acting under the Authority of the said Trustees.

Trustees may let the Tolls.

XX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them (at any Meeting whereof Seven Days Notice shall have been given in Writing, to be affixed upon all the Toll Gates then erected on the said Road, and inserted in some Newspaper circulated in the Neighbourhood of the said Road) from Time to Time, by Writing under their Hands, to demise or let to farm, or agree to demise or let to farm, all or any of the Tolls arising by virtue of this Act, for any Term not exceeding Three Years, upon publick Bidding to the highest Bidder, and for the best Price that can be gotten for the same, payable at such Times, and to such Person or Persons, and under such Conditions and Agreements, and with such Sureties for the Payment thereof, as the said Trustees, or any Five or more of them, shall think fit; and the Money arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied; any Thing in any Law or Statute to the contrary thereof notwithstanding.

[XXI. And

Power to vary the Tolls.

XXI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any Meeting to be holden for that Purpose (whereof Seven Days Notice at the least shall be given in Writing, to be affixed on all the Toll Gates erected on the said Road) from Time to Time (in case it shall appear requisite or expedient) to lessen and reduce, and again to raise and advance the Tolls hereby authorized to be taken, or any of them, and to order the same to be taken in such Manner, Parts, and Proportions as they shall think fit, so that the respective Tolls so varied or altered never exceed the Tolls by this Act authorized to be taken, and so that the Tolls so granted or varied be never lessened until the Money so borrowed or secured on the Credit thereof, together with the Interest for the same, be repaid (except the Person or Persons entitled to Four-fifth Parts of such Money consent thereto), and such Tolls or Duties so varied, and every of them, shall be collected, recovered, and applied, in the same Manner as the Tolls hereby authorized to be taken, are directed to be collected, recovered, and applied.

Tolls to be paid but Once a Day.

XXII. And be it further enacted, That if any Person shall have paid the Toll by this Act granted for the passing of any Horse, Beast, or Cattle, through any Gate or Turnpike erected or to be erected on the said Road, such Person, upon producing a Note or Ticket denoting the Payment of such Toll, shall be permitted to pass through the same Gate or Turnpike with the same Horses, Beasts, or Cattle, Toll-free, at any Time or Times during the same Day, to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next succeeding Night, which Note or Ticket the Collector of the Toll is hereby required to deliver *gratis* on Receipt of such Toll.

Enabling the Trustees to take Possession of Toll Houses, &c. when let to farm.

XXIII. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act, shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear by the Space of Fourteen Days next after any of the Days on which the same ought to be paid, pursuant to the Agreement for demising or letting thereof, then and in either of those Cases the said Trustees, or any Five or more of them, or their Clerk or Treasurer, or any other Person authorized by Writing under the Hands of any Five or more of them, shall be at Liberty, and they are hereby authorized to enter upon and take Possession of any Toll House or Toll Houses, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively, from the Possession thereof, and from the Collection of such Tolls; and that thereupon it shall be lawful for the said Trustees, or any Five or more of them (if they shall think fit), to vacate and determine the Contract or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes (save as to the Covenants or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Covenants or Agreements on the Lessees Part) as if such Demise or Agreement had never been made; and it shall be lawful for the said Trustees, or any Five or more of them, in every such Case, to demise

or

or set forth the said Tolls again to any other Person or Persons, or cause them to be collected, as if no former Demise, Contract, or Agreement had been made relative thereto.

Trustees may compound for Tolls.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to compound and agree by the Year, or otherwise, with any Person (Common Carriers and the Proprietors of Stage Coaches only excepted) for any Sum or Sums of Money the said Trustees, or any Five or more of them, shall think fit, for and in Lieu of Payment of any of the said Tolls; which Composition shall be immediately paid to the said Trustees, or to such Person or Persons as they, or any Five or more of them, shall appoint, and be applied in the same Manner as the Tolls so compounded for would have been applicable.

General Exemptions from Tolls.

XXV. And be it further enacted, That none of the Tolls hereby authorized to be taken shall be demanded, taken, or paid at any of the Toll Gates erected or to be erected or continued upon the said Road, for any Horses, Cattle, or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom; nor for the Horses belonging to any Officers or Soldiers on their March or on Duty, nor for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers; nor from any Rector, Vicar, or Curate going to or returning from his own Parish Church or other Place of Divine Worship, or visiting his sick Parishioners, nor from any Person or Persons going to or returning from his, her, or their Parochial Church, Chapel, or other usual Place of religious Worship on *Sundays*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated, or attending the Funeral of any Person or Persons who shall die or be buried in any Parish, Hamlet, or Place through which any Part of the said Roads lies; nor for any Horses, Beasts, Cattle, or Carriages used or employed for the Purpose only of carrying or conveying Persons to or from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Buckingham*; or of carrying or conveying Vagrants sent by legal Passes; or of carrying or conveying Hay, Straw, or Corn in the Straw, not sold or disposed of; or of carrying or conveying any Muck, Mould, Lime, or Compost to be used only for manuring of Land lying in any such Parish, Hamlet, or Place as aforesaid, or returning empty after having been so employed; nor for any Horses, Beasts, or Cattle passing in order to be used or employed only upon or for the Occupation of Land in any such Parish, Hamlet, or Place, or drawing any Waggon, Cart, Plough, Harrow, or other Implement of Husbandry in order to be so used or employed, or to be repaired, unless the Carriage bearing any such Plough, Harrow, or other Implement of Husbandry, be also laden with any other Thing not hereby intended to be exempted from Payment of Tolls; nor for any Horse, Beast, or Cattle passing to or repassing from Pasture or over any such Land as last mentioned, or passing to or repassing from the and for either of those Purposes going or passing only from one Parish the next adjoining Parish, or not travelling more than Two Miles along the said Road; nor for any Horse, Beast, or other Cattle when going

going to or returning from being ſhoed or farried; nor for any Horſe, Beaſt, or Cattle, uſed or employed for the Purpoſe only of carrying or conveying Materials for the making or repairing any Highway or publick Road within any ſuch Pariſh, Hamlet, or Place as aforeſaid; nor for any Horſe, Beaſt, Cattle, or Carriage which ſhall croſs the ſaid Roads only, or ſhall not paſs more than One hundred Yards thereon; nor for any Horſe, Mare, or Gelding, furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place appointed for Exerciſe, Inſpection, or Review, provided that ſuch Perſon is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements, according to the Regulation appointed for ſuch Corps, at the Time of claiming the Exemption; and if any Perſon ſhall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; and in all Caſes, the Proof of Exemption ſhall lie upon the Perſon claiming the ſame.

Penalty on Evaſion of Tolls.

XXVI. And be it further enacted, That if any Perſon or Perſons ſhall ride, drive, go, or paſs with any Horſe, Beaſt, Cattle, or Carriage, through or over any Land, Ground, or Place, lying by the Side of or near to any Part of the ſaid Road, or if any Perſon or Perſons owning or occupying any Land, Ground, or Place ſituated as aforeſaid (the ſame not being a publick Highway, or a Road to or from ſome Mill) ſhall knowingly or wilfully permit or ſuffer any other Perſon or Perſons to go or paſs with any Horſe, Beaſt, Cattle, or Carriage through or over ſuch Land, Ground, or Place, in order or with Intent thereby to evade the Payment of the ſaid Tolls or any Part thereof, or whereby or by Means whereof any ſuch Evaſion ſhall take place or be effected; or if any Perſon or Perſons ſhall forge, counterfeit, or alter, or ſhall deliver to or receive from any other Perſon any Note or Ticket, with Intent to avoid or evade the Payment of the ſaid Tolls or any Part thereof; or ſhall unload or cauſe to be unloaded any Goods or other Thing, or ſhall take off or cauſe to be taken off any Horſe or other Beaſt from any Carriage, either before or after having paſſed through any Toll Gate, or, having paſſed through any Toll Gate, ſhall afterwards add or put any Horſe or Beaſt to any Carriage for the Purpoſe of drawing the ſame upon any Part of the ſaid Road, with Intent to avoid or evade the Payment of any of the ſaid Tolls; or if any Perſon or Perſons ſhall do any other Act in order or with Intent to avoid or evade the Payment of the ſaid Tolls, or any Part thereof, all and every ſuch Perſon and Perſons ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds (over and beſides ſuch Damages and Puniſhments as he, ſhe, or they ſhall otherwiſe be liable to by Law), to be recovered in ſuch Manner as is herein-after provided for the Recovery of Penalties and Forfeitures; One Moiety whereof, when raiſed, ſhall be paid to the Informer, and the other Moiety to the Treaſurer to the ſaid Truſtees, to be applied to the Purpoſes of this Act.

Penalties on Collectors taking greater or leſs Tolls than allowed.

XXVII. And be it further enacted, That if any Farmer, Rentor, or Collector of any of the ſaid Tolls, ſhall demand and take, or cauſe to be demanded and taken, from any Perſon or Perſons, any Toll not hereby authorized to be taken, or a greater or leſs Toll than ſo authorized, ſuch Farmer or Renter ſhall, for every ſuch Offence, forfeit any Sum not

exceeding Ten Pounds, and alſo his Contract for renting the Tolls, if the ſaid Truſtees, or any Five or more of them, ſhall think fit to vacate the ſame; and every ſuch Collector, not being the Farmer or Renter, ſhall for every ſuch Offence forfeit any Sum not exceeding Forty Shillings, ſuch Forfeitures reſpectively to be recovered in Manner herein-after mentioned: Provided always, that if the Juſtice by or before whom the Matter of Complaint ſhall be heard, ſhall be of Opinion that the Offender had probable Grounds for ſuch Demand and taking, it ſhall be lawful for ſuch Juſtice either to mitigate the ſaid reſpective Penalties, or wholly to exonerate the Offender therefrom, as ſuch Juſtice ſhall think fit; any Law or Statute to the contrary notwithſtanding.

Tolls Gates, &c. veſted in Truſtees.

XXVIII. And be it further enacted, That the Right and Property in all the Toll Gates and Toll Houſes, and the ſeveral Conveniencies and Appurtenances thereto belonging, which are already erected or made upon or on the Sides of the ſaid Road, or which ſhall be erected or made by virtue of this Act, and all Materials for building and repairing the ſame, and for repairing the ſaid Road, and all other Materials, Articles, and Things which ſhall be purchaſed, collected, or provided for the Purpoſes of this Act, ſhall be veſted in the ſaid Truſtees, and they, or any Five or more of them, are hereby authorized and empowered to ſell or diſpoſe of the ſame as they ſhall think proper, and to bring or cauſe to be brought any Action or Actions, or to prefer or cauſe to be preferred and proſecuted any Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall ſteal, take away, break down, or damage any of ſuch Toll Gates, Toll Houſes, Conveniencies, Appurtenances, Materials, Articles, or Things, or diſturb them, or their Agents or Servants, in the Poſſeſſion thereof.

For borrowing Money and aſſigning Tolls.

XXIX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, at any Meeting to be holden for that Purpoſe (whereof Seven Days Notice ſhall be given in Writing, to be affixed upon all the Toll Gates then erected upon the ſaid Road) may, and they are hereby empowered, from Time to Time, to borrow and take up at Intereſt, ſuch Sum and Sums of Money as they ſhall think neceſſary, and they are hereby alſo empowered, either at ſuch Meeting, or afterwards, by any Writing or Inſtrument under their Hands and Seals, to mortgage all or any Part of the Tolls hereby granted (the Charges of mortgaging the ſame to be paid out of ſuch Tolls) for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money ſo to be borrowed, to ſuch Perſon or Perſons, or his, her, or their Truſtee or Truſtees, as ſhall advance and lend the ſame; which Mortgage ſhall be made in the following Form of Words, or in any other Form of Words to the like Effect; (that is to ſay),

Form of Mortgage.

'BY virtue of an Act, paſſed in the Forty-ſixth Year of the Reign of His Majeſty King *George* the Third, intituled, [*here inſert the Title of this Act*], we, Five of the Truſtees for putting the ſaid Act in Execution, in Conſideration of the Sum of to the Treaſurer to the ſaid Truſtees in Hand paid, do grant, bargain, ſell, and demiſe unto *A. B.*, his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act, and of the Toll Gates and Toll Houſes for collecting the ſame, as the ſaid Sum of doth or ſhall bear to the Whole of the Monies owing and ſecured on the

'Credit

'Credit thereof; to be had and holden from this Day of
'in the Year of our Lord for
'and during the Continuance of the said Act, unless the said Sum of
' with Interest at the Rate of
'*per Centum per Annum*, shall be sooner paid and satisfied. Given under
'our Hands and Seals this Day of

Mortgages to be entered in a Book.

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; and all and every Person or Persons to whom any such Mortgage or Mortgages shall be made as aforesaid, or who shall be entitled to the Money thereby secured, or to whom any Mortgage or Assignment of Tolls may have been made under the said recited Acts, or any of them, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to the Principal and Interest thereby secured, or any Part thereof, to any Person or Persons whomsoever, by signing before One credible Witness an Instrument in the following Words, or Words to the like Effect; (that is to say),

Form of Transfer.

'I *A. B.* do transfer this Mortgage or Security [*or*, a certain Mortgage or Security, *shortly stating it, as the Case may be*] with all my Right and Title to the Principal Money thereby secured, and all the Interest now due thereon, unto *C. D.*, his Executors, Administrators, and Assigns. Dated this Day of
'Witness *E. F.*' '*A. B.*'

Which Transfer shall be produced and notified to the said Clerk or Treasurer, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, specifying the Date, Names of the Parties, and Amount of the Sum transferred, for which Entry the said Clerk or Treasurer shall be paid the Sum of Five Shillings and no more; and such Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred) to make void, release, or discharge the original Security, or any Monies thereby due, or any Part thereof.

No Priority of Mortgages.

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

Old Mortgages may be cancelled and new ones granted.

XXXI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, if thereunto required, receive in and cancel all or any of the Mortgages made by virtue of the said recited Acts or either of them, and give and execute another Mortgage or other Mortgages in lieu thereof respectively, in Manner and transferrable as herein-before mentioned.

XXXII. And

Application of the Money.

XXXII. And be it further enacted, That out of any Monies already received by virtue of the ſaid recited Acts, or out of the Tolls and all other Monies which ſhall be raiſed or received by virtue of this Act, the ſaid Truſtees, or any Five or more of them, ſhall, in the firſt Place, pay and diſcharge all the Coſts and Expences relative to procuring and paſſing this Act, and then the Remainder of all ſuch Monies ſhall, from Time to Time, be applied in repaying the Money borrowed or now owing by virtue of the ſaid recited Acts or either of them, or to be borrowed in purſuance of this Act, and the Intereſt due and to grow due thereon reſpectively, and in repairing, improving, and rendering commodious the ſaid Road, and in otherwiſe putting this Act in Execution, and to or for no other Uſe or Purpoſe whatſoever.

Surveyors may get Materials in Waſtes, &c. without paying for it;

XXXIII. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors to the ſaid Truſtees, and all ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, gather, take, and carry away any Materials for repairing the ſaid Road, out of any Waſte or Common in or near which any Part of the ſaid Road lies, without paying any Thing for ſuch Materials, the ſaid Surveyor or Surveyors, or other Perſon or Perſons, filling up the Pits or Quarries, levelling the Grounds, or ſloping down the Banks wherefrom ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame ſhall not be dangerous to any Perſons or Cattle, and paying for the Damages done by going through and over any Lands or Grounds for or with ſuch Materials (ſuch Damages to be aſcertained as herein-after mentioned); and alſo that it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, gather, take, and carry away any ſuch Materials, in or out of the Land of any Perſon (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk 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 Damages done to the Owners or Occupiers of ſuch Land where and from whence the ſame ſhall be dug, gathered, and carried away, or over which the ſame or any other Materials for repairing the ſaid Road ſhall be carried, as the ſaid Truſtees, or any Five or more of them, ſhall adjudge reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyors, or other Perſons appointed and employed as aforeſaid, and the Owners and Occupiers of ſuch Land, or any of them, concerning ſuch Payments and Damages as aforeſaid, the Juſtices of the Peace at their next general Quarter Seſſion, or at the Second General Quarter Seſſion at the fartheſt, to be holden for the ſaid County of *Buckingham*, on Eight Days Notice thereof being given in Writing by either Party to the other, ſhall hear, ſettle, and determine the Matter of ſuch Payments and Damages; and the Judgement or Order of the ſaid Juſtices therein, ſhall be final and concluſive to all Parties.

and in private Lands, making Satisfaction.

Notice to be given to the Occupiers of Lands before Materials are to be taken thereſrom.

XXXIV. Provided nevertheleſs, and be it further enacted, That no Surveyor, or any other Perſon or Perſons, under the Authority of this Act, ſhall firſt begin to dig, gather, or carry away any Materials for repairing the ſaid Road, out of or from any incloſed Land, until Notice in Writing, ſigned by the ſaid Surveyor, ſhall have been given to the Owner or his known Agent, or to the Occupier of the Land from which ſuch Materials are intended to be taken, or left at ſuch Occupier's uſual Place of Reſidence, to appear before the ſaid Truſtees, or any Five or more of them,

them, or any Two Juſtices of the Peace acting for the County or Place wherein ſuch Land ſhall lie, to ſhew cauſe why ſuch Materials ſhall not be had therefrom; and in caſe ſuch Owner, Agent, or Occupier, ſhall attend purſuant to ſuch Notice, the ſaid Truſtees, or any Five or more of them, or ſuch Two Juſtices ſhall, if they think proper, authorize ſuch Surveyor or other Perſons to dig, gather, take, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Truſtees or to ſuch Juſtices ſhall ſeem proper; and if ſuch Owner or Occupier ſhall neglect or refuſe to appear by himſelf or herſelf, or his or her Agent, the ſaid Truſtees, or any Five or more of them, or ſuch Juſtices ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually, to all Intents and Purpoſes, as if ſuch Owner or Occupier, or his or her Agent, had attended; and the Order of ſuch Truſtees or Juſtices reſpectively ſhall be final and concluſive to and upon all Parties.

Penalty on taking away Materials raiſed by Surveyors.

XXXV. And be it further enacted, That if any Perſon whomſoever ſhall take away any Materials which ſhall have been dug, gotten, or gathered for the Repair or Uſe of the ſaid Road, or ſhall raiſe or carry away any Materials out of, or otherwiſe interfere with or obſtruct the working of any Pit or Quarry which ſhall have been made or opened for the Purpoſe of getting Materials for repairing the ſaid Road, before the ſaid Surveyors or their Workmen ſhall have diſcontinued working therein for the Space of Three Calendar Months (except the Owner or Occupier of the Land in which ſuch Pit or Quarry ſhall be made, as to Materials for his own private Uſe only, and not for Sale) every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds.

Power to make Cauſeways, &c. and temporary Ways.

XXXVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, or the ſaid Surveyor or Surveyors, to make or cauſe to be made Cauſeways or Footpaths along the Side or Sides of any Part or Parts of the ſaid Road, and to cut or divert any Watercourſe in or through any Land in order to drain or waſh the ſaid Road, or prevent the ſame from being overflowed, and to erect Bridges over ſuch Drains or Watercourſes, if neceſſary, and alſo to make a Way over the Land adjoining to the ſaid Road (not being the Site of, or Ground whereon any Houſe or Houſes ſtand, or planted Walk, Yard, Park, Paddock, or Avenue to any Houſe) to be uſed as a publick Highway, whilſt the ſaid Road, or any Bridge or Work thereon is repairing or erecting, making ſuch reaſonable Satisfaction to the Owners and Occupiers of ſuch Land for the Damages thereby ſuſtained, as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem reaſonable; and in caſe of any Difference concerning the ſame, between ſuch Owners and Occupiers and the ſaid Truſtees, that then it ſhall be lawful for the Juſtices of the Peace, or the major Part of them, aſſembled at the next General Quarter Seſſions for the ſaid County of *Buckingham*, or at their Second Quarter Seſſions at the furtheſt, to ſettle, adjudge, and determine what Recompence ſhall be made to ſuch Owners and Occupiers for the Damage they ſhall have ſuſtained as aforeſaid; which Determination ſhall be final and concluſive.

Surveyors may remove Annoyances.

XXXVII. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, to remove all Annoyances on the ſaid Road, and at the proper Seaſons of the Year to cut down Trees or Buſhes growing thereon, or in the Hedges

Hedges or Banks adjacent thereto, and to cut or plash such Hedges, the Owners or Occupiers neglecting to cut down such Trees or Bushes, or to cut or plash such Hedges, or to remove such Annoyances for the Space of Ten Days after Notice given in Writing for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to cut or plash such Hedges, or to remove such Annoyances as aforesaid; and in case such Owners or Occupiers shall not, upon Demand, pay and reimburse to the said Surveyor or Surveyors such Charges as aforesaid, it shall be lawful for such Surveyor or Surveyors, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the said County of *Buckingham*, from Time to Time to levy the said Charges upon such Owners or Occupiers, by Distress and Sale of his, her, or their Goods and Chattels, rendering the Overplus (if any be) to the Owners thereof, upon Demand, after all Expences attending such Distress and Sale shall be paid; and if after the Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person so offending and being thereof convicted upon Oath, before any Justice of the Peace for the said County of *Buckingham*, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Owners of Watercourses neglecting to scour the same after Notice.

Surveyors may cleanse them.

XXXVIII. And be it further enacted, That if any Person who of right ought to scour and cleanse any Ditch, Drain, or Watercourse, which shall adjoin to, or lead into or out of the said Road, shall not in a proper Manner scour and cleanse, or cause the same to be scoured and cleansed, within the Space of Ten Days next after Notice in Writing shall for that Purpose be given to him or her respectively, or shall be left at his or her respective Place of Abode by the said Surveyor or Surveyors, then the said Surveyor or Surveyors shall and may cause such Ditches, Drains, and Watercourses to be scoured and cleansed, and pay for scouring and cleansing the same; and if the said Person shall not repay the Money so paid by such Surveyor or Surveyors, on Demand thereof upon him or her respectively made, either in Person, or by Writing to be left at his or her respective Place of Abode, the said Money, upon Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Non-payment thereof as aforesaid, by the Oath of One or more credible Witness or Witnesses, before any Justice of the Peace of the County or Place where such Person shall live, shall and may, by Warrant under the Hand and Seal of such Justice, be levied by Distress and Sale of the Goods and Chattels of such Person, rendering the Overplus (if any be) to the Owner thereof, upon Demand, after all Charges are paid.

Trustees may contract for purchasing Land.

XXXIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time as they shall think proper, to widen or divert, turn, shorten, vary, or alter the Course or Path of any Part or Parts of the said Road, and that any Variation of Road may be made through any Common or Waste Ground, without making any Satisfaction for the same, and through any private Lands or Hereditaments, making Satisfaction to the Owners thereof and Persons interested therein for the Damages they may thereby sustain; and it shall be lawful for the said Trustees, or any Five or more of them, from

Time to Time, to contract and agree with the Owners of and Persons interested in any Land or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by widening, diverting, turning, shortening, varying, or altering the Course or Path of any Part or Parts of the said Road through such Land or Hereditaments; and it shall be lawful for all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, and Committees, not only for and on the Behalf of themselves, their Heirs and Successors, but also for and on the Behalf of their Infant Wards, Cestuique Trusts, Lunaticks, Idiots, or Persons of unsound Memory and Understanding, and to and for all Femes Covert, who are or shall be seised or interested in their own Right, and to and for all and every Persons and Person whomsoever, who are or shall be seised or possessed of, or interested in any such Land or Hereditaments, to contract with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or sell and convey unto them, or any Five or more of them, any such Land or Hereditaments, or any Part thereof, for any of 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 whatsoever to the contrary notwithstanding; and all such Bodies Politick, Corporate, Ecclesiastical, or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act.

Where Persons neglect or refuse to treat.

XL. And be it further enacted, That if such Bodies Politick, Corporate, Ecclesiastical, or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, or any other Person or Persons interested in any such Land or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Body or Bodies Politick, Corporate, Ecclesiastical, or Civil, or at the House of the Tenant in Possession of the Land or Hereditaments through which any Part of such Road is to be diverted, turned, or altered, shall, for the Space of Ten Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees, or any Five or more of them, shall cause such Damage or Recompence to be enquired into and ascertained by a Jury of indifferent Men of the County of *Buckingham*; and in order thereto the said Trustees, or any Five or more of them, are hereby empowered and required, from Time to Time as Occasion shall be or require, to summon and call before such Jury, and examine on Oath, any Person or Persons whomsoever (which Oath any One or more of the said Trustees is and are hereby empowered to administer); and such Trustees, or any Five or more of them, shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have enquired of and assessed such Damage and Recompence, they the said Trustees, or any Five or more of them, 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 and other Persons interested in such Land or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict, or Inquisition and

Damages to be settled by a Jury.

Judgement,

Judgement, Order, or Determination thereupon, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever claiming or to claim in Poſſeſſion, Remainder, Reverſion, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Lunaticks, Idiots, and Perſons under any Diſability whatſoever, Bodies Politick, Corporate, Eccleſiaſtical, or Civil, Corporations Aggregate or Sole, as well as all other Perſons whomſoever; and for ſummoning and returning ſuch Jury, the ſaid Truſtees, or any Five or more of them, are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the ſaid County of *Buckingham*, requiring him to empannel, ſummon, and return Twenty-four Perſons qualified to ſerve on 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 impannel, ſummon, and return ſuch Number of Perſons accordingly, and out of the Perſons ſo ſummoned, impannelled, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Five or more of them, ſhall, and they are hereby empowered and required to draw by Ballot, and to ſwear or cauſe to be ſworn Twelve Men, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen ſo returned, the ſaid Sheriff, or his Deputy or Deputies, or any Five or more of the ſaid Truſtees, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, to make up the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Truſtees, or any Five or more of them, ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines upon ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſes, and on any of the Perſons who 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 a Verdict, or ſhall in any other Manner 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, or appearing ſhall refuſe to be ſworn or examined or give Evidence, ſo that no ſuch Fine be more than Ten Pounds on any One Perſon for One Offence.

How Expences of a Jury ſhall be paid.

XLI. And be it further enacted, That in caſe any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money, as a Recompence for the Right, Intereſt, or Property of any Perſon or Perſons in any Land or Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, or their Treaſurer, Clerk, Surveyor, or other known Agent, before the ſummoning and returning of the Jury, as a Recompence and Satisfaction for any ſuch Right, Intereſt, Property, Loſs, or Damage as aforeſaid, that then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes ſhall be borne and paid by the Treaſurer to the ſaid Truſtees, out of the Money to ariſe by virtue of this Act; but if ſuch Jury ſhall give in and deliver a Verdict or Aſſeſſment for no more or for leſs Money than ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning and returning the ſaid Jury, as a Recompence

pence or Satisfaction for any ſuch Right, Intereſt, Property, Loſs, or Damage as aforeſaid, that then the full Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be borne and 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 ſaid County, not intereſted in the Matter in Queſtion (who is hereby required to examine and ſettle the ſame, at a Time and Place to be by him appointed, after ſummoning the Parties intereſted therein to attend him for that Purpoſe) ſhall and may be deducted out of the Money ſo aſſeſſed and adjuſted, 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 Money ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged; or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid upon Demand, after being ſo aſcertained and ſettled as aforeſaid, ſhall and may be recovered by the Clerk to the ſaid Truſtees, by ſuch Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures.

Money agreed upon or aſſeſſed, how to be paid and tendered.

XLII. And be it further enacted, That all and every ſuch Sums and Sum of Money, Conſideration, Recompence, or Satisfaction to be agreed for, or aſcertained or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls, or out of the Monies to be raiſed by virtue of this Act, either into the Bank of *England* as herein-after mentioned, or (as the Caſe may require) to the Parties or Perſons reſpectively entitled to ſuch Monies, or to their Agents; and that upon Payment or Tender thereof to ſuch Perſons or their Agents, or in caſe of Refuſal to accept the ſame, then upon leaving the ſame in the Hands of the Treaſurer or Treaſurers to the ſaid Truſtees, for the Uſe of ſuch Parties or Perſons; and after Ten Days Notice thereof given to ſuch Parties or Perſons, or their Agents, to receive ſuch Money, Conſideration, Recompence, or Satisfaction, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, their Surveyors, Workmen, or Agents, to extend, widen, divert, or turn ſuch Road through or over ſuch Lands or Hereditaments, and to do all and every ſuch Act, Matter, and Thing, with relation to ſuch Lands or Hereditaments, as the ſaid Truſtees, or any Five or more of them, ſhall think fit; and the ſaid Truſtees, or any Five or more of them, ſhall cauſe ſuch Parts of the ſaid Road as ſhall be made, widened, diverted, or turned through any private Grounds, to be ditched or otherwiſe fenced from the adjoining Land, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall direct; and all Land and Hereditaments which ſhall be made a Part or Parts of any Road by virtue of this Act, ſhall, to all Intents and Purpoſes, be deemed a common Highway, and ſhall be repaired and kept in Repair as ſuch, and from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title to ſuch Land and Hereditaments; and the Land conſtituting any former Road, in lieu whereof ſome new Road ſhall be made by virtue of this Act, unleſs leading over ſome Heath, Common, Moor, or Waſte Ground, or to ſome Village, Town, Hamlet, or Place to which the reſpective new Road doth not lead, ſhall be veſted in, and ſhall and may be ſold and conveyed by the ſaid Truſtees, or any Five or more of them, for the beſt Price that can be gotten for the ſame, and the Money ariſing by ſuch Sale ſhall be applied to the Repair of the Road by this Act directed to be repaired; and all Conveyances executed

Former Roads may be ſold.

by the ſaid Truſtees, or any Five or more of them, and inrolled with the Clerk of the Peace for the ſaid County of *Buckingham*, ſhall be good and effectual in the Law to all Intents and Purpoſes; but this Act ſhall not extend to the taking down of any Dwelling Houſe or other Building, or to the taking in of any Land that is a Garden or Orchard adjoining to any Dwelling Houſe, or any Yard, Park, Paddock, planted Walk, incloſed Nurſery for Trees, or Avenue to a Houſe, or any Part thereof, without the Conſent of the Owner or Proprietor thereof reſpectively in Writing firſt had and obtained.

Act not to extend to taking down any Houſes, &c.

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

XLIII. And whereas by reaſon of the Purchaſes which the ſaid Truſtees are hereby empowered to make by virtue of this Act, or by reaſon of the diverting of ſome Part or Parts of the ſaid Road, they may happen to be ſeiſed of ſome Piece or Pieces of old Road or other Ground, 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, or any Five or more of them, to ſell and diſpoſe of ſuch Piece or Pieces of old Road or other Ground, 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.

Perſons whoſe Lands adjoin to have the Preference.

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

answerable or accountable for any Misapplication or Non-application of such Money.

Application of Compensation when exceeding 200l.

XLV. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments, which shall be purchased for the Purposes of this Act, of any Body Corporate, Ecclesiastical, or Civil, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or from any Femes or Feme Covert, or other incapacitated Person or Persons, 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, or any Two or more of them, 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 or Profits of the said Lands or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands 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 and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced 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 or Profits of the Lands or Hereditaments so to be purchased, in case such Purchase or Settlement were made.

Application when Money does not amount to 200l. and shall exceed 20l.

XLVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall 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 Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee

mittee 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 the said Trustees, or any Five or more of them, (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 Court of Chancery.

Application where the Money is less than 20*l*.

XLVII. Provided also, 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 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 Titles;

XLVIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or any Five or more of them;

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

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 or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands or Hereditaments [*describing them*] subject to the Order, Controul, and Disposition of the said Court 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 invested in the Publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received,

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

to

to ſuch Perſon or Perſons as ſhall pay any Sum or Sums of Money into the Bank as aforeſaid.

Reſpecting diſputed Titles.

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

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

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

Perſons liable to repair the Roads to continue ſo.

LI. And be it further enacted, That all and every Perſons and Perſon, Towns, Pariſhes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, who, before the making of the ſaid recited Acts or this Act, have or hath uſed, or of Right ought, by reaſon of the Tenure of any Lands, Tenements, or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the ſaid Road, or any Bridge, Drain, or Watercourſe in or upon the ſame, ſhall, notwithſtanding this Act, be ſubject and liable to ſuch Repairs, in the ſame Manner as they and every of them have or hath heretofore uſually been or would have been, in caſe the ſaid Acts or this Act had not been made.

Statute Work.

LII. And be it further enacted, That the Surveyor or Surveyors of the Highways of the reſpective Townſhips, Pariſhes, or Places, wherein any Part of the ſaid Road hereby intended to be repaired doth lie, ſhall, on an Order in Writing made by any Two or more Juſtices of the Peace

for the ſaid County of *Buckingham*, on Application to them by the ſaid Truſtees, or any Five or more of them, or by their Clerk or Surveyor, and reſpectively delivered to ſuch Surveyor or Surveyors, or left at his, her, or their laſt or uſual Place or reſpective Places of Abode, bring and deliver, within Ten Days afterwards, to the ſaid Turnpike Surveyor or Surveyors, true and perfect Liſts in Writing of the Names of the ſeveral Perſons who, within ſuch Townſhips, Pariſhes, or Places reſpectively, ſhall be 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 by each Perſon, which Liſts ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions, as are or may be directed by any Law or Statute in Force or Effect for the Repair of the publick Highways; and the ſame, when ſo delivered in as aforeſaid, ſhall be laid before ſuch Two Juſtices as aforeſaid, by the ſaid Turnpike Surveyor or Surveyors; and ſuch Two Juſtices ſhall and may adjudge and determine what Part or Proportion of the ſaid Statute Work, not exceeding Six Days in the Whole, ſhall every Year be done upon the ſaid Road by the Inhabitants of or Occupiers of Lands or Tenements in the ſaid reſpective Townſhips, Pariſhes, or Places, and alſo what Proportion of the Money received or to be received by the Surveyor or Surveyors of the Highways of every ſuch Townſhip, Pariſh, or Place, in lieu of or as a Compoſition for Statute Work, ſhall be by him, her, or them paid to the ſaid Truſtees, or their Surveyor or Surveyors; and the ſaid Perſons named or returned in ſuch Liſts as liable to do Statute Work, ſhall and are hereby required to do and perform ſuch Proportion as aforeſaid thereof, on ſuch Parts of the ſaid Road lying within the ſaid Townſhips, Pariſhes, or Places reſpectively, and at ſuch Time (not being Hay-time and Harveſt) as the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors, ſhall direct and appoint; and the Surveyor or Surveyors of the Highways of the ſaid reſpective Pariſhes, Townſhips, and Places, for the Time being, within Three Days after Notice given to him or them by the ſaid Turnpike Surveyor or Surveyors, of the Time or Times when, and the Place or Places where ſuch Perſons reſpectively are to do ſuch Statute Work, ſhall ſummon or give publick Notice thereof to ſuch Perſons reſpectively; and if any Surveyor of the ſaid Highways ſhall refuſe or neglect to do as ſuch Surveyors are hereby required and directed to do, he or ſhe for every ſuch Refuſal or Neglect ſhall forfeit and pay any Sum not exceeding Five Pounds, together with the Coſts and Charges of recovering the ſame; and the ſaid Forfeitures, Coſts, and Charges, ſhall and may be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of One or more Juſtice or Juſtices of the Peace for the County or Place where ſuch Offender or Offenders ſhall be or reſide, which Warrant ſuch Juſtice or Juſtices is and are hereby empowered and required to grant upon Confeſſion of the Party, or upon the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath, which Oath ſuch Juſtice or Juſtices is and are hereby required and empowered to adminiſter.

Penalty on Perſons neglecting to do Statute Work.

LIII. And be it further enacted, That every Perſon liable to do ſuch Statute Work as aforeſaid, who ſhall neglect or refuſe to do the ſame after Notice for that Purpoſe being given as aforeſaid, ſhall for every Day of his or

or her 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 or her, be ſubject or liable to ſuch Pains, Penalties, and Forfeitures, as ſuch Perſon may be ſubject or liable to by any Law or Statute then in Force or 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, or to attend any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to diſmiſs and diſcharge the Perſon who ſhall be ſo found idle or negligent as aforeſaid; and in that Caſe every ſuch Perſon, and the Owner of every ſuch Team or Draught, ſhall reſpectively be ſubject and liable to the reſpective Pains, Penalties, and Forfeitures aforeſaid, in like Manner as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work as aforeſaid; all which Penalties and Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, or their Surveyor or Surveyors, and applied to the Purpoſes of this Act.

Compoſition Money, &c.

LIV. And be it further enacted, That the Proportion of the Money received or which ought to be received by the Surveyor or Surveyors of the Highways of every ſuch Townſhip, Pariſh, or Place as aforeſaid, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, and adjudged and determined by ſuch Two Juſtices as aforeſaid, to be by ſuch Surveyor or Surveyors paid to the ſaid Truſtees, or their Surveyor or Surveyors, ſhall be ſo paid to them or him at ſuch Time or Times as ſuch Two Juſtices as aforeſaid ſhall direct or appoint; and in Default of Payment thereof, the ſame, together with all reaſonable Coſts and Charges of the Recovery thereof, ſhall and may from Time to Time be levied, on the Application of the ſaid Truſtees, or any Five or more of them, or their ſaid Surveyor or Surveyors, by Diſtreſs and Sale of the Goods and Chattels of the Surveyor or Surveyors of the Highways of ſuch Townſhip, Pariſh, or Place, by Warrant under the Hand and Seal or Hands and Seals of One or more Juſtice or Juſtices of the Peace for the County or Place where the Defaulter or Defaulters ſhall reſide.

Truſtees may compound for Statute Work, etc.

LV. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to compound and agree, by the Year or otherwiſe, with any Perſon or Perſons, Bodies Politick or Corporate, who is, are, or ſhall be liable to or chargeable with the Repair of any Part of the ſaid Road, or of any Bridge, Drain, or Watercourſe in, upon, or near the ſame, or with any Perſon or Perſons who is, are, or ſhall be liable to do or perform Statute Work upon the ſaid Road, for any Sum or Sums of Money for and in lieu of ſuch Repair or Work reſpectively; and alſo that it ſhall be lawful for the Surveyor or Surveyors of the Highways of any of the ſaid Pariſhes, Townſhips, Hamlets, or Places, by and with the Conſent of the Majority of the Inhabitants of ſuch Pariſhes, Townſhips, Hamlets, or Places, aſſembled at any Veſtry or publick Meeting of ſuch Inhabitants, to compound and agree for a certain Sum of Money by the Year or otherwiſe, for or in lieu of the Statute Work to be done upon any Part or Parts of the ſaid Road; all which Compoſition Monies ſhall be from Time to Time paid in advance, and ſhall be applied in the Repair of the ſaid Road; and all ſuch Highway Surveyors ſhall be reimburſed the Money ſo by them reſpectively paid, in ſuch Manner as Surveyors of the Highways are by Law to be reimburſed

burſed the Monies by them expended in buying Materials for repairing the Highways.

Truſtees may contract for Repairs.

LVI. 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 contract and agree with any Perſon or Perſons for repairing the ſaid Road, or any Part or Parts thereof, or for doing any other Work in purſuance or Execution of this Act, in ſuch Manner, and for ſuch Sum or Sums of Money annually or otherwiſe, as the ſaid Truſtees, or any Five or more of them, ſhall think proper.

Mile Stones to be erected, etc.

LVII. 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, when and as often as they ſhall think neceſſary, to cauſe the ſaid Road to be meaſured, and Stones or Poſts to be placed in or near the Sides of the ſaid Road, with Inſcriptions thereon denoting the Number of Miles and Diſtance of Places, as they ſhall think proper; and if any Perſon or Perſons ſhall wilfully pull up or damage any Direction or Mile Poſt or Stone, erected or fixed, or to be erected or fixed, in or near the Side or Sides of the ſaid Road, or ſhall obliterate or deface any of the Letters, Figures, or Marks inſcribed thereon; or if any Perſon ſhall ride upon any Footpath formed by the ſaid Surveyor or Surveyors, upon or on the Side of or adjoining to the ſaid Road, or ſhall drive any Horſe, Beaſt, or Swine, or any Carriage upon, or cauſe any Damage to be done to any ſuch Footpath; or if any Perſon ſhall cauſe to be haled or drawn upon any Part of the ſaid Road any Timber, Stone, or other Thing (otherwiſe than upon wheeled Carriages) or ſhall ſuffer any Timber, Stone, or other Thing which ſhall be carried upon wheeled Carriages to drag upon the ſaid Road to the Prejudice thereof; or if any Perſon driving any Pigs or Swine upon the ſaid Road, ſhall ſuffer them ſame to root up and damage the ſame, or the Fences on either Side thereof; or if any Perſon driving any Carriage upon the ſaid Road, and meeting another Carriage, ſhall not keep his or her Carriage on his or her left or near Side of the ſaid Road, or if any Perſon ſhall in any Manner wilfully prevent any other Perſon or Perſons from paſſing him or her, or any Carriage under his or her Care upon the ſaid Road; or if any Perſon or Perſons ſhall make or aſſiſt in making any Fire or Fires, or ſhall ſet fire to, let off, or throw any Squib, Rocket, Serpent, or Firework whatſoever, on any Part of the ſaid Road, or on the Banks or Land adjacent or lying open thereto; or if any Perſon ſhall leave any Carriage (except in Caſes of Accident) upon or on the Side of the ſaid Road longer than may be neceſſary to load or unload the ſame, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto, or ſhall lay any Timber, Stones, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever, upon the ſaid Road, or on the Side or Sides thereof, to the Prejudice thereof, or to the Annoyance or Inconvenience of Perſons travelling thereon, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

Penalty on obſtructing the Execution of this Act.

LVIII. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, or hinder, or cauſe or promote to be aſſaulted, interrupted, 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, or any of them, employed in the Execution of this Act, every

every such Offender shall for every such Offence forfeit any Sum not exceeding Five Pounds.

For securing transient Offenders.

LIX. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put the same in Execution; be it therefore further enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any 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 of the County or Place where the Offence or Offences shall be committed, and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, or to oblige such Person or Persons so offending to give Security for his, her, or their Appearance at the next Petty Session to be holden within or for the County or Place 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 any House of Correction for the said County or Place, there to remain for any Time not exceeding Fourteen Days, unless he, she, or they shall sooner pay the respective Penalties by him, her, or them incurred (if any) for such Offence or Offences, together with the Costs and Charges attending the Conviction and Commitment.

Penalties and Forfeitures how to be recovered and applied.

LX. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (if the Manner of levying and recovering thereof be not herein otherwise directed) shall, upon Proof of the Offences respectively before any One Justice of the Peace for the County or Place wherein the Offence shall be committed, or wherein the Offender shall be and reside, either by Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant for those Purposes); and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid and recovered (if not otherwise directed to be applied by this Act) shall be from Time to Time paid to the Treasurer of the said Trustees, and applied to the Purposes of this Act; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, or Fines, shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of such County or Place, there to remain, without Bail or Mainprize, for any Time not exceeding

exceeding Three Calendar Months, unleſs ſuch Penalties, Forfeitures, or Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

Perſons aggrieved may appeal to the Quarter Seſſion.

LXI. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, ſuch Perſon may appeal to the Juſtices of the Peace at any General Quarter Seſſion of the Peace to be holden for the ſaid County of *Buckingham*, within Six Calendar Months next after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving or cauſing to be given, Eight Days Notice, at leaſt, in Writing, of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk or Treaſurer to the ſaid Truſtees, and within Four Days next after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County, with Two ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order thereon, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſion; and the Juſtices at ſuch Seſſion, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſe and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Quarter Seſſion ſhall be final, binding, and concluſive, to all Intents and Purpoſes; and the ſaid Juſtices at ſuch Seſſion may alſo, by their Order or Warrant, levy ſuch Coſts ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall refuſe or neglect to pay the ſame; and for want of ſufficient Diſtreſs, commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction of or for the ſaid County of *Buckingham*, for any Time not exceeding Three Calendar Months, or until Payment of ſuch Coſts.

Proceedings not to be quaſhed for want of Form.

LXII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, ſhall be quaſhed for want of Form, or be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; and that where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceeding 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 committed by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damage (if any) in an Action upon the Caſe; but no Plaintiff or Plaintiffs ſhall recover in any Action for ſuch Irregularity as aforeſaid, if Tender of ſufficient Amends hath been made by or on Behalf of the Party diſtraining, before ſuch Action brought.

Limitation of Actions.

LXIII. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done or pretended to be done in purſuance of this Act, until after Fifteen Days Notice thereof ſhall be given to the Clerk or Clerks to the ſaid Truſtees, nor after a ſufficient

ſufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every ſuch Action ſhall be laid and tried in the County of *Buckingham*, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit ſhall and may plead 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 it ſhall appear that the ſame was ſo done, or that ſuch Action or Suit was brought before Fifteen Days Notice thereof had been given as aforeſaid, or after a ſufficient Satisfaction had been made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or if ſuch Action ſhall be brought in any other County, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or ſhall diſcontinue his, her, or their Action or Actions after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch Remedy for recovering the ſame as any Defendant or Defendants hath or have in any Caſe by Law. Treble Coſts.

LXIV. 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. Publick Act.

LXV. And be it further enacted, That this Act ſhall commence upon the Firſt *Monday* next after the paſſing thereof, and ſhall continue and be in force for Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament. Term of the Act.

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