Anno nono

Georgii III. Regis.

An Act to continue and render more effectual several Acts passed in the Sixth and Twelfth Years of King *George* the First, and the Twenty eighth Year of His late Majesty, for repairing the Roads from *Stevenage*, in the County of *Hertford*, to *Biggleswade*, in the County of *Bedford*, and other Roads therein mentioned; and for repairing and widening the Road from *Radwell Corner* to the Turnpike Road at *Arlesey*, in the County of *Bedford*.

WHEREAS by several Acts made and passed in the Sixth and Twelfth Years of the Reign of his Majesty King George the First, and the Twenty eighth Year of the Reign of his late Majesty, for repairing the Roads from Stevenage, in the County of Hertford, to Biggleswade, in the County of Bedford, and from the North End of the said Roads to the Toll-gate at the North End of the said Town of Biggleswade, several Tolls, Duties, and Powers, were granted for repairing the said Roads: And whereas the Trustees appointed in and by the said Acts have made a great Progress in the Execution thereof, and have repaid a considerable Part of the Money first borrowed upon the Credit of the Tolls and Preamble.

Duties thereby granted; but find the said Roads cannot be effectually repaired and kept in Repair, unless the Terms granted by the said Acts be further continued, and the Powers thereof enlarged: And whereas the High Road leading from a Place called Radwell Corner, in the Road leading from Baldock to Biggleswade aforesaid, through Stotfold, to the Turnpike Road at or near the House of Richard Edwards Esquire, in the Parish of Arlesey, in the County of Bedford, is in a ruinous Condition, narrow in some Places, and incommodious to Passengers, and cannot be effectually repaired and widened without the further Aid of Parliament: May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all and every the Tolls, Duties, Authorities, Powers, Privileges, Provisions, and Clauses, therein contained, as the same are now in Force (except such of them as are hereby varied, altered, or repealed) shall be and continue in full Force for and during all the Residue and Remainder of the Terms now to come and unexpired of the said Acts, and from and after the Expiration thereof, then for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; and shall extend and have Relation, not only to the repairing and widening the Roads in the said Acts mentioned, but also to the repairing and widening the said High Road leading from a Place called Radwell Corner, in the Road leading from Baldock aforesaid, to Biggleswade aforesaid, through Stotfold, to the Turnpike Road at or near the House of Richard Edwards Esquire, in the Parish of Arlesey, in the County of Bedford, in as full and ample Manner as if the said Road had been inserted in and directed to be repaired and widened by the said Acts, and as if the said Tolls, Duties, Authorities, Powers, Privileges, Provisions, and Clauses, were herein repeated and re-enacted in the Body of this present Act; which said Terms, in and by the said Acts and this Act granted, are hereby declared and enacted to be subject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the said Acts, and also such other Sum and Sums of Money as shall be borrowed for the Purposes of the said Acts, and of this Act.

Recited Acts, &c. further continued for 21 Years.

And be it further enacted, That the Truſtees named and appointed in the ſaid recited Acts, or elected, nominated, or appointed, at any General Meeting, or Adjourned or Committee Meeting of the ſaid Truſtees, whether the ſame were held alternately in the ſaid Counties of Hertford and Bedford or not, ſhall be, and they are hereby appointed, Truſtees to put the ſaid recited Acts and this Act in Execution. Truſtees of the former Act to put this Act in Execution.

Provided always, and be it further enacted, That no Gate or Turnpike ſhall be erected by virtue of this Act between the ſaid Place called Radwell Corner, and the Turnpike Road at or near the Houſe of Richard Edwards Eſquire, at Arleſey aforeſaid. No Gate to be erected between *Radwell Corner* and *Arleſey*.

And be it further enacted, That in caſe the ſaid Truſtees, or any Five or more of them, ſhall, at any Time or Times, during the Continuance of the ſaid recited Acts and this Act, think proper to widen, turn, or alter any Part or Parts of the ſaid Roads for the better Accommodation of Coaches, Carriages, and Paſſengers; that then the ſaid Truſtees, or any Five or more of them, ſhall have full Power and Authority, from time to time, to treat, contract, and agree, with the ſeveral Owners, Proprietors, Occupiers of, and Perſons interested in, any Lands, Grounds, or Hereditaments, lying contiguous or near to the ſaid Roads, for the Purchaſe of any ſuch Lands, Grounds, or Hereditaments, or for the Loſs or Damage ſuch Owners, Proprietors, Occupiers, and Perſons intereſted, or any of them, ſhall or may any ways ſuſtain by ſuch widening, turning, or altering, any Part of ſuch Roads; and out of the Tolls or Duties by the ſaid recited Acts and this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for ſuch Lands, Grounds, or Hereditaments, and for ſuch Loſs or Damage, ſuch Sum or Sums of Money as ſhall be agreed upon between ſuch Owners, Proprietors, Occupiers, and Perſons intereſted as aforeſaid, and the ſaid Truſtees, or any Five or more of them, and all the Coſts and Charges attending ſuch Agreement and Purchaſe. Truſtees may contract for the Purchaſe of Lands, *&c.*

And whereas it may happen that ſome Perſons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, or others, are or may be ſeiſed or poſſeſſed of Lands, Grounds, or Hereditaments, which may by the ſaid Truſtees be thought neceſſary or proper to be taken in and added to the ſaid Roads for turning, widening, altering, or amending the ſame; and ſuch Perſons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate Bodies Politick, *&c.* may contract for the Sale of ſuch Lands.

gregate or Sole, or Feoffees, may be willing to treat and agree for the Sale of such Lands, Grounds, or Hereditaments, but may be incapable of granting or conveying the same by reason of Infancy or other Disability; be it further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree, with the said Trustees, or any Five or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same, as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding: And all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Where Persons refuse to treat, &c.

And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or any other Person or Persons interested in such Lands, Grounds, or Hereditaments, upon Notice to them given or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in and added to the said Roads, or into which such Road is to be turned or altered as aforesaid, shall, by the Space of Fourteen Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or by reason of Absence shall be prevented from treating; then, and in every or any such Case, the said Trustees, or any Five or more of them, shall cause it to be in-

Jury to assess the Recompence on Oath.

quired into, and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County in which such Lands or Grounds so to be taken in do lie (which Oaths any Two or more of the Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Occupiers, or Proprietors, or other Person or Persons interested for or upon account of the taking of such Lands, Grounds, or Hereditaments, into the said Roads, or of turning such Road into the same; and in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary and proper to be examined as a Witness or Witnesses, touching or concerning the Premisses (which Oath any Two or more of such Trustees are hereby impowered to administer) and they shall also order and cause the said Jury to view the said Places in Question (if there be Occasion) and use all lawful Ways and Means, as as well for their own as for the said Jury's better Information in the Premisses, as they the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have inquired of, ascertained, and settled, such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the said Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Person and Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid,

Verdict of the Jury to be final.

thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property of, in, to, or out of the same; and for the summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County in which such Lands and Grounds, so to be taken in, do lie, thereby commanding and requiring him to impanel, summon, and return an indifferent Jury of Twenty four Persons, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve.

Trustees to issue their Warrant to the Sheriff to impanel a Jury.

Jurors may be challenged.

Provided always, and be it further enacted, That all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them, acting in the Premisses, shall have Power from time to time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, or that shall refuse to be sworn on the said Jury, or being so sworn and refusing to give, or not giving their Verdict, or in any other Manner wilfully neglecting their Duties therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, or appearing shall refuse to be examined and give Evidence, and from time to time to levy such Fine or Fines, in the same Manner as any other Forfeiture or Penalty herein before-mentioned is hereby directed to be levied, so that no such Fine shall exceed the Sum of Ten Pounds upon any One Person for any One Offence; and all such

Trustees may impose a Fine on the Sheriff, making Default in the Premisses.

Fine not to exceed 10 *l.*

Fines

Fines shall be applied for such Uses and in such Manner as the Tolls granted by this Act are to be applied.

Money allowed for Lands how to be charged and tendered.

And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed as aforesaid, shall be and is hereby charged and chargeable upon the Monies which shall be raised, received, or borrowed, by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or any Five or more of them, or their Treasurer, to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof, to such Persons or their Agents, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Treasurer to the said Trustees for the Use of such Persons, and after Ten Days Notice given to such Persons or their Agents to receive such Money, Consideration, Recompence, or Satisfaction; such Lands, Grounds, or Hereditaments, shall be laid into and made Part of the said Roads in such Manner as the said Trustees, or any Five or more of them, shall order and direct, and shall be by them, or by such Person or Persons as they, or any Five or more of them, shall appoint, sufficiently drained, ditched, fenced, and set out, for that Purpose; and after such draining, ditching, fencing, and setting out, the said Lands, Grounds, or Hereditaments, shall to all Intents and Purposes whatsoever become and be, and be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said Roads for ever after, and shall be repaired and kept in Repair by such Ways and Methods, and in all Respects in such Manner, as the old Road so widened, altered, or turned, was and ought to have been kept in Repair; and after such new Road shall be completed, the Lands and Grounds comprized in, or constituting the old or former Road shall be vested in, and shall and may be sold by, the said Trustees, or any Five or more of them, to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied and disposed of for the repairing the said Roads; and the Sale or Conveyance and Conveyances to be made of such Lands or Grounds being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the County where such Lands or Grounds do lie, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

Lands, &c. purchased to be deemed Part of the Roads.

Old Road to be sold.

Application of the Money.

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Buildings not to be injured, &c.

Provided always, and be it further enacted, That no widening, turning, or diverting any Part or Parts of the said Roads, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, Garden, Orchard, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House, unless the Owners or Proprietors thereof shall consent thereto.

Expences of Juries how to be borne.

And be it further enacted, That in case any such Jury shall give in and deliver a Verdict or Assessment for more Monies as a Recompence for the Right, Interest, or Property, of any Person or Persons in any such Lands, Grounds, or Hereditaments, or for any such Loss or Damage, than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid; that then, and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the said Trustees, or any Five or more of them, out of the Tolls or Duties by the said recited Acts and this Act granted, or out of any Money to be borrowed upon the Credit thereof. But if any such Jury shall give and deliver a Verdict or Assessment for no more or for less Monies than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property in, or Loss or Damage as aforesaid; that then the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute.

Ditches may be made to prevent evading the Tolls.

And, to prevent Persons evading the Payment of the Tolls or Duties by the said recited Acts and this Act granted, be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, to make, or cause to be made, such Ditches or other Fences as they shall think necessary in, over, or across any Lands or Grounds adjoining to or situate near any Gate or Turnpike to be erected by virtue of this Act.

Charges of passing this Act to be first paid.

And be it further enacted, That the Charges and Expences of obtaining and passing this Act shall be paid, as soon as conveniently may be after the Passing hereof, out of the Tolls or Duties granted by the said recited

Acts

Acts and this Act, or any Money borrowed or to be borrowed upon the Credit thereof.

Limitation of Actions.

And be it further enacted, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons for any Thing done or to be done by virtue or in pursuance of the said recited Acts or this Act, or in relation to the Matters therein or herein contained, such Actions and Suits, and every of them, shall be commenced within Six Calendar Months next after the doing the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, and not afterwards; and shall be brought, laid, and tried, in the County or Place where such Matters and Things respectively shall be committed or done, and not in any other County or Place; and that the Defendant or Defendants in such Actions and Suits, and every of them, may plead the General Issue, and give the said recited Acts or this Act, and the special Matter in Evidence, on any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of the said Acts or this Act; and if the said Matter or Thing shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid, the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become Non-suited, or suffer a Discontinuance of such Action or Actions, or if upon any Demurrer or Demurrers in such Action or Actions Judgement shall be given for the Defendant or Defendants therein; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants may have for his, her, or their Costs in any other Cases by Law.

General Issue.

Treble Costs.

Publick Act.

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

I N D E X.