ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

Cap. lii.

An Act for more effectually repairing the Road from *Biggleſwade* to *Alconbury Hill*, and other Roads therein mentioned, in the Counties of *Bedford* and *Huntingdon*. [31ſt *May* 1816.]

WHEREAS an Act was paſſed in the Eleventh Year of the Reign of His late Majeſty King *George* the Firſt, intituled *An Act for repairing and amending the Road from* Biggleſwade, *in the County of* Bedford, *to* Bugden, *and through* Alconberry *to the Top of* Alconberry Hill, *or Croſs Poſt leading into* Sautery Lane, *on the* York *and* Edinburgh *Road, and from the ſaid Town of* Bugden *to the Town of* Huntingdon, *and from* Croſs Hall *in* Eaton Soken, *in the ſaid County of* Bedford, *to* Great Stoughton Common, *in the ſaid County of* Huntingdon: And whereas another Act was paſſed in the Ninth Year of the Reign of His late Majeſty King *George* the Second, intituled *An Act for enlarging the Term and Powers granted by an Act paſſed in the Eleventh Year of His late Majeſty King* George *the Firſt, intituled* 'An Act for repairing and amending the Road from Biggleſwade, in the County of Bedford, to Bugden, and through Alconberry to the Top of Alconberry Hill, or Croſs Poſt leading into Sautery Lane, on the York and Edinburgh Road, and from the ſaid Town of Bugden to the Town of Huntingdon, and from Croſs Hall in Eaton Soken, in the ſaid County of Bedford, to Great Stoughton Common, in the ſaid County of Huntingdon:' And whereas another Act was paſſed in the Tenth Year of the Reign of His preſent Majeſty, intituled *An Act to continue and render more effectual ſeveral Acts for repairing and amending the Road from* Biggleſwade, *in the County of* Bedford, *through*

11 G. 1.

9 G. 2. c. 9.

10 G. 3. c. 83.

through Bugden *and* Alconbury, *to the Top of* Alconbury Hill, *and from* Bugden *to* Huntingdon, *and from* Croſs Hall *to* Great Stoughton Common, *in the County of* Huntingdon; *and for repairing, widening, turning, and altering the Road leading out of the aforeſaid Road at or near the* Ferry Houſe, *in the Pariſh of* Tempsford, *to and through* Little Barford, Eyneſbury, *and* Saint Neots, *to the Turnpike Road at the End* of Croſs Hall Lane: And whereas another Act was paſſed in the Thirtieth Year of the
30 G. 3. c. 103. Reign of His preſent Majeſty, intituled *An Act to continue the Term, and alter and enlarge the Powers, of an Act of the Tenth Year of His preſent Majeſty, for repairing the Road from* Biggleſwade, *in the County of* Bedford, *through* Bugden *and* Alconbury, *to the Top of* Alconbury Hill, *and from* Bugden *to* Huntingdon, *and from* Croſs Hall *to* Great Stoughton Common, *in the County of* Huntingdon; *and alſo the Road leading out of the aforeſaid Road, at or near the* Ferry Houſe, *in the Pariſh of* Tempsford, *to and through* Little Barford, Eyneſbury, *and* Saint Neots, *to the Turnpike Road at the End of* Croſs Hall Lane: And whereas another Act was paſſed in
31 G. 3. c. 96. the Thirty-firſt Year of the Reign of His preſent Majeſty, intituled *An Act for enlarging the Term and Powers of Two Acts of the Tenth Year of His preſent Majeſty, and the laſt Seſſion of Parliament, for repairing the Road from* Biggleſwade, *in the County of* Bedford, *through* Bugden *and* Alconbury, *to the Top of* Alconbury Hill, *and from* Bugden *to* Huntingdon, *and from* Croſs Hall *to* Great Stoughton Common, *in the County of* Huntingdon; *and alſo the Road leading out of the aforeſaid Road, at or near* the Ferry Houſe, *in the Pariſh of* Tempsford, *to and through* Little Barford, Eyneſbury, *and* Saint Neots, *to the Turnpike Road at the End of* Croſs Hall Lane, *and from the Turnpike Road, in the Pariſh of* Eaton Soken, *to the ſaid Turnpike Road near* Saint Neots Bridge: And whereas the Road leading from the Weſt End of a Lane called *Saint Ives Lane*, in the Pariſh of *Saint Neots*, through the Pariſhes of *Saint Neots*, *Great Paxton*, *Offord Darcy*, *Offord Cluny*, and *Godmancheſter*, to the old Poſt or North Road in the Pariſh of *Godmancheſter*, all in the County of *Huntingdon*, is in ſome Parts overflowed and inconvenient for Travellers, and cannot be ſufficiently amended, widened, and kept in Repair by the ordinary Courſe of Law; and it would be of Public Utility if ſuch Road was put under the Care and Management of the Truſtees for executing this Act: And whereas the Truſtees appointed in or by virtue of the ſeveral recited Acts have from Time to Time improved and repaired the ſaid Roads therein mentioned, and have borrowed on the Credit of the ſaid ſeveral Acts divers Sums of Money which are ſtill due and owing with an Arrear of Intereſt, and which cannot be paid off, nor can the ſaid Roads be effectually amended and kept in Repair unleſs ſome of the Powers of the ſaid Acts be altered and enlarged, and the Tolls increaſed; and it is deſirable that the Powers heretofore granted by the ſaid recited Acts paſſed for repairing the ſaid Roads, and ſuch further Powers as may be neceſſary for keeping in Repair ſuch Roads, as well as the Roads herein-after mentioned, ſhould be contained in one Act: 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 on the Day of the Commencement of this Act, the ſaid recited Acts of the Eleventh Year of the Reign of His ſaid late Majeſty King *George* the Firſt, the Ninth Year of the Reign of His ſaid late Majeſty King *George* the Second, and the Tenth, Thirtieth, and

Former Acts repealed.

Thirty-first Years of the Reign of His preſent Majeſty, ſhall be and the ſame are hereby declared to be repealed; and inſtead thereof this Act ſhall commence and take Effect upon the Second Day of *July* next after the paſſing of this Act, and ſhall be put in Execution for and during the Term herein-after mentioned, for the Purpoſe of more effectually improving, repairing, and keeping in Repair, the ſeveral Roads herein-after deſcribed.

New Term and Tolls liable to Debts, &c.

II. And be it further enacted, That this Act, and the Term and Tolls hereby granted, ſhall be and are hereby made ſubject and liable to the Payment of all Monies which have been borrowed, and are now due and owing on the Credit of the Tolls authorized to be taken by the ſaid recited Acts, and of all Intereſt due and to grow due thereon, as fully and effectually to all Intents and Purpoſes as if ſuch Monies had been borrowed or become due and owing on the Credit or Security of the Tolls granted by this Act; and all and every Perſon and Perſons who may owe or be ſubject or liable to the Payment of any Sum or Sums of Money to the Truſtees for executing the ſaid recited Acts, or to any other Perſon or Perſons for the Benefit of the ſaid Truſt, or of any of the Roads to be kept in Repair by virtue of the ſaid Acts, ſhall be liable to the Payment of all ſuch Sum and Sums of Money to the Truſtees for executing this Act, and all Bonds, Covenants and Agreements, Contracts and Securities, entered into by any Perſon or Perſons, to or with any of the Truſtees for executing the ſaid recited Acts, according to the Proviſions and Directions of the ſaid recited Acts, ſhall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the ſame are fully ſatisfied and performed, on account and for the Benefit of the Truſt under this Act; and all Contracts or Agreements duly made or entered into by the Truſtees for executing the ſaid recited Acts hereby repealed, to or with any Perſon or Perſons, ſhall remain in full Force and Effect, and be obſerved and kept by the Truſtees under this Act, according to the Terms or Stipulations thereof reſpectively, notwithſtanding the Repeal of the ſaid recited Acts.

Truſtees.

III. And be it further enacted, That Sir *John Arundel* Knight, *Thomas Alſton*, *William Aſtell*, *Samuel Allvey* Doctor of Medicine, *James Applebee* Clerk, *Alington* Clerk, Sir *Richard Bickerton* Baronet, Sir *Montague Burgoyne* Baronet, *Joſeph Barnes*, *Robert Porten Beachcroft* Clerk, *Sherard Beaumont Burnaby* Doctor of Laws, *Henry Walker Beauford* Clerk, the Honourable and Reverend *Henry Cuſt*, Sir *Thomas Gery Cullum* Baronet, Sir *Alured Clarke* Knight of the Bath, *Frogmere Cumming* Clerk, *Creſpin* Clerk, *John Campbell*, *Peter Cowling*, *Peter Lancelot Cowling*, *John Conſtantine Cooke* Clerk, *John Cooke* Clerk, *Cook* Clerk, the Honourable *Auguſtus Richard Butler Danvers*, Sir *James Duberly* Knight, *James Duberly*, *John Daniel*, *Anthony Mead Darnell*, *Robert Denn*, *John Savile Dobyns*, *John Hill Day*, *John Day*, *William Day*, *William Ellis* Clerk, *Evelyn* Clerk, *Edward Edwards* Clerk, *George Edwards*, *William Henry Fellowes*, *John Franklin*, *William Foſter*, *Michael Joſeph Foſter*, *John Foſter*, *John Fox*, *Free* Doctor of Divinity, *Samuel Farmer*, Captain *Robert Fowler*, *Robert Fowler* Clerk, *Charles Gery* Clerk, *Hugh Wade Gery* Clerk, *Robert Godby*, *Thomas Gadſby* Clerk, *George Cornelius Gorham* Clerk, *George James Gorham*, the Mayor, Recorder, and Aldermen of the Town of *Huntingdon* for the Time being, *Edmund Harvey* Clerk, *John Harvey*, *John*

John Hodgson, *Henry Loftus Hodſon*, *Robert Hele Selby Hele* Clerk, *Hutchinſon* of *Little Barford*, *John Heathcote*, *William Herbert*, *Nathaniel Vincent Herbert*, *Vere Warner Huſſey*, *Saint John Harding* Clerk, *Daniel John Hopkins* Clerk, *William Johnſon*, *William Inkerſole*, *Thomas Inkerſole*, *Robert Jacobs*, *Edward Judd*, *Thomas Kidman*, Sir *George William Leeds* Baronet, *John Lawrence*, *William Loveday*, the Honourable *Frederic Montagu* commonly called *Lord Frederic Montagu*, *Robert Montagu*, *William Auguſtus Montagu*, *Leonard Morſe*, *John Maule*, *Richard Marriott*, *David Mackie*, *William Margetts*, *William Mole*, *Charles James Metcalfe*, the Honourable *Francis Needham*, the Honourable *Samuel Henley Ongley*, Sir *George Oſborn* Baronet, *John Oſborn*, *William Otter* Clerk, *Denzil Onſlow*, the Honourable *John Proby* commonly called *Lord Viſcount Proby*, *Thomas Parnell*, *Charles Fiſh Palmer*, *Edward Fiſh Palmer*, *William Palmer* Clerk, *William Palmer*, *William Peacock* Clerk, *Francis Pym*, *Wollaſton Pym* Clerk, *Peter Payne*, *William Penchen* Clerk, *Robert Pointer* Clerk, *James Pope* Clerk, *George Perkins* Clerk, *George Parker*, *William Alexander Peppercorn*, *John Polhill*, the Honourable *William Ruſſell* commonly called *Lord William Ruſſell*, *James Ruſt*, *Lawrence Reynolds*, *Francis Rix*, *Owſley Rowley*, *David Rowley*, *John Bonfoy Rooper*, *John Rooper*, *Henry Sweeting*, *Henry Sweeting* the younger, *Thomas Siſmey*, *John South*, *Joſeph Savill*, *Henry Peter Standly*, *John Standly*, *John Smith* Clerk, *Thomas Smyth*, *Henry Yeates Smythies* Clerk, Sir *John Tyrrell* Baronet, *Robert Thornton*, *Stephen Thornton*, *Thomas Daniel Trollope* Clerk, *George Thornhill*, *George Thornhill* the younger, *James Torkington*, *David Veaſey*, *George Vinter*, Sir *James Wright* Baronet, *Jacob Whitbread*, *Taylor White*, *Arthur Walter*, *Richard Hitchen Whitehurſt* Clerk, *Benjamin Welſtead*, *Whittingham* Clerk, *Walker* Clerk, *William Walker*, *Wilkinſon* Clerk, *John Williamſon*, *Edmund Williamſon*, *William Wiles*, *William Wells*, and *Samuel Wells*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for repairing, altering, widening, and improving the Road leading from *Biggleſwade*, in the County of *Bedford*, through *Bugden* and *Alconbury*, to the Top of *Alconbury Hill*, and from *Bugden* to *Huntingdon*, and from *Croſs Hall* to *Great Stoughton Common*, in the County of *Huntingdon*; and alſo for repairing, altering, widening, and improving the Road leading out of the aforeſaid Road, at or near the Ferry Houſe in the Pariſh of *Tempsford*, to and through *Little Barford*, *Eyneſbury*, and *Saint Neots*, to the Turnpike Road at the End of *Croſs Hall Lane*; and alſo for repairing, altering, widening, and improving a certain Piece of Road leading from the Turnpike Road in the Pariſh of *Eaton Soken* to the ſaid Turnpike Road near *Saint Neots Bridge*; and alſo for repairing, altering, widening, and improving the Road leading from the Weſt End of a certain Lane called *Saint Ives Lane*, in the Pariſh of *Saint Neots*, through the ſeveral Pariſhes of *Saint Neots*, *Great Paxton*, *Offord Darcy*, *Offord Cluny*, and *Godmancheſter*, to the old Poſt or North Road, in the Pariſh of *Godmancheſter*, in the County of *Huntingdon*; and for putting this Act in every other reſpect in Execution.

To elect Ten Truſtees.

IV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, if they ſhall think proper, at a Meeting to be holden for that Purpoſe, (of which Meeting, and of the Purpoſe thereof, ſuch Notice ſhall be given as is herein-after directed reſpecting the Appointment of future Truſtees on Vacancies), to elect, nominate,

nominate, and appoint any Number of other fit and proper Perſons, not exceeding Ten, to be Truſtees for the Purpoſes of this Act, in addition to the Truſtees hereby nominated and appointed.

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

V. And be it further enacted, That in caſe any of the ſaid Truſtees herein-before named, or to be elected in Manner herein mentioned, ſhall die, or be diſqualified, or by Writing under their Hands refuſe to act, it ſhall be lawful for the ſurviving or remaining Truſtees, at a Meeting to be held for that Purpoſe, to appoint one other Perſon to be a Truſtee in the room of every Truſtee ſo dying, becoming diſqualified, or refuſing to act, Notice of the Time and Place of Meeting for every Appointment of Truſtees being fixed on all the Turnpike Gates erected or to be erected on the ſaid Roads, at leaſt Ten Days before every ſuch Meeting; and every Perſon, being qualified as hereafter mentioned, who ſhall be ſo appointed, ſhall be veſted with the ſame Powers and Authorities for putting this Act in Execution, as if he had been named a Truſtee in this Act.

All Acts to be done by Five Truſtees, unleſs otherwiſe directed.

VI. And be it further enacted, That all Acts and Proceedings relative to the Execution of this Act may be done and executed by any Five or more of the ſaid Truſtees hereby appointed or to be elected as aforeſaid, except in Caſes where it is by this Act otherwiſe directed.

Qualification of Truſtees.

VII. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs at the Time of acting he ſhall in his own Right, or in the Right of his Wife, be in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Repriſes, or ſhall be poſſeſſed of a Perſonal Eſtate, or of a Real and Perſonal Eſtate together, to the Amount of Two thouſand Pounds, clear of all Incumbrances, or ſhall be Heir Apparent of a Perſon ſo ſeiſed of Meſſuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds: Provided alſo, that no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, (except in adminiſtering the Oath herein-after mentioned at the Firſt Meeting after the paſſing of this Act), until he ſhall have taken and ſubſcribed in a Book to be kept for that Purpoſe, an Oath or Affirmation in the Words or to the Effect following; that is to ſay,

Oath of Truſtees.

'I *A. B.* do ſwear, That I am truly and *bonâ fide* in my own Right, or in the Right of my Wife, in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above all Repriſes, or that I am poſſeſſed of a Perſonal Eſtate, or to a Real and Perſonal Eſtate together, of the Amount or Value of Two thouſand Pounds, clear of all Incumbrances, or that I am Heir Apparent of who, to the beſt of my Knowledge and Belief, is entitled to a Real Eſtate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds.

'So help me GOD.'

Penalty on Perſon acting as a Truſtee

Which Oath or Affirmation any One of the ſaid Truſtees at any Meeting is hereby empowered to adminiſter; and if any Perſon ſhall preſume to act

if not qualified.

act as a Truſtee in the Execution of this Act, not being qualified as aforeſaid, or without having taken and ſubſcribed ſuch Oath or Affirmation in Manner aforeſaid, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe, wherein no Eſſoign, Protection, or Wager of Law, or more than one Imparlance ſhall be allowed; in which Action it ſhall be ſufficient for the Plaintiff to prove that ſuch Perſon hath acted as a Truſtee in the Execution of this Act, which Proof ſhall entitle the Plaintiff to a Verdict, unleſs the Defendant ſhall prove that he was at the Time of ſo acting duly qualified: Provided

Acts of Truſtees not qualified valid before Conviction.

nevertheleſs, that all Acts and Proceedings which ſhall have been done and performed, touching the Execution of this Act, by any ſuch Perſon previous to his being convicted of the Offence before mentioned, ſhall, notwithſtanding ſuch Conviction, be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act.

Truſtees not to act where intereſted.

VIII. And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act during the Time he ſhall hold, either in his own Name or in the Name of any other Perſon for his Benefit, any Place of Profit under this Act; nor ſhall any ſuch Perſon act or vote in any Caſe wherein he ſhall be perſonally intereſted, otherwiſe than as a Creditor.

Perſons in Commiſſion of the Peace may act both as Truſtees and Juſtices.

IX. And be it further enacted, That any Truſtee or Truſtees appointed or to be appointed in or by virtue of this Act, who ſhall be a Juſtice or Juſtices of the Peace, may and is and are hereby authorized and empowered to act as a Juſtice or Juſtices of the Peace in the Execution of the Powers hereby given to any Juſtice of the Peace, notwithſtanding his or their being a Truſtee or Truſtees; provided that any ſuch Juſtice or Juſtices be not perſonally intereſted in the Matters to be adjudged by him or them otherwiſe than as a Truſtee or Truſtees.

First Meeting of Truſtees.

X. And be it further enacted, That the ſaid Truſtees ſhall meet together at the *Croſs Keys* Inn, in *Saint Neots*, in the County of *Huntingdon*, on the Second Day of *July* next after the paſſing of this Act, or as ſoon after as conveniently may be; and the ſaid Truſtees ſhall and may then and from Time to Time adjourn themſelves to meet at the ſame Place, or at or in any other Pariſh or Place upon or adjoining or near the ſaid Roads, or any of them, as often as they ſhall think fit and convenient, for putting this Act in Execution; provided that no Adjournment ſhall be made for a longer Time than Three Calendar Months; and if at any Meeting appointed to be held by virtue of this Act there ſhall not appear a ſufficient Number of Truſtees to act, or in caſe the Truſtees at any Meeting aſſembled ſhall not adjourn themſelves, the Clerk to the ſaid Truſtees ſhall adjourn the ſaid Meeting to and appoint the Truſtees to meet at the Place where the laſt Meeting was appointed to be held, on any Day not exceeding Six Weeks after the Day on which ſuch laſt Meeting was appointed to be held; and that of all Meetings to be held in purſuance of this Act, except where it ſhall be otherwiſe directed by this Act, the Clerk ſhall cauſe Notice thereof to be affixed on all the Turnpike Gates then erected or continued by virtue of this Act, at leaſt Ten Days before ſuch Meeting; and the ſaid Truſtees at all their Meetings ſhall defray their own Charges

Charges and Expences, except in paying for the Uſe of the Room or Rooms where their Meetings ſhall from Time to Time be held for the Purpoſes of this Act.

Meetings on Emergencies.

XI. And be it further enacted, That if after any Adjournment of the ſaid Truſtees it ſhall at any Time be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by ſuch Adjournment, in that Caſe the Clerk to the ſaid Truſtees, upon an Order in Writing ſigned by Three or more of the ſaid Truſtees, mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees, (ſuch Meeting not being leſs than Five Days after ſuch Notice), and ſuch earlier Meeting ſhall and may be held accordingly, and all the Orders and Determinations of the ſaid Truſtees at all ſuch Meetings ſhall be as valid and effectual as they would have been in caſe ſuch Meetings had been held in purſuance of Adjournments; and the ſaid Truſtees, or the Majority of them, at all Meetings held in purſuance of this Act, are hereby empowered to make all neceſſary Orders, Determinations, and Agreements, in the Execution of this Act; and no ſuch Order, Agreement, or Determination ſhall be made, unleſs the Majority of the Truſtees preſent at ſuch Meeting ſhall concur therein, ſuch Majority not being leſs than the Number of Truſtees by this Act authorized to make any ſuch Order, Agreement, or Determination; and no ſuch Order, Agreement, or Determination ſhall be revoked or altered at any ſubſequent Meeting, unleſs ſpecial Notice ſhall be given, at leaſt Ten Days before, by affixing the ſame in Writing upon all the Toll Gates then erected on the ſaid Roads, nor unleſs a greater Number of the Truſtees ſhall concur in the Revocation or Alteration thereof than concurred in the making of any ſuch Order, Agreement, or Determination, and at every Meeting of the ſaid Truſtees, a Chairman ſhall and may be appointed; and when and as often as it ſhall happen that there ſhall be an Equality of Votes at any ſuch Meeting upon any Queſtion, including the Vote of the Chairman, then and in every ſuch Caſe it ſhall and may be lawful to and for the Chairman to give the deciſive or caſting Vote.

Proceedings to be entered.

XII. And be it further enacted, That all Orders and Proceedings of the Truſtees ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſuch Orders and Proceedings ſo entered ſhall be ſigned by the Truſtees making the ſame, or by their Chairman, which Book or Books, and alſo the Book or Books herein-after directed to be kept for regiſtering Mortgages or Transfers thereof, as well as all other Minute Books and Books of Regiſtry of Securities which have been kept by the Truſtees acting under the ſaid Acts hereby repealed, ſhall be admitted as Evidence of the Matters therein contained in all Courts whatſoever, touching any Thing to be done in purſuance of this Act; and which Books ſhall at all Times be open for the Inſpection of any Truſtee or Creditor under this Act.

Power to appoint Officers.

XIII. And be it further enacted, That the Treaſurer, Clerk, Surveyor, and other Officers already appointed by virtue of the ſaid recited Acts hereby repealed, ſhall continue in Office until they ſhall die, reſign, or be removed by the ſaid Truſtees, or any Seven or more of them, and ſhall have the like Power in all Reſpects as if they had been appointed by the ſaid

ſaid Truſtees by virtue of this Act; and the ſaid Truſtees may from Time to Time appoint ſuch Officers and other Perſons as they ſhall think neceſſary to be employed in the Execution of this Act, and from Time to Time remove ſuch Officers and other Perſons, and appoint others in their ſtead, and out of the Monies to ariſe by virtue of this Act make ſuch Allowances to the ſaid Officers and Perſons as to them the ſaid Truſtees ſhall ſeem reaſonable; and all ſuch Officers and Perſons ſhall, under their Hands, at ſuch Time or Times, and in ſuch Manner as the ſaid Truſtees ſhall direct, deliver to ſuch Truſtees, or ſuch Perſon or Perſons as they ſhall appoint, true and perfect Accounts in Writing of all the Monies which ſhall have been by ſuch Officers and Perſons reſpectively received by virtue of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint; and if any ſuch Officer or Perſon ſhall not make and render or refuſe any ſuch Account, or to produce or deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid, or ſhall not deliver to the ſaid Truſtees, within Ten Days after being thereunto required by the ſaid Truſtees, all the Books, Papers, and Writings in his Cuſtody or Power, relating to the Execution of this Act; then and in every or any of the ſaid Caſes any One Juſtice of the Peace for the County or Place where ſuch Officer or Perſon ſhall be or reſide, may and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Officer or Perſon to be brought before him, and to make Enquiry in a ſummary Way concerning ſuch Default, and upon his, her, or their appearing, or not being to be found, to hear and determine the Matter, either by the Confeſſion of the Party, or by the Teſtimony of any credible Witneſs or Witneſſes on Oath (which Oath ſuch Juſtice is hereby empowered and required to adminiſter without Fee or Reward); and if it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been received ſhall be in the Hands of ſuch Officer or Perſon, ſuch Juſtice may and he is hereby authorized and required upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Perſon; and if no Goods or Chattels can be found ſufficient to anſwer the ſaid Money and the Charges of diſtraining and ſelling the ſame, or if ſuch Officer or other Perſon ſhall not appear before the ſaid Juſtice, unleſs for ſome ſufficient Excuſe, at the Time and Place by him appointed for that Purpoſe, or if appearing ſhall be convicted of any or either of the Offences aforeſaid, ſuch Juſtice ſhall commit every ſuch Offender to the Common Gaol for ſuch County or Place, there to remain without Bail or Mainprize, until he ſhall make and give a true and perfect Account and Payment as aforeſaid, and the Charges of ſuch Diſtreſs and Sale, or until he, ſhe, or they ſhall have compounded with the ſaid Truſtees, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint, (which Compoſition the ſaid Truſtees are hereby empowered to make), or until he, ſhe, or they ſhall have delivered up ſuch Books, Papers, and Writings as aforeſaid, or given Satisfaction in reſpect thereof to the ſaid Truſtees; but no Perſon who ſhall be committed for Want of ſufficient Diſtreſs only ſhall be detained in Priſon upon any ſuch Commitment for any longer Time than Six Calendar Months.

XIV. Provided

Toll Collector dying, &c. Three Truſtees may appoint a Perſon until the next Meeting of Truſtees.

XIV. Provided always, and be it further enacted, That as often as any Toll Collector ſhall die, or be incapable of performing his Duty, or ſhall abſcond or abſent himſelf, any Three or more of the ſaid Truſtees, though not aſſembled at a Meeting, may appoint any other Perſon to collect ſuch Tolls until the ſaid Truſtees ſhall, at a Meeting to be held by virtue of this Act, appoint a Collector of ſuch Tolls; and every Perſon ſo nominated ſhall have the like Power and Authority, and be anſwerable and accountable in the ſame Manner in all Reſpects as the Perſon who ſhall ſo die, become incapable, abſcond, or abſent himſelf, would have had or been ſubject to.

No Victualler to hold a Place of Profit under this Act.

XV. Provided alſo, and be it further enacted, That no Perſon keeping an Inn, Alehouſe, or other Houſe of public Entertainment, or who ſhall ſell Ale, Wine, Brandy, or other Spirituous Liquors by Retail, ſhall be capable of holding any Place of Truſt or Profit under this Act, or of being appointed a Truſtee, or of acting as ſuch, or be capable of farming or renting the Tolls, unleſs he ſhall employ ſome Perſon to collect ſuch Tolls who ſhall not be under any ſuch Incapacity.

Treaſurer to give Security.

XVI. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required to take ſufficient Security from the Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, and other Officers to be appointed or continued for the Purpoſes of this Act, for the due and faithful Execution of their reſpective Offices; and no ſuch Treaſurer, Receiver, Collector, or other Officer, ſhall be permitted to enter upon or continue in ſuch their Offices reſpectively, unleſs they ſhall have given ſuch Security.

Books, &c. relative to former Acts to be delivered to the Truſtees.

XVII. And be it further enacted, That all Perſons who are or have been employed, or who have received any Tolls or other Money by virtue or on account of the ſaid Acts hereby repealed, or who have or ſhall have in their Cuſtody or Poſſeſſion any Money, Books, Accounts, Papers, Writings, or other Things relating to the ſaid Roads by the ſame Acts directed to be improved and repaired, ſhall account for and pay and deliver over the ſame and every Part thereof to the Truſtees in and by this Act named and appointed, in like Manner and under the like Penalties as the ſeveral Collectors and other Perſons receiving any Money by virtue of this Act are herein required to pay or account for the ſame.

Actions to be brought in Name of Clerk.

XVIII. And be it further enacted, That in all Actions, Cauſes, Indictments, Proſecutions, Trials, or Proceedings at Law, to be had, brought, proſecuted, or defended in purſuance of this Act, the ſaid Truſtees may ſue and be ſued in the Name of their Clerk; and no Action or Proceedings as aforeſaid ſhall abate or be diſcontinued by the Death or Removal of the Perſon in whoſe Name or againſt whom the ſame ſhall be brought or defended, or by the Act of ſuch Clerk, without the Conſent of the ſaid Truſtees, but the Clerk to the ſaid Truſtees for the Time being ſhall always be deemed the Plaintiff or Defendant in every ſuch Action or Suit: Provided always, that the Clerk in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended in purſuance of this Act, ſhall be fully reimburſed and paid, out of the Monies to ariſe by virtue of this Act, all ſuch Coſts, Charges, Damages, and Expences, as by the Event or in conſequence of any ſuch Action or Proceeding he ſhall be

put unto or become chargeable with by reason of his being so made Plaintiff or Defendant.

Toll Houses vested in Trustees.

XIX. And it is hereby enacted and declared, That the Right and Property of and in all the Turnpike Gates, Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Posts, Rails, and Fences already erected by virtue of the said Acts hereby repealed, or which shall be erected and provided by virtue of this Act, and the Materials of which the same do or shall consist, and also all the Tools, Materials, and other Requisites already or hereafter to be provided for the Purposes of the said Roads by this Act directed to be kept in Repair, shall be and they are hereby vested in the said Trustees for the Time being, and they are hereby empowered to apply and dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, or to prefer or prosecute, or order the preferring and prosecuting, of any Informations or Indictments, or to proceed in a summary Way before a Magistrate of the County in which the Offence shall be committed, against any Person or Persons who shall dig up, steal, carry away, break down, spoil, destroy, injure, or damage any such Turnpike Gates, Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Posts, Rails, and Fences, or other Materials, Articles, or Things; and it shall be sufficient in every such Information or Indictment to state any such Property, Materials, Articles, or Things, to be the Property of the Clerk for the Time being to the said Trustees.

Power to remove Turnpikes.

XX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered from Time to Time, when and as often as they shall think proper, to cause any of the Turnpikes or Toll Gates already erected, or which shall be continued or erected, in, upon, or across, or on the Side or Sides of any Part of the said Roads by virtue of this Act, to be removed to and erected in, upon, or across, or on the Side or Sides of such other Part or Parts of the said Roads as the said Trustees shall from Time to Time order and direct; provided that none of the said Turnpikes or Toll Gates shall be removed as aforesaid, unless Notice in Writing of the Intention to remove the same shall have been affixed Twenty-one Days at the least upon all the Turnpikes or Toll Gates then standing upon the said Roads.

Power to erect Toll Houses, &c.

XXI. And for the Purpose of collecting and receiving the Tolls hereby granted and made payable, be it enacted, That the said Trustees may and they are hereby authorized to continue all or any of the Turnpikes or Toll Gates and Toll Houses which have been erected in, upon, or across any Part of the said Roads by virtue of the said Acts hereby repealed, and shall and may erect or cause to be erected such and so many other Turnpikes or Toll Gates in, upon, or across any Part of the said Roads, and also in, upon, and across such Parts and in such Places of the said Roads by this Act directed to be made, widened, improved, or kept in Repair, and also such and so many Turnpikes or Toll Gates on the Sides of the said Roads, and in, upon, or across any Street, Lane, or Bye-way, that does or shall lead into or out of the same respectively, as they the said Trustees shall think proper and expedient (subject nevertheless to such Restrictions and Directions as are herein-after mentioned concerning the same); and also shall and may erect or provide a Toll House, with

ſuitable Buildings, a Garden, and other Conveniences, not exceeding Half a Rood of Land, at or near each of the ſaid Turnpikes or Toll Gates.

Power to ſell Toll Houſes.

XXII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees abſolutely to ſell and diſpoſe of any Toll Houſe or Toll Houſes erected by virtue of the ſaid Acts hereby repealed, or hereafter to be erected by virtue of this and Act, the Ground whereon the ſame may ſtand, with the Outhouſes, Gardens, and Appurtenances thereto belonging, (when they ſhall be conſidered by the ſaid Truſtees uſeleſs and unneceſſary for the Purpoſes of this Act), to any Perſon or Perſons whomſoever, either by public Auction or private Sale, at or for ſuch Price or Prices as they the ſaid Truſtees can obtain for the ſame; and, in caſe of Sale, to convey the ſaid Toll Houſes, Gardens, and Appurtenances to the Perſon or Perſons who ſhall purchaſe the ſame, as an Eſtate or Eſtates of Inheritance in Fee Simple; and the Perſon or Perſons who ſhall purchaſe the ſame, his, her, or their Heirs or Aſſigns, ſhall upon Payment of his, her, or their Purchaſe Money to the ſaid Truſtees, or to their Treaſurer or Treaſurers for the Time being, hold and enjoy the Premiſes by him, her, or them ſo purchaſed, diſcharged from all Truſts, and free from all Incumbrances whatſoever, and ſhall not be obliged to ſee to the Application of his, her, or their Purchaſe Money, nor be anſwerable for the Miſapplication or Non-application thereof: Provided always, that ſuch Preference of purchaſing ſhall be given to the Perſon or Perſons from whom any Land on which any ſuch Toll Houſes may have been erected was purchaſed, as is herein-after directed to be given, where any Piece or Pieces of Ground, or old Road, not wanted for the Purpoſes of this Act, is authorized to be ſold.

Power to take Tolls.

XXIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Perſon or Perſons to be continued or appointed by virtue of this Act Collector or Collectors as aforeſaid, to demand and take the ſeveral Tolls and Duties following, ſubject to the Reſtrictions herein-after contained, at the Turnpikes or Toll Gates, or Side Bars or Side Gates, already erected by virtue of the ſaid Acts hereby repealed, and which by virtue of this Act ſhall be continued or erected in, upon, or acroſs the Roads leading from *Biggleſwade*, in the County of *Bedford*, through *Bugden* and *Alconbury*, to the Top of *Alconbury Hill*, and from *Bugden* to *Huntingdon*, and from *Croſs Hall* to *Great Stoughton Common*, in the County of *Huntingdon;* the Road leading out of the aforeſaid Road, at or near the Ferry Houſe in the Pariſh of *Tempsford*, to and through *Little Barford*, *Eyneſbury*, and *Saint Neots*, to the Turnpike Road at the End of *Croſs Hall Lane;* the Road leading from the Turnpike Road in the Pariſh of *Eaton Soken* aforeſaid, to the ſaid Turnpike Road near *Saint Neots Bridge;* and the Road leading from the Weſt End of *Saint Ives Lane*, through the ſeveral Pariſhes of *Saint Neots*, *Great Paxton*, *Offord Darcy*, *Offord Cluny*, and *Godmancheſter*, to the old Poſt or North Road in the Pariſh of *Godmancheſter*, or on the Side of any Street, Road, or Way leading into or out of any Part of the ſaid Roads, and on every Day (ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night); that is to ſay,

Tolls.

For every Horſe or other Beaſt of Draught, drawing any Coach, Chariot, Chaiſe, Chair, Waggon, Wain, Cart, or other Carriage, the Sum of One Shilling:

For

For every Horſe or Mule, laden or unladen, and not drawing, the Sum of Three-pence:

For every Aſs, laden or unladen, and not drawing, the Sum of Two-pence:

For every Drove of Oxen, Cows, Calves, or other Neat Cattle, the Sum of Two Shillings and Sixpence for each Score; and ſo in proportion for any greater or leſs Number:

And for every Drove of Hogs, Swine, Goats, Sheep or Lambs, or Geeſe, the Sum of Ten-pence *per* Score; and ſo in proportion for any greater or leſs Number:

Tolls to be paid before the Cattle paſs the Gates.

And the ſaid reſpective Tolls ſhall, ſubject to the Reſtrictions in this Act contained, be demanded and taken before any Horſe, Mule, or other Beaſt, Coach, Waggon, Cart, or other Carriage whatſoever, or Drove of Oxen or Neat Cattle, Calves, Sheep, Lambs, or Swine, be permitted to paſs through any Turnpike or Toll Gate erected or to be erected or continued upon the ſaid Roads by virtue of this Act, or in, upon, or acroſs any Lane, Street, or Way leading into the ſame; and upon Payment of any of the ſaid Tolls, the Collector or Receiver ſhall and he is hereby required to deliver *gratis* to the Perſon paying ſuch Toll a Note or Ticket denoting ſuch Payment, on which Note or Ticket ſhall be named and ſpecified the ſeveral Toll Gates freed by ſuch Payment.

Tolls to be paid but once a Day, except in certain Caſes.

XXIV. And be it further enacted, That no Perſon ſhall be ſubject or liable to pay any of the Tolls authorized to be taken by this Act more than Once on the ſame Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night) for paſſing or returning as often as he, ſhe, or they ſhall have Occaſion on the ſame Day with the ſame Horſe, Cattle, Beaſt, or Carriage, through all or any of the Turnpikes or Side Gates to be erected or continued on or acroſs, or on the Side of any Part or Parts of the ſaid Roads, except as herein-after mentioned.

Limitation of Number of Tolls.

XXV. And be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend to empower the ſaid Truſtees to cauſe more than Two full Tolls to be demanded or taken on the ſame Day, ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night, for the Paſſage of the ſame Horſe, Beaſt, or Cattle, Chaiſe, Waggon, Cart, or other Carriage, through all the Turnpike Gates to be erected or continued on that Part of the ſaid Roads leading from the Town of *Biggleſwade*, through *Bugden*, to the Top of *Alconbury Hill*, and from *Bugden* to *Huntingdon*, and from *Croſs Hall* to *Great Stoughton Common*, and from the Ferry Houſe in the Pariſh of *Tempsford*, through *Little Barford*, *Eyneſbury*, and *Saint Neots*, to the Turnpike Road at the End of *Croſs Hall Lane*, and from the Turnpike Road in the Pariſh of *Eaton Soken* to the ſaid Turnpike Road near *Saint Neots* Bridge, nor to empower the ſaid Truſtees to cauſe more than One full Toll to be demanded or taken on the ſame Day, ſuch Day to be computed as aforeſaid, for the Paſſage of the ſame Horſe, Beaſt, or Cattle, Chaiſe, Waggon, Cart, or other Carriage, through any Turnpike Gates or Side Bars to be erected acroſs or on the Sides of any Part of the Road leading from *Saint Ives Lane*, in the Pariſh of *Saint Neots*, to the old Poſt or North Road, in the Pariſh of *Godmancheſter* aforeſaid, except as herein-after mentioned.

XXVI. Provided

Horſes drawing Stage Coaches, &c. to pay for each Time of paſſing.

XXVI. Provided always, and be it further enacted, That all the ſaid Tolls ſhall be paid for Horſes drawing Stage Coaches or Diligences, every Time they ſhall paſs through ſuch Gates, as if no Toll had been before paid; and, ſhall in like Manner be paid for all Horſes drawing a Poſt Chaiſe, every Time they ſhall paſs through ſuch Gates with a Ticket denoting a freſh Hiring.

Regulation of Toll on Horſes going for and returning with Carriages not let to hire.

XXVII. Provided alſo, and be it further enacted, That in Caſes where any Horſe or Horſes, laden or unladen, and not drawing, ſhall have paſſed through any Turnpike Gate or Side Bar to be continued or erected on any Part of the ſaid Roads, for the Purpoſe only of fetching or conveying any Coach, Chariot, Landau, Barouche, Sociable, Berlin, Chaiſe, Calaſh, Curricle or Phaeton, or Gig, or any Taxed Cart not carrying Paſſengers for Hire to the Place of Abode of the Owner thereof, and the Tolls authorized by this Act to be taken for ſuch Horſe or Horſes not drawing as aforeſaid ſhall have been paid, and ſuch Horſes ſhall return on the ſame Day through the ſame Turnpike or Side Gate drawing any ſuch Coach or other Carriage as aforeſaid, then and in every ſuch Caſe the Horſe or Horſes ſo drawing ſuch Coach or Carriage ſhall be liable to the Payment of ſuch additional Toll only, as will with the Toll before paid for ſuch Horſes make up the Toll payable by this Act for every ſuch Horſe or Horſes drawing as aforeſaid.

Tolls veſted in Truſtees.

XXVIII. And be it further enacted, That all the ſaid reſpective Tolls, and all and every Sum and Sums of Money which ſhall ariſe and be produced therefrom, ſhall be veſted in the ſaid Truſtees for the Time being, 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 ſhall, after Demand thereof made by the Perſon or Perſons ſo authorized to receive the ſame, neglect or refuſe to pay the ſaid Tolls or any Part thereof, it ſhall be lawful for the Perſon or Perſons appointed to collect ſuch Tolls, by himſelf or themſelves, or taking ſuch Aſſiſtance as he or they ſhall think neceſſary, to ſeize and diſtrain any Horſe or Horſes, or other Cattle, together with their Bridles, Saddles, Harneſs or Accoutrements, or any Carriage, together with its Lading, upon which any Toll is by this Act impoſed, (but no ſuch Bridle, Saddle, Harneſs or Accoutrements, ſhall be ſo ſeized without detaining and ſeizing the Horſe or other Beaſt bearing the ſame), or any of the Goods and Chattels of the Perſon or Perſons neglecting or refuſing to pay the ſame; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, ſhall not be paid within the Space of Three Days next after the Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Horſe or Horſes, Cattle, Beaſt, Carriage, Goods, and Chattels ſo ſeized and diſtrained, or ſuch of them or ſuch Part thereof as will be ſufficient to ſatisfy ſuch Tolls, and the Expence of making ſuch Diſtreſs and Sale, returning the Overplus of the Money (if any), and what ſhall remain unſold, on Demand, to the Owner thereof, after ſuch Tolls, and the reaſonable Charges occaſioned by ſuch Seizure, Diſtreſs, and Sale, ſhall have been deducted; and if any Diſpute ſhall happen concerning the Amount of the Tolls due, or the Charges of making, keeping, or ſelling any Diſtreſs, it ſhall be lawful for the Collector or Perſons diſtraining to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof (as the

Caſe may happen), until the Amount of the Tolls due, and the Charges of ſuch Diſtreſs and Sale, and of keeping the Diſtreſs, (as the Caſe ſhall happen), ſhall be aſcertained by ſome Juſtice of the Peace for the County, Town, or Place where ſuch Diſpute ſhall ariſe, who, on Application made to him for that Purpoſe, ſhall examine the Matter on the Oath of the Parties or other Witneſs or Witneſſes, and ſhall determine the Amount of the Tolls due, and ſhall award ſuch Coſts and Charges to either Party, as to the ſaid Juſtice ſhall appear right and proper; all which Coſts and Charges ſhall and may be levied and recovered, in caſe of Non-payment thereof forthwith, by Warrant under the Hand and Seal of ſuch Juſtice, rendering the Overplus (if any) on Demand, after Payment of ſuch Coſts and Charges, and the Coſts and Charges of making ſuch Diſtreſs and Sale, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold.

Accounts to be kept of Receipts and Diſburſements.

XXIX. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk or Treaſurer for the Time being, in which Book or Books ſuch Clerk or Treaſurer ſhall enter or cauſe to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the ſaid Roads, and of the ſeveral Articles, Matters, and Things for which ſuch Sums of Money ſhall have been diſburſed, laid out, and paid; which Book or Books ſhall at all ſeaſonable Times be open to the Inſpection of the ſaid Truſtees, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the ſaid Truſtees and Creditors ſhall or may take Copies of or Extracts from the ſaid Book or Books, or any Part or Parts thereof, without paying any Thing for the ſame; and in caſe the ſaid Clerk or Treaſurer, or the Perſon or Perſons who ſhall have the Care and Cuſtody of the ſaid Book or Books, ſhall refuſe to permit the ſaid Truſtees or ſuch Creditors to inſpect the ſame, or take ſuch Copies or Extracts as aforeſaid, ſuch Clerk or Treaſurer, or Perſon or Perſons, ſhall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in Manner herein-after mentioned.

Collectors of Tolls to be competent Witneſſes.

XXX. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe touching or relating to the ſaid Tolls, or any of them, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, or under any Leſſee or Leſſees of the ſaid Tolls, ſhall not be diſqualified from giving Evidence in any Diſpute, Suit, Litigation or Appeal, by reaſon of his, her, or their being appointed to collect ſuch Tolls, or acting under ſuch Authority as aforeſaid.

Exemptions.

XXXI. And be it further enacted, That none of the Tolls hereby authorized to be taken ſhall be demanded, taken, or received at any of the Turnpike Gates erected or to be erected or continued upon the ſaid Roads, for any Horſes, Cattle, or Carriages of whatſoever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning therefrom; nor for the Horſes belonging to any Officers

or

or Soldiers on their March, or on Duty, nor for any Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers, nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; nor for the Horſes of any Rector, Vicar, or Curate going to or returning from his own Pariſh Church, or other Place of Divine Worſhip, or viſiting his ſick Pariſhioners; nor of any Perſon or Perſons going to or returning from Church, Chapel, or other Place of Religious Worſhip within the Pariſh or Place where he, ſhe, or they may reſide, on *Sundays* or on any other Day on which Divine Worſhip is or or ſhall be ordered by Authority to be celebrated, or attending the Funeral of any Perſon or Perſons who ſhall die, and be buried in any Pariſh, Hamlet, or Place through which any Part of the ſaid Roads lie; nor for any Horſes, Beaſts, Cattle, or Carriages uſed or employed for the Purpoſe only of carrying or conveying Perſons to or from any Election of a Knight or Knights of the Shire to ſerve in Parliament for either of the Counties of *Bedford* or *Huntingdon*, or the Boroughs of *Bedford* or *Huntingdon*; or of carrying or conveying Vagrants ſent by legal Paſſes; or of carrying or conveying Hay not having been ſtacked, Straw or Corn in the Straw for the Uſe of the Owners, and not for Sale or purchaſed, but going to be laid up in the Houſes, Outhouſes, Barns, or Yards of the Owners thereof, in any of the ſaid Pariſhes, Hamlets, or Places; or of carrying or conveying any Dung, Mould, Manure, or Compoſt (other than Lime), to be uſed only for manuring the Land, or going or returning empty in that Employment; nor for any Horſes, Beaſts, or Cattle employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Plough, Harrow, or other Implement of Huſbandry to be uſed in any of the ſame Pariſhes, Hamlets or Places, or to be taken to any Place for the Purpoſe of being repaired, or to be brought back from ſuch Place after the ſame ſhall have been repaired, unleſs the Carriage bearing any ſuch Plough, Harrow, or other Implement of Huſbandry, be alſo laden with any other Thing not hereby intended to be exempted from Payment of Toll; nor for any Horſe, Beaſt, or Cattle kept within ſuch Pariſhes, Hamlets or Places, going to or returning from Work in cultivating Lands therein, or uſed only by Perſons going to or returning from the Superintendence or Management of ſuch Lands within ſuch Pariſhes; nor for any Horſe, Beaſt, or Cattle paſſing to or repaſſing from Water or Paſture; nor for any Horſe, Beaſt, or other Cattle, when going to or returning from being ſhod or farried; nor for any Horſe, Beaſt, or Cattle uſed or employed for the Purpoſe only of carrying or conveying Materials for making or repairing any Highway or public Road within any ſuch Pariſhes, Hamlets, or Places aforeſaid, or for rebuilding, building, or repairing any preſent or future Bridge or Bridges on the ſaid Roads under this Truſt; nor for any Horſe, Beaſt, Cattle, or Carriage which ſhall croſs the ſaid Roads only, and ſhall not paſs more than One hundred Yards thereon; nor for any Horſe, Mare, or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place appointed for Exercile, Inſpection, or Review, provided that ſuch Perſon is in the Uniform of his Corps,

and

and has his Arms, Furniture, and Accoutrements according to the Regulations appointed for such Corps at the Time of claiming the Exemption; and if any Person shall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

Carriages employed in His Majesty's Service not to be subject to Penalties for Overweight.

XXXII. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act, contained to the contrary notwithstanding.

For preventing Toll Collectors taking undue Tolls, and making use of scurrilous Language to Travellers.

XXXIII. And be it further enacted, That all and every the Toll Collectors, being Lessee of the said Tolls, or appointed either by the said Trustees or by any such Lessee or Lessees to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate immediately on his coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be on such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders or Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, or shall refuse to permit or suffer, or shall in any Ways hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in Answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket to denote the Payment of the Toll, or shall unnecessarily detain any Passenger or Passengers, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge.

Penalty for assaulting Collectors.

XXXIV. And be it further enacted, That if any Person or Persons shall assault, interrupt, hinder, obstruct, or cause or promote to be assaulted, interrupted, hindered, or obstructed, any Collector of the Tolls or Gatekeeper in the Execution of this Act, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on suffering Carriages liable to pass without being weighed.

XXXV. And be it further enacted, That for the better preventing of Frauds and Collusions respecting Carriages carrying Overweight, if any Lessee or Lessees of the Tolls payable at any Turnpike Gate or Gates to be erected or continued by virtue of this Act, or any Collector or Collectors of the Tolls, or any Person or Persons to be appointed to the Care of any Weighing Machine or Machines erected or to be erected on the said Roads, shall suffer or permit any Waggon, Cart, or Carriage, liable to be weighed at any such Machine or Machines, to pass either by such Machine or Machines, or by or through the Turnpike Gate or Gates to be erected or continued on the said Roads, without weighing the same; or shall suffer or permit any such Waggon, Cart, or other Carriage, to proceed on the said Roads without having first paid the Tolls payable for such Waggon, Cart, or other Carriage, and for all such Overweight or Overweights as such Waggon, Cart, or other Carriage respectively shall or may happen to have therein or thereon; or if any such Lessee or other Person shall enter into any Contract, Composition or Agreement, verbal or written, whereby any specific Sum of Money is to be paid by any Person or Persons for the Carriage of Overweight in respect of any Waggon, Wain, Cart, or other Carriage liable to be weighed at such Machines, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds, as the Justice or Justices before whom the Information shall be laid shall adjudge.

Tolls may be reduced.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, when and as often as they shall think proper, to lessen or reduce the Tolls by this Act granted or made payable at all or any of the Turnpike Gates or Toll Bars to be continued or erected by virtue of this Act, and to cause the same to be collected in such Manner, Parts, and Proportions, as they shall think fit, and to raise the same again, so as they do not at any Time exceed the Tolls by this Act granted and made payable, and so as every Reduction thereof be made with the Consent of the Person or Persons for the Time being entitled to Five-sixth Parts of the Money then due on the Security of the Tolls, and be signified either in Person or by Writing under his, her, or their Hand or Hands; but no such Reduction shall be made unless Twenty-one Days previous Notice thereof shall be affixed in Writing upon all the Turnpikes or Toll Gates then erected across the said Roads, and shall be also inserted in One or more of the Newspapers published or generally circulated in the Counties through which the said Roads do pass: Provided always, that it shall be lawful for the Trustees, at the First Meeting appointed to be held after the passing of this Act, to fix and determine the Amount of the Tolls to be taken by virtue of this Act, without any such Consent or Notice as aforesaid.

Trustees may compound for Tolls.

XXXVII. And be it further enacted, That the said Trustees, or any Seven or more of them, may from Time to Time, as they shall see convenient, compound or agree for any Time, not exceeding One Year at a

Time, with any Perſon or Perſons travelling through any Turnpike Gate erected or to be erected or continued by virtue of this Act, with any Horſe or Cattle, or any Carriage, of whatſoever Breadth the Tire of the Wheels may be, for any Sum or Sums of Money to be paid yearly in advance; and in Default thereof the Compoſition or Agreement with the Perſon or Perſons making ſuch Default ſhall thenceforth be void, and all ſuch Compoſition Money ſhall be applied in ſuch Manner as the Tolls are hereby directed to be applied; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act, contained to the contrary notwithſtanding.

Power to leaſe the Tolls.

XXXVIII. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, in ſuch Manner and Form as is mentioned and directed in that Behalf in and by a certain Act of Parliament paſſed in the Thirteenth Year of the Reign of His preſent Majeſty, intituled *An Act to explain, amend, and reduce into one Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purpoſes*, from Time to Time to leaſe and demiſe the Tolls granted by this Act, and ariſing upon the ſaid Roads, and the Tolls and Forfeitures to be received and collected at any Weighing Machine erected or to be erected on the ſaid Roads, to be made, widened, improved, or kept in Repair by virtue of this Act, or any Part or Parts thereof, for any Time or Term of Years not exceeding Three Years at any one Time, for the beſt Price that can be gotten for the ſame, payable at ſuch Time and under ſuch Covenants as the ſaid Truſtees ſhall think fit, they the ſaid Truſtees taking a Counterpart of all ſuch Leaſe and Leaſes, and taking ſuch ſufficient Security from the Perſon and Perſons to whom ſuch Tolls ſhall be leaſed and demiſed, for Payment of the Rents and Performance of the Covenants to be reſerved and compriſed in ſuch Leaſe or Leaſes as the ſaid Truſtees ſhall think fit.

Power to declare Leaſes of Tolls void on Non-payment of Rent.

XXXIX. And be it further enacted, That if upon or after any letting or Agreement for letting the ſaid Tolls, or any Part thereof, or any Weighing Machine or Machines erected or to be erected on the ſaid Roads, any Default ſhall be made in Payment of the Rent agreed to be paid for the ſame, or any Part thereof, on the Days appointed for Payment thereof, then and in ſuch Caſe the ſaid Truſtees ſhall and may and are hereby empowered at any Meeting, after Notice of the holding of ſuch Meeting ſhall have been given to the Leſſee or Leſſees of the ſaid Tolls, or Weighing Machine or Machines, and ſhall have been alſo affixed upon all the Turnpikes or Toll Gates then erected or ſtanding upon or acroſs the ſaid Roads, Seven Days at leaſt before ſuch Meeting, to declare any Leaſe of the ſaid Tolls or Weighing Machine or Machines, or any Contract or Agreement for letting the ſame, void, and ſuch Leaſe, Contract, or Agreement ſhall be thereupon void to all Intents and Purpoſes from the Time of ſuch Declaration; but the ſaid Leſſee or Leſſees, or his or their Surety or Sureties, ſhall nevertheleſs be liable for all Rent and Arrears of Rent then due and owing upon or by virtue of any ſuch Leaſe, Contract, or Agreement, and for all Coſts, Charges, Damages, and Expences which the ſaid Truſtees, or their Treaſurer for the Time being, ſhall or may pay, ſuſtain, or be put unto by reaſon of the Non-performance of any Covenant or Agreement, Covenants or Agreements,

to be contained in any such Lease, Contract, or Agreement, on the Part of such Lessee or Lessees.

For obtaining Possession of Toll Houses.

XL. And be it further enacted, That if the Lessee or Lessees of any of the Tolls hereby granted or authorized to be taken, or of any Weighing Machine or Machines to be erected on the said Roads, or any Person or Persons claiming under him or them, shall at or at any Time after the Expiration of the Term for which such Tolls or Weighing Machine or Machines shall be leased, or for the Space of Two Days after the Demise of such Tolls or Weighing Machine or Machines shall be declared void as aforesaid, refuse to deliver up the Possession of the Toll House or Toll Houses, Buildings, and Premises which shall have been demised to him or them, with the Tolls so leased, or the Possession of any such Weighing Machine or Machines, with the Buildings and Appurtenances thereto belonging, it shall be lawful for any Justice of the Peace for the County or Place where such Toll House or Toll Houses, Weighing Machine or Machines, Buildings, and Premises shall be situate respectively, by Warrant under his Hand and Seal, to order the Constables, or other Peace Officers of the Parish or Place where such Toll House or Toll Houses, Weighing Machine or Machines, Buildings, and Premises shall be situate, or any other Person or Persons to whom such Warrant shall be specially directed, with proper Assistants, to enter such Toll House or Toll Houses, Buildings, and Premises respectively in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods and Chattels, out of such Toll House or Toll Houses, Buildings, and Premises, and to put any Person or Persons whom the said Trustees shall appoint in Possession of the said Toll House or Toll Houses, Weighing Machine or Machines, Buildings, and Premises, so that the Tolls payable thereat may thenceforth be received and taken for the Use of the said Trustees, to be applied as by this Act is directed.

Power to borrow Money.

XLI. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, at any Meeting or Meetings to be held for that Purpose, to borrow and take up at Interest, (such Interest not to exceed Five Pounds *per Centum per Annum*), on the Credit of the Tolls arising by virtue of this Act, such Sum or Sums of Money as they shall from Time to Time think fit; and the said Trustees may and they are hereby empowered to demise and mortgage the said Tolls, or any Part or Parts thereof, and the Turnpikes and Toll Houses for collecting the same, (the Costs and Charges of such Mortgages to be paid out of such Tolls), as a Security to any Person or Persons, or their Tustees, who shall advance such Sum or Sums of Money; which Mortgage shall be signed and sealed by the said Trustees, or any Seven or more of them, and Copies of all such Mortgages shall be entered in a Book or Books to be provided and kept for that Purpose by the Clerk or Treasurer; and all and every or any Person or Persons to whom any Mortgage or Mortgages, Assignment or Assignments of Tolls, hath or have been made by virtue of the said Acts hereby repealed, or to whom any such Mortgage or Mortgages shall be made by virtue of this Act, or who shall be entitled to the Monies thereby respectively secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to the said Mortgage or Assignment, and the Principal and Interest thereby secured, to any Person or Persons whomsoever by Indorsement on such Mortgage

or

or Assignment, 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 One or more credible Witness or Witnesses; which said Transfer shall be produced and notified to the Clerk or Treasurer for the Time being, who shall cause an Entry or Memorandum to be made thereof in the said last-mentioned Book or Books, containing the Date, Names of the Parties, and Sum of Money therein transferred, for which the said Clerk or Treasurer shall be paid the Sum of Five Shillings, and no more; and such Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and every such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons to whom the same shall have been previously transferred to make void, release, or discharge the original Security, or any Money thereby due, or any Part thereof; and all Persons to whom any Mortgage or Transfer shall be made as aforesaid shall, in proportion to the Sums of Money thereby secured, be Creditors on the Tolls by this Act granted, and on the said Turnpike Gates and Toll Houses, Bars, Weighing Machines, and the Buildings and Appurtenances thereto belonging, in equal Degree one with another; and no Person shall have Preference in respect of the Priority of advancing his or her Money, or the Date of his or her Security.

55 G. 3. c. 30. empowering the Trustees to treat with the Justices for the County of Bedford for a Portion of the Expences of rebuilding Tempsford Bridge.

XLII. And whereas by an Act passed in the last Session of Parliament, intituled *An Act for rebuilding* Tempsford *Bridge*, in the County of *Bedford*, the Justices of the Peace in and for the said County of *Bedford*, assembled at any General Quarter Sessions of the Peace, or at any Adjournment of the same, are empowered to build and complete a good and substantial new Bridge across the River *Ouze*, at or within the Distance of Two hundred Yards from the Place where the present Bridge, called *Tempsford Bridge*, now stands (the Passage over which unites the said Turnpike Roads), in such Manner as in such Act is mentioned; and the said Justices are also empowered to erect and continue at, upon, or across the said intended new Bridge, or any Road leading thereto, or at or within One thousand Yards from either End of the said Bridge, a Gate or Bar, in such Manner and at such Time as they the said Justices shall think proper, with a Toll House and Conveniences thereto, and are also authorized to take certain Tolls thereat, as in the said Act mentioned, which Tolls are thereby vested in the said Justices; and the said Justices are also empowered to borrow Money on the Credit of the County Rates and the Tolls thereby granted; and they are authorized and required to raise, by means of the said County Rates and Tolls which they are thereby authorized to make and receive, such Sum and Sums of Money from Time to Time as they shall judge necessary for the Purposes of the said Act, until the whole of the Expences incurred, and the whole of the Money borrowed, with Interest, shall be fully paid and discharged; and the said Justices are also thereby required to make Provision, by means of the Rates and Tolls, which they are thereby authorized to make and receive, and by their Orders and Directions which they are thereby authorized to give, in such Manner that the whole Expences of building the said intended Bridge, and of obtaining and incident to the Execution of the said Act, and the whole Money to be borrowed on Mortgage under the Authority of such Act, and the Interest thereof, shall be fully paid and discharged within

within Twenty-one Years, to be calculated from the Time of beginning to receive the Tolls thereby granted and made payable, and that One Half Part of such Expences shall be ultimately borne and paid by and out of the County Rates, and one other Half Part thereof by and out of the said Tolls: And whereas the said Justices have proceeded in the Execution of the said Act, and have contracted for the Erection of a Stone Bridge, and other Works connected therewith; and it hath been ascertained that One Half Part of the whole Expence of building the said Bridge, and of obtaining and incident to the Execution of the said Act, will amount to the Sum of Five thousand six hundred and seventy-four Pounds Five Shillings and Three-pence: And whereas it would be more commodious to the Public, and might save a considerable Expence, if, instead of the Justices of the said County of *Bedford* receiving the Tolls authorized by such Act to be collected, the said Trustees for executing this Act were enabled, by and out of the Tolls to be received by virtue of this Act, to pay to the Treasurer of the said County of *Bedford* for the Time being a yearly Sum of Money, not exceeding the Sum of Five hundred Pounds, until the said Sum of Five thousand six hundred and seventy-four Pounds Five Shillings and Three-pence, and the Interest thereof, shall have been paid according to the Stipulations and Directions of such Act, and the said Justices of the said County of *Bedford* might be willing to accept such Sum of Money in lieu of the said Tolls; be it therefore further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, for executing this Act, and the Justices of the Peace of the said County of *Bedford* assembled at any General Quarter Session of the Peace, or any Adjournment of the same, to enter into an Agreement as to what Allowance or Compensation, by annual Payment or otherwise, shall be made out of the Tolls and Monies to be collected or received by virtue of this Act to the said Justices, for and in consideration of the said Justices refraining from erecting any such Toll Gate as aforesaid, and from collecting the Tolls which the said Justices are authorized to collect by virtue and for the Purposes of the said Act passed in the last Session of Parliament for re-building *Tempsford* Bridge; and in case such Agreement shall be entered into, it shall be lawful for the said Trustees acting in the Execution of this Act, and they are hereby required, to pay or cause to be paid, out of the Monies to arise by virtue of this Act, any Sum of Money so to be agreed on, not exceeding the annual Sum of Five hundred Pounds, to the Treasurer for the County of *Bedford*, at such Times and in such Manner as shall be agreed upon; and then and thenceforth, so long as the Trustees for executing this Act shall perform their Parts thereof, it shall not be lawful for the said Justices, or any other Person or Persons, to erect or cause to be erected at, upon, or across the said intended new Bridge, or any Part or Sides of the said Turnpike Roads, any Gate or Bar, Toll House, or other Conveniences, which may occasion Obstruction on the Roads to be repaired by virtue of this Act, or by which any Person may be prevented from travelling on the said Turnpike Roads, or be required to pay any of the Tolls authorized to be collected by virtue of the said Act passed for rebuilding *Tempsford* Bridge.

Application of the Money.

XLIII. And be it further enacted, That all Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said Acts hereby repealed, or any of them, for or in

reſpect of the ſaid Roads, and ſhall be remaining undiſpoſed of on the Day of the Commencement of this Act, and alſo all the Monies which ſhall ariſe and be produced by and from the Tolls by this Act granted or made payable, together with the Monies which ſhall be borrowed upon the Credit thereof, and all other Monies which ſhall ariſe and be produced by virtue of this Act, and not herein otherwiſe appropriated or directed to be applied, ſhall be veſted in the ſaid Truſtees for the Time being, and applied to and for the ſeveral Uſes, Intents, and Purpoſes, and in the Order and Manner following; (that is to ſay), in the Firſt Place, in Payment of the Coſts and Charges incident to the obtaining and paſſing of this Act; in the Second Place, in Payment of any Sum of Money which may be agreed to be paid to the Juſtices of the Peace for the County of *Bedford* for the Purpoſes herein-before mentioned; in the Third Place, in paying the Intereſt now due and which ſhall become due (ſuch Intereſt not exceeding the Rate of Five Pounds *per Centum per Annum*) upon the ſeveral Principal Sums amounting to Five thouſand Pounds already advanced and ſtill remaining due and owing on Security of the Tolls and Duties granted by the ſaid Acts hereby repealed; in the Fourth Place, in paying the Intereſt of the Monies which may be borrowed or advanced under the Authority of this Act; in the Fifth Place, in defraying the Expences of amending, widening, improving, and keeping in Repair all the ſaid Roads, and of executing the ſeveral other Powers and Purpoſes of this Act; and laſtly, in reducing, paying off, and diſcharging the ſeveral Principal Sums due on the Credit of the Tolls collected or to be collected on the Roads by this Act directed to be kept in Repair.

Reſtrictions as to Repairs of Road between Saint Neots and Godmanchester.

XLIV. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to expend or apply in the Repairs or Improvement of that Part of the Road which leads from the Weſt End of *Saint Ives Lane*, in *Saint Neots*, to the old Poſt Road in *Godmancheſter*, any greater Sum of Money than ſhall ariſe or be produced by the Tolls to be collected at any Gate or Gates to be erected on ſuch Road, or that may be received in lieu of or as a Compoſition for Statute Duty which ought to be done and performed on ſuch Road, until the Payment of any Sum of Money which may be agreed to be paid to the Juſtices of the Peace for the County of *Bedford* for the Purpoſes herein-before mentioned, and until the yearly Intereſt of the Monies now due and owing on the Credit of the ſaid Acts hereby repealed as aforeſaid, and to become due and owing, as alſo the yearly Intereſt of the Monies which ſhall or may be borrowed upon the Credit of the Tolls ariſing by virtue of this Act, and until the Expences of repairing and keeping in Repair the aforeſaid Roads leading from *Biggleſwade* to *Alconbury Hill*, and from *Bugden* to *Huntingdon*, and from *Croſs Hall* to *Great Stoughton Common*, and from the ſaid Turnpike Road at or near the Ferry Houſe in the Pariſh of *Tempsford*, to and through *Little Barford*, *Eyneſbury*, and *Saint Neots*, to the Turnpike Road at the End of *Croſs Hall Lane*, and from the Turnpike Road in the Pariſh of *Eaton Soken*, to the ſaid Turnpike Road near *Saint Neots Bridge*, ſhall have been firſt fully paid and diſcharged; any Thing in this Act contained to the contrary notwithſtanding.

Penalty on Perſons filling up Ditches,

XLV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby authorized and empowered, to make ſuch

Ditches, and to raiſe ſuch Banks and Mounds, and to place ſuch Rails and Fences thereon, either on the Sides of the ſaid Roads or in the Fields and Grounds adjoining thereto, as they ſhall judge neceſſary to prevent the Evaſion of the Payment of the ſaid Tolls, or any Part thereof; and if any Perſon ſhall fill up ſuch Ditches, or throw down ſuch Banks and Mounds, tear up or break down ſuch Rails or Fences, or in anywiſe open a Paſſage through ſuch Ditches or Fences, every Perſon ſo offending, and being thereof convicted on his own Confeſſion, or the Oath of One credible Witneſs before a Juſtice of the Peace for the County, Town, or Place where the Offence ſhall be committed, ſhall forfeit and pay any Sum not exceeding Five Pounds, at the Diſcretion of ſuch Juſtice.

&c. to evade Payment of Tolls.

XLVI. And be it further enacted, That if any Perſon or Perſons ſhall, with any Horſe, Cattle, Beaſt, or Carriage whatſoever, in order to avoid Payment of the ſaid Tolls, or any of them, paſs through any Land or Ground adjoining to or lying near to any Turnpike or Toll Gate to be continued or erected by virtue of this Act, (except the Owner or Owners, Occupier or Occupiers of ſuch Land or Ground, or his, her, or their Servant or Servants, or any Perſon or Perſons in his, her, or their Family), the ſame not being a public Highway; or if any Owner or Occupier of ſuch Land or Ground ſhall knowingly permit or ſuffer any Perſon or Perſons, with any Horſe, Cattle, Beaſt, or Carriage whatſoever, to paſs through the ſame with Intent to avoid the Payment of any of the ſaid Tolls; or if any Perſon or Perſons ſhall unload or cauſe to be unloaded any Goods or other Thing, or ſhall take off or cauſe to be taken off any Horſe or Beaſt of Draught from any Carriage, either before or after the ſame ſhall have paſſed through any Turnpike or Toll Gate to be continued or erected on the ſaid Roads, or having paſſed through any of the ſaid Turnpikes or Toll Gates ſhall afterwards add or put any Horſe or Beaſt to any Carriage for the Purpoſe of drawing the ſame upon any Part of the ſaid Roads; or ſhall forge, counterfeit, or alter, or deliver to or receive from any Perſon or Perſons, (except the Perſon or Perſons appointed to receive the Tolls hereby made payable), any Note or Ticket; or if any Perſon or Perſons ſhall forcibly paſs or attempt to paſs any of the ſaid Turnpikes or Toll Gates without Payment of the Toll; or if any Perſon or Perſons ſhall do any other Act in order or with Intent to avoid or evade the Payment of the ſaid Tolls, or any Part thereof, every Perſon ſo offending in any of the Caſes aforeſaid ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds, one Moiety whereof ſhall be paid to the Informer, and the other Moiety applied for the Purpoſes of this Act.

To prevent Evaſion of Tolls.

XLVII. And be it further enacted, That the Surveyor or Surveyors of the ſaid Roads, and ſuch Perſons as ſhall be employed by him or them, or by the ſaid Truſtees, is and are hereby empowered to cut, dig, gather, take, and carry away any Furze, Heath, Stone, Gravel, Chalk, Flint, Sand, or any other Materials proper for making or repairing the ſaid Roads, out of or from any Common or Waſte Grounds, common River or Brook, in any Townſhip, Pariſh, or Place in which any Part of the ſaid Roads ſhall lie, or in any adjoining or neighbouring Townſhip, Pariſh, or Place, without paying any Thing for the ſame, ſuch Surveyor or other Perſons filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing or fencing ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Paſſengers and Cattle; and alſo by Order of the Truſtees to ſearch for, cut,

Surveyors may get Materials in Waſte, &c. without paying for it, and in private Lands making Satisfaction.

cut, dig, gather, take, or carry away all such Materials as aforesaid, in, upon, or out of, from, and over the Lands of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House, or any enclosed Ground, planted and set apart as a Nursery for Trees) in any Township, Parish, or Place in which any Part of the said Roads lie, paying or tendering Payment for the Damage done to the Owners or Occupiers thereof, out of the Grounds whereon or from whence the same shall be cut, gathered, taken, or carried away, or upon, over, or through which the same or any other Materials so cut, dug, and gathered as aforesaid, shall be conveyed, such Equivalent in Money as the said Trustees shall judge reasonable, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding; and in case of any Difference between the Trustees, Surveyor or Surveyors, or other Persons appointed or employed as aforesaid, and the Owners or Occupiers of private Lands, or any of them, concerning such Payment and Damages as aforesaid, the Justices of the Peace at their next General Quarter Sessions, or the Second General Quarter Sessions at the farthest, to be holden for the County in which any such Differences shall or may arise, on Ten Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matters of such Payment and Damages; and the Judgment or Order of the said Justices therein shall be final and conclusive upon all Parties.

Notice to be given before Materials taken.

XLVIII. And be it further enacted, That it shall not be lawful for any Surveyor, or any Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for repairing such Roads, out of or from any enclosed Lands or Grounds, without the Consent in Writing of the Owner or Owners thereof first had and obtained for that Purpose, and until Ten Days previous Notice in Writing, signed by the Surveyor of the said Roads, shall have been given to the Occupier or Occupiers of the Premises from which such Materials are intended to be taken, or left at the House or last usual Place of Abode of such Occupier or Occupiers, to appear before any Justice or Justices of the Peace acting in and for the County or Place in which such Lands or Grounds shall be situate to shew cause why such Materials should not be had from such Lands or Grounds; and in case such Occupier or Occupiers, or his or their Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justice or Justices shall, if he or they shall think proper, authorize such Surveyor or other Persons to dig, gather, get, take, and carry away such Materials, in such Manner and at such Time or Times as to such Justice or Justices shall seem proper; and if such Occupier or Occupiers shall neglect or refuse to appear by himself or themselves, or his or their Agent, such Justice or Justices may, upon Proof on Oath of the Service of such Notice, (and which Oath they or any of them are hereby empowered to administer), make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or Occupiers, or his or their Agent, had attended.

Penalty on taking away Materials.

XLIX. And be it further enacted, That if any Person or Persons shall take away or cause to be taken away any Materials which shall have been dug or gathered in any Lands, Fields, Commons, Waste Grounds, Rivers, Brooks, or elsewhere, for the Purpose of making or amending the said Roads,

Roads, or ſhall dig, get, or take away any Materials out of any Pit or Quarry which ſhall have been made for the Purpoſe of getting Materials for the ſaid Roads, before the Surveyor or his Workmen ſhall have diſcontinued working therein for the Space of Six Calendar Months, (except the Owner or Owners, Occupier or Occupiers of any private Ground, and any Perſon or Perſons authorized by ſuch Owner or Owners to get Materials for ſuch Owner's private Uſe only, and not for Sale), every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds, over and above the Value of the Materials ſo taken away.

Nuiſances by leaving Carriages, &c.

L. And be it further enacted, That if any Perſon ſhall leave any Waggon, Wain, Cart, or other Carriage in, upon, or on the Side of any Part of the ſaid Roads, without any Horſe or other Beaſt of Draught yoked or harneſſed thereto to draw the ſame, (except in Caſes of Accident), or for any longer Time than ſhall be neceſſary for loading or unloading thereof, and the ſame being then drawn up as near to the Sides of the Roads as conveniently may be; or ſhall knowingly or wilfully lay any Sort of Timber or Trees, or any Stones, Hay, Straw, Dung, Marl, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever on any Part of the ſaid Roads, or on the Sides thereof; or if any Perſon or Perſons ſhall draw or cauſe to be drawn upon any Part of the ſaid Roads any Tree or Piece of Timber or Stone, otherwiſe than upon Wheel Carriage or Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber which ſhall be conveyed upon any Wheel Carriage to drag or trail upon any Part of the ſaid Roads to the Prejudice or Injury thereof; or if any Perſon or Perſons ſhall ſlaughter, ſinge, ſcald, or dreſs any Beaſt or Cattle in or upon any Part of the ſaid Roads, or ſhall hew or ſaw any Piece of Stone, Wood, or Timber, or bind, make, or repair (except in Caſes of Accident) the Wheel of any Carriage, or (except in Caſes of Accident) ſhoe, bleed, or farry any Horſe or other Beaſt in or upon any Part of the ſaid Roads; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires commonly called *Bonfires*, or ſhall ſet fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatſoever, or play at Football, or any other Game or Games, on any Part or Parts of the ſaid Roads, every Perſon ſo offending in any of the Caſes aforeſaid ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Surveyors to remove Annoyances.

LI. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint from Time to Time, to remove and prevent all Nuiſances, Annoyances, and Obſtructions on any Part or Parts of the Roads, by Timber, Wood, Stone, Carriages, Saw Pits, or other Pits, Trees, Aſhes, Dung, Marl, Filth, Rubbiſh, Straw, or otherwiſe; and to turn any Flood, Ditches, Watercourſes, Gutters, Conduits, or Drains running into, along, or out of the ſaid Roads to the Prejudice thereof, and to open, ſcour or cleanſe, widen, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourſe adjoining or near to the ſaid Roads, or any Part or Parts thereof reſpectively; and alſo to cut down any Trees, Shrubs, or Buſhes, (Timber Trees excepted), or lop, top, or prune any Trees, Shrubs, or Buſhes growing in the Hedges or Fences adjoining the ſaid Roads, ſo as the ſame be not planted for Ornament or Shelter, and to take and carry away ſuch Trees, Shrubs, or

or Bushes, or the Loppings or Prunings thereof, in case the respective Owners or Occupiers of the Lands where such Annoyances shall happen to be shall neglect so to do for Ten Days after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof, to be settled by the said Trustees, shall from Time to Time be reimbursed to the said Surveyor or Surveyors by such respective Owners or Occupiers, and levied and recovered in the same Manner as the Penalties, Forfeitures, and Fines by this Act authorized to be imposed are herein-after directed to be levied and recovered; and if after Removal of any such Annoyances any Person shall offend again in like Manner, every such Person shall for every Second or subsequent Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to make Causeways, Ditches, &c.

LII. And be it further enacted, That it shall be lawful for the said Trustees, or the said Surveyor or Surveyors, or such other Person or Persons as the said Trustees shall appoint, to make Causeways or Footpaths along the Side or Sides of the said Roads, and to cut or make Ditches, Drains, or Watercourses upon and through any Grounds lying contiguous to the said Roads, in order to drain or wash the said Roads, and to prevent the same from being overflowed, as such Surveyor or Surveyors, or other Person or Persons, by Order of the said Trustees, shall judge necessary, making Satisfaction to the Owners or Occupiers of such Grounds for the Damages which they or any of them shall sustain thereby, as the said Trustees shall judge reasonable; and in case any Difference shall happen between such Owners or Occupiers, and the said Trustees touching such Damages, the same shall be settled by the Justices of the Peace for the County in which any such Difference as to Damages shall or may arise, at their General Quarter Sessions of the Peace for the said County next after such Difference shall arise; and if any Person or Persons shall wilfully ride or drive any Horse, Beast, or Cattle upon any such Footway or Causeway, or shall wilfully draw or drive any Barrow, Dray, or other Carriage on any such Footway or Causeway, or shall do or cause to be done any other Injury or Damage to any such Causeway or Footway, and shall be convicted thereof by his or her own Confession, or by the Oath of One or more credible Witness or Witnesses before any One Justice of the Peace for the County in which any such Footway or Causeway shall lie, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, to be applied in recompensing the Informer according to the Discretion of such Justice, and in repairing such Causeway or Footway.

Trustees may contract for Repairs or any other Work.

LIII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to contract and agree with any Person or Persons for forming, making, widening, altering, improving, or repairing the said Roads, or any Part or Parts thereof, or for doing any other Work in pursuance or Execution of this Act, in such Manner and for such Sum or Sums of Money annually, or for a Term of Years or otherwise, as the said Trustees shall think proper.

Trustees may widen or alter Roads, and purchase Lands.

LIV. And be it further enacted, That in case the said Trustees shall think proper to widen, turn, vary, or alter any Part or Parts of the said Roads for the better Accommodation of Coaches, Carriages, and Passengers, it shall be lawful for the said Trustees, and they are hereby

 authorized

authorized and empowered, from Time to Time to treat, contract, and agree with any Perſon or Perſons for the Purchaſe of any Lands, Grounds, or Hereditaments lying near or contiguous to the ſaid Roads, and for the Loſs or Damage the Owners, Proprietors, and Occupiers thereof, or any of them, ſhall or may in anywiſe ſuſtain by ſuch widening, turning, varying, or altering ſuch Roads, and to pay for the ſame out of the Monies hereby veſted in the ſaid Truſtees for the Purpoſes of this Act ſuch Sum or Sums of Money as ſhall be agreed upon between ſuch Owners, Proprietors, Occupiers, or Perſons intereſted as aforeſaid, and the ſaid Truſtees, and for the Coſts attending ſuch Purchaſe; which Roads, when widened, turned, varied, or altered by virtue of this Act, ſhall be and remain Thirty Feet wide at the leaſt; and ſuch Lands and Grounds when ſo purchaſed as aforeſaid ſhall, by the Order and Direction of the ſaid Truſtees, be laid into and made Part of ſuch Roads in ſuch Manner as the ſaid Truſtees ſhall think convenient, with proper Drains, Ditches, and Fences for that Purpoſe, and ſhall thenceforth be deemed and taken to be a Public or Common Highway, and Part of the Roads to be repaired by virtue of this Act: Provided always, that it ſhall not be lawful for the Truſtees acting in the Execution of this Act, in turning, varying, or altering any Part of the ſaid Roads, to deviate more than One hundred Yards from the preſent Line or Courſe of the ſaid Roads, without the Conſent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Eſtates, Lands, or Grounds which may be affected by any ſuch Deviation reſpectively.

Truſtees may contract for purchaſing Lands of Guardians, &c.

LV. And for removing all Difficulties which may obſtruct ſuch Contracts, be it further enacted, That it ſhall be lawful for all Bodies Politic or Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Truſtees, and Committees, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Infants, Wards, Ceſtuique Truſts, Lunatics, Idiots, or Perſons of unſound Memory and Underſtanding, and to and for all Femes Covert who are or ſhall be ſeiſed or intereſted in their own Right, and to and for all and every Perſon and Perſons whomſoever who are or ſhall be ſeiſed or poſſeſſed of or intereſted in any ſuch Lands or Hereditaments, to contract with the ſaid Truſtees for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey unto them any ſuch Lands or Hereditaments, or any Part thereof, for any of the Purpoſes aforeſaid; and all Contracts, Sales, and Conveyances which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes, any Law, Statute, Uſage, or other Matter whatſoever to the contrary notwithſtanding; and all ſuch Bodies Politic, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Truſtees, and Committees, and all other Perſons, ſhall be and are hereby indemnified for what they ſhall do by virtue of this Act.

Where Perſons neglect or refuſe to treat, Damages to be ſettled by a Jury.

LVI. And be it further enacted, That if ſuch Bodies Politic, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Truſtees, Committees, or any other Perſon or Perſons intereſted in any ſuch Lands or Hereditaments, upon Notice to him or them given, or left in Writing at the Dwelling Houſe or Houſes, or other Place or Places of Abode of ſuch Perſon or Perſons, or of the principal Officer or Officers of any ſuch Body or Bodies Politic, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands

Lands or Hereditaments through which any Part of such Roads may be diverted, turned, or altered, shall for the Space of Two Calendar Months next after such Notice given or left neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees shall cause such Damage or Recompence to be enquired into and ascertained, by and on the Oaths of a Jury of Twelve indifferent Men of the County in which such Lands or Hereditaments may be situated (which Oaths any Two or more of the said Trustees are hereby empowered and required to administer); and in order thereto the said Trustees are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before such Jury, and examine on Oath, any Person or Persons whomsoever (which Oath any One or more of the said Trustees is and are hereby empowered to administer); and such Trustees shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have enquired of and assessed such Damages and Recompence, they the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners, and other Persons interested in such Lands or Hereditaments, according to the Verdict or Inquisition of such Jury, which said Verdict or Inquisition, and Judgment, Order or Determination thereupon, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever, claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Femes Covert, Lunatics, Idiots, and Persons under any Disability whatsoever, Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and for summoning and returning such Jury the said Trustees are hereby empowered to issue their Warrant to the Sheriff of the County in which such Lands and Hereditaments may be situated, requiring him to impannel, summon, and return Twenty-four Persons qualified to serve on Juries to appear before the said Trustees, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, summon, and return such Number of Persons accordingly, and out of the Persons so summoned, impannelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and they are hereby empowered and required to draw by Ballot, and to swear or cause to be sworn Twelve who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen so returned, the said Sheriff, or his Deputy or Deputies, or the said Trustees, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to make up the Number Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury and shall not appear without sufficient Excuse, or appearing shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give or shall not give their Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the

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 Premiſes ſhall, without ſufficient Excuſe, refuſe or neglect to appear, having been paid or tendered a reaſonable Sum for his, her, or their Coſts, Charges, and Expences, or appearing ſhall refuſe to be ſworn or give Evidence, and from Time to Time to levy and apply ſuch Fine or Fines in the ſame Manner as other Penalties, Forfeitures, and Fines are herein-after directed to be levied and applied, ſo that ſuch Fines ſhall not exceed the Sum of Twenty Pounds upon any ſuch Sheriff or his Deputy, and the Sum of Five Pounds upon any other of the Perſons aforeſaid, for any One Offence.

How Expences of the Jury are to be paid.

LVII. And be it further enacted, That in caſe any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money as a Recompence for the Right, Intereſt, or Property of any Perſon or Perſons in any Lands or Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees before the ſummoning and returning of the Jury, as a Recompence and Satisfaction for any ſuch Right, Intereſt, or Property, Loſs, or Damage as aforeſaid, then and in ſuch Caſe the Coſts and Expences of ſummoning and returning the Jury and Witneſſes ſhall be borne and paid by the Treaſurer to the ſaid Truſtees out of any Money to be raiſed by virtue of this Act; but if ſuch Jury ſhall give in and deliver a Verdict or Aſſeſſment for no more or for leſs Money than ſhall have been agreed to and offered by the ſaid Truſtees before the ſummoning and returning of the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, then the full Coſts and Expences of ſummoning and returning the ſaid Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Differences, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences, having been aſcertained and ſettled by ſome Juſtice of the Peace within whoſe Juriſdiction ſuch Difference ſhall ariſe, not intereſted in the Matter in Queſtion, (who is hereby required to examine and ſettle the ſame, at a Time and Place to be by him appointed, after ſummoning the Parties intereſted therein to attend him for that Purpoſe), ſhall and may be deducted out of the Monies ſo aſſeſſed and adjudged as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Money ſhall be deemed and taken to all Intents and Purpoſes to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged; or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid on Demand after being ſo aſcertained and ſettled as aforeſaid, ſhall and may be recovered by the Clerk or Treaſurer to the ſaid Truſtees, by ſuch Ways and Means as are herein provided for the Recovery of Penalties and Forfeitures; provided that where by reaſon of Abſence any Perſon or Perſons ſhall have been prevented from treating with the ſaid Truſtees touching the Matters aforeſaid, the whole of ſuch Fees and Expences ſhall be paid by the ſaid Truſtees.

Dwelling Houſes, Gardens, &c. not to be damaged.

LVIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to the taking down of any Dwelling Houſe or other Building, or to the taking in of any Land that is a Garden or Orchard

Orchard adjoining to any Dwelling Houſe, or any Yard, Park, Paddock, planted Walk, enclosed Nurſery for Trees, or Avenue to any Houſe, or any Part thereof, without the Conſent of the Owner or Proprietor thereof reſpectively in Writing firſt had and obtained.

Old Roads may be ſold.

LIX. And be it further enacted, That after any Lands ſhall have been purchaſed and laid into the ſaid Roads, or any Part thereof, in purſuance of this Act as aforeſaid, ſuch Part and Parts of the old and former Roads, in lieu whereof ſuch Lands ſhall be purchaſed for ſuch Improvement as aforeſaid, ſhall be veſted in the ſaid Truſtees, and ſhall and may be diſpoſed of by them for the beſt Price that can be reaſonably gotten for the ſame; and the Sale or Conveyance or Conveyances to be made of ſuch Lands and Grounds comprifing the ſaid old Road, being executed by the ſaid Truſtees, and enrolled amongſt the Records of the Seſſions of the Peace of the County in which ſuch Lands ſhall lie, ſhall veſt the Property of the ſame Lands and Grounds in the Perſon or Perſons to whom the ſame ſhall be ſo ſold and conveyed, to all Intents and Purpoſes whatſoever; and the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Nonapplication of ſuch Money.

Perſons whoſe Lands adjoin to have the Preference.

LX. Provided always, and be it further enacted, That wherever the Courſe of any Part of the ſaid Roads ſhall be altered under the Authority of this Act, or any Toll Houſe or Garden diſcontinued, the Offer of the Purchaſe of ſuch old Road, or Toll Houſe, or Garden, ſhall be firſt made to the Owner of ſuch adjoining Land as ſhall be cut and uſed for the Purpoſe of making ſuch Improvement; and in caſe ſuch Owner ſhall be deſirous of becoming the Purchaſer of ſuch old Road or Toll Houſe, and cannot agree with the ſaid Truſtees for the Price to be paid for the Purchaſe of the ſame, and ſuch Owner ſhall ſtill be deſirous of becoming the Purchaſer thereof, then the Value thereof ſhall be ſettled and aſcertained by a Jury, in ſuch Manner as the Price for any Land to be taken in purſuance of this Act is directed to be ſettled and aſcertained in and by this Act, and ſuch Owner ſhall be deemed the Purchaſer thereof at the Sum to be aſcertained by a Jury to be the Value thereof; and in caſe ſuch Owner ſhall refuſe to pay ſuch Money upon Demand thereof by the Treaſurer or Clerk of the ſaid Truſtees, and Tender of the Conveyance of ſuch old Road or Toll Houſe, the ſame ſhall and may be recovered by the ſaid Truſtees by Action of Debt in any of His Majeſty's Courts of Record; and in caſe any ſuch Owner ſhall not agree, or ſhall refuſe to purchaſe any ſuch old Road or Toll Houſe, it ſhall be lawful for any Perſon or Perſons (not intereſted in the Premiſes) to make an Affidavit, to be ſworn before a Maſter or Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County in which ſuch Matter in Difference ſhall ariſe, ſtating that ſuch Offer has been made by or on Behalf of the ſaid Truſtees, and that ſuch Owner has not agreed, or has refuſed to purchaſe ſuch old Road, or Toll Houſe, (as the Caſe may be), and ſuch Affidavit ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and not agreed to, or refuſed by ſuch Owner: Provided nevertheleſs, that if ſuch Owner ſhall be willing to take ſuch old Road or Toll Houſe in Exchange for any Land intended to be uſed for ſuch Improvement, it ſhall be lawful for the ſaid Truſtees, and they are hereby required to aſſure the ſame to ſuch Perſon by entering the ſame in their Book, and delivering to him or her a Copy thereof, ſigned

by the ſaid Truſtees, which Copy ſhall be a good and valid Title to the ſame, and be available in any Suit at Law or in Equity.

Money agreed upon or aſſeſſed how to be paid and tendered.

LXI. And be it further enacted, That all and every Sum or Sums of Money, Conſideration, Recompence, or Satisfaction to be agreed upon or aſcertained or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls, or out of the Monies to be raiſed by virtue of this Act, either into the Bank of *England*, as herein-after mentioned, or (as the Caſe may be) to the Parties or Perſons reſpectively entitled to ſuch Monies, or to their Agents; and upon Payment or Tender thereof to ſuch Perſons or their Agents, or in caſe of Refuſal to accept the ſame, then upon depoſiting the ſame in the Bank of *England* in the Manner by this Act directed, and after Ten Days Notice thereof given to ſuch Parties or Perſons, or their Agents, to receive ſuch Money, Conſideration, Recompence, or Satisfaction, it ſhall be lawful for the ſaid Truſtees, their Surveyors, Workmen, or Agents, to extend, widen, divert, or turn ſuch Road through or over ſuch Lands or Hereditaments, and to do all and every ſuch Act, Matter, and Thing, with relation to ſuch Land or Hereditaments, as the ſaid Truſtees ſhall think fit; and thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title in and to ſuch Lands and Hereditaments, and every Part thereof.

Application of Money when amounting to 200l.

LXII. And be it further enacted, That the Principal Money to ariſe from the Sale of any Lands, Tenements, or Hereditaments, which ſhall be purchaſed for the Purpoſes of this Act, of any Body Corporate, Eccleſiaſtical or Civil, Corporation Aggregate or Sole, Feoffees in Truſt, Guardians, Committees, or other Truſtees, or from any Femes or Feme Covert, or other incapacitated Perſon or Perſons, ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents or Profits of the ſaid Lands or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands or Hereditaments, or affecting other Lands or Hereditaments ſtanding ſettled therewith, or to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands and Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the meantime, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court of Chancery upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the ſaid Bank Annuities

Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents or Profits of the Lands and Hereditaments ſo to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Where leſs than 200l. and above 20l.

LXIII. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid at the like Option to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Two or more of the ſaid Truſtees for executing this Act, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends ariſing therefrom, may be applied in Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Not exceeding 20l.

LXIV. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as laſt before mentioned ſhall not exceed Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees, or any Two or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In Caſes where a good Title is not made out, or if Perſons cannot be found, Purchaſe Money to be paid into the Bank.

LXV. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands or Hereditaments to be purchaſed by virtue of this Act ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful for the ſaid Truſtees, or any Two or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the

the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands or Hereditaments, [deſcribing them], ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding, or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt, of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Where any Queſtion ſhall ariſe touching the Title to whom Money to be paid, &c.

LXVI. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon or Perſons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands or Hereditaments to be purchaſed in purſuance of this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands or Hereditaments, or to ſome Eſtate or Intereſt therein.

Court may order reaſonable Expences to be paid by the Truſtees.

LXVII. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Lands or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the Court of Chancery, and to be applied in the Purchaſe of other Lands or Hereditaments, to be ſettled to the like Uſes, in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Perſons before liable to repair Roads to continue ſo.

LXVIII. And be it further enacted, That all Perſons, Counties, Townſhips, Pariſhes, Hamlets, Vills, and Places, and the Inhabitants thereof, and all Bodies Politic and Corporate, who before the paſſing of the ſaid Acts hereby repealed, or this Act, have or hath uſed, or of Right ought, by reaſon of the Tenure of any Lands, Tenements, or Hereditaments, or on any other Account, to repair any Part or Parts of the ſaid Roads, or any Bridge, Drain, or Watercourſe in or upon the ſame, ſhall, notwithſtanding this Act, be ſubject and liable to ſuch Repairs in the ſame Manner as they and every of them have or hath heretofore uſually been, or would have been in caſe the ſaid Acts hereby repealed, or this Act, had not paſſed.

Statute Duty.

LXIX. And be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Roads, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall be lawful for any Two or more Juſtices of the Peace acting in and for the Counties of *Bedford* and *Huntingdon*, within their reſpective Juriſdiction, and they are hereby required and empowered, upon Application made to them for that Purpoſe by the ſaid Truſtees, or by their Treaſurer, Clerk, or Surveyor, by their Order, yearly to adjudge and determine what Part or Portion of Statute Work ſhall every Year be done upon the ſaid Roads by the Inhabitants of the reſpective Pariſhes, Hamlets, or Places in which the ſaid Roads lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Hamlet, or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees, or to their Treaſurer or Treaſurers; and in order thereunto it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh, Hamlet, or Place within their reſpective Juriſdictions, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons, (within Twelve Days after the ſerving of ſuch Summons), of the Names of the ſeveral Perſons who within ſuch Pariſh, Hamlet, or Place reſpectively, are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner and under ſuch Regulations and Reſtrictions as is, are, or may be directed by any Law or Statute in Force and Effect for the Repairs of the Public Highways; and out of ſuch Liſts ſuch Juſtices ſhall and may appoint and order ſuch and ſo many of the Perſons, who ſhall appear to be ſubject and liable to do Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Roads as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done on ſuch Days and at ſuch Times, (not being Haytime or Harveſt), and on ſuch Parts of the ſaid Roads, as the ſaid Truſtees or their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons, who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to the ſaid Truſtees, or to their Treaſurer, at ſuch Time or

Times as the ſaid Juſtices ſhall direct; and in default of Payment thereof the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Perſon who ſhall refuſe or neglect to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her, or them at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe, ſigned by the Surveyor or Surveyors of the ſaid Truſtees, ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures, as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in Force or Effect for the Repair of the Public Highways; and if any Perſon who ſhall come to work as a Labourer, or who ſhall be ſent with any Team or Draught to work on the ſaid Roads, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and diſcharge the Perſon who ſhall be found idle or negligent as aforeſaid; and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Roads; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Roads; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes, Hamlets, or Places, ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Truſtees may compound for Statute Duty.

LXX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees to compound or agree by the Year or otherwiſe with any of the Inhabitants or Occupiers of Lands, Tenements, or Hereditaments of or in any of the Pariſhes, Townſhips, or Places in which the ſaid Roads do or ſhall lie, for a certain Sum of Money in lieu of the whole of or any Part of their Statute Work, or to compound with the Surveyors of the Highways for any ſuch Pariſhes, Townſhips, or Places, for the whole or any Part of the Statute Work liable to be performed within the ſame reſpectively; all which Compoſition Monies ſhall be from Time to Time paid in Advance, and ſhall be applied in the Repair of the ſaid Roads; and if not paid within Three Days next after the ſame ſhall become payable, according to ſuch Agreement, ſuch Compoſition ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons, Surveyor or Surveyors of the Highways ſo having compounded in lieu of Statute Work as aforeſaid; and if ſuch Surveyor or Surveyors of the Highways of any ſuch Pariſh, Townſhip, or Place, ſhall pay ſuch Compoſition Monies, or if the ſame ſhall have been recovered by Diſtreſs and Sale of his or their Goods and Chattels in Manner herein-before directed, then ſuch Surveyor or Surveyors ſhall be reimburſed ſuch Compoſition Monies, together with the Coſts and Charges of ſuch Diſtreſs and Sale, in like Manner as Surveyors of the Highways are repaid the Monies by them expended in purchaſing Materials for repairing the ſaid Highways.

LXXI. And

For ſecuring tranſient Offenders.

LXXI. And whereas Offences may be committed againſt this Act by Perſons unknown to the Truſtees, Collectors, Surveyors, or other Officers appointed to put the ſame in Execution; be it therefore further enacted, That it ſhall be lawful for the ſaid Truſtees, Collectors, Surveyors, or other Officers reſpectively, and ſuch Perſon or Perſons as they or he ſhall call to their or his Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any ſuch unknown Perſon or Perſons as ſhall commit any ſuch Offence or Offences, and to take him, her, or them before any Juſtice of the Peace of the County, Town, or Place where the Offence or Offences ſhall be committed, to be dealt with according to Law.

Roads to be meaſured, and Mile Stones, &c. erected; Penalty on defacing the ſame.

LXXII. And be it further enacted, That the ſaid Truſtees may, if they think fit, cauſe the ſaid Roads to be meaſured, and Stones or Poſts to be continued or placed in or near the ſame, with Inſcriptions thereon denoting the Number of Miles and Diſtances from Places, as they ſhall think fit; and alſo may continue or cauſe to be ſet up on or near the ſaid Roads ſuch and ſo many Direction Poſts as they may think neceſſary; and if any Perſon or Perſons ſhall wilfully break, damage, or pull up any of ſuch Stones or Poſts, or ſhall obliterate or deface any Inſcription thereon, or cauſe or procure the ſame to be done, and ſhall be thereof convicted before any Juſtice of the Peace for the County in which any ſuch Miſchief ſhall be done, by the Confeſſion of the Party, or by the Oath of One or more credible Witneſs or Witneſſes, every ſuch Perſon ſo offending ſhall forfeit and pay any Sum not exceeding Forty Shillings for every ſuch Stone or Poſt ſo broken, damaged, or pulled up, or Inſcription ſo obliterated or defaced, one Moiety whereof ſhall be paid to the Informer, and the other Moiety applied for the Purpoſes of this Act; and every ſuch Offender may by Authority of this Act, and without any other Warrant, be apprehended by any Perſon who ſhall ſee any ſuch Offence committed, and ſhall be delivered to a Conſtable or other Peace Officer, who ſhall convey ſuch Offender before any Juſtice of the Peace, to be dealt with according to Law.

LXXIII. And be it further enacted, That all and every Juſtice or Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the ſame Effect:

Form of Conviction.

'BE it remembered, That on [*Time of Conviction*] at [*Place of Conviction*] *A. B.* [*Name of Offender*] of [*Addition of Offender*] was duly convicted before me [*or*, us] [*Name and Style of convicting Juſtice or Juſtices*] for that the ſaid *A. B.* [*Name of Offender*] on [*Time of committing Offence*] at [*Place of committing Offence*] did [*here ſtate the Offence againſt the Act according to the Fact*], contrary to the Form of the Statute made in the Fifty-ſixth Year of the Reign of His Majeſty King *George* the Third, intituled [*here ſet forth the Title of this Act*]; and I [*or*, we] do hereby declare and adjudge that the ſaid *A. B.* [*Name of Offender*] has forfeited for the ſaid Offence the Sum of [*Fine*], or ſhall be committed to [*Place of Impriſonment*] for the Space of [*Time of Impriſonment*]. Given under my Hand and Seal [*or*, our Hands and Seals] the Day and Year firſt above written.'

LXXIV. And

Proceedings not to be quashed for Want of Form.

LXXIV. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster;* and when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, 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 committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage (if any) in an Action on the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on behalf of the Party distraining before such Action brought.

Persons not to be sued until after Twenty Days, nor after Three Calendar Months.

LXXV. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any Thing done or alledged to be done in pursuance of this Act, until Twenty Days Notice shall be given to the Clerk or Treasurer to the said Trustees, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed; and every such Action shall be brought, laid, and tried in the County in which the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead specially, or the General Issue, Not Guilty, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear that the same was so done, or that such Action or Suit was brought before Twenty Days Notice thereof had been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time hereby limited for bringing the same, or in any other County than the County in which such Action shall have arisen, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or have discontinued his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any Cases by Law.

Penalties and Forfeitures how to be recovered and applied.

LXXVI. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (the Manner of levying and recovering whereof is not herein otherwise directed), shall, upon Proof of the Offences respectively before any One Justice of the Peace for the County, Town, or Place wherein the Offence shall be committed, or wherein the Offender shall be and reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and

Chattels of the Party or Parties so offending, by Warrant under the Hand and Seal of such Justice; which Warrant such Justice is hereby empowered and required to grant for those Purposes, and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale shall have been levied, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines when so levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid to the Treasurer of the said Trustees, and applied for the Purposes of this Act; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, or Fines shall not be forthwith paid, it shall be lawful for any one Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of such County, Town, or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months for the First Offence, and not exceeding Six Calendar Months nor less than Two Calendar Months for each other Offence of the like Kind, unless such Penalties, Forfeitures, or Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal to the Quarter Sessions.

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

Costs upon Appeal how to be recovered.

LXXVIII. Provided also, and be it further enacted, That in case the Costs which in any such Cause shall be by them given and awarded shall not be immediately paid down into Court by such of the Parties to such Appeals as shall be ordered to pay the same to the Person or Persons entitled to receive the same, or his, her, or their Attorney, or other Person authorized to receive the same, then the said Justices shall, at their Discretion, either immediately issue their Warrant for levying the same by Distress and Sale of the Goods and Chattels of the Person or Persons refusing to pay the same, or, if they shall judge proper, shall order such Person or Persons to be forthwith committed to the Common Gaol of such County or Place, there to be detained until he, she, or they shall

have paid such Costs; and in case such Person or Persons is or are not then present in Court, shall grant their Warrant for that Purpose; and if the Person ordered to pay such Costs shall happen to live in any County, Riding, City, Liberty, or Place without the Jurisdiction of the said Court, it shall and may be lawful for any Justice of the Peace of the County, Riding, City, Liberty, or Place wherein such Person shall inhabit, and every such Justice last mentioned is hereby authorized and required, upon Request to him for that Purpose made, and upon a true Copy of the Order for Payment of such Costs produced and proved by some credible Witness upon Oath, by Warrant under his Hand and Seal, to cause the Money mentioned in that Order to be levied by Distress and Sale of the Goods and Chattels of the Person ordered to pay the same; and if no sufficient Distress can or may be had, to commit such Person to the Common Gaol of that County, Riding, City, Liberty, or Place, there to be detained until he, she, or they shall have paid such Costs; and such Subpœnas, or other Proceedings for the subpœnaing or summoning Witnesses to give Evidence in such Appeals as are usual in any other Cases or Matters triable at such Quarter Sessions, shall, at the Request of any of the said Parties, and upon Payment of the usual Fees, be made out and delivered to the said Party or Parties by the Clerk of the Peace of or for the said County or Place.

For paying the Expences of this Act.

LXXIX. And be it further enacted, That the Charges and Expences incurred in and about the obtaining and passing of this Act, together with lawful Interest for the Money which shall be advanced from Time to Time for that Purpose, shall be paid out of any Money already raised by virtue of the said Acts hereby repealed, or out of the first Monies which shall be raised or borrowed upon the Credit of this Act, or out of any Money to be collected by virtue thereof, in preference to all other Payments whatsoever.

Public Act.

LXXX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Commencement and Continuance of this Act.

LXXXI. And be it further enacted, That this Act shall commence and take Effect on the Second Day of *July* next after the passing of this Act, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1816.