



ANNO QUINQUAGESIMO SEPTIMO

# GEORGII III. REGIS.

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## Cap. xvii.

An Act to continue and amend an Act passed in the Thirty-fifth Year of His present Majesty for amending, widening, altering, improving, and keeping in Repair the Road leading out of the Turnpike Road between *Aylesbury* and *Wendover*, through *Prince's Risborough*, to *West Wycombe*, in the County of *Buckingham*. [23d May 1817.]

**W**HEREAS an Act was passed in the Thirty-fifth Year of the Reign of His present Majesty, intituled *An Act for amending, widening, altering, improving, and keeping in Repair the Road leading out of the Turnpike Road between Aylesbury and Wendover, through Prince's Risborough, to West Wycombe, in the County of Buckingham*: And whereas by virtue of the Powers in the said recited Act several new Pieces of Road have been made, particularly from *Bushey Leys* in the Parish of *Ellesborough* to *Little Kimble Village*, and from thence over *Hatch Furlong* and *Crackle's Orchard* to or near to the Lane on the North Side of *Little Kimble Church-yard*; also across the North-east Corner of *Ascot Field* in the Parish of *Monk's Risborough*, and out of the Lane between the Town of *Prince's Risborough* and a Green called *Sheepbridge*, over *Park Field* and *Calverton Hill* in *Prince's Risborough* Parish, to join the old Highway in *Bottom Field*, near to a Place called *Shootacre* in the said Parish, and also other Parts along the said Line of Road leading from *Aylesbury*

[Local.] 4 Z 10 35G.3.c.149.

to *West Wycombe* aforesaid, have been amended, widened, and improved: And whereas considerable Sums of Money have been borrowed and are now due and owing upon the Credit of the several Tolls authorized to be collected upon the said Roads by virtue of the said recited Act; which Money cannot be paid off, nor can the said Roads be effectually amended and kept in Repair, unless the Term granted by the said Act be further continued, and some of the Powers and Provisions thereof altered and enlarged: 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 recited Act of the Thirty-fifth Year of His present Majesty, and all and every of the Tolls, Duties, Powers, Authorities, Provisions, Penalties, Forfeitures, Punishments, Exemptions, Provisions, Matters and Things therein respectively contained, and are now in force (except such as are hereby varied, altered, or repealed), shall be and are hereby continued for and during the Term herein-after mentioned, in like Manner, and as fully and effectually to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act; and that the additional Term hereby granted shall be and is hereby declared to be subject and liable to the Payment of all Monies due or that shall hereafter become due on the Credit of the said recited Act and this Act, and of all Interest due and to grow due thereon.

Act con-  
tinued.

Exemptions  
from Toll.

II. Provided always, and be it further enacted, That from and after the passing of this Act the Exemptions granted by the said recited Act shall be repealed; and that no Toll shall be taken for any Carriage, or any Horse, Cattle, or Beast laden only with or going unladen for, or returning unladen, having been only laden with, on the same Day, Gravel, Stone, or other Materials for repairing the said Roads, or any of the Roads in the Parishes or Hamlets in which such Road lies; or with Hay, Straw, Corn in the Straw, or with other Produce of Lands, not bought, sold, or disposed of, but passing to be laid up in the Out-houses, Barns, Yards, or Lands of the original Owners thereof, or to be sowed upon any such Lands, or with Muck, Dung, Compost, or other Materials for the manuring or improving of Lands; or of Farmers and other Occupiers of Land, Millers or their Servants, passing along the said Roads on such their necessary Business, within the several Parishes wherein the said Farmers, Occupiers of Land, or Millers shall respectively reside, or within the Parishes next adjoining thereto wherein they shall occupy any Lands; or for any Horses, Cows, Sheep, or other Cattle going to or returning from Water or Pasture; nor for any Horse, Beast, or other Cattle, when going to or returning from being shod or farried, or employed in carrying or conveying any Plough, Harrow, or other Implement of Husbandry; or for any Horses or Carriages of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or returning back from conveying the same; nor for any Horses belonging to Officers or Soldiers upon their March or upon Duty; or for any Carriages, Horses, or other Beasts or Cattle employed in carrying or conveying the Arms or Baggage of any such



such Officers or Soldiers, or in conveying any sick or wounded or disabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place appointed for Exercise, Inspection, or Review, provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements according to the Regulations appointed for such Corps at the Time of claiming the Exemption; or for or in respect of any Carriage, Horse, or other Beast conveying of poor Persons or Vagrants sent by legal Passes; or carrying any Person to or from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Buckingham* during the Time of such Election, or on the Day before such Election shall begin, or the Day after such Election shall be concluded; or for or in respect of any Carriage, Horse, or other Beast, carrying any Person or Persons residing in any Township or Parish in which any Part of the said Road lies, to or from any Church, Chapel, or other Place of Religious Worship licensed by Law, to which they usually resort on *Sundays*, or any other Day on which Divine Service is or shall be ordered by Authority to be celebrated, or attending the Funeral of any Person who shall die and be buried within any of the said Parishes; or carrying any Clergyman or licensed Minister going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty; and if any Person shall claim and take the Benefit of any Exemption in this Act contained, not being entitled to the same, every such Person shall for every such Offence forfeit and pay 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 the said Act and this Act.

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

IV. Provided always, and be it further enacted, That this Act shall not extend or be construed to extend to charge with Toll any Horses or Carriages belonging to Their Majesties or any of the Royal Family, or for any of the Horses of His Majesty's Guards, or any Horses or Carriages conveying

Stores.

Exempting  
the Royal  
Family from  
Toll.



veying Persons regularly attending Their Majesties or any of the Royal Family.

Repealing  
Exemption  
from Toll  
for Persons  
passing from  
Ellesborough  
Church to  
Marsh and  
Kimblewick.

V. And whereas it is by the said recited Act enacted, that in case a certain new Piece of Road leading from *Ellesborough* Church into the Lane on the North Side of *Little Kimble* Church-yard, should be made as therein described, it should not be lawful to take any Toll from Persons passing along the said Lane, who shall only be going from the said new intended Piece of Road to the Highway leading to the Hamlets of *Marsh* and *Kimblewick*: And whereas, in consequence of an Alteration in the Line of Road made under the Powers of the said Act, it is no longer reasonable that such Exemption from Tolls should continue; be it therefore further enacted, That so much of the said Act as exempts such Persons so passing from *Ellesborough* Church to the Hamlets of *Marsh* and *Kimblewick* from the Payment of Tolls shall be and the same is hereby repealed.

Trustees may  
compound  
for Tolls.

VI. And whereas the Power given to the said Trustees by the said Act from Time to Time to compound and agree with the Inhabitants and Persons therein described, for a Sum or Sums of Money to be paid in lieu of Tolls for passing over the said Road, was limited to a Distance not exceeding Two Miles of the Road: And whereas the said Limitation has been found inconvenient; be it therefore further enacted, That it shall be lawful for the said Trustees from Time to Time to compound and agree with any Inhabitant or Inhabitants of any Parish or Place in which any Part of the said Road lies, and with any Person or Persons usually travelling on the said Road, or any Part thereof, for any Sum or Sums of Money to be paid in the Manner therein mentioned, in lieu of the Tolls granted by the said Act, for passing over any Distance of the said Road, whether exceeding or not exceeding Two Miles of the Road.

Tolls to be  
paid but once  
for passing  
and repassing  
the same  
Day.

VII. And be it further enacted, That no Horse, Cattle, or Carriage whatsoever, nor any Person or Persons in respect thereof, shall be subject to or charged with the Payment of any of the Tolls granted by the said recited Act more than once in any one Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, for passing or repassing through all or any of the Gates or Bars erected or to be erected between the *Aylesbury* Turnpike Road and the Market Place at *Prince's Risborough*; or more than once as aforesaid for passing or repassing as aforesaid between the said Market Place and *West Wycombe* aforesaid, or within the Distance of Three Miles from the Gate where such Toll shall have been paid; but that all and every Person and Persons, after having paid Toll once as aforesaid between the said several Places respectively, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Toll, shall afterwards pass with the same Cattle and Carriages, but not otherwise, Toll-free during such Day, to be computed as aforesaid, through each and every Gate to be continued or erected by virtue of the said recited Act and this Act, between the said several Places respectively, or within the Distance of Three Miles from the Gate where he, she, or they shall have received such Note or Ticket, Notes or Tickets, but no others.

VIII. And



VIII. And be it further enacted, That upon Payment of the Tolls granted by the said recited Act, the Collector or Receiver thereof shall and he is hereby required to deliver *gratis* to the Person paying such Toll a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the Trustees under the said recited Act, and there shall be printed and specified thereon the Names of the several and respective Gates freed by such Payment.

Tickets to be provided denoting Payment of Toll.

IX. And be it further enacted, That all and every Toll Collector, appointed either by the said Trustees or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the said recited Act upon the said Roads, shall be and he is hereby required to place his Christian and Surname, painted on a board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately upon coming on Duty, each of the Letters of such Name to be at least One Inch in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of the said recited Act and this Act, or any or either of them, or shall demand and take a Toll from any Person or Persons who shall be exempted 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 deliver a Ticket *gratis*, denoting the Payment of the Toll, and naming and specifying the several Gates freed by such Payment, or upon the legal Toll being paid or tendered, shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous, abusive, or blasphemous Language to any Passenger or Passengers, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be levied, recovered, and applied in such and the same Manner as other Penalties are by the said recited Act directed to be levied, recovered, and applied.

Toll Collectors to put up their Names, and Punishment for Misbehaviour.

X. And be it further enacted, That if any Dispute shall happen concerning any Tolls due, or the Charges occasioned by any Distress, 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, and the Charges of such Distress, shall be ascertained by some Justice of the Peace for the County, Division, or District in which such Distress shall be made, who upon Application made to him for that Purpose shall

For settling Disputes concerning Tolls.

[Local].

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shall



shall examine the Matter by Oath of the Parties, or of a Witness or Witnesses, (which Oath such Justice is hereby empowered to administer,) and shall determine the Dispute respecting the Toll, and the Amount of the Toll due, and shall assess the Charges of such Distress, and shall award such Costs to either Party, as to such Justice shall appear just and reasonable; and such Sum as shall be so determined and assessed to be paid to the Collector or other Person distraining, shall be paid to the said Collector, before he or she shall be obliged to return the Goods so distrained or any Part thereof respectively; and the Costs which shall be so awarded to any other Person or Party shall, in case of Non-payment forthwith after the same shall be so awarded, be levied by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered to grant); and the Overplus, if any, after Payment of such Costs, shall be returned upon Demand to the Owner of such Goods and Chattels.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of Trustees and Creditors.

XI. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid and laid out and expended for or on Account of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls granted by the said recited Act, without Fee or Reward; and the said Trustees and Creditors, and any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying anything for the same; and in case the said Clerk shall refuse to permit the said Trustees or such Creditors to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in Manner directed by the said recited Act.

Clerk restrained from acting as Treasurer, and vice versa.

XII. And be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of the said recited Act and this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Act and this Act; or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said Act and this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said Act and this Act, or if any Person being the Partner of any such Clerk, shall act as Treasurer or being the Partner of any such Treasurer, shall act as Clerk in the Execution of the said Act and this Act, every Person so offending 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 Imparance shall be allowed.

XIII. And



XIII. And be it further enacted, That it shall not be lawful for the said Trustees, in diverting, turning, varying, or altering the Course or Path of any Part of the Road comprised in the said recited Act, to deviate more than One hundred Yards from the present Line or Course thereof, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands and Grounds which may be affected by any such Diversion or Alteration, any Thing in the said recited Act contained to the contrary hereof in anywise notwithstanding.

Restraining the Trustees from deviating more than 100 Yards from the Line of Road without Consent, &c.

XIV. And be it further enacted, That all Gates to be hereafter placed in any Field or Ground adjoining any Part of the said Roads, shall be made and hung to open and swing inwards towards such Field or Ground, and not towards the said Roads; and it shall be lawful for the said Trustees, or any Three or more of them, to order all such Gates as are now erected or may hereafter be erected, and open and swing outwards towards the said Roads, 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 Roads, shall (after Ten Days Notice from the Surveyor of the said Roads, requiring him or them to alter any such Gate or Gates, and make the same to open and swing inwards) refuse or neglect to make such Alteration, or, after such Alteration shall have been once made, shall again alter the same, every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Gates not to open or swing into the Roads.

XV. And whereas it is by the said recited Act enacted, that it shall be lawful for the Surveyor or Surveyors of the said Road, and all such Persons as he or they shall appoint, to search for, cut, dig, gather, and take away any Furze, Heath, Stones, Gravel, Sand, or other Materials for making or repairing the said Road, out of or from any Common or Waste Ground, River or Brook in any Parish, Hamlet or Place in which any Part of the said Road shall lie, or in any neighbouring Parish, Hamlet, or Place, without paying any Thing for the same, they the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or 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 also that the Surveyor or Surveyors, or other Persons as aforesaid may, by Order of the said Trustees search for, cut, dig, gather, and take away such Materials in and out of the private Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, making or tendering such Satisfaction for the Damages done to the Owners and Occupiers of such Grounds, where and from whence the same shall be cut, dug, gathered, and carried away, or over which the same or any other Materials for repairing the said Road shall be carried, as the said Trustees shall adjudge reasonable: And whereas it is also thereby enacted, that it shall not be lawful for any Surveyor or any other Person or Persons to dig, gather, take, or carry away Materials for making or repairing the said Road, out of or from any inclosed Lands

Repealing Provisions in former Act, as to getting Materials.

or

of Grounds, until Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before the said Trustees, or any Two or more Justices of the Peace acting for the County where such Premises shall lie, to shew cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier shall attend pursuant to such Notice, the said Trustees or such Justices shall if they think proper, authorize such Surveyor or other Person or Persons to dig, gather, and carry away such Materials, at such Time or Times as to such Trustees or to such Justices shall seem proper; and if such Occupier shall refuse or neglect to appear by himself or his Agent, the said Trustees or such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his Agent had attended: And whereas it is expedient that the said Provisions should be repealed; be it therefore enacted, That the said Provisions shall be and the same are hereby repealed.

For getting  
Materials  
to repair  
the Roads.

XVI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, and all such Persons as he or they shall appoint, to search for, cut, dig, gather, and take away any Furze, Heath, Stones, Gravel, Sand, or other Materials, for making or repairing the said Road, out of or from any Common or Waste Ground, River or Brook, in any Parish, Hamlet, or Place in which any Part of the said Road shall lie, or in any adjoining Parish, Hamlet, or Place, without paying any thing for the same, they the said Surveyor or Surveyors, or other Person or Persons filling up the Pits or 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 also, that it shall be lawful for the Surveyor or Surveyors, or other Persons as aforesaid, (such Surveyor or Surveyors first having an Order in Writing made by any One or more Justices of the Peace for the said County of *Buckingham*, upon the Application of the said Trustees or any Two or more of them for that Purpose), to search for, dig, cut, gather, and take away such Materials in and out of the Private Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the Damages done to the Owners and Occupiers of such Grounds where and from whence the same shall be cut, dug, gathered, and carried away, or over which the same or any other Materials for repairing the said Road shall be carried, as the said Trustees or any Five or more of them shall adjudge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Persons employed as aforesaid, and the said Owners and Occupiers, or any of them, concerning such Payment and Damages, any One or more Justice or Justices of the Peace of the County or Place where such Materials shall be so cut, dug, gathered, taken, or carried away, shall and may, on Fourteen Days Notice thereof being given in Writing by either Party to the other, or to



be left at their respective Places of Abode, hear, settle, and determine the Matters of such Payment and Damages; and the Judgment or Order of the said Justices shall be final and conclusive to all Parties.

XVII. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons under the Authority of the said recited Act or this Act, to dig, gather, get, take, or carry away any Materials for repairing the said Roads out of or from any inclosed Lands or Grounds, until Ten Days Notice in Writing signed by such 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 One or more Justice or Justices of the Peace acting for the County or Place where such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier, or his or her Agent, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case it shall be lawful for the said Justice or Justices, by his or their Order or Orders, to authorize such Surveyor or other Person or Persons, to dig, get, gather, take, and carry away such Materials, at such Time or Times, as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, such Justice or Justices shall and may make such Order therein as he or they shall think fit, as fully and effectually to all Intents and Purposes, as if such Owner or Occupier or his or her Agent had attended.

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

XVIII. 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 the said recited Act or of this Act, which shall belong to any Body Politic, Corporate or Collegiate, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, Trustees, Femes Covert, or other incapacitated Person or Persons, such Money shall, if the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the 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 to 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;

Application of Compensation Money when amounting to or exceeding 200l.

[Local.]

5 B.

which



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 limited or settled, 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 meantime, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by the Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

When less than 200l. and exceeding 20l.

XIX. 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 Body Politic or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, but shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be, 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 Three 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.

Where less than 20l.

XX. 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 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 Hereditaments so purchased, taken, or used for the Purposes of the said recited Act or this Act, in such Manner as the said Trustees or any Three or more of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their



their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person and Persons so entitled respectively.

XXI. 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 the said recited Act or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered; then and 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 Accountant General of the 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, Control, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making claim thereunto, and to make such Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier and 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.

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery on Motion or Petition.

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

Persons in Possession shall be deemed entitled, unless the contrary be shown.

was



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.

XXIII. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or the 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, Tenements, or Hereditaments to be settled to the same Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money, for such Purposes as the said Court shall direct.

Statute Work.

XXIV. And be it further enacted, That so much of the said recited Act as relates to the Performance of Statute Labour on the said Roads shall be and the same is hereby repealed; and that all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said County of *Buckingham*, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their respective Treasurer, Clerk, or Surveyor, by their Order, yearly to adjudge and determine what Part or Proportion of Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Hamlets, or Places in which the said Roads lie; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Hamlet, 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 or Treasurers; 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, Hamlet, or Place within their respective Jurisdictions, 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, Hamlet, 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 are or may be directed by any Law or Statute in Force and Effect for the Repairs of the Public 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



to do such Number of Days Statute Work in every Year upon the said Roads, as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and in such Parts of the said Roads as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees, or their Treasurer or Treasurers, at such Time or Times as the said Justices shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof in like Manner as any Penalty is by the said recited Act authorized or directed to be recovered; and each and every Person who shall refuse or neglect to do 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, 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 Public Highways; and if any Persons who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and discharge the Person who shall be found idle or negligent as aforesaid; and in that case, every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and if any Surveyor of the Highways for any of the said Parishes, Hamlets, or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

XXV. And be it further enacted, That the Costs, Charges, and Expenses of obtaining and passing this Act, shall be paid and discharged by the said Trustees out of any Money already collected or received, or out of the first Monies which shall hereafter arise by virtue of the said recited Act or this Act. Expences of the Act.

XXVI. 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. Public Act.

XXVII. And be it further enacted, That the said recited Act (subject to the Alterations and Amendments herein contained) and this present Continuance of Act.  
[Local.] 5 C Act



Act shall continue and be in force, and be executed, for and during the Residue now to come and unexpired of the Term granted by the said recited Act; and from the Expiration thereof, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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