Anno ſexto

Georgii III. Regis.

An Act for repairing and widening the Road leading from the preſent Turnpike Road at *Haverhill*, to *Red Croſs*, in the Pariſh of *Shelford*, in the County of *Cambridge*.

WHEREAS the Road leading from the End of the preſent Turnpike Road at Haverhill, in the County of Suffolk, to a Place called Red Croſs, in the Pariſh of Shelford, in the County of Cambridge, is very ruinous, and in ſeveral Places narrow and incommodious: And whereas the ſaid Road cannot be effectually repaired and widened by the ordinary Methods preſcribed by Law: 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 the Marquis of Granby, the Right Honourable Piercy Earl of Thomond in the Kingdom of Ireland, Sir John Hind Cotton, Sir Thomas Charles Bunbury, Sir Thomas Hatton, Sir William Maynard, the Honourable Charles Sloane Cadogan, Soame Jenyns, Thomas Brand, Thomas Panton, Jeniſon Shaftoe, John Affleck, George Montgomerie, William Metcalfe, Stephen Soame, Francis Naylor, William Greaves B. B. Chriſtopher Jeaffreſon, William Mitchell, John Carter Pollard, Charles Allix, Thomas Sclater King, William Ingle, Thomas Parker, Henry Vernon of Thurloe, Jeremy Pemberton, Ferdinand Huddleſton, Ambroſe Dickens, Thomas Watſon Ward, Rowland Holt, Thomas Panton junior, Richard Crop, Marmaduke Dayrell, James Mitcalfe, Dingley Aſkham, Chriſtopher Anſtey, Thomas Weſtern, Thomas Rombold Hall, John Little Bridge, Robert Bridge, George Taſh, Henry Spurling, Thomas Cockayne, Joſeph Pike, William Vachell, John Younghuſband,

Preamble.

Truſtees Names.

band, Charles Marshall, Edward Leeds, Charles Pepys, Robert Stephenson, Christopher Pemberton, Esquires; the Reverend Henry Prescot D. D. Russell Plumptree, D. D. William Bening, Roger Barker, Thomas Barnard, Daniel Longmire, James Harris, Thomas Cooke, John Simonds, Edmund Mapletoft, William Collier, Christopher Londsdale, Joshua Pitt, Henry Soame, Jeremy Pemberton, James Salt, Philip Bearcroft, John Stevenson, Walter Morton, Serecole, Fisher, Clerks; Thomas Talbot, Robert Hockley, Edmund Jackson, Charles Amey, William Jackson, William Haylock, Jeremiah Lagden, Thomas Harrison, Thomas Pottrell, Edmund Salisbury, Thomas Harrison junior, Samuel Burford, Henry Lagden, Thomas Rickard, William Hurrell, John Trott, Gentlemen; shall be, and they and their Successors, to be elected in manner herein after mentioned, are hereby appointed Trustees for surveying, ordering, widening, repairing, and keeping in Repair the said Road, and for putting in Execution all other the Powers hereby given.

Qualification of Trustees.

Provided nevertheless, and be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes; or possessed of a Personal Estate of the Value of One thousand Pounds; or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds: And if any Person, not being so qualified, shall presume to act in the Trust aforesaid, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same; to be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at Westminster, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty without any other Proof or Evidence, on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act.

Penalty on acting if not qualified.

Times and Places of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet together at the Bull Inn at Linton, on Tuesday

day the Twentieth Day of May, One thousand seven hundred and sixty six, and shall proceed to the Execution of this Act; and shall then adjourn themselves, and afterwards meet there, or at any other Place or Places near the said Road, as the said Trustees, or any Five or more of them, shall think proper, as often as there shall be Occasion, or it be necessary for putting this Act in Execution: And if there shall not appear at any Meeting, appointed to be held by virtue of this Act, a sufficient Number of Trustees to act or to adjourn to another Day, or in case the Trustees, at any Time so assembled, shall omit or neglect to adjourn themselves; the Clerk for the time being to the said Trustees shall, from time to time, (by affixing publick Notice, in Writing, at or upon all the Gates or Turnpikes erected by virtue of this Act, at least Ten Days before the next Meeting) appoint the Trustees to meet at the House where the last Meeting was appointed to be held, on the Day Three Weeks next after the Day on which such last Meeting was appointed; and that the said Trustees, at all their Meetings, shall defray their own Expences: And that all Orders and Determinations of the Trustees, in the Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made, unless the major Part of the Trustees present at a Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order or Determination; nor shall any Order or Determination be revoked or altered at any subsequent Meeting, unless the Number of Trustees revoking or altering the same shall exceed the Number of Trustees by whom such Order was made, and unless the Person or Persons applying to revoke or alter any such Order or Determination shall give Notice thereof, in Writing, to the Clerk of the said Trustees, to be by him fixed up at all the Turnpikes erected upon the said Road, at least Ten Days previous to any Meeting to be held for such Purpose; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act; but all such Trustees as are Justices of the Peace, may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

In Default of a sufficient Number to act,

Clerk to give Notice of another Meeting.

Trustees to defray their own Expences.

No Act valid unless made at a publick Meeting.

No Order to be made unless a Majority of the Trustees present shall concur therein.

No Order made to be revoked, unless by a greater Number of Trustees than were present at the making thereof.

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

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

Provided always, and be it further enacted by the Authority aforesaid, That Two Trustees shall be sufficient

In case the Clerk neglects to give Notice, Trustees may do it.

cient for the Purpose of Adjournment; and if it shall at any Time happen that no Trustee shall appear at the Time and Place appointed for any of the Meetings of Trustees to be held under this Act, then in case the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall and may be lawful for any Two or more of the Trustees appointed to put this Act in Execution, at any Time or Times (the Space of Six Days after such Refusal, Neglect, or Prevention, of the Clerk or Clerks having first intervened) to appoint such Trustees to meet at some House in or near the said Road, on a certain Day, within Three Weeks after the Date of such Notice, which said Notice shall be in Writing, and shall be affixed on all the Turnpikes erected by virtue of this Act, and the same shall be deemed and taken to be sufficient Notice for any such Meeting.

On Death or Removal of Trustees, others to be chosen.

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, by any Writing or Writings under their Hands, to elect One other Person to be a Trustee, in the Room of such Trustee so dying or refusing to act; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the Trustees, by affixing the same in Writing upon all the Turnpikes upon the said Road, at least Ten Days before every such Meeting; and all Persons so to be chosen are hereby vested with the same Powers for putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

Notice of Election shall be given.

Trustees may erect Turnpikes and Toll-houses,

and take the following Tolls thereat.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or cross, any Part or Parts of the said Road, and also upon the Side or Sides thereof, and cross any Lane or Way leading into or lying near the same; and may also erect, or cause to be erected or provided, a Toll-house at or near each Turnpike, and, from time to time, to remove or alter the said Turnpikes or Toll-houses, or any of them, as they the said Trustees, or any Five or more of them, shall think meet or expedient; and that the Tolls following shall be demanded and taken at every such Turnpike, by such Person or Persons as the said Trustees, or any Five or more of them, shall appoint for

that

that Purpose, before any Cattle or Carriage whatsoever shall be permitted to pass through the same; that is to say,

For every Coach, Berlin, Landau, Chariot, or Chaise, drawn by Six Horses, or other Beasts of Draught, One Shilling; and drawn by Four Horses, or other Beasts of Draught, Eight Pence; and by a lesser Number than Four, Six Pence. The Tolls.

For every Waggon or Wain with Wheels Nine Inches broad, One Shilling.

For every Waggon or Wain with Wheels of a lesser Breadth than Nine Inches, One Shilling and Six Pence.

For every Waggon or Wain with Nine Inch Wheels rolling Sixteen Inches wide, Six Pence.

For every Waggon, Dray, Cart, or Carriage, with Wheels Six Inches broad, Eight Pence.

For every Dray, Cart, or Carriage, with Wheels of less Breadth than Six Inches, drawn by One Horse, or other Beast of Draught, One Shilling.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, One Penny.

For every Drove of Oxen, or Neat Cattle, Six Pence per Score, and so in Proportion.

For every Drove of Hogs, Sheep, or Lambs, Three Pence per Score, and so in Proportion.

Which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll; and the Money so to be raised and collected shall be, and is hereby vested in the said Trustees; and shall be applied, or may be assigned, in such Manner as is herein after mentioned; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, refuse or neglect to pay the same, it shall and may be lawful to and for the Person or Persons appointed to collect such Tolls, to distrain any Horse or Horses, or other Cattle, or any Goods or Carriage upon which such Toll is by this Act imposed, or any of the Goods and Chattles of such Person or Persons who ought to pay the same; and if such Tolls, and the reasonable Charges of such Distress, shall not be paid within the Space of Four Days after such Distress made, the Person or Persons so distraining shall and may sell the Horse or Horses, Cattle, Carriage, Goods, or Chattles, so distrained, returning the Overplus (if any there be) upon Demand, to the Owner or Owners thereof, after such Tolls, and the reasonable Charges occasioned by such Distress and Sale, shall be deducted.

Tolls vested in the Trustees.

Tolls may be levied by Distress.

Distress may be sold after 4 Days.

Provided

Particular Exemptions.

Provided always, and it is hereby further enacted, That if the said Trustees shall think proper to cause any Gate or Gates to be erected in either of the Parishes of Great or Little Abbington, in the County of Cambridge, that it shall and may be lawful for the Inhabitants of both the said Parishes of Great and Little Abbington to pass and repass (with all Manner of Carriages and Cattle whatsoever) through any such Gate or Gates erected in either of the said Parishes, without paying any Toll.

Provided always, and it is hereby further enacted, That if the said Trustees shall think proper to cause any Gate or Gates to be erected in any Parish or Parishes through which the said Road shall pass, that it shall and may be lawful for the Inhabitants of such Parish or Parishes respectively to pass and repass (with their Carriages and Cattle) through any such Gate or Gates erected within their said respective Parish or Parishes, without paying any Toll whatsoever.

No Gate to be erected on the Road leading from *Emanuel College* to *Gogmagog Hills*.

And it is also further enacted, That no Gate shall be erected in the Parish of Hildersham, or Linton.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act shall extend, or be construed to extend, to impower or authorize the Trustees hereby appointed, or to be appointed, to put this Act in Execution, to erect any Gate or Turnpike, or Toll-house, upon any Part of the Road or Causeway leading from Emanuel College to Gogmagog Hills; or to demand or receive any Toll from any Person or Persons travelling with any Horse, Chaise, Chariot, Coach, Cart, Waggon, or other Carriage, along the said Road or Causeway, and not travelling along the Road intended by this Act to be repaired.

Property of Turnpikes, &c. vested in the Trustees.

And be it enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses to be erected and provided by virtue of this Act, and of the Materials provided for building or repairing the same, or of which the same shall respectively consist; and also all Materials which shall be actually cut, digged, got, collected, or gathered, for repairing the said Road, shall be, and are hereby vested in the said Trustees, and they, or any Five or more of them, are hereby impowered to dispose thereof, or of any Part thereof, as they shall think proper; and to bring, or cause to be brought, any Action or Actions, Suit or Suits, in the Names of any Five or more of the said Trustees, or in the Name of their Treasurer or Clerk; or to prefer, or order the preferring, any Bill or Bills of Indictment

against any Person or Persons who shall take, steal, carry away, break down, injure, or spoil, the same, or any Part thereof, or disturb them in the Possession thereof.

Trustees, with Consent of Creditors, may lessen the Tolls,

Provided always, 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, from time to time, assembled at a Meeting or Meetings to be held for that Purpose (with the Consent of the Person or Persons who shall be intitled to Three Fifths or more of the Money which shall have been advanced upon the Credit of the said Tolls) to lessen, vary, or alter, all or any Part of the Tolls hereby granted, and for such Time or Times as they the said Trustees, or any Seven or more of them, shall think proper; and may afterwards, if there shall be Occasion, advance or raise the same again, so as the same do not exceed the Tolls by this Act granted; and such Tolls, so lessened or altered, shall be collected, recovered, and applied, in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied; but no Meeting shall be held for any such Purpose, unless Ten Days previous Notice, at the least, be given thereof in Writing, to be affixed upon all the Gates or Turnpikes which shall be then erected by virtue of this Act.

and raise them again.

Tolls to be paid but Once a Day.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be liable to pay Toll more than Once for passing and repassing at any Time or Times in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) with the same Cattle and Carriage through all or any of the Turnpikes to be erected by virtue of this Act; but that all and every Person and Persons, after having paid Toll as aforesaid, shall, during the Remainder of such Day, pass Toll-free with the same Horses, Cattle, and Carriage, through the Turnpike at which any such Toll was paid, and also through all other Turnpikes across or on the Sides of the said Road, or cross any Lane or Way leading into the same, upon producing a Note or Ticket denoting the Payment of such Toll or Tolls; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis upon Receipt of the Toll.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and they are hereby impowered, from time to time (if they shall think proper) to compound or agree for any Term not exceeding Three Years, with all or any of the Inhabitants of the several Towns, Parishes, Hamlets,

or Places through which the said Road hereby directed to be repaired doth lead, for the passing of their or any of their Cattle or Carriages, not travelling for Hire, through all or any of the said Gates or Turnpikes; which Composition-money shall be paid in Advance, and in Default thereof, the Composition or Agreement with the Person or Persons making such Default, shall from thenceforth be void; and all such Composition-money shall be applied in such Manner as the Tolls are herein directed to be applied.

Trustees may lease the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and are hereby impowered, upon Ten Days Notice in Writing being affixed on the several Turnpikes upon the said Road for that Purpose, to lease or farm by the Year the Tolls by this Act granted, or any Part or Parts thereof, to any Person or Persons, at or for the largest yearly Sums that can be got for the same, provided that such Lettings or Agreements be made in Writing, and signed by the Person or Persons taking or farming the said Tolls, and by the Trustees that lett the same, and be not made for more than Seven Years at a Time; and that the Money that shall be so agreed to be paid for the said Tolls, shall be made payable, and shall be paid to the said Trustees by quarterly Payments; and that the Person or Persons to whom the same shall be so lett, shall always pay down One Quarter's Pay in Advance; and if any Letting or Agreement for letting the said Tolls, or any Part or Parts thereof, shall be made, or any Default shall be made in paying the Money agreed to be paid, contrary to the true Meaning of this Act, then every such Letting and Agreement shall be void, and the Person or Persons to whom the said Tolls shall be lett, shall be liable to account for the same, and to have the same recovered and levied upon and of him and them in the same Manner as is by this Act directed, for the accounting for the said Tolls by the Collectors thereof, and for recovering and levying the same.

Application of Monies.

And be it further enacted by the Authority aforesaid, That out of the First Monies arising by virtue of this Act, the said Trustees, or any Five or more of them, shall, in the First Place, pay and discharge the Expences in and about the passing of this Act, and the Remainder of the Money so raised shall be applied in erecting Turnpikes and Toll-houses, and repairing and widening the said Road, and in other necessary Expences relating thereto, and in putting this Act in effectual Execution,

cution, and to and for no other Use or Purpose whatsoever.

Exemptions from Tolls.

Provided always, and it is hereby further enacted and declared by the Authority aforesaid, That no Tolls shall be demanded or taken for any Cattle or Carriage whatsoever, employed in the Conveyance or Loading of any Furze, Heath, Stones, Gravel, Sand, or other Materials, for the repairing the said Road, or any of the Roads in the Townships, Parishes, Hamlets, or Places, in which the Road hereby intended to be repaired, or any Part thereof, doth lie; or any Dung, Mould, or Compost, of any Nature or Kind whatsoever, for the manuring of Lands or Grounds within the said respective Townships, Parishes, Hamlets, or Places; nor for any Waggon, Cart, or Carriage, carrying any Grass, Hay, Fodder, Straw, or Corn in the Straw, or Wood for Fuel, Lop or Top Wood to be laid up in the Houses, Out-houses, Yards, or other Places, belonging to, or used by the respective Inhabitants, or other Person or Persons, renting, holding, or occupying, any Lands, Meadows, or Grounds, of or in the said several Townships, Parishes, Hamlets, or Places, in which the said Road lieth, for their own private Use and Consumption; nor for any Timber to be used in building in such Townships, Parishes, Hamlets, or Places; nor for any Waggon or other Carriage; nor for any Ploughs, Harrows, or other Implements of Husbandry, in order to the using or repairing the same, or any other Thing whatsoever used or employed in Husbandry, and for manuring, tilling, and stocking of Land, in the said several Townships, Parishes, Hamlets, or Places; nor for any Horses, or other Cattle, going to, or returning from, Water or Pasture, in the said respective Townships, Parishes, Hamlets, or Places; or for any Post Horse or Carriage, carrying any Mail or publick Packet; or for the Horses of any Soldiers that are upon their March; or for the Horses, Waggons, Carts, or Carriages, employed in the drawing or conveying the Arms or Baggage of such Soldiers; or for Horses, Carts, or Carriages, travelling with Vagrants sent by lawful Passes, or returning after having been so employed; nor for any Horse, Mare, Gelding, Mule, Ass, or for any Coach, Chaise, or other Carriage, that shall be going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament, for the Counties of Cambridge and Suffolk, on the Day of such Election, or on the Day before or Day after such Election shall begin or be concluded; any thing herein before contained to the

contrary

contrary notwithstanding: And if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being duly intitled to the same, every such Person shall forfeit and pay the Sum of Forty Shillings; whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the other Penalties and Forfeitures are herein after directed to be applied.

Penalty on forcibly passing through the Gates, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall forcibly or wilfully go or pass with any Horse, Beast, or Carriage, through any or either of the Turnpikes by virtue of this Act to be continued, erected, or set up, without paying the Toll or Tolls by this Act directed to be paid for the same; or shall knowingly or designedly assault, interrupt, or obstruct, any or either of the Collectors or Persons in the collecting or receiving any or either of the said Tolls, or any otherwise, in the Execution of his or their Office or Offices of Collector or Collectors; or shall forge, counterfeit, or alter, or shall deliver to, or receive of, any other Person or Persons, any Ticket or Tickets, with an Intent to avoid the Payment of any or either of the said Tolls, or any Part thereof; or if any Person or Persons shall take off, or cause to be taken off, any Horse or other Beast from any Carriage, or shall unload any Cattle or Carriage, or having passed through any of the said Turnpikes shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of the said Road, so as to increase the Number of Horses or other Beasts drawing the said Carriage, after the same shall have passed through any of the said Turnpikes, with Intent to evade, or having thereby evaded, the Payment of any or either of the said Tolls, or any Part thereof; or if any Person or Persons shall go or pass with any Horse, Beast, or Carriage, through or over any Land, Ground, or Place, lying by the Side of or near to the said Road, the same not being a Publick Highway; or if any Person or Persons owning or occupying any Land, Ground, or other Place, not being a Publick Highway, shall knowingly and willingly permit or suffer any other Person or Persons to go or pass with any Horse, Beast, or Carriage, through or over such Land, Ground, or Place, in order, or with Intent, that the Payment of the said Tolls, or either of them, or any Part thereof, should be avoided; such Person, and every of them, so offending, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, over and besides such Damages

or on giving or receiving Tickets, &c.

or taking off Horses, &c.

or going thro' private Passage, to avoid Payment of the Tolls.

and Punishments as they, and every of them respectively, shall be liable to by Law: And it shall and may be lawful for the said Collectors, and for every of them, and all other Persons by them required to assist in that Respect, to seize and take any Horse or Horses, Beast or Beasts, or Goods, belonging to or in the Possession, or under the Care, of any Person or Persons so offending in the Premisses; and the same to take before any Justice of the Peace of the County or Place where such Offence or Offences shall be committed, and before him to make Complaint of such Offence or Offences; and such Justice may and is hereby required to examine the Nature of the Offence or Offences so complained of, and by the Confession of the Party or Parties complained of, or upon the Oath or Oaths of One or more Witness or Witnesses, if the said Justice shall see Cause, to convict the Party or Parties complained of, if he, she, or they, shall or shall not appear before him in the respective Penalties aforesaid; and for Non-payment thereof, and of the Tolls that shall be due, though the same shall not be demanded, by Warrant under his Hand and Seal, to cause the said Horse or Horses, Beast or Beasts, or Goods, to be sold for Payment of the said Tolls and Penalties, and the Charges of taking and keeping the same, and of such Sale or Sales; and after Payment thereof, to render the Overplus of the Money arising by such Sale or Sales, (if any there shall be, and be demanded) to the Owner or Owners of the said Horse or Horses, Beast or Beasts, or Goods, or to the Person or Persons under whose Care, or in whose Possession they respectively was or were, when so seized and taken as aforesaid; and if no such Seizure as aforesaid can or shall be made, then the aforesaid Penalties, Forfeitures, and Tolls, shall be recovered and levied by such Means and in such Manner as are herein after mentioned and provided, for the recovering and levying of the Penalties and Forfeitures imposed by this Act.

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, to mortage or assign over the Tolls arising by virtue of this Act, or any Part of such Tolls (the Costs and Charges of mortgaging and assigning the same, to be paid out of the said Tolls respectively) for any Time or Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed by the said Trustees, or any Seven or

more of them, to such Person or Persons, his, her, or their Trustee or Trustees, who shall advance and lend the same, to secure the Payment thereof with Interest for the same; and the Dates and Contents of all such Mortgages and Assignments, shall be entered in a Book or Books to be kept for that Purpose by the Treasurer or Clerk to the said Trustees; but no Money shall be borrowed upon the Credit of any of the said Tolls, after the First Meeting of the said Trustees, unless Notice in Writing be for that Purpose fixed upon all the said Gates or Turnpikes, at least Ten Days before the borrowing of such Money; and all and every Person or Persons, to whom any such Mortgage or Assignment shall be made as aforesaid, is and are hereby impowered, from time to time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security or Securities, or by any other Writing or Writings, to be executed under his, her, or their Hand and Seal, or Hands and Seals, in the Presence of Two or more credible Witnesses, to transfer or assign over such Security or Securities, and all the Monies, both Principal and Interest, that shall be due thereon, to any Person or Persons whomsoever; all which Assignments or Transfers, shall be produced and notified to the said Treasurer or Clerk, who shall cause an Entry to be made thereof, containing the Dates, Names of the Parties, and Sums of Money, therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the Original Mortgages or Assignments, for which such Treasurer or Clerk shall be paid the Sum of One Shilling, and no more; and which said Book and Books, shall and may, at all reasonable Times, be perused and inspected without Fee or Reward; and after such Entry made, such Assignment or Transfer shall intitle such Assignee or Assignees, his, her, and their Executors and Administrators, to the Benefit thereof and Payment thereon; and such Assignee or Assignees may, in like Manner, assign or transfer again, and so toties quoties; and it shall not be in the Power of any Person or Persons, who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Interest or Money due thereon.

Notice to be given of borrowing Money.

Assignments may be transferred.

Entries to be made of all Assignments.

Clerk's Fee.

All Creditors to be deemed equal in Degree.

And be it further enacted by the Authority aforesaid, That no Preference shall be given to any Person or Persons, advancing or lending any Sum or Sums of Money upon the Credit of the said Tolls, or any Part thereof, to be collected upon the said Road, in respect to the Priority of advancing or lending such Sum or Sums;

but that all Persons, to whom such Mortgages or Assignments shall be made as aforesaid, shall in Proportion to the Sum or Sums therein mentioned, be Creditors in equal Degree One with another.

Trustees may appoint Officers,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and are hereby impowered, by Writing under their Hands, to appoint One or more Collector or Collectors of the said Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, and One or more Surveyor or Surveyors of the said Road, and such other Officers, as they the said Trustees, or any Seven or more of them, shall think necessary, and take such Securities for the due Execution of their several and respective Offices, as the said Trustees, or any Seven or more of them, shall in their Discretion think fit; and such Collectors, Clerks, Treasurers, Surveyors, and other Officers, or any of them, from time to time, to remove or displace, and appoint others in the Room of such of them as shall be so removed, or shall resign, or shall die; and may, and are hereby impowered, by and out of the Money arising by the said Tolls, to allow and pay to such Collectors, Clerks, Treasurers, Surveyors, and other Officers, and to such other Persons and Persons as shall be aiding or assisting them, or any of them, in their respective Offices or Places, or in or about the repairing or widening the said Road, or any Part thereof, such Salaries, Rewards, and Allowances, for their respective Attendance, Care, and Service, in those Respects, as to the said Trustees, or any Seven or more of them, shall seem reasonable; but no Person shall be capable of holding any Place of Profit under this Act, who shall sell Wine, Cyder, Ale, Beer, or Spirituous Liquors, by Retail; and all such Officers and Persons shall, from time to time, when thereunto required by the said Trustees, or any Five or more of them, deliver to such Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall for that Purpose appoint, true and perfect Account or Accounts in Writing, under their respective Hands, upon Oath, (which Oath such Trustees, or any Two or more of them, are hereby impowered to administer) of all Monies which shall have been by them respectively had, collected, or received, and how, and to whom, and for what Purposes, such Monies and every Part thereof, hath or have been disposed of or applied, together with proper Vouchers and Receipts of such Payments; and shall and are hereby respectively required to pay all such Monies

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Victuallers, &c. not to hold Places of Profit.

Officers to account upon Oath.

and.

nies as, upon the Balance of such Account or Accounts, shall appear to be in their several and respective Hands, 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 appoint to receive the same; and if any of the Officers or Persons being required so to do, shall refuse or neglect to render and give such Account or Accounts as aforesaid, or shall refuse or neglect to produce and deliver up the Receipts and Vouchers relating to the same, or to verify the Articles thereof upon his or their Oath or Oaths, or shall refuse or neglect to pay such Monies as, upon the Balance of any Account or Accounts, shall appear to be in his or their respective Hands, in Manner as aforesaid; or if any such Officers or Persons shall refuse or neglect to deliver up 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 appoint, within Ten Days after being thereunto required by the said Trustees, or any Five or more of them, all the Books, Papers, and Writings, in his or their respective Custody or Power, relating to the Execution of this Act; then, and in either of the Cases aforesaid, such Trustees, or any Five or more of them, may, and are hereby authorized and impowered, to bring, or cause any Action or Actions to be brought, in the Names of such Trustees, or in the Name or Names of any One or more of them, against the Officer or Officers, Person or Persons, so refusing or neglecting as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons, respectively; or if Complaint shall be made of any such Refusal or Neglect as aforesaid, to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons, so neglecting or refusing, shall live and reside; such Justice may, and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him, and upon his or their appearing, or not being to be found, to hear and determine the Matters of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the Trustees, or any Five or more of them, by virtue of this Act, might have done; and if upon the Confession of the Officer or Officers, Person or Persons, against whom such Complaint or Complaints shall be made, or by the Oath or Oaths of One or more Witness or Witnesses (and which said Oath or Oaths, such

Officers refusing to account,

may be fined;

or if Complaint be made to Justices,

they may summon Offender, and determine the Matter.

Justice

Justice is hereby impowered to administer) it shall appear to such Justice, that any of the Monies which shall have been collected and received by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons; such Justice may, and is hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods of such Officer or Officers, Person or Persons, respectively: And if no Goods of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of levying and raising the same; or if such Officer or Officers, Person or Persons, shall not appear before the said Justice at the Time and Place by him appointed for that Purpose, upon Notice thereof in Writing, delivered to such Officer or Officers, Person or Persons, or left at their last Place or Places of Abode respectively; or, if appearing, shall refuse or neglect to give or deliver to the said Justice such Account or Accounts of the Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, and of the Items and Articles thereof, upon Oath as aforesaid, or to produce or deliver up to the said Justice the several Receipts and Vouchers relating to such Accounts respectively, and to the Items and Articles thereof; then, and in either of the Cases aforesaid, the said Justice may, and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cause such Officer or Officers, Person or Persons, to be committed to the Common Gaol of the County where such Officer or Officers, Person or Persons, shall live and reside, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his or their respective Accounts, and verified the Items thereof upon Oath, and shall have produced and delivered up the Receipts and Vouchers relating to such Accounts respectively, and shall have paid all the Money which shall appear to be in their respective Hands, and the reasonable Charges of such Distress and Sale as shall, in those Respects, have been made, or shall have compounded with such Trustees, or any Five or more of them, for the same, and paid the Money which shall be thereby stipulated to them to be paid, (which said Compositions of the Monies the said Trustees, or any Five or more of them, are hereby authorized and impowered to make and receive) or until he or they shall deliver up such Books, Papers, and Writ-

Balance may be levied by Distress and Sale.

For want of Distress, the Offenders to be committed,

until Payment or Composition made.

ings, as aforesaid, or give Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

Trustees may appoint Collectors, tho' not at a publick Meeting.

Provided nevertheless, That as often as any Collector of any of the said Tolls shall die, or be incapable of performing his Duty, it shall and may be lawful for any Three or more of the said Trustees, (though not assembled at a Meeting pursuant to this Act) by Writing under their Hands, to appoint any other Person to receive or collect such Tolls; and the Person so appointed shall have the same Power and Authority for Recovery of the said Tolls as the Person he shall succeed was vested with, until the Trustees, or any Seven or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Receiver or Collector of such Tolls.

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

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Surveyor or Surveyors appointed by virtue of this Act, or any Person or Persons who shall, by the said Trustees, or any Five or more of them, or by the said Surveyor or Surveyors, to be employed for that Purpose, from time to time, to cut, dig, gather, take, lead, and carry away, any Gravel, Chalk, Furze, Heath, Sand, Stones, or other Materials proper for repairing the said Road, in, upon, or out of, or from, any Waste or Common Grounds, River, or Brook, in any Town, Parish, Hamlet, or Place, through which the said Road leads; or in, or upon, or out of, or from, the Waste Grounds, or Commons, River, or Brook, of any other Town, Hamlet, Parish, or Place, near to the said Road, to be used and applied in repairing and widening the said Road, without paying any thing for the same; such Surveyor or Surveyors, or other Person or Persons, filling up the Pits, and levelling the Ground, from which such Materials shall be taken, or causing the same to be done, or otherwise sufficiently fenced in and secured; and where there is not sufficient of such Materials to be had or found in or upon any such Waste or Common Grounds, Rivers, or Brooks, then, and in such Case, to cut, dig, gather, take, lead, and carry away, any Quantity or Quantities of Furze, Heath, Ling, Stones, Gravel, Sand, or other Materials, proper and sufficient for that Purpose, in, upon, or out of, or from, the Lands or Grounds of any Person or Persons where the same may be had or found, such Lands or Grounds not being a Yard, Garden, Orchard, Park, planted Walk or Walks of Trees, or Avenue to a House; they the said Surveyors, or other Person or Persons by them employed as aforesaid, or some or One of them, having an

without paying for the same.

levelling the Pits, &c.

If sufficient Materials cannot be there found, they may take them from private Grounds.

Other

Order from the said Trustees, or any Five or more of them, for so doing, and paying, or offering to pay, to the respective Owner or Owners, Occupier or Occupiers, of such Lands or Grounds, such Damages for the Materials, and for carrying the same over his, her, or their respective Lands or Grounds, as the said Trustees, or any Five or more of them, shall adjudge and think reasonable: And in case of any Differences between the said Trustees, Surveyors, or other Persons by them employed as aforesaid, and the said Owners and Occupiers, or any other of them, concerning the said Damages; the Justices of the Peace, or the major Part of them, assembled at the next General Quarter Sessions of the Peace, to be holden for the County where the Difference shall arise, shall and may, and they are hereby impowered and required (on Eight Days Notice thereof to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Place or Places of Abode, with some or One of their respective Families) to hear, settle, and determine, the Matter of the said Damages, whose Judgement or Order therein shall be final and conclusive to all Parties.

making Satisfaction to the Owners.

Justices to determine Differences.

Provided also, and be it enacted, That if any Owner or Occupier of any Grounds or Soil, or any Person whatsoever, shall take and carry away any Materials whatsoever which shall have been cut, got, digged, or gathered, in any Lands, Fields, Wastes or Grounds, River or Brook, for the Use or Purpose of repairing the said Road; or shall get or take away any Materials out of any Pit or Quarry which shall have been made or used for the Purpose of getting such Materials, before the said Surveyor or Surveyors, or his or their Workmen, shall have discontinued working therein by the Space of Six Calendar Months (except the Owner or Occupier of any private Ground for his own private Use, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale) every Person so offending shall forfeit and pay, for every such Offence, the Sum of Forty Shillings.

Penalty on taking away Materials got by the Surveyors.

And be it further enacted by the Authority aforesaid, That if the said Trustees, or any Seven or more of them, shall think it necessary to widen or alter any Part or Parts of the Road by this Act intended to be repaired, or to turn or lead any Part or Parts thereof another Way, or any other Ways; then it shall and may be lawful for the said

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

said Trustees, or any Seven or more of them, from time to time, to contract with any Person or Persons for the Purchase or Exchange of any Lands or Hereditaments lying by the Side or Sides of, or near to, any Part or Parts of the said Road, or that shall be proper or convenient for widening, turning, or altering, any Part or Parts of the said Road (provided that such Part or Parts of the said Road as shall be so widened, turned, or altered, be not thereby made wider than the Breadth of Forty Feet, including the Ditches) and to pay for the same Lands and Hereditaments, by and out of the Tolls and other Monies to be raised by virtue of this Act: And all Bodies Politick and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees, for or on Behalf of Infants, Femes Covert, or Cestuique Trusts, and all other Persons whomsoever, may and shall contract and agree with the said Trustees by this Act appointed, or to be appointed, or any Seven or more of them, for the absolute Sale or Exchange of such Lands and Hereditaments, and of their respective Estates and Interests therein, and may and shall convey such Lands and Hereditaments to the said Trustees, or any Seven or more of them, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances, that shall be so made as aforesaid, shall be valid and binding against and to all Persons, and to all Intents and Purposes whatsoever.

Bodies Politick, &c. may treat for the Sale of such Lands.

And be it further enacted by the Authority aforesaid, That if any Body Politick or Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Trustee, or other Person or Persons whatsoever intitled to, or interested in, any Lands or Hereditaments, which the Trustees appointed, or to be appointed, by virtue of this Act, or any Seven or more of them, shall think necessary to be purchased for the widening, turning, or altering, any Part of the said Road, shall, upon Application to them, or any or either of them, for that Purpose made, refuse or neglect to treat with such Trustees for the Sale of such Lands or Hereditaments, or if, by reason of their or any of their Absence, or distant Residence from the Lands or Hereditaments intended to be purchased, he or they cannot conveniently be applied to, or treated with, for that Purpose, or, if treating, he or they shall not agree with the said Trustees for the Prices of such Lands or Hereditaments; then, and in either of such Cases, the said Trustees, or any Five or more of them, may, and are hereby impowered, by a Warrant or Warrants, Precept or

Persons neglecting to treat, &c.

or Precepts, under their Hands and Seals, to command the Sheriff of the County wherein such Lands or Hereditaments do lie, or his Deputy, to impanel, summon, and return, a Jury of Twenty four honest and disinterested Men of the said County to be and appear before the said Trustees, at a certain Time and Place to be specified in the said Warrant or Warrants, Precept or Precepts, the said Time being at least Twenty clear Days next after the Date and Delivery of the said Warrant or Warrants, Precept or Precepts respectively, to the said Sheriff, or his Deputy, then and there to assess and ascertain the Prices and Value of the Lands and Hereditaments intended or necessary to be purchased; and the said Sheriff, or his Deputy, is hereby required to impanel, summon, and return, the said Jury accordingly, giving to each Juryman at least Eight clear Days Notice of the Time and Place of his Attendance; and the said Jurymen are hereby required to attend accordingly: And the said Trustees, or any Five or more of them, having caused Fourteen clear Days Notice in Writing under their Hands, to be given to the Person or Persons intitled to the said Lands or Hereditaments intended to be purchased, or to be left at their last or usual Place or Places of Abode, or at the Place or Places of Abode of the respective Tenant or Tenants in Possession of such Lands or Hereditaments, thereby setting forth the Nature, Situation, and Quantities, of such Lands or Hereditaments, and the Time when, and Place where, the said Jury are to meet to assess and ascertain the Value thereof; they the said Trustees, or any Five or more of them, may proceed to enquire by Twelve of the said Jurors, on their Oaths, of the Value of such Lands and Hereditaments; and in Default of a sufficient Number of Jurors, the Sheriff, or his Deputy, shall return other like Persons of the By-standers, or that may be conveniently had for the Service; and to which Jurors all Parties interested shall have their lawful Challenges: And the said Trustees, or any Five or more of them, having given the Nature of the Enquiry in Charge to the said Jury that shall be sworn, may, and are hereby impowered, to send for, summon, and examine, all proper Persons on their Oaths, concerning the Natures and Values of the said Lands and Hereditaments; and if needful or required, to cause the Jury sworn to view the said Lands or Hereditaments, and to take such other Measures to inform themselves, and the Jury sworn, concerning the Natures and Values of the said Lands and Hereditaments, as they shall think proper; and the said Jury, being

Trustees may issue their Warrant to summon and impanel a Jury.

Jury to settle Damages and Recompence.

Jurors may be challenged.

Witnesses may be examined on Oath.

so informed, shall by their Verdict assess and ascertain the Value of the respective Lands and Hereditaments that shall have been given them in Charge to enquire of; and the said Trustees, or such Five or more of them as shall be present at the taking of such Inquest, shall thereupon adjudge the Sums of Money assessed by the said Juries as the Values of the said Lands or Hereditaments, to be paid to the Person or Persons intitled to the same Lands or Hereditaments; and such Findings of the Juries, and Judgements of the said Trustees, shall be finally binding and conclusive to all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate and Sole, Infants, Feme Covert, and other Persons whomsoever any wise interested, or to be interested, in the said Lands and Hereditaments, or any Part thereof: And if any such Sheriff, or his Deputy, shall refuse or neglect duly to obey any Warrant or Precept of the said Trustees, or to do any Act or Matter of his Office relating to the Premisses, or if any Juryman, so summoned as aforesaid, shall not appear, or appearing, shall refuse to be sworn, or if sworn, shall not find his Verdict concerning the Matters that shall be given him in Charge, or if any Witness being sent for, or summoned to appear and give Evidence to the said Trustees and Juries, shall not appear, or if appearing, shall refuse to be sworn, and thereupon to give his Evidence concerning the Matters aforesaid; every such Sheriff, Deputy, Juryman, and Witness, shall, for every such Refusal, Neglect, or Offence, forfeit the Sum of Ten Pounds.

Conveyances, &c. to be entered in a Book.

And be it further enacted by the Authority aforesaid, That all Conveyances of Lands and Hereditaments, that shall be purchased by virtue of this Act, and Memorials of all the Verdicts of the Juries, and Judgements of the Trustees, concerning the Value of Lands and Hereditaments that shall be ascertained by Juries, shall be entered in some Book or Books of the said Trustees, and shall be inrolled with the Clerk of the Peace of the County where the same shall lie: And that after the Execution of such Conveyances, and giving such Judgements of the said Trustees, and after Payment or Tender of the Consideration Monies mentioned in such Conveyances, or of the Monies assessed and adjudged to be the Values of any Lands, the Values whereof shall be assessed or ascertained by any Jury or Juries, to the Person or Persons intitled to the same; or in case of Want of Opportunity to tender, or of Refusal to accept the said Monies when tendered, then, on leaving the same with the said Clerk of the Peace, or his Deputy,

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

perty, for the Use or Uses of the Person or Persons intitled thereto, it shall be lawful for the said Trustees to enter upon the said Lands and Hereditaments, and the same to add or turn into a Highway; and the said Lands and Hereditaments shall, from thenceforth for ever afterwards, be deemed, taken, and used, as a Public Highway or Public Highways, and shall be repaired, and kept in Repair, in the same Manner, and by the same Means and Powers, as the Road by this Act intended to be repaired is hereby directed so to be; and after any such New Road shall be compleated, the Lands constituting the former Road, unless the same leads to some Village, Town, or Place, or private Lands, to which such New Road doth not lead or communicate, shall be and are hereby vested in, and may be exchanged or sold, and conveyed by, the said Trustees, 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 in such Manner as the Tolls, to be taken by virtue of this Act, are hereby directed to be applied.

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

and deemed a public Highway.

Old Road may be sold.

Provided always, and it is hereby further enacted and declared by the Authority aforesaid, That the Powers and Authorities given to the said Trustees as aforesaid, shall not extend to the pulling down any Dwelling-house or other Building, or taking in the Scite of any House or other Building, or to take in any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, which have or hath been planted Six Months before the passing of this Act; any thing herein contained to the contrary notwithstanding.

Buildings, &c. not to be injured.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person and Persons as he or they shall employ or appoint, from time to time, such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them, to remove and prevent all Annoyances on any Part of the said Road, by Filth, Dung, Timber, Wood, Rubbish, or otherwise; and to turn, alter, scour, or cleanse, any Watercourses, Sinks, Ditches, or Drains, running into, along, cross, or out of, the said Road, and to make the same as deep and large as he or they shall think proper and necessary; and to cut down, lop, or top, any Tree or Trees, or Bushes, growing in or near to the said Road, or in the Hedges or Banks adjacent thereto, and to take, remove, and carry away, the same, in case the Owners or Occupiers of the Premisses shall neglect to remove the same, or to

Surveyors may remove Annoyances, &c.

and cut down Trees;

the Owners neglecting to remove the same after Notice;

cut

cut down, lop, or top, or carry away, such Tree or Trees, or Bushes, as aforesaid, or to turn, open, scour, or cleanse, such Watercourses, Sinks, Ditches, or Drains, or remove such other Annoyances, for the Space of Twenty Days next after Notice given for that Purpose by the said Surveyor or Surveyors; the Charges whereof (to be settled by the said Trustees, or any Five or more of them) shall be reimbursed to the said Surveyor or Surveyors, by such respective Owners or Occupiers, the same to be recovered in such Manner as the Penalties and Forfeitures are herein after directed to be recovered; and if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Kind, every such Person shall, for every such Second Offence, forfeit and pay the Sum of Twenty Shillings.

Justices to ascertain Differences

the Charges to be reimburied the Surveyor.

Penalty of a Second Offence.

Surveyors may make Causeways,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors (by Order of the said Trustees, or any Five or more of them) to make, or cause to be made, Causeways and Drains in and upon the said Road; and also to cut and make Ditches or Drains through any Lands or Grounds lying contiguous thereto, and to erect and keep in Repair Bridges or Arches of Brick, Timber, or Stone, upon the said Road, or enlarge any Bridges or Arches already made; and also to cause Ditches or Trenches to be made in such Places and in such Manner as the said Surveyor or Surveyors shall think necessary for the better amending and keeping the said Road in good Repair and Condition; and also to make, or cause to be made, a Road or Way through, over, and along the Lands or Grounds adjoining on any narrow, ruinous, or incommodious, Part or Parts of the said Road hereby intended to be repaired, (not being a Yard, Garden, Park, planted Walk or Walks, or Avenue to a House, which have or hath been planted Six Months before the passing of this Act) to be made use of by all Passengers with Cattle, Carriages, or otherwise, as a public Highway or Road, whilst the Old Road is repairing, altering, or widening, and till such Time as it shall be convenient and safe for Passengers and Carriages to pass along the same; making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds respectively which shall be so laid in or unto the said Road, or through which any such Drain or Drains shall be cut, or through which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may sustain;

erect Bridges,

and make a temporary Road;

making Satisfaction to the Owners.

as

as shall be adjudged reasonable by the said Trustees, or any Five or more of them: And in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees; that then it shall and may be lawful for the Justices of the Peace, or the major Part of them, assembled at the next General Quarter Sessions of the Peace to be holden for the County, Division, or Place, wherein such Lands or Grounds shall lie, and they are hereby impowered and required to hear, settle, and finally determine, what Recompence shall be made to such Owners or Occupiers for the respective Damages sustained as aforesaid, whose Judgement or Order therein shall be conclusive to all Parties concerned.

Justices to determine Differences.

Provided nevertheless, and it is hereby enacted and declared, That all and every Person and Persons, who are any ways liable or chargeable towards repairing, supporting, and amending, the said Road, or any Part or Parts thereof, or any Bridges or Arches upon or across the same, shall still remain and be liable and chargeable to such Repairs, in such and the same Manner, as before the passing of this Act they were liable and chargeable.

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

And, for preventing any Differences which may arise between the said Trustees, and such Surveyors of the Highways, as shall be appointed for the several Parishes or Places through which the said Road leads, touching what Proportion of the Statute-work, for any Parish or Place ought to be done on the Road by this Act directed to be repaired, lying in any such Parish or Place respectively; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Two or more of the Justices of the Peace of the Counties of Suffolk and Cambridge, within their respective Jurisdictions, 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 said Road, by the Inhabitants of each or any of the Parishes, Townships, Hamlets, or Places, in which the said Road hereby directed to be repaired doth lie.

Justices to determine Differences relating to Statute-work.

And to the end that the Statute-work to be done on the said Road, may be duly performed, be it enacted by the Authority aforesaid, That the several and respective Surveyors of the Highways, for the time being, of the several and respective Townships and Districts within which the said Road lies, shall yearly and every Year, during the Continuance of this Act, within Fourteen

Surveyors of the Highways to deliver in Lists of Persons liable to do Statute-work.

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 any Five or more of the said Trustees, summon or give publick Notice to all and every Person or Persons chargeable as aforesaid, to do and perform such Part of their Statute-work as shall be appointed to be done by them as aforesaid, on the said Road directed to be repaired by this Act; and all and every such Person and Persons, to whom such Notice shall be given, shall, on the said Days so appointed by such Notice, give their Attendance, and take Care that all and every Person and Persons so chargeable as aforesaid, do and perform such Work according to such Appointment, and on such Parts of the said Road within their respective Townships and Districts, as the said Trustees, or any Five or more of them, shall direct; and such Surveyor or Surveyors, for such respective Townships and Districts, shall, within Ten Days after Demand in Writing given to or 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 shall appoint, a true List, according to the best of his or their Knowledge, upon Oath, if thereunto required by the said Trustees, (which Oath any such Justice of the Peace is hereby impowered to administer) of all and every Person or Persons, in their several and respective Townships and Districts, who have neglected to do and perform such Part of their Statute-work as aforesaid, and which he or they is or are respectively chargeable with; and if any such Surveyor or Surveyors, of such Township or District, 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, shall, after Summons or publick Notice as aforesaid, neglect or refuse to send their respective Teams or Draughts, to do and perform such Part of their said Statute-work as shall be determined and appointed to be done on the said Road, leading through their several and respective Townships and Districts as aforesaid, he, she, or they, so neglecting or refusing as aforesaid, 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, shall at any Time neglect or refuse (after such

Inhabitants to do Statute-work.

Penalty on Surveyors neglecting to deliver Lists;

and on Persons not performing Statute-work.

Labourers found idle, to be turned off.

such Summons or publick Notice as aforesaid) to do and perform such Part of their Statute-work as shall be appointed to be done as aforesaid, on the said Road, he, she, or they, shall respectively forfeit and pay the Sum of One Shilling, for each of the said Days such Labourer, or other Person or Persons, shall so make Default, and all such Penalties shall and may be levied by Distress and Sale of the Goods and Chattles of the Person or Persons by whom the same shall be respectively forfeited, by Warrant under the Hand and Seal of One Justice of the Peace within whose Jurisdiction such Part of the said Road shall lie, in respect whereof such Penalties shall or may be forfeited as aforesaid respectively.

Trustees may compound for Statute-work.

Provided also, and be it enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, or the Surveyor, or Surveyors by them appointed, to compound or agree, for any Term not exceeding One Year, with the Owners, Possessors, or Occupiers, of Lands, Grounds, Tenements, or Hereditaments, which are or shall be liable to or chargeable with the Repair of any Part or Parts of the said Road, or with any Person or Persons for the Performance of his, her, or their Statute-work thereon; and also that it shall and may be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, Hamlets, or Places, or such Churchwardens or Overseers of the Poor respectively as aforesaid (by and with the Consent of the Majority of the Inhabitants of such Townships, Parishes, Hamlets, or Places, first had at any Vestry or other publick Meeting of such Inhabitants respectively) to compound or agree, for any Term not exceeding Three Years, with the said Trustees, or any Five or more of them, or with the Surveyor or Surveyors appointed by virtue of this Act, for and in lieu of the Statute-work to be performed by such respective Inhabitants or Persons upon the said Road; all which Composition-money shall, from time to time, be paid in Advance into the Hands of the Treasurer or Clerk, and shall be applied in repair of the said Road lying in such respective Township, Parish, Hamlet, or Place; and all such Surveyors, Churchwardens, or Overseers of the Poor, shall be reimbursed the Money so by them respectively paid, in such Manner, and by such Ways and Means, as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them respectively expended in repairing the Highways.

Surveyors, with Consent of Inhabitants, may compound for Statute-work.

Surveyors paying the Composition-money, how to be reimburs'd.

And

Road to be measured, and Mile-stones erected.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby impowered and required, to cause the said Road to be measured, and Mile-stones or Posts to be fixed or set up on the Sides thereof, with Inscriptions thereon, denoting the Number of Miles and Distance of Places, as they, or any Five or more of them, shall think fit; and that if any Person or Persons shall wilfully or designedly break or pull down, dig up, injure, or destroy, any of the Stones or Posts that shall be so fixed or set up, or craze, obliterate, or deface, any of the Inscriptions or Letters which shall be engraved or made thereon, or any Part thereof, or cause, or procure, or encourage, any Person or Persons to do the same; every such Person so offending shall, for every such Offence, forfeit and pay the Sum of Forty Shillings for each and every Stone or Post so wilfully or designedly broken, obliterated, defaced, injured, or pulled down; to be levied and recovered by Distress and Sale of the Goods and Chattles of such Offender or Offenders, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County where the Offence shall be committed; One Moiety of which Penalty shall go to the Informer, and the other Moiety thereof shall be laid out and applied in repairing the Stones or Posts so broken, pulled down, obliterated, defaced, or injured, or in supplying new ones in their Stead, and if there shall be any Overplus, the same shall be laid out and applied in repairing the said Road; and in case the said Penalty shall not be forthwith paid upon Conviction of the Offender or Offenders, that then it shall and may be lawful for the said Justice or Justices, before whom such Offender or Offenders shall have been convicted as aforesaid, or for any other Justice or Justices of the Peace for the said County, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender or Offenders to the House of Correction, there to remain without Bail or Mainprize, for any Time not exceeding One Calendar Month, or until such Penalty or Penalties shall be paid or such Conviction or Convictions as aforesaid.

Penalty on defacing Mile-stones, &c.

to be levied by Distress and Sale.

Penalty on drawing Timber otherwise than upon Wheel Carriages.

And be it further enacted, That if any Person or Persons, during the Continuance of this Act, shall hale or draw, or cause to be haled or drawn, upon any Part of the said Road, any Tree or Trees, Piece or Pieces of Timber, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber, which shall be conveyed upon Wheel Carriages, to drag or trail

upon

upon any Part of the said Road, to the Prejudice of such Road, or draw any Plough upon or across the said Road, or any Part thereof, whereby the said Road, or any Part thereof, shall or may be prejudiced; every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Penalty on obstructing Officers in their Duty.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, at any Time or Times, during the Continuance of this Act, assault, interrupt, hinder, or disturb, or cause or attempt to be assaulted, interrupted, hindered, or disturbed, any Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, or other Officer or Officers, appointed by virtue of this Act, or any of them, in the Execution of his or their respective Offices, Duties, or Places, or any other Person or Persons by them, or any of them, or by the said Trustees, or any Five or more of them, employed in the Execution of this Act, or employed in the cutting, digging, taking, or carrying away, of any Furze, Heath, Ling, Stones, Gravel, Sand, or other Materials, for the repairing or widening the said Road, or any Part thereof, or in topping, lopping, cutting down, or removing, any Tree or Trees, or Bushes, as aforesaid, or in digging, cleansing, or scouring, of any Ditch, Drain, Sink, or Watercourse, or in plashing or cutting any Hedge or Hedges, or in doing any other Act, Matter, or Thing whatsoever, in or upon, or for the repairing, widening, or altering, the said Road, or any Part thereof, or otherwise in or for the Execution of the Powers and Authorities hereby given, or any of them; every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Penalties and Forfeitures how to be recovered.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures herein or hereby inflicted (the Manner of Recovery and Levying whereof is not herein or hereby otherwise particularly prescribed or directed) shall, upon Proof of the Offence or Offences respectively, before any Justice or Justices of the Peace for the County where the Offence shall be committed, either by the Confession of the Party or Parties, or by the Oath or Oaths of One or more Witness or Witnesses, be levied and recovered of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of such Justice or Justices, which Warrant or Warrants any such Justice or Justices is and are hereby authorized and required to grant for those respective Purposes; and to administer such Oath and Oaths gratis, and the Over-

Overplus Money to be returned to the Owner.

plus remaining, after such Penalties and Forfeitures are recovered, and the Charges of such Distress and Sale are deducted and paid, shall be returned on Demand to the Owner or Owners of such Goods and Chatties; which said Penalties and Forfeitures so levied as aforesaid or otherwise paid, and every Part thereof (if not otherwise directed to be applied by this Act) shall from time to time be paid to the said Trustees, or any Five or more of them, or to the Treasurer or Treasurers, Clerk or Clerks for the time being, and shall be applied and laid out in the Repair of the said Road; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall and may be lawful for any such Justice or Justices, and he or they are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be committed to the County Goal, there to remain without Bail or Mainprize, for any Time not exceeding Three Months for the First Offence, or until such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied; and for the Second Offence, and any other Offence of the same Kind or Nature, for any Time not exceeding Six Months, or less than Three Months, or until such Penalties and Forfeitures, and all reasonable Charges, shall be fully paid and satisfied.

Persons aggrieved may appeal to the Quarter Sessions.

Provided nevertheless, That if any Person or Persons shall think him, her, or themselves aggrieved by any Matter or Thing done by virtue or in pursuance of this Act, and for which no particular Method of Relief hath been already prescribed or appointed, such Person or Persons may, within the Space of Four Months after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the County, Division, or Place, wherein the Offence was committed (he, she, or they, causing Eight intire Days Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given to the Clerk or Treasurer for the time being of the said Trustees, or to some or One of the Receivers or Collectors of the said Tolls, or Surveyors of the said Road; and, within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace for such County, Division, or Place, with sufficient Sureties, conditioned to try such Appeal at, and abide the Order and Judgement of, and pay such Costs as shall be awarded by such Justices at such Quarter

Notice of Appeal to be given.

Recognizance to be entered into.

Sessions) which said Justices at their said Sessions, or the major Part of them, upon due Proof of such Notice being given, and of entering into such Recognizances as aforesaid, shall, and are hereby directed to proceed in, hear, and determine, the Causes and Matters of such Appeals, and every of them, and shall give such Relief and Costs to the Parties appealing, or appealed against, as they, or the major Part of them, in their Discretion shall judge proper and reasonable; and their Judgements and Orders therein shall be final and conclusive to all Parties concerned.

Commencement and Continuance of this Act.

And be it enacted by the Authority aforesaid, That this present Act, and the several Tolls, Authorities, and Powers herein and hereby made payable and given, shall commence and have Continuance from the Time of the passing of this Act, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Proceedings to be entered in a Book.

And be it further enacted, That all Orders and Proceedings of the said Trustees in the Execution of the Powers and Authorities hereby to them given, relating to the said Road, shall, from time to time, be entered in a Book or Books to be kept for those Purposes; and such Orders and Proceedings so entered, shall be signed by the Clerk or Clerks to the said Trustees; and such Orders shall be taken and deemed to be Original Orders; and which said Book or Books, and also the Book or Books directed to be kept for the registering of the said Mortgages, Assignments, and Transfers, shall and may be produced and read in Evidence in all Courts whatsoever.

Writings to be without Stamps.

Provided always, That no Nomination, Appointment, Order, Conviction, Judgement, Warrant, Mortgage, Assignment, Transfer, or other Security for borrowing of Money, or other Writing or Instrument whatsoever, relating to the Execution of this Act, shall be charged or chargeable with any Stamp Duty whatsoever.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Actions, Suit or Suits, shall be brought by any Person or Persons, for any thing done or to be done by virtue or in pursuance of this Act, or in relation to the Matters herein contained, every such Action or Suit shall be commenced within the Space of Six Calendar Months next after the Fact committed, and not afterwards; and shall be brought, laid, and tried, in the County or Place where the Cause of Action shall arise, and not elsewhere; and that the Defendant

or

of Defendants in such Actions and Suits, and every of them, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, on any Trial or Trials which shall be had thereupon; and that the Matter or Thing was done in pursuance and by the Authority of this Act: And if the said Matter or Thing shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid; then, and in such Case or Cases, the Jury shall find for the Defendant or Defendants therein: And if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance of such his, her, or their Action or Actions, Suit or Suits; or if, upon any Demurrer or Demurrers in such Action or Actions, Suit or Suits, Judgement shall be given for the Defendant or Defendants therein; then, and in either and in every of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedies for recovering the same, as any Defendant or Defendants hath or have for his, her, or their Costs, in any other Cases by Law.

General Issue.

Treble Costs.

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

Publick Act.

FINIS.