Anno quinto

Georgii III. Regis.

An Act for enlarging the Powers of ſeveral Acts for repairing the Roads from *Stump Croſs* to *Newmarket Heath* and the Town of *Cambridge*, and from *Foulmire* to *Cambridge*, and other Roads adjoining thereto, ſo far as the ſame relate to the Road from *Foulmire* to *Cambridge*, and the ſaid other Roads adjoining thereto.



Preamble, reciting Act 28 *Geo.* II.

Whereas an Act was made in the Twenty eighth Year of His late Majeſty King George the Second, intituled, An Act to continue and render more effectual ſeveral Acts for repairing the Road from *Stump Croſs* to *Newmarket Heath* and the Town of *Cambridge*, for repairing the Road from *Foulmire* to *Cambridge*; and for repairing other ruinous Parts of the Highways adjacent to the Road from *Foulmire* to *Cambridge*: And whereas it has been found by Experience, that ſome further and other Powers are neceſſary, effectually to repair the ſaid Roads from Foulmire to Cambridge, and the other Roads adjoining thereto, deſcribed in the ſaid Act: And whereas the Ford through the River, below a

Place called Hauxton Mills (being Part of the said Roads) is, through the Violence of Floods, and the rapid Stream continually passing through the said Mills, and the overplus Water above the Law Stake, become so deep and full of Gulls, as to be extremely incommodious, and even dangerous to Passengers; and it is conceived, that the only effectual Way to remove such Inconvenience and Danger, will be to build a Bridge across the said River, near to the said Mills: But although the building such Bridge would be greatly commodious to Passengers, and to the Inhabitants of the said County, yet there being a Close and Orchard, in the Occupation of Thomas Patterson, through which it may be necessary to turn the Road, for the Purpose above-mentioned, such Bridge cannot be built, nor other necessary Works or Repairs done without the Aid and 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 from and immediately after the passing of this Act, it shall be lawful for the Trustees for putting the said Acts in Execution, with respect to the Road from Foulmire to Cambridge, and the other Roads adjoining thereto, or any Seven or more of them, or for the Surveyor or Surveyors of the said Roads, or such Person or Persons as he or they shall appoint; and they are hereby respectively fully impowered, such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Seven or more of them, to make a Road through the Grounds or Fields adjoining, or lying near to any hollow Way, narrow or ruinous Part of the said Roads, and make a Temporary Road, such Ground respectively not being the Ground whereon any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees, to be made use of as a publick Highway whilst the old Road is amending; making such Recompence to the Owners and Occupiers of such private Grounds or Fields respectively, for the Damages they shall thereby sustain, as shall be judged reasonable by the said Trustees, or any Seven or more of them: And also to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Roads, and cross any River, Stream, Brook, Water-Ditch or Drain therein, or

Trustees may make a temporary Road,

making Satisfaction to the Owners of the Grounds.

or contiguous thereto; and also to divert, turn, or alter the Course or Path of any Part or Parts of the said Roads, through any Moor or Waste Ground, without making any Satisfaction for the same; and also through any private Grounds or Hereditaments; first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and for that Purpose, it shall be lawful for the said Trustees, or any Seven or more of them, to contract and agree with the Owners of, and Persons interested in any Lands, Grounds, or Hereditaments, for the Purchase thereof, or for the Loss or Damage any Person or Persons may sustain by their building or repairing such Bridge or Bridges, Arch or Arches, and by the diverting, turning, or altering the Course or Path of any Part or Parts of such Roads, through such Lands, Grounds, or Hereditaments; and out of the Tolls arising upon the said Roads, 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 Seven or more of them, and also the Costs and Charges attending such Agreements and Purchases: And 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 Cestique Trusts, and for all and every 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 Seven or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or any Part or Parts thereof, or for their Interest therein, for any 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 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.

Trustees may contract for the Purchase of Lands to be laid into the Roads.

Bodies Politick, &c. impowered to treat.

Persons neglecting to treat, &c.

And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in and added to the said Roads, or into or through which the same, or any Part or Parts thereof, shall be turned as aforesaid, shall, by the Space of Twenty one 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 Seven 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 or Place wherein such Lands, Grounds, or Hereditaments shall lie (which Oath any Two or more of the said 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, Proprietors, Occupiers, or other Person or Persons interested, for or upon account of the building any such Bridges or Arches, or taking such Lands, Grounds, or Hereditaments, into the said Roads, or of turning such Roads, or any Part or Parts thereof, into or through any such Lands, Grounds, or Hereditaments: And in order thereto, the said Trustees, or any Seven or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses, touching or concerning the Premisses (which Oath any Two or more of the said 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 Seven or more of them, shall think fit: And after the said Jury shall have enquired of, ascertained, and settled such Damages and Recompence,

Damages to be assessed by a Jury.

Witnesses to be summoned, and examined upon Oath.

Recompence, they the said Trustees, or any Seven 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, Proprietors, or Occupiers of, or 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, Proprietors, and Occupiers, 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, be thereby 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 or returning such Jury or Juries, the said Trustees, or any Seven or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County wherein such Lands, Grounds, or Hereditaments shall 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 Seven or more of them, at such Time and Place as in such Warrant shall be appointed: And the said Sheriff is hereby required to impanel, summon, and return, such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Seven 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 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; and 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 Seven or more of them, acting in the Premisses, shall have full Power, from time to time,

Verdict of the Jury to be final.

Trustees may issue their Warrant to the Sheriff for impanelling a Jury.

Jurors may be challenged.

to

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

to impose any reasonable Fine or Fines on such Sheriff making Default in the Premisses, and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, or appearing, shall refuse to be sworn on the said Jury; or being so sworn, refuse to give, or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, 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 sworn and give Evidence, and from time to time to levy such Fine or Fines in the same Manner as any other Forfeiture or Penalty is, by the said former Acts, directed to be levied, so 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 the Use of the said Roads.

Fine not to exceed 10*l.*

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

And be it further enacted, That all and every Sum and Sums of Money so assessed as aforesaid, is hereby charged upon the Monies which shall be raised by virtue of the said Acts, upon the said Road from Foulmire to Cambridge, and the other Roads adjoining thereto, and shall be paid thereout accordingly, by the said Trustees, or any Seven or more of them, to the Persons respectively intitled thereto, or to their Agents; and that upon Payment or Tender thereof to such Persons or their Agents, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Treasurer to the said Trustees, for the Use of such Persons, such Lands, Grounds, or Hereditaments, shall be laid into and made Part of the said Roads, and 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 Highways ought to be kept in Repair; and after such new Road shall be compleated, the Lands and Grounds comprized in and constituting the former Road, shall be and are hereby vested in the said Trustees, and shall and may be sold by them, or any Seven or more of them, for the best Price that can be got 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 Seven or more of them, and inrolled with the Clerk of the Peace for the County or Place wherein

wherein such Lands, Grounds, or Hereditaments shall lie, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Buildings not to be injured.

And be it further enacted, 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 Dwelling-house or Building belonging thereunto, or any Garden or Orchard (except so much of the said Close and Orchard, in the Occupation of the said Thomas Paterson, as shall, by the said Trustees, or any Seven or more of them, be found necessary to be used for the Purposes of this Act) or any Park, Plantation, or Nursery of Trees, or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto.

Expences of Prosecutions how to be borne.

And be it further enacted, That the said Trustees, or any Seven or more of them, are hereby required at publick Meetings, from time to time, to make proper Rules and Orders for the more effectual putting this Act in Execution; and to appoint such Person or Persons as they shall think fit effectually to carry on Prosecutions for Offences committed against this Act; and that in case any Action or Prosecution shall be commenced or prosecuted for any Offence committed against this Act, under the Authority and by the Direction of the said Trustees, or any Seven or more of them, as aforesaid, that then the said Trustees, or any Seven or more of them, at some such publick Meeting as aforesaid, shall, out of the Money arising by the Tolls by the said Acts granted, or out of the Money that shall be borrowed upon the Credit thereof, allow and pay to the Prosecutor so much as the Costs allowed by Law shall fall short of reimbursing him his just and reasonable Expences: And that if any Action, Suit, or Prosecution, Rule, or Order of Court, shall be brought, commenced, prosecuted, or obtained, against any of the said Trustees, or any of their Surveyors or other Officers, for any Thing done or acted by the Direction of the said Trustees, or any Seven or more of them, as aforesaid, in pursuance of the said Acts, or of this Act; that then, and in every such Case, the said Trustees, or any Seven or more of them, as aforesaid, shall, out of the Profits arising by the Tolls hereby granted, allow and pay to such Trustee or Trustees, their Surveyors or other Officers, all such reasonable Costs, Charges and Expences, as they or any of them, shall or may sustain or be put unto by Reason or Means thereof.

Expences of the Jury how to be borne.

And be it further enacted by the Authority aforesaid, That in case any Jury or Juries to be summoned and sworn, pursuant to the Authority of this Act, shall give in and deliver a Verdict or Assessment for more Monies, as a Recompence or Satisfaction for any such Lands, Grounds, or Hereditaments, or for any such Loss or Damage, than what shall have been agreed to and offered for the same by the said Trustees, or any Seven or more of them, before the summoning or returning the said Jury or Juries; that then, and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses, concerning the ascertaining and determining the Value of any such Lands, Grounds, and Hereditaments, or Losses or Damages sustained as aforesaid, shall be borne and paid by the said Trustees, or any Seven or more of them, out of the Tolls arising upon the said Roads; but if any Jury or Juries, so to be summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more, or for less Monies, than shall have been agreed to and offered by the said Trustees, or any Seven or more of them, before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction as aforesaid, that then the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Trustees shall have Controversy or Dispute.

Penalty of obstructing Officers in their Duty.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any or either of the said Turnpike Surveyors, or any other Person or Persons by them or either of them, or by the said Trustees, or any Seven or more of them, for those Purposes, employed in doing any Act or Thing in or for the repairing, widening, or making Bridges or Arches, or altering the said Roads, by virtue of the Powers by this Act given, or any of them, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

Time and Place of Trustees Meeting.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall meet together at the House known by the Name of the Rose Tavern, in Cambridge aforesaid, on the Third Monday in the Month next after the Day of passing this Act, betwixt the Hours of Ten and Twelve in the Forenoon, and proceed to the Execution of the said former Acts, and this Act, and shall then, and from time to time afterwards, adjourn themselves to such Times and Places as the said

said Trustees, or any Seven or more of them, shall think proper, as often as it shall be necessary for putting the said Acts in Execution; and shall and are hereby required to hold Four Meetings in every Year, namely, on the Third Monday in July, the Second Monday in October, the Second Monday in January, and the Second Monday in April; And if there shall not appear at any Meeting a sufficient Number of Trustees to act, and to adjourn to another Day, that then, and in every such Case, the Trustee or Trustees then present, or the Clerk to the said Trustees, shall, by publick Notice in Writing, to be fixed on all the Turnpikes within the Division where the Meeting was to have been held, at least Seven Days before the next Meeting, appoint the Trustees to meet at the House where the last Meeting was to have been held, on the Fourteenth Day after the Day on which such last Meeting was appointed; all which Meetings shall be advertized, at least Once, in one or both of the Cambridge News Papers.

In Default of a sufficient Number to act, Meeting to be adjourned, &c.

And forasmuch as it hath been found by Experience, that that Part of the Road which lies about or near to the said Place, called Hauxton Mill, is frequently overflowed, and much annoyed by the Water standing there, for want of the River or Stream running from the said Mill towards the River Grant being properly and effectually scoured out; it is hereby further enacted, That if any of the Owners, Proprietors, Occupiers, or Persons interested in any of the Lands, Grounds, or Hereditaments adjoining or bordering upon the said River or Stream, shall, at any Time, neglect or refuse to scour or cleanse the same, from the said Mill Pit down to the River Grant, after Twenty one Days Notice shall be given in Writing, for that Purpose, to the Owners, Proprietors, Occupiers, or Persons interested in such Lands, Grounds, or Hereditaments respectively under the Hands of the said Trustees, or any Seven or more of them, it shall and may be lawful for the said Trustees, or any Seven or more of them, or for the Surveyor or Surveyors of the said Roads, and they are hereby respectively fully impowered, such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Seven or more of them, to cause the said River to be sufficiently scoured and cleansed; the Charges whereof, to be settled by the said Trustees, or any Seven or more of them, shall be re-imbursed by such Owners, Proprietors, or Persons, respectively; and in case of Refusal or Neglect to pay the same on Demand, it shall and may be lawful for the said Trustees, or any Seven

Owners of Lands bordering upon the River near *Hauxton Mill*, neglecting to scour the Stream from thence to the River *Grant*;

Surveyors may set Men to cleanse the same,

Seven or more of them, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause the same to be levied by Distress and Sale of the Goods and Chattles of the Person or Persons so refusing or neglecting to pay, rendering the Overplus, if any, to the Owner or Owners of such Goods and Chattles, after deducting the Costs and Charges in and about the taking and making such Distress and Sale.

and levy the Charges by Distress and Sale.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to cause the Law Stake, now standing on the South Side of the River above Hauxton Mills to be removed, and plated on the opposite Side of the River, if it shall be found necessary; Care being taken to continue it upon the same Level and Extent as at present; so that the Waste Water may run down on the North Side of the said River.

Trustees may remove the Law Stake to the opposite Side the River.

Provided always, and be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to impower the said Trustees, or any of them, or any other Person or Persons whatsoever, to stop up, obstruct, or destroy, the present Driftway for Cattle, from the several Towns of Hauxton and Harlton, to the Commons belonging to the said Parishes respectively, until another convenient Driftway is made for the Use of such Parishes respectively.

This Act not to extend to the destroying the Driftway for Cattle.

And be it further enacted by the Authority aforesaid, That from and immediately after the passing of this Act, any Seven or more of the said Trustees, appointed to put the said Acts in Execution, shall be, and they are hereby declared to be, vested with full Power and Authority to do, execute, perform, and direct, all and every the Purposes, Acts, Matters, and Things, by the said former Acts, or either of them, vested in or directed to be done by Eleven or more of the said Trustees, with Respect to the said Road from Foulmire to Cambridge, and the other Roads adjoining thereto, except only for the Purpose of repealing or altering any previous Order made at a Meeting, pursuant to the said Acts, or either of them; and for which Purpose it is hereby declared, That the major Part of the Trustees, at a publick Meeting assembled, such Majority not being less than Nine, shall be sufficient; any thing in the said former Acts, or either of them, to the contrary notwithstanding.

Seven Trustees impowered to execute the Purposes of this Act;

except, &c.

And

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Seven or more of the said Trustees, from time to time, upon any emergent or particular Occasion, to call a Meeting of Trustees, to be held at the House or Place where the preceding Meeting of Trustees was held; such Trustees so desiring such Meeting, causing Seven Days Notice, at the least, to be given by the Clerk to the said Trustees in Writing to be affixed upon all the Turnpikes upon the said Roads, and in some News Paper printed at Cambridge, the Week preceding the Time of such Meeting; and the Acts of the said Trustees, or the major Part of them, such major Part not being less than Seven, at such Meetings, shall be as effectual as if the same were done at Meetings held in Manner prescribed by the said former Acts, or either of them.

Trustees may meet upon special Occasions.

Notice to be given of such Meeting.

And be it further enacted by the Authority aforesaid, That in case any Person or Persons who shall lend and advance, or who have lent or advanced, or shall have any Monies upon the Credit of the Tolls to be collected by virtue of the said former Acts, upon the said Road from Foulmire to Cambridge, and the Roads adjoining thereto, and shall continue Creditors thereupon, shall be desirous to be repaid the principal Money and Interest due to him, her, or them, and shall deliver a Notice in Writing, signed by him, her, or them, respectively, signifying such Desire, to the Clerk or Clerks of the said Trustees for the said Roads, at some General Meeting of the said Trustees; that then, and in such Case, unless the Principal and Interest due and to accrue due to him, her, or them, on the Security of the said Acts, shall be fully paid unto or tendered unto, and refused to be accepted by, such Creditor or Creditors so signing such Notice, within Six Calendar Months after the Delivery of such Notice as aforesaid, it shall and may be lawful to and for such Creditor and Creditors, his, her, or their Executors, Administrators, or Assigns, to enter upon, and take Possession of, the Gate or Gates, Bar or Bars, then erected upon the said Roads, and to receive and take the Tolls payable at such Gate or Gates, Bar or Bars, and apply the same to and for his, her, and their own Use and Benefit, until thereby and therewith, or otherwise, the said principal Money and Interest, and all Costs and Charges of such Entry and Perception of the said Tolls, and all other reasonable Expences attending the same, shall be fully paid and satisfied; but all Persons to whom any Assignment or Assignments of the said Tolls, or any Part thereof, shall, as far as the gross Sum shall extend, be, and they are hereby

Clause for paying off the Creditors, if the major Part in Number and Value shall signify their Desire for that Purpose.

All Creditors to be deemed equal in Degree.

hereby declared to be, Creditors on the said Tolls in equal Degree one with another.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace, at any General Quarter Sessions of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise, and within Six Calendar Months after the Cause of such Complaint shall have arisen; such Appellant first giving, or causing to be given, Ten entire Days Notice, at least, in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer of the said Trustees, and within Three Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Securities, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices, at such Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing, or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes.

Notice of Appeal to be given.

Writings to be without Stamps.

Provided always, and be it enacted by the Authority aforesaid, That no Contract, Bond, Warrant, Judgement, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees, or Justice or Justices of the Peace, or exhibited before them, or under the Hands and Seals, or Hand and Seal of, or only signed by, any other Person or Persons whatsoever, or relating to the Execution of this Act, shall be chargeable with any Stamp Duty whatsoever.

Charges of passing this Act to be paid out of the Tolls.

And be it further enacted by the Authority aforesaid, That the Costs and Charges in and about procuring and passing this Act, shall be paid, as soon as conveniently may be, by the said Trustees, or any Seven or more of them, out of the Monies already raised, or hereafter to be raised, by virtue of the said former Acts, upon, or with respect to, the said Road from Foulmire to Cambridge, and the other Roads adjoining thereto.

Provided

Provided always, and be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Twenty one Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County of Cambridge, and not elsewhere; and the Defendant or Defendants, in every such Action or Suit, shall and may, at his Election, plead specially, or 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 the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty one Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, as aforesaid, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant shall recover Treble Costs; and have such other Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law.

Limitation of Actions.

General Issue.

Treble Costs.

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

Publick Act.

FINIS.