Anno tricesimo

Georgii II. Regis.

An Act for amending, widening, and keeping in Repair, the Road from the Town of *Hitchin* in the County of *Hertford*, through the Town of *Shefford* and *Carrington Cotton End*, to a Lane opposite a Farm House called *Saint Leonard's*, leading into the Turnpike Road from *Saint Alban's*, to the Town of *Bedford*; and also the Road from the Turning-out of the aforesaid Road into *Henlow Field*, to *Gerford Bridge*; and also the Road from the Town of *Henlow*, over *Henlow Bridge*, to *Arlesey* in the County of *Bedford*.



WHEREAS the High Road leading from the Park Gates of Edward Radcliffe Esquire, at the South End of the Town of Hitchin in the County of Hertford, through the several Parishes of Icleford in the said County of Hertford, and Holwell, Shitlington, Upper Stondon, and Mepsall, in the County of Bedford, and the Town of Shefford, to Deadman's Cross in the Parish of Hawnes, and from thence through Carrington Cotton End and Harrowdine, to a Lane opposite a Farm House called Saint Leonard's, leading into the Turnpike Road from Saint-Alban's, to the Town of Bed- Preamble.

ford in the County of Bedford; and also the High Road from the Turning-out of the aforesaid Road into Henlow Field, through the Parishes of Henlow and Clifton, Stanford in the Parish of Southill, Hill Lane in the Parish of Old Warden, and Caldecot and Hatch in the Parish of Norhill, to Gerford Bridge in the said County of Bedford; and also the Road from the Turning-out of the said Road at or near the End of Henlow Town, through Nornill Lane, and over Henlow Bridge, to the House of Richard Edwards Esquire, in the Parish of Arlesey in the said County of Bedford, are in a ruinous Condition, narrow in many Places, and dangerous to Travellers; and the same cannot be effectually repaired and widened without the 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 Right Honourable Francis Russell Esquire, commonly called Marquis of Tavistock; the Right Honourable John Earl of Upper Ossory, in the Kingdom of Ireland; the Right Honourable James Cecil Esquire, commonly called Lord Viscount Cranbourne; the Right Honourable Philip York Esquire, commonly called Lord Viscount Royston; Sir Rowland Alston, Sir Jacob Gerrard Downing, Sir Humphrey Monoux, Sir Roger Burgoigne, Sir George Osborn, Sir John Barrington, Sir James Dashwood, Sir Mathew Lambe, Baronets; Sir Thomas Salusbury Knight, Thomas Alston, Richard Astell, Esquires; Towers Ashcroft, George Ault, Clerks; Thomas Plumer Byde, Thomas Brand, John Byng, Samuel Burroughs, William Bogdani, John Briscoe, Robert Butcher, Thomas Bigge, Fitz-Williams Barrington, John Bullock, Bullock of Shambrook, Esquires; George Bridle Clerk, James Belsham, Thomas Bithray, Charles Bithray, Timothy Bristow, Charles Baron, John Bury, Thomas Burton, John Barber, Thomas Butcher, Gentlemen; John Crawley, Henry Carter, John Cater, Campbell, Esquires; Nicholas Cholwell, William Cumming, Clerks; Nathaniel Coston, Richard Cave, Thomas Cave, Henry Cooper, John Crabb, Gentlemen; Marsh Dickinson, John Marsh Dickinson, Dickson, William Daniel, John Denis, Esquires; Isaac Davies Clerk, Samuel Davis Gentleman, George Edwards, William Edwards, Richard Edwards, Esquires; Peter Ellice Clerk, William Farrer Esquire, Joseph Francklin, John Field of Campton, Joseph Field, John Field of Lilley, John Foster, Henry Fleming, Gentlemen;

Trustees Names.

Charles Gore, Edward Gilbert, Esquires; Thomas Gilpin, Dixie Gregory, John Gotheridge, Gery of Bustsmead, Gentlemen; Gibson Clerk, Francis Herne, John Harvey, James Harvey, William Hale, Richard Hale, Gyles Thornton Heysham, Peter Heywood, John Hagar, Dennis Farrer Hillersdon, Robert Hynde, John Howard, Esquires; William Hatfield, Henry Hinde, Francis Hawkins, Clerks; Henry Horton, Gravely Hurst, Thomas Howard, George Hailey, William Hanscombe of Pirton, Gentlemen; George Jennings, Francis Jessop, Benedict Ithell, Gilbert Jodrell, Esquires; Charles Jackson Clerk, Francis Jennings Gentleman, William Smith King Esquire, John Keet Clerk, Benjamin King Gentleman, John Robinson Lytton, John Lee, John Lawson, Esquires; William Potton Love, John Lucas, Gentlemen; Philip Monoux Esquire, Maxey, Lewis Monoux, Robert Meetkirke, John Pilkington Morgan, William Seale Maxey, Clerks; John Midwinter, William Malein, Edward Moore, Gentlemen; George Nodes Esquire, George North, Francis Nedham, Clerks; Robert Henley Ongley, John Osborn, Esquires; the Reverend Thomas Osborn LL.D. William Plumer, William Plumer junior, Newdigate Poyntz, Henry Fish Palmer, William Pym, Charles Palmer, Phipps of Tempsford, Esquires; John Pemberton, William Pateman, Clerks; Thomas Palmer, Gidney Phillips, Joseph Margets Pierson, Edward Prentice, Payne, William Pateman, John Pedley, Gentlemen; Edward Radcliffe, Arthur Radcliffe, Ralph Radcliffe, John Rose, Esquires; John Rooke, Edward Robinson, Clerks; Thomas Rolfe, John Ravens, Thomas Rust, Joseph Ransom the younger, Gentlemen; John Spencer, James Smyth, John Shipton, Esquires; William Smith of Bedford, William Smith of Cople, Samuel Saunderson, Thelwall Salusbury, Lawrence Smyth, Clerks; John Shotbolt, John Sellis, John Simpson, Samuel Sandon, Gentlemen; William Theed Esquire, Richard Tristram, William Thomas, Lawrence Tristram, Gentlemen; Thomas Woodward, Ive Whitebread, Samuel Whitebread, Esquires; Thomas Whitehurst Clerk, John Woodham, Thomas Wells, John Whitehurst, Francis Wyngfield, Gentlemen; the Reverend Edward Young, LL.D. shall be, and they are hereby appointed Trustees, for surveying, ordering, amending, widening, and keeping in Repair, the said Roads; and for putting in Execution all other the Powers in and by this Act given and granted.

Qualification of Trustees.

And be it further enacted by the Authority aforesaid, That no Person shall be qualified, or capable of acting as a Trustee in the Execution of this Act, unless he shall

be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, or shall be Heir Apparent of some Person having such Estate of the clear yearly Value of Two hundred Pounds, or possessed of, or intitled unto, a Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Five hundred Pounds; and unless the Person, not being such Heir Apparent, claiming to have Fifty Pounds a Year, or One thousand Five hundred Pounds Personal Estate alone, or Real and Personal Estate together, as aforesaid, shall take and subscribe the Oath following, before any Two or more of the said Trustees (who are hereby authorized and required to administer the same, before he takes upon himself to act in the Trusts and Authorities of this Act;) which Oath shall be in the Words, or to the Effect, following; that is to say,

Trustees to take the following Oath before they act.

The Oath.

I *A. B.* do swear, That I truly and *bona fide* am, in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds; or possessed of, or intitled unto, Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Five hundred Pounds.

So help me God.

Penalty on acting, if not qualified.

And if any Person hereby deemed unqualified or incapable to act, shall nevertheless presume to act contrary to the Intent and Meaning of this Act, 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; to be recovered 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 Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Times and Places of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the Trustees hereby appointed, or any Nine or more of them, shall meet together at the House of Elizabeth Westwood, known by the Sign of the Sun in Hitchin, on that Day Sevennight after the passing of this Act, and shall proceed to the Execution of this Act, and shall then adjourn themselves, and shall afterwards meet at the Place aforesaid, or at any other Place or Places near the said Road, as the said Trustees, or any Five or more of

of them, shall think proper, as often as it shall be necessary for putting this Act in Execution; and if it shall happen that there shall not appear at any such Meeting, a sufficient Number of Trustees to act, and to adjourn to any other Time, then, and in such Case, the Clerk to the said Trustees shall and may, by affixing, or causing to be affixed, publick Notice in Writing, at or upon all the Turnpikes which shall be erected by virtue of this Act, at least Ten Days before such Meeting, appoint such Trustees to meet at the House or Place where the last Meeting of the said Trustees was appointed to be held, on that Day Three Weeks next after the Day on which such last Meeting was appointed to be held; and that the said Trustees, at all their Meetings, shall defray their own Charges and Expences.

In Default of a sufficient Number to act,

Notice to be given of future Meetings.

Trustees to defray their own Expences.

Provided always, and be it enacted by the Authority aforesaid, That the several Meetings of the Trustees, for the Purposes of this Act, shall be held alternately, in the Counties of Hertford and Bedford; and that the said Trustees shall not meet Twice successively in the same County.

Proviso.

Provided always, and be it further enacted by the Authority aforesaid, That no Trustee named or appointed, or which shall be named or appointed in or by virtue of this Act, shall act, or be impowered to do any Act, in the Execution of the Powers hereby given to them, or either of them, except it be at a Meeting to be by them held in pursuance of this Act.

Trustees not impowered to act, but at a Meeting held in pursuance of this Act.

And be it further enacted by the Authority aforesaid, That if any Person or Persons appointed or to be appointed a Trustee or Trustees in or by virtue of this Act, shall have or accept of any Place of Profit arising out of the Tolls and Monies by this Act made payable, such Person or Persons, from and after his and their accepting such Place or Places of Profit, and during the respective Time of his and their holding and enjoying the same, shall be incapable of acting as a Trustee or Trustees in or under this Act, or in the Execution of the Authorities and Powers hereby to them given.

No Trustee to accept of any Place of Profit arising from the Tolls.

And be it further enacted by the Authority aforesaid, That such of the Trustees appointed or to be appointed in or by virtue of this Act, as shall be a Justice or Justices of the Peace, may, and is and are hereby authorized and impowered to act as a Justice or Justices of the Peace in the Execution of the Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding his or their being such Trustee or Trustees.

Trustees who are in Commission of the Peace, may act as Justices.

And be it further enacted by the Authority aforesaid, That when and as often as any of the Trustees named

On Death, &c. of Trustees, others to be chosen.

or appointed in or by virtue of this Act, shall die, remove, or refuse to act, it shall and may be lawful for the surviving or remaining Trustees, or any Seven or more of them, by Writing or Writings under their Hands and Seals, to elect, nominate, and appoint, One or more fit Person or Persons to be a Trustee or Trustees, in the Room of such Trustee or Trustees so dying, removing, or refusing to act; and Notice of the Time and Place of the Meeting for the Election of such new Trustee or Trustees, shall be given by the Clerk or Clerks to the Trustees, by affixing the same in Writing at all the Turnpikes which shall be erected by virtue of this Act, at least Thirty Days before the Meeting for such Election; and all and every such Person and Persons as shall be so chosen and appointed to be joined with such surviving or remaining Trustees, shall and may, and be and they is and are hereby authorized and impowered to act in the Execution of this Act, to all Intents and Purposes, in as full, large, and ample Manner, as the Trustees hereby appointed are authorized and impowered to act.

30 Days Notice to be given of the Meeting for such Election.

Trustees to erect Toll-gate and Toll-houses,

And be it further enacted by the Authority aforesaid, That the said Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, shall and may erect, or cause to be erected, One or more Gates or Turnpikes, in, upon, or across the said Roads; and also a Toll-house to each Gate or Turnpike; and shall demand and take the following Tolls or Duties before any Cattle or Carriage shall be permitted to pass through the same; that is to say,

and take Tolls thereat.

The Tolls.

For every Horse, Mare, Gelding, Mule, or Ass, drawing any Carriage, the Sum of Three Pence.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of Three Halfpence.

For every Drove of Oxen, or Neat Cattle, the Sum of Ten Pence per Score; and so in Proportion for every greater or less Number.

And for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five Pence per Score; and so in Proportion for any greater or less Number.

Tolls vested in the Trustees.

Which said respective Sum or Sums of Money shall be demanded and taken in the Name of, or as a Toll or Duty; and the Money so to be raised and collected, shall be

be, and is hereby vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, disposed of, and assigned to and for the several Uses, Intents, and Purposes, and in such Manner, as is herein after mentioned: And it shall and may be lawful to and for the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall, under their Hands and Seals, from time to time, nominate and appoint, to demand and take the Tolls hereby granted and made payable; and to levy the same upon any Person or Persons who shall (after Demand thereof made) neglect or refuse to pay such Tolls as aforesaid, by Distress of any Horse or Horses, or other Cattle or Goods, or of any Carriage upon which such Tolls are by this Act imposed, or by Distress of any other of the Goods and Chattles of such Person or Persons who ought to pay the same; and to detain and keep the same, until such Tolls, with the reasonable Charges of detaining, and keeping the same, shall be paid; and it shall and may be lawful to and for such Person or Persons, after the Space of Five Days next after such Distress made and taken, to sell the Cattle, Carriage, or Goods, so distrained, returning the Overplus (if any shall be) upon Demand, to the Owners thereof, after such Tolls and reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid.

Tolls may be levied by Distress and Sale.

Distress may be sold in 5 Days.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, and Toll-house or Toll-houses, on the Side or Sides of the said Roads, and upon, in, or across any Lane or Way leading out of the same; and there to take and levy, or cause to be taken and levied, such Tolls as are by this Act made payable, at any Gate or Turnpike to be erected by virtue hereof; so as the same do not extend to a Double Charge, upon any Person or Persons passing through any other of the Gates or Turnpikes erected by virtue of this Act.

Trustees may erect Side-gates,

and take Tolls thereat;

so as the same do not extend to a Double Charge.

Provided always, and be it enacted by the Authority aforesaid, That no Gate or Turnpike shall be erected in, upon, across, or on the Sides of the said Roads nearer unto the Town of Bedford, than within Three Miles of the Farm House called Saint Leonard's, in the Parish of Saint John, in the said Town of Bedford.

Proviso.

And be it further enacted by the Authority aforesaid, That the said several Gates or Turnpikes and Toll-houses erected by virtue of this Act, and the Rights and Pro-

Turnpikes and Toll-houses vested in the Trustees.

perties to and of the same, and the Materials of which the same shall consist, shall be, and are hereby, vested in the said Trustees; and they, or any Five or more of them, are hereby authorized and impowered to bring, or cause any Action or Actions to be brought, in the Name of their Treasurer or Clerk, or to prefer and order and direct the preferring of Indictments against any Person or Persons, who shall dig, break up, or pull down, steal, take, or carry away, spoil, injure, or destroy, any Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, which shall by virtue of this Act be erected upon, in, across, or on the Sides of the said Roads or Bye-ways, or any or either of them, or any Part thereof, or any of the Materials of which the same shall be made, built, or consist.

Application of the Toll.

And be it further enacted by the Authority aforesaid, That out of the first Money arising by the Tolls or Duties by this Act granted, or out of such Money as shall be borrowed on the Credit thereof, the said Trustees, or any Five or more of them, shall in the first Place pay and discharge all the Expences and Costs of procuring and passing this Act; and shall apply the Remainder of the Money so raised in erecting Turnpikes and Toll-houses, and repairing, widening, and amending, the said Roads, and defraying the necessary Costs, Charges, and Expences attending the same, and to no other Use or Purpose whatsoever.

Trustees, with Consent of the Creditors, 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 Nine or more of them, with the Consent of the Mortgagee or Mortgagees, or other Creditors, to lessen or alter all or any or either of the Tolls or Duties by this Act granted, at any Time hereafter, and for such Time as they shall think proper; and such Tolls or Duties so lessened or altered shall be collected, recovered, and applied, in the same Manner as the Tolls or Duties hereby granted are directed to be collected, recovered, and applied.

Tolls to be paid but once a Day.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall pay the respective Tolls by this Act granted and made payable, for the passing of any Carriage or Cattle through any Gate or Turnpike erected by virtue of this Act, the same Person, upon producing a Note or Ticket of the Day, denoting such Payment, shall be permitted to pass through the same Gate or Turnpike, and all other the Gates or Turnpikes, erected by virtue of this Act, with the same Carriage or Cattle, Toll-free, at any 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; which

which said Notes or Tickets the Collectors of the said Tolls are hereby required to give gratis.

No Toll to be taken from the Inhabitants of *Henlow* or *Arlesey*, at any Gate erected from *Henlow*, &c. to the House of *Richard Edwards* Esquire.

And be it further enacted by the Authority aforesaid, That in case any Gate or Turnpike shall be erected by virtue of this Act on the said Road leading from Henlow Town through Nornill Lane, and over Henlow Bridge, to the House of Richard Edwards Esquire, no Toll or Duty shall be demanded or taken at the said Gate or Turnpike of or from any of the Inhabitants of either of the Parishes of Henlow or Arlesey, for passing or repassing through the same with their Cattle or Carriages, such Cattle or Carriages not being loaded only or partly with Coals, threshed Corn, Timber, or Deals; any thing in this Act contained to the contrary notwithstanding.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may and they are hereby impowered to compound by the Year, or otherwise, with all or any of the Inhabitants of the several Towns, Parishes, Hamlets, or Places, near or through which the Roads hereby directed to be repaired lead, for the passing of their Carraiges or Cattle through all or any of the Turnpikes erected by virtue of this Act; which Composition-money shall be instantly paid to the said Trustees, or any Five or more of them, or to their Appointment, and shall be recovered and applied in the same Manner as the Tolls or Duties by this Act granted are directed to be recovered and applied.

Persons and Things exempted from the Tolls.

And be it further enacted by the Authority aforesaid, That none of the Tolls by this Act granted and made payable, shall be demanded or taken at any of the Gates or Turnpikes erected by virtue hereof, for any Waggon, Wain, Cart, Dray, or other Carriage, or for any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast drawing or not drawing the same, which shall be used or employed in the Carriage of any Materials for repairing any Road or Highway, or in the Carriage of any Lime, Chalk, Dung, Mould, Soil, or Compost, of any Nature or Kind whatsoever, for manuring of any Garden, or other Land or Ground; or in the Carriage of any Hay, Straw, or Corn in the Straw, not sold or disposed of, but to be laid up in the Houses, Out-houses, Barns, Yards, or Backsides, of the Owners thereof; or for any Plough, Harrow, Dray, or other Implement of Husbandry, or for any other Thing whatsoever employed in Husbandry, or for manuring or stocking of Land, in the several Parishes in which the said Roads hereby intended to be repaired do lie; or for any Coaches or other Carriages, or Passengers on Horseback, going to or returning from any Election of a Knight or Knights

Knights of the Shire to serve in Parliament for the Counties of Hertford or Bedford, on the Day or Days of such Election; or from any Person or Persons passing or repassing to or from Church, or any other Place of Religious Worship, on Sundays; or for any Horse or other Cattle going to or returning from Pasture or Water; or for any Post-horse or Vehicle carrying the Mail or publick Packet; or for the Horses of any Officers or Soldiers on their March, or for Carts, Carriages, or Waggons, attending them; or for Horses, Carts, or Waggons, travelling with Vagrants sent by Passes.

Penalty on claiming the Exemptions of this Act, not being intitled thereto.

Provided nevertheless, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall forfeit and pay the Sum of Twenty Shillings, to be recovered and applied in Manner herein after directed.

Penalty on Persons permitting, or going through, private Passage, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, Mare, Gelding, Ox, Mule, Ass, Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Cart, Dray, or other Carriage, go or pass through any Ground, Parcel of Land, or other Place, adjoining to, or lying near, any or either of the Gates or Turnpikes to be by virtue of this Act erected, the same not being a common Road; or if any Owner or Occupier of any Ground, Land, or Hereditaments, which shall adjoin or lie near to any or either of the said Gates or Turnpikes, shall knowingly or willingly permit or suffer any Person or Persons with any Horse, Mare, Gelding, Ox, Mule, Ass, Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Cart, Dray, or other Carriage, to go or pass through the same Ground, Land, or Hereditaments; or if any Person or Persons shall give to, or receive of, any other Person or Persons, except the Person or Persons appointed to collect and receive the Tolls hereby made payable, any Note or Ticket of the Day, by this Act directed to be given by the Collectors or Receivers of the said Tolls; or if any Person or Persons shall, at any Time or Times, take off, or cause to be taken off, any Horse, Ass, Mule, or any other Sort of Cattle, from any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Cart, Dray, or Carriage, as aforesaid, whereby the Payment of any of the said Tolls shall be evaded; that then, and in either of the aforesaid Cases, every Person so offending, and being thereof convicted, upon the Oath of One or more Witness or Witnesses, before One

or giving or receiving of Tickets;

or taking off Horses, &c.

to avoid paying the Tolls.

or more Justice or Justices of the Peace of and for the County or Place where the said Offence or Offences shall be committed (which said Oath such Justice or Justices is and are hereby impowered to administer) shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings; One Moiety whereof shall be paid to the Informer or Informers of such Offence or Offences respectively, upon whose Oath or Oaths the said Offender or Offenders shall be convicted, to and for his and their own Use and Uses; and the other Moiety shall go and be applied towards the amending the said Roads.

Trustees may borrow Money on the Credit of the Tolls.

And, for the more speedy repairing and widening the said Roads; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, from time to time, upon the Credit of the Tolls or Duties hereby made payable, to borrow and take up at Interest, any Sum or Sums of Money, as they, or any Nine or more of them, shall think needful; and may, and they are hereby authorized and impowered, to mortgage or assign over the said Tolls or Duties, or any Part or Parts thereof, to any Person or Persons, for any Term or Number of Years, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof, as aforesaid; which said Sums of Money so to be borrowed (the Charges of procuring and passing this Act in the Manner aforesaid, being thereout first paid) shall be laid out and applied in and for the repairing and widening the said Roads, in such Manner as the said Tolls or Duties are hereby directed to be laid out and applied, and to and for no other Use or Purpose whatsoever.

Application of the Money borrowed.

Assignments may be transferred, and the Manner of doing so.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, of the Tolls or Duties, shall be made by the said Trustees, or any Nine or more of them, as a Security or Securities for any Sum or Sums of Money lent by him, her, or them, on the Credit of the said Tolls or Duties, and his, her, or their Assignee or Assignees, may, and are hereby impowered, from time to time, to transfer or assign over such Security or Securities, and all the Monies that shall be due thereon, to any other Person or Persons.

10 Days Notice to be given for borrowing Money.

Provided always, and it is hereby declared, That no Money shall be borrowed on the Credit of this Act by the said Trustees after their First Meeting, unless Notice in Writing under the Hand of the Clerk to the said

Trustees, be by Order of such Trustees, or any Five or more of them, fixed upon all the Turnpikes erected by virtue of this Act, at least Ten Days before the borrowing of such Money.

Trustees to appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may, and are hereby authorized and impowered, from time to time, to appoint fit and proper Persons to be Collectors and Receivers of the Tolls by this Act made payable, and proper Persons to be Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the said Roads, and such other Officers as the said Trustees, or any Nine or more of them, shall think necessary; and such Collectors or Receivers, Clerks, Treasurers, Surveyors, and other Officers, or any or either of them, from time to time, to remove or displace, and to appoint others in the Rooms and Places of such of them as shall be so removed, or shall die; Notice of the Time and Place of Meeting for that Purpose being fixed on the Turnpikes erected by virtue of this Act, at least Ten Days before such Appointments; and may, and are hereby authorized and impowered, out of the Monies which shall arise by the Tolls aforesaid, to allow and pay to the several Collectors or Receivers, Clerks, Treasurers, Surveyors, and other Officers, and to such other Person or Persons as shall be assisting to them, or any of them, in or about the repairing or widening the said Road, or any Part thereof, such Salaries, Rewards, and Allowances, for their Attendance, Care, and Service, in those Respects, as to the said Trustees, or any Five or more of them, shall seem reasonable.

and remove them and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

And be it further enacted by the Authority aforesaid, That all and every such Clerks, Treasurers, Collectors, Surveyors, and other Persons, who shall be intrusted with any Money raised by virtue of this Act, shall, from time to time, when thereunto required by the said Trustees, or any Five or more of them, make and render unto the said Trustees, or any Five or more of them, or unto such Person or Persons as they, or any Five or more of them, shall for that Purpose appoint, a true, exact, and perfect Account in Writing under their respective Hands, upon Oath, to be taken before Two or more of the said Trustees, or before One of His Majesty's Justices of the Peace for either of the said Counties of Hertford or Bedford (which Oath such Trustees or Justice are and is hereby impowered and required to administer) of all Monies which he, they, and every of them respectively, shall to that Time have received, paid, and disbursed, by virtue of this Act, or by reason of their respective Offices; and

in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person as they shall appoint to receive the same; and in case the said Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, Surveyor or Surveyors, or other Persons, or any of them, shall refuse or neglect to give a true and perfect Account in Writing, of all such Sum or Sums of Money as he or they shall have collected, received, paid, and disbursed; or shall knowingly or wilfully deliver a false, defective, or imperfect Account, or having delivered a true and perfect Account, shall refuse or neglect to pay the Money due on such Account in Manner as aforesaid, then it shall and may be lawful to and for any Two or more Justices of the Peace for either of the said Counties of Hertford or Bedford, where any Part of the Roads in respect of which the said Account is to be made doth lie, upon Complaint thereof being made to them, to make Enquiry of and concerning such Refusal or Default, as well by Confession of the Parties themselves respectively, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justices, or One of them, are and is hereby impowered and required to administer;) and if any such Clerk, Treasurer, Collector, Surveyor, or other Person, shall be convicted of having neglected or refused to give such Account, or of having delivered a false, defective, or imperfect Account, or of having neglected or refused to pay the Money due on such Account, within Ten Days after such Account shall be given in as aforesaid, then, and in any of the said Cases, it shall and may be lawful to and for such respective Justices to commit the Offender to the Common Gaol of the County, where any Part of the Roads in respect of which the said Account is to be made doth lie; there to remain without Bail or Mainprize, until he or they shall give and make a full, true, and perfect Account and Payment as aforesaid, or until he or they shall have compounded and agreed with the said Trustees, or any Five or more of them, and shall have paid such Composition to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same; which Composition the said Trustees, or any Five or more of them, are hereby impowered to make.

Officers not making Account and Payment,

to be committed.

And be it enacted by the Authority aforesaid, That if any Person or Persons who shall have been, or shall be appointed a Clerk or Clerks to the said Trustees, shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, within Fourteen Days after being

Clerk refusing or neglecting to account, to be committed.

being thereunto required by the said Trustees, or any Five or more of them, all the Books, Papers, and Writings, in their Custody or Power, relating to the Trusts and Powers hereby granted to the said Trustees, it shall and may be lawful for the said Trustees, or any Five or more of them, by Warrant under their Hands and Seals, to commit such Person or Persons to the Common Gaol of the County wherein the Offender or Offenders shall dwell, there to remain without Bail or Mainprize, until he or they shall deliver, or cause to be delivered, to the said Trustees, or any Five or more of them, or to their Order, all and every the Books, Papers, and Writings, or until he or they shall give such Satisfaction to the said Trustees, or any Five or more of them, as they shall think reasonable, concerning the said Books, Papers, and Writings.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, are hereby authorized and required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act; for the due Execution of his and their said Office and Offices, as to the said Trustees, or any Nine or more of them, shall seem meet.

No Victualler, &c. capable of being a Trustee.

And be it further enacted by the Authority aforesaid, That no Person or Persons keeping an Inn, Alehouse, or other House of publick Entertainment, or who shall sell Ale, Wine, Brandy, or other Spirituous Liquors, by Retail, shall be capable of taking, holding, or enjoying, any Place or Places of Trust or Profit under this Act, during such Time as he or they shall keep such Inn, Alehouse, or other publick House of Entertainment, or shall sell Ale, Wine, Brandy, or other Spirituous Liquors by Retail.

Surveyors may dig Gravel, &c. in Waste Grounds, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed, or any other Person or Persons, who shall, by the said Trustees, or any Five or more of them, or by the said Surveyor or Surveyors, or either of them, be employed or appointed for that Purpose, may, and is, and are hereby authorized and impowered to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, or other Materials proper for repairing of Roads, in, upon, out of, or from any Waste or Common Ground or Grounds in any Parish, Town, or Place, in, adjoining to, or lying near, the Roads aforesaid, or in any neighbouring Parish,

rish, Town, or Place, to be used, disposed of, and applied in repairing the said Roads, without paying any Thing for the same; they the said Trustees or Surveyors, or other Persons, filling up the Pits, and levelling the Ground, from which such Materials shall be taken, or causing the same to be done; and if such Quantities of Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, or other Materials proper and sufficient for that Purpose cannot be had or found, in or upon such Waste or Common Ground or Grounds, then and in such Cases to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, or other Materials proper and sufficient for that Purpose, in, upon, or out of, and from the Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, to be used, disposed of, and applied in or towards repairing the said Roads; such Lands, Fields and Grounds, or either of them, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery, or inclosed Ground planted with any Avenue of Trees, or planted with Trees for the Ornament of any House, they the said Surveyors, or other Person or Persons by them appointed or employed as aforesaid, or some or one of them, having an Order from the said Trustees, or any Five or more of them, for so doing; and paying, or offering to pay, to the respective Owners or Occupiers of such Lands, Fields, or Grounds, such Damages for the cutting, digging, gathering, taking and carrying away the said Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, or other Materials, and for carrying the same over their Grounds, as the said Trustees, or any Five or more of them, shall adjudge or think reasonable; they the said Trustees or Surveyors, or other Persons, filling up the Pits, and levelling the Ground, from which such Materials shall be so taken, or causing the same to be done; and in case of any Difference between the said Trustees, Surveyors, or Person or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, any Two or more Justices of the Peace of the County or Place where the said Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, or other Materials, shall be so cut, digged, gathered, taken, and carried away, shall and may, on Ten Days Notice thereof to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to

without paying for the same;

levelling the Pits;

and where there is not sufficient of such Materials to be had there, they may be taken from private Grounds;

making Satisfaction to the Owners of the Ground.

Justices to determine Differences.

the said Surveyor or Surveyors, to be left at their respective Places of Abode with some or One of their respective Families, hear, settle, and determine the Matters of the said Damages; and the Judgement or Order of the Justices therein shall be final and conclusive to all Parties.

Surveyors may make Causeways,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed as aforesaid, or any other Person or Persons by them, or either of them, appointed or employed, may, and is, and are hereby authorized and impowered (they the said Surveyor or Surveyors, or other Persons, having a Warrant or Order from and under the Hands of the said Trustees, or any Five or more of them, for those Purposes respectively) to make, or cause to be made, any Causeway or Causeways, in, or along the Side or Sides of any Part or Parts of the said Roads; and shall and

and erect Bridges,

may erect or build, or cause to be erected or built, any Bridges or Arches of Stone, Brick, or Timber, upon, in, or across the said Roads, or any Part thereof; and

and cut Drains;

shall or may dig or cut, or cause to be digged or cut, any Drains or Watercourses, in, through, or across any Lands or Grounds, to prevent the said Roads, or any Part or Parts thereof, from being overflowed; and erect Bridges over such Drains or Watercourses, if necessary;

making Satisfaction to the Owners of the Grounds.

making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds, for the Damages they shall thereby sustain, as to the said Trustees, or any Five or more of them, shall seem meet.

Surveyors may remove Annoyances, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, having an Order of the said Trustees, or any Five or more of them, from time to time, to remove and carry away all Annoyances by Filth, Dung, Ashes, and Rubbish, or otherwise, on any Part of the

lop or top Trees, &c.

Roads aforesaid; and to cut down Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjacent

the Owners neglecting to remove the same after Notice;

thereto, the Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such other Annoyances as aforesaid, for the Space of Fourteen Days after Notice in Writing given for that Purpose, under the Hand

the Charges thereof to be reimbursed the Surveyors;

or Hands of the said Surveyor or Surveyors; the Charges whereof shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to cut down the said Trees or Bushes, or to remove such other Annoyances as aforesaid; and in case such Owners or

Occupiers shall not, upon Demand, pay and reimburse to the Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of Two or more Justices of the Peace for the County wherein the Matter in Dispute shall arise, from time to time, to levy the Charge thereof upon such Owners or Occupiers by Distress and Sale of his and their Goods and Chattles, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid; and if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted, upon Oath, before Two or more Justices of the Peace for the County wherein the Matter in Dispute shall arise, shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or more of them, the Sum of Twenty Shillings, to be levied and recovered in Manner aforesaid.

to be levied by Distress and Sale.

Penalty of a second Offence.

And be it further enacted by the Authority aforesaid, That if any Person or Persons who of right ought to scour or cleanse any Ditch, Drain, or Watercourse, lying, or which shall lie in, or leading, or which shall lead into, or out of, the said Roads, or any Part thereof, shall not, in a proper Manner, scour and cleanse such Ditches, Drains, and Watercourses, or cause the same to be done, within the Space of Six Days next after Notice in Writing shall, for that Purpose, be given to him, her, or them, respectively, or shall be left at his, her, or their respective Place or Places of Abode, by Order of the said Trustees, or any Five or more of them, or by the said Surveyor or Surveyors; then, and in either of the said Cases, the said Surveyor or Surveyors may, and is and are hereby authorized and impowered to cause such Ditches, Drains, and Watercourses, to be scoured and cleansed, and to pay for the scouring and cleansing the same: And if the said Person and Persons shall not repay the Money so paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them, respectively made, either in Person, or by Writing to be left at his, her, or their respective Place or Places of Abode, the same Money, and every Part thereof, upon Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Nonpayment thereof, as aforesaid, by the Oath of One or more Witness or Witnesses, before any Justice of the Peace of the County or Place where such Person or Persons respectively shall live, shall and may, by a Warrant

Persons neglecting to scour their Ditches, &c. after Notice given for that Purpose;

Surveyors may set Men to cleanse the same,

and levy the Charge by Distress and Sale.

rant or Warrants under the Hand and Seal of such Justice, be raised and levied by Distress and Sale of the Goods and Chattles of such Person or Persons, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

Trustees may contract for the Purchase of Lands to be taken into the Roads, &c.

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Nine or more of them, shall, at any Time or Times, during the Continuance of 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 Nine 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 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 Nine or more of them; and also the Costs and Charges attending such Agreement and Purchase.

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, Collegiate, Corporations Aggregate 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 by the Authority aforesaid, 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, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts; and for all and every

Bodies Politick, or Corporate, &c. impowered to sell Lands to be taken into the Roads.

Person

Person or 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 Nine or more of them, for the Purchase of such Grounds, Lands, 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.

Persons neglecting to treat for the Sale of such Lands;

And be it further enacted by the Authority aforesaid, 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 Lands, Grounds, or Hereditaments, upon Notice to them given or left in Writing at the Dwelling-house or Houses, 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 enquired 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

the Damage and Recompence to be assessed by a Jury.

Witnesses may be summoned and examined upon Oath.

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 or 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 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 enquired 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 or 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, 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,

Verdict of the Jury to be binding and conclusive.

Trustees to issue their Warrants to the Sheriff, &c. of the County to impanel a Jury.

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.

Jurors may be challenged.

Provided always, and be it further enacted by the Authority aforesaid, 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 that 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 Duty therein; contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury 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 as that no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence; and all such Fines shall be applied for such Uses, and in such Manner, as the Tolls granted by this Act are to be applied.

Trustees may impose a Fine on Sheriff, &c. making Default.

Fine not to exceed 10 l.

Money allowed for Lands, &c. how to be charged and tendered.

And be it further enacted by the Authority aforesaid, 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

Lands, &c. purchased to be made Part of the Road.

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, 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 compleated, 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 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 or 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 Intents and Purposes whatsoever.

and esteemed as publick Highways.

Old Road may be sold.

Not to damage any House, &c. in altering the Road.

Provided always, and be it enacted by the Authority aforesaid, That in 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.

Trustees not to make a new Road through *Henlow Field*, to the Sign of *The Chequer* in *Clifton*.

And be it further enacted by the Authority aforesaid, That nothing herein contained shall extend to impower the said Trustees to make any new Road immediately cross the Fields, from the Turning out of the said Road into Henlow Field, to a House known by the Sign of The Chequer in Clifton.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof,

of, Bodies Politick and Corporate, and the Members thereof, who, before the making this Act, hath or have used, or of right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Roads hereby intended to be repaired, shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with, the repairing, and keeping in Repair, the same Parts of the same Roads, in the same Manner as they, or every of them, hath or have heretofore usually done, or ought to do: And that the Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the Roads hereby intended to be repaired do lie, who by the Laws and Statutes of this Realm are or shall be obliged or liable to perform the Work in the Highways for the repairing thereof, commonly called Statute-work, shall still be subject and liable to do and perform the same Work; and shall and are hereby required to do and perform such and so many Days Work, in such Parts of the said Roads by this Act directed to be repaired, and lying within the said Parishes, Hamlets, or Places, in which such Inhabitants respectively shall live, and at such Times, and in such Manner, as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them authorized, shall direct or appoint: And that every Inhabitant of the said Towns, Parishes, Hamlets, and Places respectively, who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall do and perform such Work, in and towards the repairing the Highways of the several Towns, Parishes, Hamlets, and Places, in which they respectively live, as Persons keeping Teams are obliged by Law, and ought to do.

Parishes, &c. liable to the Repair of the Road, Bridges, &c. to continue so.

Inhabitants to do Statute-work.

Persons renting 50 *l. per Ann.* to be deemed Team-holders.

And, to the end that the said Trustees may know the Inhabitants of all the Towns, Parishes, Hamlets, and Places, wherein the Roads by this Act directed to be repaired do lie, who are liable to do Statute-work in their Highways, and what Sort of Duty they ought respectively to do; be it further enacted by the Authority aforesaid, That the Surveyors of the Highways of and for every of the said Towns, Parishes, Hamlets, and Places, where, or in, or for which, any such Surveyor or Surveyors usually have been, or ought to be, chosen, shall, and are hereby required, at the First Meeting of the said Trustees, after the Twenty fifth Day of March in every Year, during the Continuance of this Act, Ten Days Notice of such Meeting being fixed on all the Turnpikes erected by virtue of this Act, to deliver in to the said Trustees true and perfect

Parish Surveyors, &c. to deliver in Lists of Persons liable to perform Statute-work.

fect Lists in Writing, under their respective Hands, of the Names of all the Inhabitants of all such Towns, Parishes, Hamlets, and Places respectively, who are liable to do their Statute-duties in and upon the said Highways; and shall in such Lists, and every of them, distinguish and set forth which of such Inhabitants shall, and by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams.

Penalty on not delivering in such Lists.

And be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the several Towns, Parishes, Hamlets, or Places, through which the said Roads do lead, shall not deliver in to the said Trustees Lists of the Inhabitants of their said several Towns, Parishes, Hamlets, or Places, at such Times, and in such Manner, as by this Act is directed and required to be delivered, such Surveyor or Surveyors, and every of them, shall forfeit and pay for every such Default, the Sum of Five Pounds; and if any or either of the Inhabitants of the said several Towns, Parishes, Hamlets, or Places, being obliged or liable by Law to do Statute-work in and upon the Highways, shall not do such Statute-work in and upon the said Roads, at such Times and Places, and in such Manner, as they shall by the said Trustees, or any Five or more of them, or by the Surveyor or Surveyors by them authorized, be directed or appointed to do, such Inhabitants, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums herein after-mentioned; that is to say, Every such Inhabitant or Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team, for every Day's Work, the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep, a Team, for every Day's Work, the Sum of One Shilling.

Penalty on Persons not performing Statute-work.

Trustees may compound with Parishes, &c. for Statute-work.

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed, being authorized or impowered so to do by the said Trustees, or any Five or more of them, may, and are hereby authorized and impowered to compound with the several Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the Roads hereby intended to be repaired, or any Part or Parts thereof, do or doth lie, for the several Days Statute-work, to be by them respectively done upon the said Roads, at and for such Sums of Money, by the Year, or otherwise, as they the said Trustees, or any Five or more of them, or the Surveyor

or

or Surveyors, and Inhabitants respectively, shall agree upon; which said Money shall be instantly paid to the said Trustees, or any Five or more of them, or to their Appointment.

Surveyors may appeal to Quarter Sessions, to determine Statute-work.

Provided always, and be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways for the time being, of any of the Towns, Parishes, Hamlets, or Places, wherein the said Roads directed by this Act to be repaired do lie, shall think the said Trustees, or the Surveyor or Surveyors by them authorized, have directed or appointed too large a Proportion of the Statute-work, in any Town, Parish, Hamlet, or Place, to be done on the said Roads, it shall and may be lawful for such Surveyor or Surveyors of the Highways to appeal to the Quarter Sessions of the Peace, next after such Direction or Appointment, to be held for the County wherein such Highway lies; and the Justices in their said respective Quarter Sessions are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work, in any Town, Parish, Hamlet, or Place, shall be done on the Roads by this Act directed to be repaired; such Surveyor or Surveyors of the Highways as aforesaid, having first given Fourteen Days Notice of such Appeal to the Surveyor or Surveyors authorized by the said Trustees as aforesaid.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby authorized, impowered, and required to cause the said Roads to be measured, and Mile-stones or Posts to be fixed or set up in or on the Sides of the said Roads, with Inscriptions to be made thereon, denoting the Number of Miles, and Distance of Places, and also Posts at the several Roads leading out of the Roads hereby directed to be repaired, with Inscriptions to be made thereon, denoting to what Place or Places the said Roads respectively lead, as they, or any Five or more of them, shall think fit; and if any Person or Persons shall wilfully or designedly break or pull down, dig up, injure or destroy, any or either of the Stones or Posts that shall be so fixed or set up, or erase, obliterate, or deface, any of the Inscriptions which shall be made thereon, or cause or procure the same to be done, every such Person so offending, shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully or designedly broken, obliterated, defaced, or pulled down, to be levied by Distress and Sale of the Goods and Chattles of every such Offender, by Warrant under the Hand and Seal,

Penalty on breaking or defacing Mile-stones, &c.

To be levied by Distress and Sale.

Seal, or Hands and Seals of the Trustees, or any Five or more of them, or the Justice or Justices of the Peace, for the County or Place where the Offence shall be committed, before whom such Conviction shall be made; One Moiety of which Forfeiture shall go to the Informer, and the other Moiety shall be laid out and applied in repairing the Stones or Posts so broken, pulled down, obliterated, or defaced, or in supplying new Ones in their Stead; and if there shall be any Overplus of such Forfeitures, the same shall be laid out in the repairing the Roads aforesaid; and in case the Person or Persons, so offending and convicted, shall have no Goods or Chattles sufficient to answer the said Penalty, then it shall and may be lawful for the said Trustees, or any Five or more of them, or any One or more of such Justice or Justices of the Peace, as aforesaid, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Person or Persons to the House of Correction for the County wherein such Offence shall be committed, there to remain for the Space of One Calendar Month, to be reckoned from the Day of Commitment; and the Person or Persons shall not be discharged, till he, she, or they, shall have paid the Sum of Forty Shillings, or until the Expiration of the said Calendar Month.

For want of sufficient Distress Offender to be committed.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures by this Act incurred (except such for the Recovery and Application whereof some other Method or Methods is or are herein before prescribed) upon Proof thereof, and of the several Matters, Causes, or Things, for which the same Penalties or Forfeitures shall be incurred respectively, before any Justice of the Peace of the County or Place where the respective Party or Parties, who shall incur such Penalties and Forfeitures shall live, either by the Confession of such Party or Parties, or by the Oath of One Witness, shall be levied by Distress and Sale of the Goods, Chattles, and Effects, of the Party or Parties so incurring, by Warrant or Warrants under the Hand and Seal of such Justice; which Warrant or Warrants any Justice is hereby authorized and required to grant for those Purposes, and to administer such Oath gratis; and the same Penalties and Forfeitures being so levied, as aforesaid, or otherwise paid, and every Part thereof (other than and except such Parts thereof as are hereby directed to be paid to Informers against Persons for Offences which shall be by them committed in Breach of this Act) shall, from time to time, be

Penalties and Forfeitures how to be recovered and applied.

paid to the said Trustees, or any Five or more of them, or to their Appointment, and shall be laid out and applied in and towards the repairing and widening the Roads by this Act directed to be repaired, or in making a new Road through private Grounds, as aforesaid, and keeping the said Roads in Repair.

Overplus of the Monies raised to be paid to the Owner.

Provided always, That the Overplus of the Money which shall be raised and levied by such Distresses and Sales, as aforesaid, after Payment or Deduction of the respective Penalties and Forfeitures, for which the same shall be taken and made, and of the reasonable Charges of taking and making the same, shall be paid to the respective Owners of the Goods, Chattles, and Effects, which shall be so distrained and sold; and if no Goods, Chattles, and Effects of the Person or Persons, who shall incur the said Penalties and Forfeitures, can be found sufficient to answer the same, and the Charges of such Distresses and Sales (if any such shall be taken and made) then and in any such Cases, any Justice may, and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cause such Person and Persons to be committed to the Common Gaol of the said County, for any Time not exceeding Two Months for the First Offence, or until such Penalties or Forfeitures, and the Charges of such Distresses and Sales (if any such there be) shall be paid; and for the Second and every other Offence of the same Kind or Nature, for any Time not exceeding Four Months, nor less than One Month, or until such Penalties or Forfeitures by him, her, or them incurred, and the reasonable Charges of the said Distresses and Sales (if any such there be) shall be fully satisfied and paid.

For want of Distress, Offender to be committed.

Persons aggrieved may appeal to the Quarter Sessions.

Provided also, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall think him, her, or themselves aggrieved by any Act, Order, or Judgement, of any Justice or Justices of the Peace, which shall by him or them be done, made, or awarded, by virtue of this Act, or in the Execution of any of the Powers hereby to him or them given, such Person or Persons may appeal to the Justices at the next General Quarter Session of the Peace for the County or Place where the Matter or Thing, for or by reason of which such Act, Order, or Judgement, shall be so done, made, or awarded, and which shall be holden next after the doing, making, or awarding, of such Act, Order, or Judgement, he, she, or they, causing Fourteen Days Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given to the Person or Persons on

Notice of Appeal to be given.

whose Oath or Oaths, or Evidence, such Act, Order, or Judgement, shall be so done, made, or awarded, and to some or One of the Collectors or Receivers of the said Tolls; which said Justices at their said Session, upon due Proof of such Notice being given as aforesaid, shall proceed in, and hear and determine, the Causes and Matters of the said Appeals, and every of them; and the Orders and Judgements of the said Justices shall be final and conclusive to all Parties concerned or interested therein.

Proceedings not to be quashed for want of Form,

Provided also, and be it further enacted by the Authority aforesaid, That no Conviction, Judgement, or Order of the Justices of the Peace, at their General Quarter Session, or of any Justice or Justices of the Peace, which shall be by them respectively awarded or made in pursuance of this Act, or in the Execution of the Powers hereby to them respectively given, shall be quashed, vacated, or discharged, for or on Account of Form only; nor shall be removed by Certiorari into any of His Majesty's Courts of Record at Westminster, until the Person or Persons who shall sue out or prosecute such Writ, shall enter into a Bond with Two sufficient Sureties in the Penalty of Fifty Pounds, to the Person or Persons in whose Favour such Conviction, Judgement, or Order shall be made, conditioned for the prosecuting such Writ with Effect, and Payment of the Costs and Charges to be awarded by the Court into which such Conviction, Judgement, or Order, shall be or intended to be removed, in case such Writ shall not be prosecuted with Effect, or such Conviction, Judgement, or Order shall be confirmed.

nor removed by *Certiorari*, until Security be given to prosecute.

Proceedings and Orders of the Trustees to be entered in Books.

And be it further enacted by the Authority aforesaid, That full, true, and fair Accounts and Entries of all the Monies that shall be collected and received, laid out, expended, and paid, by virtue of this Act, and of all Orders, Acts, Matters, Proceedings, and Things, which shall be done by the said Trustees, in the Execution of the Powers hereby to them given, shall, from time to time, be duly and regularly entered in Books which shall be kept for those Purposes.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security, for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by any Trustee or Trustees for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any of the Powers

or Authorities hereby vested in such Trustee or Trustees, Justice or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp-duty whatsoever.

No Order to be repealed, unless 9 Trustees be present.

And be it further enacted by the Authority aforesaid, That no Order made by the said Trustees, or any Five or more of them, in, for, or concerning, the executing the Trusts, Powers, and Authorities of this Act, or any of them, shall be revoked, repealed, or set aside, by any subsequent Order of the Trustees, unless Nine Trustees shall be then present.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act, and the several Tolls, Authorities, and Powers, hereby granted and made payable, shall commence and have Continuance, from and after the Fourteenth Day of April, One thousand seven hundred and fifty seven, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, 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 this Act, or in relation to the Matters herein contained, such Actions and Suits, and every of them, shall be commenced within Six 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 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 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; then 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 Nonsuited, 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

General Issue.

of

of the Caſes aforeſaid, ſuch Defendant or Defendants
Treble Coſts. 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.

Publick Act. And be it further enacted by the Authority aforeſaid, 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.

FINIS.
