Anno decimo

Georgii III. Regis.

An Act for enlarging the Term and Powers of an Act for amending the Road from *Chriſtopher's Bridge*, in the Borough of *Thetford*, in the County of *Suffolk*, to the North-eaſt End of the Town of *Newmarket*, in the County *Cambridge*.

WHEREAS by an Act of Parliament, made in the Eighth Year of the Reign of his preſent Majeſty, intituled, An Act for amending the Road from *Chriſtopher's Bridge*, in the Borough of *Thetford*, in the County of *Suffolk*, to the North-eaſt End of the Town of *Newmarket*, in the County of *Cambridge*, ſeveral Tolls were granted, and Powers given to Truſtees therein named, or to be elected by virtue of the ſaid Act, for the Term therein mentioned, for repairing the ſaid Road: And whereas the ſaid Truſtees have borrowed a conſiderable Sum of Money on the Credit of the Tolls granted by the ſaid Act; which Money ſo borrowed, together with the Tolls granted as aforeſaid, have been applied in repairing the ſaid Road, and great Progreſs hath already been made therein; but the Repairs of the Road cannot be com- Preamble, reciting Act 8 *Geo.* III.

pleted, and the Road kept in good and sufficient Repair for the future, and the present Debt discharged, unless the Term granted by the said Act be extended, and the Powers thereof enlarged: 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 from and after the passing of this Act, the said recited Act, and this present Act, and all the Clauses, Tolls, Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Punishments, Matters, and Things contained in the said recited Act, and in this present Act, shall be, and the same are hereby respectively declared to be and continue in full Force and Effect for and during the Residue and Remainder of the Term now to come and unexpired of the said recited Act; 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; which said recited Act, and also this present Act, and all the Tolls thereby granted, and which shall or may be collected or received by virtue thereof, shall and are hereby respectively declared and enacted to be subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the said recited Act, or which shall or may hereafter be borrowed on the Credit of the said Act, and of this present Act, for and during the Continuance of the respective Terms thereby or hereby granted or continued as aforesaid.

Recited Act further continued for 21 Years, &c.

subject to the Payment of Debts.

Trustees may erect Turnpikes and Toll-houses.

And, in order that the Tolls to be raised by the said recited Act and this Act may be collected as equally as may be from such Persons as ought to pay the same; be it further enacted by the Authority aforesaid, That from and after the passing of this Act it shall and may be lawful for the Trustees appointed, or to be elected by or in pursuance of the said recited Act, or of this Act, or such Person or Persons as they, or any Ten or more of them, shall appoint, to erect, or cause to be erected, such number of Turnpike-gates as they the said Trustees, or any Ten or more of them, shall from Time to Time think necessary, in, upon, and across any Part or Parts of the said Road between Christopher's Bridge, in the said Borough of Thetford, and the North-east End of the said Town of Newmarket, at such Places as they the said Trustees, or any Ten or more of them, shall think proper, and also a Toll-house at any Turnpike or Gate

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so to be erected; and may also take in and inclose on the Side of the Road convenient Garden-spots to each Toll-house; and shall or may take down and remove all such Turnpike-gates and Toll-houses from Time to Time, as they shall see Occasion: Provided always, that no Person shall be subject or liable to pay any Toll for only crossing the said Road. No Toll for only crossing the Roads.

And be it further enacted by the Authority aforesaid, That such and the like Tolls shall be demanded and taken at each and every Turnpike or Gate hereby respectively authorised to be erected and set up as aforesaid, by such Person or Persons as the said Trustees, or any Ten or more of them, shall from Time to Time appoint to collect and receive the same, before any Horse, Cattle, Beast, or Carriage whatsoever shall be permitted to pass through any of the said Turnpike-gates, as are directed to be demanded and taken at any Turnpike or Gate authorised to be erected or set up by virtue of the said recited Act: And all the Money which shall hereafter be raised, collected, and borrowed by virtue of the said recited Act, and of this Act, shall be, and is hereby vested in the said Trustees; and the same and every Part thereof shall be paid, applied, disposed of, and assigned for the Purposes of the said recited Act, and of this Act, according to the true Intent and Meaning of the said Acts, and to no other Use or Purpose whatsoever. Former Tolls continued. Tolls vested in the Trustees.

And be it further enacted by the Authority aforesaid, That if any Person or Persons subject and liable to the Payment of the Tolls hereby directed to be raised and collected as aforesaid, or any Part or Parts thereof, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, that then it shall and may be lawful for the Person or Persons appointed to collect such Tolls as aforesaid, to seize and distrain any Horse, Beast, or other Cattle, together with their Geers or Furniture, or any Goods or Carriage upon which any such Tolls are granted and ought to be paid; and if all such Tolls and the reasonable Charges of such Seizure or Distress shall not be paid within the Space of Three Days next after such Seizure or Distress made, the Person or Persons so seizing or distraining shall and may sell the Horses, Cattle, Beasts, Carriages, Goods, and Chattels so seized or distrained; rendering the Overplus (if any) on Demand, to the Owner thereof, after such Tolls, and all reasonable Charges attending such Seizure, Distress, and Sale, shall be deducted. Tolls may be levied by Distress. Distress may be sold after 3 Days.

Provided always, and it is hereby enacted and declared, That no Person or Persons shall be subject or liable to the Payment of any of the Tolls granted by How often Tolls shall be taken.

the said recited Act, or this present Act, more than Once in any One Day, to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night, for passing with the same Horse, Cattle, Beast, or Carriage through all or any Turnpike or Turnpikes erected or to be erected upon any Part of the Road between Christopher's Bridge, in the Borough of Thetford aforesaid, and Little Barton, otherwise Barton Mills, in the said County of Suffolk; nor more than once in any One Day, to be computed as aforesaid, for passing with the same Horse, Cattle, Beast, or Carriage, through all or any Turnpike or Turnpikes erected or to be erected upon any Part of the Road between Little Barton, otherwise Barton Mills aforesaid, and the North-east End of the Town of Newmarket aforesaid; such Person or Persons producing a Ticket, denoting that such Toll hath been paid on that Day, upon that Part of the Road wherein the same shall be demanded; all which Tickets the Collectors of the Tolls are hereby required to give gratis on Receipt of such Toll.

Trustees may fence off the Roads.

And, in order to prevent Persons evading the Payment of such Tolls as ought to be paid, be it further enacted, That the said Trustees, or any Ten or more of them, or such Person or Persons as they shall authorise and appoint, shall and may erect, or cause to be erected, all such Fences as shall be thought necessary upon any open Lands or Grounds lying near or adjoining to the said Road, or any of them, in order to prevent Persons evading the Tolls which ought to be paid by virtue of the said recited Act, or this present Act.

Trustees may may lease the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Ten or more of them, may and are hereby authorised and impowered, at any Time or Times during the Continuance of this Act (Fourteen Days Notice in Writing being affixed on all the Turnpike-gates which shall then be standing upon the said Road, and also Twice published in the Ipswich Newspaper (in case any such Paper shall then be published) to lease or farm by the Year all the Tolls granted by the said recited Act, or this present Act, or any Part or Parts thereof, to any Person or Persons whomsoever, at or for the largest yearly Sum or Sums that can be gotten for the same, taking sufficient Security for the due Payment thereof: Provided that such Leases or Agreements be in Writing, and signed and sealed by the Person or Persons taking or farming the same, and by any Ten or more of the said Trustees, and be not made for more than Three Years at any One Time; and that the Money which shall be so agreed to be paid for the said Tolls shall

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be made payable and be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall, by any Writing under their Hands and Seals, authorise and impower to receive the same, by equal quarterly Payments; and that the Person or Persons to whom the same shall be let, shall always pay down One Quarter's Rent in Advance; and in case any Agreement shall be made for letting or farming the said Tolls, or any Part thereof, contrary to the true Intent and Meaning of this Act, every such Agreement shall be void; or if any Default shall be made in paying the said Money agreed to be paid for the said Tolls, or any Part or Parts thereof, the said Trustees, or any Ten or more of them, are hereby impowered to declare such Agreement void; and the Person or Persons to whom the said Tolls, or any Part or Parts thereof, shall have been letten or farmed as aforesaid, shall be liable to account for the same to the said Trustees, or any Five or more of them; and the Money arising from such Tolls shall and may be levied and recovered upon and from him and them by the same Ways and Means, and in such Manner, as any Money arising by the Tolls granted by the said recited Act can or may be levied and recovered from the Collectors thereof by virtue of the said Act.

Expence of this Act to be first paid.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Ten or more of them, are hereby authorised and required, in the First Place, to pay and discharge all the Expences attending the obtaining and passing this Act.

Old Road may be sold.

And be it further enacted by the Authority aforesaid, That where any Lands, Grounds, or Hereditaments shall be purchased by virtue of the said recited Act, or this Act, for making any new Road or Roads, and such Road or Roads shall be made and compleated, the Lands, Grounds, or Hereditaments comprised in or constituting the old or former Road shall be vested in, and shall and may be sold by the said Trustees, or any Ten or more of them, to such Person or Persons as shall be willing to purchase the same, for the best Price that can be gotten; and the Money arising by such Sale shall be applied and disposed of for the Purposes of the said recited Act, and this Act; and all Sales or Conveyances to be made of such Lands, Grounds, or Hereditaments, being executed by the said Trustees, or any Ten or more of them, and inrolled with the Clerk of the Peace for the County wherein such Lands, Grounds, or Hereditaments shall lie, shall be good and effectual in the Law to all Intents and Purposes; or it shall be lawful for the said Trustees,

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or any Ten or more of them, to exchange all or any such Lands, Grounds, or Hereditaments, with any Person or Persons, for any other Lands, Grounds, or Hereditaments which the said Trustees, or any Ten or more of them, shall think necessary to become possessed of, for widening, turning, or altering the said Road, or any Part or Parts thereof; and the Lands, Grounds, or Hereditaments constituting the old or former Road, so purchased or had in Exchange as aforesaid, shall and may be inclosed and fenced by the Owner or Owners thereof, in such Manner as he or they shall think fit, and shall not afterwards be made use of as a publick Road or Way by any Person or Persons whatsoever; any Usage or Custom to the contrary notwithstanding.

Turnpike Surveyors may take Materials from such Pits as Surveyors of Highways have a Right by Law to do.

And whereas Doubts have arisen, whether the Surveyors to the said Trustees are, by the said recited Act, authorised to get Materials for repairing the said Road, in and from Pits already dug by other Persons for getting Materials for repairing other Roads in the several Parishes, Townships, and Places in which any Part of the said Road doth lie; in order therefore to obviate such Doubts for the future, be it enacted by the Authority aforesaid, That from and after the passing of this Act, it shall and may be lawful for the Surveyor or Surveyors to the said Trustees, or any Person or Persons employed by any Surveyor or Surveyors, from Time to Time to dig, take, and carry away, or cause to be dug, taken, and carried away, such Chalk, Stones, Gravel, or Rubbish, out of any Quarry or Quarries, Pit or Pits, lying and being within any Parish, Township, or Place through which the said Road shall pass, as they shall judge necessary for the Amendment of such Part of the said Turnpike-road as lies within such Parish, Township, or Place, from such Quarries or Pits from whence Surveyors of the Highways have by Law a Right to dig for, take, or carry away Materials for repairing Highways within any such Parish or Place.

Trustees not to act where interested.

And be it further enacted and declared by the Authority aforesaid, That no Person shall hereafter presume to act as a Trustee at any Meeting to be held by virtue of this Act, where any Composition or Agreement shall be made or entered into for or in respect of the Payment of any of the Tolls granted by the said recited Act, or this Act, or where any Contract or Bargain shall be made or entered into, in which he is or shall any wise be interested.

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.

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