ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 200.

An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from the Market Place in *Bicester*, in the County of *Oxford*, to the *Buckingham* Turnpike Road in *Aynho*, in the County of *Northampton*; and for extending the Powers of the said Act to an adjoining Branch of Road. [6th *July* 1813.]

WHEREAS an Act was passed in the Thirty-first Year of His present Majesty's Reign, intituled *An Act for repairing and widening the Road from the Market Place in* Bicester, *in the County of* Oxford, *to the* Buckingham *Turnpike Road in* Aynho, *in the County of* Northampton: And whereas the Trustees appointed in and by virtue of the said recited Act have proceeded in the Execution thereof, and have borrowed considerable Sums of Money upon the Credit of the Tolls thereby authorised to be collected; which said Sums of Money still remain due and owing: And whereas the Money borrowed and due as aforesaid cannot be paid off and discharged, and the said Roads effectually amended and kept in Repair, unless the Term of the said recited Act be continued, the Tolls increased, and some of the Powers thereof altered and enlarged: And whereas it would be advantageous and expedient if the Road branching from or out of the present Turnpike Road at or near *Bicester*, to join the said *Buckingham* Turnpike Road in the Parish of *Finmere*, in the County of *Oxford*, was included in and incorporated with the Roads in this present Act: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent 31 G. 3.

Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Act, and all and every the Authorities, Powers, Privileges, Proviſoes, Clauſes, Penalties, Forfeitures, Matters and Things therein contained, (except ſuch of them as are hereby varied, altered, or repealed,) ſhall be and continue in full Force and Effect, and be executed, for and during the Term herein-after mentioned, in as full and ample Manner, and as effectually to all Intents and Purpoſes, as if the ſaid recited Act, and all the Authorities, Powers, Privileges, Proviſoes, Clauſes, Penalties, Forfeitures, Matters and Things therein contained, were repeated and re-enacted in the Body of this Act, as well for amending, widening, altering, improving, and keeping in Repair the Road included or compriſed in the ſaid recited Act, as for amending, widening, altering, improving, and keeping in Repair the ſaid Road branching from or out of the ſaid Turnpike Road at or near *Biceſter*, to join the *Buckingham* Turnpike Road in the Pariſh of *Finmere*, but ſubject nevertheleſs to the Amendments and Alterations herein contained; and that this Act, and the additional Term and Powers hereby granted, ſhall be and are hereby declared to be ſubject and liable to the Payment of all Monies now due or owing on the Credit or on account of the ſaid recited Act, or that may be borrowed or become due on the Credit of the ſaid recited Act and of this Act, and of all Intereſt due or to grow due for the ſame reſpectively.

Act further continued.

II. And be it further enacted, That *Edward Nugent* Eſquire, the Reverend Sir *George Lee* Baronet, Sir *Gregory Oſborn Page Turner* Baronet, Sir *John Aubrey* Baronet, *Thomas Digby Aubrey*, *George Daſhwood*, *Woodfield Blake Eagles*, *William Pigott*, *William Bernard Morland*, *Francis Bernard Morland*, *James Noel Pigott* Clerk, *Charles Marſham* Clerk, *Griffith Lloyd* Clerk, Sir *John Cope* Baronet, *John Stratton*, *Thomas Tubb*, *William Cole*, *John Kirby* junior, *Richard Kirby* junior, *Samuel Coode*, *John Lord*, *William Phillips* junior, *William Foſter* ſenior, *William Foſter* junior, *John Brinkler*, *William Fermor*, *Richard Fermor*, *Samuel Churchill*, *Samuel Churchill Field*, *John Newman*, *John King*, *Philip Box*, *Thomas Box*, *Edward Oakley Gray*, *George Nelſon*, *Thomas Hearn*, *Robert Miller*, *John Riſley* Clerk, and their Succeſſors, to be elected in Manner herein-after mentioned, together with the ſurviving and remaining Truſtees appointed in or by virtue of the ſaid recited Act, ſhall be and they are hereby appointed Truſtees for the widening, altering, repairing, and keeping in Repair the ſaid Roads, and putting in Execution the ſaid recited Act and this Act.

Additional Truſtees.

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

Power to appoint additional Truſtees.

IV. And

IV. And be it further enacted, That when and so often as any Trustees shall die, or become disqualified or refuse to act, it shall and may be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands and Seals, to elect and appoint one other Person to be a Trustee in the room of such Trustee so deceased, or being disqualified or refusing to act; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected in or upon the said Roads, and advertised in *The Oxford Journal*, or some other Newspaper published and circulated in the County of *Oxford*, at least Fourteen Days before every such Meeting; and all and every Person and Persons who shall be so elected (being qualified as herein-after mentioned) shall be and is and are hereby vested with the same Powers and Authorities for putting the said recited Act and this Act in Execution, as if such Person or Persons had been in or by this Act nominated and appointed Trustees. Power for Trustees to elect others in the room of such as die or refuse to act.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in any Case in the Execution of the said recited Act or this Act, unless he shall be in his own Right or in the Right of his Wife in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person seised of a Real Estate in Lands, Tenements or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds above Reprizes, or shall be possessed of or entitled unto a Personal Estate of Two thousand Pounds, nor (except in administering the Oath herein-after mentioned) until he shall have taken and subscribed, before any Three or more of the said Trustees, an Oath or Affirmation in the Words or to the Effect following; (that is to say,) Qualification of Trustees.

'I *A. B.* do swear, [*or*, being one of the People called *Quakers*, do solemnly affirm,] That I truly and *bonâ fide* am in my own Right [*or*, in the Right of my Wife] in the actual Possession or Enjoyment [*or*, Receipt] of the Rents and Profits of Lands, Tenements or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes [*or*, am Heir Apparent of *A. B.* who, to the best of my Knowledge and Belief, is seised of such an Estate of the clear yearly Value of One hundred and fifty Pounds] [*or*, am possessed of a Personal Estate of the Amount of Two thousand Pounds] after all my Debts are paid.

'So help me GOD.' Oath.

Which Oath or Affirmation the said Trustees, any or either of them, are or is hereby empowered to administer; and if any Person, not being so qualified, shall presume to act as such Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit or Information, wherein no Essoign, Protection or Wager of Law, or more than One Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecution, than that such Person hath acted as a Trustee Penalty on Persons acting without being qualified.

in the Execution of this Act: Provided always nevertheleſs, that all Acts and Proceedings of any Perſon or Perſons acting as a Truſtee or Truſtees in the Execution of this Act, previous to his or their being convicted of the ſaid Offence, ſhall, notwithſtanding ſuch Conviction, be as good, valid, and effectual, as if ſuch Perſon or Perſons had been qualified according to the Directions of this Act.

Truſtees may act as Juſtices except where perſonally intereſted.

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

First General Meeting.

VII. And be it further enacted, That the ſaid Truſtees for executing the ſaid recited Act and this Act, or any Five or more of them, ſhall meet within One Calendar Month after the paſſing of this Act, at the *King's Arms Inn* in *Biceſter*, in the County of *Oxford*, and proceed in the Execution of the ſaid recited Act and this Act; and from thence may adjourn to any other Time or Times, as often as may be expedient, and meet at any Place or Places as ſhall at ſuch Firſt Meeting or Adjournments reſpectively be appointed; and ſhall alſo yearly, ſome Time in the Month of *July*, hold One General Meeting at ſome Public Houſe in *Biceſter* aforeſaid, which Meeting ſhall be called *The General Annual Meeting*, whereat Five or more Truſtees muſt and ſhall be preſent to conſtitute a Meeting (and they being ſo preſent are hereby empowered to carry the ſaid recited Act and this Act into Execution) to examine, ſettle, and adjuſt the Proceedings of all the Meetings relating to the ſaid Truſt held the preceding Year, and to adjourn and hold other Meetings during the ſucceeding Year, as ſhall from Time to Time be deemed expedient at ſuch General Annual Meetings or any Adjourned Meeting or Meetings.

At Meetings Five Truſtees ſufficient to act.

VIII. And be it further enacted, That every Year after ſuch General Annual Meeting, ſuch other Meetings ſhall be held from Time to Time as ſhall be neceſſary for carrying the ſaid recited Act and this Act into Execution, at which laſt-mentioned Meetings Five or more Truſtees ſhall be competent to act, and direct all Works, and let and leaſe the Tolls, and do all other Acts neceſſary in the Execution of the Powers given by the ſaid recited Act and this Act.

Meetings on Emergencies.

IX. And be it further enacted, That if after any Adjournment of the ſaid Truſtees it ſhall at any Time be thought neceſſary that an earlier Day of Meeting ſhall be appointed than the Day appointed by ſuch Adjournment, then and in ſuch Caſe the Clerk or Clerks to the Truſtees, upon an Order in Writing ſigned by Three or more of the acting Truſtees, although not aſſembled at a Meeting, mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice thereof in the Manner herein-before directed, and of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees, (ſuch Time not being leſs than Seven Days after ſuch Notice,) and ſuch earlier Meeting ſhall and may be held accordingly; and all the Proceedings of the Truſtees at all ſuch Meetings ſhall be as valid and effectual as they would have been in caſe ſuch Meetings had been held in purſuance of Adjournments: Provided always, that if it ſhall happen that Five or more Truſtees do

not

not attend at any General Annual Meeting, or Five or more Truſtees do not attend ſuch other Meetings or Adjourned Meetings, then the ſaid reſpective Meetings ſhall be adjourned by the Clerk or Clerks of the Truſtees for the Time being, and another Meeting called at *Biceſter* aforeſaid, by Notice in Writing to be given under his Hand, in Manner and according to the Directions in that reſpect herein-before contained or referred to, and ſo from Time to Time until the competent Number ſhall have met: Provided always, that the Interval between a Meeting adjourned, and the next following Meeting, ſhall not at any Time exceed Two Calendar Months.

Clerk to give Notice of Meetings.

X. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, may and they are hereby empowered, by Writing under their Hands, or by any Order entered in the Minute Book of that Meeting, to appoint a Treaſurer or Treaſurers, Clerk or Clerks, and a Collector or Collectors of the Tolls and Duties hereby granted and made payable, and alſo a Surveyor or Surveyors of the ſaid Roads, and alſo ſuch other Officers and Perſons for the Execution of this Act as they the ſaid Truſtees ſhall think proper, and from Time to Time to remove ſuch Officers and Perſons reſpectively, as they the ſaid Truſtees ſhall ſee Occaſion; and out of the Monies to be received by virtue of this Act to allow and pay ſuch Salaries, Wages, and Allowances to the ſaid Officers and other Perſons, as the ſaid Truſtees ſhall think reaſonable; and all ſuch Officers ſo to be appointed, and alſo all and every Perſon and Perſons appointed by virtue of or acting or who have acted in Execution of the ſaid recited Act, ſhall, under their Hands, at ſuch Time or Times and in ſuch Manner as the ſaid Truſtees ſhall direct, deliver to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of the ſaid recited Act or of this Act, and alſo of all the Monies which ſhall have been by ſuch Officers reſpectively received by virtue and for the Purpoſes of the ſaid recited Act or of this Act, and how much thereof hath been expended and diſburſed, and for what Purpoſe, together with proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain due from them reſpectively, to the ſaid Truſtees or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; and all the ſaid Officers or Perſons ſo accounting as aforeſaid ſhall verify their ſaid Accounts upon Oath, if required by the ſaid Truſtees (which Oath any or either of the ſaid Truſtees are or is hereby empowered to adminiſter); and if ſuch Officer or Perſon ſhall refuſe or neglect to make and render, or to verify upon Oath, any ſuch Account, or to produce and deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid, or ſhall refuſe or wilfully neglect to deliver to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, within Fourteen Days next after being thereunto required by the ſaid Truſtees, by Notice in Writing given to or left at the laſt or uſual Place of Abode of ſuch Officer or Perſon, all Books, Papers and Writings in his Cuſtody or Power relating to the Execution of the ſaid recited Act or of this Act, or give Satisfaction to the ſaid Truſtees reſpecting the ſame, then and in every ſuch Caſe upon Complaint made by the ſaid Truſtees, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or wilful Neglect as aforeſaid, to any Juſtice of the Peace for the County, City, or Place wherein ſuch

Truſtees to appoint Officers, &c.

Officers to account on Oath, &c.

Officer or Perſon ſo refuſing or wilfully neglecting ſhall be or reſide, ſuch Juſtice may and he is hereby authoriſed and required to iſſue a Warrant under his Hand and Seal for the Officer or Perſon ſo refuſing or neglecting to appear before him, and upon his appearing, or having been ſummoned and not appearing, or not being to be found, to hear and determine the Matter in a ſummary Way; and if, upon the Confeſſion of the Party, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, (which Oath ſuch Juſtice is hereby empowered to adminiſter,) it ſhall appear to ſuch Juſtice that any of the Monies that ſhall have been collected or received by virtue of the ſaid recited Act or of this Act, or either of them, ſhall remain due from ſuch Officer, ſuch Juſtice may and he is hereby authoriſed and required, upon Nonpayment 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; and if no Goods and Chattels of ſuch Officer or Perſon can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſaid Goods and Chattels, or if it ſhall appear to ſuch Juſtice that ſuch Officer or Perſon ſhall have refuſed or wilfully neglected to render and give ſuch Account, or to verify the ſame as aforeſaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of the ſaid recited Act or of this Act, ſhall be in the Cuſtody or Power of ſuch Officer or Perſon, and he ſhall have refuſed or wilfully neglected to deliver or give Satisfaction reſpecting the ſame as aforeſaid, then and in each and every ſuch Caſe ſuch Juſtice ſhall commit ſuch Offender to the Common Gaol or Houſe of Correction for the County, City, or Place where ſuch Offender ſhall be or reſide, there to remain without Bail or Mainprize, until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Truſtees for ſuch Money, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint; which Compoſition the ſaid Truſtees are hereby empowered to make and receive; and until he ſhall deliver up ſuch Books, Papers, and Writings, or give Satisfaction in reſpect thereof to the ſaid Truſtees; but no ſuch Officer, who ſhall be committed on account of his not having ſufficient Goods and Chattels as aforeſaid, ſhall be detained in Priſon for any longer Time than Three Calendar Months.

Officers to give Security.

XI. Provided always, and be it further enacted, That the ſaid Truſtees ſhall and they are hereby required to take ſufficient Security from every Treaſurer or Receiver appointed or to be appointed for the Purpoſes of this Act, for the due and faithful Execution of his Office; and if they think fit, may alſo take ſuch Security from any other Officer to be appointed under or by virtue of this Act.

Actions to be brought in the Name of the Treaſurer or Clerk, or One of the Truſtees, but neither of them to be liable to the Payment of Coſts.

XII. And be it further enacted, That in all Actions, Cauſes, Suits, Bills, Plaints, Indictments, Proſecutions, Trials or Proceedings at Law, to be had, brought, proſecuted or defended, in purſuance of this Act, the ſaid Truſtees may ſue and be ſued in the Name or Names of their Treaſurer or Clerk, or Treaſurers or Clerks for the Time being, or in the Name or Names of any One or more of the ſaid Truſtees, on Behalf of the ſaid Truſtees; and that no ſuch Action or Proceeding ſhall abate or be diſcontinued by the Death or Removal of the Perſon or Perſons in whoſe Name or Names, or againſt whom the ſame ſhall be brought or

defended; but no such Treasurer or Clerk, or Treasurers or Clerks, or Trustee or Trustees, or any or either of them, shall be subject to the Payment of any Costs or Expences on account thereof, but all such Costs and Expences shall be defrayed out of the Money arising by virtue of the said recited Act and this Act.

Trustees, &c. not disqualified from being Witnesses.

XIII. And be it further enacted, That the being a Trustee of the said Roads, or a Mortgagee of the Tolls thereof, or a Farmer or Collector of the said Tolls, or being a Treasurer or Clerk or Surveyor under the said recited Act or this Act, or the being an Inhabitant of any Township, Parish, or Place through which the said Roads do or shall pass, shall not disqualify any Trustee or other such Person, as is last herein-before described, from giving his Testimony or Evidence in any such Prosecution, or other legal Proceedings under the said recited Act or this Act, nor shall such Testimony or Evidence (for any of the Reasons aforesaid) be liable to be questioned or set aside.

Power to continue or remove Turnpikes, and set up others.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to continue and use every or any of the Turnpikes already erected upon the said Road or Roads, and from Time to Time to erect and set up such other Turnpike or Turnpikes, Toll Gate or Toll Gates or Bars, in, upon, across, or on the Side or Sides of the said Roads, or either of them, or across any Lane or Way leading out of the same respectively; and such and so many Toll House or Toll Houses, Weighing Engine or Engines, with suitable Outbuildings thereto, and add, make, and take such Garden Spots, not exceeding One Quarter of an Acre, to and for the Use and Occupancy thereof, as they shall think expedient; and that the Right and Property of and in all and every the said Turnpike Gates, Toll Bars, Toll Houses, Weighing Engines and Buildings, and all Materials for making, building, or repairing the same, shall be and is and are hereby declared to be vested in the said Trustees; and the said Trustees, or any Five or more of them, may, if they think it expedient, remove all or any such Turnpikes or Toll Gates, Toll Houses and Appurtenances; and the said Trustees, or any Five or more of them, are hereby authorised and empowered to dispose thereof as they shall think proper, and to bring Actions or prefer Bills of Indictment, in the Name or Names of their Clerk or Clerks, against any Person or Persons who shall steal, take or carry away, break down, spoil or injure such Turnpike Gates, Toll Bars, Toll Houses, Engines, Buildings, Materials, or any of them, or any Part thereof, or molest or disturb them in the Possession thereof, or who shall not deliver up the Possession thereof within Four Days after being required by the Order of any Five or more of the said Trustees to deliver up the same.

Old Tolls repealed.

XV. And be it further enacted, That on the passing of this Act the Tolls now payable by virtue of the said recited Act shall be and the same are hereby declared to be repealed; and that upon and from and after the passing of this Act, it shall be lawful for the said Trustees, or any Person or Persons by virtue of this or the said recited Act to be appointed Collector or Collectors as aforesaid, to demand and take the several Tolls and Duties following, at each and every of the respective Turnpikes or Toll Gates or Turnpike or Toll Gate erected or which shall be erected

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in, upon, or acroſs the ſaid Roads, or either of them, by virtue of the ſaid recited Act or this Act, and on every Day, ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night; (that is to ſay,)

New Tolls. For every Horſe, Mare, Gelding, Mule, Aſs, Ox, Bullock, or other Beaſt of Draught drawing in any Carriage, a Sum not exceeding Sixpence:

For every Horſe, Mare, Gelding, Mule or Aſs, not drawing, a Sum not exceeding Two-pence:

For every Drove of Oxen, Cows or Neat Cattle, a Sum not exceeding One Shilling and Three-pence *per* Score; and ſo in Proportion for any greater or leſs Number:

And for every Drove of Calves, Pigs, Sheep or Lambs, a Sum not exceeding Ten-pence *per* Score; and ſo in Proportion for any greater or leſs Number:

Double Tolls on Sundays. And for every Horſe, Mare, Gelding, Mule, Aſs, Ox, Bullock, or other Beaſt, and for every Drove of Oxen, Cows or Neat Cattle, Calves, Pigs, Sheep or Lambs, which ſhall paſs through any of the ſaid Gates on a *Sunday* (to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on the *Sunday* Night) during the Continuance of this Act, Double the Tolls herein-before mentioned for the paſſing of every ſuch Horſe, Mare, Gelding, Mule, Aſs, Ox, or other Beaſt, Cattle, Calves, Pigs, Sheep or Lambs:

Perſons on paying Toll to receive a Ticket. And the ſaid reſpective Tolls ſhall be demanded and taken before any Horſe or Horſes, or other Beaſt or Cattle, or any Carriage whatſoever, be permitted to paſs through any ſuch Turnpike or Toll Gate; and the ſaid reſpective Tolls ſhall be and are hereby veſted in the ſaid Truſtees; and upon Payment of any of the ſaid Tolls, the Collector or Perſon receiving the ſame ſhall and he is hereby required to deliver *gratis* to the Perſon or Perſons paying ſuch Toll a Note or Ticket, or Notes or Tickets, denoting ſuch Payment; and it ſhall be lawful for the reſpective Collectors of the ſaid Tolls to demand, collect, and receive the Tolls hereby granted, and upon Default of Payment thereof upon Demand, to recover the ſame in the Manner preſcribed by the ſaid recited Act.

Limiting the whole Number of Tolls on the Road. XVI. And be it further enacted, That no more than Four Tolls in the Whole ſhall be demanded or taken for or in reſpect of the ſame Horſe or Horſes, Beaſt, Cattle, and Carriage, in any one Day, to be computed as aforeſaid, for paſſing all or repaſſing through all the Gates upon the ſaid Roads; (that is to ſay,) Two of ſuch Tolls, and no more, for paſſing and repaſſing all the Gates between the Market Place in *Biceſter* aforeſaid and the *Buckingham* Turnpike Road in *Aynho* aforeſaid; and Two of ſuch Tolls, and no more, for paſſing and repaſſing through all the Gates between the Market Place in *Biceſter* aforeſaid and the ſaid *Buckingham* Turnpike Road in *Finmere* aforeſaid.

Penalty on Perſons permitting private Paſſages. XVII. And be it further enacted, That if any Perſon or Perſons whatſoever owning, renting, or occupying any Lands or other Premiſes near any Turnpike which ſhall be erected in purſuance of this Act, ſhall knowingly or wittingly permit or ſuffer any Perſon or Perſons to paſs over the ſame, or through any Gate, Paſſage, Incloſure or Way, with any Horſe or Horſes, or other Beaſt or Cattle, or any Carriage whatſoever, whereby

whereby the Payment of the Tolls or Duties by this Act laid, or any Part thereof, shall be avoided, every such Person or Persons so offending, and the Person or Persons riding in or upon, driving or owning such Carriage or Cattle, shall for every such Offence respectively forfeit and pay any Sum not exceeding the Sum of Five Pounds.

Exemptions from Toll.

XVIII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Roads, or any of the Roads in the Townships or Parishes in which any Part of the said Roads lie; or with Seed for seeding the Ground, or Hay, Turnips, Straw or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Outhouses or Yards, or on the Lands of the Owners thereof; or for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost or Manure (Lime only excepted) employed in Husbandry, for manuring or improving Land, or any other Thing employed in the Management of any Farm or Lands; or for any Horses or other Beasts going to or returning from Pasture or Watering Place, or going to be or returning from being shoed or farried; or from any Person or Persons going to or returning from his, her, or their proper Parochial Church, Chapel, or other Place of Religious Worship on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated; or going to or returning from attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Roads lie; or from any Clergyman going to visit or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty; or for any Horses 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 back from conveying or guarding the same; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty, or for any Horse or Horses or other Beast, or any Cart, Carriage, or Waggon employed in carrying or conveying, or returning therefrom, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying or conveying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance or Barrack or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from having been so employed; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or from any Place appointed for and on the Days of Exercise, Inspection or Review, provided that such Person shall be dressed in the Uniform

of his Corps, and shall have his Arms, Furniture, and Accoutrements, according to the Regulations of such Corps, at the Time of claiming the Exemption; or for Horses, Carts, or Waggons travelling with Vagrants sent by legal Passes, or returning after having been so employed; or for any Horses, Coaches, or other Carriages going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the several Counties of *Oxford*, *Buckingham*, and *Northampton*, on the Day or Days of such Election, or the Day before or Day after such Election shall begin or be concluded: And if any Person shall, by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

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

XIX. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses drawing the same while so employed, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in the said recited Act or this Act contained to the contrary notwithstanding.

Penalty of Renters of Tolls compounding for Overweight.

XX. And be it further enacted, That no Farmer or Farmers, Renter or Renters of the Tolls of any Turnpike Gate now erected or hereafter to be erected upon the said Roads respectively, or his or their Deputy or Deputies, Agent or Agents, shall make any Composition by the Year or otherwise with the Inhabitants of any Town or Place, or with any Person or Persons whomsoever, for or in lieu of the Tolls of any Waggon, Wain, Cart, or other Carriage, liable to be weighed at the Engine or Engines erected or to be erected upon the said Roads respectively for or in respect of the Overweight thereof; and in case any Farmer or Renter, or Person or Persons, shall offend herein, every such Farmer or Renter, Deputy or Agent, shall, on Conviction thereof by Confession or upon the Oath of One Witness, before any One of His Majesty's Justices of the Peace for the Counties of *Oxford*, *Buckingham* or *Northampton*, forfeit and pay, besides the Costs and Charges attending the Conviction, any Sum not exceeding Ten Pounds, and shall also forfeit his or their Contract or Lease for renting the Tolls, if the Trustees, or any Five or more of them, shall think proper to order that the same shall be thereupon vacated and made void; and every such Composition shall be and the same is hereby declared to be null and void; and that One Moiety of every such Penalty as aforesaid shall be paid to the Informer, and the other Moiety to the Surveyor or Treasurer of the said Roads respectively to be employed towards the Repairs thereof; the same to be levied by

Distress

Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo convicted, by Warrant under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices as aforeſaid.

Truſtees to have Biddings when Tolls are put up to Auction.

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

To enable Truſtees to take Poſſeſſion of Toll Houſes, &c. in the Hands of Leſſees, Farmers, or Collectors.

XXII. And be it further enacted, That in caſe the Tolls ariſing from all or any of the Turnpikes or Toll Gates, Weighing Engine or Weighing Engines, erected or to be erected on the ſaid Roads, ſhall at any Time or Times be demiſed or let to farm to any Perſon or Perſons whomſoever, and the Leſſee or Leſſees, Farmer or Farmers to whom the ſaid Tolls ſhall be reſpectively demiſed or let, 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, or any Part or Inſtalment thereof, ſhall be in Arrear and unpaid for the Space of Fourteen Days next after any of the Days on which the ſame ought to be paid purſuant to the Contract or Agreement for letting the ſame; or if any Collector or Receiver of the Tolls who ſhall be diſcharged from his ſaid Office by the ſaid Truſtees, or the Wife or Widow of any of the Family or Repreſentatives of any Collector or Receiver who ſhall die, abſcond, abſent himſelf or be diſcharged; or any other Perſon who ſhall refuſe to deliver up the Poſſeſſion of any Toll Houſe or Toll Houſes, Weighing Engine or Weighing Engines, with the Buildings, Gardens, and Appurtenances thereto belonging, for the Space of Twenty-one Days next after Demand made thereof in Writing, ſigned by any Five or more of the ſaid Truſtees, or by their Clerk or Treaſurer, and left at ſuch Toll Houſe, or in any Toll Houſes, Weighing Engine or Weighing Engines, then and in any of the ſaid Caſes it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, or their Clerk or Treaſurer, or other Perſon authorized by Writing under the Hands of any Five or more of the ſaid Truſtees, with ſuch Aſſiſtance as ſhall be neceſſary, to enter into and upon the Poſſeſſion of ſuch Toll Houſe or Toll Houſes, Weighing Engine or Weighing Engines, and other Buildings and Premiſes in the Day-time, and to remove the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods out of the ſame, and from the Collection of the Tolls there payable, and to put the ſaid Truſtees or any of their Officers, or any other Perſon or Perſons appointed by the ſaid Truſtees, or any Five or more of them, into the Poſſeſſion thereof; and on ſuch Leſſee or Leſſees, Farmer or Farmers, or any Perſon or Perſons employed by or in Poſſeſſion under them being ſo put out of Poſſeſſion as aforeſaid, 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 leaſing or letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall accordingly be utterly void, to all Intents and Purpoſes, as if ſuch Demiſe, Contract, or Agreement had never been made, ſave as to the Covenants and Agreements for Payment of the Rent or Rents thereby reſerved or made payable; and it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, in every ſuch Caſe to demiſe or let to farm

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the said Tolls again to any other Person or Persons, in the same Manner as if no former Demise, Contract, or Agreement had been made or entered into relative to the same.

Trustees may reduce the Tolls and raise them again to any Sum not exceeding the Rates before granted, provided no Reduction be made without the Consent of Creditors.

XXIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby empowered, at a Meeting to be holden for that Purpose, of which Meeting Two Calendar Months Notice shall be given in *The Oxford Journal*, or some other Newspaper published and circulated in the County of *Oxford*, and also affixed on all and every the Turnpike Gates that shall be then standing on the said Roads, from Time to Time to lessen or reduce all or any of the said Tolls hereby granted, and also any additional Tolls payable by any Act or Acts of Parliament now in force for Overweight, in such Manner as to them shall seem fit and convenient, for and during such Time as the said Trustees, or any Five or more of them, shall think proper; and afterwards, at a Meeting to be holden as aforesaid from Time to Time, as they shall see Occasion, again to advance all or any of the Tolls so lessened or reduced, to any Sum or Sums of Money not exceeding the several Rates granted by this Act, or made payable by any Act or Acts of Parliament now in Force or Effect with respect to Overweight, and to order the same to be taken in such Manner, Parts, and Proportions as they shall think fit: Provided nevertheless, that until the whole Money borrowed on the Credit of the Tolls granted by the said recited Act or by this Act shall have been paid off or discharged, the said Tolls hereby granted shall not be lessened or reduced without the Consent of the Person or Persons entitled to Five Sixth Parts of the Money remaining due upon the Credit of the said Tolls; and such Tolls so varied, and every of them, shall be collected, recovered, vested and applied, in the same Manner as the Tolls by this Act authorized to be taken are directed to be collected, recovered, vested, and applied.

Power to make Branch of Road.

XXIV. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may and they are hereby fully authorised and empowered to make a Branch of Road leading out of the said Turnpike Road at or near *Bicester*, to the said *Buckingham* Turnpike Road in *Finmere* aforesaid, in the Line of the present Road between the Parishes of *Fringford* and *Stratton Audley*, and for that Purpose to purchase any Land through which such intended Branch of Road shall be made, and to gather Materials on the Sides thereof, and to do all other Acts on the said Branch of Road, and proceed to the making thereof; subject to the same Powers and Authorities as are contained in the said recited Act or this Act, and subject to such Provisoes and Restrictions as in the said recited Act or this Act are contained.

Line of Branch of Road not to deviate above 100 Yards from the Plan.

XXV. And whereas a Map or Plan, describing the Line of the said Branch of Road, and the Lands through which the same is intended to be carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the County of *Oxford*; be it therefore further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts

thereof at their Will and Pleaſure, paying the Clerk of the Peace the Sum of One Shilling for every ſuch Inſpection, and at the Rate of Six-pence for every Seventy-two Words of ſuch Copies or Extracts of the ſaid Map or Plan and Book of Reference; and that the ſaid Truſtees in making the ſaid Roads ſhall not deviate more than One hundred Yards of Three Feet each from the Line deſcribed in the ſaid Map or Plan, without the Conſent and Approbation in Writing of the Perſon or Perſons, Body Politic, Corporate or Collegiate, through whoſe Lands or Grounds ſuch Deviation ſhall be made.

For rectifying Miſtakes in Book of Reference.

XXVI. Provided always, and be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees to make the ſaid Diverſion and Branch of the ſaid Road into, through, acroſs, or over the ſeveral Lands or Grounds of any Perſon or Perſons who is or are or may be Owner or Owners of Land over which the ſame is ſet out and deſcribed in the ſaid Map or Plan as aforeſaid, although the Name or Names of ſuch Perſon or Perſons may happen to be omitted or mis-ſtated in the ſaid Book of Reference, in caſe it ſhall appear to any Two or more Juſtices of the Peace for the ſaid County, and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake.

Truſtees reſtrained from pulling down Dwelling Houſes, &c. without the Conſent of the Owners.

XXVII. Provided always, and be it further enacted, That the Powers and Authorities hereby given ſhall not extend or be conſtrued to extend to empower or authoriſe the ſaid Truſtees to take or pull down any Dwelling Houſe or other Building, or to take in or make uſe of any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to a Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees, or any Part thereof reſpectively, without the Conſent in Writing of the Owner or Proprietor thereof firſt had and obtained; any Thing in this Act contained to the contrary in anywiſe notwithſtanding.

Ground not wanted may be ſold.

XXVIII. And whereas the ſaid Truſtees may happen to be ſeiſed of ſome Piece or Pieces of Ground, or other Hereditaments or Premiſes 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 Ground and other Hereditaments and Premiſes, either together or in Parcels, as they ſhall find moſt advantageous and convenient, to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch Piece or Pieces of Road or Ground as aforeſaid ſhall be applied to the Purpoſes of this Act, but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Nonapplication of ſuch Money.

First Offer to whom to be made.

XXIX. Provided always, and be it further enacted, That in caſe the ſaid Truſtees ſhall think proper to ſell or diſpoſe of any Piece or Pieces of Ground, not wanted for the Purpoſes of this Act, they ſhall firſt offer the ſame for Sale to the Perſon or Perſons of whom the ſame ſhall have been purchaſed, or (in caſe ſuch Ground ſhall be a Piece or Pieces of old Road) to the Perſon or Perſons whoſe Lands ſhall adjoin thereto; and if ſuch Perſon or Perſons reſpectively ſhall then and thereupon refuſe, or ſhall not agree, (except with reſpect to or on account of the Price thereof,) to purchaſe the ſame reſpectively; an Affidavit to be made and

ſworn before a Maſter or Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County in which ſuch Piece or Pieces of Ground ſhall be ſituate, (who are hereby reſpectively empowered to take ſuch Affidavit,) by ſome Perſon or Perſons no way intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Truſtees, and that ſuch Offer was then and thereupon refuſed, or was not agreed to by the Perſon or Perſons to whom the ſame was made, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made, and was refuſed or not agreed to 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 ſuch Piece or Pieces of Ground, and he, ſhe or they, and the ſaid Truſtees ſhall differ or not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by a Jury, in Manner by the ſaid firſt recited Act directed with reſpect to diſputed Value of Premiſes to be purchaſed by the ſaid Truſtees in purſuance of the ſaid firſt recited Act; and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as by the ſaid firſt recited Act directed with reſpect to ſuch Purchaſes made by the ſaid Truſtees, *mutatis mutandis*.

Application of Money awarded above 200*l.*

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

Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments, ſo to be purchaſed under the Authority of the ſaid recited Act or this Act, in caſe ſuch Purchaſe or Settlement was made.

Where leſs than 200*l.* and amounting to 20*l.*

XXXI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements or Hereditaments, purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees for executing the ſaid recited Act and this Act; ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties, in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid High Court of Chancery.

Where under 20*l.*

XXXII. 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, Tenements, or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of the ſaid recited Act or this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out a good Title, &c.

XXXIII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements or Hereditaments, to be purchaſed by virtue of the ſaid recited Act or this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Truſtees, or any Five or more of them; or in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments be not known or diſcovered, then and

and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands, Tenements or Hereditaments [deſcribing them], ſubject to the Order, Controul, and Diſpoſition of the ſaid High 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 ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title, or Intereſt of the Perſon or Perſons making claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England* who ſhall receive ſuch Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any Sum or Sums of Money into the Bank as aforeſaid.

In caſe of diſputed Titles.

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

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

XXXV. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation entitled to any Lands, Tenements or Hereditaments to be purchaſed under the Authority of the ſaid recited Act or this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the High Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid High Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in

purſuance of the ſaid recited Act or this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees out of the Monies to be received by virtue of the ſaid recited Act or this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Power given to Surveyors to dig Gravel, &c. in Waſte Grounds, &c.

XXXVI. And be it further enacted, That the Surveyor or Surveyors of the ſaid Road, or any of them, and ſuch other Perſon and Perſons as ſhall be employed by ſuch Surveyor or Surveyors, or by the ſaid Truſtees, or any Five or more of them, is and are hereby empowered to cut, dig, gather, take and carry away any Furze, Heath, Stones, Gravel, Sand, or other Materials proper for the Purpoſe of repairing Roads, in, upon, out of, or from any Waſte or Common Ground or Grounds, River or Brook, in any Pariſh, Town, or Place, in, adjoining to, or lying near to the ſaid Roads, or in any adjoining Pariſh, Town, or Place, to be uſed, diſpoſed of, and applied in repairing the ſaid Roads, without paying any Thing for the ſame; ſuch Surveyors or other Perſons filling up the Pits and levelling the Ground from which ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits, ſo that the ſame may not be dangerous to Paſſengers or Cattle, and ſo that no ſuch Stone, Gravel, Sand or other Materials are got or ſought for within Thirty Feet of the Centre of the ſaid Road; and alſo that it ſhall be lawful for the ſaid Surveyor or Surveyors, or other Perſons as aforeſaid, by an Order made at a Meeting of the ſaid Truſtees, or any Five or more of them, to cut, dig, gather, take and carry away any ſuch Materials as aforeſaid, in, upon, out of or from and over the Lands, Fields or Grounds of any Perſon or Perſons where the ſame may be had or found (ſuch Lands, Fields or Grounds, or either of them, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nurſery, or incloſed Ground, planted with any Trees for a Walk or Walks, or Avenue to any Houſe); paying or tendering to the reſpective Owners or Occupiers of ſuch Lands, Fields or Grounds, ſuch Damages for the cutting, digging, gathering, taking and carrying away the ſaid Furze, Heath, Stones, Gravel, Sand and Materials, and for carrying the ſame over any Grounds, as the ſaid Truſtees, or any Five or more of them, ſhall think reaſonable: And in caſe of any Difference between the ſaid Truſtees, Surveyor or Surveyors, or other Perſon or Perſons by them appointed or employed as aforeſaid, and the ſaid Owner or Occupier, or any or either of them, concerning the ſaid Damages, the Juſtices of the Peace of the County or Place wherein ſuch Difference ſhall ariſe, at their General Quarter Seſſions of the Peace to be held in and for the ſame County or Place, next after ſuch Differences ſhall ariſe, after Eight clear Days Notice thereof, to be given by the ſaid Surveyor or Surveyors to ſuch Owner or Owners, Occupier or Occupiers, or by ſuch Owner or Owners, Occupier or Occupiers, to the ſaid Surveyor or Surveyors, or to be left at their reſpective Place of Abode, ſhall hear, ſettle, and determine the Matter of the ſaid Damages; whoſe Judgment or Order therein ſhall be final and concluſive to all Parties.

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

XXXVII. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor, or any other Perſon or Perſons, under the Authority of this Act, to dig, get, gather, take or carry away any Materials for making or repairing any Part of the ſaid Roads, out of or from any encloſed Lands or Grounds, until Notice in Writing, ſigned by ſuch Surveyor, ſhall have been given to the Land Owner or his known Agent, or to the Occupier of the Premiſes from which ſuch

Materials are intended to be taken, or ſhall have been left at the uſual Place of Reſidence of ſuch Occupier, to appear before the ſaid Truſtees, or any Five or more of them, or any One or more Juſtices of the Peace acting for the County, Liberty or Place wherein ſuch Premiſes ſhall lie, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Land Owner, Agent or Occupier ſhall attend purſuant to ſuch Notice, the ſaid Truſtees or ſuch Juſtices ſhall, upon hearing the Objections, if they think proper, authorize ſuch Surveyor or other Perſons to dig, get, gather, take and carry away ſuch Materials for the Purpoſes aforeſaid; and if ſuch Land Owner or Occupier ſhall neglect or refuſe to appear, without ſufficient Excuſe by himſelf or herſelf or his or her Agent, the ſaid Truſtees or ſuch Juſtices 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, Juſtice or Juſtices reſpectively, ſhall be final and concluſive to all Parties.

Parties liable to Repair of Roads to continue ſo.

XXXVIII. And be it further enacted, That all Bodies Politic and Corporate, Corporations Aggregate and Sole, and other Perſons whomſoever, who by any Law, Cuſtom, Uſage, or otherwiſe, are or ſhall be liable to the Repair of any Part or Parts of the ſaid Roads, or to pay any Sum or Sums of Money for or towards the Repairs thereof, ſhall, notwithſtanding this Act, remain liable to repair the ſame, or to pay ſuch Monies for or towards the Repairs thereof as they reſpectively before were or was liable to do or pay.

Statute Labour.

XXXIX. And be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Roads, or any Part thereof, ſhall ſtill remain liable thereto, in like Manner as heretofore; and it ſhall be lawful for any Two or more Juſtices of the Peace for the ſaid Counties of *Oxford*, *Buckingham* or *Northampton*, and they are hereby empowered and required (upon Application made to them for that Purpoſe by the ſaid Truſtees, or by their Clerk or Surveyor, by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Roads by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Roads lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compenſation for ſuch Statute Work, ſhall be by him or them paid to the ſaid Truſtees or their Treaſurer; and in order thereunto, it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons, (within Ten Days after the ſerving of ſuch Summons,) of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner and under ſuch Regulations and Reſtrictions as is, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the public Highways; and out of ſuch Liſts the ſaid Juſtices ſhall or may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to do

Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times, (not being Hay-time or Harvest,) and on such Parts of the said Roads, as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Persons, who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Compensation for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices think proper to the said Trustees or their Treasurer, at such Time or Times as the said Trustees shall direct; and in Default of Payment thereof, the same shall or may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Act or this Act authorised to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid (after Notice in Writing given to or left for him, her or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees,) shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Penalties as aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Statute Work may be compounded for.

XL. 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 with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them done on the said Road, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all or any the Parishes or Places in which the said Roads are situate, for a certain Sum of Money by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer or Treasurers to the said Trustees in advance, on or before the First Day of *March* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

XLI. And

Road to be measured and Mile-stones to be set up.

XLI. And be it further enacted, That the said Trustees shall and they are hereby required to cause Mile-stones to be set up at or near the Sides of the said Roads at the Distance of One Mile from each other, and if they think fit may also cause Posts to be erected to denote the Distance of every such Post from any Town or Place; and may also cause to be erected Guide Posts upon such Parts of the said Roads where the same are crossed or joined by other Roads, as they shall judge proper; and if any Person or Persons shall wilfully break, throw down, injure or destroy any of such Stones or Posts, or obliterate or deface the Figures, Marks, or Inscriptions on any of the Stones or Posts erected or to be erected on any Part of the said Roads, or shall wilfully break, throw down, or injure any of the Stones or Parapet Walls on the Sides of any of the Bridges or Arches on any Part of the said Roads, every such Person shall forfeit and pay, over and above the Damage thereby done or occasioned, any Sum not exceeding Five Pounds for each Stone, Post, or Parapet Wall so broken, thrown down, injured or destroyed, and for each Stone or Post on which any Letters, Figures, or Marks shall be so obliterated or defaced; One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

Subscribers to pay to Treasurer.

XLII. And be it further enacted, That all and every Person and Persons who have subscribed or who shall subscribe his, her, or their Name or Names for any Sum or Sums of Money for making and repairing the said Roads, or for any Purpose towards carrying this Act into Execution, shall and they are hereby required to pay the same to the Treasurer or Treasurers of the said Trustees for the Time being, which Treasurer or Treasurers is and are hereby authorised to demand and receive the same; and in case of Refusal or Neglect of Payment, to bring an Action or Actions for Debt for and recover the same against the Person or Persons refusing or neglecting Payment, in any of His Majesty's Courts of Record within *Great Britain*.

For paying the Expences of this Act.

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

Public Act.

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

Commencement and Continuance of this Act.

XLV. And be it further enacted, That the Term granted by the said recited Act shall upon the passing of this Act cease and determine; and that the said Act (subject to the Alterations, Additions, and Amendments in this Act contained) and this Act shall from thenceforth commence, continue, and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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