Anno ſecundo

Georgii III. Regis.

An Act for repairing and widening the High Road leading from the North End of *Ballingdon Bridge* in *Sudbury*, in the County of *Suffolk*, to the South Gate in *Bury Saint Edmunds*, in the ſaid County.



WHEREAS the High Road leading from the North End of the Bridge called Ballingdon Bridge in Sudbury, in the County of Suffolk, through Croſs Street and Saint Sepulchre's Street, to the Market Place, and through North Street in Sudbury, to a Publick Houſe known by the Sign of the Sudbury Arms, or a Place called Holgate, in the Parish of Saint Gregory in Sudbury, and from thence to the South Gate of Bury Saint Edmunds, in the ſame County, through Melford, Alpheton, Shimpling, Lawſhall, Stanning-field, Cockfield, Bradfield Combuſt, by a certain Publick Houſe called Bradfield Manger, Great Welnetham, Little Welnetham, and Nowton, is, from the Nature of the Soil and the Narrowneſs of the Paſſage in ſeveral Places thereof, and by reaſon of the many heavy Carriages paſſing through Preamble.

the same, become so deep and ruinous, that it is, in many Parts thereof, utterly impassable in the Winter Season for Waggons, Carts, and Wheel Carriages, and very dangerous and troublesome for laden Horses and Travellers on Horseback, who have Occasion to pass to and fro in and upon the same: And whereas the widening and repairing the said Road, and making the same passable, and keeping the same in good Order and Repair, would tend greatly to the facilitating and promoting of Trade and Commerce, and to the Encouragement of Husbandry and Tillage, and be for the general Benefit and Advantage of the Country: But, as these Ends cannot be attained and accomplished by the ordinary Course of Law, or without the Aid, Assistance, or Authority 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 Charles Cornwallis, commonly called Lord Viscount Brome; the Right Honourable Francis Lord Orwell, in the Kingdom of Ireland; the Honourable Charles Fitzroy; the Honourable Felton Hervey; the Honourable Augustus Hervey; the Honourable Frederick Hervey Clerk; the Honourable William Campbell; Sir John Cullum Baronet; Sir William Gage Baronet; Sir Roger Martin Baronet; Sir Armine Wodehouse Baronet; Sir Robert Smyth Baronet; Sir Robert Davers Baronet; Sir William Bunbury Baronet; Sir Hervey Hervey Elwes Baronet; Sir Samuel Pryme Knight; Nathaniel Acton Esquire, John Affleck Esquire, Gilbert Affleck the younger Esquire, Robert Andrews Esquire, Gilbert Affleck Clerk, Harvey Aspin Clerk, William Albon, Thomas Charles Bunbury Esquire, Shadrack Brise Esquire, Philip Bacon Esquire, William Beale Brand Esquire, John Bigg the younger Clerk, Robert Butts Clerk, Tollemach Bacon Gentleman, Samuel Brise Gentleman, John Bigg, Charles Bigg, William Beales, William Blair, John Burkitt, John Burkitt the younger, Thomas Burkitt, John Gullum Clerk, James Calthorpe Esquire, John Canham Esquire, Abraham Cockfedge Esquire, John Church Clerk, Thomas Cook Clerk, John Coulter Clerk, Henry Crossman Clerk, John Clubb Clerk, Danfie Carter Gentleman, Edward Coldham Gentleman, Stockdale Clark Gentleman, Robert Cook, Benjamin Carter, John Chinery, William Carter, Charles Davers Esquire, Thomas Davers of Rushbrook Esquire, Henry Dashwood

Trustees Names.

wood Esquire, John Dawson Esquire, Peter Delamain Gentleman, John Elwes Esquire, Thomas Evans Esquire, Thomas Evans the younger Esquire, Robert Edgar Esquire, Robert Elliston, Thomas Fonnereau Esquire, John Filke Clerk, John Filke the younger Clerk, Thomas Filke Clerk, George Golding Esquire, Joshua Grigby the younger, Edward Goate Esquire, Thomas Rockwood Gage Esquire, Joshua Grigby Gentleman, Robert Garnham Clerk, Andrew Grant Clerk, Joseph Gallant, John Gainsborough, Thomas Garnham of Little Livermore, William Jennens Esquire, Rowland Holt Esquire, Samuel Horsey Esquire, Frederick Hollingworth Esquire, John Hemiker Esquire, William Hollingworth Esquire, Calthorpe Harvey Clerk, Pell Heigham Gentleman, James Harrington Gentleman, Robert Hayward, William Hall of Newmarket, Chaplin Holman, William Humphry, Devereux Hustler, Henry Harrington, John Kerrick Doctor in Physick, Robert Kedington Esquire, John Kerrick the younger Esquire, Henry Kedington Gentleman, William Kedington Gentleman, Baptist Lee Esquire, Carteret Leathes Esquire, John Leathes Esquire, Michael Leheup Esquire, Thomas Lloyd Clerk, Thomas Lord Clerk, Thomas London, Bernard Mills Doctor in Divinity, Mordaunt Martin Esquire, Henry Moore Esquire, Richard Moore Esquire, William Moseley Esquire, Christopher Metcalf Esquire, John Major Esquire, Charles Mandervile Clerk, Patrick Murdock Clerk, John Meadows Gentleman, John Medows Gentleman, Gerard Neden Doctor in Divinity, Thomas Neale Clerk, Isaac Neville, John Jacob Oakes Clerk, John Oliver, Robert Pocklington Esquire, John Plampin Esquire, John Pack Clerk, John Piper Clerk, William Plampin Gentleman, Thomas Preston Clerk, Robert Quince Esquire, John Robinson Esquire, Richard Ray Esquire, Barham Rushbrooke Esquire, Garnham Ray Clerk, Zach. Rose Clerk, Samuel Rayment Clerk, Thomas Richardson Gentleman, William Robards, Thomas Robinson, Orbell Ray, Robert Rose, Samuel Scarlin Doctor in Physick, Peter Sweetman Doctor in Physick, Thomas Staunton Esquire, John Symonds Esquire, John Simons Esquire, William Sparkes Esquire, Stephen Soame Esquire, John Squire Clerk, William Smythers Clerk, Dye Syer Clerk, [illegible] Soame Clerk, Giles Stewart Gentleman, Matthew Simson, James Sturgeon, William Simson, William Stansby, John Shrieve, John Syer, Gentlemen; John Stow, Thomas Tanner Doctor in Divinity, Henry Towndrow Doctor in Divinity, Henry Turner Esquire, John Tweed Gentleman, Henry Vernon Esquire, William

Wollaſton Eſquire, Charlton Wollaſton Doctor in Divinity, George Weller Eſquire, Thomas Wilſon Eſquire, Thomas Wareing Eſquire, Edward Weneyve Eſquire, John Weneyve Eſquire, Frederick Wollaſton Clerk, Neale Ward Gentleman, Haſel Wyat, Waller Wright, Robert Watſon, John Young Clerk, ſhall be, and they are hereby conſtituted and appointed Truſtees for the ſurveying, ordering, amending, and keeping in Repair, the ſaid Road, and alſo for putting in Execution all and every the Powers in and by this Act given and granted for the ſeveral Purpoſes and by the Ways and Means herein mentioned, provided, and appointed; and that they the ſaid Truſtees and their Succeſſors, or any Five or more of them, or ſuch Perſon or Perſons as they, or any Five or more of them, at any Meeting of the ſaid Truſtees to be had as herein after is directed and mentioned, ſhall authorize and appoint, ſhall and may erect, build, and ſet up, or cauſe to be erected, built, and ſet up, One or more Turnpike or Turnpikes, Toll-gate or Toll-gates, in, upon, or croſs any Part or Parts of the ſaid Road, and alſo ſuch Toll-houſe or Toll-houſes adjoining or near to the ſame, as to them ſhall ſeem requiſite and expedient; and ſhall and may demand and take the ſeveral Tolls or Duties following, before any Horſe, Mare, Gelding, Mule, Aſs, Cattle, Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, Chair, Hearſe, Litter, Wain, Cart, or other Carriage whatſoever, chargeable with the ſaid Tolls and Duties by virtue of this Act, ſhall be permitted to paſs through the ſame Gates or Turnpikes; that is to ſay,

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

For every Horſe, Mare, Gelding, Mule, Aſs, or other Beaſt of Burthen, laden or unladen, and not drawing, the Sum of One Penny.

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

Which ſaid reſpective Sum and 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 is and hereby ſhall be veſted in the ſaid Truſtees; and the ſame and every Part thereof ſhall be paid, applied, and diſpoſed of,

Truſtees may erect Turnpikes and Toll-houſes,

Tolls thereat.

The Tolls.

Tolls veſted in the Truſtees.

of, or assigned to and for the several Uses, Intents, and Purposes, and in such Manner as is herein after mentioned and declared.

And be it further enacted, That it shall and may be lawful to and for the said Trustees and their Successors, or any Seven or more of them, and such Person and Persons as they, or any Seven or more of them, at any Meeting of the said Trustees to be had in pursuance of this Act, shall, from time to time, nominate and appoint for that Purpose, to demand and take the Tolls or Duties hereby granted and made payable, and to levy the same upon any such Person or Persons who shall (after Demand thereof made), neglect or refuse to pay the same as aforesaid, by Distress of any Horse or Horses, or other Cattle or Goods, upon or for which such Toll or Duty is by this Act imposed and made payable, or by Distress of any other of the Goods of such Person or Persons who ought to pay the same, and to detain and keep such Goods until such Toll or Duty, with the reasonable Charges of such Distress, Detaining, and Keeping, shall be paid; and it shall and may be lawful to and for such Person and Persons, to distraining, after the End of four Days from the Time of such Distress taken, to sell the Goods so distrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Toll or Duty, and reasonable Charges for distraining, keeping, and selling the same, shall be deducted and paid.

Tolls to be levied by Distress and Sale.

Distress may be sold after 4 Days, rendering Overplus.

Provided always, and be it further enacted, That nothing herein contained shall extend to impower the said Trustees to erect any Gate or Turnpike in the Town of Sudbury, or nearer thereto than a Publick House known by the Sign of the Sudbury Arms, or a Place called Hollgate, in the Parish of Saint Gregory in Sudbury, nor within the Town of Bury Saint Edmunds, or Precincts thereof.

No Gate to be erected in Sudbury; nor in Bury St. Edmunds.

And be it further enacted, That if any Person or Persons whatsoever, renting or occupying any Land or other Tenements near to any Turnpike or Toll-gate to be set up and erected in pursuance of this Act, shall knowingly or wilfully suffer any Person or Persons whatsoever to pass through any Gate, Passage, or Way, with any Carriage, Cattle, or other Thing, chargeable with or liable to the Tolls and Duties afore-mentioned by virtue of this Act, so as thereby the Payment of any of the Tolls or Duties by this Act laid is or shall be fraudulently avoided; every such Person and Persons so offending, shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or more of them, the Sum of Forty Shillings.

Penalty on Persons permitting any private Passage.

Tolls vested in the Trustees.

Penalty on Persons going thro' or permitting private Passage, or taking off Horses, &c.

And be it further enacted, That if any Person or Persons whatsoever owning, driving, or riding any such Carriage or Cattle, so chargeable and liable as aforesaid, shall therewith pass through any Gate, Passage, or private Way, near to any such Turnpike or Toll-gate, with Intent to avoid Payment of the said Tolls or Duties, or any of them; or if any Person or Persons shall unload, or cause to be unladen, any Sorts of Goods or Merchandize, at or before he, she, or they shall come to any of the said Turnpikes or Toll-gates; or shall secret or conceal any Goods or other Things chargeable with any of the Tolls aforesaid; or shall take off One or more Horse or Horses, or other Cattle; or shall put or leave, in any House or Place, any Carriage or other Cattle so chargeable or liable, with such Intent as aforesaid; each and every Person so offending in any or either of the Cases aforesaid, shall forfeit and pay to the said Trustees, or any Five or more of them, the Sum of Forty Shillings.

Trustees may erect Side-gates,

and take Tolls thereat;

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

And be it further enacted, 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 Toll-gate or Toll-gates, Turnpike or Turnpikes, on the Side or Sides of the said Roads, and cross any Lane or Way leading out of the same; and there to take and receive such Tolls as are hereby granted and made payable at any other Turnpike or Turnpikes to be erected by virtue of this Act, so as the same do not extend to a Double Charge, in passing through any other of the Turnpikes so to be erected as aforesaid.

Charges of this Act to be first paid,

And be it further enacted by the Authority aforesaid, That out of the first Money arising by the Tolls and Duties which shall be collected at the several Turnpikes so to be erected on the Road aforesaid, or out of such Money which shall be borrowed on the Credit thereof, the Trustees for repairing the said Road directed to be mended, or any Five or more of them, shall in the first Place pay and discharge all the Expences and Charges of obtaining and passing this present Act, and of putting up, erecting, and building, such Turnpikes and Toll-houses as they shall think proper on the said Road; and that from and after paying the said Expences and Charges, the Money arising from the Tolls and Duties which shall be collected at any Turnpike or Turnpikes which shall be then or thereafter erected or set up on the said Road, shall be laid out and applied for and towards the repairing of the said Road, and other necessary Charges attending such Repairs, and the other Purposes in this Act mentioned.

And, for preventing any Disputes that may arise touching the Payment of any of the Tolls and Duties hereby granted, and to be taken on the said Road by this Act intended to be repaired, be it further enacted by the Authority aforesaid, That if there shall be Two or more Turnpikes or Toll-gates erected in cross, or on the Side of the said Road, then and in such Case the Tolls and Duties hereby granted and made payable shall be divided and allotted into so many Parts, Shares, and Proportions, as the said Trustees, or any Seven or more of them, shall direct or appoint; and such Parts thereof shall be taken and received at such and so many of the said Turnpikes or Toll-gates as by the said Trustees, or any Seven or more of them, shall be ordered and appointed for that Purpose, and not otherwise.

Trustees may apportion the Tolls

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That when all the Money which shall be borrowed upon the Credit of this Act, with the Interest thereof, shall have been fully paid and satisfied, then the said Trustees, or any Seven or more of them, are hereby authorized and impowered, from time to time, to lessen the several Tolls and Duties hereby granted and made payable, and to order and direct the same to be collected, received, and taken in such Manner, Parts, and Proportions, as they shall think fit; any thing herein contained to the contrary notwithstanding.

Trustees may erect Side-gates.

Tolls may be lessened,

And be it further enacted, That the said Trustees, at their First or any subsequent Meeting, or any Seven or more of them then present, may, by Writing under their Hands (without any Stamps thereupon) nominate and appoint One fit Person to be their Treasurer; and also One or more fit Person or Persons to be Clerk or Clerks, Receiver or Receivers, Collector or Collectors, of the Tolls or Duties aforesaid; and also One or more fit Person or Persons to be Surveyor or Surveyors, to view the Condition of the said Roads, and to see that the Money, by this Act to be raised, is duly and properly applied: And the said Trustees, or any Seven or more of them, at the same or any succeeding Meeting, shall and may also appoint all such other Officers as shall be necessary for putting this Act in Execution; and from time to time may remove such Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they shall see Occasion, and appoint new ones, in case of such Removal, or of the Deaths of any of them respectively; and all and every Person and Persons, in and by this Act made liable to and chargeable with the Payment of the Tolls, Rates,

Trustees may appoint Officers;

Charges of this Act to be duly paid,

and remove them, and appoint others.

and Duties hereby granted, shall and may pay the same Tolls, Rates, and Duties respectively, to such Receiver or Receivers, Collector or Collectors, as shall from time to time be appointed to receive the same, by virtue and in pursuance of this Act; and every such Receiver or Collector, so appointed as aforesaid, shall, on the First Thursday in every Month, or as often as the Trustees, or any Five or more of them, shall from time to time order or require the same, give in a true, exact, and perfect Account in Writing, under their respective Hands, of all the Money which he and they respectively shall from time to time have received, paid, and disbursed, by virtue of or under the Authority of, this present Act; and shall, if thereunto required, verify the same upon Oath, to be made and taken before the said Trustees, or any Five or more of them, or before any One or more Justice or Justices of the Peace of the said County of Suffolk, or of the said Boroughs of Bury Saint Edmund's or Sudbury; which Oath such Trustees, or Justice or Justices respectively, are hereby authorized and impowered to administer; and the same may be taken in Writing, without any Stamp thereupon: And in case any Money so received shall remain in the Hands of any such Receiver or Collector, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall, by any Writing or Writings under their Hands, authorize and impower to receive the same; and shall be disbursed and laid out in amending the said Road, and for other necessary Purposes relating thereto, according to the true Meaning of this Act, and not otherwise: And the said Trustees, or any Five or more of them, at any such Meeting to be had as aforesaid, shall and may, out of the Money arising by the said Tolls or Duties, make such Allowance to the Receiver or Receivers, Collector or Collectors, and the Surveyor and Surveyors, and to such other Officers as shall be so appointed as aforesaid, for and in Consideration of his and their Care and Pains respectively taken in the Execution of his and their respective Office and Offices, as to the said Trustees, or any Five or more of them, shall seem meet: And in case any of the said Receivers or Collectors of the aforesaid Tolls, Rates, or Duties, shall not give and make such Account and Payment as aforesaid, in pursuance and according to the Tenor and Purport of this Act; then any Two or more Justices of the Peace for the said County or Boroughs, at any Special or other Sessions to be holden for the said County or Boroughs, shall make Inquiry of or concerning such De-

Receivers, &c. to account.

on Oath.

Surveyors to get Money in to repair the Road

Trustees to allow Officers Salaries.

Officers refusing to account,

Justices to make Inquiry,

Default, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath; which Oath the said Justices are hereby impowered and required to administer, without Fee or Reward: And if any Person or Persons shall be thereof convicted by such Justices, they shall, upon such Conviction, commit the Party or Parties so offending to the Common Gaol of the County; there to remain, without Bail or Mainprize, until he or they shall have made a 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.

and commit the Offenders.

And be it further enacted, That the Treasurer or Treasurers, Surveyor or Surveyors, Receiver or Receivers, Collector or Collectors, to be appointed by virtue and in pursuance of this Act, shall, before he or they enter upon their said Offices respectively, give such Security for the due Execution thereof, to the said Trustees, or any Five or more of them, as to the said Trustees, or any Five or more of them, shall seem meet.

Treasurers, &c. to give Security.

And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person and Persons as he or they shall appoint, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any Waste or any Common in any Parish, Town, Village, or Hamlet, in or near which the said Highways or Roads do lie, as shall be proper for repairing and amending the said Road, without paying any thing for the same, such Surveyor or Surveyors levelling, or causing to be levelled, all such Holes and Pits where any such Materials as aforesaid shall be digged, gathered, or taken, and from whence the same shall be carried away; and where there is not sufficient of such Materials in any such Commons and waste Grounds as aforesaid, it shall and may be lawful to and for such Surveyor or Surveyors, by Order of the Trustees, or any Five or more of them, at any such Meeting to be had as aforesaid, to dig and gather the same out of the several Grounds of any Person or Persons (not being the Ground whereon any House or Houses stand, Garden, Orchard, Yard, Park, planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of Ground set apart and used as a Nursery for Trees) where any such Materials are or may be found, and from time

Surveyors to get Materials to repair the Road.

without paying for the same; levelling the Pits.

If sufficient Materials can not be had there, they may be taken from private Grounds;

time to time to carry away ſuch and ſo much thereof as the ſaid Surveyor or Surveyors, in their reſpective Places, ſhall judge neceſſary for repairing and amending the Roads aforeſaid, paying ſuch Rates for ſuch Materials, and for the Damages done to the Owners and Occupiers reſpectively of the Ground where and from whence the ſame ſhall be digged, gathered, or carried away, or over which the ſame ſhall be carried, as the ſaid Truſtees, or any Five or more of them, at any ſuch Meeting as aforeſaid, ſhall judge reaſonable: And in caſe of any Difference concerning the ſame, between ſuch Owners or Occupiers and the ſaid Truſtees touching ſuch Damage as aforeſaid, the Juſtices of the Peace for the ſaid County of Suffolk, at their General Quarter Seſſions, or the major Part of ſuch Juſtices then preſent, ſhall and may adjudge, aſſeſs, and finally determine the ſame.

making Satisfaction to the Owners of the Ground.

Juſtices to determine Differences.

Surveyors may remove Annoyances,

And be it further enacted, That it ſhall and may be lawful to and for the Surveyor and Surveyors, or ſuch Perſon or Perſons as he or they ſhall appoint (by the Direction of the ſaid Truſtees, or any Five or more of them, under their Hands) from time to time to remove and prevent all Annoyances on or in any Part of the ſaid Roads, by Filth, Dung, Aſhes, Rubbiſh, or otherwiſe, and to turn any Watercourſes, Sinks, or Drains, running into, along, or out of, the ſaid Roads, to the Prejudice thereof; and to cleanſe any Ditch or Watercourſes adjoining to the ſaid Roads; and to cut down and lop any Trees (other than and except Timber Trees) or Buſhes growing in the ſaid Road, or on the Banks or Hedges adjacent thereto, and take and carry away the ſame, in caſe the Owners or Occupiers of the Premiſſes, where ſuch Annoyances as aforeſaid ſhall happen to be, ſhall neglect to cut down or remove the ſame for the Space of Fourteen Days next after Notice in Writing ſhall be given for that Purpoſe under the Hands of the ſaid Truſtees, or any Five or more of them; the Charges whereof ſhall be reimburſed to the Surveyor or Surveyors by ſuch Owners or Occupiers neglecting to cut down ſuch Trees or Buſhes, or to remove ſuch other Annoyances as aforeſaid: And if, after Removal of any of the ſaid Annoyances, any Perſon or Perſons ſhall again offend in the like Kind, every ſuch Perſon or Perſons ſo offending, and being thereof convicted upon Confeſſion of the Party offending, or upon the Oath of One or more credible Witneſs or Witneſſes, before any One or more Juſtice or Juſtices of the Peace for the ſaid County (which Oath the ſaid Juſtice and Juſtices is and are hereby impowered to adminiſter) ſhall for every ſuch Offence forfeit

and cut down Buſhes, &c.

the Owners neglecting to remove the ſame after Notice;

and pay unto the ſaid Truſtees the Sum of Forty Shillings.

Surveyors may make Cauſeways,

And be it further enacted, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and ſuch Perſon and Perſons as he or they ſhall appoint, by Order of the ſaid Truſtees, or any Five or more of them, at any ſuch Meeting to be had as aforeſaid, to make or cauſe to be made Cauſeways, and to cut and make Drains, through any Grounds lying contiguous to the ſaid Road; and to make or erect Arches or Bridges of Brick, Timber, or Stone, upon the ſaid Road; and to divert and turn the ſaid Roads over any Part of the Commons or waſte Grounds contiguous and adjoining thereto, or through which the ſaid Roads do now lead; and alſo to widen any of the narrow Parts of the ſaid Roads, by opening, clearing, and laying into the ſame, any Ground of any Perſon or Perſons lying contiguous thereto (not being the Grounds whereon an Houſe or Houſes ſtand, or a Garden, Orchard, Park, planted Walk, or Avenue to an Houſe already planted) and alſo to cauſe Ditches or Trenches to be made in ſuch Manner as ſuch Surveyor or Surveyors, by Order of the Truſtees, or any Five or more of them, at any ſuch Meeting to be had as aforeſaid, ſhall judge neceſſary for the better amending and keeping the Road aforeſaid in good Repair; making ſuch reaſonable Satisfaction to the Owners and Occupiers of ſuch Ground reſpectively as ſhall be ſo laid into or made Part of the ſaid Roads, or through which any ſuch Drain or Drains ſhall be cut, or on which any ſuch Arch or Arches, Bridge or Bridges, ſhall be made, for the Damages which ſuch Owners and Occupiers ſhall or may thereby ſuſtain, as ſhall be adjudged by the ſaid Truſtees, or any Five or more of them, at any ſuch Meeting to be had as aforeſaid: And in caſe any Difference ſhall happen between ſuch Owners or Occupiers and the ſaid Truſtees, touching ſuch Damages, that then it ſhall and may be lawful to and for the ſaid Juſtices of the Peace for the ſaid County, at their next General Quarter Seſſions to be holden for the ſaid County, or the major Part of them then preſent, to hear, ſettle, adjudge, and finally determine the ſame: And if any Owner or Owners, Occupier or Occupiers, of any Watercourſe or Watercourſes, Ditch or Ditches, adjoining to the ſaid Road, ſhall neglect or refuſe to ſcour and cleanſe ſuch Watercourſe or Watercourſes, or to make ſuch Ditch or Ditches ſo deep, and in ſuch Manner, as the Surveyor or Surveyors appointed or to be appointed by virtue of this Act ſhall from time to time adjudge proper and convenient, after Ten Days Notice ſhall be given for that Purpoſe by ſuch Surveyor or Surveyors, or ſuch Perſon or Perſons as he or they ſhall

erect Bridges, &c.

Juſtices to determine Differences.

appoint, to such Owner or Owners, Occupier or Occupiers, it shall and may be lawful to and for such Surveyor or Surveyors to set any Man or Men at Work to scour, cleanse, or deepen the same, and, by Warrant from any One or more Justice or Justices of the Peace for the said County or Boroughs, to levy the Charge thereof upon the Persons, Goods, or Estates, of the Owner or Owners, Occupier or Occupiers, of such Watercourse or Watercourses, Ditch or Ditches, by Distress and Sale of his, her, or their Goods and Chatties; rendering the Overplus (if any be) after all Charges of such Distress and Sale are thereout deducted, to the said Owner or Owners, Occupier or Occupiers, when by him, her, or them demanded.

Tolls may be assigned for Money borrowed.

And forasmuch as the Money to be collected by the Receipts of the Rates, Tolls, or Duties, granted and made payable by this Act, will not be sufficient for the speedy repairing of the said Roads; be it further enacted, That the said Trustees and their Successors, or any Seven or more of them, at any such Meeting to be had as aforesaid, shall and may, and they are hereby impowered from time to time, by any Writing under their Hands and Seals, to assign over the said Rates, Tolls, and Duties, to arise by virtue of this Act, or any Part thereof, for all or any Part of the Term of Years for which the same are hereby granted or made payable, as a Security for the Repayment of any Sum or Sums of Money by them to be borrowed for that Purpose, unto such Person or Persons as shall advance and lend the same, with such Interest as shall be agreed upon.

Notice to be given for borrowing Money.

Provided always, and it is hereby enacted and declared, That no Money shall be borrowed by the said Trustees, on the Credit of the Tolls hereby granted, after their First Meeting, unless Notice in Writing, under the Hand of the Clerk to the said Trustees, be for that Purpose fixed upon all the Turnpike Gates which shall be erected by virtue of this Act, at least Fourteen Days before the borrowing of such Money.

Assignments may be transferred.

And be it further enacted and declared, That the said Mortgages or Securities, or any Part or Parts of the Money thereby respectively secured, shall and may from time to time be assigned, transferred, and set over, by the Person or Persons possessed of and intitled to the same for the time being, by any Deed or Deeds, Writing or Writings, under his, her, or their Hands and Seals respectively, attested by Two or more credible Witnesses; and such Mortgages, Securities, Assignments, Deeds, and Writings respectively, shall not, nor shall any of them, be liable to, or charged or chargable with, any of the Stamp Duties; but shall be produced and notified to the Clerk or

Clerks,

Clerks, Treasurer or Treasurers, so to be appointed as aforesaid, within Two Months next after the Date of every such Mortgage, Security, or Assignment respectively; and such Clerk or Clerks, Treasurer or Treasurers, shall cause an Entry or Memorial to be made of every such Assignment, containing the Date and Parties Names, and Sum of Money therein mentioned and thereby intended to be secured, in a Book to be kept for that Purpose; and for which Entry or Memorial the said Clerk or Clerks, Treasurer or Treasurers, shall be paid such Sum or Sums of Money, not exceeding Ten Shillings, as the said Trustees, or any Five or more of them, shall order and direct; and after such Entry made, every such Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment of the Principal Money and Interest therein mentioned and thereby intended to be secured; and such Book or Books may be inspected at all seasonable Times, without Fee or Reward.

Assignments to be entered in a Book.

Provided always, and it is hereby declared, That no Person or Persons, who shall have Occasion to pass through any of the Turnpikes or Collgates to be erected in pursuance of this Act, with any Carriage or Cattle whatsoever chargeable with and liable to the Tolls and Duties aforementioned, and shall there have paid the Tolls and Duties due and payable by virtue of this Act, and who shall return or pass or repass through the same Collgate or Turnpike before Twelve of the Clock at Night of the same Day, with the same Carriage or Cattle, and produce and shew a Note or Ticket denoting or signifying the Payment of such Toll or Duty (which Note or Ticket the Collector or Collectors is and are hereby required, upon such Payment, to give gratis) shall be liable the same Day to pay any Toll or Duty at any of the same Gate, or Gates where he, she, or they had before paid the same as aforesaid.

Tolls to be paid but Once a Day for passing thro' the same Gate.

And, for preventing Frauds and Abuses in and about the said Tolls or Duties, be it further enacted, That if any Person or Persons, having paid any of the Tolls or Duties granted by this Act, and being possessed of such Ticket denoting the same, shall give, offer, or dispose of, the said Ticket to any other Person or Persons, in order to avoid the Payment of any of the said Tolls or Duties; every such Person so giving, disposing, or offering any such Note or Ticket, and every Person receiving the same, shall respectively forfeit and pay the Sum of Forty Shillings.

Penalty on Persons disposing of Tickets to avoid paying the Tolls.

Provided always, and be it further enacted and declared, That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid, for passing through any of

Exemptions from Tolls.

the Turnpikes or Toll-gates to be erected by virtue of this Act, with any Carriage or Cattle carrying or drawing any Quantity of Stones, Gravel, or other Materials, for repairing the said Road, or for amending any of the Highways in the Parishes or Townships in which the said Road doth lie, or which shall carry or draw any Lime, Dung, Mould, or Compost of any Nature or Kind whatsoever, for the Manuring or Cultivating of Lands or Gardens within such Parishes, Places, or Townships respectively; nor shall any of the Tolls or Duties aforesaid be demanded or taken for any Carriage or Cattle loaden with and carrying any Hay, Straw, or Corn in the Straw, to be laid up in the Houses, Outhouses, Garths, or Barns, of or belonging to the respective Inhabitants of the several Parishes, Townships, or Places, in which the said Road, hereby intended to be repaired, doth lie; nor for any Ploughs, Harrows, or other Implements of Husbandry, or any other Things whatsoever, belonging to or employed by such Inhabitants respectively, in Husbandry or Manuring of Lands lying within such Parishes, Townships, or Places respectively; nor shall any of the said Tolls or Duties be demanded or taken from any Person or Persons, who shall pass through the said Turnpikes or Cross-gates to and from Church, Chapel, or other Place of religious Worship, on Sundays, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes; nor for any Horses or Cattle going to or returning from Pasture or Watering-places belonging to such Parishes, Townships, or Places, or any of the neighbouring Inhabitants; or for any Horse, Gelding, Mare, or Mule, used only to ride on by the Owner or Driver of any Waggon, Cart, or other Carriage, for which such Tolls or Duties shall be paid, so as such Horse, Gelding, Mare, or Mule, pass through the Turnpike or Toll-gate at the same Time and together with such Waggon, Cart, or Carriage; nor shall any Toll or Duty be demanded or taken for the Horses of Soldiers passing upon their March, or for Carts, Carriages, or Waggons attending them, or laden with their Arms or Baggage; or for Horses, Carts, or Waggons, travelling with Vagrants sent by Passes.

Persons liable to repair any Part of the Road, to continue so.

And be it further enacted, That all and every Person and Persons, who by Law is and are chargeable towards the repairing and amending the Road hereby intended to be repaired, shall still remain chargeable with and do their respective Statute-works in the said Parishes, Townships, or Places, wherein the said Road doth lie,

in

in ſuch Manner as the ſame ought to have been done in caſe this Act had not been made.

And, for preventing Differences which may ariſe between the ſaid Truſtees and the Surveyors of the Highways, appointed and to be appointed for the ſeveral Pariſhes or Places through which the Road directed by this Act to be repaired doth lead, touching what Part of the Statute-work ought to be done on the ſaid Road; be it further enacted, That it ſhall and may be lawful for any Two or more of the Juſtices of the Peace for the ſaid County of Suffolk, at any Petty or Special Seſſions of the Peace, upon Application made to them by the ſaid Truſtees, or any Five or more of them, to adjudge and determine what Part or Proportion of the Statute-work ſhall be done in the Road aforeſaid, by the Inhabitants of each or any of the Pariſhes, Townſhips, Hamlets, or Places reſpectively; and that the ſeveral and reſpective Surveyors of the Highways for the time being of the ſeveral and reſpective Pariſhes, Townſhips, Hamlets, and Places reſpectively, ſhall, yearly and every Year, during the Continuance of this Act, within Twenty one Days after Notice in Writing ſhall be given to him or them, or left at his or their uſual Place or Places of Abode, under the Hands of Five or more of the ſaid Truſtees, ſigned at any ſuch Meeting to be had as aforeſaid, ſummon or give publick Notice to and for all and every Perſon and Perſons, chargeable for the Repair of the Highways by Law, to do and perform ſuch Part of their Statute-work, within their ſeveral and reſpective Pariſhes and Places, on the ſaid Road or Highway directed to be repaired by this Act, and lying within their ſaid ſeveral and reſpective Pariſhes or Places reſpectively, as ſhall be appointed as aforeſaid; and ſhall, on the ſaid Days ſo appointed by ſuch Notice, give their Attendance, and ſee and take care that all and every Perſon and Perſons, ſo chargeable as aforeſaid, ſhall do and perform the ſaid Work on ſuch Part of the ſaid Road, within their reſpective Pariſhes or Places, as the ſaid Truſtees, or any Five or more of them, at any ſuch Meeting to be had as aforeſaid, ſhall order, direct, or appoint.

Juſtices, &c. to proportion the Statute-work to be done on the Roads.

And be it further enacted, That ſuch Pariſh Surveyor or Surveyors ſhall, within Fourteen Days after any Demand in Writing, given or to be left for him or them as aforeſaid, under the Hands of any Five or more of the ſaid Truſtees, give and deliver unto ſuch Perſon or Perſons as they the ſaid Truſtees, or any Five or more of them, at any ſuch Meeting to be had as aforeſaid, ſhall ap-

Surveyors of the Highways to give an Account of the Perſons who do not do their Statute-duty.

appoint, a true List, according to the best of his or their Knowledge; and upon Oath, if thereunto required by the said Trustees (which Oath any Justice of the Peace for the said County or Boroughs is hereby impowered to administer) of all and every Person and Persons, in their several and respective Parishes and Places, who have neglected to do and perform such Part of their Statute-work as aforesaid, and what he or they are respectively chargeable with: And if any Parish Surveyor or Surveyors shall neglect or refuse to do as he or they are hereby required and directed, he and they, for every such Neglect or Refusal, shall forfeit and pay the Sum of Five Pounds: And if any Person or Persons keeping a Team or Teams, Draught or Draughts, and chargeable towards repairing the said Road or Highway, or who are liable by Law to send their Draughts or Teams for the Repair thereof, shall, after such Summons or publick Notice as aforesaid, neglect or refuse to send their respective Teams or Draughts to do and perform such Part of their Statute-work as shall be determined and appointed to be done on the said Road or Highway directed to be repaired by this Act, he, she, or they, so neglecting or refusing, shall forfeit and pay the Sum of Ten Shillings for every Team or Draught so making Default each Day: And if any Labourer, or other Person or Persons, so chargeable towards repairing the said Road or Highway, shall at any Time neglect or refuse (after such Summons or publick Notice as aforesaid) to do and perform such Part of their said Statute-work as shall be appointed to be done as aforesaid on the said Road or Highway, he, she, or they, shall respectively forfeit and pay the Sum of One Shilling and Six Pence for each of the said Days such Labourer, or other Person or Persons, shall so make Default.

Penalty on Surveyors Neglect.

Persons found idle to be turned off.

And be it further enacted, That all Forfeitures and Penalties by this Act imposed on any Parish Surveyor or Surveyors, for neglecting or refusing to execute and perform the Duty and Service incumbent on him by virtue and under the Authority of this Act; and upon any Person or Persons, liable to such Statute-work as aforesaid, for neglecting or refusing to do and perform the same, pursuant to the Directions, and according to the Tenor and true Meaning of this Act; shall respectively be levied by Distress and Sale of the Offender's Goods and Chatties, by Warrants to be directed to the Constable or Headborough of the Parish or Place where such Offender resides, under the Hands and Seals of Two or more Justices of the Peace for the said County or of the said Boroughs, and to be granted and issued upon Application in Writing made to them by

For the Recovery of Penalties and Forfeitures on Persons who do not perform their Statute-work.

any Five or more of the said Trustees, upon the Oath or Oaths of the said Parish Surveyor or Surveyors, or any other credible Witness or Witnesses (which Oath or Oaths the said Justices are hereby impowered and required to administer) and the said Penalties and Forfeitures, after rendering the Overplus (if any be, and be demanded) to the Party or Parties whose Goods and Chattles shall be so distrained and sold, the Charges of such Distress and Sale being first deducted out of such Overplus, shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as shall be by them appointed, and shall go, be applied, and laid out, for and towards amending and repairing the said Road or Highway by this Act directed to be amended and repaired, and to and for no other Use or Purpose whatsoever.

Trustees may lease, &c. the Tolls.

And be it further enacted, That the said Trustees and their Successors, or any Seven or more of them, shall and may, and they are hereby impowered, by Writing under their Hands and Seals, at any Time during the Continuance of this Act, to set, demise, and to Farm let, the Tolls to be collected and received at the Turnpikes or Toll-gates to be erected and set up by virtue of this Act, or any Part thereof, unto any Person or Persons who shall be willing to take or farm the same, for any Time not exceeding Three Years, One Month's Notice of the Intention of such letting or setting being fixed on all the Turnpike-gates or Bars to be erected by virtue of this Act, for the best Rent or Rents they can get for such Tolls; to be payable to the said Trustees, or to such Person or Persons as any Five or more of them shall, under their Hands, appoint to receceive the same, with such Covenants therein to be contained as the said Trustees, or any Seven or more of them, shall think proper and requisite; and which said Rent or Rents, so to be paid by virtue of such Leases or Contracts as aforesaid, shall be applied and disposed of in such Manner as the Tolls granted and made payable by this present Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Trustees may compound for Statute-work, &c.

Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, at any of their Meetings to be had as aforesaid, from time to time during the Continuance of this Act, to compound and agree with the Inhabitants of any of the Parishes, Townships, Hamlets, or Places to which the said Road belongs, or with any of the Owners or Occupiers of Lands or Tenements, which are or shall be liable or chargeable towards repairing any Part of

of the ſaid Road, for a certain Sum of Money, or otherwiſe, by the Year, as the ſaid Truſtees, or any Seven or more of them, at any ſuch Meeting to be had as aforeſaid, ſhall think reaſonable, in lieu of the Statute-work to be done by ſuch Pariſh or Pariſhes, Township or Townſhips, Hamlet or Hamlets, Place or Places, or by ſuch Occupier or Occupiers of ſuch Lands or Tenements chargeable as aforeſaid; and alſo that the ſaid Truſtees, or any Seven or more of them, at any of their Meetings to be had as aforeſaid, may and they are hereby impowered from time to time, as they ſhall think fit, to compound or agree, by the Year or otherwiſe, with any Perſon or Perſons uſing to travel through the Turnpike or Turnpikes to be erected, with any Coach, Carriage, Beaſt of Draught or Burden, for any Sum or Sums of Money, for and in lieu of Payment of any of the ſaid Tolls or Duties to which the ſame are reſpectively liable by this Act; ſuch Compoſition-money to be paid quarterly from time to time, after ſuch Agreement ſhall be made, during the Continuance of ſuch Contract.

and for the Payment of Tolls;

Compoſition-money how to be recovered and applied.

And be it further enacted, That in caſe any Compoſition-money, agreed to be paid for paſſing through any or all of the ſaid Turnpikes or Gates to be erected by virtue of this Act Toll-free, or for or in lieu of any Statute or Days Work to be done by virtue and in purſuance of this Act, ſhall not be paid within Ten Days next after the ſame ſhall become payable, according to the Terms of ſuch Compoſition or Agreement (being demanded), that then it ſhall and may be lawful for any One or more Juſtice or Juſtices of the Peace for the ſaid County or Boroughs, upon Oath made before him or them of ſuch Default of Payment (which Oath he or they is and are hereby impowered to adminiſter,) to iſſue a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, impowering any Perſon or Perſons to levy the ſame by Diſtreſs and Sale of the Goods and Chattles of ſuch Perſon or Perſons who ſhall be liable to pay the ſame; returning the Overplus, on Demand, after the Charges of ſuch Diſtreſs and Sale ſhall be thereout firſt deducted; which Money, ſo to be levied, ſhall go and be applied for and towards amending the Road hereby intended to be repaired.

Provided always, and be it further enacted, That if any Surveyor of the Highways of and for ſuch Pariſh, Townſhip, or Hamlet, for which any Compoſition ſhall be ſo made for Statute or Days Work as aforeſaid, ſhall pay the Compoſition-money, or in caſe ſuch Compoſition-money ſhall be levied on him in the Manner herein before provided, all and every ſuch Surveyor and Surveyors ſhall and may

be

be reimburſed the Compoſition-money ſo levied upon him, together with the Charges of levying the ſame, in ſuch Manner as, by the Laws now in being, Surveyors of the Highways of this Kingdom are to be reimburſed the Monies by them expended in buying Materials for amending the ſaid Highways.

Bridges and Drains to be repaired as before the paſſing of the Act.

And be it further enacted, That ſuch Bridges, Drains, and Sewers, lying and being in the ſaid Road, which have been heretofore and ought to be maintained, repaired, and kept, by any particular Perſon or Perſons, or Corporation, by reaſon of the Tenure of any Manors, Lands, Tenements, or Hereditaments, liable to ſuch Repairs, or otherwiſe, ſhall from time to time be repaired, maintained, and kept in Repair, by the Owner or Owners of ſuch particular Lands, and by ſuch Corporation liable to the ſaid Repairs; any thing herein contained to the contrary notwithſtanding.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That all Penalties and Forfeitures by this Act impoſed or incurred, touching which no other Proviſion is by this Act made, ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattles, by Warrant or Warrants under the Hand and Seal or Hands and Seals of One or more of his Majeſty's Juſtices of the Peace of or for the ſaid County or Boroughs, and which Warrant or Warrants the ſaid Juſtice or Juſtices is and are hereby impowered and required to iſſue, upon the Information of One or more credible Witneſs or Witneſſes, upon Oath, and to adminiſter ſuch Oath to every ſuch Witneſs without Fee or Reward; and that the Penalties and Forfeitures, when recovered (the Charges and Expences of ſuch Diſtreſs and Sale being firſt deducted, and the Overplus, if any be, rendered to the Owner) ſhall go and be applied and laid out for and towards amending the ſaid Road hereby intended to be repaired.

Property of the Turnpikes and Toll-houſes, &c. veſted in the Truſtees.

And be it further enacted, That the Right, Intereſt, and Property, of all the Turnpikes and Toll-houſes which ſhall be erected by virtue hereof, ſhall be veſted in the Truſtees appointed or to be appointed to put this Act in Execution; and that they, or any Five or more of them, at any of their publick Meetings, ſhall and they hereby have Power to diſpoſe of ſuch Turnpikes and Toll-houſes as they ſhall think proper; and to bring Actions, and prefer Bills of Indictment, againſt any Perſon or Perſons who ſhall ſteal, take away, break down, or ſpoil the ſame, or any of them, or any Part thereof.

Mile-ſtones erected.

Provided always, and be it further enacted, That the ſaid Truſtees, or any Five or more of them, by Order made at any ſuch Meeting as aforeſaid, ſhall and may

saute the Road, by this Act directed to be amended, to be measured, and Stones or Posts to be erected thereon, or in or near the Sides thereof, at the Distance of One Mile each from the other, in order to mark or denote the Distances of any One Town or Place from any other Town or Place, as to the said Trustees, or any Five or more of them, shall seem meet: And if any Person or Persons shall voluntarily and maliciously break any of the Stones or Posts, or any Part thereof, which shall be so erected and set up, or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be engraved or inscribed thereon, and shall be convicted thereof, by Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, before One or more of the Justices of the Peace for the said County or Boroughs; every such Person so offending shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, to be levied by Distress and Sale of the Goods and Chattles of every such Offender, by Warrant under the Hand and Seal or Hands and Seals of the Justice or Justices before whom such Conviction shall be made; and such Forfeitures shall be applied in repairing the Stones or Posts so broke 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 repairing the said Roads: And in case the Person or Persons, so offending and convicted, shall have no Goods or Chattles, then it shall and may be lawful to and for any One or more of such Justice or Justices of the Peace for the said County or Boroughs, by Warrant under his Hand and Seal, or their Hands and Seals, to commit such Person or Persons to the Common Gaol of the said County for One Month; and such Person or Persons shall not be discharged, until he, she, or they shall have paid the Sum of Forty Shillings, or until the Expiration of the said Month.

Penalty on defacing Milestones, &c.

Penalties to be levied by Distress and Sale.

Commencement and Continuance of this Act.

And be it further enacted, That this Act, and all the Tolls, Duties, and Powers hereby granted and given, shall take Place from and after the passing of this Act; and shall continue and be in full Force and be paid from thence for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Trustees in the Commission of the Peace may act as Justices.

And be it further enacted and declared, That if any Trustee or Trustees, appointed or to be appointed to put this Act in Execution, is, are, or shall be a Justice or Justices of the Peace for the said County or Boroughs, such Trustee and Trustees shall and may act in the Premisses as a Justice or Justices of the Peace.

And, for continuing a sufficient Number of Trustees to put this Act in Execution, be it further enacted, That when and as often as any Trustee or Trustees shall die, remove, or refuse to act, it shall and may be lawful for the surviving and remaining Trustees, or any Seven or more of them, by any Writing or Writings under their Hands and Seals, from time to time during the Continuance of the Term hereby granted, to elect, nominate, and appoint One or more fit Person or Persons, in the Room or Place of such Trustee or Trustees so dying, removing, or refusing to act; and such Person or Persons, so elected, nominated, and appointed, shall be joined with such surviving or remaining Trustees in the Execution of all and every the Powers in them reposed by virtue of this Act; but Notice of the Time and Place of Meeting, for the Election of such new Trustee or Trustees, shall be given in Writing, signed by the Clerk to the Trustees, to be fixed at or on the Turnpike or Turnpikes which shall be erected by virtue of this Act, at least Ten Days before the Meeting for such Election: And all and every such Person and Persons, as shall be chosen and appointed to be joined with such surviving and remaining Trustees, shall and may and they are hereby authorized and impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees, nominated and appointed by this Act, are hereby authorized and impowered to act and to do.

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

Notice to be given of such Election.

Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee, for any of the Purposes of this Act, unless he shall be, in his own Right, or in Right of his Wife, in the actual Possession, and Enjoyment or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, which are or shall be assessed at, and pay to the Land Tax for the yearly Value of Forty Pounds, or shall be Heir apparent of some Person or Persons having such an Estate of the yearly Value of Eighty Pounds, or possessed of, or intitled unto, a Personal Estate to the Amount or Value of Eight hundred Pounds: And if any Person or Persons hereby made incapable to act as a Trustee or Trustees, for the Causes aforesaid, shall nevertheless act, contrary to the true Intent and Meaning of this Act, every such Person and Persons, for every such Offence, shall forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall inform and sue for the same, to be recovered in any of his Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Qualification of Trustees.

Penalty on Persons acting if not qualified.

And

Time and Place of Trustees Meeting.

And be it further enacted, That the Trustees aforesaid, or any Five or more of them, shall meet together at the Guildhall of the said Borough of Bury Saint Edmunds, on the First Thursday in June, One thousand seven hundred and sixty two, and proceed to the Execution of this Act; and shall then adjourn themselves to the same Place, or to such other Place in or near the said Road, and to such Time, as the said Trustees then present, or any Five or more of them, shall appoint; and so from time to time the said Trustees, at every of their said Meetings, shall adjourn themselves, as they, or any Five or more of them, present at such Meeting, shall think proper for putting this Act in Execution; and that during the Continuance of this Act there shall be One General Meeting, on the First Tuesday in the Month of June in every Year, at such Place as the said Trustees, or Five or more of them, shall appoint:

Trustees may adjourn Meetings.

And if it shall happen that there shall not appear, at any Meeting which shall be appointed by the said Trustees, a sufficient Number of Trustees to act at such Meeting, and to adjourn to any other Day; then and in such Case the Clerk to the said Trustees, by Notice in Writing under his Hand, to be fixed on all the Turnpike Gates to be erected by virtue of this Act, at least Ten Days before the next Meeting, shall appoint the said 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 on which such last Meeting of the said Trustees was appointed to be held; and if it shall happen that there shall not appear a sufficient Number of Trustees at that Time, then the said Clerk shall issue the like Notice in Writing, from Three Weeks to Three Weeks, until a sufficient Number of the Trustees shall so meet, for the Purposes aforesaid; and that the said Trustees, at their First and at all their subsequent Meetings, shall defray their own Charges and Expences.

Trustees to defray their own Expences.

Trustees not to act where interested.

Provided always, and be it further enacted and declared, That no Person or Persons, appointed or to be appointed a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of or by reason of the Tolls or Duties by this Act granted and made payable; but such Person or Persons shall be incapable of acting as a Trustee or Trustees from the time of his and their accepting and during his and their Enjoyment of such Place of Profit as aforesaid.

Writings to be without Stamps.

Provided also, and be it enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, or other Writing whatsoever, either under the Hands and Seals or under the Hands of the said Trustees

and

and Juſtices of the Peace, or any of them reſpectively, or exhibited before them or any of them, touching, concerning, or in Execution of any Truſts, Powers, or Authorities, veſted in the ſaid Truſtees and Juſtices reſpectively in and by this Act, ſhall be charged or chargeable with any Stamp Duty whatſoever.

Perſons aggrieved may appeal to the Quarter Seſſions.

Provided always, and be it further enacted, That in caſe any Collector or Collectors, Receiver or Receivers, or other Perſon or Perſons, ſhall think him, her, or themſelves, aggrieved by any thing done in purſuance of this Act, it ſhall and may be lawful to and for him, her, or them, to appeal to the Juſtices of the Peace, at their next General Quarter Seſſions of the Peace to be held for the ſaid County, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint or Complaints of any Perſon or Perſons ſo aggrieved, and, if they ſee Cauſe, ſhall and may, by Order of ſuch Seſſions, mitigate at their Diſcretion all or any of the Penalties or Forfeitures laid upon or incurred by the Party or Parties complaining, or vacate or ſet aſide the Conviction or Convictions, and ſet the Parties at Liberty, or otherwiſe may ratify and confirm the ſame, and give ſuch Coſts as they in their Judgements ſhall think proper; but the Perſon or Perſons ſo appealing, as aforeſaid, ſhall and they are hereby reſpectively directed to give Notice in Writing to the Treaſurer or Treaſurers, for the time being, of the Coils and Duties granted by this Act, of ſuch their Intention of bringing or proſecuting any Appeal, Ten Days before the ſaid Quarter Seſſions, and ſhall within Four Days after ſuch Notice given, enter into a Recognizance before ſome Juſtice of the Peace for the ſaid County, with Two ſufficient Sureties, with Condition to try ſuch Appeal at the next Quarter Seſſions of the Peace which ſhall be held in and for the ſaid County; and every ſuch Appeal ſhall, at the then next General Quarter Seſſions, be there heard and determined, and not afterwards.

Proceedings not to be quaſh'd for want of Form only;

Provided always, and be it further enacted, That no Order made touching or concerning any of the Matters aforeſaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders againſt this Act, ſhall be quaſhed or vacated for want of Form only; or be removed or removeable by Certiorari, or any other Writ or Proceſs whatſoever, into any of his Majeſty's Courts of Record at Weſtminſter, until ſuch Order, or other Proceedings, ſhall have been firſt removed to, and Judgement and Determination given and made thereupon, by the General Quarter Seſſions to be held for the ſaid County.

nor be removeable by *Certiorari*.

Record of Conviction, &c. not removeable by *Certiorari*;

Provided also, and be it further enacted and declared by the Authority aforesaid, That no Writ of Certiorari, or any Process, shall issue or be issuable to remove the Record of such Conviction from the said General Quarter Sessions, or to remove any Order, Judgement, or other Proceedings, made or had by the said General Quarter Sessions, upon, touching, or concerning such Conviction, into any of

unless applied for within 6 Months,

his Majesty's Courts of Record at Westminster, unless such Certiorari be moved or applied for within Six Calendar Months next after such Conviction, Judgement, Order, or

and Notice duly given,

other Proceedings, shall be so had or made; and unless it be duly proved on Oath, that Six Days Notice thereof was given in Writing to the Justices before whom such Proceedings were had; nor until the Party or Parties, against whom such Conviction shall be made, before the Allowance of such

and Security entered into, to prosecute the same with Effect.

Writ of Certiorari, or other Process, shall find Two sufficient Sureties to become bound to the Prosecutor or Prosecutors in the Sum of One hundred Pounds, with Condition to prosecute the same with Effect within Six Months, and to pay unto the Prosecutor or Prosecutors his, her, or their Full Costs or Charges, in case such Order or Conviction shall be affirmed.

Limitation of Actions.

Provided always, and be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act, in every such Case, the Action or Suit shall be brought within Six Months next after the Fact committed, and not afterwards; and shall be laid or brought in the County of Suffolk; and the Defendant or Defendants in such Action or Suit to be

General Issue.

brought shall and may plead the General Issue, Not Guilty; and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance and by Authority of this Act; and if the same shall appear to be so done, or such Action or Suit shall be brought after the Time before limited for bringing the same as aforesaid, or shall be brought in any other County, Place or Places, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuited, or discontinue his or their Action, after the Defendant or Defendants shall have appeared; or if upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and

Treble Costs.

may recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any Case by Law.

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

FINIS.