ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. lxxv.

An Act for repairing the Road from the Town of *Buckingham*, to the Turnpike Road in the Hamlet of *Old Stratford*, and to be continued from the same Turnpike Road at the Town of *Stony Stratford*, to the Town of *Newport Pagnell*, in the County of *Bucks*. [7th *June* 1815.]

WHEREAS the Road leading from the Sessions House in the Town of *Buckingham*, in the County of *Buckingham*, through the several Parishes and Places of *Buckingham*, *Maidsmorton*, *Foscott*, and *Leckhamstead*, in the said County of *Buckingham*; *Wicken*, *Deanshanger*, and *Passenham*, in the County of *Northampton*, where the said Road joins the Turnpike Road leading through the Hamlet of *Old Stratford*, in the said County of *Northampton*; and from the said Turnpike Road at the North East Side of the Town of *Stony Stratford*, in the said County of *Buckingham*, through the several Parishes and Places of *Woolverton*, *Bradwell*, *Stantonbury*, *Great Linford*, and *Newport Pagnell*, and to a certain Place called *Cannon Corner* in the said Town of *Newport Pagnell*, is very much out of Repair, and otherwise incommodious to the Public, and cannot be effectually repaired and rendered more commodious by the ordinary Course of Law: 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

Truſtees. the Right Honourable *George Grenville Nugent* commonly called Lord *Nugent*, the Right Honourable *Richard Plantagenet Grenville Temple* commonly called Earl *Temple*, the Right Honourable *Charles Fitzroy* commonly called Earl *Euſton*, the Honourable *Charles Fitzroy* commonly called Lord *Charles Fitzroy*, the Right Honourable *John Charles Spencer* commonly called Lord Viſcount *Althorp*, Sir *Charles Mordaunt* Baronet, Sir *Thomas Sheppard* Baronet, Reverend *Sir George Lee* Baronet, Sir *Thomas Francis Freemantle*, the Right Honourable *Charles Bragge Bathurſt*, the Bailiff of the Town of *Buckingham* for the Time being, *Woolley Leigh Bennett* Clerk, *William Henry Barnard* Clerk, *John Bainbridge*, *Thomas Box*, *Philip Box*, *Thomas Palmer Bull*, *Abraham Barratt*, *William Ralph Cartwright*, *Thomas William Coke*, *Charles Cheſter*, *Richard Cautley* Clerk, *Robert Colliſon*, *Wriothſley Digby*, *Edmund Dayrell*, *Richard Dayrell*, *John Langham Dayrell* Clerk, *Philip Duncomb*, *Pauncefort Duncomb*, *William Eyre* Clerk, *Valentine Ellis* Clerk, *William Freemantle*, *Farrer Grove Spurgeon Farrer*, *John Fiſher* Clerk, *Edward Oakley Gray*, *Charles Gardner* Clerk, *Robert Gray*, *Edmund Goodwin*, *William Greaves*, *Henry Hugh Hoare*, *Edward Hanmer*, *Walden Henry Hanmer*, *Thomas Walden Hanmer* Clerk, *Iſaac Henley Handſcomb*, *James Hill*, *George Pitt Hurſt*, *Thomas Hearn*, *John Harriſon*, *Richard Harriſon*, *Charles Marius Hardy*, *Primatt Knapp* Clerk, *Charles Kipling* Clerk, *William Selby Lowndes*, *Robert Lowndes* Clerk, *Richard Lowndes* Clerk, *Thomas Lowndes* Clerk, *Lambton Loraine* Clerk, *James Long Long* Clerk, *William Lucas*, *William Levi*, *Manſel Dawkin Manſel*, *John Chriſtopher Manſel*, *Henry Longville Manſel* Clerk, *George Morgan*, *James Meakin* Clerk, *Robert Miller*, *John Newman*, *George Newman*, *William Oliver*, *John Oliver*, *George Oſborn*, *William Praed*, *James Backwell Praed*, *William Tyrringham Praed*, *John Poulett*, *John Pretyman* Clerk, *Charles Pinfold*, *George Parrott*, *James Pike*, *Henry Quartley* Clerk, *Henry Read Quartley* Clerk, *William Ratcliffe*, *John Theodoſius Archibald Read*, *John Riſely* Clerk, *Thomas Cotton Sheppard*, *William Smyth* Clerk, *John Seeley*, *Thomas Thurlow* Clerk, *John Hale Talbot*, *Henry Andrews Uthwatt*, *Edward Watts*, and *Samuel Whitbread*, ſhall be, and they are hereby appointed Truſtees for altering, widening, and repairing the ſaid Road, and for carrying this Act into Execution.

Power to appoint additional Truſtees.

II. And be it further enacted, That it ſhall be lawful for the Truſtees hereby nominated at any of their Meetings to be holden in purſuance of this Act, to elect and appoint any Number of Perſons not exceeding Ten in the whole, to be Truſtees for executing this Act, in Addition to the Truſtees hereby nominated; and ſuch Truſtees ſo elected and appointed, ſhall be, and they are hereby inveſted with the ſame Powers and Authorities for executing this Act, as if they had been nominated Truſtees by this Act.

Truſtees to elect others in the room of of ſuch as die or refuſe to act.

III. And be it further enacted, That when and ſo often as any Perſon who ſhall be nominated a Truſtee by or in purſuance of this Act ſhall die, or become diſqualified, or refuſe to act in the Execution of this Act, it ſhall be lawful for the ſurviving or remaining Truſtees from Time to Time to elect and appoint One other Perſon to be a Truſtee in the Room of ſuch Truſtee ſo dying, or being diſqualified, or refuſing to act; but

Notice,

Notice, ſpecifying the Time, Place, and Purpoſe of Meeting for every ſuch Election, ſhall be affixed in Writing under the Hand of the Clerk of the ſaid Truſtees, on all the Turnpike Gates then erected by virtue of this Act, Ten Days at leaſt before ſuch Meeting; and every Perſon ſo elected and appointed ſhall be a Truſtee for the Purpoſes of this Act, and be veſted with the ſame Powers and Authorities for executing this Act as if he had been nominated a Truſtee by this Act.

Qualification of Truſtees.

IV. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting or voting as a Truſtee in the Execution of this Act, (except in adminiſtering the Oath or Affirmation herein-after directed) unleſs he ſhall at the Time of his acting be in his own Right or in the Right of his Wife, ſeized of or entitled to Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds, or poſſeſſed of or entitled to Perſonal Eſtate of the Value of One thouſand Pounds, or ſhall be Heir Apparent of a Perſon ſeized of or entitled to Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds, nor until he ſhall have taken and ſubſcribed before any One or more of the ſaid Truſtees, an Oath or Affirmation in the following Form of Words, and which Oath the ſaid Truſtees, or any or either of them, at any of their Meetings held in purſuance of this Act, are and is hereby empowered to adminiſter; (that is to ſay),

Oath.

'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] ſeiſed of or entitled to Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds [*or*, poſſeſſed of or entitled to perſonal Eſtate of the Value of One thouſand Pounds] [*or*, am Heir Apparent of . . . . . who to the beſt of my Knowledge and Belief is ſeiſed of or entitled to Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds], [*as the Caſe may be*] and that I will truly, faithfully, and impartially act in the Execution of the Powers and Truſts repoſed in me, by an Act paſſed in the Fifty-fifth Year of the Reign of His Majeſty King *George* the Third, intituled [*here ſet forth the Title of this Act.*]

'So help me GOD.'

Penalty on acting if not qualified.

Nor ſhall any Perſon be capable of acting or voting as a Truſtee in the Execution of this Act during the Time he ſhall hold any Place of Profit under this Act, or who ſhall ſell any Wine, Cyder, Ale, Beer, or Spirituous Liquors by Retail, nor in any Caſe wherein he ſhall be perſonally intereſted (except as a Mortgagee of or Creditor upon the Tolls hereby granted), and if any Perſon not being duly qualified as aforeſaid, or being diſqualified by any of the Cauſes aforeſaid, ſhall nevertheleſs act as a Truſtee in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance ſhall be allowed, and the Perſon ſo ſued or proſecuted for not being duly qualified as aforeſaid, ſhall prove that he is ſo qualified, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon had acted as a Truſtee in the Execution of this Act: Provided never-

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

neverthelefs, that all Acts and Proceedings of any Perſon or Perſons 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 valid and effectual as if ſuch Perſon or Perſons had been qualified according to this Act.

Truſtees who are Juſtices may act as ſuch.

V. And be it further enacted, That it ſhall be lawful for ſuch of the Truſtees of this Act, as are or ſhall be Juſtices of the Peace, to act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being ſuch Truſtees, except only in Caſes where they ſhall be perſonally intereſted.

Firſt Meeting of the Truſtees.

VI. And be it further enacted, That the ſaid Truſtees ſhall meet together at the Houſe called or known by the Name or Sign of the *Cock*, in the Town of *Stony Stratford* aforeſaid, on the Third *Tueſday* after the paſſing of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, or as ſoon after as conveniently may be, and ſhall proceed to the Execution of this Act; and ſhall then and at all ſubſequent Meetings, from Time to Time adjourn to meet at ſuch Time and Place or Places, in or near the ſaid Road, as the ſaid Truſtees ſhall think proper and convenient for putting this Act in Execution; and if it ſhall happen that at any ſuch Meeting there ſhall not appear a ſufficient Number of Truſtees to act, the Truſtees then and there preſent, or any One of them, may adjourn the Meeting to another Day; and if no Truſtee ſhall be preſent, or in caſe of any Neglect or Omiſſion to adjourn, then and in every ſuch Caſe the Clerk to the Truſtees ſhall adjourn the Meeting to the Place where the laſt Meeting was appointed to have been held or was held (as the Caſe may be), and to ſuch Time as he ſhall think fit, not exceeding Twenty-one Days, nor leſs than Ten Days, from the Time of making ſuch Adjournment, and ſhall thereof give Notice by Writing under his Hand to be affixed on all the Turnpike Gates then erected by virtue of this Act, at leaſt Seven Days before the Day of ſuch intended Meeting; and in caſe no Adjournment, Notice, or Appointment ſhall be made or given as aforeſaid, then it ſhall be lawful for any Five or more of the ſaid Truſtees, to cauſe Notice in Writing to be affixed on all the Turnpike Gates then erected by virtue of this Act, appointing the Truſtees to meet at ſuch Time and at ſuch Place in or near the ſaid Road, as they the ſaid Five Truſtees ſhall think proper, not exceeding Twenty-one nor leſs than Ten Days from the Time of affixing ſuch Notice; and the ſaid Truſtees at all their Meetings ſhall defray their own Expences.

Special Meetings.

VII. And be it further enacted, That if any Five or more of the ſaid Truſtees ſhall think it neceſſary for the better Execution of this Act, that a Meeting ſhould be held before the Time appointed by virtue of any Adjournment, then and in every ſuch Caſe it ſhall be lawful for any ſuch Five or more of the ſaid Truſtees, or the Clerk, by their Order, to give Ten Days Notice at leaſt in Writing, to be affixed on all the Turnpike Gates then erected by virtue of this Act, of the Time and Place of holding ſuch earlier Meeting; and all Proceedings of the Truſtees at ſuch Meetings, ſhall be as valid as they would have been in caſe the ſaid Truſtees had met in purſuance of Adjournment or otherwiſe by virtue of this Act.

VIII. And

VIII. And be it further enacted, That no Act of the ſaid Truſtees ſhall be valid, unleſs made or done at ſome Meeting to be held by virtue of this Act (except where the ſame is hereby otherwiſe directed); and that all the Powers and Authorities by this Act granted or veſted in the ſaid Truſtees, ſhall and may from Time to Time be exerciſed by the major Part of them preſent at their reſpective Meetings to be holden by virtue of this Act, the Number of Truſtees preſent at ſuch Meeting not being leſs than Five unleſs herein otherwiſe provided; and at every Meeting of the ſaid Truſtees a Chairman ſhall be appointed; and when and as often as it ſhall happen, that upon any Queſtion there ſhall be an Equality of Votes (including the Vote of the Chairman) then and in ſuch Caſe the Chairman may give the deciſive or caſting Vote; and that no Order made by the ſaid Truſtees at any Meeting, ſhall be revoked or altered at any ſubſequent Meeting, without the actual Concurrence of a greater Number of Truſtees than the Number by whom ſuch original Order was made, nor unleſs Notice of ſuch intended Revocation or Alteration ſigned by the Clerk to the ſaid Truſtees, ſhall have been affixed on all the Turnpike Gates which ſhall be then erected by virtue of this Act, Ten Days at leaſt before ſuch ſubſequent Meeting; and it ſhall alſo be lawful for any Ten or more of the ſaid Truſtees, if they ſhall ſo think fit, by any Order or Orders for that Purpoſe, to be made at any Meeting of the ſaid Truſtees (Ten Days previous Notice of the Time, Place, and Purpoſe of ſuch Meeting being given by Advertiſement, in One or more of the Newſpapers then publiſhed in the Counties of *Buckingham* and *Northampton*, or One of them, and by Writing affixed upon all the Turnpike Gates then erected upon the ſaid Road) to apply any Part or Parts of the Money ſubſcribed or lent upon the Security of the ſaid Tolls, and alſo the Tolls and other Monies ariſing upon or within any particular Part or Parts of the ſaid Road, to the Repair and Improvement of any particular Part or Parts of the ſaid Road excluſively, due regard being had to the Amount of the Receipts and Expenditure of the Truſt Monies, within ſuch ſeveral Parts of the ſaid Road reſpectively; and provided that no greater Sum be laid out and expended on that Part of the ſaid Road which lies between the Town of *Buckingham* and *Old Stratford*, than what ſhall ariſe from the Tolls to be collected on that Part of the ſaid Road; and that no greater Sum be expended on that Part of the ſaid Road which lies between the Town of *Stony Stratford* and *Newport Pagnell*, than what ſhall ariſe from the Tolls to be collected on that Part of the ſaid Road; and in all Caſes where the ſaid Truſtees, or any Juſtice or Juſtices of the Peace is or are by this Act authorized or required to examine any Perſon or Perſons on Oath, it ſhall be lawful for ſuch Juſtice or Juſtices to adminiſter ſuch Oath.

Regulating their Proceedings.

IX. And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees done by them or any of them in purſuance of this Act, ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk to the ſaid Truſtees, and ſuch Orders and Proceedings ſo entered, being ſigned by the Clerk to the ſaid Truſtees, ſhall be deemed and taken to be Originals, and the ſame or true Copies thereof ſhall and may be produced and read, and admitted in Evidence in all Caſes of Appeal, Suits, Actions and other Proceedings touching any Thing done in purſuance of or by Authority of this Act; and ſuch Book or Books, and alſo the Book directed to be kept for regiſtering Mortgages and Aſſignments herein-after mentioned, ſhall and may be inſpected and peruſed by any

Proceedings to be entered in Books.

of the ſaid Truſtees, or any Creditor, without Fee or Reward, at all ſeaſonable Hours.

Appointment of Officers.

X. And be it further enacted, That the ſaid Truſtees ſhall and may from Time to Time at any of their Meetings, either by any Order then to be made, or by Writing under their Hands, appoint a Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the ſaid Road, or any particular Part or Parts thereof, and ſuch other Officers as they the ſaid Truſtees ſhall think neceſſary, and from Time to Time remove any ſuch Officer or Officers, and on the Death or Removal of any ſuch Officer or Officers, may appoint others in their ſtead, and Ten Days Notice of the Intention of ſuch Appointment ſhall be given in Writing affixed on all the Turnpike Gates then erected by virtue of this Act, of every Meeting where any ſuch Appointment ſhall be made after the Firſt Meeting of the ſaid Truſtees; and it ſhall be lawful for the ſaid Truſtees by and out of the Monies ariſing by virtue of this Act, or any Part or Parts thereof, to pay ſuch Salaries and make ſuch Allowances to ſuch Officers and other Perſons employed for their Services in or about the making, maintaining, amending, altering, improving, and keeping in Repair the ſaid Road hereby authorized to be repaired, or any Part thereof, or otherwiſe in carrying this Act into Execution, as they the ſaid Truſtees ſhall think reaſonable: Provided always, that no Perſon ſhall be capable of holding any Place of Profit under this Act, who ſhall ſell any Wine, Cyder, Ale, Beer or Spirituous Liquors by Retail.

On Death of Gate Keeper, Truſtees may nominate another until next Meeting, &c.

XI. And be it further enacted, That upon the Death, Neglect, Refuſal, or Incapacity to act, of any Collector of the Tolls by this Act granted, it ſhall be lawful for any Two or more of the ſaid Truſtees (although not aſſembled at any Meeting held purſuant to this Act), by Writing under their Hands to nominate and appoint ſome other fit Perſon to be Collector in his or her Place, until the next Meeting of the Truſtees; which Perſon ſo to be nominated and appointed, ſhall have the like Power and Authority, and be accountable in the ſame Manner in all reſpects, as the Perſon in whoſe Room or Stead he or ſhe ſhall be ſo appointed, any Thing herein contained to the contrary notwithſtanding; but ſuch Appointment ſhall continue in Force no longer than until the Day of the next Meeting of the ſaid Truſtees; and that if any Collector of the ſaid Tolls who ſhall be diſcharged from his or her Office by the ſaid Truſtees, ſhall refuſe to deliver up the Poſſeſſion of the Toll Houſe, Buildings, and Appurtenances, which he or ſhe held, occupied, or enjoyed, in Right of his or her Appointment to that Office, within Four Days after Notice given to him or her, or left at ſuch Toll Houſe, in Writing under the Hands of any Two or more of the ſaid Truſtees; or if the Wife, Widow, or any of the Family of any ſuch Collector, who ſhall die as aforeſaid, or any other Perſon who ſhall be in Poſſeſſion of the Premiſes by any means whatſoever, ſhall refuſe to deliver up ſuch Houſe, Buildings, and Appurtenances, within Four Days after Notice of ſuch new Appointment being made as aforeſaid, ſhall have been given to him, her, or them, or left at ſuch Toll Houſe, ſigned by any Two or more of the ſaid Truſtees, then and in any of the ſaid Caſes it ſhall be lawful for any Juſtice of the Peace for the County, Town, or Place where ſuch Toll Houſe ſhall ſtand or be, by Warrant under his Hand and Seal, to order any Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Toll Houſe and Premiſes in the Day-time,

time, and to remove the Perſons who ſhall be found therein, together with their Goods and Chattels, out of ſuch Toll Houſe and other Premiſes, and to put the new appointed Collector in the Poſſeſſion thereof.

Regulations as to Toll Collectors.

XII. And be it further enacted, That every Toll Collector being a Leſſee of the ſaid Tolls, or being appointed either by the ſaid Truſtees, or by any Leſſee or Leſſees to collect the Tolls payable at any Turnpike Gate to be erected by virtue of this Act, ſhall and he is hereby required to place his Chriſtian and Surname, painted on a Board in legible Characters in the Front, or in ſome other conſpicuous Part of the Toll Houſe or Toll Gate, immediately on his beginning to collect ſuch Toll, or coming on Duty, each of the Letters of ſuch Name or Names to be at leaſt One Inch in Length, and of a Breadth in Proportion, and painted in Black Letters on a White Ground, and ſhall continue the ſame ſo placed during the whole Time he ſhall collect ſuch Toll or be upon ſuch Duty; and if any Collector of the ſame Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof, and claim ſuch Exemption, or ſhall refuſe to permit or ſuffer, or ſhall in anywiſe hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame on having paid the ſaid Tolls, or any of them, or ſhall in anſwer to ſuch Demand give a falſe Name or Names, or ſhall refuſe or neglect to give a Ticket to denote the Payment of the Tolls when demanded, or ſhall unneceſſarily detain any Paſſenger or Paſſengers, or ſhall make uſe of any ſcurrilous or abuſive Language to any Traveller or Paſſenger, then and in every ſuch Caſe every ſuch Toll Collector ſhall forfeit and pay any Sum not exceeding Forty Shillings for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge.

Treaſurer to give Security.

XIII. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required, to take ſufficient Security from every Treaſurer 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.

Officers to account.

XIV. And be it further enacted, That all Officers and other Perſons who ſhall be appointed under or by virtue of this Act, ſhall from Time to Time when thereunto required by the ſaid Truſtees, deliver to the Truſtees, or to ſuch Perſon or Perſons as they ſhall reſpectively for that Purpoſe appoint, a true and perfect Account in Writing, under their reſpective Hands, of all Monies which ſhall have been by them reſpectively had, collected or received by virtue of this Act, and how and to whom and for what Purpoſe the ſame and every Part thereof hath been diſpoſed of, together with proper Vouchers and Receipts for ſuch Payments; and ſuch Officers and Perſons ſhall, and they are hereby reſpectively required to pay all ſuch Monies as upon the Balance of ſuch Account or Accounts ſhall appear to be in their reſpective Hands, to ſuch Perſon or Perſons as the ſaid Truſtees ſhall appoint to receive the ſame; and if any of the ſaid Officers or Perſons ſhall refuſe or neglect

to

to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance remaining in their Hands when thereunto required in Manner aforesaid; or if any of such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Trustees, all Books, Accounts, Papers, and Writings, in their respective Custody or Power, anyways relating to the Execution of this Act, or to the said Road, and Complaint shall be made of any such Neglect or Refusal, to any Justice of the Peace for the County where the Officer or Officers, Person or Persons so neglecting or refusing shall live and reside, by any Five or more of the said Trustees, or by any Person or Persons by them authorized on their Behalf, such Justice may and he is hereby authorized and required to summon such Officer or Officers, Person or Persons, to appear before such Justice, and in case of such Officer or Officers, Person or Persons, not appearing upon such Summons (the same having been served upon him or them personally, or left at his or their usual Place or Places of Abode, and no reasonable Cause or Causes being shewn for such Non-appearance) to issue his Warrant or Warrants for the Apprehension of such Officer or Officers, Person or Persons, and upon his or their appearing upon such Summons, or being apprehended and brought before such Justice by virtue of such Warrant, or having absconded or not being to be found, it shall be lawful for any such Justice to hear and determine the Matter of such Complaint, in a summary Way, and if upon the Confession of the Officer or Officers, Person or Persons, against whom any 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 so collected or received, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may, and he is hereby authorized and required upon Nonpayment thereof, by a Warrant or Warrants 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 Officers, Person or Persons respectively; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Money and the Charges of levying the same, or if such Officer or Officers, Person or Persons appearing, or being brought before such Justice in the Manner aforesaid, shall refuse or neglect to give and deliver to the said Justice an Account or Accounts of his Receipts and Payments as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings, in his or their Custody or Power relating to the Execution of this Act, or to the said Road; then and in any of the Cases aforesaid such Justice may, and he is hereby authorized and required, by Warrant under his Hand and Seal to commit such Officer or Officers, Person or Persons, to any House of Correction within the County where he or they shall live and reside, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his or their Accounts, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his or their respective Hands, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he or they shall have compounded with the said Trustees for the same, and paid the Composition Money to the said Trustees, or such Person or Persons as they shall appoint to receive the

the ſame (and which Compoſition the ſaid Truſtees are hereby empowered to make), or until he or they ſhall deliver up ſuch Books, Accounts, Papers, and Writings as aforeſaid, or have given Satisfaction in reſpect thereof to the ſaid Truſtees; but no ſuch Officer or other Perſon who ſhall be committed for Default of Diſtreſs only, ſhall be detained in Priſon by virtue of this Act, for any longer Space of Time than Six Calendar Months.

Actions to be brought in the Name of the Clerk.

XV. 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 of their Clerk for the Time being, and that no Action or Proceeding ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk, but that the Clerk to the ſaid Truſtees for the Time being ſhall always be deemed the Plaintiff, Proſecutor, Informant, Appellant, Defendant or Reſpondent, in any ſuch Action, Cauſe, Suit, Bill, Plaint, Indictment, Proſecution, Trial, or other Proceeding, as the Caſe ſhall be: Provided always, that every ſuch Clerk ſhall be reimburſed all ſuch Damages, Coſts, Charges, and Expences, as he ſhall have paid, or be ſubject or liable to on Account thereof, out of the Money ariſing by this Act.

Power for Truſtees to erect Turnpikes and Toll Houſes.

XVI. And be it further enacted, That the ſaid Truſtees ſhall and may cauſe to be erected One or more Gate or Gates, Turnpike or Turnpikes, and alſo One or more Toll Houſe or Toll Houſes, with Outbuildings, Conveniences, and Appurtenances, ſuitable thereto (the Land to be uſed for each Toll Houſe and its Appurtenances not to exceed One Fourth Part of an Acre,) in, upon or acroſs any Part or Parts of the ſaid Road, as they ſhall think proper, and alſo upon the Sides of the ſaid Road, and at the End or acroſs, or within Twenty Yards from the End of any Lane or Way leading into or out of the ſame, and from Time to Time to take down and remove ſuch Gate or Gates, Turnpike or Turnpikes, Toll Houſe or Toll Houſes, and Outbuildings, or alter the ſame or any Part or Parts thereof reſpectively, as they the ſaid Truſtees ſhall think neceſſary.

No Toll Gate to be erected within One Mile of the Town of Buckingham, in caſe Occupiers of Wharfs ſhall compound.

XVII. Provided always, and be it further enacted, That no Toll Gate ſhall be erected upon or on the Side of the ſaid Turnpike Road, within the Town and Pariſh of *Buckingham* aforeſaid, or within One Mile thereof, in caſe the Occupiers or Renters of the Two Wharfs at the North Eaſt End of the Town of *Buckingham*, or any other Wharf to be erected near or adjoining the ſaid Wharfs or either of them, to be hereafter erected, ſhall compound with the ſaid Truſtees, which they are hereby authorized to do, for all Goods, Wares, Merchandize, and other Things, which may paſs to or from ſuch Wharfs or Wharf upon the ſaid Road or any Part thereof, for a Rate or Tonnage for all ſuch Goods, Wares, Merchandize, and other Things, a Sum to be agreed upon by the ſaid Truſtees, and ſuch Occupiers or Renters, the higheſt Rate of ſuch Tonnage not to exceed Sixpence *per* Ton; which ſaid Rate or Tonnage ſhall be applied to the Repairs of ſuch Parts of the ſaid Road as lie within and extend from *Buckingham* aforeſaid to *Old Stratford*, and alſo ſubject to ſuch Regulations as the ſaid Truſtees ſhall direct for the Payment or Collection of ſuch Rates or Rate of Tonnage.

How Compoſition Money for Tolls ſhall be aſcertained.

XVIII. And be it further enacted, That in caſe the ſaid ſeveral Occupiers or Renters of any of the ſaid ſeveral Wharfs in the ſaid Pariſh of *Buckingham*, ſhall neglect or refuſe to pay any ſuch Compoſition Money as aforeſaid, or ſhall neglect or refuſe upon Demand being made by the ſaid Truſtees or their Treaſurer, Clerk, or Surveyor, to render a juſt and true Account of the Quantity of ſuch Goods, Wares, Merchandizes, and other Things, which ſhall paſs to and from the ſaid Wharfs reſpectively, upon the ſaid Road or any Part thereof as aforeſaid, then and in every ſuch Caſe, the Perſon or Perſons ſo neglecting or refuſing, ſhall forfeit and pay to the ſaid Truſtees for every ſuch Neglect or Refuſal, any Sum not exceeding Five Pounds, over and above the Sum due for ſuch Tonnage to be recovered and applied in the ſame Manner as any Penalty under this Act is hereby directed to be recovered and applied.

Property of Turnpikes and Toll Houſes veſted in Truſtees.

XIX. And be it further enacted, That the Right and Property of and in all the Gates, Turnpikes, Toll Houſes, Buildings, and Fences, and the Materials of which the ſame ſhall conſiſt, and all Materials which ſhall be provided by or under the Authority of the ſaid Truſtees for repairing the ſaid Road, or for any other of the Purpoſes of this Act, and all Gates, Rails, Bars, Fences, Mile-ſtones, Mile-poſts, Guide-poſts, or other Poſts to be erected and ſet up on the ſaid Road, and all Materials, Carts, Harneſs, Tools, and Implements, Articles and Things which ſhall have been found or provided for making or repairing the ſaid Road, ſhall be and the ſame are hereby veſted in the ſaid Truſtees for the Time being, and they are hereby authorized to bring, commence, and proſecute, or cauſe to be brought, commenced, and proſecuted, or to defend any Action or Actions in the Name of their Clerk for the Time being, or to prefer and proſecute, or order and direct to be preferred and proſecuted, any Indictment or Indictments againſt any Perſon or Perſons who ſhall diſturb them in the Enjoyment of the Property thereof, or who ſhall dig up, break, or pull down, ſteal, take, or carry away, ſpoil, injure, or deſtroy any Gate, Turnpike, Toll Houſe, or other Building, Table of Tolls, Gate, Rail, Bar, Fence, Mile-ſtone, Mile-poſt, Guide-poſt, or other Poſt, or who ſhall ſteal, take, or carry away any of the Materials thereof, or any of the Materials, Carts, Harneſs, Tools, Implements, or other Matters and Things which ſhall have been provided for the Repair of the ſaid Road; and in all ſuch Actions and Bills of Indictment reſpectively, it ſhall be ſufficient to lay charge and ſtate generally the Article or Articles, Thing or Things, for or in reſpect of which any ſuch Action or Actions ſhall be brought, or Bill or Bills of Indictment ſhall be preferred, to be the Property of the Truſtees for repairing the Road from *Buckingham* to *Newport Pagnell*, without ſpecially naming them or any of them.

Tolls.

XX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Perſon or Perſons to be appointed by virtue of this Act, 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 and Side Bars or Side Gates which ſhall be erected by virtue of this Act, and on every 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,

For

For every Horſe, Mare, Gelding, or other Beaſt of Draught, drawing any Coach, Chariot, Hearſe, Chaiſe, Chair, Waggon, Wain, Cart, or other Carriage, the Sum of Sixpence:

For every Coach, Chariot, Chaiſe, Chair, or other ſuch Carriage with Four Wheels, being empty or having no other Load than the Harneſs to be uſed therewith, which ſhall be faſtened to and drawn behind any Waggon, Wain, Cart, or Carriage, the Sum of One Shilling:

For every Chaiſe, Chair, or other ſuch Carriage, with leſs than Four Wheels. being empty or having no other Load than the Harneſs to be uſed therewith, which ſhall be faſtened and drawn as aforeſaid, the Sum of Sixpence:

For every Horſe, Mare, Gelding, or Mule, laden or unladen, and not drawing the Sum of Two-pence:

For every Aſs, laden or unladen, and not drawing, the Sum of One Penny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Three-pence *per* Score, and ſo in Proportion for any greater or leſs Number:

And for every Drove of Calves, Hogs, Sheep, and Lambs, the Sum of Ten-pence *per* Score, and ſo in Proportion for any greater or leſs Number:

Double Tolls on Sundays.

And on every *Sunday* (to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on the ſucceeding Night) there ſhall be demanded and taken for every Horſe, Mare, Gelding, Mule, Aſs, Beaſt, or other Cattle, Coach, Waggon, Cart, or other Carriage whatſoever, Double the reſpective Sums or Tolls hereinbefore expreſſed or made payable for each of them reſpectively:

Which ſaid reſpective Tolls ſhall be demanded and taken before any Horſe, Mare, Gelding, Mule, Aſs, Beaſt, or other Cattle, Coach, Waggon, Cart, or other Carriage whatſoever, be permitted to paſs through any Turnpike or Toll Gate, or Side Bar or Side Gate to be erected by virtue of this Act upon or acroſs the ſaid Road, or upon or acroſs any Lane or Way leading into the ſame; and upon Payment of any of the ſaid Tolls, the Collector ſhall and he is hereby required to deliver *gratis*, to the Perſon paying ſuch Toll, a Note or Ticket denoting ſuch Payment.

A certain Proportion of the Tolls to be taken for Goods conveyedbetween Newport Pagnell Canal and the Town of Newport Pagnell.

XXI. Provided always, and be it further enacted, That whenever and ſo ſoon as the navigable Canal to be made from *Great Linford* to the ſaid Town of *Newport Pagnell*, as authorized by an Act paſſed in the Fifty-fourth Year of the Reign of His preſent Majeſty, ſhall have been made complete and made navigable, and any Wharf or Wharfs ſhall have been completed and brought into Uſe, for the landing and embarking of Goods at the Extremity of the ſaid Canal neareſt to the ſaid Town of *Newport Pagnell*, that then and thereafter all Cattle laden with or drawing Goods actually carried to or brought from the ſaid Wharf or Wharfs ſo deſcribed, ſhall not be liable to the Payment of more than One Eighth Part of the Toll or Tolls which may be directed at any Time to be taken under the Proviſions of this Act, at any Gate which by virtue of this Act may be hereafter erected between the ſaid Wharf or Wharfs, and the ſaid Town of *Newport Pagnell*.

No Toll Gate to be erected within a

XXII. Provided always, and be it further enacted, That nothing in this Act contained ſhall authorize or empower the Truſtees acting under the ſame,

certain Part of Newport Pagnell.

same, to erect or place, or cause to be erected or placed any Gate or Gates, Turnpike or Turnpikes, Toll House or Toll Houses, or to collect or take any Toll or Tolls on any Part of the said Road hereby authorized to be made, situated within the Town of *Newport Pagnell*, between a certain Building called or known by the Name of *The Royal Lancasterian Free School* and the *North Bridge*.

Tolls vested in the Trustees.

XXIII. And be it further enacted, That all the Tolls hereby granted, and the Monies to arise thereby, shall be and are hereby vested in the Trustees of this Act for the Time being, and a Table of the said Tolls shall be put up and continued at each and every Turnpike or Toll Gate erected by virtue of this Act: and if any Person or Persons subject to the Payment of any of the said Tolls, shall after Demand made thereof by any such Collector as aforesaid, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for such Collector to seize and distrain, or cause to be seized and distrained any Horse or Horses, or other Beast or Cattle, or Carriage chargeable with the said Tolls, and the Bridles, Saddles, Harness or Accoutrements which shall be upon any such Horse or other Beast, or any Part or Parts thereof, but not the Bridle or Halter apart from any Horse or other Beast; and if such Tolls and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within Four Days next after such Seizure and Distress made, the Collector so seizing and distraining may sell or cause to be sold the Horse or Horses, Beasts or other Cattle, and their Bridles, Saddles, Harness or Accoutrements so seized and distrained, or any Part thereof, rendering the Overplus, if any, upon Demand, to the Owner or Owners thereof, after such Tolls and all reasonable Charges for distraining, keeping, and selling the same, shall be deducted and paid.

Power to recover the Tolls.

Tolls to be paid but Once the same Day.

XXIV. And be it further enacted, That every Person having paid the Toll by this Act granted, at any Turnpike or Toll Gate to be erected by virtue of this Act, through which he or she shall have passed, with any Horse, Mare, Gelding, Mule, Ass, Cattle or Carriage, shall on producing to the Collector a Ticket denoting such Payment, be at Liberty to pass and repass Toll free through the same Turnpike or Toll Gate, at any Time or Times on the same Day, to be computed as aforesaid, with the same Horse, Mare, Gelding, Mule, Ass, Cattle or Carriage.

Limiting the Number of Tolls on the whole Road.

XXV. Provided always, and be it further enacted, That no more than Two Tolls in the Whole shall be demanded or taken in any One Day to be computed as aforesaid, for or in respect of the same Horses, Beasts, Cattle and Carriages, for passing through all the Turnpikes or Toll Gates to be erected by virtue of this Act.

Side Gates not to extend to a Double Charge.

XXVI. Provided also, and be it further enacted, That the Payment of Toll by any Person or Persons at any Turnpike or Turnpikes to be erected in pursuance of this Act, upon the Sides of the said Road, or at the End of or across or within Twenty Yards from any Lane or Way leading into or out of the same, shall not extend to a Double Charge upon the Person or Persons so paying Toll, and passing through any other of the Turnpikes to be erected by virtue of this Act.

XXVII. And

Collectors of Tolls to deliver Tickets.

XXVII. And be it further enacted, That the ſeveral Collectors of the Tolls granted by this Act ſhall on Receipt of ſuch Tolls as aforeſaid deliver to the Perſon or Perſons paying the ſame, a Ticket or Tickets denoting ſuch Payment, and ſpecifying and naming therein the Gate or Gates to be thereby freed or exempted from Toll.

Diſputes concerning Tolls to be ſettled by a Juſtice.

XXVIII. And be it further enacted, That if any Diſpute ſhall happen about the Amount of Toll due, or the Charges of keeping or ſelling any Diſtreſs, it ſhall be lawful for the Collector or Perſon diſtraining to retain the ſame, or the Money ariſing by the Sale thereof (as the Caſe may happen), until the Amount of ſuch Toll and the Charges of making ſuch Diſtreſs, and of keeping and ſelling the ſame, ſhall be aſcertained by ſome Juſtice of the Peace of the County, Town, or Place wherein ſuch Diſpute ſhall happen, who upon Application to him made for that Purpoſe ſhall examine the Matter upon Oath of the Parties, or other Witneſs or Witneſſes (which Oath ſuch Juſtice is hereby authorized to adminiſter), and ſhall determine the Amount of the Tolls due; and it ſhall be lawful for ſuch Juſtice to aſſeſs and award ſuch Coſts, to be paid by either of the Parties to the other of them, as he ſhall think fit and reaſonable; and in caſe of Non-payment thereof on Demand, ſuch Coſts ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Party liable to pay the ſame by Warrant under the Hand of ſuch Juſtice.

Collectors of Tolls competent Witneſſes.

XXIX. 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 by reaſon thereof be diſqualified from giving Evidence in any ſuch Diſpute, Suit, or Litigation.

Penalty on Perſons evading Tolls.

XXX. And be it further enacted, That if any Perſon or Perſons whomſoever, owning, or occupying any Tenements, Lands, or Grounds, near to the ſaid Road, ſhall knowingly or wilfully permit or ſuffer any Perſon or Perſons to paſs through any Ground, Gate, Paſſage, Bridge, or private Way, with any Coach, Chaiſe, Waggon, Cart, Carriage, Horſe, Mare, Gelding, Mule, Ox, Aſs, or any Sort of Cattle whatſoever, for the Purpoſe of avoiding the Payment of any of the Tolls hereby made payable; or if any Perſon or Perſons, owning, riding in, or driving any Coach, Chariot, Chaiſe, Chair, Waggon, Wain, Cart, or other Carriage, or owning, riding on or driving, or leading any Horſe, Mare, Gelding, Aſs, Mule or other Cattle, ſhall paſs therewith through any ſuch Grounds, Gate, Paſſage, Bridge or private Way, whereby the Payment of any of the ſaid Tolls ſhall be evaded; or if any Perſon or Perſons ſhall forge or counterfeit, or ſhall give to or receive from any Perſon or Perſons any Note or Ticket by this Act directed to be given by the Collector of the Tolls, or take off or cauſe to be taken off any Horſe or other Beaſt from any Carriage, or having paſſed through any Turnpike, ſhall afterwards add or put any Horſe or other Beaſt to any ſuch Carriage with an Intent to evade the ſaid Tolls, or any Part thereof, or ſhall make uſe of any Fraud whatſoever, whereby the Payment of the ſaid Tolls or any Part thereof ſhall be evaded, every Perſon ſo offending in any of the ſaid Caſes ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds, One Moiety of which Forfeiture ſhall go the Informer, and the other Moiety thereof ſhall

be applied towards repairing the said Road; provided that nothing herein contained shall extend or be construed to extend, to subject to any Penalty any Person for passing through any Tenements, Lands, or Premises, of which he or she shall be the Owner or Occupier, notwithstanding the Tolls may be thereby evaded, nor any of his or her Family or Servants.

Exemptions from Toll.

XXXI. 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, widening, altering, or repairing the said Road, or any Road in any Township or Parish in which any Part of the said Road lies; or Hay, 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 to be used in the Cultivation of Lands, (or any Mould, Dung, Compost, Lime, or Manure to be employed in Husbandry for manuring or improving Land); or for any Horses or other Beasts going to or returning from Work in Husbandry, or to or from Pasture or Watering Place, or going to be or returning from being shoed or farried, or any Cow going to or returning from milking; nor for any Horse, or other Beast of Draught or Carriage, employed in carrying or conveying any Furze, Peats, Turf or Heath for Fuel, or returning empty when so employed; or from any Person or Persons going to or returning from his or their proper Parochial Church or Chapel or other Place of Religious Worship, on *Sundays*, or on any other Day on which Divine Service is ordered 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 Road lies; or from any Clergyman or Minister 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 any Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Post Master General or his Deputies, either when employed in conveying, fetching, or guarding the same, or in returning back from conveying 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 empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or any wounded, sick 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, 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 empty 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 returning from any Place appointed for and on the Days of

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 empty 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 either of the said Counties of *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 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: Provided also, that no Toll shall be demanded or taken at any Turnpike to be erected by virtue of this Act, of or from any of the Inhabitants of the Parish of *Woolverton* aforesaid, for their Cattle or Carriages going to or returning from the Town of *Stony Stratford* aforesaid; any Thing herein contained to the contrary notwithstanding.

Penalty on illegally claiming the Exemptions.

XXXII. 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 or 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 this Act contained to the contrary notwithstanding.

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

XXXIII. And be it further enacted, That it shall be lawful for the said Trustees to compound or agree with any of the Inhabitants of any Parish wherein the said Road lies, by the Year or for a less Time, for passing through any Turnpike or Turnpikes to be erected by virtue of this Act; provided such Person or Persons shall always pay the whole Composition Money at the Time of making such Agreement, which Composition Money shall be applied for the Purposes of this Act.

Power to compound for Tolls.

XXXIV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, at a Meeting to be held for that Purpose (whereof Notice in Writing shall be affixed by the Clerk to the said Trustees upon all the Turnpike Gates erected by virtue of this Act, at least Twenty Days before such Meeting) from Time to Time as they shall think proper, to lessen and reduce all or any Part or Parts of the Tolls hereby granted and made payable at all or any of the said Turnpike Gates, and to raise the same again to any Sums not exceeding the Tolls by this Act granted;

Power to lessen Tolls.

granted; and ſuch Tolls ſo leſſened or reduced ſhall be collected, recovered and applied, in the ſame Manner as the Tolls hereby granted are directed to be collected: Provided always, that until the whole Money ſubſcribed or borrowed on the Credit of this Act ſhall have been paid off or diſcharged, the Tolls hereby granted ſhall not be leſſened or reduced without the Conſent of the Perſons to whom Five Sixth Parts of ſuch Money ſhall be due.

Tolls may be let.

XXXV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees at any Meeting, upon Fourteen Days Notice being affixed on all the Turnpike Gates then erected by virtue of this Act, and inſerted in ſome Newſpaper or Newſpapers publiſhed or circulated in the ſaid Counties of *Buckingham* and *Northampton*, from Time to Time by Writing under their Hands and Seals, to let to farm the Tolls to be collected by virtue of this Act, or any Part or Parts thereof, to any Perſon or Perſons who ſhall be willing to take or farm the ſame upon public Bidding to the higheſt Bidder, at and for the largeſt yearly Sum that can be reaſonably got for the ſame; provided that the Leaſes, Contracts, or Agreements for the ſame be in Writing, and be duly executed by the Perſon or Perſons taking or farming ſuch Tolls, and alſo by the ſaid Truſtees; but the ſame ſhall not be let for more than Three Years at any one Time; and the Rent which ſhall be agreed to be paid for the ſaid Tolls ſhall be made payable, and ſhall be paid to the Treaſurer to the ſaid Truſtees, ſo as that One Month's Payment of ſuch Rent ſhall always be in advance, or ſufficient Security ſhall be given for the Payment of ſuch Rent to the Satisfaction of the ſaid Truſtees, or in default thereof, every ſuch Leaſe, Contract or Agreement ſhall be null and void to all Intents and Purpoſes whatſoever.

Obtaining Poſſeſſion of Toll Houſes when let to farm.

XXXVI. And be it further enacted, That in caſe the Tolls ariſing from all or any of the Turnpikes or Toll Gates to be erected by virtue of this Act ſhall at any Time or Times, during the Continuance of this Act be demiſed or let to farm to any Perſon or Perſons whomſoever, 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 Ten Days next after any of the Days on which the ſame ought to be paid, purſuant to the Leaſes, Contracts, or Agreements for letting the ſame; then, and in either of thoſe Caſes, the ſaid Truſtees, or their Clerk, Treaſurer or Surveyor, or any other Perſon authorized by Writing under their Hands, ſhall be at Liberty, and they and he are and is hereby authorized to enter into and take Poſſeſſion of the Toll Houſe or Toll Houſes, with the Buildings, Turnpike Gates, and Appurtenances thereunto belonging ſo let as aforeſaid, and to remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers from the Poſſeſſion thereof, and from the Collection of the Tolls there payable; and that thereupon it ſhall be lawful for the ſaid Truſtees (if they ſhall think fit) to vacate and determine the Contract or Agreement for leaſing or letting the ſaid Tolls to the ſaid 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) as if ſuch Demiſe or Agreement had never been

been made; and it shall be lawful for the said Trustees in every such Case to demise or let to farm the said Tolls again to any Person or Persons, or cause them to be taken and collected, as if no former Lease, Contract, or Agreement had been entered into relative thereto.

Subscribers to pay their Subscriptions.

XXXVII. And be it further enacted, That the several Persons who may have subscribed Money for or towards the altering, amending, widening, and repairing the said Road, or any Part or Parts thereof, shall and they are hereby required to pay the Sum or Sums of Money so subscribed, within such Time and Times, and in such Parts and Proportions as the said Trustees shall order and direct, and the same shall be paid to such Person or Persons as the said Trustees shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall be lawful for the said Trustees to sue for and recover the same in any of His Majesty's Courts of Record, 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.

Trustees may borrow Money.

XXXVIII. And be it further enacted, That it shall be lawful for the said Trustees, at any Meeting or Meetings to be held in pursuance of this Act, to borrow and take up at Interest any Sum or Sums of Money they shall think proper (not exceeding the Sum of Three thousand Pounds, including the Monies subscribed and to be subscribed as aforesaid), and to mortgage the said Tolls, and the Turnpike Gates and Toll Houses for collecting the same, or any of them, or any Part or Parts thereof, to any such Subscriber or Subscribers, or other Person or Persons advancing or lending any such Monies as aforesaid, or to such other Person or Persons as he, she, or they shall appoint, his, her, or their Executors, Administrators, and Assigns, as a Security or Securities for any Sum or Sums of Money so subscribed, or to be subscribed, or advanced or lent as aforesaid, with such Interest as shall be agreed upon, not exceeding Five Pounds *per Centum per Annum*; all which Mortgages shall be signed and sealed by the said Trustees, and may be made in the Form following; (that is so say),

Form of Mortgage.

'BY virtue of an Act of Parliament made in the Fifty-fifth Year of the Reign of His Majesty King *George* the Third, intituled [*set forth the Title of this Act*]: We whose Names are hereunto subscribed, and Seal affixed, (being of the Trustees acting in the Execution of the said Act), in Consideration of the Sum of to the Treasurer of the said Road in Hand paid by of do hereby grant, bargain, sell, and demise unto the said Executors, Administrators, and Assigns, such Proportion of the Tolls arising upon the said Road, (or any particular Part or Parts thereof) and also of the Turnpike Gates and Toll Houses for collecting the same, as the said Sum of doth or shall bear to the whole Sum now advanced and charged, or hereafter to be advanced and charged on the Credit and Security thereof, to be had and holden from the Day of the Date hereof, for and during the Continuance of the said Act, unless the said Sum of with Interest after the Rate of Five Pounds

'*per Centum per Annum*, shall be sooner repaid and satisfied. Given under
'our Hands and Seals this Day of
'in the Year our Lord One thousand eight hundred and .'

Copies of Mortgages to be entered.

And Copies of all such Mortgages shall be entered at Length in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees.

Mortgagees may assign.

XXXIX. And be it further enacted, That it shall be lawful for all and every Person and Persons to whom any such Mortgage shall be made as aforesaid, his, her, or their Executors, Administrators or Assigns, from Time to Time to assign or transfer his, her, or their Right, Title, and Interest to the Principal and Interest thereby secured to any Person or Persons whomsoever, by any Writing under his, her, or their Hand and Seal or Hands and Seals, which may be made in the Form following; (that is to say),

Form of Transfer.

'I being entitled to the Sum of
'secured to Executors, Administrators, and Assigns,
'by virtue of a Mortgage bearing Date the Day of
'under the Hands and Seals of of the Trustees acting in
'Execution of an Act of Parliament made in the Fifty-fifth Year of the
'Reign of His Majesty King *George* the Third, intituled [*set forth the*
'*Title of this Act*] do hereby assign and transfer the said Principal Sum
'of and all Interest now due thereon, and all
'my Right and Title in and to the same, unto
'Executors, Administrators, and Assigns. Dated this
'Day of in the Year of our Lord One thousand eight
'hundred .'

Notice of Transfer to be given to the Clerk.

Which Assignment shall be produced or notified to the Clerk to the said Trustees, within Two Calendar Months next after the Date thereof, who shall cause an Entry or Memorial thereof, containing the Dates, Names, Additions, and Places of Abode of the Parties, and Sums of Money therein transferred, to be entered in the Book or Books to be kept for entering the said original Mortgages, for which Entry the said Clerk shall be paid the Sum of Five Shillings and no more; and after such Entry made, and not till then, every such Assignment shall entitle such Assignee, his, her, or their Executors, Administrators, or Assigns, to the Benefit thereof, and to all Monies due and to grow due thereon; and every such Assignee may in like Manner assign again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons who shall have made any such Assignment, afterwards to make void, release, or discharge the original Mortgage or any Assignment thereof, or any Monies thereby due or to grow due, or any Part thereof: And all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, shall be in Proportion to the Sum or Sums therein mentioned Creditors on such Tolls, on the Credit whereof such Sum or Sums are advanced, in equal Degree one with another, and shall have no Preference in respect of any Priority of advancing or lending any such Monies.

Creditors to be interested equally.

For paying Creditors by Lot.

XL. Provided always, and be it further enacted, That when and as often as the said Trustees shall be desirous of paying off any Portion of the Principal Monies due and owing upon the Credit of this Act, it shall be lawful for them at any of their Meetings, if they shall think fit, instead

of paying the ſame rateably amongſt all the Creditors, to determine by Lot to which of ſuch Creditors the Whole or a Portion thereof ſhall be ſo paid, and to pay the ſame to ſuch Creditor or Creditors only; any Thing herein contained to the contrary notwithſtanding.

Application of Truſt Monies.

XLI. And be it further enacted, That all Monies ſubſcribed, or to be ſubſcribed, and which ſhall ariſe and be produced by or from the Tolls by this Act granted or made payable, and all Monies which ſhall be borrowed on the Credit thereof, and alſo all other Monies which ſhall ariſe and be produced by virtue of this Act, and not herein otherwiſe appropriated or directed to be applied, ſhall be and the ſame are hereby veſted in the Truſtees of this Act for the Time being, and ſhall (ſubject to any ſuch particular Appropriation thereof as is herein-before authorized) be applied to and for the ſeveral Uſes, Intents, and Purpoſes, and in the Order and Manner following; (that is to ſay), in the Firſt Place, in Payment of all the Coſts, Charges, and Expences incident to or attending the obtaining and paſſing this Act, and the preparing of all Mortgages or Securities which ſhall be made or granted in purſuance of this Act; in the Second Place, in defraying the Expences of erecting and providing Turnpike Gates, Toll Houſes, and other Buildings, and repairing the ſame, and of altering, widening, turning, repairing, and improving the ſaid Road hereby authorized to be repaired, and of executing the other Purpoſes of this Act; and in the Third Place, in paying the Intereſt accruing upon the ſeveral Principal Sums which ſhall be ſubſcribed or lent, and ſecured upon the Credit of the Tolls hereby granted, or any Part or Parts thereof excluſively; and in the laſt Place, in reducing, paying off and diſcharging ſuch ſeveral Principal Sums as aforeſaid, and to no other Uſe or Purpoſe whatſoever.

For getting Materials.

XLII. And be it further enacted, That it ſhall and may be lawful for the Surveyor or Surveyors of the ſaid Road, or ſuch Perſon or Perſons as he or they, or the ſaid Truſtees ſhall appoint, to dig, gather, take and carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials for repairing the ſaid Road, out of or from any Common River or Brook, Common or Waſte Ground, in any Pariſh or Place wherein the ſaid Road or any Part thereof lieth, or in any adjoining Pariſh or Place, without paying any Thing for the ſame, ſuch Surveyor or Surveyors, or other Perſons filling up the Pits and Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and if there ſhall not be a ſufficient Quantity of ſuch Materials in ſuch Common River or Brook, Common or Waſte Ground, it ſhall be lawful for the ſaid Surveyor or Surveyors or other Perſons as aforeſaid (ſuch Surveyor or Surveyors firſt having an Order of the ſaid Truſtees for that Purpoſe), to ſearch for, dig, gather, and take away any ſuch Materials in and out of the Lands, Fields, or Grounds of any Perſon or Perſons whomſoever, in any Pariſh, Hamlet, Townſhip or Place in which any Part of the ſaid Road ſhall lie or be ſituate, or in any adjoining Pariſh or Place where the ſame may be had or found (ſuch Lands, Fields, or Grounds, not being a Garden, Orchard, Yard, Park, Paddock, Nurſery, or planted Walk, or Avenue to a Houſe), making or tendering ſuch Satisfaction for the Damage done to the Owners and Occupiers of any ſuch Lands, Fields, or Grounds, where and from whence the ſame ſhall be dug,

dug, gathered, and carried away, or over which any Materials for repairing the ſaid Road ſhall be carried, as ſhall be agreed upon between them and ſuch Owner or Occupier; or in caſe of their not agreeing, then as any Two or more Juſtices of the Peace of the County where ſuch Materials ſhall be ſo dug, gathered, and taken away, ſhall and may adjudge and determine to be reaſonable; which Judgment or Order of ſuch Juſtice therein ſhall be final and concluſive to all Parties.

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

XLIII. 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, gather, take, and carry away any Materials for repairing the ſaid Road, out of or from any incloſed Lands or Grounds, until Notice in Writing ſigned by the Surveyor, ſhall have been given to the Owner or Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Owner or Occupier, at his or her uſual Place of Reſidence, to appear before any Two or more Juſtices of the Peace of the County, Town, or Place wherein ſuch Materials are intended to be taken, to ſhew cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier or his Agent ſhall attend purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, ſuch Juſtices ſhall (if they ſhall think proper) authorize ſuch Surveyor or other Perſon or Perſons to dig, gather, take, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf or herſelf, or his or her Agent, ſuch Juſtices ſhall and may upon Proof on Oath of the Service of ſuch Notice (and which Oath they are hereby empowered to adminiſter) make ſuch Order therein as they ſhall think fit, as fully and effectually to all Intents and Purpoſes, as if ſuch Occupier or his or her Agent had attended.

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

XLIV. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall take away any Gravel or Materials which ſhall have been dug or gathered in any Land, Field, Waſte Ground, River, or Brook, by virtue or for the Purpoſes of this Act, or ſhall get or take away any Gravel or Materials, out of any Pit or Quarry which ſhall have been made for the Purpoſe of getting Materials for the ſaid Road, or any Part or Parts thereof, before the ſaid Surveyor or Surveyors, or his or their Workmen ſhall have diſcontinued working therein for the Space of Four Weeks (except the Owner or Occupier of any private Lands, Fields, or Grounds, and Perſons authorized by ſuch Owner or Occupier to get Materials therein for his or her own private Uſe only, and not for Sale) every Perſon ſo offending ſhall forfeit for every ſuch Offence any Sum not exceeding Ten Pounds.

For removing Annoyances.

XLV. 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 (by the Direction of the ſaid Truſtees in Writing under their Hands) from Time to Time to remove and prevent all Encroachments, Nuiſances and Annoyances on or in any Part of the ſaid Road, by Timber, Wood, Stones, Carriages, Saw Pits, Hovels, Filth, Dung, Aſhes, Rubbiſh or otherwiſe, and to turn any Watercourſes, Sinks or Drains running into, along, or out of the ſaid Road to the Prejudice thereof, and to open, ſcour, cleanſe, widen and make deeper any Watercourſes or Ditches adjoining

joining or near thereto, and make the ſame as deep and large as ſuch Surveyor or Surveyors ſhall think neceſſary, and to cut down, lop or top at proper Seaſons of the Year, any Trees, Branches, Shrubs or Buſhes growing in the ſaid Road, or in the Hedges or Banks adjacent thereto, and to take and carry away the ſame in caſe the Owners and Occupiers of the Premiſes reſpectively ſhall neglect to remove ſuch Encroachments, Nuiſances, and Annoyances, or to open, ſcour, cleanſe, widen, or deepen ſuch Watercourſes or Ditches, or to cut, lop, top or take away ſuch Trees, Branches, Shrubs or Buſhes for the Space of Four Days next after Notice in Writing given for that Purpoſe, under the Hand of the ſaid Surveyor or Surveyors, or of the ſaid Truſtees, the Charges whereof ſhall be reimburſed to the ſaid Surveyor or Surveyors by ſuch Owners, and ſhall be recovered in ſuch Manner as Penalties and Forfeitures are by this Act directed to be recovered; and if after the Removal of any of the ſaid Encroachments, Nuiſances, or Annoyances, any Perſon or Perſons ſhall again offend in like Manner, every ſuch Perſon or Perſons ſhall for every ſuch ſubſequent Offence forfeit and pay to the ſaid Truſtees any Sum not exceeding Forty Shillings, which Penalty, and alſo the before mentioned Charges, if not paid on Demand, ſhall be recovered and levied in Manner herein-after directed.

For making Cauſeways, Bridges, &c.

XLVI. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the ſaid Road, or ſuch Perſon or Perſons as he or they ſhall appoint or employ, by Order of the ſaid Truſtees, to make or cauſe to be made Cauſeways, alſo covered or open Drains and Ditches in and upon or on the Side or Sides of the ſaid Road, and alſo through any Grounds lying contiguous to the ſaid Road, and to ſcour ſuch Drains and Ditches ſo as effectually to carry off the Water from any Part of the ſaid Road; and to make and erect Arches or Bridges of Brick, Timber, and Stone upon the ſaid Road, and acroſs any River, Stream, Brook, Water, Ditch or Drain therein or contiguous thereto, and to repair and keep the ſame repaired; and alſo to cauſe Ditches or Trenches to be made in ſuch Manner as ſuch Surveyor or Surveyors by Order of the ſaid Truſtees, ſhall judge neceſſary for the better making, amending, and keeping the ſaid Road in good Repair; and if any Perſon or Perſons ſhall wilfully or negligently injure, deſtroy, break down or otherwiſe damage any ſuch Cauſeway, Bridge, Arch, Wall or Drain, or ſhall ride on, or drive or lead any Horſe, Beaſt, Cattle or Carriage, over or upon any Foot Path or Cauſeway made or to be made on the Side or Sides of any Part of the ſaid Road; or if any Driver of any Waggon or other Carriage ſhall wilfully or careleſsly break or damage any of the Poſts or Stones which may be erected for the Security of the ſaid Foot Paths or Cauſeways; or if any Perſon or Perſons ſhall plough over or drag any Plough upon any Part of the ſaid Road, or in ploughing ſhall turn any Horſe or other Beaſt drawing a Plough upon any Part of the ſaid Road to the Prejudice thereof; or if any Perſon ſhall haul or draw, or cauſe to be hauled or drawn upon any Part of the ſaid Road any Tree or Piece of Timber, or any Stone, otherwiſe than upon a wheeled Carriage, or ſhall ſuffer any Part of any Tree or Piece of Timber which ſhall be conveyed on any Wheel Carriage to drag upon any Part of ſuch Road, to the Prejudice thereof; or if any Perſon or Perſons ſhall ſcrape off any Mud, Soil, or other Matter or Thing which ſhall be or lie upon any Part of the ſaid Road with any Inſtrument, ſo as to damage the ſaid Road or any Part thereof; or if any

Penalty for damaging Cauſeways, Roads, &c.

Perſon or Perſons ſhall leave any Waggon, Wain, Cart or other Carriage, or any Plough, Harrow, or other Implement of Huſbandry (without ſome reaſonable Cauſe, to be allowed by the Juſtice before whom the Perſon ſo offending ſhall be ſummoned or conveyed, in order to his Conviction, and except with regard to ſuch Waggon, Wain, Cart, or other Carriage, during ſuch reaſonable Time as the ſame ſhall be loading or unloading, and ſtanding as near the Side of the ſaid Road as conveniently may be) in, upon, or on the Side of the ſaid Road, either with or without any Horſe or Beaſt harneſſed or yoked thereto; or ſhall lay any Timber, Wood or Buſhes, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbiſh, or other Annoyance whatſoever, upon any Part of the ſaid Road, or on the Side or Sides thereof, to the Prejudice thereof, or Annoyance of any Perſon or Perſons travelling thereon; every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay over and above the Amount of the Damages thereby occaſioned, any Sum not exceeding Forty Shillings, One Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be applied for the Purpoſes of this Act.

Gates not to ſwing into the Road.

XLVII. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining the ſaid Road, ſhall be made and hung to open and ſwing inwards towards ſuch Field or Ground, and not towards the ſaid Road; and that it ſhall be lawful for the ſaid Truſtees to order all ſuch Gates as are now erected, or may hereafter be erected, and open and ſwing outwards towards the ſaid Road, to be altered and made to open and ſwing inwards, as they the ſaid Truſtees ſhall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is or are or ſhall be conſtructed, ſo as to open and ſwing outwards towards the ſaid Road, ſhall (after Ten Days Notice from the Surveyor of the ſaid Road, requiring him, her, or them to alter any ſuch Gate or Gates, and to make the ſame to open and ſwing inwards) refuſe or neglect to make ſuch Alterations, every ſuch Occupier or Occupiers ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Scouring Ditches.

XLVIII. And be it further enacted, That if any Perſon or Perſons who of Right ought to ſcour or cleanſe any Ditch, Drain, or Watercourſe, which ſhall lead into or out of any Part or Parts of the ſaid Road, ſhall not in a proper Manner 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, her, or them reſpectively, or left at his, her, or their reſpective Place or Places of Abode by the ſaid Surveyor or Surveyors, then the ſaid Surveyor or Surveyors may cauſe ſuch Ditches, Drains, and Watercourſes to be ſcoured and cleanſed, and pay for the ſcouring and cleanſing the ſame; and if the ſaid Perſon or Perſons who of Right ought to have done the ſame ſhall not repay the Money ſo paid by ſuch Surveyor or Surveyors on Demand thereof upon him, her, or them reſpectively made, either in Perſon or by Writing, to be left at his, her, or their reſpective Place or Places of Abode, it ſhall be lawful for ſuch Surveyor or Surveyors, upon Proof of the cleanſing and ſcouring of the ſaid Ditches, Drains, or Watercourſes, and Payment of the ſaid Money on Demand thereof made, and Non-payment thereof as aforeſaid, by the Oath of One or more Witneſs or Witneſſes, before any Juſtice of the Peace

Peace of the County, Town, or Place wherein ſuch Ditches, Drains or Watercourſes ſhall lie, by Warrant or Warrants under the Hand and Seal of ſuch Juſtice, to levy the ſame by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons, rendering the Overplus (if any be) unto the Owner or Owners thereof upon Demand, after all Charges paid.

Plan depoſited with the Clerk of the Peace.

XLIX. And whereas a Map or Plan deſcribing the Line of the ſaid Road, and the Lands through which the ſame paſſes, together with a Book of Reference containing a Liſt of the Names of the Owners or reputed Owners and Occupiers of ſuch Lands, have been depoſited at the Office of the Clerk of the Peace of each of the ſaid Counties of *Buckingham* and *Northampton*, and with the Town Clerk of the Town of *Buckingham*; be it therefore further enacted, That the ſaid reſpective Maps or Plans and Books of Reference ſhall remain with the Clerk of the Peace of each of the ſaid Counties of *Buckingham* and *Northampton*, and with the Town Clerk of the Town of *Buckingham*; and all Perſons ſhall at any ſeaſonable Times have Liberty to inſpect, peruſe, and to examine and take Extracts from or Copies of the ſame at their Will and Pleaſure, paying to ſuch Clerk of the Peace or Town Clerk reſpectively the Sum of One Shilling for every ſuch Inſpection; and for Extracts from or Copies of the ſaid Book of Reference, after the Rate of Sixpence for every Seventy-two Words; and the ſaid reſpective Plans or Books of Reference ſo depoſited, or true Copies or Extracts of or from the ſame, or any of them, ſigned by any ſuch Clerk of the Peace, or Town Clerk as aforeſaid, ſhall be and are hereby declared to be good Evidence in all Courts of Law and elſewhere; and the ſaid Truſtees acting in the Execution of this Act in altering, widening, or repairing the ſaid Road ſhall not deviate more than One Hundred Yards from the Line thereof deſcribed in ſuch Maps or Plans and Books of Reference ſo depoſited as aforeſaid, without the previous Conſent in Writing of the Owners or reputed Owners and Occupiers reſpectively, for the Time being, of the Lands or Grounds upon or over which any ſuch Deviation ſhall be made: Provided always, that no Advantage ſhall be taken of or againſt the ſaid Truſtees acting in the Execution of this Act, or any Interruption be given to the altering, widening, or repairing the ſaid Road, on account of any Error or Omiſſion in the ſaid reſpective Plans or Books of Reference, in caſe it ſhall appear to any Two or more Juſtices of the Peace acting for the County, Town, or Place in which the Pariſh or Place to which Error or Omiſſion may apply ſhall be ſituate, and it ſhall be certified by Writing under his or their Hand or Hands, that ſuch Error or Omiſſion appeared to proceed from Miſtake.

Truſtees may widen, &c. and complete Road.

L. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby authorized and empowered to make, repair, widen, turn, and alter, (within the Limits herein-before mentioned) the Courſe or Path of any Part or Parts of the Road hereby authorized to be repaired, upon, through, or over any Commons or Waſte Grounds, without making any Satisfaction for the ſame, and alſo in, upon, through or over any Private Lands, Grounds, or Hereditaments, firſt making Satisfaction to the Owners thereof and Perſons intereſted therein, for the Damage they may ſuſtain thereby; and for that Purpoſe, it ſhall be lawful for the ſaid Truſtees, and for their Surveyors or Surveyor and Workmen, with or without Carriages and Cattle, from Time to Time to enter

enter upon the Lands and Premiſes, upon, through, or over which the ſaid Road or Alterations hereby authorized to be made, is or are intended to be made and paſs; and alſo upon any adjoining Lands or Grounds, and to ſtake out ſuch Road or Alterations; and alſo to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the ſaid Road or Alterations; and alſo to make a temporary Way or Ways through or over any ſuch adjoining Lands or Grounds to be made uſe of as a public Highway, whilſt the narrow or ruinous Parts of the Road are widening or repairing, and until the ſaid Road ſhall be made ſafe and convenient for the Paſſage of Travellers and Carriages, in ſuch Manner as the ſaid Truſtees ſhall think neceſſary or proper, without being deemed a Treſpaſſer or Treſpaſſers, and without being ſubject or liable to any Fine, Penalty, or Puniſhment for entering or continuing upon any Part or Parts of ſuch Lands or Grounds reſpectively, for any of the Purpoſes of this Act, making Satisfaction to the Owners and Occupiers of ſuch Lands and Grounds for the Damages that ſhall be thereby occaſioned, ſuch Damages to be aſcertained and ſettled, in caſe of Diſpute concerning the ſame, in the ſame Manner as the diſputed Value of Lands to be purchaſed or uſed by virtue of this Act, is herein-after directed to be aſcertained and ſettled; and if any Perſon ſhall pull up, remove, or deſtroy any of the Stakes or other Marks uſed in laying out ſuch Road or Alterations, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence a Sum not exceeding Forty Shillings.

Buildings, Gardens, &c. not to be taken or damaged.

Lands taken for Road not to exceed Twenty Yards in Breadth.

LI. And be it further enacted, That nothing in this Act contained ſhall authorize or empower the ſaid Truſtees, or any other Perſon or Perſons, to take, uſe, injure, or damage any Dwelling-houſe or other Building, or to take in or make uſe of any Garden, Yard, Park, Paddock, Orchard, Planted Walk or Avenue to a Houſe, without the Conſent in Writing of the reſpective Owners thereof, other than and except ſuch as are mentioned, deſcribed, and enumerated in the Map or Plan and Book of Reference aforeſaid, nor to take or uſe any Lands or Grounds (not being Part of any Common or Waſte Lands) for the ſaid Road, and the Drains, Ditches, and Fences, ſeparating the ſame from the adjoining Lands exceeding Twenty Yards in Breadth, meaſured horizontally, except for the intended Scite of any Toll Houſe, or the Conveniences and Appurtenances thereto belonging.

Incapacitated Perſons empowered to ſell Land, &c.

LII. And be it further enacted, That after any Lands, Grounds, Tenements or Hereditaments, ſhall be ſet out and aſcertained by the ſaid Truſtees to be neceſſary for the Purpoſes of this Act, or in caſe the ſaid Truſtees ſhall at any Time or Times think proper to divert, turn, vary, or alter the Courſe of the ſaid Road hereby directed or authorized to be repaired, or any Part or Parts thereof, for the better Accommodation of Paſſengers, that then and in either of thoſe Caſes, and as often as it ſhall ſo happen, it ſhall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Huſbands, Guardians, Truſtees, and Feoffees in Truſt for Charitable and other Purpoſes, Mortgagees, and their Aſſigns (whether in Poſſeſſion of the Premiſes mortgaged or not) Committees, Executors, and Adminiſtrators, and all other Truſtees and Perſons whomſoever, not only for and on behalf of themſelves, their Heirs and Succeſſors, but alſo for and on behalf of their Ceſtuique Truſts, whether Infants, Iſſue unborn, Lunatics, Idiots, Femes Covert,

Covert, or other Perſon or Perſons, and to and for all Femes Covert who are or ſhall be ſeiſed or poſſeſſed of or intereſted in their own Right, or entitled to Dower or other Intereſt therein, and for every other Perſon and Perſons whomſoever, who is, are or ſhall be ſeized or poſſeſſed of, or otherwiſe intereſted in or entitled unto any Lands, Grounds, Tenements, or Hereditaments, which ſhall be ſo ſet out and aſcertained as aforeſaid, or which ſhall be neceſſary to be taken or purchaſed by the ſaid Truſtees for the Purpoſes aforeſaid, to contract with the ſaid Truſtees, and to ſet and convey the ſame Lands, Grounds, Tenements, or Hereditaments, with their Appurtenances, and every or any Part or Parts thereof reſpectively to the ſaid Truſtees, and all Bodies Politic, Corporate, or Collegiate, Truſtees, and other Perſons ſo conveying as aforeſaid, are hereby indemnified for what they ſhall reſpectively do in relation to any ſuch Sale or Sales, as he, ſhe, or they, or any of them ſhall make by virtue and in purſuance of this Act; and all ſuch Contracts, Agreements, Sales, Conveyances, and Aſſurances, ſhall be made at the Expence of and ſhall be paid for by the ſaid Truſtees, out of the Monies to ariſe by virtue of this Act.

If the Parties are diſſatisfied a Jury to decide the Matter.

LIII. And be it further enacted, That in caſe any ſuch Price or Value, Damage or Recompence reſpectively cannot be ſettled, adjuſted, and agreed on by and between the ſaid Truſtees or their Agents, and ſuch Proprietors of or Perſons intereſted in ſuch Lands, Tenements, or Hereditaments as aforeſaid, or if any ſuch Bodies Politic, Corporate, or Collegiate, Truſtees, or other Perſons ſo entitled or intereſted as aforeſaid, ſhall refuſe to accept and receive upon due Tender thereof made, ſuch Purchaſe Money or ſuch Recompence as ſhall be offered to be paid by the ſaid Truſtees, or ſhall for the Space of Three Calendar Months next after Notice in Writing given to the principal Officer or Officers of ſuch Bodies Politic, Corporate, or Collegiate, or to ſuch Truſtee or Truſtees, or other Perſon or Perſons reſpectively, or left at the laſt or uſual Place or Places of his, her, or their Abode, or (in caſe ſuch principal Officer or Officers, or other Perſon or Perſons cannot be met with, or his, her, or their Place or Places of Abode cannot be diſcovered) with the Tenant or Tenants, Occupier or Occupiers of ſuch Lands, Tenements, or Hereditaments reſpectively, neglect or refuſe to treat, or ſhall not agree with the ſaid Truſtees or their Agents concerning the ſame, or by reaſon of Abſence ſhall be prevented from treating, or through Diſability by Nonage, Coverture or other Impediment cannot treat for themſelves, or make ſuch Agreement as may be expedient or neceſſary for the Purpoſes of this Act, or ſhall not within the Space of Thirty Days produce and fully diſcloſe the ſtate of the Title to the Lands, Tenements, or Hereditaments which they are or ſhall be in Poſſeſſion of, or to the Intereſt they claim therein; then and in every ſuch Caſe the ſaid Truſtees, or the ſaid Bodies Politic, Corporate, or Collegiate, Truſtees or other Perſons ſo entitled or intereſted as aforeſaid, ſhall be, and they are hereby reſpectively empowered and required to make Application to the Sheriff of the County where ſuch Lands, Tenements, or Hereditaments ſhall lie; or in caſe ſuch Sheriff or his Under Sheriff ſhall happen to be perſonally intereſted in the Matter in queſtion, then to One of the Coroners of the ſaid County who ſhall not be ſo intereſted as aforeſaid; and in caſe all the Coroners of the ſame County ſhall be ſo intereſted, then to the laſt unintereſted Perſon who filled the Office of Sheriff of ſuch County, commanding ſuch Sheriff, Coroner, or other Perſon forthwith to impannel, ſummon, and return a Jury; and the ſaid Sheriff, Coroner, or other Perſon is hereby accordingly re-

quired to impannel, ſummon, and return a Jury of Twelve ſufficient and indifferent Men, qualified according to the Laws of this Realm, to be returned for the Trials of Iſſues joined in His Majeſty's Courts at *Weſtminſter*, to appear at ſuch Time and Place as in ſuch Warrant ſhall be appointed, ſuch Time not being leſs than Fourteen or more than Twenty-one Days after ſuch Warrant ſhall be ſerved upon ſuch Sheriff, Coroner, or other Perſon; and in caſe a ſufficient Number of Jurymen ſhall not appear at the Time and Place ſo appointed as aforeſaid, the ſaid Sheriff, Coroner, or other Perſon ſhall and he is hereby required to return other honeſt and indifferent Men of the Standers-by, or that may be ſpeedily procured to attend that Service, being qualified as aforeſaid, to make up the ſaid Jury to the Number of Twelve; and every ſuch Jury or Juryman ſhall be liable and ſubject to the ſame Regulations, and to the ſame Pains and Penalties for Default, as if they and he had been returned for the Trial of any Iſſue joined in any of His Majeſty's Courts at *Weſtminſter;* and all Parties concerned may have their lawful Challenges againſt any of the ſaid Jurymen, but ſhall not challenge the Array; and the ſaid Sheriff, Under Sheriff, Coroner, or other Perſon is hereby empowered and required by a Summons or Notice to be ſigned by him, either previouſly to or at the Time of any ſuch Meeting or Meetings, to ſummon and call before him all and every ſuch Perſon and Perſons as ſhall be thought neceſſary to be examined as a Witneſs or Witneſſes, touching the Matter in Queſtion, and to hear and examine ſuch Witneſs and Witneſſes on Oath; and the ſaid Sheriff, Under Sheriff, Coroner, or other Perſon, ſhall and may order, direct, and authorize the ſaid Jury, or any Six or more of them, to view the Place or Places, or Matter or Matters in controverſy; and ſuch Jury upon their Oaths (which Oaths, as well as the Oaths to be adminiſtered to the Perſon or Perſons called upon to give Evidence, the ſaid Sheriff, Under Sheriff, Coroner or other Perſon is hereby empowered to adminiſter) ſhall enquire of, aſſeſs, and aſcertain the Sum or Sums of Money, or Recompence or Satisfaction to be made or rendered for the Purchaſe of ſuch Lands, Tenements, or Hereditaments, or the Recompence to be made for the Damages that ſhall or may be ſuſtained as aforeſaid, and ſhall aſſeſs ſeparate Damages for the ſame; and the ſaid Sheriff, Under Sheriff, Coroner, or other Perſon ſhall give Judgment for ſuch Purchaſe Money or Recompence ſo to be aſſeſſed by ſuch Jury accordingly; which ſaid Verdict and the Judgment thereupon pronounced as aforeſaid, ſhall be ſigned by the ſaid Sheriff, Under Sheriff, Coroner, or other Perſon taking the ſame, and ſhall be binding and concluſive againſt all Bodies Politic, Corporate, or Collegiate, Mortgagees, Truſtees, Ceſtuique Truſts, and all other Perſons affected thereby, and ſhall not be removed by *Certiorari* or other Proceſs into any of His Majeſty's Courts of Record at *Weſtminſter*, or any other Court; any Law or Statute to the contrary notwithſtanding: And all and every Perſon and Perſons who, in any Examination to be taken by virtue of this Act, ſhall wilfully and corruptly give falſe Evidence before any ſuch Jury, or before any Juſtice of the Peace acting as ſuch in the Execution of this Act, ſhall and may be proſecuted for the ſame; and upon Conviction thereof ſhall be liable to the ſame Pains and Penalties, as Perſons guilty of wilful and corrupt Perjury are by the Laws in being ſubject and liable to.

Witneſſes may be ſummoned.

Penalty of Perſons guilty of Perjury.

Penalty on Sheriffs, Jurymen, or Witneſſes, making Default.

LIV. And be it further enacted, That if the Sheriff, Coroner, or other Perſon ſo directed to ſummon and return a Jury as aforeſaid, or his Deputy or Agent, ſhall make Default in the Premiſes, he ſhall for every ſuch Offence

Offence forfeit the Sum of Twenty Pounds; and if any Perſon or Perſons ſo ſummoned and returned as aforeſaid upon ſuch Jury ſhall not appear, or appearing ſhall refuſe to be ſworn or give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Perſon ſo ſummoned to give Evidence, after having been paid or tendered a reaſonable Sum for his, her, or their Attendance, ſhall neglect to appear, or appearing ſhall refuſe to be ſworn and examined, or to give Evidence, every Perſon ſo offending (having no reaſonable Excuſe to be allowed by the ſaid Sheriff, Under Sheriff, Coroner, or other Perſon) ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; which ſeveral and reſpective Penalties ſhall and may be levied by virtue of any Warrant under the Hand and Seal of any one Juſtice of the Peace for the County or Diſtrict wherein ſuch Offence ſhall be committed, by Diſtreſs and Sale of the Goods and Chattels of the Perſon ſo offending, rendering unto him the Overplus after ſuch Penalty, and the Charges of the Diſtreſs and Sale ſhall be deducted: And every ſuch Penalty as ſhall be paid by or recovered from any Perſon who ſhall have been ſummoned to give Evidence as aforeſaid, ſhall go and be paid and applied to or amongſt the Perſon or Perſons who ſhall appear to the ſaid Juſtice to have been injured or inconvenienced by ſuch Neglect, Refuſal, or Default, in ſuch Way and Manner as the ſaid Juſtice ſhall in his Judgment conſider to be juſt and equitable; and ſuch Penalties as ſhall or may be incurred by and recovered of or from any Sheriff, Coroner, or other Perſon by reaſon of his having made Default in ſummoning or returning a Jury, or taking the Verdict of ſuch Jury in purſuance of any Warrant to be iſſued for that Purpoſe, or by any ſuch Juryman in conſequence of his neglecting to obey ſuch Summons, or having appeared refuſing to be ſworn or return a Verdict, ſhall be applied in ſuch Manner and for ſuch Purpoſes as the ſaid Juſtices ſhall order and direct.

Application of Penalties.

LV. And be it further enacted, That the ſaid Jury ſhall award all Determinations, Judgments, and Verdicts, which they ſhall make and give in the Execution of the Powers hereby veſted in them, concerning the Value of Lands and other Hereditaments, ſeparately and diſtinctly from the Conſideration of any other Damages ſuſtained, or to be ſuſtained by any Perſon or Perſons, in conſequence of the Execution of any of the Powers of this Act, and ſhall diſtinguiſh the Value ſet upon the Lands and other Hereditaments, and the Money aſſeſſed or adjudged for ſuch Damages as aforeſaid, ſeparately and apart from each other.

Damages to be aſcertained diſtinct from the Value of Lands.

LVI. And be it further enacted, That in each and every Caſe where a Verdict ſhall be given for more Money, for the Purchaſe of any Lands or Hereditaments, to any Perſon or Perſons whomſoever, or as a Compenſation for any Injury or Damages done or to be done to ſuch Lands or other Hereditaments or Property, than had previouſly been offered or tendered by or on Behalf of the ſaid Truſtees, before the ſummoning of ſuch Jury, or where a Verdict ſhall be found for any Damages, if the Diſpute be for Damages only, and in caſe no Compenſation had been previouſly offered or tendered in reſpect thereof, by or on Behalf of the ſaid Truſtees, or where by reaſon of Abſence in Foreign Countries, or other Impediment or Diſability, there ſhall not be found any Perſon or Perſons at hand, who may be legally by virtue of the Powers of this Act or otherwiſe capacitated to enter into a Contract with and make Conveyances to, and

How the Expences of the Jury and Witneſſes are to be paid.

and receive Compenſations from the ſaid Truſtees as herein-before mentioned, then and in all ſuch Caſes, the Coſts and Expences incurred in ſummoning ſuch Jury and taking ſuch Inqueſt ſhall be ſettled by the ſaid Sheriff, Under Sheriff, or Coroner, and defrayed by the ſaid Truſtees; but if a Verdict be given for the ſame or a leſs Sum or Compenſation than had been previouſly offered or tendered by or on Behalf of the ſaid Truſtees, or a Verdict found for the ſame; or in caſe no Damages ſhall be adjudged, aſſeſſed, or given, if the Diſpute be for Damages only; or in caſe of a Refuſal or Neglect to enter into Treaty with or make Conveyance to, or receive Compenſation from the ſaid Truſtees, by any Bodies Politic, Corporate, or Collegiate, or by any Perſon or Perſons whomſoever, who is or are by the Proviſions of this Act or otherwiſe legally capacitated to treat and convey or receive ſuch Compenſation as aforeſaid; then and in all ſuch Caſes (except when by reaſon of Abſence or otherwiſe, any Perſon ſhall have been prevented from treating and agreeing as aforeſaid), the Coſts and Expences of ſummoning ſuch Jury and taking ſuch Verdict, ſhall be ſettled in like Manner by the ſaid Sheriff, Under Sheriff, or Coroner, and be borne or paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have had ſuch Concerns, Controverſies, or Diſputes; which ſaid Coſts and Expences having been ſo ſettled ſhall and may be deducted out of the Monies ſo aſſeſſed or adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Sum or Sums of Money ſhall be deemed and taken to all Intents and Purpoſes to be a Payment or Tender of the whole Sum or Sums of Money ſo aſſeſſed or adjudged, in caſe ſuch Coſts and Expences ſhall not exceed the Amount thereof; but if ſuch Coſts and Expences ſhall happen to exceed the ſame, then the Balance may be ſued for and recovered by the ſaid Truſtees, againſt the Perſon or Perſons with whom they ſhall have had ſuch Concern, Controverſy, or Diſpute, by Action of Debt, or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*; and in all Caſes where the Owners cannot be found, or by reaſon of Abſence are prevented from treating, ſuch Coſts and Expences ſhall be paid by the ſaid Truſtees out of the Monies to ariſe by virtue of this Act.

Verdicts of Jury to be recorded.

LVII. And be it further enacted, That all Verdicts of Juries and Judgments thereon by virtue of this Act ſhall be tranſmitted to and kept by the Clerk of the Peace or other Perſon having the Cuſtody of the Records of the Quarter Seſſions of the County wherein ſuch Verdict ſhall be made or taken, and ſhall be deemed to be Records of ſuch Quarter Seſſions, and the ſame or true Copies thereof ſhall be allowed to be good and ſufficient Evidence in all Courts whatſoever, and elſewhere; and all Perſons ſhall have Liberty to inſpect the ſame, paying for ſuch Inſpection One Shilling, and to have Copies thereof, paying for every Copy after the Rate of Sixpence for every Seventy-two Words therein contained.

Lands, &c. to be Part of the Road on Payment of Purchaſe Money.

LVIII. And be it further enacted, That on Payment or legal Tender of ſuch Sum or Sums of Money as ſhall have been contracted and agreed between the Parties, or aſſeſſed by ſuch Jury in Manner aforeſaid for the Purchaſe of any Lands, Tenements, or other Hereditaments as hereinbefore mentioned, to the Proprietor or Proprietors of ſuch Lands, Tenements, or other Hereditaments, or to ſuch other Perſon or Perſons as ſhall appear to be intereſted therein or entitled to receive ſuch Money, or on paying or depoſiting ſuch Sum or Sums of Money into the Bank of *England*,

land, in Manner as by this Act is directed, (as the Case may be), all Parties and Persons whomsoever shall be from thenceforth divested of all Right and Title to such Lands, Tenements or other Hereditaments, and such Payment or Tender shall not only bar all the Estate, Right, Title, Interest, Claim and Demand whatsoever of the Person or Persons to whose Use the same shall be or ought to have been made, but shall also extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and all other Estates in Reversion or Remainder of his, her, or their Issue, and of every other Person whomsoever therein; and after Ten Days Notice given to such Parties or Persons, or his, her, or their Agent or Agents, or left at his or their Place or Places of Abode, such Lands or Hereditaments shall be laid into and made Part of the said Road, in such Manner as the said Trustees shall direct, and shall be sufficiently ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes become and be deemed a common Highway, and shall from thenceforth for ever be deemed as Part of the Road by this Act directed to be repaired; and after such new Road shall be formed and completed, then the Land not being Common or Waste Land, comprized in or constituting the old or former Road, shall be vested in the said Trustees, and shall or may be stopped up and left unrepaired, unless the same may be wanted for any Public Use, or for the particular Convenience of the Occupancy of any Lands or Tenements to which the same may lead, or shall be by the said Trustees sold for the best Price or Prices that can be gotten for the same, or exchanged for other Lands used for the Purposes of this Act, and the Money arising by such Sale shall be applied to the Purposes of this Act, and the Conveyance to be made of such Lands being executed by the said Trustees, and enrolled with the Clerk of the Peace for the County wherein such Land shall lie, shall be good and effectual to all Intents and Purposes; and that in all Places where the Course of any Part of the present Road shall be diverted by virtue of this Act from the old Line of Road, or a new Road shall be made (except over and through any Common Field, Land or Common or Waste Ground,) and where the old Road shall be widened or shall not be sufficiently fenced, in all such Cases (except as aforesaid) the said Trustees shall and they are hereby required to cause good and sufficient Mounds, Rails and Fences to to be made and provided, and Quickets to be planted in an Husbandlike Manner, or sufficient Stone Walls to be built on both Sides of such Road, where the same is necessary, and shall support such Mounds, Walls, Rails and Fences, for and during the Term of Seven Years from the first making thereof.

First Offer to whom to be made.

LIX. 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 Land 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 any One of His Majesty's Justices of the

Peace for the County in which ſuch Piece or Pieces of Ground ſhall lie (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 the Juſtices of the Peace for the County wherein ſuch Lands or Grounds ſhall lie, at their General Quarter Seſſions of the Peace to be held in and for the ſame County next after ſuch Difference ſhall ariſe; and on Ten Days clear Notice thereof to be given by the ſaid Truſtees, or any Five or more of them, to ſuch Owner or Owners, Occupier or Occupiers, by leaving ſuch Notice at his, her, or their reſpective Places of Abode, the ſaid Juſtices ſhall hear, ſettle, and determine the Matter of the ſaid Difference, and alſo the Coſts attending the hearing and determining of the ſame, whoſe Judgment and Order therein ſhall be final and concluſive to all Parties; 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 Non-application of ſuch Money.

Juſtices may determine Differences.

LX. And be it further enacted, That all Sums of Money to be paid to or for the Uſe of any Body Politic, Corporate or Collegiate, Corporation Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or Truſtees for or on Behalf of any Infants, Lunatics, Idiots, Femes Covert, or Ceſtuique Truſt, or to any other Perſon or Perſons whomſoever, whoſe Lands or Eſtates are limited in ſtrict or other Settlement, or to any other Perſon under any other Diſability, for the Purchaſe or Exchange of any Lands, Tenements, or Hereditaments which ſhall be purchaſed, taken, or uſed for the Purpoſes of this Act, ſhall be paid and applied in Manner following; (that is to ſay), in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, the ſame ſhall with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees of this Act, to the Intent that ſuch Money ſhall be paid, 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 or Redemption of the Land Tax, or 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

Application of Compenſation Money when amounting to 200l.

and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Messuages, 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 Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing, undetermined, and capable of taking Effect, and in the mean Time and until such Purchase shall be made, the said Money shall by the 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 *per Centum* Consolidated or Three *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 hereby directed to be purchased, in case such Purchase or Settlement were made: And in Cases where such Sums of Money 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 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 said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the Trustees of 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 shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the High Court of Chancery: And in Cases where such Sums of Money 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 or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees 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; and the Receipt or Receipts of the Person or Persons to whom the said Trustees shall direct the same to be paid, shall be sufficient Discharges for the same.

Where less than 200*l.* and above 20*l.*

Where under 20*l.*

LXI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, 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

Purchase Money to be paid into the Bank in certain Cases.

Title to the Premiſes to the Satisfaction of the ſaid Truſtees; or in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded or aſſeſſed as aforeſaid, cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees to order the Sum or Sums of Money ſo awarded or aſſeſſed as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the ſaid 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 ſame 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 Eſtates, Titles, or Intereſts of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Perſons in Poſſeſſion to be deemed preſumptively entitled.

LXII. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe concerning the Title of any Perſon or Perſons 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 this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of any 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 be 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 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.

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

LXIII. Provided alſo, and be it further enacted, That where, by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation entitled to any Lands, Tenements, or Hereditaments, to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Lands or Hereditaments, to be ſettled to the like Uſes, in purſuance

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 to the ſaid Court ſhall ſeem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Statute Work regulated.

LXIV. And be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Road, or any Part thereof, ſhall ſtill remain liable thereto, in like Manner as heretofore; and it ſhall be lawful to and for any Two or more Juſtices of the Peace within their reſpective Juriſdictions, 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 Road by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road lieth, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees, or to their Treaſurer; and in order thereunto it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons, (within Seven 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, and may be directed by any Law or Statute in force or effect for the Repair of the public Highways; and out of ſuch Liſts ſuch Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Road, as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay-time or Harveſt), and on ſuch Parts of the ſaid Road, as the ſaid Truſtees, or their Surveyor or Surveyors, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons, who by ſuch Liſts ſhall appear to be ſubject or liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices 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 this Act authorized 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 Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Roads; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid 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.

LXV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees to compound and agree with any Perſon or Perſons, Bodies Politic or Corporate, for the Repairs or 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 of the Pariſhes or Places in which the ſaid Road is 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 Road; and it ſhall alſo be lawful for the reſpective Surveyors of the Highways of ſuch Pariſhes or Places as laſt aforeſaid, in like Manner to compound and agree with the ſaid Truſtees, for and in lieu of the Statute Work to be performed by the Inhabitants of ſuch Pariſhes or Places; which Compoſition Money ſhall always be paid by the Surveyor or Surveyors of the Highways or other Officer of the Pariſh, or by the Perſon or Perſons ſo compounding to the Treaſurer to the ſaid Truſtees in Advance, on or before the Firſt Day of *February* 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.

Perſons liable to repair, to continue ſo.

LXVI. Provided nevertheleſs, and be it further enacted, That all and every Owners, Proprietors, Occupiers, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees, Truſtees, or any other Perſon or Perſons liable or chargeable towards repairing any Bridge or Bridges built acroſs or adjoining to the ſaid Road hereby authorized to be repaired, or any Part thereof, ſhall ſtill remain liable and chargeable to ſuch Repairs, in ſuch Manner as they, he, or ſhe, would have been if this Act had not been paſſed; and in caſe any Eſtates, Lands, Tenements, or Hereditaments, or any Rents or Profits iſſuing out of any Eſtates, Lands, Tenements, or Hereditaments, now are or ſhall hereafter be liable and chargeable towards the amending any Part or Parts of the ſaid Road,

ſuch

ſuch Eſtates, Lands, Tenements, Hereditaments, Rents, and Profits ſhall ſtill remain ſo liable and chargeable; and the Poſſeſſors and Occupiers thereof are hereby required and directed to pay ſuch Rents and Profits as ought to be applied towards the Repairs of the ſaid Road to the ſaid Truſtees or their Treaſurer; and upon Default of Payment thereof the ſame ſhall or may be levied and recovered in like Manner as any Penalties or Forfeitures for Offences againſt this Act are hereinafter directed to be levied and recovered.

Truſtees may contract for Repairs and other Works.

LXVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time to contract and agree with any Perſon or Perſons for the making, amending, widening, altering, improving, or repairing the ſaid Road, or any Part or Parts thereof, or for doing all or any other Work in purſuance or in the Execution of this Act, in ſuch Manner and for ſuch Sum or Sums of Money as the ſaid Truſtees ſhall think proper; and that all Contracts and Agreements in Writing entered into purſuant to an Order made at any Meeting of the ſaid Truſtees ſhall be binding on the ſaid Truſtees and other Parties who ſhall ſign the ſame, his, her, or their Succeſſors, Executors, and Adminiſtrators reſpectively; and that an Action or Suit, Actions or Suits, may be maintained thereon, and Damages and Coſts recovered againſt the Party or Parties failing in the Execution of ſuch Contracts or Agreements.

Penalty on Perſons obſtructing Surveyor in his Duty.

LXVIII. And be it further enacted, That if any Perſon or Perſons ſhall interrupt or hinder, or cauſe to be interrupted or hindered, any Surveyor or any other Perſon or Perſons by him or by the ſaid Truſtees employed in cutting, digging, gathering, getting, or carrying away any Sand, Gravel, Chalk, Flints, Stones, or other Materials, or in amending, widening, turning, altering, improving, or repairing the ſaid Road, or topping, lopping, or cutting any Tree, Lop, Top, or Overhangings, or in digging, cleanſing, or ſcouring any new or other Ditch, Drain, or Watercourſe as aforeſaid, or in doing any other Act in the Execution of this Act, by virtue of the Powers hereby given, or any of them, every ſuch Perſon ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds.

Road to be meaſured and Mile Stones erected.

LXIX. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required and empowered to cauſe the ſaid Road to be meaſured, and Stones or Poſts to be ſet up in or near the Sides thereof, at the Diſtance of One Mile each from the other, denoting the Diſtance of every ſuch Stone or Poſt from any Town or Place, and alſo ſuch and ſo many Direction Poſts as to the ſaid Truſtees ſhall ſeem meet; and if any Perſon ſhall wilfully or maliciouſly damage, break, or pull up any of the Stones or Poſts which ſhall be erected and ſet up upon or near any Part of the ſaid Road, or ſhall obliterate or deface any of the Letters, Figures, or Marks which ſhall be inſcribed thereon, and ſhall be convicted thereof by the Confeſſion of the Party, or by the Oath of One or more credible Witneſs or Witneſſes, before any Juſtice of the Peace for the County, Town, or Place, wherein any ſuch Stone or Poſt ſo damaged, broken, pulled up or defaced ſhall be (which ſaid Oath the ſaid Juſtice is hereby empowered and required to adminiſter), every ſuch Perſon ſo offending, and being thereof convicted as aforeſaid, ſhall reſpectively forfeit and pay over and above the Amount of Damages occaſioned, any Sum not exceeding Five Pounds for

every

every ſuch Offence, to be levied and recovered in ſuch Manner as Penalties and Forfeitures are hereby directed to be levied and recovered, One Moiety of ſuch Forfeitures to be paid to and for the uſe of the Informer, and the Reſidue thereof to be applied for the Purpoſes of this Act.

Recovery and Application of Penalties.

LXX. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act impoſed or authorized to be impoſed (the Manner of levying and recovering whereof is not hereby otherwiſe directed) ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant or Warrants under the Hand and Seal or Hands and Seals of One or more of the Juſtices of the Peace of the County, Town, or Place wherein ſuch Diſtreſs is intended to be made; which Warrant or Warrants the ſaid Juſtice or Juſtices is and are hereby empowered and required to grant, either upon the Confeſſion of the Party offending, or upon the Oath of One or more credible Witneſs or Witneſſes (which Oath any ſuch Juſtice or Juſtices is and are hereby required and empowered to adminiſter), and the Overplus (if any) after ſuch Penalties, Forfeitures and Fines, and the Charges of ſuch Diſtreſs and Sale are deducted, ſhall be returned upon Demand unto the Owner or Owners of ſuch Goods and Chattels; and the Monies ariſing by ſuch Penalties, Forfeitures and Fines, when paid or levied, if not otherwiſe directed to be applied by virtue of this Act, ſhall be from Time to Time paid to the Treaſurer or Treaſurers to the ſaid Truſtees, and applied for the Purpoſes of the ſaid Road; and in caſe ſufficient Diſtreſs ſhall not be found, and ſuch Penalties, Forfeitures, and Fines ſhall not be forthwith paid, it ſhall be lawful for any ſuch Juſtice of the Peace, 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 any Houſe of Correction within his Juriſdiction, there to remain without Bail or Mainprize, for any Time not exceeding Six Months, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges attending the ſame, ſhall be ſooner paid and ſatisfied.

LXXI. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every Juſtices and Juſtice of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act ſhall cauſe the Conviction to be drawn up in the following Form of Words, or in any Form of Words to the ſame Effect, as the Caſe ſhall happen; (that is to ſay),

Form of Conviction.

County of } ‘BE it remembered, That on [*Time of Conviction*] at [*Place*
to wit. } ‘*of Conviction*] *A. B.* [*Name of Offender*] of [*Addition of*
‘*Offender*] was duly convicted before me [*or*, us] [*Name and Stile of Con-*
‘*victing Juſtice or Juſtices*], for that the ſaid *A. B.* [*Name of Offender*] on
‘[*Time of committing Offence*], at [*Place of committing Offence*] did [*here*
‘*ſtate the Offence againſt the Act according to the Fact*], contrary to
‘the Form of the Statute made in the Fifty-fifth Year of the Reign
‘of His Majeſty King *George* the Third, intituled, [*here ſet forth*
‘*the Title of this Act*] and I [*or*, we] do therefore declare and
‘adjudge that the ſaid *A. B.* [*Name of Offender*] hath forfeited for
‘his ſaid Offence the Sum of [*the Fine*], or ſhall be committed to
‘[*the Place of Impriſonment*] for the Space of [*Time of Impriſonment*].
‘Given under my Hand and Seal [*or*, our Hands and Seals] the Day and
‘Year firſt above written.’

LXXII. And

Proceedings not to be quashed for want of Form.

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

Person aggrieved may appeal.

LXXIII. Provided always, and be it further enacted, That in case any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be held for the County in which such supposed Grievance shall have arisen or happened, and within Three Calendar Months after the Cause of such Complaint shall have arisen, such Appellant first giving Ten Days Notice at the least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof to the Clerk of the said Trustees, and within Two Days after such Notice entering into a Recognizance before some Justice of the Peace for such County, conditioned to try such Appeal at, and abide by the Order of, and to pay such Costs as shall be awarded by the Justices at such Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given and such Recognizance entered into, shall hear and determine the Causes and Matters of Complaint in a summary Way, and award such Costs to the Party appealing or appealed against, as the said Justices shall think proper; and the said Justices may, if they see Cause, mitigate at their Discretion any Penalty, Forfeiture, or Fine, or may vacate or set aside the Conviction, and set the Parties at Liberty, or otherwise may ratify and confirm the same, or may order such further Satisfaction to be made to any Party injured as they shall judge reasonable, and may make such Orders and Judgments in regard to the Premises as they shall think right and proper; and the Determination of such Sessions shall be binding and conclusive on all Parties to all Intents and Purposes; and the said Justices may also at such Sessions by their Order and Warrant, levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to obey the same, and for want of sufficient Distress may commit such Person or Persons to any House of Correction within the said County, for any Time not exceeding Three Months, or until Payment of such Costs.

Limitation of Actions.

LXXIV. And be it further enacted, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, the ſame ſhall be commenced within Three Calendar Months next after the Fact committed, and not afterwards, and ſhall be laid and brought in the County where the ſuppoſed Cauſe of Action ſhall ariſe and not elſewhere; and the Defendant or Defendants in 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 thereon, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear ſo to be done, or that ſuch Action or Suit ſhall not be commenced within the Time before limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County or Place, then the Jury ſhall find for the Defendant or Defendants; and upon a Verdict, or if the Plaintiff or Plaintiffs ſhall become nonſuited, or diſcontinue his, her, or their Action or Actions after the Defendant or Defendants ſhall have appeared; or if upon Demurrer, Judgment ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant or Defendants hath or have in any other Caſes by Law.

Public Act.

LXXV. 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 Act.

LXXVI. And be it further enacted, That this Act ſhall commence on the paſſing thereof, and ſhall continue in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's moſt Excellent Majeſty. 1815.