



ANNO QUARTO

GEORGIIV. REGIS.

Cap. lxxiv.

An Act for more effectually repairing and improving the Road from the South End of *Sparrows Herne* on *Bushey Heath*, through the Market Towns of *Watford*, *Berkhamsted Saint Peter*, and *Tring*, in the County of *Hertford*, by *Pettipher's Elms*, to the Turnpike Road at *Walton*, near *Aylesbury*, in the County of *Buckingham*.

[23d May 1823.]

WHEREAS an Act was passed in the Second Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for amending, widening, altering, and keeping in repair the Road from the South End of Sparrows Herne on Bushey Heath, through the Market Towns of Watford, Berkhamsted Saint Peter's, and Tring, in the County of Hertford, by Pettipher's Elms, to the Turnpike Road at Walton, near Aylesbury, in the County of Bucks*: And whereas another Act was passed in the Twenty-third Year of the Reign of His said late Majesty King *George the Third*, intituled *An Act to enlarge the Term and Powers of an Act passed in the Second Year of the Reign of His present Majesty, for amending, widening, altering, and keeping in repair the Road from the South End of Sparrows Herne on Bushey Heath, through the Market Towns of Watford, Berkhamsted Saint Peter's, and Tring, in the County of Hertford, by Pettipher's Elms, to the Turnpike Road at Walton, near Aylesbury, in the County of Bucks*: And whereas another Act was passed in the Forty-third Year of the Reign of His said late Majesty

[Local.] 14 Y King

2 G. 3. c. 63.
23 G. 3. c. 93.

43 G. 3. c. 39. King George the Third, intituled *An Act to continue the Term and alter and enlarge the Powers of Two Acts passed in the Second and Twenty-third Years of the Reign of His present Majesty, for amending the Road from the South End of Sparrows Herne on Bushey Heath in the County of Hertford, to the Road at Walton in the County of Buckingham*: And whereas large Sums of Money have been from Time to Time borrowed on the Credit of the Tolls granted by the said several Acts of the Second, Twenty-third, and Forty-third Years of the Reign of His said late Majesty, which still remain due and owing, and which Sums of Money cannot be paid off, nor can the said Road be properly repaired and improved unless the Term granted by the said last-mentioned Acts be extended and the Tolls increased, and further Powers granted for that Purpose: And whereas it would be nearer and more commodious to the Public if the Course of the said Road was diverted at or near and through the Lands of *Nascott Farm* in the Parish of *Watford*, to join and communicate with the said Road at or near a certain Lane called *Ridge Lane*, leading out of the said Turnpike Road towards *Leavesden* in the County of *Hertford*, and also at or near the Turn or Curve in the said Road on the Northern Side of the Dwelling House of *James Senior* Esquire, in the Hamlet of *Walton* in the said County of *Buckingham*, and proceeding through certain Inclosures, Lands, Messuages, Buildings, and Premises herein-after described, into the Town of *Aylesbury*, to join and communicate with the *Oxford, Buckingham, and Cambridge* Roads, near *The George Inn* at *Aylesbury* aforesaid: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several recited Acts passed in the Second, Twenty-third, and Forty-third Years of the Reign of His said late Majesty King George the Third, shall be and the same are hereby declared to be repealed, and that this Act shall be put in Execution for and during the Term herein-after mentioned, for the Purpose of repairing, amending, improving, and maintaining the Road leading from the South End of *Sparrows Herne*, on *Bushey Heath* in the County of *Hertford*, through the Towns of *Watford, King's Langley, Berkhamsted Saint Peter, and Tring*, in the said County of *Hertford*, to the Turnpike Road at *Walton*, near *Aylesbury*, in the County of *Buckingham*.

Three first
recited Acts
repealed.

Powers of
3 G. 4. c. 126.
extended to
this Act.

II. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, save and except such Parts thereof as are expressly varied, altered, or repealed by this Act, shall be as good, valid, and effectual for carrying this Act into Execution, as if the same had been repeated and re-enacted in the Body of this Act.

Act subject
to the Pay-
ment of all
Monies bor-

III. Provided always, and be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed,

rowed, or are now due and owing on the Credit of the Tolls authorized to be taken by the said recited Acts on the said Road, and of all Interest due and to grow due thereon respectively, as fully and effectually to all Intents and Purposes, as if such Monies had been borrowed or become due and owing on the Credit or on account of this Act; and that all and every Person and Persons owing any Sum or Sums of Money to the respective Trustees for executing the said recited Acts hereby repealed, or any of them, shall be liable to the Payment thereof to the Trustees for executing this Act; and that all Bonds, Covenants, Agreements, Contracts, and Securities entered into by any Person or Persons to or with the respective Trustees for executing the said recited Acts hereby repealed, according to the Provisions and Directions thereof, shall remain in full force and effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on account and for the Benefit of the Road under this Act; and all Lettings of Tolls, Orders, Contracts, and Agreements, duly made or entered into by the said Trustees for executing the said Acts hereby repealed, shall, so far as the same are not altered or avoided by this Act, remain in full force and effect, and be observed and kept by the Trustees under this Act, according to the Terms and Stipulations thereof respectively.

rowed on the
Credit of
former Acts.

IV. And be it enacted, That all His Majesty's Justices of the Peace for the Counties of *Hertford* and *Buckingham* respectively, together with *Francis Henry Barker* Clerk, *Christopher Broome*, *Robert Haldane Bradshaw*, *Arthur Anstey Calvert*, *Thomas Clutterbuck*, *George Compigne*, *John Cotton*, *James Croft*, *John Crofts* Clerk, *Thomas Day*, *Henry Deering*, *John Dyson*, *Isaac Dell*, *John Dickinson*, *George Dorrien*, *John Dorrien*, *Thomas Tyrwhitt Drake*, *Brandreth Duncombe*, *Thomas Dupre* Clerk, *John Field*, *John Ford*, *John George* Clerk, *John Goodwin*, *Henry Greene*, *Thomas Abbot Green*, *William Griffin*, *John Griffin*, *Harry Grover*, *James Hailey*, *Joseph Hamilton* Doctor of Divinity, *William Hammond*, *John Jeffreys* Clerk, *Charles Lacey* Clerk, *Henry Lake*, *Thomas Lewin*, *Villiers William Lewis*, *William Littleboy*, *Magens Dorrien Magens*, *Michael Stephen Joseph M'Carthy*, *Thomas Winter Mead* Clerk, *John Manship Mills*, *John Moore*, *Frank Moore*, *William John Moore* Clerk, *Thomas Nicholl*, *George Nugent* Clerk, *John Pidcock*, *Alexander Platt* Clerk, *William Rickford*, the Right Honourable *Richard Ryder*, *Thomas Gage Sanders Sebright*, *William Smart*, *Richard Squire*, *Thomas Squire*, *Richard Steel*, *Robert Sutton*, *John Richard Thackeray* Clerk, *Thomas Toovey* the elder, *Thomas Toovey* the younger, the Honourable *Henry Watson*, *Henry Campbell White*, *Thomas Woodman*, *Edmund Yates*, and their Successors, shall be and they are hereby appointed Trustees for repairing, maintaining, and improving the aforesaid Road, and for putting into Execution this Act, and such of the Powers and Provisions of the said recited Act passed in the Third Year of the Reign of His present Majesty as are not expressly varied, altered, or otherwise provided for by this Act.

Trustees.

V. And be it further enacted, That it shall be lawful for the Trustees hereby nominated, and they are hereby authorized and empowered, at any Meeting to be holden for that Purpose (and of which Meeting, and the Purpose thereof, Fourteen Days Notice shall be given in the Manner directed by the said last mentioned Act), to elect any Number of Persons, not exceeding Five in the whole, to be Trustees for the Purposes of this and

Power to
appoint
additional
Trustees.

and the last-mentioned Act in addition to the Trustees hereby appointed, and such Trustees so elected, and being duly qualified, shall be and are hereby invested with the same Powers and Authorities for executing this Act, and the said last-mentioned Act passed in the Third Year of the Reign of His present Majesty, as if they had been herein-named and appointed.

Trustees to
be sworn.

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee for putting this Act into Execution, unless he shall be qualified in such Manner as in and by the said recited Act passed in the Third Year of the Reign of His present Majesty is directed and prescribed, and unless being so qualified he shall, before he shall act as a Trustee (except in administering the Oath or Affirmation mentioned in the said last-mentioned Act, and the Oath or Affirmation herein-after mentioned), take and subscribe, before One or more of the said Trustees (who is and are hereby empowered to administer the same), the Oath or Affirmation following; that is to say,

Oath.

‘ I *A. B.* do swear (or, being one of the People called Quakers, do solemnly affirm), That I will truly and impartially, according to the best of my Judgment, execute and perform the several Powers, Authorities, and Trusts reposed in me as a Trustee by virtue of an Act passed in the Fourth Year of the Reign of His Majesty King *George the Fourth*, intituled *An Act [here set forth the Title of this Act]*, and also an Act passed in the Third Year of the Reign of His said Majesty, intituled *An Act to amend the general Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England.*

‘ So help me GOD.’

Penalty on
Persons act-
ing not hav-
ing been
sworn.

And if any Person shall act (except as aforesaid) before he shall have taken and subscribed the said Oath or Affirmation, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparance shall be allowed: Provided nevertheless, that no Act or Proceeding, touching the Execution of the said Act of the Third Year of the Reign of His present Majesty or this Act, which shall be done or performed by any such Person who shall have omitted or neglected to take and subscribe the said Oath or Affirmation by this Act prescribed, shall be thereby impeached or rendered nugatory, but all such Proceedings shall be as valid and effectual as if such Person had taken such Oath or Affirmation previously to his having acted as such Trustee as aforesaid.

Time and
Place of
Trustees
First Meet-
ing.

VII. And be it further enacted, That the said Trustees shall meet at the House known by the Sign of *The King's Arms* at *Berkhamsted Saint Peter* aforesaid, or some other convenient Place near the said Road, on the Third *Monday* after the passing of this Act, and proceed to put the said last recited Act and this Act into Execution.

For appoint-
ing Clerks,
Treasurers,
Surveyors,
and other

VIII. And be it further enacted, That the said Trustees shall and may, by Writing under their Hands, from Time to Time, as Occasion shall require, nominate and appoint One or more Treasurer or Treasurers, Clerk or Clerks, Surveyor or Surveyors, Accountant or Accountants, Collector

Collector or Collectors, and such other Officer or Officers as they shall think necessary, and from Time to Time afterwards, when and as they shall think fit, displace and remove any of such Treasurers, Clerks, Surveyors, Accountants, Collectors, or other Officers, and upon such Removal, or when any of them shall die, misbehave, or resign their Office, or be incapable of performing it, they the said Trustees shall and may nominate and appoint another or others in the Stead and Place of such Officer or Officers as they shall think proper to remove, or that shall die, misbehave, or resign his or their Office, or be incapable of performing it; and the said Trustees may, by and out of the Tolls arising by virtue of this Act, allow and pay to such Treasurers, Clerks, Surveyors, Accountants, Collectors, and other Officers, and such other Persons as shall be aiding or assisting them in the Execution of their respective Offices, or that shall be in anywise employed in the Execution of this Act, such Salaries, Rewards, Wages, and Allowances for their respective Attendance, Care, and Service, as to the said Trustees shall seem reasonable.

Officers, and
allowing
them Sala-
ries.

IX. And be it further enacted, That the Clerk, Surveyor, and all other Officers (except the Treasurer) who have been appointed under and are now employed in the Execution of the said former Acts hereby repealed, shall respectively continue to exercise their Offices under this Act until they shall respectively die, resign, or be displaced or be removed by the said Trustees in manner aforesaid, or be incapable of executing them, and shall be subject to the like Rules and Regulations, and Pains and Penalties, in all respects whatsoever, as if they had been appointed under or by virtue of this Act.

Present
Officers to
continue.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees, other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager at Law, nor more than one Imparlance shall be allowed.

Treasurer
and Clerk
not to be
the same
Person.

XI. And be it further enacted, That every Person who shall have been employed to receive, or who shall have received any Tolls or other

[Local.]

14 Z

Books, Mo-
nies, and Ef-
fects under
the former
Monies

Acts, to be delivered up to the Trustees.

Monies under or by virtue or on account of the Acts hereby repealed, or shall have in his or her Custody or Possession any Vouchers, Books, Accounts, Papers, Writings, or other Things relating to the said Road hereby intended to be repaired, or any of them, shall, when required so to do, account for and deliver the same to the said Trustees, or any Person or Persons appointed by them for that Purpose, in like Manner and under the like Penalties as are herein-before directed with respect to any Officer or Person appointed under or by virtue of this Act.

Books used under former Acts to be Evidence.

XII. And be it further enacted, That all and every Book and Books containing the Accounts and Proceedings of the Trustees for executing the said Three first-recited Acts, or containing any Orders or Agreements made or entered into by them, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

For continuing the present Toll Gates and erecting other Toll Gates, &c.

XIII. And be it further enacted, That the said Trustees shall and may and they are hereby authorized and empowered to continue or remove all or any of the Gates, Turnpikes, Bars, and Chains now standing in, upon, or across the said Road, or on the Sides thereof, and also to erect or cause to be erected any other Turnpike or Turnpikes, Toll Gate or Toll Gates, Bar or Bars, in, upon, or across any Part or Parts of the said Road, or in, upon, or across any Line of Deviation of the said Road to be made under the Powers of this Act, or the said recited Act of the Third Year of His present Majesty's Reign, and also upon the Side of the said Road across any Lane or Way leading into or out of the same (such Lane or Way not being a Turnpike Road), and also to continue, erect, or provide a Toll House, with suitable Outbuildings and Conveniences, at or near each Toll Gate; and the said Trustees shall and may from Time to Time afterwards remove, alter, or discontinue such Turnpikes, Toll Gates, Bars, Chains, or Toll Houses, or any of them, as they the said Trustees shall think expedient, and also shall and make take in and inclose from the Sides of the said Road convenient Garden Spots for the Toll Houses respectively, not exceeding One-eighth Part of a Statute Acre to each Toll House; provided that no Turnpike, Toll Gate, Bar, or Chain be erected in, upon, or across any Part or Parts of the said Road between the Bottom of *Chalk Hill*, next *Watford Bridge*, and *Nascott Farm House* in the Town of *Watford*.

Power to sell the present Toll Houses.

XIV. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses erected by virtue of the said Acts hereby repealed on the said Road to be improved and repaired by virtue of this Act, or hereafter to be erected by virtue of this Act, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, when they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same, and in case of Sale to convey the said Toll Houses, Gardens, Building Ground, and Appurtenances, to the Person or Persons who shall purchase the same as an Estate or Estates of Inheritance in Fee Simple; and the Person or Persons who shall

shall purchase the same, his, her, or their Heirs or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trust, and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Nonapplication thereof: Provided always, that such Preference of purchasing shall be given to the Owner or Owners of the adjoining Land as is by the said last-recited Act directed to be given, where any Piece or Pieces of Ground or old Road, not wanted for the Purposes of any Turnpike Road, is authorized to be sold and disposed of.

XV. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons continued or to be appointed Collector or Collectors as aforesaid, to demand and take at each and every Turnpike or Toll Gate, continued or to be erected by virtue of this Act, 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, Restrictions, and Exceptions herein-after and in the said recited Act passed in the Third Year of the Reign of His present Majesty 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 from Time to Time appoint and order; (that is to say),

Power to
take Tolls.

For every Horse, Mule, Ass, or other Beast drawing any Coach, Berlin, Landau, Chariot, Calash, Chaise, Hearse, Waggon, Cart, Wain, or other Carriage, the Sum of Four-pence Halfpenny:

Tolls.

For every Horse, Mule, Ass, or other Beast not drawing, the Sum of One Penny Halfpenny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence *per* Score, and so in proportion for any greater or less Number; and for every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in proportion for any greater or less Number:

Which said Tolls shall be and are hereby vested in the said Trustees, and shall be paid, levied, applied, disposed of, and assigned in manner directed by the said recited Act of the Third Year of the Reign of His present Majesty and this Act.

XVI. And be it further enacted, That if any Person or Persons shall pay the respective Tolls by this Act granted and made payable for the passing of any Horses, Beasts, or Cattle through any Gate or Turnpike erected or continued by virtue of this Act, between *Sparrows Herne* aforesaid and a certain Place or Mill called *Bourne End Mill*, in the Parish of *Northchurch* in the said County of *Hertford*, the same Person, upon producing any Note or Ticket of the Day denoting such Payment, shall be permitted to pass and repass through all or any of the Gates or Turnpikes to be erected or continued between the Places aforesaid with the same Horse, Beast, or Cattle or Carriage (except as herein-after excepted), without paying any further or other Tolls or Duties at any

Tolls to be
paid but
once a Day
for passing
through the
Gates be-
tween Spar-
rows Herne
and Bourne
End Mill;
nor between
Bourne End
Mill and
Pettipher's
Time Elms.

Time or Times during the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next Night; and every Person, upon paying once for passing in any one Day (to be computed as aforesaid) through any Gate or Turnpike to be erected or continued by virtue of this Act between the said Mill called *Bourne End Mill*, and a certain Place called *Pettipher's Elms* in *Walton* aforesaid, shall be permitted at any Time or Times during the same Day to pass and repass through all or any of the Gates or Turnpikes to be erected or continued between the Places last before-mentioned with the same Horse, Beast, or Cattle or Carriage (except as herein-after mentioned), upon producing a Note or Ticket as aforesaid, without paying any further or other Tolls or Duties: Provided nevertheless, that the Provision last herein-before contained shall not extend or be construed to extend to any Gate or Turnpike to be erected on the Line of Deviation of the said Road into *Aylesbury*, when the same shall take place under the Powers herein-after contained; but that a further Toll, not exceeding the Rates herein-before provided, shall and may be taken at any such Gate or Turnpike which shall be erected on the said last-mentioned Line of Deviation.

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

XVII. Provided always, and be it further enacted, That the said Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Stage Coach or Stage Carriage, Van, Caravan, Waggon, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for every Time of passing and repassing on the same Day (the Day to be computed as aforesaid), and the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaise and other Carriage travelling for Hire, for every Time of passing and repassing along the said Road on the same Day (the Day to be computed as aforesaid) with a Ticket denoting a new Hiring.

Exemption
for Agricultural
Produce.

XVIII. Provided always, and be it further enacted, That no Toll shall be demanded or taken by virtue of this Act for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day any Dung, Soil, Compost, or Manure for improving Lands, or any Ploughs, Harrows, or Implements of Husbandry (unless laden also with some other Thing not exempted from Toll by the said recited Act of the Third Year of the Reign of His present Majesty), or any Hay, Straw, Fodder for Cattle, or Corn in the Straw, which has grown or arisen on Land or Ground in the Occupation of the Owner of any such Hay, Straw, Fodder, or Corn in the Straw, Potatoes, or other Agricultural Produce, and which has not been bought, sold, or disposed of, nor is going to be sold or disposed of, or for any Horses, or other Beasts employed in Husbandry, going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, such Horses or other Beasts not going or returning on those Occasions more than Two Miles on the said Road; and if any Person shall claim or take the Benefit of the said Exemption, not being legally entitled to the same, every such Person shall forfeit and pay any Sum not exceeding Five Pounds, and the Proof of Exemption shall lie on the Person claiming the same.

XIX. Pro-

XIX. Provided also, and be it further enacted, That no Toll shall be demanded or taken for any Sheep or Lambs going to or from any Wash, Brook, Dyke, River, Water, or other Place used for washing of Sheep, or to or from any Place used for the clipping or shearing of Sheep, or to or from any Place for suckling of Lambs, or folding or foddering of Sheep within One Mile of the said Road.

Exemption from Toll for Sheep or Lambs.

XX. Provided always, and be it further enacted, That nothing in this or the said recited Act of the Third Year of the Reign of His present Majesty contained, shall extend to empower the said Trustees, or any Surveyor or Person employed by them, to turn, divert, or alter the Course or Stream of any Water upon which any Mill or Mills is, are, or shall be erected, without the Consent of the Owner or Proprietor of such Mill or Mills.

Not to turn the Stream of any Water upon which any Mill is erected.

XXI. And be it further enacted, That no Preference shall be given to any Person or Persons who hath or have heretofore advanced any Sum or Sums of Money on the Credit of the said recited Acts passed in the Second, Twenty-third, and Forty-third Years of the Reign of His said late Majesty King *George* the Third, or who shall hereafter advance any Sum or Sums of Money on the Credit of this or the said recited Act of the Third Year of the Reign of His present Majesty, or to his, her, or their Assignee or Assigns in respect to the Priority of the Mortgage or Assignment, or of advancing such Sum or Sums of Money; but that as well all Persons to whom any such Mortgage or Assignment shall hereafter be made or given, his, her, or their Assignee or Assigns, as all Persons to whom any such Mortgage or Assignment hath heretofore been made or given, shall (in proportion to the Sum or Sums therein mentioned) be Creditors on this Act, and in an equal Degree one with another.

No Priority of Mortgages.

XXII. Provided always, and be it further enacted, That in case the said Trustees shall at any Time be desirous of paying off any Portion of the principal Monies due and owing on the said Road, it shall and may be lawful for them at any Meeting (Notice of such intended Meeting, and of the Purpose thereof, being first given at least Fourteen Days preceding the same by Advertisement in some Newspaper usually circulated in the said Counties of *Hertford* and *Buckingham*), if they shall think fit, instead of paying the same rateably amongst all the Creditors, to determine by Lot to which of such Creditors the Whole or any Portion thereof shall be so paid, and to pay the same to such Creditor or Creditors only, or to any of the Creditors with the Consent of all the other Creditors.

For paying Creditors by Lot.

XXIII. Provided always, and be it further enacted, That the Trustees appointed or to be appointed by virtue of this Act, or the Trustees who acted in the Execution of any of the former Acts relating to the said Road, shall not be personally subject to or liable to be charged with the Payment of any Sum or Sums of Money by reason of their having signed or executed any Mortgage or Assignment by way of Mortgage, or other Security made or to be made as aforesaid: Provided always, that in case any Action, Suit, or Prosecution shall be brought or commenced against the said Trustees for any thing done by virtue or in pursuance of the said recited Acts or this Act, all the Costs, Charges, and Expences of defending such Action, Suit, or Prosecution, and the Damages to be thereupon

Trustees not personally liable to Mortgages.

recovered, shall be defrayed out of the Tolls arising on the Turnpike Road hereby directed to be amended and repaired.

Application
of the Money.

XXIV. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said Acts hereby repealed, for or in respect of the said Road, and by this Act directed to be kept in repair, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by the said last recited Act and this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say), in the first Place, in the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relative thereto respectively, and in defraying the Expences of erecting and providing Toll Gates, Toll Bars, Toll Houses, and other Buildings, and keeping the same in Repair, and of altering, raising, widening, repairing, and preserving the said Road by this Act directed to be kept in Repair as aforesaid, and of erecting and making necessary and convenient Bridges upon the same, and otherwise executing the other Purposes of this Act, and in reducing, paying off, and discharging the several principal Sums of Money and Interest, which shall have been borrowed and secured in pursuance of and for the Purposes of the said Acts hereby repealed, in respect of the said Road, and the several principal Sums of Money which may be hereafter borrowed and secured by virtue of this Act, and Interest thereon.

Authorizing
the Trustees
to divert the
Road through
Nascott
Farm.

XXV. And be it further enacted, That it shall be lawful for the said Trustees to divert and improve the Course of the said Road at or near and through the Lands of *Nascott Farm*, in the Parish of *Watford* aforesaid, commencing at a certain Spot of Waste Ground near *Nascott House*, and proceeding through the Inclosures of the said Farm lying next the present Road belonging to the Reverend *Wilshire John Hemmett* and *Elizabeth* his Wife, and *Robert Clutterbuck* Esquire, their Trustee, in the Occupation of the Earl of *Essex*, and his Undertenants, *John Cardy* and *Moore*, or One of them, to join and communicate again with the present Road by the Side of one of the said Inclosures called *Further Nine Acres*, near a certain Lane called *Ridge Lane*, in the said Parish of *Watford*, and for that Purpose to convert the said Piece of Waste and Closes, or so much of the same as shall be required for the Purposes of the said Road, and out of the Monies to arise by virtue of this Act to pay for such Ground, Closes, and Premises, or so much thereof as shall be thought necessary for the Purposes of the said Road.

Authorizing
Trustees to
divert the
Road at Wal-
ton into the
Town of
Aylesbury.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees to divert and improve the Course of the said Road through certain Inclosures, Lands, Grounds, Messuages, Buildings, and Premises hereafter mentioned and described; (that is to say), such Deviation of the said Road to commence at or near the Turn or Curve in the said

Turnpike Road on the Northern Side of the Dwelling House of *James Senior* Esquire, in the Hamlet of *Walton* in the said County of *Buckingham*, and proceeding through several Inclosures, the Property of *Woodfield Blake Eagles*, *John Steele*, *Thomas Bell*, *Edward Harrison*, and *Sarah* his Wife, crossing the Highway to *Walton* Mill and through the Inclosure of the Reverend *Israel Bull*, across the Grand Junction Canal or Collateral Cut near the Canal Bridge at *Walton* Mill, and thence through the Inclosures of *Thomas Tindal* Esquire, across the *Walton* Mill Stream, and through the Inclosures of Lord *Carrington*, held under the Prebendary of *Heydor-cum-Walton*, *William Rickford* Esquire, and *Joseph Pitches*; through a certain Homestead and Outbuildings of the said *Joseph Pitches* in the Occupation of *Joseph Hearne*, a Cottage and Garden late the Property of *James Collings*, an Insolvent Debtor, in the Occupation of *John Brown*, Two Gardens unoccupied belonging to *George Creed* and *Richard Gurney*, a Garden and Bowling Green belonging to and in the Occupation of *John Eustace*, a Stable and Part of a Garden belonging to and in the Occupation of *John Stone*, Two Gardens belonging to *William Green* and *Thomas Webb* in their own Occupations respectively, crossing the public Footway through the Garden of the said *John Eustace* in his own Occupation, the Garden of *John Gurney Turvey* unoccupied, and Part of *The Crown Inn* Yard and Buildings belonging to and in the Occupation of the said *John Eustace*, Three Dwelling Houses and Buildings belonging to *George Thorpe* in the Occupations of *Thomas White Field*, *John Warr*, and *John Hearn*, a Building used as a Stone Mason's Shop belonging to and in the Occupation of *John Toms*, and a Dwelling House and Shop belonging to *Margaret Hanwell* in the Occupation of *Thomas Wilmot Dawson*, in the several Parishes or Places of *Walton* and *Aylesbury* aforesaid, into the Town of *Aylesbury* in the said County of *Buckingham*, to join and communicate with the *Oxford*, *Buckingham*, and *Cambridge* Roads near *The George Inn* at *Aylesbury* aforesaid, and for that Purpose to convert so much of the said Inclosures, Lands, Grounds, Scites of the said Messuages, Buildings, and Premises, as shall be required for the Purposes of the said Road, and out of the Monies to arise by virtue of this Act to pay for such of the said Inclosures, Lands, Grounds, Messuages, Buildings, and Premises, as shall be thought necessary for the Purposes of the said Road.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees, if they shall proceed to make such Deviations of the Road as aforesaid, or any or either of them, to erect any Bridge or Bridges over the Grand Junction Canal or Collateral Cuts, and over the said *Walton* Mill Stream, which may be necessary for making and completing the Road, or such Deviation or Deviations thereof.

Power to erect Bridges over Canals.

XXVIII. Provided always, and be it further enacted, That the Company of Proprietors of the Grand Junction Canal shall not be liable to pay any Expence, nor make good or sustain any Loss or Damage in respect of the Erection, Maintenance, or Repair of any Bridge or Bridges to be made by the said Trustees over and across the said Canal or Collateral Cuts therefrom; and that every such Bridge shall be built according to such and the like Plans and Sections as the present Bridges over the said Canal upon the Line of the said Turnpike Road are constructed, and so that the said Bridges to be so erected by the said Trustees may be as commodious

Grand Junction Canal Company not liable to repair of Bridges.

commodious for the said Company as the said present Bridges, and that no Injury, Impediment, or Obstruction be made or caused to the Navigation of the said Canal or Cuts, or to the Works thereof, during the Erection or Repair of any of such Bridge or Bridges, or at any other Time, or in any Manner whatsoever, by means of the Works hereby authorized to be made.

Deviations of the Road to be made according to Plans.

XXIX. And whereas Maps or Plans respectively describing the Lines of the Deviations of the said Road so intended to be made, and the Lands through which such Lines are to be carried, together with Books of Reference containing Lists of the Names of the Owners and Occupiers of such Lands, have been deposited with the respective Clerks of the Peace for the Counties of *Hertford* and *Buckingham*, and the Liberty of *Saint Albans*; be it therefore enacted, That the said Maps or Plans, and Books of Reference, shall remain in the Custody of the Clerks of the Peace for the said Counties and Liberties respectively, to the End that all Persons may at all reasonable Times have Liberty to inspect and peruse the same, and take Copies and Extracts therefrom at their Will and Pleasure, paying to such Clerks of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts; and that the said Trustees in making such Deviations of Road shall not deviate more than One hundred Yards from the respective Lines described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate through whose Lands, Grounds, or Premises such Deviations shall be made.

Lands marked in the Plans may be used notwithstanding Errors in the Books of Reference.

XXX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Deviations of Road into, through, across, or over the several Lands, Hereditaments, and Premises of any Person or Persons who is or are or may be the Owner or Owners, or Occupier or Occupiers of Lands or Premises over which the same Deviations, or either of them, or any Part thereof, is or are mentioned or described in this Act, or set forth and described in the said Maps or Plans or Lists 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 this Act, or in the said Maps or Plans, or Lists, in case it shall appear to any Two or more Justices of the Peace for the said Counties of *Hertford* and *Buckingham* respectively, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake or was not wilful; and such Certificate shall be deposited with and remain in the Custody of the Clerks of the Peace for the said Counties and Liberties, or either of them, as the Case may require.

Trustees discharged from the Care of Roads shut up or deviated from, and Roads made by former Trustees to remain so.

XXXI. And be it further enacted, That all Roads made, opened, widened, diverted, shut up, or discontinued under or by virtue of the Powers and Provisions of the said Acts hereby repealed, or any or either of them, shall remain and continue open, widened, diverted, shut up, and discontinued in such and the same Manner as if the said first recited Act had not been made; and that the Trustees under this Act shall be discharged from the Care and Management, as well of all Roads so heretofore shut up or discontinued, as also of all such Parts of the present Road, in lieu of which the said Deviations, or any of them, may be made under the Powers of this Act.

XXXII. And

XXXII. 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 Premises through which or whereupon the said Deviations of Road hereby authorized to be made are hereby intended to pass, and also upon any adjoining Lands or Grounds, and to stake out the said Deviations of Road, and to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part thereof, and to make a temporary Way or Ways through or over any such adjoining Lands or Grounds (not being a Garden, Yard, Orchard, Park, Paddock, planted Walk or Avenue to a House, or inclosed Ground planted and set apart as a Nursery for Trees), to be made use of as a public Highway whilst the narrow or ruinous Parts of the said Road are being widened or altered, or until the said Deviations of Road shall be made safe and convenient for the Passage of Travellers and Carriages, in such Manner as the said Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds respectively for any of the Purposes of this Act, making Satisfaction to the Owners and Occupiers of such Lands and Grounds for the Damages that shall be thereby occasioned; such Damages to be ascertained and settled, in case of Dispute concerning the same, in the same Manner as the Value of Lands to be purchased or used by virtue of this Act is directed to be ascertained and settled by the said last recited Act in case of Dispute; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out any Part of such deviation Roads, or either of them, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Power to enter Lands to make Road.

XXXIII. Provided also, and be it enacted, That the Powers and Authorities hereby given shall not in any Case be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, other than and except so much and such Part of such Dwelling Houses, or other Buildings, Orchards, Gardens, Yards, Parks, Paddocks, planted Walks, Avenues, and Nurseries for Trees, as are marked or described in the said Maps or Plans and Books of Reference, or one of them, or in this Act.

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

XXXIV. And be it also enacted, That in case the said Trustees shall consider it necessary for widening the said Road to take down and remove certain Buildings, Messuages, Cottages, or Tenements adjoining or near to the said Road, at a Place called *Hunton Bridge*, in the Parish of *Abbotts Langley*, the Property of *Samuel Warren*, and in the Occupations of *John Sutton* and *William Chamberlain*, it shall be lawful for the said Trustees so to do, and to convert the Materials of the said Buildings, and Ground on which the same are standing, or so much of the same as shall be required to the Purposes of the said Road, and out of the Monies to arise by virtue of the said last recited Act and this Act to

Authorizing Trustees to take down Cottages at Hunton Bridge.

pay for such Buildings and Premises, or so much thereof as shall be thought necessary for the Purposes of the said Road.

Trustees
to fence the
new Road.

XXXV. And be it further enacted, That in all Cases where the said Trustees shall by virtue of this Act, or the said last recited Act, make any Part of the said Road over and through any private Ground, or shall take away any Fence for widening, diverting, or turning any Road already made, the said Trustees shall make or cause to be made proper Fences or Walls on both Sides of such new-made Road, or on the Side upon which any such Fence shall be removed as aforesaid, so as effectually to guard and fence off the Lands adjoining to such Road, and also proper Gates, Bridges, and Arches where necessary, out of the said Road into the Lands adjoining, and shall keep such Fences so to be made in good Order and Repair for and during the Term of One Year from the Time that such Fences shall have been made or set up.

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

XXXVI. 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 the said recited Act of the Third Year of the Reign of His present Majesty or 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, 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 Twenty-one 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: Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall receive in pursuance of the said last recited Act or this Act, all such Costs, Charges, and Expences as he shall be put unto by virtue of any such Warrant as aforesaid.

Regulations
as to Performance
of Statute
Work.

XXXVII. 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 charged towards repairing and amending the said Road, or any Part thereof, and

the Inhabitants of all such Parishes, Townships, or Places as are subject to perform Statute Work upon or to contribute towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereunto, in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said Counties of *Hertford* and *Buckingham* respectively, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Clerks, Surveyor or Surveyors, by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes, Townships, or Places liable thereto, or in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees or to their Treasurer or Treasurers; and in order thereto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways, for every such Parish, Township, 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, either personally or by leaving the same at his or their Dwelling House or Dwelling Houses), of the Names of the several Persons who within such Parish, Township, 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 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 Road as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Road, as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Surveyor or Surveyors of such respective Parishes, Townships, or Places to pay over to the said Trustees, or their Treasurer or Treasurers, such Proportion of the Composition for Statute Work as aforesaid as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; and each and every Person who shall neglect or refuse to do Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them 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 any Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the public Highways; and if such Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught
to

to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had refused or neglected to come, or such Team or Draught had not been sent to work on any Part of the said Road, all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, 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 collect or 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 Ten Pounds; and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the Counties of *Hertford* or *Buckingham* respectively, on Complaint made to such Justices by the Surveyor to the said Trustees.

Trustees, &c.
may be Wit-
nesses.

XXXVIII. And be it further enacted, That no Person shall be deemed incompetent to give Evidence, or be disqualified from giving Testimony or Evidence in any Action, Suit, Prosecution, or other legal Proceedings to be brought or had in any Court of Law or Equity, or before any Justice or Justices of the Peace under or by virtue of this or the said recited Act of the Third Year of His present Majesty by reason of being a Trustee of the said Road, or a Mortgagee or Creditor of the Tolls thereof, or a Farmer, Lessee, or Collector of such Tolls, or a Treasurer or Clerk or Surveyor, or other Officer under this Act, nor shall such Testimony or Evidence (for any of the Reasons aforesaid) be rejected or liable to be questioned or set aside.

Public Act.

XXXIX. 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 this Act.

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

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