Anno nono.

Georgii III. Regis.

An Act to continue the Term and enlarge the Powers of ſo much of an Act made in the Seventeenth Year of the Reign of His late Majeſty, as relates to the Road from the Town of *Buckingham*, in the County of *Bucks*, to the North Extent of the Pariſh of *Hanwell*, in the County of *Oxford*, leading towards *Warmington Gate*.

WHEREAS by an Act of Parliament made in the Seventeenth Year of the Reign of His late Majeſty, for repairing the Road from the Town of Buckingham, in the County of Bucks, to Warmington, in the County of Warwick, ſeveral Tolls and Duties were granted, and Powers given to Truſtees named in or to be appointed by virtue of the ſaid Act, which were to take place from and after the Firſt Day of June, One thouſand ſeven hundred and forty four, and continue in Force for and during the Term of Twenty one Years, for the Purpoſe of repairing the ſaid Road: And whereas the Truſtees have borrowed upon the Credit of the ſaid Act ſeveral Sums of Money which, together with Preamble.

the Tolls collected upon the said Road, have been applied towards the Repairs thereof, and for the other Purposes of the said Act; notwithstanding which the said Road is still much out of Repair, and cannot be effectually amended and kept in good Repair for the future, and the Money now owing repaid, unless the Term of the said Act be continued, the Tolls increased, and the said Act made more effectual; 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 Act, and all the Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things, therein contained (except such as are hereby varied, altered, or repealed) are hereby declared to be in full Force and Effect, and shall be put in Execution during the Term of the said recited Act, and also of the additional Term of Five Years granted by an Act made in the Twenty eighth Year of the Reign of his late Majesty, intituled, An Act for the Amendment and Preservation of the Publick Highways and Turnpike Roads of this Kingdom, and for the more effectual Execution of the Laws relating thereto, and until the First Day of June, One thousand seven hundred and ninety one, and from thence to the End of the then next Session of Parliament, for the Purpose of amending and keeping in Repair so much of the said Road as leads from the Town of Buckingham to the North Extremity or Extent of the Parish of Hanwell, in the County of Oxford, leading towards Warmington Gate, as fully and effectually to all Intents and Purposes as if the same were re-enacted in the Body of this Act; and the additional Term hereby granted shall be subject and liable to the Payment of the Monies which are or shall be borrowed on the Credit of the said Act of the Seventeenth Year of the Reign of his late Majesty, and of this Act.

Term of former Act continued.

And whereas the Tolls and Duties granted by the said recited Act are not sufficient for effectually amending the said Road, and defraying the several Expences attending the same; be it therefore further enacted by the Authority aforesaid, That the Tolls and Duties by the said Act granted shall, from and immediately after the Passing of this Act, cease, and be no longer paid; and that from and immediately after the Passing

The former Tolls to cease.

ing of this Act the Tolls following shall be demanded and taken at all or any of the Turnpikes or Sidegates, erected upon the said Road, or on the Sides thereof, between the said Town of Buckingham, and the North Extremity or Extent of the Parish of Hanwell, in the said County of Oxford, before any Horse, Cattle, Beast, or Carriage, be permitted to pass through any such Gate or Turnpike; that is to say, and those following to be taken in lieu thereof.

The Tolls.

For every Coach, Berlin, Landau, Chariot, Calash, Hearse, Chaise, or Chair, drawn by Six Horses, Mares, or Geldings, the Sum of One Shilling and Six Pence; and if drawn by Four Horses, Mares, or Geldings, the Sum of One Shilling; and if drawn by Two Horses, Mares, or Geldings, the Sum of Six Pence; and also for every Chaise or Chair, drawn by Two Horses, Mares, or Geldings, the Sum of Six Pence; and if drawn by One Horse, Mare, or Gelding only, Three Pence.

And for every Waggon, Cart, or Carriage, laden with Grain or Meal only, or going empty for or returning empty, having been laden only with Grain or Meal, One Shilling.

And for every other Waggon, Wain, or Carriage, One Shilling and Six Pence.

And for every other Cart, One Shilling.

And for every Pack-horse, One Penny Halfpenny.

And for every other Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, One Penny.

For every Drove of Oxen, Neat Cattle, or Heifers, Five Pence per Score; and so in Proportion for any greater or less Number.

For every Drove of Hogs, Calves, Sheep, or Lambs, Two Pence Halfpenny per Score; and so in Proportion for any greater or less Number.

Which said respective Sums of Money shall be demanded and taken in the Name of and as a Toll; and the Money so to be raised and collected, shall be and is hereby vested in the said Trustees; and the same and every Part thereof shall be paid, applied, and disposed of, and assigned for the Purposes of paying off and discharging all Monies due and owing on the Credit of the said recited Act and this Act, and all Interest due and to grow due thereon, and of amending and keeping in Repair the said Road between the said Town of Buckingham, and the North Extremity or Extent of the Parish of

Tolls vested in Trustees.

Hanwell, in the said County of Oxford, and other the Purposes of the said Act and of this Act, according to the true Intent and Meaning of the said Acts, and to no other Use or Purpose whatsoever: And if any Person or Persons subject to the Payment of any of the said Tolls, or any Part thereof, shall, after Demand made, neglect or refuse to pay the same, or any Part thereof, it shall and may be lawful for the Person or Persons appointed to collect such Tolls, to seize and distrain any Horse or other Cattle, or any Goods or Carriages, upon which any Tolls are by this Act imposed; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Five Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining, shall and may sell any Horses, Cattle, Carriages, Goods or Chattles, so seized and distrained, rendering the Overplus (if any) on Demand, to the Owner or Owners thereof, after such Tolls and all reasonable Charges shall be deducted.

Tolls to be levied by Distress and Sale.

Distress may be sold after 5 Days.

And be it further enacted by the Authority aforesaid, That so much of the said recited Act, as restrains the taking more than one Toll in any One Day, for the same Horse, Cattle, or Carriage, passing or repassing through all or any Gate or Gates, Turnpike or Turnpikes, erected upon the said Road, or on the Sides thereof, shall from and after the passing of this Act be repealed.

For repealing so much of the former Act as restrains the taking Toll more than Once in One Day.

Provided nevertheless, and it is hereby declared, That if any Person or Persons shall have paid any of the Tolls hereby granted at any Turnpike erected between the Town of Buckingham and Mixbury, such Person or Persons, upon producing a Ticket, denoting that such Toll hath been paid on that Day, shall be permitted to pass Toll-free the same Day, to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night, through all or any Turnpike or Turnpikes erected in the said Road, or on the Sides thereof, between the said Town of Buckingham and Mixbury; and so in like Manner if any Person or Persons shall have paid any of the Tolls hereby granted at any Turnpike erected between Banbury and Tingwick, such Person or Persons, upon producing a Ticket, denoting that such Toll hath been paid on that Day, shall be permitted to pass Toll free on such Day, to be computed as aforesaid, through all or any Turnpike or Turnpikes erected on the said Road, or on the Sides thereof, between Banbury and Tingwick;

Tolls to be paid but Once a Day,

between *Buckingham* and *Mixbury*;

and between *Banbury* and *Tingwick*.

wick; all which Tickets the Collectors of the Tolls are hereby required to give gratis, on Receipt of such Toll.

Trustees may lessen the Tolls,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Thirteen or more of them, from time to time, at any Meeting to be held for that Purpose, to lessen or reduce all or any of the Tolls hereby granted for such Time or Times as they, the said Trustees, or any Thirteen or more of them, shall think proper, and afterwards from time to time advance all or any of the Tolls so lessened or reduced, to any Sum or Sums of Money, not exceeding the respective Rates herein before granted; and may direct the Tolls so reduced, or raised again as aforesaid, to be collected and received in such Manner, Parts, and Proportions, as they shall think fit; but no such Reduction shall be made, unless Fourteen Days previous Notice at the least shall be given in Writing, to be affixed upon all the Turnpikes which shall be then erected upon the said Road, of the Intention to make such Reduction or Advancement of the said Tolls.

and raise them again.

Trustees may lease the Tolls, &c.

And be it further enacted, That the said Trustees, or any Five or more of them, are hereby authorized and impowered, at any Time or Times, Ten Days Notice whereof shall be given in Writing to be affixed upon all the Turnpikes which shall be then erected upon the said Road, to lease or to farm let, for any Term of Years not exceeding Three Years at any one Time, all the Tolls granted by this Act, or any Part or Parts thereof, to any Person or Persons whomsoever, at or for the largest yearly Sum or Sums that can be gotten for the same, taking sufficient Security for the Payment thereof; provided that such Leases or Agreements be in Writing, and signed by the Person or Persons taking or farming the same, and by Five of the said Trustees, and that the Money which shall be agreed to be paid for the same shall be made payable and shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall, by any Writing under their Hands and Seals, authorize and impower to receive the same, by Quarterly Payments; and that the Person or Persons to whom the same shall be let, shall always pay down One Quarter's Rent in Advance, or give Security to the said Trustees, or any Five or more of them, for the due Payment thereof; and in case any Agreement shall be made for letting or farming the said Tolls, or any Part thereof, contrary to the true Intent and Meaning of this Act, or if any Default shall be be made in paying the full Money

ney to be paid for the said Tolls, or any Part or Parts thereof, contrary to the true Intent and Meaning of this Act; that then, and in either of the Cases aforesaid, every such Agreement shall be void, and the Person or Persons to whom the said Tolls shall have been letten or farmed as aforesaid, shall be liable to account for the same to the said Trustees, or any Five or more of them; and the same shall be levied and recovered upon and from him and them by the same Ways and Means, and in such Manner, as the Tolls granted by this Act are herein directed to be levied and recovered from the Collectors thereof.

And whereas it is necessary that a further Sum of Money should be borrowed to enable the Trustees more effectually to repair the said Road, than is allowed to be borrowed by the said recited Act; be it therefore enacted by the Authority aforesaid, That so much of the said Act as directs that the Sum to be borrowed on the Credit of the said Act should not at any One Time exceed the Sum of One thousand Pounds in the Whole, shall, from and after the passing of this Act, be repealed: And it shall and may be lawful for the said Trustees, or any Seven or more of them, and they are hereby authorized and impowered, from time to time, to borrow any Sum or Sums of Money which they shall think proper, not exceeding in the Whole the Sum of Three thousand Pounds; and, by any Writing under their Hands and Seals, to assign over the Tolls hereby made payable, or any Part thereof (the Costs and Charges of mortgaging and assigning the same to be borne and paid out of such Tolls) for any Term or Terms, during the Continuance of this Act, as a Security for Repayment of such Sum or Sums of Money to such Person or Persons, or their Trustees or Guardians, who shall advance and lend the same, as a Security for the Repayment thereof, with lawful or less Interest; and the Money so to be borrowed shall be applied, in the first Place, to pay the Charges and Expences of obtaining this Act of Parliament, and then in amending and keeping in Repair the said Road, and other the Purposes of this Act, and to no other Use or Purpose whatsoever; but no Money shall be borrowed by the said Trustees, on the Credit of the Tolls hereby granted, after the First Meeting to be held after the passing of this Act, unless Notice in Writing, under the Hand of the Clerk to the said Trustees, be for that Purpose fixed upon all the Turnpikes

Trustees may borrow Money on the Credit of the Tolls.

pikes which shall be erected upon the said Road, at least Fourteen Days before the borrowing such Money.

Qualification of Trustees.

And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said recited Act or this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, above Reprizes; or possessed of a Personal Estate to the Amount or Value of One thousand Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds: And if any Person, not being qualified as aforesaid, shall presume to act contrary to the Intent and Meaning hereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same; to be recovered in any of his Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of the said recited Act, or this Act.

Penalty on acting if not qualified.

Treasurer to give Security.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall take such Security from their Treasurer for the due Execution of his Office as they, or any Seven or more of them, shall think proper: And that no Victualler or Retailer of Beer, Ale, Cyder, or Spirituous Liquors, shall hold any Place of Profit under the said recited Act or this Act.

Victuallers not to hold any Place of Profit, &c.

Limitation of Actions.

Provided always, 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 the said Act or this Act, until Fourteen Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County or Place where the Matter shall arise, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall and may, at his or their Election, plead specially, or the General Issue Not Guilty, and give the said recited Act and this Act, and

General Issue.

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 the said Acts; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Fourteen Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or rendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County or Place than as aforesaid, 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 Suit, after the Defendant or Defendants shall have appeared, or if upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

Publick Act, And be it enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be, a Publick Act; and be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

FINIS.