Anno nono

Georgii III. Regis.

An Act for enlarging the Term and Powers granted by an Act paſſed in the Seventeenth Year of the Reign of His late Majeſty, for repairing and widening the Road leading from a Place called *Harlow Buſh Common*, in the Pariſh of *Harlow*, in the County of *Eſſex*, to *Stump Croſs*, in the Pariſh of *Great Cheſterford*, in the ſaid County.

WHEREAS by an Act paſſed in the Seventeenth Year of the Reign of His late Majeſty King George the Second, intituled, An Act for repairing and widening the Road leading from a Place called *Harlow Buſh Common*, in the Pariſh of *Harlow*, in the County of *Eſſex*, to *Stump Croſs*, in the Pariſh of *Great Cheſterford*, in the ſaid County, ſeveral Tolls and Powers are granted to certain Truſtees therein named, for repairing the ſaid Roads; which Act was to continue and be in Force, from the Commencement thereof, for the Term of Twenty one Years: And whereas the ſaid Truſtees have, in purſuance of the ſaid Powers, proceeded in the Repair of the ſaid Roads, and have borrowed Money upon the Credit of the ſaid Tolls, which cannot

Preamble, reciting Act 17 Geo. II.

not be repaid, and the Roads kept in Repair, during the subsisting Term granted by the said Act: And whereas the Powers granted to the said Trustees by the said Act have, in many Particulars, been found defective: 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 said Act, and all and every the Authorities, Powers, Penalties, and Clauses therein contained (except such Clauses, Matters, and Things, as are hereby altered or varied) shall be and continue in full Force, and be executed, from and after the Expiration of the Term of the said Act, for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Recited Act, &c. further continued for 21 Years.

Trustees Names.

And be it further enacted by the Authority aforesaid, That Sir Anthony Thomas Abdy Baronet, the Reverend Stotherd Abdy Clerk, Thomas Appleby, the Reverend James Altham Clerk, Thomas Blackmore Esquire, the Reverend Isaac Moody Bingham Clerk, Thomas Plumer Byde Esquire, Robert Bullman Esquire, William Clarke, John Calvert Esquire, Thomas Campin, Stanes Chamberlayne junior Esquire, William Cowper Esquire, Robert Flack, the Reverend Thomas Fielde Clerk, Paul Fielde Esquire, John Fisher junior M. D. Thomas Halsey Esquire, John Houblon Esquire, William Heath Esquire, Thomas Heath Esquire, John Jones, Edward Johns, Francis Jones, George Jones, John Luther Esquire, Frederick Maurer Esquire, Litchfield Moseley, Anthony Natt Clerk, William Poole, John Pitkin, the Reverend Francis Stanley junior Clerk, Richard Stanley Esquire, Joseph Smith, Nathaniel Smith, Thomas Scott, Samuel Scott, James Turvin Esquire, the Reverend John Walker Clerk, and the Reverend Joseph Whately Clerk, shall be added to, and joined with, the Trustees appointed by, or elected, or to be elected, in pursuance of the said former Act, for putting the said former Act and this Act in Execution.

The Tolls following to be taken instead of those granted by the former Act.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees appointed or to be appointed to put the said former Act and this present Act in Execution, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall authorize and appoint,

point, to receive and take the Tolls and Duties herein after-mentioned, at any Turnpike erected or to be erected upon any Part of the said Roads, instead of the Tolls laid and made payable by the said Act of the Seventeenth Year of the Reign of his late Majesty; any thing in the said former Act contained to the contrary notwithstanding; that is to say,

The Tolls.

For every Coach, Berlin, Landau, Chariot, Chaise, Chair, or Calash, drawn by Six Horses, or other Beasts of Draught, One Shilling and Six Pence; and drawn by Four Horses, or other Beasts, One Shilling; and drawn by Two or Three Horses, or other Beasts, the Sum of Nine Pence.

For every Chaise, Chair, or Calash, drawn by One Horse, or other Beast, the Sum of Four Pence.

For every Waggon, Wain, Cart, or Dray, drawn by Six or more Horses, Oxen, or other Beasts, the Sum of One Shilling and Six Pence; and drawn by Four or Five Horses, Oxen, or other Beasts, the Sum of One Shilling; and drawn by Three Horses, Oxen, or other Beasts, the Sum of Four Pence; and drawn by Two Horses, Oxen, or other Beasts, the Sum of Three Pence; and drawn by One Horse, Ox, or other Beast, the Sum of Two Pence.

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

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

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

Tolls vested in Trustees.

And the said several Tolls herein before-mentioned are and shall, from and after the passing of this Act, be vested in the said Trustees appointed or to be appointed to put the said former Act and this present Act in Execution; and that they, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall authorize and appoint, shall, and they are hereby declared respectively to have the same Powers, Authorities, and Remedies, for demanding, collecting, borrowing of Money on, and recovering and levying, the Tolls hereby made payable, as are in and by the said former Act given and prescribed; and the Tolls hereby granted and made payable, and every Part thereof, shall be paid, applied,

disposed of, and assigned to and for such Uses, Intents, and Purposes, as the Tolls are in and by the said former Act and this present Act directed and appointed, and to no other Use or Purpose whatsoever.

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

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, from time to time, at any Meeting or Meetings whereof Ten Days Notice in Writing shall be given upon all the said Turnpikes, to reduce all or any of the Tolls hereby granted, so as such Reduction be no Prejudice to or with the Consent of the several Persons who shall have advanced Money upon the Credit of this or the said former Act, and to raise the same again, or any Part thereof, so as the same do not exceed the several and respective Rates herein before granted; and such Tolls so reduced or raised again, shall be collected, recovered, and applied, in the same Manner as the Tolls herein before granted are to be collected, recovered, and applied.

Trustees may make Watercourses, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, or for such Person or Persons as they, or any Five or more of them, shall from time to time for that Purpose authorize and appoint, to make and cut, or cause to be made and cut, any Watercourses, Ditches, or Drains, in and upon the said Roads, and also in, through, or cross, any Lands or Grounds, to prevent the said Roads, or any Part or Parts thereof, from being overflowed; and to erect, rebuild, and keep in Repair, any Bridges and Arches of Brick, Stone, or Timber, upon the said Road, or cross any Brook, Watercourse, or Ditch, where the same shall be necessary for the Accommodation of Travellers; and for the Purpose of erecting such Bridges or Arches, to purchase any Lands or Hereditaments on or near the said Road, with such Powers, and under such Restrictions, as by the said Act of the Seventeenth Year of his late Majesty they are enabled to purchase Lands for widening the said Roads; and to defray the Expence of such respective Works out of the Tolls or Duties granted and continued by the said former and this present Act.

Expences of passing this Act how to be paid.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, and they are hereby required, out of the Money

which shall have arisen or may hereafter arise by virtue of the said former or this present Act, to defray all reasonable Expences to be incurred in obtaining this present Act of Parliament.

Qualification of Trustees.

Provided always, and be it further enacted by the Authority aforesaid, That no Person appointed by or in pursuance of the said former or this present Act shall be capable of acting as a Trustee, unless he shall be in his own Right, or in Right of his Wife, in the actual Possession on Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds above Reprizes; or shall be Heir Apparent of a Person possessed of an Estate of Inheritance in Law or Equity of the clear yearly Value of Eighty Pounds, or possessed of a Personal Estate to the Amount or Value of Eight hundred Pounds; and if any Person, not being so qualified, shall presume to act, 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, or on the Case, 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 Fifty Pounds, 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 the said former or this present Act.

Penalty on acting if not qualified.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall take such Security from their Treasurer or Treasurers, Receiver or Receivers, for the due Execution of his or their Office or Offices, as the said Trustees, or any Five or more of them, shall think proper.

Writings to be without Stamps.

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

Trustee

Truſtee or Truſtees, or Juſtice or Juſtices of the Peace, or any of them, or Transfer of any of the Securities aforeſaid, which ſhall be made by any Perſon or Perſons, ſhall be charged or chargeable with any Stamp-duty whatſoever.

No Victualler, &c. to have a Place of Profit.

And be it further enacted by the Authority aforeſaid, That no Victualler or Perſon retailing Spirituous or Fermented Liquors, ſhall be capable of holding any Office or Place of Truſt in the Execution of any Powers granted by the ſaid former or this preſent Act.

Limitation of Actions.

Provided alſo, 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 the ſaid former or this preſent Act, until Fourteen Days Notice 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 Eſſex, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit ſhall and may, at his Election, plead ſpecially, or

General Iſſue.

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 of the ſaid former or this preſent Act; and if the ſame ſhall appear to have been ſo done, or that ſuch Action or Suit was brought before Fourteen Days Notice thereof given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame, or ſhall be brought in any other County or Place than as aforeſaid, 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 or Defendants ſhall re-

Treble Coſts.

cover Treble Coſts, and have ſuch other Remedy for the ſame as any Defendant or Defendants hath or have in any other Caſes by Law.

Publick Act.

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

FINIS.