



ANNO TERTIO

GEORGIIV. REGIS.



Cap. xcii.

An Act for more effectually repairing the Road between *Great Marlow* and *West Wycombe*, and between *Terwick* and *Aylesbury*, in the County of *Buckingham*; and for making and maintaining Two new Pieces of Road communicating therewith. [24th June 1822.]

WHEREAS it would be of great public Advantage the Road leading out of the *Oxford* Turnpike Road near the Thirty-one Milestone in the Parish of *West Wycombe*, by or near to a Place called *Crispin's Chapel*, as far as *Bottom Farm House* in the same Parish, was amended, widened, and improved, and a new Road made from thence through *Rowleef Wood* in a Line Eastward of *Booker Hill* and *Homer's Farm Houses*, through a Part of *Chepping Wycombe* Parish to a Place called *Handy Cross* in the Parish of *Great Marlow*, and through a Garden or Gardens belonging to Sir *William Clayton* Baronet, and in the several Occupations of *William Aris* and *John Midwinter*, or One of them, at *Handy Cross* aforesaid; also if the Lanes diverging from the said Line to *Cressicks* in the Parish of *Chepping Wycombe*, and the Lane diverging from the said Line to *Red Barn* in the Parish of *Great Marlow*, were amended, widened, altered, and improved; and also if the Road leading from *Terwick* in the Parish of *Ellesborough* towards the Town of *Aylesbury* aforesaid, through the Village of *Stoke Mandeville*, were amended, widened, and improved; and also if a new Road were made from the said Village in the Course of the present Bridle Way, into the *Buckingham* and *Wendover* Turnpike

[Local.]

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Trustees.

Turnpike Road near the Thirty-nine Milestone, all in the said County of *Buckingham*; but the several Purposes aforesaid cannot be effected without the Aid and Authority 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 all His Majesty's Justices of the Peace for the Time being acting for the County of *Buckingham*, together with the most Honourable *Richard Plantagenet Chandos Grenville Temple* commonly called Marquis of *Chandos*, the Right Honourable *George Cavendish* commonly called Lord *George Cavendish*, the Right Honourable *John Trevor*, the Honourable *Robert Smith*, Sir *Thomas Baring*, Sir *William Clayton*, Sir *John Dashwood King*, Sir *George Lee*, Sir *Scrope Bernard Morland*, Sir *George Nugent*, Sir *William Lawrence Young*, Baronets; Sir *James Nichol Morris* K.C.B., Sir *George Naylor* Garter King at Arms, the Reverend *George Scobell* Doctor in Divinity, the Reverend *Samuel Chapman*, the Reverend *John Dell*, the Reverend *Charles Hughes*, the Reverend *William Hughes*, the Reverend *Isaac King*, the Reverend *Richard Meade*, the Reverend *Henry Colbourne Ridley*, the Reverend *Charles Turner*, Clerks; *Henry Allnutt*, *William Robert Clayton*, *George Dashwood*, *John Dashwood*, *James Deane*, *William Deane*, *Henry Deering*, *William Dorset*, *Joseph Eeles*, *Daniel Fastnedge*, *William Broughton Flexney*, *Thomas Gibbins*, *John Grubb*, *Thomas Gurney*, *William Hayward*, *Joseph Heath*, *William Hickman*, *George Hickman*, *John Hicks*, *John Hone*, *Joseph King*, *Henry Lovegrove*, *Charles Scott Murray*, *John Newman*, *John Norris of Hughendon*, *George Edmund Nugent*, *Francis Pepper*, *William Rickford*, *John Rolls*, *Thomas Rolls*, *Thomas Rolls the younger*, *Joseph Rose*, *Robert Greenhill Russell*, *John Smith of Prince's Risborough*, *James Cranbourne Strode*, *Thomas Tindal*, *Joseph Tomkins*, *George Vansittart*, *Abraham Welland*, *Joseph Wells*, *Thomas Wethered*, *Owen Wethered*, *Richard Widmer*, *Owen Williams*, *Thomas Peers Williams*, *John Wilson the younger*, *Thomas Winslow*, *Edmund Woods*, *John Snelling Wright*, and *Wadham Wyndham*, and their Successors, to be elected in manner herein-after mentioned, shall be and they are hereby appointed Trustees for making, maintaining, widening, repairing, altering, and otherwise improving the said Roads hereby intended to be made Turnpike, and for otherwise carrying this Act, and all the Powers, Matters, and Things herein contained, into full and complete Execution.

Power to appoint additional Trustees.

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

Power to choose new Trustees.

III. And be it further enacted, That in case any of the Trustees herein-before named, or to be appointed by virtue of this Act, shall die, or become Bankrupt or Insolvent, or refuse, decline, remove out of the County, or become incapable to act, it shall and may be lawful for any Five or more of the surviving or remaining Trustees, by Writing under their

their Hands (at any Meeting whereof at least Ten Days Notice shall be given by such Trustees, or any Two or more of them, upon all the Toll Gates to be erected upon the said Road, specifying that any Appointment of new Trustees is intended to be made at such Meeting), to nominate and appoint some other Person to be a Trustee in the Room of such Trustee so dying, becoming Bankrupt or Insolvent, or refusing, declining, removing, or becoming incapable to act as aforesaid; and every Person so nominated and appointed as aforesaid (being qualified as by this Act is required), shall have the like Power and Authority to act as a Trustee in the Execution of this Act, as the Person in whose Stead he shall be so appointed was invested with.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, whilst he holds any Place of Profit, or shall be concerned or interested in any Contract or Contracts under this Act, nor in any Case wherein he shall be personally interested, otherwise than as a Creditor; nor shall any Person be qualified to act as a Trustee, unless at the Time of his acting he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent to some Person having such Estate of the clear yearly Value of One hundred and fifty Pounds, or be possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Four thousand Pounds, nor (except in administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed before any Three or more of the said Trustees, an Oath, or being One of the People called *Quakers*, an Affirmation in the Words or to the Effect following, (that is to say,)

Qualification
of Trustees.

‘ I *A. B.* do swear [*or being one of the People called Quakers, do solemnly affirm*], That I truly and *bonâ fide* am in my own Right [*or in the Right of my Wife*] in the actual Possession and Enjoyment or Receipt of the Rents and Profits issuing out of Freehold [*or Copyhold*] Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes; [*or, am Heir Apparent to a Person having such Estate of the clear yearly Value of One hundred and fifty Pounds, or, am possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Four thousand Pounds.*]
‘ So help me GOD.’

And if any Person not being qualified as herein-before mentioned, or not having taken and subscribed the Oath of Qualification, or being a Quaker, not having made and subscribed the Affirmation aforesaid, or being disqualified to act as aforesaid, shall nevertheless presume to act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall inform or 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, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance shall be allowed; and the Person so prosecuted shall prove that he is so qualified, and that he

Acts of Trustees before Conviction declared valid.

has taken and subscribed the Oath as aforesaid, or being a Quaker, made and subscribed the Affirmation as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act (although not duly qualified), previously to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

Power of the Act may be executed by Three Trustees at a Meeting, and their Proceedings shall be as valid as if all Trustees had acted.

V. And be it further enacted, That all the Powers and Authorities by this Act given to, and all the Provisions, Matters, and Things directed or authorized to be done by the said Trustees, shall and may be executed and done by the Majority of them assembled at some Meeting to be held in pursuance of this Act, the whole Number present being not less than Three; and all Acts, Orders, Proceedings, and Determinations of the Trustees acting in the Execution of this Act, made at such Meeting or Meetings consisting of Three Trustees, except herein otherwise directed, wherein the major Part of the Trustees present at such Meeting or Meetings shall concur, shall be as valid and effectual as if all the Trustees present at such Meeting or Meetings had concurred therein; and at all such Meetings a Chairman shall or may be appointed; and in all Cases where there shall be an Equality of Votes upon any Question (including the Vote of the Chairman), such Chairman shall have the decisive or casting Vote; and all Orders made under the Powers and Provisions of this Act may be revoked or altered if Occasion shall require, provided that no such Order shall be revoked or altered except at some Meeting where not less than Five Trustees shall be present, nor unless the major Part of the Trustees so present shall concur in such Revocation or Alteration, nor unless Three Trustees, although not assembled at a Meeting, shall give Notice in Writing to the Clerk under their Hands, and also cause Notice to be published in some public Newspaper usually circulated in the said County of *Buckingham*, and affixed on all the Turnpike Gates then standing or being across the said Roads, specifying that such Revocation or Alteration is intended to be moved for, Ten Days at least previous to any Meeting to be holden for that Purpose; and the Trustees shall at their several Meetings pay their own Expences.

Trustees may act as Justices.

VI. And be it further enacted, That any of the Trustees appointed or to be appointed under this Act, who are or shall be in the Commission of the Peace, may act as Justices of the Peace in the Execution of this Act, notwithstanding their being such Trustees as aforesaid, except in Cases where they shall be personally interested, otherwise than as Mortgagees, Assignees, Lenders of Money, or Holders of any Security on the Credit of the Tolls granted by virtue of this Act.

Meeting of Trustees.

VII. And be it further enacted, That the Trustees for executing this Act shall meet together at the *Crown Inn*, or at some other convenient Place at *Great Marlow*, on the Second *Saturday* next after the passing of this Act, or as soon after as conveniently may be, and shall and may then and from Time to Time after adjourn to and meet at such Times, and at such Place or Places within the said County, as they shall think

think proper; and in case a sufficient Number of Trustees to act in the Execution of this Act shall not appear at any Time and Place appointed for a Meeting; then the Trustees or Trustee appearing at such Time and Place, or if no Trustee shall appear, then the Clerk shall, and they and he are and is hereby respectively authorized to adjourn the Meeting to the Place where the same was appointed to have been held, and to such Time as they or he shall think fit, not being more than Forty Days, nor sooner than Five Days from the Day of such last intended Meeting; and in such Case the Clerk shall give at least Four clear Days Notice of every such adjourned Meeting in some public Newspaper usually circulated in the said County of *Buckingham*, and on all the Turnpike Gates then standing or being across the said Road; and in case at any Time no Adjournment of any Meeting or intended Meeting shall be made as aforesaid, then it shall and may be lawful for the Clerk to the said Trustees, or for any Three of them, although not assembled at a Meeting, to call a Meeting of the Trustees by Notice to be published in some public Newspaper as aforesaid, and on all the Turnpikes or Toll Gates on the said Road, appointing the Trustees to meet at such Time and Place within the said County as the said Clerk or the said Trustees respectively giving such Notice shall think proper, not exceeding Forty Days, nor sooner than Five Days from the Date of advertising such Meeting.

VIII. 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 to which such Meeting shall be adjourned, any Two or more of the Trustees (although not assembled at a Meeting), mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice of such earlier Meeting, either in Writing or printed, to be affixed upon all the Turnpikes then erected by virtue of this Act, and also in some Newspaper circulated in the Neighbourhood of the said Roads hereby directed to be made or repaired (such Time being not less than Five Days after any such Notice), and all Proceedings of the Trustees at such Meetings shall be as valid and effectual as they would have been in case the Trustees had met in pursuance of a regular Adjournment; provided that no other Business be done at such Meeting than such Business as shall be mentioned in the Notice for calling the same.

Meetings on
Emergencies.

IX. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required, for the Purpose of doing, performing, and transacting any Business, Matter, or Thing relating to the Repair of the said Roads, to adjourn themselves to and hold Meetings from Time to Time at convenient Places in the said Towns of *Great Marlow* and *Aylesbury*; or such other convenient Places situate between the said Towns as they may appoint, provided that not less than Two Meetings of the said Trustees be held in every Year in *Great Marlow* aforesaid.

Meetings of
Trustees to
be held at
Great Mar-
low and
Aylesbury,
as Occasion
may require.

X. 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 all Orders and Proceedings of the Trustees shall be regularly entered, and such Orders and Proceedings shall be signed by the Trustees making the same, or by the Chairman of the Meeting; and the said Book or Books,

Books to be
kept of Pro-
ceedings of
Trustees.

and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments, or Transcripts thereof, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Accounts to be kept of the Receipts and Disbursements, which shall be open to the Inspection of the 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, laid out, and expended for or on account of the said Roads, 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 of them, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit any of the said Trustees or Creditors to inspect the same Book or Books, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay for every such Offence any Sum of Money not exceeding Five Pounds.

Appointment of Officers.

XII. And be it further enacted, That the said Trustees at their First or any of their Meetings, shall and may from Time to Time appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Roads, and such other Officers as they the said Trustees shall think necessary, and from Time to Time remove any such Officer or Officers, and on the Death or Removal of any such Officer or Officers to appoint others in their Stead; and the said Trustees shall and may, and they are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries and make such Allowances to such Officers and other Persons employed, or who shall assist them or any of them in the Execution of this Act, for their Services in or about the carrying this Act into Execution, as they the said Trustees shall think reasonable: Provided always, that no Person shall be capable of being appointed to, or of taking or holding, or acting in the Execution of any Place of Trust or Profit under the said Trustees, during the Time he shall keep a Victualling House or other House of Public Entertainment, or who shall sell Wine, Cider, Béer, Ale, spirituous or other strong Liquors by Retail; but no such Person shall be precluded from farming the Tolls by this Act granted, provided he or she shall employ some other Person or Persons to collect such Tolls, who shall not be under any such Incapacity.

Trustees to appoint temporary Collectors.

XIII. Provided always, and be it further enacted, That when and as often as any Collector or Receiver of the Tolls under this Act shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for the said Trustees, although not assembled at a Meeting of the Trustees appointed by virtue of this Act, to discharge such Collector or Receiver; and in such Case, and also in case any Collector or Receiver shall die, the said Trustees shall and may nominate and appoint a proper Person to be a Collector or Receiver of the

the Tolls, in the Room or Stead of the Collector or Receiver who shall be so discharged or shall die, to continue until the said Trustees shall, at a Meeting holden in pursuance of this Act, appoint a Collector of such Tolls in his Room or Stead; which Persons, so nominated and appointed shall have the like Power and Authority, and shall be answerable and accountable, and removable in the same Manner, in all respects, as if he had been nominated and appointed at a Meeting under and by virtue of this Act; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his said Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll Gate, or Toll House, or Building, or the Appurtenances to be erected or set up by virtue of this Act, for the Space of Two Days after Demand thereof made, and Notice in Writing given for that Purpose by any Two or more of the said Trustees (although not assembled at a Meeting), or by their Clerk for the Time being, or if any Lessee or Farmer of any of the Tolls arising by virtue of this Act, shall retain and keep Possession of any such Toll Gate, or Toll House, or Buildings, or the Appurtenances, after the End or Expiration of his, her, or their Lease or Term therein, then and in any of the said Cases it shall be lawful for any Justice of the Peace for the County wherein such Toll Gate, or Toll House, or Buildings, or the Appurtenances, shall be situate, upon Demand made by the said Trustees, or by any Person by them appointed on their Behalf, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer for the same County, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same; and to put the said Trustees or any Two of them, or any Person they shall appoint for that Purpose, into Possession of such Toll Gate or Toll House, or Buildings and Appurtenances.

XIV. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from every Treasurer to be appointed for the Purposes of this Act, for the due and faithful Execution of his Office, before such Treasurer enters upon his Office; and if they shall so think proper, shall and may also take such Security from any other Officer to be appointed under or by virtue of this Act; and if any Treasurer shall act in the Execution of his Office before he shall have given such Security as aforesaid, such Treasurer so acting shall forfeit the Sum of Fifty Pounds.

Treasurer to give Security.

XV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the same Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act; or to appoint the Person who may be appointed to act as their Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes aforesaid, or if any Person being the Partner of such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person

Office of Clerk and Treasurer not to be held by one Person.

or

or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

Officers to
account.

XVI. And be it further enacted, That every Officer and other Person who shall be appointed under or by virtue of this Act, shall, from Time to Time when thereunto required by the said Trustees, make out and deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his or her Hand, of all Monies which shall have been by him or her had, collected, or received, and how and to whom and for what Purpose the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payments, and every such Officer and Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her, to such Person or Persons as the said Trustees shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in manner aforesaid, or shall neglect or refuse to deliver up to the said Trustees, or to such Person or Persons as they shall in manner aforesaid appoint, within Ten Days after being thereunto required by the said Trustees, all Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made by the said Trustees, or by any other Person or Persons on their Behalf, of any such Neglect or Refusal, to any Justice of the Peace for the County or Place where the Officer or Person so neglecting or refusing shall live or reside, such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Trustees might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, or upon the said Account, if produced, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or owing from such Officer or Person, such Justice may and he is hereby authorized, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively, and if no Goods or Chattels can be found sufficient to answer and satisfy the said Monies, and Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear (without sufficient Excuse) before the said Justice at the Time and Place appointed for that Purpose, or if appearing, shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up as aforesaid all such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice is hereby authorized and
required,

required, by Warrant under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction of the County or Place where he or she shall live or reside, there to remain without Bail or Mainprize until he or she shall have delivered in and settled such Account as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Trustees for such Money and Charges, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees are hereby empowered to make), and shall have delivered up as aforesaid such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees: Provided always, that no such Person who shall be committed for Want of a sufficient Distress only, shall be detained in Prison, by virtue of this Act, for any longer Time than Six Calendar Months.

XVII. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing relating to the Execution of this Act in the Name of their Clerk for the Time being, or in the Name of any One of the said Trustees; and no Action or Suit which shall be so brought shall abate or be discontinued by the Death or Removal of any such Clerk or Trustee, or by the Act of any such Clerk or Trustee, without the Consent of the said Trustees, but that the Clerk, or the Trustee in whose Name such Action or Suit shall have been so brought, shall always be deemed the Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent in any such Action or Suit (as the Case may be): Provided always, that every such Clerk or Trustee in whose Name any Action, Suit, Prosecution, Information, Appeal, or other Proceedings shall be had, taken, prosecuted, continued, or defended in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies arising by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action, Suit, Prosecution, Information, Appeal, or other Proceedings, he shall pay, bear, sustain, expend, or be put unto, or become chargeable with or liable for, or be fairly entitled to by reason of being so made Plaintiff, Prosecutor, Defendant, Informant, Appellant, or Respondent, and shall not be disqualified from being a Witness by reason of his so being Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent as aforesaid.

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

XVIII. And be it further enacted, That it shall be lawful for the said Trustees to erect and set up or build, or cause to be erected, set up, and built, such and so many Turnpikes or Toll Gates in, upon, or across, or on the Side or Sides of any Part or Parts of the said Roads, and across any Lane or Way leading into, from, or out of the same; and also such Toll House or Toll Houses, and Weighing Engine, to each Gate or Turnpike, or otherwise as they shall think necessary, with suitable Outbuildings thereto; and also may inclose from the said Roads, or Waste Grounds thereunto adjoining, convenient Garden Spots to the said Toll Houses, not exceeding One Quarter Part of an Acre for each Toll House, as they may judge proper.

Power to erect Turnpikes, Toll Gates, Weighing Machines, &c.

[Local.]

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XIX. And

Power to
take Tolls.

XIX. And be it further enacted, That it shall be lawful for the said Trustees, or their Lessee or Lessees for the Time being, or any Person or Persons to be appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take at each and every Turnpike, Toll Gate, or Side Gate to be erected by virtue of this Act, and from the Owner or Owners of, or Person or Persons using, leading, driving, or attending any Horse, Beast, Cattle, or Carriage, before any such Horse, Beast, Cattle, or Carriage shall be permitted to pass through the same (subject to the Provisions and Restrictions herein-after contained), the following Sums or Tolls, or such Sums or Sum not exceeding the following Sums or Tolls respectively, as the said Trustees at any of their Meetings shall appoint and order; (that is to say),

Tolls.

For every Horse, Mule, or other Beast, drawing any Coach, Berlin, Landau, Chariot, Chaise, Caravan, Chair, Calash, Hearse, Litter, or other such Carriage, the Sum of Three-pence:
For every Horse, Mule, or other Beast, drawing any Waggon, Wain, Cart, Tumbril, Car, Dray, Sledge, or other such Carriage, the Sum of Two-pence:
For every Horse, Mule, or other Beast, laden or unladen, and not drawing, the Sum of One Penny:
For every Ox, Cow, or other Neat Cattle (Calves excepted), the Sum of One Halfpenny:
For every Calf, Hog, Sheep, Lamb, or Goat, the Sum of One Farthing.

And upon Payment of any of the said Tolls the Collector or Receiver shall and he is hereby required to deliver *gratis* to the Person paying such Toll a Note or Ticket denoting such Payment, and all such Notes or Tickets shall be provided by the said Trustees, or their Lessees, and there shall be printed and specified thereon the Name of the Gate at which the Toll is received, and of the Gate or Gates which shall be freed by such Payment.

Table of
Tolls.

XX. And be it further enacted, That a Table of the Tolls payable under this Act shall be affixed on all the Toll Houses erected or to be erected on the said Roads, and the Name of the Turnpike Gate adjoining thereto respectively shall be placed over the said Table of Tolls.

Exempting
Return
Chaises and
Post Horses.

XXI. Provided always, and be it further enacted, That all Horses travelling for Hire, and drawing or having drawn any Chaise or other Carriage for which any Toll shall have been paid at any Turnpike to be erected on the said Roads, shall, on returning within the Space of Twelve Hours after having so passed, without a Ticket denoting a fresh Hiring being produced, be permitted to repass Toll-free, although such Horses, Chaise, or Carriage shall not have passed through such Turnpike on the same Day.

Tolls to be
paid but once
for passing
and repass-
ing the same
Day.

XXII. And be it further enacted, That no Horse, Mule, or other Beast, 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 by this Act granted, or of any Portion or Part thereof (which Portion or Part of the Tolls the said Trustees are hereby authorized to direct to be taken at any of the said Gates or Turnpikes), 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 to be erected between *Handy Cross* aforesaid, including the Lanes diverging therefrom, to *Cressicks* and *Redbarn* aforesaid, and the *Oxford* Turnpike Road in *West Wycombe* aforesaid, or more than once between *Terwick* aforesaid and the *Buckingham* and *Wendover* Turnpike Road aforesaid, or within the Distance of Three Miles from the Gate where any such Toll shall have been paid; but that all and every Person and Persons after having paid any such 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 erected by virtue of 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.

XXIII. Provided also, and be it further enacted, That the Tolls by this Act granted shall be paid for and in respect of all Horses or other Cattle drawing any Stage Coach, Van, Caravan, or Stage Waggon, or other Stage Carriage carrying Passengers or Goods for Pay or Reward, every Time of passing or repassing along the said Roads.

Stage
Coaches, &c.
to pay Toll
every Time
of passing.

XXIV. And be it further enacted, That the Right and Property in all the Turnpikes, Weighing Machines, Toll Gates and Toll Houses, and the several Conveniences and Appurtenances thereunto belonging, which shall be erected or made upon or by the Sides of the said Roads, by virtue of this Act, and in all Materials for building and repairing the same, and for repairing or making the said Roads; or any Part thereof, and all Milestones or Direction Posts to be set up or erected on or by the Sides of the said Roads, and all other Materials, Articles, and Things which shall be purchased, collected, or provided for the Purposes of this Act, shall be vested in the Trustees for carrying this Act into Execution; and they the said Trustees are hereby authorized and empowered to sell and dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, or to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment, against any Person or Persons who shall, without Right, keep Possession of any such House or Appurtenances, or shall break down or damage, steal or take away, spoil, injure, or destroy any of such Turnpikes, Weighing Machines, Toll Gates, Toll Houses, Conveniences, Appurtenances, Materials, Articles or Things, or disturb the said Trustees, or their Agents or Servants, in the Possession thereof; and in all such Actions and Proceedings whatsoever, whether Civil or Criminal, it shall be sufficient to state generally that the Article or Articles, Thing or Things, for or in respect of which such Actions and Proceedings shall be brought and preferred, is or are the Property of "The Trustees for repairing and improving the Road from *Great Marlow* to *Aylesbury*;" and that in all Civil and Criminal Proceedings whatsoever relating to the said Roads, and in all Disputes, Suits, or Litigations, touching or in anywise relating to the Tolls or Duties hereby granted, no Person or Persons shall be deemed incompetent to give Testimony or Evidence therein, by reason only of being a Trustee

Toll Gates,
Toll Houses,
&c. vested in
Trustees.

or

or Trustees, or Collectors of the Tolls, Clerks, Treasurers, Surveyors, or other Officers or Servants of, or other Persons employed by or under the said Trustees, or any Inhabitant or Inhabitants of any Township, Parish, or Place through which the said Roads do or shall pass.

Waggons,
&c. allowed
Privileges
and Exemp-
tions granted
by 55 G. 3.
c. 119.

XXV. Provided always, and be it further enacted, That all and every Waggon, Wain, Cart, or other such Carriage, having the Wheels of the Width and Description and the Axle Trees fixed as mentioned and set forth in or by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, and the several Horses and other Beasts drawing the same, shall be entitled to, and have and enjoy the Privileges and Exemptions granted by the said Act, in manner therein mentioned.

Penalty on
evading Tolls.

XXVI. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle, or Carriage through or over any Gate, private Passage, Land, Ground, or Place, lying by the Side of or near to any Part of the said Roads (except the Owner or Occupier of such Land or other Premises, or any of his, her, or their Family or Servants), or if any Person or Persons owning or occupying any Land, Ground, or Place situate as aforesaid (the same not being a public Highway or Road) shall knowingly or wilfully permit or suffer any other Person or Persons (except as aforesaid) to go or pass with any Horse, Beast, Cattle, or Carriage through or over such Gate, private Passage, Land, Ground, or Place, in order or with Intent thereby to evade the Payment of the said Tolls, or any Part thereof; or if any Person or Persons shall forcibly or fraudulently pass through any such Turnpike or Toll Gate with any Horse or other Cattle or Beast, without Payment of Toll; or if any Person claiming any Exemption from the Payment of the Tolls hereby granted, or any Part thereof, shall refuse or decline to give his or her Name and Place of Residence to the Collector or Collectors of the Tolls at any Gate or Gates at which such Exemption shall be claimed, or shall give a false Name or Place of Residence, all and every such Person or Persons shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered in such Manner as is herein-after provided for the Recovery of Penalties and Forfeitures; One Moiety whereof when raised shall be paid to the Informer, and the other Moiety to the Treasurer of the said Roads, and applied to the Purposes of this Act.

For securing
Payment of
the Tolls for
any addi-
tional Horses
put on to any
Carriage on
any Part of
the Road.

XXVII. And be it further enacted, That if any Person or Persons who shall pass through any Turnpike or Toll Gate to be erected by virtue of this Act, with any Carriage drawn by One or more Horse or Horses, or other Beast or Beasts of Draught, shall have put any additional Horse or Beast to any such Carriage for the Purpose of drawing such Carriage on any Part of the said Roads, and shall have removed and taken away such additional Horse or other Beast before passing through such Turnpike or Toll Gate; or if any Person or Persons shall, after passing through any such Turnpike or Toll Gate, put any such additional Horse or other Beast to any such Carriage, for the Purpose of drawing such Carriage on any Part of the said Roads, then and in either of such Cases the Tolls granted by this Act shall be payable for every such additional Horse or other Beast,

in

in the same Manner as if such additional Horse or other Beast had been employed in drawing such Carriage when passing through any such Turnpike or Toll Gate, and if the Person or Persons driving such Carriage shall, upon passing through any such Turnpike or Toll Gate, neglect to pay or tender the Toll so payable in respect of such additional Horse or Horses, Beast or Beasts, such Person or Persons, or the Owner or Owners of such Carriage, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered in such Manner as is hereinafter provided for Recovery of Penalties and Forfeitures, One Moiety whereof when raised shall be paid to the Informer, and the other Moiety to the Treasurer of the said Roads, to be applied to the Purposes of this Act.

XXVIII. And be it further enacted, That the respective Sums of Money hereby authorized to be taken as aforesaid; shall be demanded and taken in the Name of or as Tolls, and shall be and are hereby vested in the said Trustees, and shall be applied as herein-after is directed; and if any Person subject or liable to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part or Parts thereof, it shall be lawful for the Person or Persons authorized and appointed to collect such Tolls as aforesaid; by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain any Horse, Beast, Cattle, Carriage, or other Thing, upon or in respect of which any such Toll is hereby imposed, together with their respective Bridles, Saddles, Gears, Harness, or Accoutrements (except the Bridle or Reins of any Horse or other Beast separate from the Horse or Beast), or any Carriage, in respect of the Horses or Cattle drawing the Carriage on which such Toll is imposed, or any of the Goods or Chattels of the Person or Persons so neglecting or refusing to pay; and if the Toll, or any Part thereof, so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining may sell the Horse, Beast, Cattle, Carriage, or Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any), and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale shall be deducted.

For Recovery
of Tolls.

XXIX. And be it further enacted, That if any Dispute or Disputes shall happen respecting the demanding or taking, or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by some Justice of the Peace for the County or Place wherein the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter on Oath of the Parties or other Witness or Witnesses (which Oath such Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Toll due, and other Matters in dispute between the Parties, and may also award such Costs to be paid by either Party to the other as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the

Disputes
concerning
Tolls to be
settled by a
Justice.

[*Local.*]

34 C

same,

same, by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered to issue), and the Overplus (if any) after Payment of such Costs, and the Costs of such Distress and Sale, shall be returned upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained.

Exemptions
from Tolls.

XXX. Provided always, and be it further enacted, That no Toll shall be demanded or taken by virtue of this Act for any Horses or Carriages attending His Majesty or any of the Royal Family, or returning therefrom; or of or from any Person or Persons for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey; or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day any Stone, Brick, Timber, Wood, Gravel, or other Materials for making or repairing the said Roads, or for repairing any of the public Highways in any Parish, Township, or Place through or into which the said Roads lead; or for building or repairing any public Bridge or Bridges on the said Roads, or of or from the General Surveyor or Working Surveyors, or any other Person or Persons, when engaged in executing the Powers of this Act, or laden only with Mould, Dung, Marle, Soil, or other Manure to be used in manuring or improving any Lands or Grounds, or with any Seed for seeding the Ground, Grass, Hay, Clover, Sainfoin, Rushes, Fodder of any Sort; Turnips, Straw, or Corn, or Pulse in the Straw, Wood, Apples, Potatoes, or Milk not sold or disposed of, or going to be sold or disposed of, but to be laid up or consumed in any of the Houses, Outhouses, Yards, Barns, or Premises of any of the respective Inhabitants or Occupiers of Land within the said respective Parishes or Places; nor for any Horse or Beast, or other Cattle or Carriages, drawing or going with, or going empty or returning empty, after being laden only with Stone, Tiles, or other Materials for draining Lands, or with any Ploughs, Harrows, or other Implements of Husbandry, or any thing whatsoever that shall be used or employed in the manuring, clearing, draining, fencing, or stocking of Land in any of the said Parishes or Places belonging to any such Inhabitant or Occupier; nor for any Horse or Horses or other Cattle going to or from Water, Pasture, or Plough, or other Work in Husbandry, upon or in any of the Lands within any of the said several Parishes or Places, or going to be or returning from being shod or farried; or for any Horses or other Beasts conveying or drawing any Person or Persons, being Owner or Occupier of any Farm or Lands in any Parish or Place contiguous to any of the Turnpikes upon the said Roads, to his or their Farm or Lands only to view the same, not going or travelling from or out of the Parish or Place where such Farm or Lands are situate; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate going to or returning from his own Parish Church or other Place of Divine Worship, or visiting his sick Parishioners; or of or from any Person or Persons in any of the said Parishes or Places, or the Parish or Place next adjoining, for passing through any of the said Toll Gates or Turnpikes on *Sundays*, or any other Day on which Divine Worship is ordered by Authority to be celebrated, to or from his, her, or their proper Parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law, for

the Purpose of attending or returning after having attended Divine Service thereat; or for any Person or Persons going to or returning from attending the Funeral of any Person who shall die and be buried in any Parish, Township, or Place in which any Part of the said Roads lie; or for any Horse, Beast, Cattle, or Carriage which shall cross the said Roads only, or shall not pass more than One hundred Yards thereon; or for any Horses or Carriages employed or to be employed in conveying, fetching, or guarding the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, or in returning back from carrying or guarding the same; or for the Horses of Soldiers upon their March or upon Duty, or for Horses, Cattle, or Carriages attending them, or laden only with their Arms or Baggage, or employed in conveying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for Horses or Carriages travelling with Vagrants sent by legal Passes, or with any Prisoner in Custody under any legal Warrant; or for any Coaches, Berlins, or Landaus, Sociables, Chariots, Curricles, Chaises, or Carriages whatsoever, or Passengers on Horseback going to or returning from the Election of any Knight or Knights of the Shire to serve in Parliament for the County of *Buckingham*, or on the Day before or Day after such Election shall begin or be concluded, the Persons travelling thereby being Freeholders and entitled to vote at such Election; and that no Toll shall be demanded or taken for any Horse furnished by or for any Person or Persons belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons shall be dressed in the Uniform of their respective Corps, and have the Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemptions as aforesaid; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim or take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

XXXI. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage, provided and used only for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in 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 this Act contained to the contrary notwithstanding.

Carriages conveying Military Stores not to be subject to Penalties for Overweight, &c.

XXXII. And

Power to reduce Tolls.

XXXII. And be it further enacted, That it shall be lawful for the said Trustees, at any Meeting or Meetings to be held from Time to Time for that Purpose, and they are hereby empowered, to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said Trustees at any Meeting or Meetings shall think proper; and from Time to Time afterwards to advance all or any of the Tolls so lessened or reduced, to any Sum or Sums of Money not exceeding the respective Tolls granted by this Act, or made payable by any Act or Acts of Parliament now in force and effect with respect to Overweight, and such reduced Tolls shall and may be collected and levied and applied in such and the same Manner as the Tolls hereby granted are directed to be collected, levied, and applied: Provided always, that it shall not be lawful to reduce the said Tolls, without the Consent of Five-sixths in Value of the Creditors on the said Tolls respectively, and that no such Meeting shall be held for the Purpose of lessening, reducing, or advancing all or any of the said Tolls, unless Twenty Days previous Notice at the least shall be given thereof in Writing, to be affixed upon all the Turnpikes or Toll Gates which shall then be erected on the said Roads.

Tolls not to be reduced without the Consent of Five-sixths of the Creditors.

Trustees may lease the Tolls.

XXXIII. And be it further enacted, That the said Trustees shall be and are hereby empowered, after giving Ten Days Notice thereof in One or more of the public Newspapers usually circulated in the County of *Buckingham*, and also in Writing, to be affixed upon the Turnpike or Turnpikes, the Tolls whereof are intended to be leased, from Time to Time to demise or let to farm, or agree to demise or let to farm, all or any of the Tolls arising by virtue of this Act, and all or any of the Toll Houses and Conveniences and Appurtenances thereto belonging, for any Term not exceeding Three Years, upon public Bidding to the highest Bidder, and for the best Price or Rent such Trustees can at the Time get for the same, payable Two Calendar Months in advance, or at such other Time or Times as the said Trustees shall think proper, to any Person or Persons who shall be willing to take to farm the same, under such Conditions and Agreements, and with such Sureties for the Payment thereof as the said Trustees shall think fit, without being compelled to put up the said Tolls at the Sum at which they were last let, or to have any other Meeting for the Letting thereof; and at such Letting the Trustees present shall have and be entitled to One or more Bidding or Biddings for the said Toll, either by themselves or their Clerk or Treasurer, or other Person by them authorized; and in case at any Time or Times hereafter when the said Tolls shall be put up to Auction there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees to accept a private Tender for the same, and to demise or let to farm, or agree to demise or let to farm, all or any of such Tolls, at any Sum not less than the Sum at or for which they shall have been then last let; any thing in any Law or Statute to the contrary notwithstanding; and the Rent or Money arising by such Letting shall be applied in such Manner as the Tolls under this Act are directed to be applied.

Lessees or Persons appointed by them may collect the Tolls.

XXXIV. And be it further enacted, That during such Time as the Tolls, or any Part or Parts thereof, shall be leased, demised, or let to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Person

Persons as he or they shall by Writing or Writings under his or their Hand or Hands authorize or appoint, to demand and take the said Tolls so leased, demised, or farmed, with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls appointed by the said Trustees is by this Act authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons as aforesaid, shall be subject to the Regulations of this Act, and to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions as any Collector of the said Tolls appointed by the said Trustees is subject or liable to.

XXXV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to compound for any Term, not exceeding One Year at any One Time, with any Person or Persons, for any Carriage or Carriages, Horses, Beasts, or Cattle travelling on the said Roads, for all or any of the said Tolls to be paid in respect of such Carriage or Carriages, Horses, Beasts, or Cattle, and such Composition Money shall be paid in advance quarterly, and in default thereof the Composition shall be void.

Trustees may compound for Tolls.

XXXVI. And be it further enacted, That if any Lessee, Farmer, or Renter, or Collector of the said Tolls, shall demand and take or cause to be demanded and taken from any Person or Persons, any Toll not authorized by this Act to be taken, or a greater or less Toll than authorized to be taken by or under this Act, or by or under any Order of the Trustees made under the Powers of this Act, such Lessee, Farmer, or Renter shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and also his Contract for renting the Tolls shall be declared to be vacated, if the said Trustees shall think fit to vacate the same, and every such Collector, not being the Lessee, Farmer, or Renter, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, such Forfeitures respectively to be recovered in manner hereinafter mentioned: Provided always, that if the Justice by or before whom the Matter or Complaint shall be heard shall be of Opinion that the Offender had probable Grounds for such Demand and Taking, it shall be lawful for such Justice either to mitigate the said respective Penalties, or wholly to exonerate the Offender therefrom, as such Justice shall think fit.

Penalty on Renters, &c. taking greater or less Tolls.

XXXVII. And be it further enacted, That all and every Toll Collector, being Lessee of the Tolls authorized to be collected upon the said Roads, or appointed either by the said Trustees, or by any such Lessee or Lessees, to collect the Tolls payable at any Turnpike or Toll Gate to be erected by virtue of this Act, shall and he or she is hereby required to place his or her Christian and Surname painted on a Board in legible Characters in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately on his or her coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or in Black Letters on a White Ground, and shall continue the same so placed during the whole Time he or she shall be on Duty; and if any Collector of the Tolls shall not place such Board as aforesaid,

For punishing Collectors for Misconduct.

and keep the same there during the Time aforesaid, nor shall demand or take a greater or less Toll from any Person than he or she shall be authorized to do by virtue of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit and suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his or her 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 any such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, and naming and specifying the Gate at which such Payment shall have been made, and also the several Gates freed by such Payment (all which Tickets the said Collectors of the Tolls are hereby required to deliver gratis on the Receipt of such Toll, and such Tickets shall name and specify the Gate at which such Payment shall have been made, and also the several Gates freed by the Payment of such Toll), or shall unnecessarily detain any Passenger or Passengers, or shall make use of abusive Language to any Traveller or Travellers, Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied: Provided always, that if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector, who shall or may be employed by virtue of or in the Execution of this Act in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on obstructing Collectors.

Enabling Trustees to take Possession of Toll Houses in case of Non-performance of the Terms of the Lease.

XXXVIII. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear for the Space of Fourteen Days next after any of the Days on which the same ought to be paid, pursuant to the Agreement for demising or letting thereof, or in case such Lease or Agreement shall in any other Manner become void, then and in either of such Cases it shall and may be lawful for any Justice of the Peace for the County or Place where the Toll Gate or Toll House shall be situate, and he is hereby required, upon Application made to him by the said Trustees, or any Two or more of them, or their Clerk or Treasurer, or any other Person authorized by Writing under the Hands of any Two or more of them, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of any or every such Toll House or Toll Houses, Toll Gate, Bar, Chain, or Weighing Machine, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively, and also any other Person or Persons found therein, from the Possession thereof and from the Collection of such Tolls, and to give to the

said Trustees or any Person acting by or under their Authority Possession, and that thereupon it shall be lawful for the said Trustees (if they shall think fit) to vacate and determine the Demise of the said Tolls, or the Contract or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes (save as to the Obligations, Covenants, or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part) as if such Demise or Agreement had never been made; and in that Case, or in case the Lease or Agreement shall otherwise become void, it shall and may be lawful for the said Trustees in every such Case to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

XXXIX. And be it further enacted, That it shall be lawful for the said Trustees at any Meeting to borrow and take up at Interest, on Mortgage of the Tolls arising by virtue of this Act, and of the Toll Gates, Bars, Chains, and Toll Houses for collecting the same, and of the Buildings and Appurtenances thereunto belonging, such Sum or Sums of Money as they shall think necessary for the Purposes of this Act; and they are hereby authorized and empowered, by any Writing or Writings under their Hands and Seals, from Time to Time to demise, mortgage, and assign all or any Part of the Tolls hereby granted, and the Toll Gates, Bars, Chains, and Toll Houses for collecting the same, and the Buildings and Appurtenances thereof, or any of them (the Costs and Charges of such Mortgages to be paid out of such Tolls), for any Term during the Continuance of this Act, as a Security or Securities to any Person or Persons who shall advance such Sum or Sums of Money, or his, her, or their Trustee or Trustees, which Mortgages shall be made in the Form or to the following Effect; (that is to say),

Trustees may borrow Money on the Credit of the Tolls.

BY virtue of an Act passed in the Third Year of the Reign of His Majesty King George the Fourth, intituled [*here set forth the Title of this Act,*] we, of the Trustees for putting the said Act into Execution, in consideration of the Sum of _____ of _____ paid by _____ to the Treasurer of the said Roads, do hereby bargain, sell, and assign unto his, her, or their Executors, Administrators, and Assigns, the Tolls arising by virtue of the said Act, and the Toll Gates, Bars, Chains, and Toll Houses for collecting the same, and the Buildings and Appurtenances thereunto belonging, to hold the same unto the said his, her, or their Executors, Administrators, and Assigns, from the Day of the Date hereof, for and during the Continuance of the said Act, subject to the following Proviso (that is to say): Provided always, that if the said Sum of _____ with Interest for the same, at the Rate of _____ per Centum per Annum, shall be repaid and satisfied to the said his, her, or their Executors, Administrators, or Assigns, within _____ Calendar Months from the Day of the Date hereof, then this Mortgage and Assignment shall be void. In witness whereof we have hereunto set our Hands and Seals, this _____ Day of _____ in the Year of our Lord One thousand eight hundred and _____

And

And Copies of all such Mortgages shall be entered in a Book or Books to be kept and provided for that Purpose by the Clerk to the said Trustees, which Book or Books shall and may at all seasonable Times be perused or inspected without Fee or Reward; but no Money shall be borrowed upon Security of the Tolls after the First Meeting of the said Trustees, unless Twenty-one Days previous Notice shall be given of such other Meeting, in the same Way as is herein directed with respect to any Meeting to be held for the Election of new Trustees; and all Persons to whom any Mortgages or Assignments of Tolls shall be made by virtue of this Act, or who shall be entitled to the Monies thereby respectively secured, may from Time to Time assign and transfer their Right, Title, Interest, or Benefit to the said Mortgage or Assignment, and to the Principal and Interest thereby secured, to any Person or Persons whomsoever, and for such Considerations as may be agreed upon between themselves, which Transfer shall be in the following Words, or in Words to the like Effect; (that is to say),

Form of
Transfer.

I do transfer this Mortgage or Security [or a certain Mortgage or Security, *shortly stating it, as the Case may be*] with all my Right and Title to the Principal Money thereby secured, and all the Interest now due thereon, unto his [or her or their] Executors, Administrators, and Assigns. Dated this Day of in the Year of our Lord
Witness

No Priority
of Mortgages.

And all such Assignments or Transfers shall be produced and notified to the Clerk to the said Trustees, who shall cause an Entry or Memorial to be made thereof in the said last mentioned Book or Books, containing the Date, Names of the Parties, and Sum of Money therein assigned, for which the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more, and such Assignment or Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators and Assigns, to the Benefit thereof and Payment thereon; and every such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*; and all Persons to whom any Mortgage shall be made as aforesaid, their respective Executors, Administrators, and Assigns, shall, in proportion to the Sums of Money thereby secured, be Creditors on the Tolls by this Act granted, and on the said Toll Gates, Bars, Chains, and Toll Houses, and the Buildings and Appurtenances thereto belonging, in equal Degree one with another; and no Person shall have any Preference in respect of the Priority of advancing his or her Money, or the Date of his or her Security.

An Action of
Ejectment
may be sup-
ported by
One Mort-
gagee.

XL. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls, Toll Gates, Bars, Toll Houses, and Buildings, shall seek to obtain the Possession of the said Toll Gates, Bars, Toll Houses, and Buildings, in order to pay himself, herself, or themselves, the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but
to

to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

XLI. And be it further enacted, That all the Monies which shall be advanced and lent on Mortgage of the said Tolls, Toll Gates, Bars, Chains, Toll Houses, Buildings, and Appurtenances, shall be applied by the said Trustees to and for the several Uses, Intents, and Purposes, and in the Order following; (that is to say), in the first Place in Payment of the Costs, Charges, and Expences of preparing, obtaining, and passing this Act, and in anywise incident thereto, which Costs, Charges, and Expences shall be ascertained by the said Trustees at their first Meeting to be held after the passing of this Act, or at some other Meeting to be held as soon as conveniently may be afterwards; and in the next Place in purchasing the Lands, Tenements, Buildings, and Hereditaments necessary to be purchased, taken, and used for the Purpose of making, repairing, widening, varying, altering, turning, or improving the said Roads, or any Part thereof, and other Things hereby authorized to be made or done, and in forming, making, and completing the said Roads, and in erecting and building and providing the necessary Toll Houses, Gates, and Chains, and other Matters and Things aforesaid, and in paying all the necessary Charges, Salaries, and Expences of the Clerk, Treasurer, Surveyor, Contractors, and other Persons who may be employed in and about the Premises, until the Completion of the said Roads and other Works hereby authorized to be made.

Application
of Money ad-
vanced on
Mortgage of
the Tolls.

XLII. And be it further enacted, That all the Monies which shall from Time to Time arise and be received from the Tolls by this Act authorized to be taken, shall be applied by the said Trustees to the Purposes and in the Order following; (that is to say), in the first Place in paying and keeping down the Interest accruing upon the several principal Sums of Money which shall from Time to Time be due and owing on the several Mortgages which shall be made in pursuance of this Act; in the second Place, in repairing, maintaining, widening, varying, altering, turning, improving, and rendering commodious the said Toll Houses, Toll Gates, and Roads, and in executing the several other Powers, Purposes and Trusts of this Act; and in the last Place from Time to Time, at the Discretion of the said Trustees, in reducing and paying off the principal Sums due to such Mortgagees as aforesaid.

Application
of the Tolls.

XLIII. And whereas a Map or Plan describing the Line of the said Roads, and the Lands through which the same is proposed to be carried, together with a Book or Schedule of Reference, containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands, has been deposited in the Office of the Clerk of the Peace for the said County of *Buckingham*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the Time being of the same County, to the End that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies thereof, or Extracts therefrom, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies or Extracts.

Plan and
Book of Re-
ference.

Trustees to
make the
Road con-
formably to
such Plans,
&c. notwith-
standing
Errors.

XLIV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said intended Roads into, through, or across or over the several Lands and Premises of any Person or Persons who is or are or may be Owner or Owners or Occupier or Occupiers of Lands and Premises over which the same is or are set out and described in the said Map or Plan as aforesaid, although such Lands or Premises, or the Name or Names of such Person or Persons, may happen to be erroneously described, omitted, or mis-stated in the said Map or Plan, or Lists, in case it shall appear to any Two or more Justices of the Peace for the said County of *Buckingham*, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

Deviations
not to ex-
ceed certain
Limits.

XLV. And be it further enacted, That the said Trustees in making, diverting, or altering the said Roads described in the said Map or Plan, or any Part thereof, under the Powers of this Act, shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviations shall be made.

Trustees may
make and
divert the
Road.

XLVI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby fully authorized and empowered, to make and repair, and from Time to Time to widen, divert, alter, and improve, within the Distance herein mentioned, the Course or Path of any Part or Parts of the said Roads, through any Waste Grounds, Commons, or uncultivated Lands, without making Satisfaction for the same, and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein for the Damages they shall sustain thereby; and for that Purpose it shall be lawful for the said Trustees to treat, contract, and agree with the Owners of and Persons interested in any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises which it may be necessary to purchase for making, widening, diverting, altering, and improving the said Roads, and also for making all necessary Fences on the Sides of the said Roads, and for the Erection of Toll Houses with Garden Spots thereto, not exceeding One-eighth Part of an Acre for each Toll House with the Garden thereto, for the Purchase thereof, and for the Loss or Damage such Owners or Persons may otherwise sustain, and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whomsoever, not only for and on Behalf of themselves, their Heirs, and Successors, but also for and on Behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on Behalf of their Cestuique Trusts, whether Femes Coverts, Infants, or Issue unborn, Lunatics, Idiots or other Person or Persons, and to and for all Femes Covert who are or shall be seised of or interested in their own Right, and to and for all and every Person and Persons who are or shall be possessed of or interested in any such Lands, Houses, Buildings, Tenements, Hereditaments, or Premises, or who shall sustain any Damage as aforesaid, to contract with the said Trustees for the Sale thereof, or for the Satisfaction to be made for the same, or for such Damages as aforesaid; and to sell and convey,
by

Trustees may
purchase
Lands for
making the
Road.

by Conveyance, Lease and Release, or Bargain and Sale enrolled, unto the said Trustees, all or any such Lands, Houses, Buildings, Tenements, Hereditaments, or Premises, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made shall be good, valid, and effectual to all Intents and Purposes, without Fine or Recovery, and shall be a complete Bar to all Estates Tail and other Estates, Rights, Titles, Trusts, and Interests whatsoever, any Law, Statute, Usage, or other Matter to the contrary notwithstanding; and all such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they or any of them shall do by virtue or in pursuance of this Act.

XLVII. And be it further enacted, That it shall be lawful for the said Trustees, and for their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Grounds through or adjoining to which, or whereupon the said Roads hereby authorized to be made is intended to pass, and to stake out and make the same of such Width (not exceeding Sixty Feet, over any Commons or Waste Grounds, and not exceeding Forty Feet over any other Lands and Grounds), and in such Manner as the said Trustees shall think necessary and proper, without being deemed a Trespasser or Trespassers, or without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds respectively, for any of the Purposes of this Act, making Satisfaction to the Occupiers of such Lands and Grounds for the Damage that shall be done to the Lands or Grounds on the Sides of the said Roads, whilst the same shall be making; and if any Person shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used in laying out or making any Part of such Roads, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Power to enter Lands and make Roads.

XLVIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, and such Persons as they shall appoint, by Order of the said Trustees, to make and keep in Repair, or cause to be made and kept in Repair, any Causeway or Causeways for the Use of Foot Passengers in, upon, or on the Sides of the said Roads, in such Manner as they shall think proper, and also Ditches or Drains in and upon the said Roads, and also through any Ground lying contiguous or near thereto (not being a Garden, Orchard, Yard, Paddock, planted Walk or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees), and to erect, rebuild, and keep in Repair all Bridges, Culverts, and Arches upon the said Roads, or across any of the Ditches, Watercourses, or Drains, where necessary; and also to make or cause to be made a Road through the Grounds adjoining to any ruinous or narrow Part of the said Roads (not being the Scite or Ground whereon any House or Houses stand, nor being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees), to be made use of by all Passengers, Cattle, and Carriages, as a public Highway, whilst the old Road is repairing or widening, and till such time as it shall

Power to make Causeways, Bridges, Drains, &c.

shall be convenient for Passengers and Carriages to pass along the same making such Recompence to the Owners and Occupiers of such private Grounds respectively for the Damages they shall or may thereby sustain as shall be adjudged reasonable by the said Trustees; and in case of any Difference concerning such Damages between such Owners or Occupiers and such Trustees; that then it shall and may be lawful for any Two or more Justices of the Peace acting in and for the County wherein such Grounds shall be situate, on Fourteen Days Notice in Writing being given by either Party to the other, to settle, adjudge, and determine what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid.

No Buildings to be taken or damaged but those mentioned in the Act.

XLIX. And be it further enacted, That nothing in this Act contained shall authorize or empower the said Trustees, or any Person or Persons to be employed by them in making, altering, diverting, and improving the said Roads, to take, use, injure, damage, or pull down any Messuage, Tenement, Dwelling House, or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted as Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, or any Fish-pond belonging to or near any Mansion House, without the Consent in Writing of the respective Owners and Occupiers thereof first had and obtained, other than and except a Garden or Gardens belonging to Sir *William Clayton* Baronet, and in the several and respective Occupations of *William Aris* and *John Midwinter*, or One of them, at *Handy Cross* aforesaid.

When Persons interested neglect or refuse to treat.

L. And be it further enacted, That if any Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbonds, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises which it may be necessary to purchase for making, widening, diverting, altering, or improving the said Roads or any Part thereof, or who shall sustain any Damage as aforesaid, upon Notice to him, her, or them given or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode, of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or at the House of the Tenant in Possession of any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, shall, for the Space of Twenty Days next after such Notice 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 such Case the said Trustees shall cause such Damage, Value, or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County or Place wherein any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises do lie; and in order thereto, the said Trustees are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary and proper to be examined concerning the Premises (which Oath the said Trustees, or any or either of them, are and is hereby empowered to administer); and such

Trustees shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own Use as for the said Jury's Information in the Premises; and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners or other Persons interested, according to the Verdict or Inquisition of such Jury; and such Verdict or Inquisition and Judgment, Order and Determination thereon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, as well as all and every Person and Persons whomsoever; and for summoning and returning such Juries, the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County of *Buckingham*, commanding him to impanel, summon, and return any indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before such Trustees, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons 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 shall and are hereby empowered and required to swear or cause to be sworn Twelve Men, who shall be a 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, to the Number of Twelve, and all Persons concerned shall have their lawful Challenges against the said Jurymen when they come to be sworn; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and who, without sufficient Excuse, shall not appear, or appearing, shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury, shall, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without sufficient Excuse, refuse or neglect to appear, or appearing, shall refuse to be sworn and examined, or to give Evidence, so that no one Fine be more than Twenty Pounds on any such Sheriff, Deputy, Bailiff, or Agent, nor more than Five Pounds on any other Person for one Offence.

Trustees to issue Warrants to the Sheriff to impanel a Jury.

Trustees may impose Fines on Sheriffs making Default, and on Jury and Witnesses.

LI. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Directions and Authority of this Act, shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands, Houses, Buildings, Tenements,

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

[*Local.*]

34 F

Here-

Hereditaments, and Premises, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees, before the summoning or returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Treasurer to the said Trustees out of any Money which shall then be in his Hands, or out of any Monies to be received by virtue of this Act; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same within Fourteen Days after the same shall be demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Trustees, or of any Goods or Chattels of the Treasurer to the said Trustees, under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County of *Buckingham*, which Warrant any such Justice is hereby authorized and empowered to issue under his Hand and Seal, on Application made to him for that Purpose by the Party or Persons entitled to receive such Costs and Expences; but if any Jury or Juries so summoned and sworn as aforesaid shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or Losses and Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the said County of *Buckingham*, not interested in the Matter in question (who is hereby required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Clerks to the said Trustees, by the Ways and Means hereinafter provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

Money allowed for Lands how to be charged and tendered.

LII. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of any Monies in the Hands of the said Trustees, or out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties or Person or Persons respectively entitled thereto, or to their Agents, or into the Bank of *England*, in manner by this Act directed (as the Case may be), and upon such Payment to such Parties or Persons or their Agents, or into the Bank of *England*, and after Thirty Days

Days Notice thereof given to such Parties or Persons, or to their Agents, or left at their respective usual Places of Abode, or with the Tenant or Tenants in Possession of such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, then such Lands, Houses, Buildings, Tenements, Hereditaments and Premises respectively shall and may be taken and used for the Purposes of this Act, and such Lands, and the Scite of such Houses, Buildings, Tenements, Hereditaments, and Premises, shall be laid into and made Part of the said Roads, in such Manner as the said Trustees 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, to all Intents and Purposes whatsoever, become and be deemed and taken to be a Common Highway, and be from thenceforth Part of the said Roads for ever thereafter, and the said Roads shall be repaired and kept in Repair by the said Trustees, and also by the same Ways and Means as any other Highway is or ought by Law to be kept in Repair, and all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after such new Roads shall be completed, the Lands constituting any former Road or Roads which may thereby become useless or unnecessary shall or may be stopped up or discontinued, unless leading over some Moor, Common, uncultivated Land or Waste Ground, or to some Village, Town, or Place to which such new Road or Roads doth not or do not lead, and shall be vested in, and shall and may be sold and conveyed by the said Trustees in the Manner herein mentioned, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the Purposes of this Act; and all Conveyances being executed by the said Trustees, and inrolled in the Office of the Clerk of the Peace for the County of *Buckingham*, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

Old Roads may be stopped up or sold.

LIII. Provided always, and be it further enacted, That the said Trustees are hereby empowered to sell and convey any Piece or Pieces of Ground which may be purchased as aforesaid, and shall not be wanted for the Purposes of this Act; but before they shall sell and dispose of the same, they shall make the first Offer to the Person or Persons of whom the same shall have been purchased, or in case such Ground shall be a Piece or Pieces of old Road, to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County of *Buckingham* (who are hereby respectively empowered to take such Affidavit), by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of such Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and refused, or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof

When Pieces of Land are to be sold, the first Offer to be made to the original Proprietor.

thereof shall be ascertained by a Jury, in manner in this Act directed with respect to disputed Value of Premises to be taken and used in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in manner herein-before directed with respect to such Purchases made by the said Trustees *mutatis mutandis*; and the Money to arise by the Sale or Sales of such Pieces or Parcels of Ground shall be applied by the said Trustees to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money, and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof, and in such Manner and Form as is herein-before directed with respect to the Conveyances to be made of the Land constituting any Part of the Road herein-before directed to be sold.

Application
of Compen-
sation if
amounting
to 200*l*.

LIV. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Houses, Buildings, Tenements, Hereditaments, and Premises are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts, or other Incumbrances affecting the same Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or affecting other Lands, Houses, Buildings, Tenements, Hereditaments, and Premises standing settled therewith to the same or the like Uses, Trusts, Intents, and Purposes as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined or capable of taking Effect; and in the meantime, and until such

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

LV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, to be 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 or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, so purchased, taken, and used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by 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 and Produce arising thereon and therefrom may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

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

LVI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last 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 Lands, Houses, Buildings, Tenements, Hereditaments, and Premises so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

Where under 20*l.*

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

LVII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, to be purchased, taken, or used under or by virtue of the Powers of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or 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 any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises; be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, to the Credit of the Parties interested in the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, (describing them), subject to the Order, Control, and Disposition of the said High Court of Chancery; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein 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 of *England* as aforesaid.

In case of disputed Titles.

LVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or of any Estate, Right, Title, or Interest in any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased in pursuance of this Act, for the Purposes aforesaid, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid,

applied; and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession; and that some other Person or Persons was or were lawfully entitled to such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or to some Estate or Interest therein.

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

Court may order reasonable Expences to be paid by Trustees.

LX. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, to contract and agree with any Person or Persons whomsoever, for the Purchase or Demise from him, her, or them of, and to hold, any Land or Ground for the Purpose of digging Stone and Materials therefrom, for the Repairs or Use of the said Roads, or any Part thereof, and at any Time afterwards to sell the Land or Ground (so purchased) by Public Auction or Tender; provided always, nevertheless, that the entering into any such Contract or Agreement as last aforesaid shall not be compulsory against any Person or Persons unwilling to enter into the same; provided also, that the said Trustees shall not hold at any one Time or Period a greater Quantity of such Land or Ground in the Whole than Five Acres.

Powers to contract for Land to get Materials.

LXI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Trustees, and all such Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any Materials for making or repairing the said Roads, or any Bridge or Bridges thereon, out of any common River or Brook, or out of or from any Waste or Common, in any Parish, Hamlet, or Place in which any Part of the said Roads lie, or in any adjoining Parish, Hamlet, or Place, and to hale or carry away any such Materials, when got, over any Common or Waste Lands, without paying any thing for such Materials, and without being deemed a Trespasser or Trespassers; the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Grounds, or sloping down the Banks wherefrom such Materials shall be taken, and railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying or tendering for the Damages done by going through and over any inclosed Lands or Grounds for or with such Materials, such Damages to be ascertained as herein-after mentioned; and also that it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint,

Power to get Materials, &c.

by

by an Order in Writing signed by Two Justices as herein mentioned, to search for, dig, get, gather, take and carry away any such Materials, in or out of the Land of any Person, in any Parish or Place in which the said Roads lie or are situate, (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees, or any Land or Ground being or used as Water Meadow), making or tendering such Satisfaction for such Materials, and for the Damages done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees shall judge reasonable; and also to land on and carry through or over any inclosed Lands or Grounds (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees, or any Land or Ground being or used as Water Meadow), or on, through, or over any open Land or Common, any Stone or other Materials for making or repairing the said Roads, or for building or repairing any Toll House or Toll Houses on or by the Sides thereof, from any River, Stream, or Canal, in any Parish, Hamlet, or Place in which any Part of the said Roads lie, paying or tendering for the Damages done in landing on or going through or over any inclosed Lands or Grounds for or with such Materials, such Sum or Sums as the said Trustees shall judge reasonable; and in case of any Difference between such Trustees, Surveyors, or other Persons appointed or employed as aforesaid, and the Owners and Occupiers of such Lands, or any of them, concerning such Payments and Damages as aforesaid, any Two or more Justices of the Peace for the County wherein the Place from whence such Materials shall have been taken shall be situate, on Fourteen Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages; and the Costs attending the hearing and determining the same.

Notice to be given before Materials taken.

LXII. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or any other Person or Persons employed in the Execution of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing the said Roads, out of or from any inclosed Land or Ground, until Notice in Writing, signed by the Surveyor, shall have been given to the Owner or Owners of the Premises from which such Materials are intended to be taken, or his known Agent, or to the Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Two Justices of the Peace, acting in and for the County where the Lands from whence such Materials are intended to be taken shall lie, to show Cause why such Materials shall not be had therefrom, and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person to dig, get, gather, take, and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Owner, Agent, or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, such Justices shall and may (upon Proof on Oath of the Service of such Notice, and which Oath they are hereby empowered to administer) make such Order therein

therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier or his or her Agent had attended.

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

Penalty on taking away Materials raised by Surveyors.

LXIV. And be it further enacted, That if any Person shall after the passing of this Act erect or place any Sluice, Dam, Floodgate, or other Obstruction in any Brook or Watercourse, whereby or by means whereof the said Roads or any Part thereof shall be flooded, damaged, or injured, or rendered unsafe, or shall make, lay, or open any new Ditch, Drain, Pipe, or Watercourse into the said Roads, or any Part thereof, or shall deepen or widen any Ditch, Drain, or Watercourse already made into or on the Sides of the said Roads, or any Part thereof, or shall inclose or take in any Ditch, Drain, Pipe, or Watercourse lying on the Outside of his, her, or their Paling, Hedges, or other Fences, then and in every such Case it shall be lawful for the Surveyor to the said Trustees, and the several Workmen to be employed by him, to take down and remove every such Sluice, Dam, Floodgate, or other Obstruction, and to convert the Materials thereof for the Benefit of the said Roads, and also to stop, fill up, and destroy all and every such Ditches, Drains, Pipes, and Watercourses, and to pull down and remove the Buildings, Walls, Paling, or other Fences so inclosing such Ditches, Drains, Pipes, or Watercourses; and the Person erecting or placing such Sluice, Dam, Floodgate, or other Obstruction, or making, opening, deepening, widening, or inclosing such Ditch, Drain, Pipe, or Watercourse, shall for every such Offence forfeit and pay to the said Trustees any Sum not exceeding Five Pounds, over and above the Costs and Charges of taking up and removing such Sluice, Dam, Floodgate, or other Obstruction, or filling up such Ditch, Drain, Pipe, or Watercourse, or pulling down or removing such Buildings, Walls, or other Fences as aforesaid.

No Flood-gates or Obstructions in the Water-courses to be made so as to injure the Road.

LXV. And be it further enacted, That if any Person shall, from and after the passing of this Act, encroach upon the said Roads by making or causing to be made any Dwelling House or other Building, Hedge, Ditch, or other Fence (except Turnpike Houses or other Buildings erected by Order of the said Trustees), every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds to such Person as shall give Information of the same; and it shall be lawful for the said Trustees, or any Five or more of them, by Order under their Hands, made at a Meeting or some Adjournment thereof, directed to such Surveyor, to cause such Dwelling Houses, Buildings, Hedges, Ditches, or other Fences to be taken down or filled up at the Expence of the Person or Persons to whom the same shall belong; and it shall and may be

Penalty for erecting Encroachments on the Side of the Road.

[Local.]

34 H

lawful

lawful for any One or more Justice or Justices of the Peace in and for the said County of *Buckingham*, upon Proof thereof to him or them made upon Oath (which Oath any such Justice is hereby empowered to administer) to levy as well the Expences of taking down such Dwelling Houses, Buildings, Hedges, and Fences, and filling up of the Ditches aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus to the Owner or Owners on Demand.

For removing
Annoyances
and Nui-
sances.

LXVI. And be it further enacted, That it shall be lawful for the said Trustees, or their Surveyor or Surveyors, and such Person or Persons as they or he shall appoint, from Time to Time to pull down and remove any Windmill or Windmills which shall after the passing of this Act be erected within Three hundred Feet of the Centre of any Part of the said Roads, and to remove and prevent all Annoyances by Timber, Stone, Carriages, Hovels, Lime, Mortar, Filth, Dung, Ashes, Rubbish, Straw, or other Things being laid on any Part of the said Roads, or upon Open, Common, or Waste Land within Thirty Feet of the Centre thereof, and to dispose of the same for the Benefit of the said Roads, in case the Owners thereof shall neglect to remove the same for the Space of Three Days after Notice in Writing, signed by the Surveyor, given to such Owners for that Purpose, or in case the Owners are not known, after a like Notice affixed for Three Days on the nearest Turnpike Gate, and to turn any Watercourses, Sinks, or Drains running along, into, or out of the said Roads to the Prejudice thereof; and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining or near thereto, and to make the same as deep and large as he or they shall think necessary; and to cut down or lop any Branches, Shrubs, or Bushes growing on or over the said Roads, or on the Hedges or Banks adjacent thereto respectively (not being a Garden, Orchard, Plantation, Walk, or Avenue to a House, or any Trees being an Ornament or Shelter to a House), and to take and carry away the same, and to cut and reduce all such Hedges to the Height of Five Feet, in case the Owners or Occupiers of the Premises shall, for the Space of Seven Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to top, lop, cut down, or remove such Branches, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Annoyances in such Manner as the said Trustees or the said Surveyor or Surveyors shall require, the Charges whereof to be settled by any One or more of His Majesty's Justices of the Peace for the said County, on Application made to him or them for such Purpose by such Surveyor or Surveyors, shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are hereinafter directed to be recovered and applied; and if after the Removal of any of the said Annoyances, any Person shall again offend in like Manner, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Cattle stray-
ing to be im-
pounded.

LXVII. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind, shall at any Time be found wandering, straying, or lying upon the said Roads, or any Part thereof; or by the Sides thereof, except on such Part or Parts of the said Roads where the same is not fenced, or is open on either Side to any Common

or Waste Ground, it shall be lawful for the Surveyor of the said Trustees for the Time being, or for any other Person or Persons whomsöever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle in the common Pound of the Parish, Township, or Place where the same shall be, or in such other Place as the said Trustees shall appoint, and the same there to detain until the Owner or Owners thereof shall, for each and every Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of Five Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Ten Days after such impounding, it shall be lawful for the said Trustees to sell or cause to be sold every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, and the Money arising from such Sale, after deducting the said Penalty and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, or Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

LXVIII. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or other Live Stock or Cattle which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release or attempt to rescue or release any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine, or other Live Stock or Cattle seized or so impounded, or such Distress or Levy so made shall be discharged by due Course of Law, every Person so offending shall upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon the Confession of the Party or Parties offending, or upon the Oath of One credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of the County wherein the said Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Punishment
of Persons
guilty of
Pound
Breach.

LXIX. And be it further enacted, That the said Trustees shall cause the said Roads to be measured, and Stones or Posts to be set up in or near the same, at the Distance of One Mile from each other, with Inscriptions thereon denoting the Number of Miles and Distance of Places; as they shall think proper, and also such and so many Direction Posts as they shall judge necessary or proper.

Roads to be
measured and
Milestones
set up.

LXX. And be it further enacted, That if the several Persons who have become Subscribers towards the Expence of amending, widening, altering, improving, making, maintaining, and keeping in repair the said Roads, or any one or more of them, or any Person or Persons who shall hereafter become or agree to become a Subscriber or Subscribers for the Purposes aforesaid, shall, after Twenty Days previous Notice in Writing under the Hand of the Treasurer or Clerk to the said Trustees for that Purpose, to
him,

Subscribers
compellable
to pay their
Subscription.

him, her, or them given, or left at his, her, or their Dwelling House, or usual Place or Places of Abode, refuse or neglect to make Payment of the respective Sums by him, her, or them so subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall be lawful for the said Trustees, in the Name of their Treasurer or Clerk for the Time being, to sue for and recover the same by Action at Law in any of His Majesty's Courts of Record at *Westminster*.

Penalty for
damaging
Milestones,
&c. or in-
juring of
Causeways
or Roads,
&c.

LXXI. And be it further enacted, That if any Person or Persons whomsoever shall wilfully pull up, injure, or damage any of the Direction or Mileposts, Boards, Milestones, or Tables of Tolls erected or fixed, or to be erected or fixed in or near the Side of the said Roads, under or by virtue of this Act; or wilfully and designedly deface or obliterate any of the Inscriptions, Letters, Figures, or Marks thereon, or shall wilfully break, throw down, or otherwise damage any Lamp, Lamp-post, or Lamp-iron set up or affixed by order of the said Trustees, at or near to any of the said Turnpike Gates, or any other Part of the said Roads, or shall cause or procure the same to be done; or if any Person or Persons, in attempting to evade the Payment of any of the aforesaid Tolls, or on any other Occasion, shall pull up, pull down, displace, or damage any Hedge, Wall, Bank, Ditch, Gate, or Stile, or cause the same to be done; or if any Person or Persons shall wilfully pull up, remove, injure, or damage any other Posts, Rails, or Fences, now or at any Time hereafter to be placed or put by order of the said Trustees or their Surveyor or Surveyors, either by the Side or Sides of the said Roads, or at or near to any Pit or Quarry which shall be used, opened, or made for the getting of Stones, Gravel, or other Materials for the Purposes of this Act, in order to prevent Accidents, or to protect and preserve any Hedge or Quickset, or any Part or Parts thereof which the said Trustees shall or may make or plant for the Purposes of this Act, or which by virtue of this Act they are authorized to keep in good Order; or if any Person or Persons shall wilfully root up, cut, destroy, or damage any such Hedge or Quickset, or any Part or Parts thereof, or shall wilfully break, throw down, or injure any of the Stones or Parapet Walls on the Sides of any of the Bridges or Arches, or otherwise damage any of the Bridges or Arches now or hereafter to be erected across the said Roads; or shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Roads any Tree or Piece of Timber, or any Stone (otherwise than upon Wheeled Carriages), or shall suffer any Tree or Piece of Timber which shall be conveyed upon Wheeled Carriages to drag upon any Part of such Roads to the Prejudice thereof, or shall, without being thereto authorized by the Surveyor or Surveyors for the Time being acting under this Act, shovel up, scrape, gather, or carry away any Stones, Gravel, Sand or other Materials, Dirt, Mire, Drift, or Soil from off any Footway or Causeway, being Part of or adjoining the said Roads, or from any other Part of the said Roads; or if any Person or Persons shall ride upon or wilfully drive any Waggon, Cart, or other Carriage upon, along, or against any such Footway or Causeway, or any other Way or Ways already made or to be made upon the said Roads, for the Use of Foot Passengers; or shall wilfully lead or drive any Horse or other Cattle, Sheep, or any Swine, or any Cart or Carriage thereon, or shall wilfully or carelessly cause any Damage to be done to any such Footway or Causeway; or if any Person shall turn loose any Horse, Ass, Beast, or Swine upon the said Roads, or suffer any Horse, Ass, Beast, or Swine

Swine to be turned loose or to wander or stray, or to be or remain upon the said Roads to graze or depasture on the Sides thereof; or if any Person or Persons driving any Pigs or Swine upon the said Roads, shall suffer the same to root up or damage the said Roads or any Part thereof, or the Fences, Hedgings, Bankings or Copse on either Side thereof; or if any Person or Persons shall wheel any Hurry, Truck, or Wheelbarrow on any Footway or Causeway adjoining to the said Roads, or shall in or upon any Part of the same Roads, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle, or cause or permit any Blood to run from any Slaughter House, Building, Butcher's Shop, or Shambles into the said Roads; or burn, dress, or sweep any Piece or Pieces of Cork; or shall hoop, fire, cleanse, wash or scald any Cask or Casks in any Part or Parts of the said Roads, or in any exposed Situations near thereto; or shall hew, saw or cut, or cause to be hewn, sawed or cut, any Stone, Wood, or Timber; or shall shoe, farry, or bleed any Horse, Mule, or Ass (except in the Case of Accident) upon any Part of the said Roads; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage used for the carrying of Goods and Merchandize, shall ride on the Shafts or on any other Part of such Waggon, Cart, Dray, Sledge, or other Carriage, or on any of the Horses drawing the same, upon any Part of the said Roads; or if any Person on Horseback, or driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Roads, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, or Person on Horseback, shall not keep his Horse or Carriage on his Left or Near Side of the said Roads, or if any Person shall in any Manner wilfully prevent another Person or Persons from passing him upon the said Roads, or the Coach, Chaise, Waggon, Cart, or other Carriage under his Care; or if any Person shall make or assist in making any Fire or Fires (commonly called Bonfires), or shall set fire to or let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever upon the said Roads, or within Eighty Feet of the Centre thereof, or Play at Foot-ball or any other Game, upon any Part or Parts of the said Roads, to the Annoyance of any Passenger or Passengers; or if any Higler, Hawker, Pedlar, Gipsy, or other Person travelling with any Machine, Vehicle, Cart, or other Carriage, or with or without any Horse, Mule, or Ass, shall pitch any Tent, or encamp upon or by the Sides of any Part of the said Roads, or if any Blacksmith or other Person occupying a Blacksmith's Shop, having Windows to the Front of the said Roads, shall not by good and close Shutters every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into the said Roads; or if any Person shall carry any Rods or Bars of Iron, Beam of Wood, Basket, Pannier, or other Matter or Thing across the Back of any Horse, Mule, or Ass passing along the said Roads, so that the same or any of them shall project beyond the Distance of Thirty Inches on either Side of each Horse, Mule, or Ass; or if any Person shall leave any Waggon, Wain, Cart, or other such Carriage, longer than may be necessary for loading or unloading the same, in, upon, or on the Side of any Part of the said Roads, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case the same shall not during such Time be placed as near to the Side of the said Roads as conveniently may be; or if any Person shall, after having blocked or stopped any Waggon, Wain, Cart, or other Carriage, in going up a Hill or rising Ground, leave or suffer to be or

[Local.]

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remain

remain on the said Roads or any Part thereof; the Stone or other Thing with which any such Waggon, Wain, Cart, or other Carriage shall have been blocked or stopped; or if the Driver of any Waggon, Wain, or Cart, or other such Carriage, shall wilfully or carelessly pull up, break, or damage any Posts or Stones to be erected for the Security of any Footway or Causeway on or adjoining to the said Roads, or shall wilfully or carelessly drive the Wheel of any Carriage against the same, or shall lay any Piece of Timber, Packs of Wool, or any Stones, Hay, Straw, Dung, Manure, Soil, Ashes, Filth, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Roads, or on the Side or Sides thereof, or upon the Footpaths or Causeways adjoining to such Roads, to the Prejudice, Annoyance, or Interruption of Persons travelling and passing thereon; or shall lay or place on the Walls or Fences of the said Roads, or on the Sides of the said Roads for any Purpose whatever, any Wool, Woollen, or Cotton Cloth, Warp or Linen, every such Person shall forfeit and pay (over and above the Damage if any occasioned) any Sum not exceeding Five Pounds for every such Offence, to be levied, recovered, apportioned, and applied in Manner directed by this Act, for the Recovery, Apportionment, and Application of Penalties and Forfeitures; and such Offenders shall also pay to the said Trustees, or their Treasurer or Treasurers, or any of them, such Sum of Money as shall be a full Satisfaction for the Damage so done, which shall be settled or ascertained by the Justice or Justices of the Peace, by or before whom such Offender shall be convicted of any of the Offences aforesaid, and shall and may be levied and recovered in like Manner as any Penalties or Forfeitures imposed by this Act may be recovered, and shall be applied to the Purposes of this Act.

Gates to open
inwards.

LXXII. And be it further enacted, That from and after the passing of this Act, no Gate of any Park, Paddock, Field, or Inclosure whatsoever shall be made to open in or towards any Part of the said Roads or Footpath belonging thereto, or be suffered to continue so to open, except the respective Hanging Posts shall be so far removed from the Centre of the said Roads, so that no Part of such Gate, when opened, shall swing or hang over any Part of the said Roads or Footpaths belonging thereto; and the Occupier or Occupiers of every Park, Paddock, Field, or Inclosure, having any Gate opening outward, contrary to the Meaning of this Act, shall within Ten Days after Notice to him, her, or them given, either personally or in Writing from the Surveyor of the said Roads, cause such Gate to be hung so that no Part of such Gate when open, shall project over any Part of the said Roads, or any Footpath belonging thereto; and in Default thereof, the Surveyor of the said Roads is hereby authorized to cause the Gate to be hung according to the Directions of this Act; and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the said County of *Buckingham*, as the Case may require, and upon Conviction upon the Oath of one credible Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Gate, and shall also forfeit and pay a further Sum not exceeding Five Pounds, for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made; and such Penalty shall be recovered, levied, apportioned, and applied in Manner provided by this Act for the Recovery and Application of Penalties.

LXXIII. Pro-

LXXIII. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereto, in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the County of *Buckingham*, and they are hereby empowered and required, upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the said Roads lie, or into which they lead; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or their Treasurer; 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 in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions as is or are or may be directed by any Law or Statute in force and effect for the Repair of the public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable; and the same shall be done on such Days, and at such Times (not being Hay-time or Harvest), and on such Parts of the said Roads, as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices 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 Surveyor or Surveyors of such respective Parishes or Places, to be by him or them paid over to the said Trustees or their Treasurer at such Time or Times as the said Justices shall direct; and in Default of Payment thereof, the same shall 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 last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law

Law or Statute in force and effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, 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 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; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to pay over such Composition Money, or any Part thereof, in manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads.

Statute Duty not to be called for till the Road is certified by Justices to be formed.

LXXIV. Provided always, and it is hereby enacted and declared, That no Person or Persons who is or are or shall be liable to perform Statute Work, or to pay any Composition Money in lieu thereof, towards the Repairs of any Part of the Roads by this Act authorized to be made, maintained, and kept in Repair, shall be subject or liable thereto until such Roads shall be well and substantially formed and made fit and commodious for the Passage of Carriages and Travellers thereon, and until the same shall be certified so to be by Two Justices of the Peace for the County of *Buckingham*, or by the Order of the Justices of the Peace assembled at any General Quarter Sessions to be holden for such County, and the said Justices and Court of Quarter Sessions are hereby respectively authorized and required, upon a View or upon due Evidence, to make such Orders accordingly.

Trustees may compound Statute Duty.

LXXV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to compound and agree, by the Year or otherwise, with any of the Inhabitants or Occupiers of Lands, Tenements, or Hereditaments of or in any of the Parishes, Townships, Tithings, Hamlets, or Places in which the said Roads shall lie and be situate, for a certain Sum of Money in lieu of the whole or any Part of their Statute Work, or to compound with the Surveyor of the Highways for any such Parishes, Townships, Tithings, Hamlets, or Places, for the whole or any Part of the Statute Work liable to be performed within the same respectively; all which Composition Monies shall be from Time to Time paid in advance for the Repair of the said Roads on or before the Tenth Day of *October* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

Trustees may contract for Repairs.

LXXVI. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, are hereby empowered to contract with any Person or Persons for amending, widening, diverting, altering, improving, and keeping in Repair the said Roads, or any Part thereof, for erecting Mile and Direction Stones or Posts thereon, or for doing any other Work to be performed in the Execution of this Act, in such Manner and for such Sum or Sums

of Money as the said Trustees shall think proper; and that all Contracts and Agreements in Writing, entered into pursuant to any Order of the said Trustees, by their Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, or other Officer, with any Workmen or other Person or Persons, relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Parties or Persons as shall sign the same, his, her, and their Executors and Administrators; and that Actions and Suits shall and may be maintained thereon by the said Trustees, or by their Clerk or Clerks, Treasurer or Treasurers, and in his or their Name or Names respectively, and Damages and Costs recovered against the Party or Person, Parties or Persons, failing in the Performance of such Contracts or Agreements respectively; and such Sum of Money as shall or may be requisite for making or repairing the said Roads, or any other Matter or Thing to be done by virtue of this Act, and which, by such Contracts or Agreements respectively, the Parties ought to have done, shall be the Measure of the Damage to be recovered in any such Action or Suit against any such Party or Person, Parties or Persons, so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

Contracts to be binding.

LXXVII. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, or under the Authority of this Act, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose, by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Trustees, or to their Treasurer for the Time being, as the Case may be.

In case of Nonpayment of Compensation for Materials, Damages, or Injury done by the said Trusts, &c. the same to be levied by Distress of the Goods of such Trustees or their Treasurer.

LXXVIII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, the Manner of levying and recovering, and applying whereof is not herein otherwise directed, shall upon Proof of the Offences respectively before any Justice of the Peace

Recovery of Penalties and Forfeitures,

[Local.]

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for

and Applica-
tion thereof.

for the County of *Buckingham*, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justice is in every such Case hereby fully authorized to administer), be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant), and the Overplus (if any) after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid, one Moiety to the Informer, and the other Moiety to the Treasurer or Treasurers to the said Trustees, and applied for the Purposes of the said Roads; and in case such Penalties, Forfeitures, and Fines respectively shall not be paid forthwith, upon Conviction, then it shall and may be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants, it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol of the said County of *Buckingham*, or to any House of Correction within the same, 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.

For securing
transient
Offenders.

LXXIX. And be it further enacted, That it shall and may be lawful for any of the said Trustees, or their Collectors, Surveyors, or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Trustees, Collectors, Surveyors, or other Officers) who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the County or Place where the Offence or Offences shall be committed, or such Offender or Offenders shall be seized and apprehended; and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

Form of Con-
viction.

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

County of }
 Buckingham }
 to-wit. }
 BE it remembered, That on the _____ Day of _____
 in the Year of our Lord _____ is convicted before
 of His Majesty's Justices of the Peace for the
 [specifying the Offence, Time and Place when and where the same was com-
 mitted, as the Case shall be.] Given under my Hand and Seal, the Day
 and Year first above mentioned.

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

Proceedings
 not to be
 quashed for
 Want of
 Form.

LXXXII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person or Persons may, within Four Calendar Months next after such Cause of Complaint shall have arisen, appeal to the Justices of the Peace, at their next General Quarter Sessions of the Peace to be holden for the County or Place in which the Cause of Complaint shall arise (as the Case may be); unless such Complaint shall arise within Fourteen Days preceding such Sessions; in which Case such Appeal may be brought at the Second Sessions after such Cause shall arise, such Appellant or Appellants first giving or causing to be given Ten Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Clerks of the said Trustees, and within Four Days after such Notice entering into a sufficient Recognizance before some Justice of the Peace for such County or Place (as the Case may be); with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of and pay such Costs as shall be awarded by the Justices at such Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing, or appealed against, as they the said Justices shall think proper; and the said Justices may, if they see Cause, by Order of such Sessions, mitigate, at their Discretion, any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party or Parties so injured as they shall judge reasonable, or

Persons ag-
 grieved may
 appeal to the
 Quarter Ses-
 sions.

vacate

vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify or confirm the same, with such Costs as to them in their Discretion shall seem reasonable; and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices may also, at such Sessions, by their Order or Warrant, levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same; and for want of sufficient Distress may commit such Person or Persons to the Common Gaol or House of Correction, within the County or Place (as the Case may be) where the Offence shall be committed, for any Time not exceeding the Term of Six Calendar Months, or until Payment of such Costs.

Limitation
of Actions.

LXXXIII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Fourteen Days Notice thereof shall be given to the Clerk or Clerks to the said Trustees, nor after sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action shall be laid and tried in the County where the Cause of Action shall have arisen and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall or may, at his, her, or their Election, plead Specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Fourteen Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or if such Action shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any Case by Law.

General
Issue.

Treble Costs.

Public Act.

LXXXIV. 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.

Commence-
ment and
Continuance
of the Act.

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

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