Anno nono

Georgii III. Regis.

An Act for repairing and widening the Road from *Scole Bridge*, to the Place where the East Gate lately stood in the Town of *Bury Saint Edmunds*, in the County of *Suffolk*.

WHEREAS the Road leading from Osmondiston, alias Scole Bridge, in the Parish of Osmondiston, alias Scole, in the County of Norfolk, to the Place where the East Gate lately stood, in the Parish of Saint James, in the Town of Bury Saint Edmunds, in the County of Suffolk, is in a ruinous Condition, narrow in many Places, and incommodious to Travellers, and cannot be effectually repaired and widened without the Aid of Parliament: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the acting Justices of the Peace for the said County of Suffolk for the time being, the Alderman, Recorder, Coroner, and Assistant Justices, for the Borough of Bury Saint Edmunds, for the time being; the Right Honourable Joshua Lord Viscount Allen of the Kingdom of Ireland, Sir Edward Astley Baronet, Nathaniel Acton, Nathaniel Lee Acton, Gilbert Affleck, John Amys, Robert Algar, Sir Thomas Charles Bunbury, Sir John Blois, Baronets; Henry Bunbury, Patrick Blake, Christopher Blake, Edmund Betts, Roger Boldero, John Buxton, Edward Blake, Arthur Blake, the Reverend James Barker, Richard Brome, Charles Browne, Edward Barker, Thomas Bowen, Clerks; John Borton, John Rix Birch, John Barker, John Booty, Henry Browne, Sir John Cullum Baronet, the Honourable and Reverend James Cornwallis, the Honourable William Cornwallis, James Calthorpe, Thomas Clarke, Edward

Preamble.

Trustees Names.

Edward Capell, Oſmund Clarke, the Reverend John Cullum, Robert Capell, Iſaac Cowper, Thomas Cowper, Thomas Cobbold, John Cotman, John Caſbourne, Walter Craſke, Clerks; John Cumberland, Edward Coldham, Denny Crabb, Roger Cook, Thomas Cockſedge, Sir Charles Davers Baronet, William De Grey, Eleazer Davy, Thomas Dove, John Dove, Henry Daſhwood, Francis D'Eye, Robert Denny, Oſbert Denton, John Denton, Charles Day, John Darby, the Reverend William Evans, William Edwards, Clerks; the Honourable Charles Fitzroy, Sheppard Frere, John Frere, Edward Frere, Henry Freeman, John Freeman, Richard Fulcher, Thomas Fulcher of Shottiſham, Sir Thomas Gage, Sir Thomas Gooch, Baronets; George Golding, Joſhua Grigby the younger, John Godbold, John Gates, the Reverend Thomas Gough, John Gibbs, John Gibbs the younger, Clerks; Thomas Garnham of Livermere, Robert Grimwood, the Honourable Felton Harvey, the Honourable Auguſtus Harvey, Harbord Harbord, Rowland Holt, Thomas Holt, Walden Hanmer, William Hollingworth, Frederick Hollingworth, Charles Harriſon the younger, Thomas Havers the younger, John Symonds Heigham, Arthur Heigham, Thomas Heſilrige, Samuel Horſey, William Hovell M. D. James Holman, the Reverend Doctor Henry Hill, the Reverend William Hoſte, John Higham, Thomas Hutchinſon, Clerks; Pell Heigham, Philip Hawys, William Hall, Miles Houghton, John Hamblin, Edmund Jenney, John Jacob, John Harvey Jehyns, James Johnſon, John Kerrich, Thomas Kerrich, the Reverend Doctor Thomas Knowles, William Kirby, Seymour Leake, Michael Leheup, Carteret Leathes, John Leathes, the Reverend Henry Leheup Clerk, Charles Le Grice, John Lock, Robert Layman, Sir John Major Baronet, William Moſeley, Chriſtopher Metcalf, Hutchinſon Mure, Robert Mure, John Maſon, Henry Moore, the Reverend Doctor Bernard Mills, the Reverend Thomas Monro, John Malyn, Robert Malyn, Richard Moſeley, Clerks; Philip Meadows, Daniel Meadows, Robert Martin, Thomas Mathews, Thomas Mann, John Mallows, Joſeph Maulkin, Peter Maber, Richard Norton, the Reverend Robert Nunn, Colman Negus, Clerks; Edmund Norman, Daniel Negus, Robert Nunn, William Ottley, William Ottley the younger, James Oakes, Aſhley Palmer, John Plampin, David Powell, Richard Phillipſon, the Reverend James Pawſey, William Palgrave, Henry Pont, Thomas Preſton, Nunn Prettyman, Clerks; George Prettyman, Sparrow Prior, William Palgrave, Roger Prickell, Sir Thomas Rawlinſon Knight, John Rous, Walter Rawlinſon, William Robards, Thomas Rix,

Thomas Crofts Reade, Humphrey Rant, Barham Rushbrook, Orbell Ray, the Reverend Thomas Rickard, Robert Rainey, George Rogers, Clerks; Robert Rust, Robert Rust the younger, Thomas Rust, Thomas Rust the younger, Peter Rogers, Robert Rogers, Sir Robert Smith Baronet, Ezekiel Sparke, John Scotchmer, Stephen Soame, John Symonds, Thomas Symonds, John Simmons, William Staniford, the Reverend Henry Soame, William Simmonds, Clerks; John Sparke, John Sparke the younger, Gregory Sparke, James Sturgeon, Thomas Slapp, Samuel Salmon, Charles Simpson, William Simpson, Francis John Tyssen, Francis Tyssen, Edmund Tyrrell, Edmund Tyrrell of Stowmarket, Doctor John Mott Thruston, the Reverend Charles Tyrrell Clerk, John Taylor, William Varey, William Wollaston, Robert Wollaston, Samuel Wollaston, William Woodley, Edward Wenyeve, John Wenyeve, Thomas Wilson, Henry Willis, the Reverend Frederick Woolaston, Edmund Warneford, Nicholas Wakeham, John Warren, Clerks; Neale Ward, James Ward, Walter Wright, John Worth, Benjamin Wiseman, Robert Walpole, and Edward Youngman, shall be, and are hereby appointed Trustees, for the more effectual amending, turning, altering, and keeping in Repair, the said Road, and for putting this Act in Execution.

Qualification of Trustees.

Provided always, 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 and Enjoyment, or Receipt of the Rents and Profits of Messuages, Lands, Tenements, Tythes, or Hereditaments, of the clear yearly Value of One hundred Pounds, or shall be Heir Apparent of some Person having such an Estate of the clear yearly Value of Two hundred Pounds, or be possessed of a Personal Estate alone to the Amount of One thousand five hundred Pounds; and if any Person, not being so qualified shall presume to act as a Trustee in the Execution of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same; to be recovered in any of His Majesty's Courts of Record by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act.

Penalty on acting if not qualified.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall meet together at the Guildhall in the Borough of Bury Saint Edmunds aforesaid, on that Day Three Weeks next after the passing of this Act, and shall then proceed to the Execution of this Act; and shall adjourn themselves, and afterwards meet at the Place aforesaid, or at any other Place or Places near the said Road, as the said Trustees, or any Seven or more of them, shall think proper, as often as they shall think necessary for putting this Act in Execution; and that during the Continuance of this Act there shall be One General Meeting on the Second Thursday in the Month of June in every Year, at such Place as the said Trustees, or any Seven or more of them, shall appoint; and if it shall happen that there shall not appear at any Meeting a sufficient Number of Trustees to act, and to adjourn to another Day, the Trustee or Trustees then present, or their Clerk (in case there shall be no Trustee present) shall, from time to time, as often as such Case shall happen, by Notice in Writing, to affixed upon all the Turnpikes which shall be then erected upon the said Road, at least Four Days before the next Meeting, appoint the Trustees to meet at the House or Place where the last Meeting was appointed to have been held, or at any other Place on or near the said Road, on that Day Sevennight next after the Day on which such last Meeting was appointed to have been held; and the said Trustees, at all their Meetings, shall defray their own Expences; and all Orders and Determinations of the said Trustees in the Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and no such Order or Determination shall be made unless the Majority 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 such Order or Determination be revoked or altered at any subsequent Meeting, unless the Number of Trustees revoking or altering the same shall be Eleven at the least; and unless the Person or Persons applying to revoke or alter such Order shall give Notice to the Clerk of the said Trustees, by him to be fixed on all the Gates or Turnpikes then standing upon the said Roads, at least Fourteen Days previous to any Meeting to be held for that Purpose; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted during the Time that he shall hold any Place of Profit under this Act.

Trustees to defray their own Expences.

No Order to be made unless a Majority of Trustees shall concur therein;

nor revoked, unless Eleven Trustees be present, and concur therein.

Trustees not to act where interested.

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

Provided always, That any of the said Trustees may act as Justices of the Peace in the Execution of this Act not-

notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

And be it further enacted by the Authority aforesaid, That the said Trustees, or such Person or Persons as they, or any Seven or more of them, shall appoint, shall and may erect, or cause to be erected, One or more Turnpike or Turnpikes, Toll-gate or Toll-gates, in, upon, or cross, any Part or Parts of the said Road, and also such Toll-house or Toll-houses, with suitable Out-buildings thereto, adjoining to or near the same, as to them shall seem requisite and expedient; and also may take in and inclose from the said Road, or any Part or Parts thereof, convenient Garden Spots for each of the said Toll-houses, as the said Trustees, or any Seven or more of them, shall direct or appoint; and the Tolls following shall be demanded and taken at each of the said Turnpikes, by such Person or Persons as the said Trustees, or any Seven or more of them, shall from time to time appoint to receive the same, before any Horse, Cattle, Beast, or Carriage whatsoever, shall be permitted to pass through the same; that is to say, Trustees may erect Turnpikes and Toll-houses, and take Tolls thereat.

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

For every Chaise and One Horse, the Sum of Three Pence.

For every Coach, Machine, Landau, Berlin, Chariot, Chaise, or Calash, and Two Horses, the Sum of Six Pence.

For every such Carriage and Four Horses, the Sum of Nine Pence.

For every such Carriage and Six Horses, the Sum of One Shilling.

For every Cart and One Horse, the Sum of Two Pence.

For every Cart with more than One Horse, not having the Fellies of the Wheels of the Breadth or Gauge of Nine Inches from Side to Side, the Sum of Six Pence.

For every Cart having the Fellies of the Wheels of the Breadth or Gauge of Nine Inches from Side to Side, the Sum of Four Pence.

For every Waggon not having the Fellies of the Wheels of the Breadth or Gauge of Nine Inches from Side to Side, and not more than Four Horses, the Sum of One Shilling.

For every Waggon having the Fellies of the Wheels of the Breadth or Gauge of Nine Inches from Side to Side, the Sum of One Shilling.

For

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

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

Tolls vested in Trustees.

All which said respective Sums of Money shall be demanded and taken in the Name of and as a Toll; and the Money so to be raised and collected shall be, and is hereby vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, disposed of, and assigned, in such Manner as is herein after mentioned; and if any Person or Persons, subject to the Payment of any of the said Tolls, or any Part thereof, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall and may be lawful for the Person or Persons appointed as aforesaid to collect such Tolls to seize and distrain any Horse, Beast, or other Cattle, or any Goods or Carriage, upon which any such Tolls are by this Act imposed; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Five Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horses, Cattle, Beasts, Carriage, or Goods and Chattles, so seized and distrained, rendering the Overplus (if any) on Demand, to the Owner thereof, after such Tolls, and all reasonable Charges shall be deducted.

Tolls to be levied by Distress and Sale.

Distress to be sold after 5 Days.

Proviso.

Provided always, That nothing herein contained shall extend to impower the said Trustees to erect any Gate or Turnpike in the Town of Bury Saint Edmunds, or Precincts thereof.

Trustees may erect Side-gates.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to erect, or cause to be erected, One or more Toll-gate or Toll-gates, Turnpike or Turnpikes, on the Side or Sides of the said Road, and cross any Lane or Way leading out of the same; and there to take and receive such Tolls as are hereby granted and made payable at any other Turnpike or Turnpikes to be erected by virtue of this Act.

Property of Turnpikes and Toll-houses vested in Trustees.

And be it enacted by the Authority aforesaid, That the Right and Property of the several Turnpikes and Toll-houses to be erected and provided by virtue of this Act, and of the Materials of which the same shall be built or consist, and also of all Materials which shall be collected for repairing the said Road, shall be, and they are hereby vested in the said Trustees; and they,

or

or any Seven or more of them, are hereby impowered, from time to time, to bring, or cause to be brought, any Action or Actions in the Name of their Treasurer or Clerk, or to prefer or order the preferring of Indictments against any Person or Persons who shall injure the same, or disturb them in the Possession thereof.

Application of the Monies.

And be it enacted by the Authority aforesaid, That out of the Tolls to be collected, or Money to be borrowed on the Credit thereof, the said Trustees, or any Seven or more of them, shall, in the First Place, pay all the Charges and Expences incurred in, and in relation to, procuring and passing this Act; and, after all such Charges and Expences shall be paid and satisfied, all such Tolls and Money shall be applied in making, erecting, and repairing, of Turnpikes and Toll-houses, and repairing, widening, altering, turning, and keeping in Repair, the said Road, and in executing the several other Purposes of this Act, and to no other Use or Purpose whatsoever.

Trustees not to repair Pavements.

Provided always, and be it enacted, That no Part of the Monies arising from the said Tolls, or to be borrowed on the Credit thereof, shall be laid out in or applied to the paving or repairing any Pavements, in any Town or Street through which any Part of the Road by this Act directed to be widened or repaired shall lead.

Trustees may lessen the Tolls,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Eleven or more of them, assembled at a Meeting or Meetings to be held for that Purpose, and they are hereby impowered, from time to time, with the Consent of such Person or Persons as shall be intitled to Five Sixths or more of the Money which shall have been advanced upon the Credit of the said Tolls, to lessen or reduce all or any of the Tolls herein before mentioned, and for such Time or Times as the said Trustees, or any Eleven or more of them, shall think proper; and may afterwards, from time to time, advance all or any of the Tolls so lessened to any Sum or Sums of Money, not exceeding the respective Rates herein before mentioned; and the said Trustees, or any Eleven or more of them, may, from time to time, direct the Tolls hereby granted or reduced as aforesaid to be collected in such Parts or Proportions as they shall think proper; and such reduced Tolls, and also such Parts and Proportions thereof as aforesaid, shall and may be collected, levied, and applied, in such and the same Manner as the Tolls hereby granted are directed to be collected, levied, and applied; but no Meeting shall be held for any of the Purposes aforesaid, unless

and raise them again.

Fourteen Days previous Notice thereof at the least shall have been given in Writing, affixed upon all the Turnpikes which shall have been then erected upon the said Road.

Repairs where to begin, and how to be carried on.

And be it further enacted by the Authority aforesaid, That such Part of the said Road as leads through the several Parishes of Wortham, Burgate, and Botesdale, shall, in the first Place, be sufficiently amended and repaired; and as soon as the Repairs thereof shall be compleated, then the Road leading from Botesdale aforesaid, to Bury Saint Edmunds aforesaid, through Barton Street, shall in the next Place be sufficiently amended and repaired; and after such Repairs shall respectively be compleated, then the Repairs of the other Parts of the said Road shall be done and carried on, at such Times, and at such Places, as the said Trustees, or any Seven or more of them, shall order, direct, and appoint.

Tolls to be paid but Once a Day.

Provided always, and be it enacted, That no Person having Occasion to pass through any Turnpike erected upon the said Road, who shall return through the same Turnpike on the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the succeeding Night, with the same Horses, Cattle, Beasts, or Carriage, and who shall produce a Note or Ticket of the Day, denoting that the Toll was paid at such Turnpike (which Note or Ticket the said Collector or Collectors of the Tolls is and are hereby required to give gratis on Receipt of the Toll) shall be liable to pay the said Toll more than Once at the said Gate.

Trustees may compound with Parishes, &c.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and they are hereby impowered, from time to time, as they shall see convenient, to compound and agree for any Term not exceeding One Year at any One Time with all or any of the Inhabitants of the several Farms, Parishes, Hamlets, or Places, near to or through which the Road hereby directed to be repaired doth lead, for the passing of their Carriages or Cattle through all or any of the Turnpikes erected by virtue of this Act; which Composition-money shall be paid Twelve Months in Advance; and, in Default thereof, the Composition or Agreement with the Person or Persons making such Default shall be void; and all such Composition-money shall be applied only in such Manner as the Tolls are directed to be applied.

Exemptions from Tolls.

And be it enacted by the Authority aforesaid, That no Toll shall be demanded or taken for any Carriage, or for any Horse, Cattle, or Beast, laden only with, or going unladen for, or returning unladen, having been laden only with (on the same Day) Gravel, Stone,

Stone, or other Materials, for repairing the said Road, or any of the Roads in the several Townships in which the Road hereby directed to be repaired, or any Part thereof, doth lie; or for Hay, or Corn in the Straw, not sold or disposed of, but passing to be laid up or placed in the Outhouses or on the Lands of the Owners thereof; or for any Ploughs, Harrows, or Implements of Husbandry; or any Mould, Dung, Compost, Manure, or Lime, to be employed in Husbandry, and manuring and improving of the Lands in the several Townships near to or through which the said Road, or any Part thereof, respectively lies; or who shall pass through any of the Turnpikes, on Sundays, to or from their proper Parish or Parochial Church, Chapel, or other Place of religious Worship which they usually resort to, or who shall attend the Funeral of any Person or Persons that shall die and be buried in any of the said Parishes; or for any Horse, Cattle, or Sheep, going to or from Water or Pasture; or for any Post Horse carrying the Mail or Packet; or for the Horses of Soldiers upon their March, or for Waggons, Wains, Carts, and Carriages, attending them; or for Horses, Carts, and Carriages, travelling with Vagrants sent by legal Passes, or returning after having been so employed; or for any Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Chairs, or Passengers on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Suffolk or Norfolk, during the Time of such Election or Elections, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, every such Person so offending shall, for every such Offence, forfeit the Sum of Five Pounds.

Penalty on making illegal Claims.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage whatsoever, pass through any Land, Ground, or Hereditament, adjoining to, or lying near, any Turnpike erected, or to be erected, upon the said Road (the same not being a publick Highway); or if the Owner or Occupier of any such Land, Ground, or Hereditament, shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, Beast, or Carriage, to pass through the same, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall give to or receive from any Person or Persons, or forge or counterfeit, any Ticket by this Act directed to be given by the Collector of the Tolls; or if any Person

Penalty on evading the Tolls.

or Persons shall at any Time or Times take off, or cause to be taken off, any Horse, or other Cattle or Beast, from any Carriage, whereby the Payment of any of the Tolls, or any Part thereof, shall be evaded; or shall leave, or cause to be left, upon or near to any Part of the said Road any Carriage, Horse, Cattle, or Beast, with an Intent to evade the Payment of the said Tolls, or of any Part thereof; or, with such Intent, shall unload any Goods from any Horse, Cattle, Beast, or Carriage; every Person so offending in any of the Cases aforesaid shall, for every Offence, forfeit the Sum of Five Pounds; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied towards amending the said Road.

Trustees may borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Eleven or more of them, at any Meeting to be held in pursuance of this Act, upon the Credit of the Tolls arising by virtue of this Act, in such Manner as they shall think proper, to borrow and take up at Interest any Sum or Sums of Money, which they, or any Eleven or more of them, shall think fit; and they, or any Eleven or more of them, are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, to mortgage and assign over the said Tolls, or any Part or Parts thereof (the Charges of such Mortgages or Assignments to be paid out of such Tolls) to any Person or Persons, for any Term or Number of Years during the Continuance of this Act, as a Security or Securities for the several Sums of Money which shall be borrowed as aforesaid, and the Interest thereof; and Copies of all such Mortgages and Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; but no Money shall be borrowed upon the Credit of the said Tolls, unless Notice in Writing be for that Purpose affixed upon all the said Turnpikes erected upon the said Road, at least Fourteen Days before the borrowing 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 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 the Money, both Principal and Interest, which shall be due thereon, to any Person or Persons whomsoever;

Tolls may be assigned for Money borrowed.

Notice to be given of borrowing Money.

all

all which Assignments or Transfers shall be produced and notified to the Clerk or Treasurer to the said Trustees within Six Calendar Months next after the Date thereof, who shall cause an Entry to be made of such Assignments, 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 said original Mortgage or Mortgages; for which such Clerk or Treasurer shall be paid such Sum or Sums of Money, not exceeding Ten Shillings, as the said Trustees, or any Seven or more of them, shall order and direct; and which said Book or Books shall and may at all seasonable Times be perused and inspected without Fee or Reward: And after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors and Administrators to the Benefit thereof, and Payment thereon; and such Assignee may in like Manner assign or transfer again, and so toties quoties; and it shall not be in the Power of any Person, who shall have made such Assignment or Transfer, to make void, release, or discharge, the same, or any Monies due thereon; and all and every Person and Persons, to whom any such Mortgage or Assignment shall be made as aforesaid, shall be, in proportion to the Sum or Sums therein mentioned, Creditors on such Tolls in equal Degree One with another, and shall have no Preference in respect to the Priority of advancing any such Monies.

Entries to be made of all Assignments.

Clerk's Fee.

All Creditors deemed equal in Degree.

And be it further enacted by the Authority aforesaid, That in case any Person or Persons who shall lend and advance any Sum or Sums of Money on the Credit of the Tolls or Duties by this Act granted, or such Person or Persons to whom any such Loans shall become due and payable, shall at any Time be desirous to be repaid the Monies due to them, and shall deliver Notice in Writing, signed by him, her, or them, signifying such his, her, or their Desire to the Clerk or Clerks of the said Trustees; then, and in such Case (unless the Principal and Interest due, and to grow due and payable on the Security of the said Tolls and Duties, shall be fully paid unto or tendered to such Creditor or Creditors, so signing and delivering such Notice, within Three Calendar Months next after the Delivery thereof as aforesaid, at some Publick House upon the said Road, to be expressed in such Notice) it shall and may be lawful to and for such Creditor or Creditors to seize upon and take Possession of the Gates, Turnpikes, and Toll Houses, to be erected by virtue of this Act, and to receive and collect, or cause to be received and collected, by any

Creditors, on Non-payment after due Notice, may take Possession of Turnpikes, &c.

any and all and every the Ways and Means provided by this Act, the Tolls and Duties hereby granted, and to pay and apply the same in Payment and Satisfaction of the Principal and Interest Monies then due and owing to such Creditor or Creditors so taking Possession as aforesaid, together with all reasonable Charges accrued thereby; any thing herein contained to the contrary thereof in any wise notwithstanding.

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 they 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 Surveyor or Surveyors, of the said Road, and such other Officers and Persons as the said Trustees, or any Seven or more of them, shall think necessary; and, from time to time, remove such Officers and other Persons, or any of them, and appoint others in their Stead; and may, and are hereby authorized and impowered, out of the Monies arising by the Tolls aforesaid, to pay such Salaries, and make such Allowances to such Officers and other Persons, and also to any other Person or Persons who shall be assisting to them in or about repairing or widening the said Road, or any Part thereof, as to the said Trustees, or any Seven or more of them, shall seem reasonable; and all such Officers and Persons shall, from time to time, when thereunto required by the said Trustees, or any Seven or more of them, deliver to such Trustees, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall for that Purpose appoint, true and perfect Accounts in Writing, under their respective Hands upon Oath (which Oath any One of the said Trustees is hereby impowered to administer) of all Monies which he, they, and every of them respectively, shall to that Time have received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall then appear to be in their or any of their Hands to the said Trustees, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall appoint to receive the same: And if any such Officer or Person shall refuse or neglect to give such Account as aforesaid, or shall refuse or neglect to deliver up the Vouchers relating to the same, or to verify the Articles thereof upon Oath, or shall neglect or refuse to pay the Money due on such Account in Manner aforesaid, or to deliver up to the

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

Officer refusing to account,

ſaid Truſtees, or any Seven or more of them, or to ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall appoint, within Seven Days after being thereunto required by the ſaid Truſtees, or any Seven or more of them, all the Books, Papers, and Writings, in his Cuſtody or Power, relating to the Execution of this Act; in all or any of the ſaid Caſes it ſhall and may be lawful for any Juſtice of the Peace for the County of Suffolk to commit every ſuch Offender to the Common Gaol of the County or Place where the Offence was committed, there to remain without Bail or Mainprize until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall have compounded with the ſaid Truſtees, or any Eleven or more of them, for the ſame, and ſhall have paid ſuch Compoſition in ſuch Manner as the ſaid Truſtees, or any Eleven or more of them, ſhall appoint (which Compoſition the ſaid Truſtees, or any Eleven or more of them, are hereby impowered to make and receive) or until he ſhall have delivered up ſuch Books, Papers, and Writings aforeſaid, or given Satisfaction in reſpect thereof to the ſaid Truſtees, or any Eleven or more of them.

Juſtice may commit the Offender,

until Compoſition be made.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, are hereby authorized and required to take ſuch Security from their Treaſurer or Treaſurers, Collector or Collectors, or other Officer or Officers, for the due Execution of his and their ſaid Office and Offices, as to the ſaid Truſtees, or any Seven or more of them, ſhall ſeem meet.

Treaſurer, &c. to give Security.

And be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of holding any Place of Truſt or Profit under this Act, who ſhall keep any Inn, Ale Houſe, or any Publick Houſe of Entertainment, or who ſhall ſell Ale, Wine, Brandy, or other Spirituous Liquors by Retail.

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

Provided always, That as often as any Collector of the ſaid Tolls ſhall die, or be incapable of performing his Duty, it ſhall be lawful for any Three or more of the ſaid Truſtees, though not aſſembled at a Meeting in purſuance of this Act, by Writing under their Hands, to appoint any other Perſon to collect ſuch Tolls; and the Perſon ſo appointed ſhall have the ſame Authority for Recovery thereof, 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 Collector of ſuch Tolls.

Truſtees may appoint Collectors, though not aſſembled at a Meeting.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Surveyor or

Surveyors may dig Gravel, &c. from Commons, &c.

Surveyors, appointed or to be appointed, or for any other Person or Persons by them, or any of them, or by the said Trustees, or any Seven or more of them, for that Purpose employed, to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Chalk, Lime Stones, Sand, Flints, or other Materials, proper for repairing the said Road, in, upon, out of, or from any Waste or Common Ground, or from any River or Brook, in any Parish, Town, or Place, in, adjoining to, or lying near, the said Road, or in any neighbouring Parish, Town, or Place, to be used, disposed of, and applied, in repairing the said Road, without paying any Thing for the same; such Surveyors, or other Persons, filling up the Pits, and levelling the Ground from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and also by Order of the said Trustees, or any Seven or more of them, to cut, dig, gather, take, and carry away, any Quantity or Quantities of Furze, Heath, Gravel, Stones, Chalk, Lime Stones, Sand, Flints, or other Materials, proper and sufficient for that Purpose, in, upon, or out of, and from or over the Lands, Fields, or Grounds, of any Person or Persons, where the same may be had or found, to be used, disposed of, and applied, in or towards the repairing the said Road, (such Lands, Fields, and Grounds, or any of them, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery, or inclosed Ground, now planted with any Avenue of Trees) paying or tendering Payment of such Rates for such Materials, and for the Damage done to the Owners or Occupiers of such Lands and Grounds, where, and from whence, the same shall be digged, drawn, gathered, taken, and carried away, or over which the same or any other Materials gotten in any Waste Ground, Common, River, or Brook, or private Grounds, shall be conveyed, as the said Trustees, or any Seven or more of them, shall adjudge reasonable; they the said Trustees or Surveyors causing the Pits to be filled up, and the Ground to be levelled, from which such Materials shall be so taken, or otherwise sufficiently fenced in and secured.

without paying for the same;

levelling the Pits, &c.

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

To prevent Persons taking away Materials for repairing the Road.

Provided always, and be it enacted by the Authority aforesaid, That if the Owner or Occupier of any Ground or Soil, or any Person whatsoever, shall take away any Materials which shall have been digged or gathered in any Lands, Fields, Wastes, or Grounds, River or Brook, for the 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 for the Purpose

pose of getting such Materials for repairing the said Road, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Twenty one Days, except the Owner or Occupier of any private Ground, 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, for every such Offence, any Sum not exceeding Five Pounds.

Surveyors may make Causeways, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, or the Surveyor or Surveyors by them appointed as aforesaid, or any other Person or Persons by them or either of them appointed or employed, may and are hereby authorized and empowered (they the said Surveyor or Surveyors, or other Persons, having an Order under the Hands of the said Trustees, or any Seven or more of them, for such Purposes respectively) to make, or cause to be made, any Causeway or Causeways, in or along the Side or Sides of any Part of the said Road; and shall and may erect and build Bridges or Arches of Brick, Stone, or Timber, upon, in, or across, the said Road, or any Part thereof; and shall and may dig and cut, or cause to be digged and cut, any Drains or Watercourses through or across any Lands or Grounds, to prevent the said Road, or any Part or Parts thereof, from being overflowed, and erect Bridges over such Drains or Watercourses if necessary; making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds, for the Damage they shall thereby sustain, as to the said Trustees, or any Seven or more of them, shall seem meet.

erect Bridges, &c.

Surveyors may remove Annoyances in the Road, &c.

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 or Persons as he or they shall appoint, having an Order from the said Trustees, or any Seven or more of them, from time to time, to remove and carry away all Annoyances, by Filth, Dung, Ashes, and Rubbish, or otherwise, on any Part of the said Road; and to cut down, lop, or top, any Trees or Bushes growing in the said Road, or in the Hedges or Banks adjacent thereto, the Owners or Occupiers neglecting to cut down, lop, or top, such Trees or Bushes, or to remove such other Annoyances, for the Space of Twenty one Days after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors, (the Charges whereof shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers, so neglecting to cut down the said Trees or Bushes, or to remove such

the Owners neglecting to remove the same after Notice;

Charges to be reimburſed the Surveyor.

other Annoyances as aforeſaid: And in caſe ſuch Owners or Occupiers ſhall not, on Demand, pay and reimburſe to the ſaid Surveyor or Surveyors ſuch Charges as aforeſaid, it ſhall and may be lawful for ſuch Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal of any Juſtice of the Peace for the County of Suffolk, or Borough of Bury Saint Edmunds aforeſaid, from time to time, to levy the Charges thereof upon ſuch Owners or Occupiers, by Diſtreſs and Sale of his and their Goods and Chattles, rendering the Overplus (if any be) to the Owner or Owners thereof, on Demand, after all Charges paid: And if, after Removal of any of the ſaid Annoyances, ſuch Perſon or Perſons ſhall again offend in the like Manner, or if any Perſon or Perſons ſhall ſet or place any Waggon, Wain, Cart, or Carriage, ſo as any ways to obſtruct the free Paſſage on any Part or Parts of the ſaid Road; every Perſon, offending in any of the Caſes aforeſaid, and being thereof convicted upon Oath before any Juſtice of the Peace for the ſaid County, or Borough of Bury Saint Edmunds, ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Perſons liable to ſcour Watercourſes, &c. to continue ſo.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons who of Right ought to ſcour or cleanſe any Ditch, Drain, or Watercourſe, lying in or over, or leading into or out of, the ſaid Road, or any Part thereof, ſhall not in a proper Manner ſcour or cleanſe ſuch Ditches, Drains, or Watercourſes, or cauſe the ſame to be done, within the Space of Twenty one Days after Notice in Writing ſhall for that Purpoſe be given to him, her, or them reſpectively, or ſhall be left at his, her, or their reſpective Place or Places of Abode, by Order of the ſaid Truſtees, or any Seven or more of them, the ſaid Surveyor or Surveyors of the ſaid Road may, and is and are hereby authorized and impowered to cauſe ſuch Ditches, Drains, and Watercourſes, to be ſcoured and cleanſed, and to pay for the ſcouring and cleanſing the ſame; and if the ſaid Perſon or Perſons ſhall not repay the ſaid Money ſo paid by ſuch Surveyor or Surveyors, upon Demand thereof upon him, her, or them reſpectively made, either in Perſon, or by Writing, to be left at his, her, or their reſpective Place or Places of Abode, the ſaid Money, and every Part thereof, upon Proof of the cleanſing and ſcouring the ſaid Ditches, Drains, or Watercourſes, and Payment of the ſaid Money, and Demand thereof made, and Nonpayment as aforeſaid, by the Oath of One or more Witneſs or Witneſſes, before any Juſtice of the Peace for the ſaid County of Suffolk, or Borough of Bury Saint Edmunds, ſhall and may,

may, by Warrant under his Hand and Seal, levy the same by Distress and Sale of the Goods and Chattles of such Person or Persons who ought to pay the same, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

Surveyors may make Causeways, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for such Surveyor or Surveyors, and such Person or Persons as shall or may be appointed by Order of the said Trustees, or any Seven or more of them, to make, or cause to be made, Causeways, and to cut and make Drains through any Grounds lying contiguous to the said Road; and to erect and keep in Repair Arches of Brick, Timber, or Stone, or with Brick and Stone thereupon; and to divert and turn the said Road, or any Part or Parts thereof, over any Part of the Commons, Woods, or Waste Grounds contiguous or adjoining thereto; and also to cause Ditches or Trenches to be made in such Places, and in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any Seven or more of them, shall adjudge necessary, for the better amending the said Road, and keeping the same in good Repair; and also to make a Road or Way through, over, and along, the Grounds adjoining to any narrow or ruinous Part or Parts of the said Road hereby intended to be repaired (such Ground not being a Garden, Orchard, Yard, Park, or planted Walk, or Avenue to a House, Plantation, or Nursery of Trees) to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a Road, whilst the old, narrow, or ruinous Road is repairing or widening, and until the same shall be made convenient and safe for Passengers and Carriages; making such reasonable Satisfaction to the Owner or Occupier of such Ground, through which any such Drain or Drains, or on which any such Arch or Arches, Bridge or Bridges, or through, over, and along which any such occasional Road shall be made, for the Damage which he, she, or they, shall or may thereby sustain, as shall be assessed and adjudged by the Justices of the Peace at their General Quarter Sessions of the Peace next holden for the County, Division, or Place, within which such temporary Road shall be turned, or where any such Drain or Drains, Ditch or Ditches, shall be cut or made, or where such Arch or Arches, Causeway or Causeways, shall be respectively erected or made, in case any Difference shall arise between the said Trustees and such Owners and Occupiers respectively concerning the same.

and make a temporary Road,

making Satisfaction to the Owners.

Provided always, That in case the ancient or former Way over any Common, Wood, or Waste Ground, shall,

If the old Road be discontinued, Inhabitants not liable to repair the same.

shall, by virtue or in pursuance of this Act, be turned or diverted, the Inhabitants of the Township, Hamlet, or Parish, wherein the old or former Road shall lie, shall not be obliged to repair such old or former Road, unless the same leads to some Village, Town, or Place, with which the new Road doth not communicate.

Penalty on obstructing Surveyors, &c. in their Duty.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall interrupt or hinder any Turnpike Surveyor, or other Person or Persons employed by them, or any of them, or by the said Trustees, or any Seven or more of them, in the cutting, digging, taking, or carrying off any Furze, Heath, Stones, Gravel, Chalk, Lime Stones, Sand, Flints, or other Materials, for the altering, widening, or repairing, the said Road, or in any Part or Parts thereof, or in topping, lopping, cutting down, or removing any Trees or Bushes as aforesaid, or in digging, cleansing, or scouring any Ditch, Drain, or Watercourse, or in doing any other Act in or for the repairing, widening, or altering the said Road, or any Part thereof, or otherwise in or for the Execution of the Powers by this Act given, or any of them; every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Trustees may alter the Course of the Road.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Eleven or more of them, shall, and they are hereby authorized and impowered, from time to time, to divert, turn, or alter, the Course or Path of any Part or Parts of the said Road, through or over any Moor or Waste Grounds, without making any Satisfaction for the same; and also through or over any private Grounds or Hereditaments, first making Satisfaction to the Owners of, and Persons interested therein, for the Damage they may thereby sustain; and for that Purpose it shall and may be lawful to and for the said Trustees, or any Eleven or more of them, to treat, contract, and agree with the Owners of, and Persons interested in, any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons interested therein, or any of them, shall or may any ways sustain by such widening, turning, diverting, or altering, any Part of such Road: And it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or in Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such

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

Bodies Politick, &c. to contract for the Sale of Lands, &c.

Lands or Hereditaments, to contract and agree with the said Trustees, or any Eleven or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey to them, or any Eleven or more of them, all or any such Lands or Hereditaments, as Occasion shall be or require; and all Contracts, Sales, and Conveyances, which shall be so made, shall be valid and effectual in the Law to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary notwithstanding: And all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue of or in pursuance of this Act.

Where Persons refuse to treat for Sale of Lands, &c.

And be it further enacted by the Authority aforesaid, That in case any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so intended to be taken in, and added to, the said Road, or over which such Road is to be turned or altered as aforesaid, shall, by the Space of Thirty Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or by reason of Absence shall be prevented from treating; then, and in every or any of the Cases aforesaid, the said Trustees, or any Eleven or more of them, shall cause it to be enquired into, and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County or Place in which such Lands or Grounds so to be taken in do lie (which Oaths any One or more of the said Trustees is and are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or Proprietors, or other Person or Persons interested, for or upon account of the taking of such Lands, Grounds, or Hereditaments, into the said Road, or of turning such Road into the same; and in order thereto, the said Trustees, or any Eleven or more of them, are hereby impowered and required from time to time, as Occasion shall be and require, to summon

Damage and Recompence to be settled by a Jury.

Witnesses may be summoned, and examined upon Oath.

and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premisses (which Oath any One of the said Trustees is hereby impowered to administer) and they shall also order and cause the said Jury to view the Places in Question, if there shall be Occasion, and use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premisses, as they the said Trustees, or any Eleven or more of them, shall think fit; and after the said Jury shall have inquired of, ascertained, and settled, such Damage and Recompence, the said Trustees, or any Eleven or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums, so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whatsoever, claiming in Possession, or in Tail General or Special, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate and Sole, as well as all other Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, thereby be from henceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of, the same: And, for the summoning and returning such Jury or Juries, the said Trustees, or any Eleven or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the County or Place in which such Lands and Grounds so to be taken in do lie, requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the said Trustees, or any Eleven or more of them, at such Time and Place as in such Warrant shall be appointed; and the Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them

Trustees may issue a Warrant to the Sheriff, &c. to impanel a Jury.

them as shall appear upon such Summons, the said Trustees, or any Eleven or more of them, shall swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Eleven or more of them, acting in the Premisses, shall have full Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs, or Agents, making Default in the Premisses; and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, or appearing who shall refuse to be sworn on the said Jury, and, being so sworn, shall refuse to give or shall not give their Verdict, or in any other Manner shall wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, or appearing shall refuse to be examined and give Evidence; and, from time to time, to levy and apply such Fine or Fines in the same Manner as any other Forfeiture or Penalty herein before mentioned is hereby directed to be levied and applied; so as no such Fine shall exceed the Sum of Ten Pounds upon any such Sheriff or his Deputy, nor more than the Sum of Five Pounds upon any other Person for One Offence.

Jurors may be challenged.

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

Fine upon the Sheriff not to exceed 10*l.* nor upon any other Person 5*l.* for One Offence.

And be it further enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid shall be paid out of the said Tolls, or out of the Money to be borrowed on the Credit thereof, to the Party or Persons respectively intitled thereto, or to their Agent; and upon Payment thereof, and, in case of Refusal to accept the same, upon leaving the same in the Hands of the Treasurer to the said Trustees, for the Use of such Parties or Persons; and after Twenty one Days Notice thereof given to such Parties or Persons, or their Agents, such Lands or Hereditaments shall be laid into, and made Part of, the said Road, in such Manner as the said Trustees, or any Eleven or more of them, shall direct; and shall be by them, or such Person or Persons as they, or any Eleven or more of them, shall appoint, sufficiently drained, ditched, fenced, and set out, for that Purpose, and shall,

Money allowed for Lands how to be charged and tendered.

shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be, a common Highway, and be from thenceforth Part of the said Road for ever after, and shall be repaired, and kept in Repair, in such Manner as the Road hereby appointed to be repaired and widened is by this or any Law to be repaired; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new Road shall be compleated, the Lands constituting the former Road, unless leading to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in, and shall and may be sold and conveyed, by the said Trustees, or any Eleven or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale, shall be applied to the Repair of the Road hereby intended to be repaired; and the Person over whose Land such new Road shall be made, shall have the Preference in the Purchase of the old Road to be sold; and the Sale or Conveyance or Conveyances to be made of such Lands or Grounds, being executed by the said Trustees, or any Eleven or more of them, and inrolled with the Clerk of the Peace for the County of Suffolk, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

Old Road may be sold.

Provided always, That this Act shall not extend to the taking down any Dwelling-house or other Building, or to take in any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, or Plantation, or Nursery planted with Trees, on or before the First Day of January, One thousand seven hundred and sixty nine.

Buildings not to be injured, &c.

Provided always, That the Lords of the respective Manors shall have the same Interest and Property in such new Road as they were possessed of or intitled to in the former Road, in lieu whereof such new Road shall be made.

Lords of the Manor to have the same Interest in the new Road as in the old.

Provided also, That no Person shall act as a Trustee in any Case relating to the contracting for, or purchasing, any Lands, Grounds, or Hereditaments, wherein he shall be concerned or interested.

Trustees not to act where interested.

And be it enacted by the Authority aforesaid, That in case any Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees, Trustees, or any other Person or Persons whomsoever, who now are, or at any Time have been liable or chargeable towards repairing any Bridge or Bridges built across, near to, or adjoining to the said Road, or any Part thereof, shall still remain liable and chargeable to such Repairs, in such Manner as they were before the passing of this Act.

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

And be it enacted by the Authority aforesaid, That the Surveyors of the Highways for the respective Townships and Places in which any Part of the said Road doth lie, or in case no Surveyor is or shall be appointed, then the Churchwardens and Overseers of the Poor of such Townships or Places, shall yearly and every Year, within Fourteen Days after Demand made to him or them respectively in Writing by any Surveyor or Surveyors to the said Trustees, deliver to such Surveyor or Surveyors an exact Account in Writing, under his or their Hand or Hands, of the Christian and Surname of every Person who, within such respective Townships or Places, are obliged by Law to do Statute-work for that Year with Teams, Draughts, or otherwise, and also the Number of Days Work which each Person ought to do on the said Road in such Townships and Places respectively; Part of which said Statute-work, not exceeding Three Days for each Person (the Trustees having Regard to the other Highways within such Townships) shall be done at such Times, and in such Manner, and on such Parts of the said Road hereby directed to be repaired, as the said Trustees, or any Seven or more of them, shall, from time to time, direct and appoint; and that the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor for such Townships or Places respectively, within Seven Days after Notice given to him or them by such Turnpike Surveyor or Surveyors of the Time or Times when, and how many of the Persons, so chargeable as aforesaid, he would have to do such their respective Statute-work upon any Part or Parts of the said Road, shall give publick Notice thereof to the Person or Persons so chargeable as aforesaid; and if any Surveyor, Churchwarden, or Overseer of the Poor for any such Township or Place, shall neglect or refuse to do as he is hereby directed and required, every such Surveyor, Churchwarden, or Overseer of the Poor, shall, for every such Neglect or Refusal, forfeit and pay the Sum of Twenty Shillings; and every Person keeping a Team or Teams as aforesaid who shall, after such publick Notice as aforesaid, neglect or refuse to send his or her Team or Teams with such Horses or Beasts of Draught as he or she usually employs, with a proper Person to attend the same, to perform such their respective Days Work on the said Road, in such Manner as the said Turnpike Surveyor shall direct, shall forfeit the Sum of Ten Shillings for every Day he or she shall make such Default; and every Labourer or other Person, liable to perform Statute-work on the said Road, who shall neglect or refuse after such Notice:

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

Penalty on Persons not performing Statute-work.

as aforesaid, shall forfeit the Sum of One Shilling and Six Pence for every Day such Labourer or other Person shall make Default; and every Person who shall, according to such Notice as aforesaid, come to work as a Labourer, or with a Team, on the said Road, and shall be found idle or negligent by the said Turnpike Surveyor or Surveyors, such Surveyor or Surveyors may, and is and are hereby required to discharge such Person, and it shall be deemed as if such Person, or such Team, had not come or been sent to do such Work; and every Labourer or Person, or the Owner of any such Team, shall be liable to the respective Forfeitures before mentioned; and all Persons doing such Days Work on the said Road shall not be liable to do any other Statute-work thereon.

Persons found idle to be turned off.

Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to compound for any Term not exceeding One Year with the Possessors or Occupiers of Lands, Tenements, or Hereditaments, which are or shall be liable to, or chargeable with, the Repair of any Part of the said Road, or with any Person or Persons for the Performance of his, her, or their Statute-work therein; and also it shall be lawful for the Churchwardens, Overseers of the Poor, and Surveyors of the said Townships or Places respectively, to compound or agree for any Term not exceeding One Year with the Trustees, or any Seven or more of them, for and in lieu of the Statute-work which ought to be performed by such Inhabitants upon any Part of the said Road; all which Composition-money shall be paid in Advance from time to time, and shall be applied in Repair of the said Road; and all such Surveyors, Churchwardens, or Overseers of the Poor, shall be reimbursed the Money so by them paid, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways; Copies of all which Compositions or Agreements so to be made by the said Trustees as aforesaid, shall be entered at Length in the Book or Books to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may at all seasonable Times be seen and perused by any Person or Persons whomsoever without Fee or Reward.

Trustees may compound for Statute-work.

Provided always, and be it enacted by the Authority aforesaid, That if it shall appear to the said Trustees, or any Seven or more of them, that any Lands, Tenements, or Hereditaments, or any Rents and Profits issuing

wilfully out of any Lands, Tenements, or Hereditaments, now are, or hereafter shall be, liable and chargeable towards the amending any Part or Parts of the Road by this Act to be repaired, such Lands, Tenements, and Hereditaments, shall still remain liable and chargeable; and the Possessors and Occupiers of such Lands, Tenements, and Hereditaments, are hereby required and directed to pay such Rents and Profits as ought to be applied towards the Repair of the said Road, to such Person and Persons as the said Trustees, or any Seven or more of them, shall appoint to receive the Tolls granted by this Act; and upon Default of Payment thereof, it shall and may be lawful to and for any Justice of the Peace for the County of Suffolk, by Warrant under his Hand and Seal, to levy the same by Distress and Sale of the Goods of such Person or Persons as shall neglect or refuse to make such Payment as aforesaid; and such Rents and Profits, when recovered and received, shall be applied, from time to time, for and towards amending the said Road, and to no other Use or Purpose whatsoever.

Rents, Lands, or other Premisses, chargeable to the Repair of any Part of the Roads, are still to remain chargeable, &c.

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 and required, before the First Day of October next ensuing, to cause the said Road to be measured, and Stones or Posts to be set up on the Sides of the said Road, with Inscriptions thereon, denoting the Distance of every such Stone or Post from any Town or Place, as they shall think fit; and may also, if they think fit, erect Posts at the several Roads leading out of the said Road, hereby directed to be repaired, with Inscriptions thereon, denoting to what Place or Places the said Roads respectively lead; and if any Person or Persons shall wilfully or designedly break, pull down, dig up, injure, or destroy, any of the Stones or Posts, which shall be so fixed and set up, or erase, obliterate, or deface, any of the Inscriptions which shall be made thereon, or cause or procure the same to be done, every Person so offending shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully or designedly broken, obliterated, or defaced, or pulled down, digged up, injured, or destroyed, to be levied by Distress of the Goods and Chattles of such Offenders, by Warrant under the Hand and Seal of any One Justice of the Peace for the said County of Suffolk, or Borough of Bury Saint Edmunds; One Moiety of which Forfeiture shall go to the Informer, and the other Moiety shall be applied towards repairing the said Road: And in case the said Penalty shall not be forthwith paid upon Conviction,

Road to be measured, and Mile-stones erected.

Penalty on defacing Mile-stones.

then it shall and may be lawful for such Justice of the Peace to commit such Person or Persons to the House of Correction or Common Gaol, there to remain for any Time not exceeding One Month, or until he shall have paid the said Penalty.

Penalty on drawing Timber, &c. otherwise than on Wheel Carriages.

And be it further enacted by the Authority aforesaid, That if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Road, any Tree, or Piece of Timber, or any Stone, Mill Stones excepted, 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 upon any Part of such Road, to the Prejudice thereof, every such Person shall for every such Offence forfeit the Sum of Twenty Shillings.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act inflicted, or authorized to be imposed (the Manner of levying and recovering whereof is not otherwise particularly directed) shall, upon Proof of the Offences respectively, before any One or more Justice or Justices of the Peace for the County or Place where such Offence shall be committed, either by the Confession of the Party or Parties, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale 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 of the Peace (which Warrant or Warrants such Justice or Justices is and are hereby authorized and required to grant for those Purposes, and also to administer such Oath gratis) and the Overplus, after such Penalties are recovered, and the Charges of levying and recovering the same shall have been deducted, shall be returned on Demand to the Owner or Owners of such Goods and Chattles; and all such Penalties and Forfeitures, if not otherwise directed to be applied by this Act, shall, from time to time, be paid to the said Trustees, or any Seven or more of them, or to the Treasurer or Treasurers for the time being, and shall be laid out and applied for the Purposes of this Act: And in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not be forthwith paid; it shall be lawful for the said Justice or Justices of the Peace, or any other Justice or Justices of the Peace for the County or Place, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be committed to the House of Correction or Common Gaol for the County or Place where the Offence shall be committed,

committed, there to remain without Bail or Mainprize or any Time not exceeding Three Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Treasurer, &c. to deliver in Accounts.

And be it further enacted by the Authority aforesaid, That the Treasurer or Treasurers for the time being to the said Trustees, shall make up a true and perfect Account in Writing, of the Monies received and disbursed by him or them, to the First Day of June in every Year; and deliver the same to the said Trustees, or any Seven or more of them, within One Month next after the said First Day of June yearly.

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

And be it further enacted by the Authority aforesaid, That as often as any Trustee by this Act appointed, or to be elected, shall die or refuse to act, it shall and may be lawful for the surviving or remaining Trustees, or any Seven or more of them, by Writing under their Hands and Seals, to elect and appoint One other Person a Trustee in the Room of the Trustee so dying or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election, shall be given by the Clerk or Clerks to the said Trustees, by affixing the same upon all the Turnpikes in or upon the said Road, at least Fourteen Days before any such Meeting: And all Persons who shall be so elected and appointed are hereby vested with the same Powers and Authorities as any Trustee or Trustees hereby appointed is or are vested with.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall think him, her, or themselves aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person or Persons may, within the Space of Six Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at any General Quarter Sessions of the Peace for the County or Place where the Matter or Thing shall be done, for or by reason of which such Complaint shall have arisen; such Appellant first giving, or causing to be given, Fourteen Days Notice at the least in Writing, of his or her Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Fourteen Days next after such Notice entering into a Recognizance before some Justice of the Peace for the said County or Place, with sufficient Sureties, conditioned to try such Appeal, and pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at their said Sessions, upon due Proof of such Notice being given as

Notice of Appeal to be given.

aforesaid, and of the entering into such Recognizance, shall proceed to hear, and finally determine, the Causes and Matters of such Appeals in a summary Way, and award such Costs to the Party appealing, or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be binding and conclusive to all Intents and Purposes.

The Trustees are impowered to contract for repairing the Road,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, or such Person or Persons as they shall for that Purpose authorize or appoint, are hereby impowered to contract with any Person or Persons for repairing, widening, or altering, the said Road, or any Part or Parts thereof,

and erecting Mile-stones, &c.

and for erecting Mile-stones or Posts thereon, or any other necessary Works relating thereto, in such Manner, and for such Sum or Sums of Money, as the said Trustees, or any Seven or more of them, shall think proper: And all Contracts in Writing entered into pursuant to any Order made by the said Trustees, or any Seven or more of them, at any Meeting, shall be binding to all Parties who shall sign the same, his, her, or their Executors and Administrators; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof.

Distress not unlawful for want of Form,

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money, to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Default, or want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage, in an Action upon the Case.

nor the Parties distraining deemed Trespassers *ab initio*.

Proceedings to be entered in a Book.

And be it further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees, or any Seven or more them, in Execution of the Powers hereby to them given, 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, being signed by the Clerk or Clerks to the said Trustees, shall be taken and deemed to be original Orders; which said Book or Books, and also the Book directed to be kept for registering the said Mortgages, Assignments,

ments, or Transfers, shall or may be produced and read in Evidence in all Courts whatsoever.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act shall commence from and after the passing hereof; and shall have Continuance for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Trustees may lease the Tolls, &c.

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

Writings to be without Stamps.

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

Proceedings not to be quashed for want of Form,

Provided also, and be it further enacted by the Authority aforesaid, That no Order made touching or concerning any of the Matters aforesaid, or any Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form only, or be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; until such Order or other Proceedings

nor removeable by *Certiorari*,

until removed to the Quarter Sessions, and Judgement given thereupon.

ceedings shall have been first removed to, and Judgement and Determination given and made thereupon by, the General Quarter Sessions to be held for the said County.

Limitation of Actions.

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

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 and by Authority of this Act; and if the same shall appear to be so done, or such Action or Suit shall be brought after the Time before limited for bringing the same as aforesaid, or shall be brought in any other County or Place than as aforesaid, that then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuited, or discontinue his or their Action, after the Defendant or Defendants shall have appeared; or if upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall and may recover

Treble Costs.

Treble Costs, and have such Remedy for the same, as any Defendant or Defendants hath or have in any Case 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 shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

FINIS.