



ANNO QUADRAGESIMO SECUNDO

GEORGI III. REGIS.

Cap. 64.

An Act for repairing, widening, and altering the Road leading from the South End of *Brown's Lane*, in the Parish of *Great Staughton* in the County of *Huntingdon*, to the *Bedford Turnpike Road*, in the Parish of *Lavendon* in the County of *Buckingham*. [24th May 1802.]

WHEREAS the Road leading from the Turnpike Road at or near the Way Post at the South End of *Brown's Lane*, in the Parish of *Great Staughton* in the County of *Huntingdon*, in or through the several Parishes of *Great Staughton* aforesaid, *Little Staughton*, and *Pertenball* in the said County of *Bedford*; *Swineshead* in the County of *Huntingdon*; *Risely*, *Bletsfoe*, *Sharnbrook*, *Odell*, and *Harrold* in the County of *Bedford*; and *Lavendon* in the County of *Buckingham*, to the Turnpike Road in the said Parish of *Lavendon*, leading from the Town of *Bedford* in the said County of *Bedford*, towards *Olney* in the said County of *Buckingham*, is in a ruinous Condition, and narrow and incommodious in many Places,
[Loc. & Per.] 12 K and

and cannot be effectually repaired, widened, rendered safe and commodious to Passengers, and kept in good Repair, by the ordinary Course of the Laws now in being for the Amendment and Preservation of the said publick Highways; and it would be advantageous to the Publick if the same were properly repaired, widened, and altered, and if necessary and convenient Bridges were erected upon the said Road; and it might materially facilitate the carrying of the said Plan into Execution if the said Road was divided into Two Districts, in such Manner as hereinafter mentioned: But as the same cannot be effected without the Aid of Parliament; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Road shall be and is hereby divided into Two separate Districts, and that the Road leading from the Way Post at the South End of *Brown's Lane* aforesaid, into or through the said several Parishes of *Great Staughton, Little Staughton, Pertenhall, Swineshead, Risely, and Bletsoe*, to the Turnpike Road leading from the Town of *Bedford* in the said County of *Bedford*, towards *Higham Ferrars* in the County of *Northampton*, shall be and be called *The Risely District* of the said Road; and that *James Affleck, Thomas Alston, Justinian Alston, Rowland Alston, William Lee Antonie, George Barker Clerk, Charles Bartholomew, Isaac Bell, John Bithray, Jonathan Blott, William Brewster, William Bircheno, William Burbidge, Timothy Caswell, Comyns Clerk, John Crawley, Samuel Crawley, Peter Creak, Elias Boswell Collett, John Day, Thomas Day, William Day, James Duberly, William Fancourt Clerk, William Foster, William Fowler, George Fowler, John Fox of Dean, Thomas Fox of Dean, Thomas Fox of Melchbourn, John Fox of Melchbourn, Robert Garstin, Charles Garth, Thomas Gell, William Gery, Charles Gery Clerk, Hugh Wade Gery Clerk, John Gibberd, Robert Gibbins, Joseph Goodliff, George James Gorham, William Harris, William Hart, John Higgins the elder, Bartholomew Higgins, William Hill, William Hooper Clerk, John Higgins the younger, Henry Harris, William Inkersole, John Islip, Joseph Kemble, John King Clerk, William Drury Lowe, the Right Honourable Earl of Ludlow of that Part of the United Kingdom called Ireland, Augustus Ludlow, commonly called Lord Preston, the Honourable George Ludlow, John Makeham, Thomas Marriott, Thomas Martyn Clerk, John King Martyn Clerk, Thomas Maxey, Frederick Montague, commonly called Lord Frederick Montague, George Montague, commonly called Lord Hinchinbrooke, Moore, L. L. D. Joshua Morton Clerk, Samuel Parker, John Pope Clerk, Francis Pym, Wollaston Pym Clerk, Samuel Richards, Joseph Robinson, Francis Russell, commonly called *The Marquis of Tavistock*, George William Russell, commonly called *Lord George William Russell*, John Russell, commonly called *Lord John Russell*, William Russell, commonly called *Lord William Russell*, James Rust, the Honourable Saint Andrew Saint John, the Honourable George Saint John, John Sawell, Philip Castel Sberard Clerk, John Sismey, Thomas Sismey, Humphrey Smythies Clerk, Humphrey Yeats Smythies Clerk, Jonathan Tebbs, William Tebbs, Nevile Tomlinson, Arthur Walter, Charles Marion Welstead, Benjamin Welstead, Samuel Whitbread, John Wing, William Wooton senior, and William Wooton junior, and their Successors, to be appointed in Manner herein-after directed, shall be and they are hereby appointed*

appointed Trustees for putting this Act into Execution, so far as relates to the said *Risely* District of the said Road: And that the Road leading from the said Turnpike Road in the said Parish of *Bletsfoe* aforesaid, into or through the said several Parishes of *Sbarnbrook*, *Odell*, *Harrold*, and Part of the Parish of *Lavendon* aforesaid, to the said Turnpike Road leading from *Bedford* aforesaid towards *Olney* aforesaid, shall be called *The Odell District* of the said Road; and that *Thomas Alston*, *Justinian Alston*, *Rowland Alston*, *William Andrews*, *William Lee Antonie*, *Thomas Ashpole*, *George Barker Clerk*, *Thomas Battams*, *William Bittbray*, *John Bittbray*, *Charles Bletsfoe*, *Britten*, *George Brooks*, *Charles Burton Clerk*, *Archibald Andrew Cathcart*, *Charles Chester*, *Samuel Cornish*, *John Day*, *William Day*, *John Eyles*, *William Fancourt Clerk*, *William Grove Spurgeon Farrer*, *Dudley French*, *John Garrard*, *Robert Garstin*, *Charles Garth*, *John Gell*, *Thomas Gent*, *John Gibberd*, *Robert Gibbins*, *Valentine Grantham Clerk*, *Richard Gee*, *James Hardwick*, *John Webster Hawkesley Clerk*, *John Higgins senior*, *Bartholomew Higgins*, *John Higgins junior*, *Thomas Hind Clerk*, *William Hine*, *William Hooper Clerk*, *Robert Harris Hurst Clerk*, *Isaac Hurst Clerk*, *Thomas Harrison*, *Thomas Kidman*, *John Knight*, *John Leighton*, *William Drury Lowe*, *Macquean*, *John Makeham*, *Thomas Orlebar Marsh Clerk*, *Thomas Maxey*, *Richard Orlebar senior*, *Richard Orlebar junior*, *Sir George Osborn Baronet*, *John Osborn*, *Thomas Pain*, *Joseph Pain*, *Emery Palmer*, *Roger Parry*, *Joseph Parwsey*, *William Pickering*, *Joseph Robinson*, *John Roddick Clerk*, *Archibald Roddick*, *John Rogers*, *Benjamin Rogers*, *Francis Russell*, commonly called *The Marquis of Tavistock*, *George William Russell*, commonly called *Lord George William Russell*, *John Russell*, commonly called *Lord John Russell*, *William Russell*, commonly called *Lord William Russell*, *John Ryley*, the Honourable *Saint Andrew Saint John*, the Honourable *George Saint John*, *John Sawell*, *Stephenson Clerk*, *Lovell Stonebank*, *William Swannell*, *John Grove Spurgeon Clerk*, *Robert Talbot*, *John Talbot*, *Edward Tanqueary Clerk*, *John Tassel*, the Honourable *John Trevor*, *Robert Trevor*, *Saint John Wagstaff*, *Ward Clerk*, *John Ward*, *Samuel Whitbread*, *Thomas Whitworth*, *Richard Williams Clerk*, *John Wing*, *William Wootton senior*, *William Wootton junior*, and *Samuel Wright*, and their Successors, to be appointed as herein-after is directed, shall be and they are hereby appointed Trustees for putting this Act into Execution, so far as relates to the *Odell District* of the said Road.

II. And be it further enacted, That upon the Death, Removal, or Refusal to act of any of the said Trustees, it shall and may be lawful to and for the said respective Trustees of the District in which such Vacancy shall happen, or any Seven or more of them, to elect and appoint, in the Room of such Trustee or Trustees so dying or refusing to act, such Person or Persons as they shall think proper, provided that Notice of the Time and Place of Meeting for the Election of such Trustee or Trustees shall be given, by affixing the same in Writing on all the Turnpike Gates which shall be then erected within the District for which such new Trustee or Trustees shall be so to be elected, at least Ten Days before such Meeting; and every Person so to be chosen shall and may and is hereby empowered to act as a Trustee or Trustees for such District respectively, as fully as if he were nominated and appointed in and by this Act.

In case of Death etc. of Trustees to be chosen.

III. And

Time and
Place of the
First Meeting
of Trustees,
etc.

III. And be it further enacted by the Authority aforesaid, That the Trustees for the said *Risely* District, or any Seven or more of them, shall and may meet at the House of *John Sarwell*, known by the Sign of the *Falcon*, in the Parish of *Bletsoe* aforesaid, or some other convenient House near to the said *Risely* District of the said Road, on the Twenty-fourth Day of *May* One thousand eight hundred and two, or as soon after as conveniently may be; and the said Trustees for the said *Odell* District, or any Seven or more of them, shall and may meet at the House of *Richard Clapham*, known by the Sign of the *Wheat Sheaf*, in the Town of *Harrold* aforesaid, or some other convenient House near to the said *Odell* District of the said Road, on the Twenty-fifth Day of *May* One thousand eight hundred and two, or as soon after as conveniently may be; and the Trustees of each of the said Districts shall severally proceed to the Execution of this Act, and shall then or as soon after as conveniently may be, make Choice of and appoint a Clerk, Treasurer, and Surveyor, for each of the said respective Districts, and such other Officers as they shall think fit, and shall then and there from Time to Time afterwards adjourn themselves for the better carrying this Act into Execution as they shall think proper to any Place within or near to their said respective Districts; and in case a sufficient Number of the said Trustees shall not attend any such Meeting or at the annual Meeting herein-after mentioned, then it shall and may be lawful for the Clerk to the said respective Trustees to adjourn the said Meeting in such and the same Manner as the said Trustees could or might have adjourned the same.

Annual Meet-
ing of Truf-
tees.

IV. Provided always, and be it further enacted, That, for the better carrying this Act into Execution, a General Meeting of the Trustees of the said *Risely* District shall yearly and every Year, during the Continuance of this Act, be held at the said *Falcon* in the Parish of *Bletsoe* aforesaid, or some other convenient House near to the said *Risely* District of the said Road, on the Third *Wednesday* in the Month of *May*; and that a General Meeting of the Trustees of the said *Odell* District of the said Road shall yearly and every Year, during the Continuance of this Act, be held at the said *Wheat Sheaf* in the Parish of *Harrold* aforesaid, or some other convenient House near to the said *Odell* District of the said Road, on the Third *Tuesday* in the said Month of *May*.

Meetings on
Emergencies.

V. Provided also, and be it further enacted, That, if after any Adjournment of the said Trustees, it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, or in case no Adjournment shall have been regularly made, then and in either of the said Cases the Clerk to the said Trustees, upon an Order in Writing signed by any Three or more of the said Trustees of such District, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof, and the Time, Place, and Purpose mentioned in such Order, in the Manner last herein-before directed (such Time not being less than Seven Days after such Notice), and such Meeting shall and may be held accordingly; and the said Trustees at all their Meetings shall defray their own Expences.

VI. Provided

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right or in Right of his Wife, seised or possessed of and in the actual Receipt of the Rents and Profits of Messuages, Lands, Tenements, Tythes, or Hereditaments, of the clear yearly Value of Forty Pounds above Reprizes, or shall be Heir Apparent of a Person so seised or possessed of Messuages, Lands, Tenements, Tythes, or Hereditaments, of the clear yearly Value of Eighty Pounds above Reprizes, or shall be possessed of a clear Personal Estate to the Amount or Value of Eight hundred Pounds; and if any Person not being so qualified shall presume to act as a Trustee in the Execution of this Act, he 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 Impar lance, shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act.

Qualification
of Trustees.

VII. Provided nevertheless, That all Acts and Proceedings by any such Person as a Trustee in the Execution of this Act, previous to his being convicted of the Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

The Acts of
unqualified
Trustees pre-
vious to Con-
viction to be
valid.

VIII. And be it further enacted, That it shall and may be lawful for the Trustees hereby nominated and appointed, or hereafter to be elected and appointed as aforesaid, who shall be present at any Meeting to be held by virtue of this Act, in or for their respective Districts, or the Majority of them, (such Majority not consisting of less than Five Trustees in the Whole), and they are hereby empowered from Time to Time to make all necessary Orders, Agreements, and Determinations, in the Execution of this Act as to their respective Districts of the said Roads (except in such Cases wherein a greater Number of Trustees are hereby required); and all or any of such Orders, Agreements, or Determinations, may in like Manner be revoked or altered at any subsequent Meeting.

How Orders
of Trustees
may be made
and altered.

IX. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act during the Time he shall hold any Place of Profit under this Act; and that all such Trustees who are Justices of the Peace, may act as Justices of the Peace within their respective Jurisdictions in the Execution of this Act, notwithstanding their being Trustees, except only in Cases where they shall be personally interested.

Trustees hold-
ing Places of
Profit shall not
act.

X. And be it further enacted, That the said Trustees, or any Seven or more of them, within their respective Districts, or such other Person or Persons as they shall direct and appoint, shall and may erect or cause to be erected such and so many Toll Gates or Turnpikes, in, upon, or across such Parts and in such Places of the said Road within the said respective Districts, and also upon or across any Lane or Bye Way that

Toll Gates to
be erected,
etc.

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doth or shall lead into or out of the same, as they the said respective Trustees shall think proper and expedient, subject to the Restrictions and Directions herein-after mentioned concerning the same; and also shall and may erect or provide a Toll House to each of the said Toll Gates or Turnpikes, with suitable Conveniencies, and inclose from the said Road convenient Garden Spots for the same, and shall and may pull down and remove the same, or any or either of them, to any other Place within the same District, when and as often as they the said Trustees, or any Seven or more of them, shall think proper, upon giving Twenty-eight Days previous Notice of the Meeting to be held for the Purpose of determining upon the Propriety of removing any such Toll Gate or Toll Gates respectively.

Power to take
Tolls.

XI. And be it further enacted, That, from and after the passing this Act, the several Tolls herein-after particularly mentioned, shall and may be demanded and taken at each and every of the Toll Gates, Turnpikes, and Side Gates, to be erected by virtue of this Act, within each of the said Districts respectively, by such Person or Persons as the said Trustees of such District or respective Districts, or their or either of their Lessee or Lessees for the Time being, shall from Time to Time appoint for that Purpose, except as herein-after is expressly directed or provided to the contrary; before any Horse, Beast, Cattle, or Carriage, upon which any Toll is by this Act imposed, shall be permitted to pass through the same; (*videlicet*),

For every Coach, Chaise, Chair, or other such Carriage, drawn by Six Horses or other Beasts of Draught, Two Shillings; by Four Horses or other Beasts of Draught, One Shilling and Sixpence; by Three Horses or other Beasts of Draught, One Shilling and Three-pence; by Two Horses or other Beasts of Draught, One Shilling; and by One Horse or other Beast of Draught, Nine-pence:

For every Waggon, Wain, Cart, or other such Carriage, drawn by Six Horses or other Beasts of Draught, Two Shillings; by Five Horses or other Beasts of Draught, One Shilling and Nine-pence; by Four Horses or other Beasts of Draught, One Shilling and Sixpence; by Three Horses or other Beasts of Draught, One Shilling and Three-pence; by Two Horses or other Beasts of Draught, One Shilling; and by One Horse or other Beast of Draught, Sixpence:

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen and not drawing, One Penny Halfpenny:

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

For every Drove of Calves, Swine, Sheep, or Lambs, Seven-pence Halfpenny *per* Score, and so in Proportion for any greater or less Number:

Which said respective Sums shall and may be demanded and taken in the Name of and as a Toll, by such Person or Persons as the said Trustees for the Time being, in their respective Districts, shall from Time to Time authorize, empower, or appoint to receive the same; and if any Person or Persons, subject to the Payment of any of the said Tolls, or any of them, shall, after Demand thereof made by any Collector or Collectors appointed to receive the same, neglect or refuse to pay the said Tolls or
any

any of them, or any Part or Parts thereof, it shall be lawful for the said Collectors or any of them respectively, or any other Person or Persons whom they shall respectively take to their Assistance therein, to distrain any Horse or Beast, on which any of the said Tolls are by this Act imposed, or any of the Harness or Accoutrements thereof respectively, of such Person or Persons neglecting or refusing to pay the same; and if such Tolls, with the reasonable Charges of such Distress, and of keeping the same, shall not be paid within the Space of Four Days after the Date of making such Distress, the Person or Persons so distraining shall and may at any Time or Times thereafter sell the Horse, Beast, Harness, or Accoutrements, returning the Overplus of the Money which shall arise by such Sale, and what shall remain unfold, (if any), upon Demand, to the Owner or Owners thereof.

XII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees or any of them, to cause the said Tolls to be taken more than Once in any One Day, (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next Night), for the passing of the same Horse, Carriage, or Cattle, through the same Toll Gate or Turnpike; but all and every Person and Persons after having paid Toll for the passing of any such Carriage, or Cattle, as last mentioned, and producing a Ticket denoting the Payment of such Toll or Tolls on that Day, which Tickets the respective Collectors or Receivers of the said Tolls are hereby required to deliver *gratis* on Receipt of such Toll or Tolls, shall be permitted to pass and repass with the same Carriage, the same Horse, or the same Cattle, Toll-free, during the same Day, through the same Toll Gate or Turnpike where such Toll shall have been paid: Provided also, that no more than Two Tolls shall be demanded or taken in either of the said Districts of the said Road, from any Person or Persons, for passing and repassing the same Day with the same Horse, the same Carriage, or the same Cattle, through all the Toll Gates or Turnpikes to be erected by virtue of this Act in such District respectively; and all and every Person or Persons having paid the said Tolls, and producing a Ticket or Tickets denoting the Payment thereof, (which Tickets the said Collectors are hereby required to give *gratis* on the Receipt of such Toll), shall pass and repass with the same Horse, the same Carriage, or the same Cattle, Toll-free, during such Day, through all other the Toll Gates or Turnpikes to be erected in the same District of the said Road.

Tolls to be paid but Once a Day.

XIII. Provided likewise, and be it further enacted, That none of the Tolls hereby granted and made payable shall be demanded in either of the Districts of the said Road, for any Horse or other Beast, or any Carriage either laden or unladen when employed in carrying Stones, Bricks, Lime, Wood, Gravel, or any other Materials for repairing the same District of the said Road, or for erecting, altering, or repairing, any Bridge or Toll House or Toll Gate on the same District of the said Road, or for repairing any of the Highways in the Parishes or Townships in which the same Roads or any Parts thereof do lie; or in carrying or conveying any Dung, Mould, Lime, or Compost, for the manuring and improving of Land, or Hay, Corn in the Straw, or other Produce of Lands, to be laid up in the Houses, Outhouses, Barns, or Grounds, of or belonging to the Owners

Exemption from Tolls.

or Occupiers of such Lands; or any Ploughs, Harrows, or other Implements of Husbandry, belonging to such Inhabitants respectively; nor shall any of the Tolls hereby granted or made payable, be demanded or taken from any Person or Persons residing in the said Parishes or Townships, who shall pass through any of the said Toll Gates or Turnpikes to or from Church, Chapel, or any other Place of religious Worship tolerated by Law, on *Sundays* or Holidays, or when attending the Funeral of any Person who shall be buried in any of the said Parishes, or any Rector, Vicar, or Curate, who shall pass through the same, for the Purpose of doing Duty at their respective Parish Churches or Chapels in the same Parish; nor for any Horses, Mares, Geldings, or Cattle, going to or returning from Work, in cultivating the Lands and Grounds within such Parishes or Townships; or going to or returning from Pasture or Watering Places, or going to, or returning from being shod (provided that such last mentioned Exemptions shall only extend to such Cattle as shall be driven to and from Water or Pasture in the same Parish, or from One Parish to the next adjoining Parish, or to such Cattle as shall not pass upon the said Road more than the Space of Two Miles in going to or returning from Water or Pasture); nor for any Horses or Carriages which shall be employed in conveying any Mail or Packet made up under the Authority or Direction of His Majesty's Postmaster General or his Deputies; nor for or in respect of any Horses belonging to Officers or Soldiers on their March or upon Duty, nor for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or carrying any wounded, sick, or disabled Officers or Soldiers; nor for any Horses, Carts, or Carriages, employed in carrying or conveying Vagrants sent by legal Passes; nor for any Horses or Carriages carrying any Elector or Electors to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the respective Counties of *Huntingdon*, *Bedford*, and *Buckingham*; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, or any of them, not being entitled to the same, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds nor less than Forty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Trustees may
compound for
Tolls.

XIV. And be it further enacted, That it shall be lawful for the said Trustees in their respective Districts, from Time to Time as they shall see convenient, to compound and agree for any Term not exceeding One Year at One Time, with all or any of the Inhabitants of the several Parishes, Townships, Hamlets, or Places, into or through which such District of the said Road leads, for the passing of their Horses, Cattle, or Carriages, through all or any of the Toll Gates or Turnpikes to be erected on such District of the said Road, or on the Sides thereof; which Composition Money shall be paid in Advance, and in Default thereof the Composition shall be void.

Trustees may
reduce the
Tolls.

XV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, within their respective Districts, at any Meeting assembled for that Purpose, and they are hereby authorized and empowered from Time to
Time,

Time, as they shall see Occasion, to reduce or lessen all or any of the Tolls or Duties hereby granted, so as Twenty-one Days Notice in Writing, be fixed upon the several Turnpike Gates which shall be erected upon that District of the said Road wherein the Tolls are intended to be reduced or lessened, declaring the Intention of reducing or lessening the same, and so as such Reduction be made with the Consent of the several Persons who shall be entitled to Three Fourths of the Money due upon the Credit and Security of the Tolls of that District of the said Roads, and from Time to Time to raise such Tolls again, or any Part thereof, as they shall think necessary, so as the same be not in any Case raised higher than the Tolls made payable by virtue hereof; and such Tolls so reduced or raised again, shall be collected, levied, and applied, in the same Manner as the Tolls herein-before granted are directed to be collected, recovered, and applied.

XVI. And be it further enacted, That the Right, Interest, and Property of and in all the Toll Gates or Turnpikes and Toll Houses which shall be erected and provided in pursuance of this Act, with the several Conveniencies and Appurtenances thereunto respectively belonging, and all Materials which shall be purchased, or provided for the Purposes of this Act in each District of the said Road, shall be vested in the Person or Persons who for the Time being shall be appointed Treasurer or Treasurers by the said Trustees of such District of the said Road respectively as herein-after is directed, and he and they is and are hereby empowered to sell, assign, transfer, apply, and dispose of the same as Occasion shall require, and as the said Trustees of such respective District shall from Time to Time order, direct, or appoint; and under the like Order, Direction, and Appointment, to bring or cause to be brought any Action or Actions, and to prefer and prosecute any Indictment or Indictments against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, destroy, injure, or damage, any of the Conveniencies and Appurtenances thereunto belonging, or any of the Materials aforesaid, or who shall do any Act to hinder or obstruct any Person or Persons employed by the said Trustees in the Execution of this Act.

Toll Houses,
etc. vested in
the Treasurer.

XVII. And be it further enacted, That it shall be lawful for the said Trustees respectively, and they are hereby required to cause Fences and Ditches to be erected and made over such Parts of such Open Fields, Commons, and Waste Grounds, and in such other Places as they shall think necessary, in order to prevent Payment of the said Tolls being evaded; and if any Person or Persons shall pull down, or otherwise displace or carry away any such Fence, or any Part thereof, or shall fill up any such Ditch, such Person shall for every such Offence forfeit and pay the Sum of Five Pounds.

Fences, &c. to
be made.

XVIII. And be it further enacted, That if any Dispute shall happen concerning any Tolls due, or the Charges occasioned by any such Distress as aforesaid, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof, until the Quantity of the Tolls or the Charges of the Distress, as the Case may happen, be ascertained by some Justice of the Peace for the

For settling
Disputes con-
cerning Tolls.

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County

County wherein the Cause for Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties, or of a Witness or Witnesses, and shall determine the Quantity of the Toll due, and also assess the Charges of such Distress, and of the Collector's Attendance for that Purpose upon the said Justice, all which Sums so detained or assessed shall be paid to the said Collector before he shall be obliged to return the said Distress or Overplus, or any Part thereof.

Penalty for
evading Tolls.

XIX. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, or Beast, pass through any Land or Ground near any of the Turnpikes which shall be erected by virtue of this Act, (the same not being a common Road), with Intent to avoid the Payment of the said Tolls, or any Part or Parts thereof; or if any Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, or Beast whatsoever, to pass through the same with such Intent as aforesaid; or if any Person or Persons shall give to or receive from any Person or Persons, other than a Collector of the said Tolls, or forge or counterfeit any Ticket by this Act directed to be given, whereby the Payment of any of the said Tolls, or any Part thereof, shall be evaded; or if any Person or Persons shall forcibly or wilfully pass through any such Turnpike with any Horse or other Cattle or Beast, without Payment of Toll, or shall take off or cause to be taken off any Horse, or any other Cattle or Beast, with an Intent to avoid the Payment of any of the said Tolls, or any Part thereof, or with such Intent shall unload any Goods from any Carriage, every Person so offending in any of the Cases aforesaid, shall for every such Offence forfeit any Sum of Money not exceeding Five Pounds nor less than Forty Shillings, at the Discretion of the Justice or Justices before whom such Offenders shall be convicted, whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the Forfeitures or Penalties are herein-after directed to be applied.

Collectors
competent
Witnesses.

XX. 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 acting by or under the Authority of the Trustees, shall be competent to give Evidence in any such Dispute, Suit, or Litigation.

Surveyors
may get Ma-
terials for the
Roads.

XXI. And be it further enacted, That it shall be lawful for the Surveyor of the said Districts, and each of them respectively for the Time being, appointed by the said respective Trustees, and such other Person or Persons as shall be employed by such Surveyor, to gather, dig, take, and carry away any Stones, Gravel, Sand, or other Materials proper for the repairing of the said Road, out of and from any Waste Grounds or Commons, Rivers, and Brooks, in any Parish, Township, or Place contiguous or near or convenient to the said Road or any Part thereof, without paying any Thing for the same, such Surveyor or other Person or Persons levelling the Ground from whence such Materials shall be taken, or sufficiently fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and in case no such Materials can be had in
such

such Waste Grounds or Commons, Rivers or Brooks, within convenient Distances, then to dig, gather, take, and carry away any such Materials as aforesaid, in, upon, out of, or from and over any other Lands or Grounds (except as herein-after is mentioned); making such Compensation and Satisfaction for such Materials, and for the Damage done to the Owners or Occupiers of such Lands and Grounds where and from whence the same shall be dug, gathered, taken, and carried away, or over which the same or any other Materials gotten in any Waste Ground, Common, River, or Brook, or private Grounds, shall be conveyed, as such Trustees shall judge reasonable.

XXII. And be it further enacted, That if any Person or Persons shall take or carry away any Materials which shall have been dug or gathered for the Purpose of making or amending the said Road, or either Districts thereof, shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Road, or either District thereof, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Twenty-eight Days (except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier, and who shall work and get Materials therein for his own private Use only, and not for Sale), every Person so offending shall, for every such Offence forfeit and pay a Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on taking away Materials got by Surveyors.

XXIII. And be it further enacted, That in case it shall appear necessary to the respective Trustees of the said Districts of the said Roads, or of either of them, to widen, turn, or alter any Part or Parts of the Road intended to be repaired by virtue of this Act, or any Brooks or Drains lying by the Side thereof or near thereto, for the Purpose of making or rendering the same, or either of them, wider or more convenient, or for the better Accommodation of Passengers, or for making the said Road, or any Part thereof less circuitous, or more commodious, then it shall be lawful for the Trustees of such District respectively to widen the said Road, and to divert, turn, or alter the Course or Direction of any Part or Parts thereof, or of any Brook or Drain lying by the Side thereof or near thereto, through or over any Grounds or Hereditaments, except as herein-after is mentioned, first making Satisfaction to the Owner or Owners thereof, and Persons interested therein, for the Damages they may thereby sustain, and such other Satisfaction as the said Trustees shall think reasonable and just; and for that Purpose it shall be lawful for the said Trustees in their respective Districts, to treat, contract, and agree with the Owners of and Persons interested in any such Lands or Grounds for the Purchase thereof, or for the Loss or Damage such Owners and Persons entitled, or any of them, shall and may anyways sustain by such widening, turning, or altering any Part or Parts of the said Road, or any Brooks or Drains by the Side thereof; and in case the said Road, or any Part thereof, shall be diverted and turned across any inclosed Ground as aforesaid, so as to pass along any private Road which shall have been made or fenced in by the Proprietor of such inclosed Ground, then the Trustees of the District in which such Case shall or may happen, shall and they are hereby required to make Satisfaction and Compensation to the Proprietor of such inclosed Ground for the making and fencing the said private

Trustees may widen, turn, or alter the Road.

Corporations
and incapacitated
Persons
empowered to
sell, &c.

On Refusal to
sell, a Jury to
settle the
Recompence.

private Road ; and it shall be lawful for all Bodies Politick or Corporate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees whatsoever, for and on Behalf of any Infants, Femes Covert, *Cestuique* Trusts, or other Persons beyond the Seas, or under any legal Disability, and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or entitled in any such Lands or Hereditaments, to contract and agree with the Trustees of such District of the said Road respectively for the Satisfaction to be made for such Damages as aforesaid, or to sell or convey to them all or any of such Lands and Hereditaments, as Occasion shall be or require ; and all Contracts, Sales, and Conveyances, which shall be so made, shall, without any Fine or Fines, Common Recovery or Recoveries, be valid and effectual in the Law to all Intents and Purposes, notwithstanding any Law, Statute, Usage, or other Matter whatsoever to the contrary ; and all such Bodies Politick or Corporate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act ; and if any such Owners, Proprietors, Occupiers, Bodies Politick or Corporate, Corporations Aggregate or Sole, Trustees as aforesaid, or any other Person or Persons interested in any such Lands and Grounds, upon Notice in Writing to him, her, or them, given or left at the respective Dwelling Houses or Places of Abode of such Person or Persons, or of the Head or other Officers of such Bodies Politick or Corporate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Grounds so to be taken in and added to any Part of the said Road, or into which any Part or Parts of such Road are or is to be turned or altered as aforesaid, shall, by the Space of Ten Days after such Notice so given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by Reason of Absence shall be prevented from treating, then and in every or any such Case the Trustees of such respective District shall cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County wherein such Lands or Grounds do lie (which Oaths any One of the Trustees is hereby empowered and required to administer); what Damages shall be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or other Person or Persons entitled for or on Account of the taking of such Lands and Grounds into the said Road, or of turning any Part or Parts of such Road, or of such Brooks or Drains as aforesaid, into the same Lands or Grounds ; and in order thereto the said Trustees in their respective Districts are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before the said Jury, and examine upon Oath all and every Person or Persons whomsoever, who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises (which Oath any One or more of the Trustees is and are hereby empowered to administer), and they shall also order and cause the said Jury to view the Places in Question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the Jury's better Information in the Premises, as the said Trustees shall think fit ; and after the said Jury shall have enquired of, ascertained, and settled such Damage, Recompence, and Satisfaction, the said Trustees shall thereupon order the Sum or Sums of Money so assessed by the said Jury, to be paid to
the

the said Owners or Occupiers, or other Persons interested in the said Lands or Grounds, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition and Order so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Issue unborn, Females Covert, and Persons under any other Disability whatsoever, Bodies Politick or Corporate, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and for the summoning and returning of such Jury and Juries, the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County wherein the Lands or Grounds in Question as aforesaid do lie, thereby demanding and requiring him to impanel, summon, and return a Jury of Twenty-four honest and indifferent Men, according to the Laws of this Realm, to be returned for the Trial of Issues in His Majesty's Courts of Record at *Westminster*, to appear before the said Trustees at such Time and Place within such County as in such Warrant shall be specified; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number accordingly, and out of the Persons so impanelled, summoned, and returned; or out of such of them as shall appear upon such Summons, the said Trustees, or any One or more of them, shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service (being qualified as aforesaid), to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, or his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury and shall not appear, or who shall refuse to be sworn on the said Jury, or being so sworn refusing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, or appearing shall neglect or refuse to give Evidence, so that such Fine shall not exceed the Sum of Ten Pounds upon any such Sheriff or his Deputy, and the Sum of Forty Shillings upon any other Person for any One Offence.

Their Verdict
to be final.

Sheriff to sum-
mon Juries.

Sheriffs, etc.
to be fined on
Neglect of
Duty.

XXIV. Provided always, and be it further enacted, That none of the Powers, Authorities, or Provisions in this Act contained, shall extend to authorize the said Trustees, or any of them, to pull down or damage any Dwelling House or other Building, or take away the Ground of or damage any Garden, Orchard, Yard, Park, Paddock, or Avenue to a House or Plantation, or Nursery of Trees, without the express Consent in Writing of the Owner and Occupiers thereof respectively; and that none of the said Trustees shall act in any Case relating to the contracting for or purchasing of any Lands, Grounds, or Hereditaments, wherein

Trustees not
to damage any
Dwelling
Houses, etc.
without Con-
sent of the
Owners.

[*Loc. & Per.*]

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he shall be interested; any Thing herein contained to the contrary notwithstanding.

Money allowed for Lands, how to be charged and tendered.

XXV. And be it further enacted, That every Sum of Money, Re-compence, and Satisfaction, to be agreed for or assessed as aforesaid, shall be paid out of the Monies which shall arise and be produced by virtue of this Act, in the District in which such Lands or Grounds so to be purchased as aforesaid respectively shall lie, to the Parties or Persons respectively entitled thereto, or to their Agents, and upon Payment thereof, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Treasurer of the said Trustees of such District respectively for the Use of such Parties or Persons, and after Ten Days Notice thereof to such Parties or Persons, or their Agents, all Owners or Occupiers of and Persons interested in such Lands or Grounds, shall from thenceforth be divested of all Right, Title, Claim, Interest, and Property of, in, to, or out of the same, and such Lands or Grounds shall be laid into and made Part of the said Road, in such Manner as the said Trustees of such District shall direct, and shall be by them, or such Person or Persons as they shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall from thenceforth, to all Intents and Purposes whatsoever, become and be a common Highway, and be Part of the Road to be repaired by this Act, and shall be repaired and kept in Repair, in such Manner as the Road hereby directed to be repaired is by this or any other Law to be repaired.

Application of Compensation Money where amounting to 200 l.

XXVI. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, such Money shall, if the same amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing 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 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 to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other 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 and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and
until

until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Product 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.

XXVII. Provided always, and be it further enacted, That if any Money so agreed or assessed to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in 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 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 Seven or more of the Trustees, for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application when less than 200*l.* and exceeding 20*l.*

XXVIII. Provided also, and be it further enacted, That when such Money so agreed or assessed to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in 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 Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Seven or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application when less than 20*l.*

XXIX. And be it further enacted, That the Costs and Expences of summoning and paying the Jury and Witnesses for ascertaining and determining the Value of any such Right, Profit, or Interest, or the Losses

How the Expences of the Jury, &c. are to be paid!

or

or Damages aforesaid, shall be paid by the said Trustees, out of the Monies which shall arise by virtue of this Act.

Powers to shut
up Lanes or
Roads.

XXX. And be it further enacted, That it shall and may be lawful to and for any Two or more Justices of the Peace of the said Counties of *Huntingdon, Bedford, or Buckingham*, acting in their respective Jurisdictions, at any Special Sessions or Meeting, by Order under their Hands and Seals, to stop up and discontinue any Bye Lane or Road opening into or communicating with the Road to be made by virtue of this Act, by Means whereof the Tolls hereby made payable, or any of them, can or may be evaded, if they shall think it proper so to do, but subject to such private or Occupation Roads (if any) as they shall think necessary; so as Twenty-one Days Notice be given by the Clerk to the Trustees of the District with which such Bye Lane or Road shall communicate, of the Time, Place, and Purpose of such Special Sessions or Meeting, by affixing such Notice on all the Turnpike Gates then erected on the said Road; and so as such Order of the said Justices be subject to appeal within such Time, and in such Manner as herein-after is provided with respect to Appeals.

Powers to shut
up old Roads,
etc. and to sell
the same.

XXXI. And be it further enacted, That after any such new Road as aforesaid shall be made and completed, the Lands or Grounds comprized in or constituting the old or former Road, in lieu whereof the Lands and Grounds for such new Road or any Part thereof shall be purchased as aforesaid, shall be vested in the Treasurer or Treasurers of the said Trustees for the Time being of the said District wherein such new Road shall lie, unless the said Trustees of the said District of the said Road in which such new Road shall lie, shall think it necessary to be continued as and for a publick Carriage Road; and the said Treasurer or Treasurers is and are hereby fully empowered to sell the same, and to convey and assure the Fee Simple and Inheritance thereof, to such Person or Persons, and in such Manner, as the said Trustees of such respective District, or any Seven or more of them, shall order, direct, and appoint, subject to such private or Occupation Roads or publick Bridle Roads (if any) as they shall adjudge to be proper and necessary to be reserved over and along such old Road as aforesaid; and the Money or Monies from such Sale or Sales as aforesaid, shall be applied and disposed of for the repairing and amending such District of the said Road to which the same shall belong or appertain as aforesaid, and for keeping the same in Repair; and upon a Conveyance or Conveyances of such Land or Ground respectively being made and executed by the said Treasurer or Treasurers as aforesaid, and a Receipt for the said Purchase Money being indorsed on such Conveyance, or any Part thereof, such Purchaser or Purchasers of the said Lands and Grounds, or any Part thereof respectively, shall be seized of the said Lands or Grounds so purchased by or conveyed to him or them in Fee Simple, to all Intents and Purposes whatsoever, and shall not be answerable or accountable for the Misapplication or Non-application of the said Purchase Money, or any Part thereof.

Notice to be
given of such
Sale.

XXXII. Provided always, and be it further enacted, That Notice of the Time and Place of such Sale or Sales shall be given in Writing by the Clerks to the said respective Trustees, Twenty-one Days at least previous
to

to such Sale or Sales taking place, by affixing such Notices on all and every the Toll Gates or Turnpikes then erected upon such District of the said Roads, and also by inserting the same in the *Northampton Mercury*, or some other Newspaper usually circulated in the Neighbourhood of the old Roads so intended to be sold and disposed of as aforesaid: Provided also, that from and after such Sale as aforesaid, or the making of such new Road, and shutting up any such Road as aforesaid, the Inhabitants or Occupiers of the Township, Parish, or Place, in which the said old Road or any Part of it doth lie, shall not be subject or liable to the Repair of such Road so to be shut up as aforesaid, but shall from thenceforth be fully and absolutely exonerated and discharged therefrom.

XXXIII. And be it further enacted, That the several Persons who have been Subscribers towards defraying any Part of the Expences of obtaining and passing this Act, and carrying the same or any Part of it into Execution, and every of them, and all and every other Person or Persons who shall hereafter become a Subscriber or Subscribers for the Purposes aforesaid, or his, her, or their Heirs, Executors, or Administrators, shall, within Twenty-one Days next after Notice in Writing, under the Hand of the Treasurer or Clerk to the said Trustees of the respective Districts of the said Roads to which he, she, or they shall have become a Subscriber or Subscribers, shall have given or delivered to him, her, or them, or left at his, her, or their Dwelling House or usual Place of Abode, make full Payment of the respective Sums of Money so subscribed or agreed to be subscribed as aforesaid, or such Part or Parts thereof as may be required in such Notice; and in case any such Person or Persons, his, her, or their Executors, Administrators, or Assigns, shall refuse, neglect, or fail to make such Payment as aforesaid, then and in every such Case it shall be lawful for the said Trustees of such Districts of the said Road respectively, to bring or cause to be brought any Action of Debt, or on the Case, Bill, Plaint, or Suit, against the Person or Persons so refusing or neglecting as aforesaid, his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance, shall be allowed; and on Proof of such Person or Persons having so subscribed, or agreed to subscribe, and such Notice being given as last aforesaid, such respective Sum or Sums so subscribed or agreed to be subscribed, or so much thereof as shall be required to be paid by such Notice, shall be recovered with full Costs of Suit.

Subscribers
compellable to
pay their Sub-
scriptions.

XXXIV. And be it further enacted, That all the Monies which shall arise and be produced in or upon either of the said Districts of the said Roads respectively, by or from such Subscriptions as aforesaid, and by and from the Tolls by this Act granted and made payable therein, together with the Monies which shall from Time to Time be borrowed upon the Credit of the Tolls to be collected therein, and all other Monies which shall arise and be produced therein by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees of such District respectively for the Time being, as separate and distinct Funds, to all Intents and Purposes, and shall be applied in the Order and Manner following; (*videlicet*), in the First Place, in paying the Costs, Charges, and Expences attending the preparing, obtaining, and

Application of
the Money.

[*Loc. & Per.*]

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passing

passing of this Act, and charged upon and made payable out of the Fund of such District as herein-after mentioned ; in the Second Place, in paying the Interest accruing upon the several Principal Sums of Money which shall from Time to Time be secured upon the Credit of the Tolls to arise in such District respectively, in pursuance of this Act, or such Proportions thereof as the annual Income of the Tolls to be collected on such District of the said Road will bear ; and in the Third Place, in defraying the Expences of erecting or providing Turnpikes, Toll Houses, and other Buildings, and repairing the same, and of repairing, widening, and altering the said Road, and of erecting and making necessary and convenient Bridges upon the same, and of executing the several other Powers and Purposes of this Act in such District respectively ; and lastly, in reducing, paying of, and discharging the same several Principal Sums ; and it shall be lawful for the said Commissioners from Time to Time, if they shall think fit, to ascertain the Order and Priority in which the same several Principal Sums shall be reduced or paid off by Ballot.

XXXV. Provided always, and be it further enacted, That if at any Time or Times the Majority in Value of the Creditors upon either or both the said Districts of the said Road, shall think it right or necessary to lower or totally suspend the Payment of the Interest due or payable upon the several Sums of Money secured upon the Credit of the Tolls of such District for a certain Time, then and in such Case the Interest of all Sums of Money secured on the Credit of the Tolls of such District or Districts of the said Road, shall be lowered or totally given up for such Time or Times as such Majority shall order, direct, or determine ; any Thing herein contained to the contrary notwithstanding.

For paying
Expences of
the Act.

XXXVI. And be it further enacted, That One full and equal Moiety or Half Part of all the Costs, Charges, and Expences whatsoever, incident to or attending the preparing, obtaining, and passing this Act, shall be charged upon and paid, borne and defrayed, by and out of the Fund arising from such Subscriptions as aforesaid, and belonging to the *Rifely* District of the said Roads, and the other full and equal Moiety of all such Costs, Charges, and Expences as last aforesaid, shall be charged upon and borne, paid and defrayed, by and out of the Fund arising from such Subscriptions as aforesaid, and belonging to the *Odell* District of the said Road.

For borrow-
ing Money on
Security of
the Tolls.

XXXVII. And be it further enacted, That it shall be lawful for the said respective Trustees, or any Seven or more of them, at any Meeting, to borrow and take up at Interest upon the Credit of the Tolls to be collected on each respective District, in such Manner as they shall think proper, as well the Sums already subscribed, as also such other Sum or Sums of Money as they, or any Seven or more of them shall think fit, and they, or any Seven or more of them are hereby empowered, by any Writing or Writings under their respective Hands and Seals, from Time to Time to demise, mortgage, or assign the said Tolls of such District respectively, or any Part or Parts thereof, during the Continuance of this Act (the Charges of such Mortgages to be paid out of such Tolls) as a Security or Securities to any such Subscriber or Subscribers as aforesaid, or other Person or Persons who shall lend and advance such Sum or Sums of Money, their respective Executors, Administrators, and Assigns, for the
Money

Money so subscribed or to be subscribed; or lent and advanced; with Interest for the same, which Writing or Writings may be made in the Form or in Words to the Effect following; (that is to say),

BY virtue of an Act of Parliament, passed in the Forty-second Year of the Reign of His Majesty King George the Third, intituled [*here set forth the Title of the Act*], We, of the Trustees appointed for carrying into Execution the said Act, in respect of the *Rifely* District of the Road [*or, the said Odell District of the Road, as the Case may be*] in Consideration of the Sum of _____ paid by _____ of _____ to the Treasurer of the District of the Road, do hereby bargain, sell, and assign, unto the said _____ such Proportion of the Tolls to arise upon the District of the Road, as the Sum of _____ doth or shall bear to the whole Sum now or hereafter to become due on the Security thereof, to hold the same unto the said _____ his Executors, Administrators, and Assigns, from the Day of the Date hereof, for and during the Continuance of the said Act, unless the said Sum of _____ with lawful Interest for the same, after the Rate of _____ *per Centum per Annum*, shall be sooner repaid and satisfied. Given under our Hands and Seals, this _____ Day of _____ in the Year of our Lord

Form of Mortgage.

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees of each respective District, which Book or Books shall and may, at all reasonable Times, be perused and inspected without Fee or Reward; but no Money shall be borrowed upon Security of the Tolls of either of the said Districts, after the First Meeting of the said Trustees thereof, unless Twenty-one Days previous Notice shall be given, by affixing such Notice in Writing or Print upon all the Turnpikes then erected upon such District of the said Roads by virtue of this Act, and also by inserting the same in One or more of such Newspapers as aforesaid; and it shall and may be lawful for all and every Person and Persons to whom any Mortgage or Security shall be made as aforesaid, or who shall be from Time to Time entitled to the Money thereby secured, to assign and transfer his, her, or their Right, Title, and Interest in or to such Mortgage or Security, and the Principal Money thereby secured, to any other Person or Persons whomsoever, in the Form or in Words to the Effect following, to be indorsed on such Mortgage Security, or thereunto annexed, and signed in the Presence of and attested by One or more credible Witnesses or Witnesses; (*videlicet*),

Copies to be entered.

Notice to be given for borrowing Money.

Mortgages may be assigned.

I *A. B.* of _____ [*or, I C. D. of* _____] Executor or Administrator of *A. B.* late of _____ deceased [*or otherwise, as the Case may happen to be*] in Consideration of the Sum of _____ to me paid by _____ *E. F.* of _____ do hereby assign and transfer unto the said *E. F.*, his Executors, Administrators, and Assigns, a certain Mortgage or Security, bearing Date the _____ Day of _____ in the Year of our Lord _____ under the Hands and Seals of _____ of the Trustees for putting in Execution an Act of Parliament, passed in _____

their Hands to the said respective Trustees, or to such Person or Persons as they shall appoint to receive the same, and not otherwise; and if any such Officer or Person shall refuse or neglect to give such Account, or to produce or deliver up such Vouchers as aforesaid, or to verify the Articles thereof upon Oath, or to pay the Money due upon such Account in Manner aforesaid, or to deliver up to the respective Trustees, or to such Person or Persons as they shall appoint, within Fourteen Days after being thereunto required by the said respective Trustees, all the Books, Papers, or Writings, in his Custody or Power, relating to the Execution of this Act, in every or any of the said Cases it shall be lawful for any Two or more Justices of the Peace for the County or Place where the Officer or Person so making Default shall be or reside, upon Complaint thereof made to them, or any Two or more of the said respective Trustees, to make Enquiry concerning such Refusal or Neglect, as well by Confession of the Parties themselves respectively, as by the Testimony of any credible Witness or Witnesses upon Oath, (which Oath the said Trustees, or any of them, are and is hereby empowered and required to administer, without Fee or Reward); and if any such Officer or Person shall be convicted of any of the Offences aforesaid, such Justices shall, upon such Conviction, commit him to the Common Gaol or House of Correction of the same County or Place, there to remain without Bail or Mainprize until he shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with and satisfied the said respective Trustees, (which Composition and Agreement the said respective Trustees are hereby empowered to make), or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said respective Trustees; provided that no Person shall be committed as last aforesaid, for any longer Space of Time than Three Calendar Months.

XXXIX. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of each of the said Districts for the Time being, and such Person and Persons as he or they shall appoint from Time to Time, to prevent all Nuisances or Annoyances on any Part or Parts of the said Road, by Timber, Stone, Carriages, Saw Pits, or other Pits, Dung, Filth, Rubbish, or otherwise, and to turn any Watercourses, Gutters, Conduits, or Drains, running into the same, to the Prejudice thereof, and to open, scour, and cleanse, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourse adjoining or near to the said Road, or any Part or Parts thereof, and also to cut down, lop, or top, any Branches or Bushes growing in the Hedges, Fences, or Grounds adjoining thereto, (so as to reduce such Hedges to any Height not less than Four Feet), and to take and carry away the same in case the respective Owners or Occupiers of the Lands where such Annoyances shall happen to be, shall neglect so to do for Fourteen Days next after Notice in Writing given for that Purpose under the Hand of such Surveyor, the Charges whereof (to be settled by the said respective Trustees in their respective Districts) shall be reimbursed to such Surveyor by such respective Owners or Occupiers so neglecting as aforesaid, and shall be levied and recovered in the same Manner as the Penalties, Forfeitures, and Fines, are herein-after directed to be levied and recovered; and if after the Removal of any such Annoyances any Person shall offend again in the like Manner, every

Surveyor may
remove Annoyances.

[Loc. & Per.]

12 P

such

such Person shall for every such subsequent Offence forfeit and pay the Sum of Forty Shillings.

Surveyors
may make
Causeways,
cut Drains,
etc.

XL. And be it further enacted, That it shall be lawful for such Surveyor or Surveyors, and such other Person and Persons as shall be appointed or employed by him by Order of the said Trustees respectively, to cut and make Ditches, Drains, and Watercourses, in and upon the said Road, and also through any Grounds lying contiguous thereto, and to erect, rebuild, and keep in Repair, the Bridges and Arches upon the said Road, and across any such Ditch, Drain, or Watercourse, and to make sufficient Barriers and other Erections on any Part or Parts of the said Road, in order to prevent any River or Current of Water from flooding the same, as the said Trustees or Surveyor shall judge necessary; and also to make or cause to be made any temporary Road or Roads through, over, and along the Grounds adjoining to any narrow or ruinous Part or Parts of the said Road, to be made Use of as a Road whilst the old Road shall be repairing, and until the same shall be made safe and convenient for travelling, making such Satisfaction to the Owners and Occupiers of such Grounds so to be used, cut through, or built upon, for the Damage which they or any of them shall sustain thereby, as the said Trustees shall judge reasonable.

Trustees to
fence new
Roads over
Inclosures.

XLI. And be it further enacted, That in all Cases where the said Trustees shall widen or turn any Part or Parts of the said Road, or make any new Road over and through any inclosed Lands or Grounds, the said Trustees shall make or cause to be made proper Fences, so as effectually to guard and fence off the Lands adjoining to the said Road, and also proper Gates, Bridges, and Arches, where necessary, out of the said Road into the Lands adjoining.

Persons
chargeable to
Statute Work
to continue
so, and Jus-
tices to deter-
mine Dif-
ferences.

XLII. Provided always, and be it enacted, That all Persons who by Law are liable to do Statute Work, or chargeable towards repairing and amending the Road hereby directed to be made, widened, and repaired, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said Counties of *Huntingdon, Bedford, or Buckingham*, in their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the said respective Trustees, 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 doth lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them, paid to the said Trustees respectively, or their Treasurer or Treasurers; and in order thereunto it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons, within Ten Days after the serving of such Summons, of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money

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 so paid; which Lists of Names shall be made in Manner and under such Regulations and Restrictions as is or may be directed by any Law or Statute in Force and Effect for the Repairs of the publick Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year, upon the said Road, as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times, (not being Hay Time or Harvest), and in such Parts of the said Road, as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees respectively, or their Treasurer, at such Time or Times as they the said Justices shall direct, and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their usual Place or Places of Abode, for that Purpose, by any Surveyor of the said Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the publick Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work 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 Parts of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or willingly give in false or imperfect Lists, every such Surveyor so offending, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

XLIII. And be it further enacted, That it shall be lawful for the said Trustees of such District, from Time to Time to compound and agree by the Year or otherwise, with the Owners and Occupiers of any Lands, Tenements, and Hereditaments liable or chargeable with or towards the Repair of any Part of the said Roads lying within the same District, or

Trustees may
compound for
Statute or
other Work.

with

with any Person or Persons for the Performance of his, her, or their Statute Work thereon; and also for the respective Surveyors of the Highways of any of the said Parishes, Townships, Hamlets, and Places, in which the said Road or Roads shall lie, to compound and agree by the Year or otherwise with the said respective Trustees, for and in lieu of the Statute Work to be performed by the Inhabitants of such Parishes, Townships, Hamlets, and Places, upon any Part of the said Road, all which Compensation Monies shall be paid in Advance; and such respective Surveyors shall be repaid or reimbursed all the Compensation Monies which shall be so paid by them, and may recover the same in like Manner as Surveyors of the Highways are by Law enabled to recover the Monies by them expended in buying Materials for repairing the said Highways.

Lands liable to the Repair of Bridges and Roads to continue so.

XLIV. Provided always, and be it further enacted, That where any particular Part or Parts of the said Roads, or any Bridges, Arches, Drains, Sewers, or Watercourses, lying in and upon the said Road, have been accustomed or ought to be repaired and maintained by any particular Person or Persons, Bodies Politick or Corporate, by Reason of the Tenure of any Lands, Tenements, or Hereditaments, or by the said Counties of *Huntingdon*, *Bedford*, or *Buckingham*, or either of them, or any Parish or Township therein respectively, or otherwise howsoever, all and every such Part and Parts of the said Road, and all such Bridges, Arches, Drains, Sewers, and Watercourses, shall from Time to Time be maintained and kept in Repair by such Person and Persons, Bodies Politick and Corporate, Corporations, Wards, Parishes, or Townships, and in the same Manner as the same ought to have been maintained and kept in Repair in case this Act had not been made.

Trustees may sue and be sued in the Name of their Clerk or Treasurer.

XLV. And be it further enacted, That the said Trustees of each of the said Districts respectively, may sue or be sued for or concerning any Thing to be done by virtue or in pursuance of this Act, in the Name of their Clerk or Treasurer for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said respective Trustees, by virtue of this Act, in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of any such Clerk or Treasurer, or by the Act of any such Clerk or Treasurer, without the Consent of the said respective Trustees, but that the Clerk or Treasurer for the Time being to the Trustees, shall be deemed to be Plaintiff or Defendant, as the Case may be, in every such Action; and every such Clerk or Treasurer, in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall be fully reimbursed and paid by the said Trustees of such District respectively, out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action or Proceeding he shall pay, bear, expend, or be put unto or become chargeable with, by Reason of his being made Plaintiff or Defendant as aforesaid.

Books to be kept and admitted as Evidence.

XLVI. And be it further enacted, That all Acts, Orders, and Proceedings of the said Trustees of each of the said Districts of the said Roads respectively, shall be entered in a Book or Books to be kept by the Clerk or Clerks to the said respective Trustees for that Purpose; and such Acts, Orders, and Proceedings so entered, shall be signed by so many

many of the said respective Trustees as the Case may require, and, being so signed, shall be deemed to be Originals; which Book or Books, and also the Book or Books to be kept for the entering of Mortgages, Assignments, and Transfers as aforesaid, shall be admitted and deemed to be Evidence in all Courts whatsoever.

XLVII. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act imposed or authorized to be imposed, the Manner of recovering and levying of which is not herein otherwise particularly directed, shall, upon Proof of the Offences and Conviction of the Offenders respectively, before any One or more Justice or Justices of the Peace for the Counties of *Huntingdon, Bedford, or Buckingham* respectively, wherein such Offences shall be committed, either by the Confession of the Party or Parties offending, or by the Oath of any One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices, which Warrant or Warrants such Justice or Justices is and are hereby required to grant for those Purposes, and to administer such Oath gratis; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned on Demand to the Owner or Owners of such Goods and Chattels; and all such Penalties, Forfeitures, and Fines, when so levied, (if not otherwise directed by this Act), shall be paid to the said Trustees or their Treasurer, and applied in the Execution of this Act; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines, shall not be forthwith paid, such Justice or Justices is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Offender or Offenders to be committed to the House of Correction for the said County, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

How Penalties, Forfeitures, and Fines, are to be recovered and applied.

XLVIII. And, for the more easy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice and Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, may cause the Conviction to be drawn up in the Words or to the Effect following, *mutatis mutandis*, as the Case shall happen to be.

County of _____ or }
 to wit. } **BE** it remembered, That on [Time of Conviction]
 at [Place of Conviction] A. B. [Name of Offender]
 of [Addition of Offender] was duly convicted before me [or, us] [Name
 and Style of convicting Justice or Justices] for that the said A. B. [Name
 of Offender] on [Time of committing Offence] at [Place of committing Of-
 fence] did [here state the Offence against the Act, according to the Fact],
 contrary to the Form of the Statute made in the _____ Year of
 the Reign of His present Majesty King George Third, intituled, [here
 set forth the Title of the 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 [Fine] or shall be committed to [Place of Im-
 prisonment] for the Space of [Time of Imprisonment]. Given under my
 [Loc. & Per.] 12 2 Hand

‘Hand and Seal [*or*, our Hands and Seals] the Day and Year first above written.’

Convictions not to be quashed for Want of Form, nor removed by *Certiorari*.

XLIX. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order to be made, or any other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be quashed for Want of Form, or liable to be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

Persons aggrieved may appeal to the Quarter Sessions.

L. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order, Determination, Proceeding, Matter, or Thing made or done in pursuance of this Act, save and except the Verdict of the Jury, and Order, Determination, Proceeding, Matter, or Thing herein-before directed to be final, and for which no particular Relief hath been herein-before provided; such Person or Persons may, within Three Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justice of the Peace of any General Quarter Sessions of the Peace for the County in which such Cause of Complaint shall arise, such Appellant or Appellants first giving, or causing to be given, Twenty-one Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer of the said Trustees, and within Ten Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal at, and abide the Order of, and pay such Costs as shall be awarded against him, her, or them, by the Justices at such respective Quarter Sessions; and the said Justices at their respective Sessions, on due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall proceed in, hear, and finally determine the Cause and Matters of such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as the said Justices respectively think proper; and their Determination shall be final, binding, and conclusive, to all Intents and Purposes.

Publick Act.

LI. And be it further enacted, That this Act shall be deemed and taken to be a publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whosoever, without the same being pleaded specially.

Commencement and Continuance of the Term.

LII. And be it further enacted, That the Term and Powers granted by this Act shall commence upon the Twenty-fourth Day of *May* One thousand eight hundred and two, and shall continue for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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