ANNO QUINQUAGESIMO QUINTO

# GEORGII III. REGIS.

## *Cap.* xlix.

An Act for more effectually repairing the Road from *Jesus Lane*, in the Town of *Cambridge*, to *Newmarket Heath*, in the County of *Cambridge*.

[12th *May* 1815

WHEREAS an Act was passed in the Eighteenth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to repair and widen the Road leading from* Godmanchester, *in the County of* Huntingdon, *through* Fen Stanton *and* Cambridge, *to the first Rubbing House on* Newmarket Heath, *in the County of* Cambridge: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King *George* the Third, intituled *An Act to enlarge the Term and Powers granted by an Act made in the Eighteenth Year of the Reign of His late Majesty King* George *the Second, intituled* 'An Act to repair and widen the Road leading from Godmanchester, in the County of Huntingdon, through Fen Stanton and Cambridge, to the first Rubbing House on Newmarket Heath, in the County of Cambridge:' And whereas an Act was passed in the Thirty-third Year of the Reign of His present Majesty, intituled *An Act to continue the Terms of Two several Acts, passed in the Eighteenth Year of the Reign of His late Majesty King* George *the Second, and in the Third Year of the Reign of His present Majesty, for repairing and widening the Road leading from* Godmanchester, *in the County of* Huntingdon, *through* Fen Stanton *and* Cambridge, *to the first Rubbing House on* Newmarket Heath, *in the County of* Cambridge: And whereas an Act was passed in the Fifty-third Year of the Reign of His

18 G. 2. c. 23.

3 G. 3. c. 30.

33 G. 3. c. 156.

53 G. 3. c. 41. present Majesty, intituled *An Act for more effectually repairing the Road from the* Horse Shoe Corner, *in* Godmanchester, *in the County of* Huntingdon, *to the South East End of* Castle Street, *in the Town of* Cambridge, *in the County of* Cambridge: And whereas the Trustees appointed in and by the said several Acts, have made, widened, and repaired that Part of the said Road which leads from the West End of a certain Place called *Jesus Lane*, in the Town of *Cambridge*, to the first Rubbing House on *Newmarket Heath*, in the County of *Cambridge*, and for that Purpose have borrowed considerable Sums of Money upon the Credit of the Tolls by the said Act granted, which Money is still due and owing, and cannot be paid off, nor can the said Road be effectually amended and kept in Repair, unless the Term granted and continued by the said Acts, so far as relates to the said Road be further continued and the Tolls increased: And whereas it would be more convenient to the said Trustees, and the said Road might be more effectually amended, improved, and kept in Repair if the said Acts, so far as the same relate to that Part of the said Roads, were repealed, and further and other Powers granted instead thereof: 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 Second *Monday* after the passing of this Act, the said Acts of the Eighteenth Year of the Reign of His said late Majesty *George* the Second, and the Third and Thirty-third Years of the Reign of His present Majesty, as far as they severally relate to or concern the said Road from the West End of *Jesus Lane*, in the Town of *Cambridge*, to the first Rubbing House on *Newmarket Heath*, in the County of *Cambridge*, shall be, and the same are hereby declared to be repealed; and that this Act, and the Tolls hereby granted, shall commence and take Effect, and 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 Road from the West End of *Jesus Lane*, in the Town of *Cambridge*, to the first Rubbing House on *Newmarket Heath*, in the County of *Cambridge*, and the same shall be and are hereby made subject and liable to the Payment of all Monies which now are due and owing on the Credit of the Tolls authorized to be taken by the said recited Acts, or any of them, on the said last-mentioned Road, and to the Payment of all Monies which shall or may hereafter be borrowed and become due and owing by virtue of this Act, and of all Interest due, and to grow due for the same respectively.

Former Acts repealed as to certain Part of the Roads.

New Term and Tolls to be liable to Debts, &c.

Trustees.

II. And be it further enacted, That the Representatives in Parliament for the County of *Cambridge*, the Vice-Chancellor and Masters or Heads of the several Colleges and Halls in the University of *Cambridge*, the Representatives in Parliament for the Borough of *Cambridge*, the Mayor, Recorder, and Aldermen of the said Borough, *Peter Stirling Kelty*, *Samuel Vince* Clerk, *Peete Musgrave*, *Richard Wallis*, *James Burleigh*, *Charles Finch*, *Richard Comings*, *Peter Wedd*, *John Hibbert*, *Edmund Davy Mortlock* Clerk, *Thomas Hovell*, *Frederick Thackeray*, *George Pryme*, *William Hiron*, *Stephen Thrower*, *Richard Foster*, *Ebenezer Foster*, *William Jardine Purchas*, *John Haggitt* Clerk, *James Nutter*, *John Eaden*, *William Cashourn*, *Thomas Musgrave*, *Charles Musgrave*, *Richard Wheeler*, *Samuel Wheeler*, the Honourable *Thomas Brand*, *Samuel Chambers*, the Reverend *James*

*James Hicks* Clerk, the Reverend *George Leonard Jenyns* Clerk, *Thomas Martin*, *Thomas Bowyer*, the Reverend *George De Hague* Clerk, *Chriſtopher Jeaffreſon*, *John Peter Allix*, *John Hall*, *William Parker Hamond*, the Reverend *James Slade* Clerk, *Richard Eaton*, Sir *Charles Watſon* Baronet, *John Hemington*, *William Wilkin*, *Richard Graves Townley*, *Richard Graves Townley* junior, the Reverend *Gale Townley* Clerk, the Reverend *Alexander Cotton* Clerk, *William Burleigh*, *Chriſtopher Pemberton*, *Thomas Fiſher*, *Edward Randall*, the Reverend *Daniel Creſwell* Clerk, *King John Haggerſton*, *Benjamin Keene*, *Marmaduke Dayrell*, *Robert Jones Adeane*, *Henry John Adeane*, *George Jenyns*, *Thomas Verney Okes*, *Charles Humfrey*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be, and they are hereby appointed Truſtees for repairing, widening, improving, and keeping in Repair the ſaid Road from the Weſt End of *Jeſus Lane*, in the Town of *Cambridge*, to the firſt Rubbing Houſe on *Newmarket Heath*, in the County of *Cambridge*, and for putting this Act in Execution.

Allowing the Truſtees to elect an additional Number of new Truſtees.

III. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Nine or more of them, and they are hereby empowered, at any Time or Times, to elect any Number of additional Truſtees, not exceeding Ten in the Whole, who ſhall have the ſame Power and Authority for executing this Act, as if they had been herein-before nominated and appointed.

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

IV. And be it further enacted, That in caſe any of the ſaid Truſtees herein-before named, or to be elected as herein-after mentioned, ſhall die, become unqualified, or refuſe to act, it ſhall be lawful for the ſurviving or remaining Truſtees, or any Seven or more of them, at a Meeting to be held for that Purpoſe, to appoint One other Perſon, being reſident within the ſaid Town or County of *Cambridge*, to be a Truſtee in the room of every Truſtee ſo dying, becoming unqualified, or refuſing to act, but Truſtees removing from the Town or County of *Cambridge*, and returning to reſide there again, ſhall continue competent to act as Truſtees, unleſs ſome other Perſon ſhall have been choſen in their Places reſpectively; Notice of the Time and Place of Meeting for every Appointment of Truſtees, being fixed on all the Turnpikes erected by virtue of this Act, and alſo advertiſed in the Newſpaper circulated in the ſaid County, 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 into Execution, as if he had been named a Truſtee in this Act.

All Acts may be done by Truſtees unleſs otherwiſe directed.

V. 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 and to be elected as aforeſaid, except only in ſuch Caſes where it is herein otherwiſe directed, as requiring a greater or leſs Number of Truſtees.

Qualification of Truſtees.

VI. 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 over and above Mortgages, Debts, and all other Incumbrances whatſoever, in anywiſe affecting the ſame, or be poſſeſſed of or entitled to a Perſonal Eſtate, or of a Real and Perſonal Eſtate together, to the Amount of Two thouſand five hundred Pounds, over and above all ſuch Incumbrances as aforeſaid, or be Heir Apparent of a Perſon poſſeſſed of an Eſtate in Lands of the yearly Value of One hundred and fifty Pounds, and that no ſuch 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, [*or*, being one of the People called *Quakers*, do ſolemnly affirm,] That I truly and *bonâ fide* am 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 Mortgages, Debts, or other Incumbrances anywiſe affecting the ſame, or poſſeſſed of or entitled to a Perſonal Eſtate, or to a Real and Perſonal Eſtate together, of the Amount or Value of Two thouſand five hundred Pounds, clear of all Debts and Incumbrances, or am Heir Apparent of who, to the beſt of my Knowledge, is entitled to a Real Eſtate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds. So help me GOD.'

Which Oath or Affirmation any One of the ſaid Truſtees, or their Clerk in their Preſence, at any ſuch Meeting, is hereby empowered to adminiſter; and if any Perſon ſhall preſume to 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 Twenty 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, nor 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 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.

Acts of Truſtees not qualified valid before Conviction.

Truſtees not to act when intereſted.

VII. 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, or ſhall be directly or indirectly the Farmer or Renter of the Tolls hereby granted, or Contractor, or concerned in any Bargain or Agreement for the repairing the Roads compriſed in this Act, or who ſhall become Surety for ſuch Farmer or Renter of the Tolls

or

or Roads respectively, nor act or vote in any Case wherein he shall be personally interested (otherwise than as a Creditor), nor act as a Trustee at any Meeting which he shall attend to transact Business as Agent for any other Person.

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

VIII. And be it further enacted, That any Trustee or Trustees 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 and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding his or their being a Trustee, or Trustees, provided that 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.*

IX. And be it further enacted, That the said Trustees shall meet together at the House known by the Name or Sign of *The Rose Inn*, in the Town of *Cambridge*, on the Second *Monday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon, and Two of the Clock in the Afternoon, and shall at such Meeting proceed to the Execution of this Act, and shall from Time to Time afterwards meet at the same, or any other Place near the said Road, as often as they shall think fit; and shall and may from Time to Time, when they think proper, adjourn any such Meeting to a future Time not exceeding Three Calendar Months, at the same Place, or at some other convenient Place near to the said Road as they shall think proper, for putting this Act in Execution; and if it shall happen that there shall not appear at any such Meeting, a sufficient Number of Trustees to act or to adjourn to any other Time and Place, then 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 that Day Month next after the Day on which such last Meeting was appointed to be held, and shall cause Notice thereof to be affixed on all the Toll Gates then erected or continued by virtue of this Act, at least Ten Days before such Meeting; and that the said Trustees, at all their Meetings, shall defray their own 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; provided always, that Two Trustees shall be sufficient to adjourn any such Meeting.

*Power to call intermediate Meetings.*

X. And be it further enacted, That if after any Adjourned Meeting of the said Trustees, made either by themselves or their Clerk, it shall be thought necessary by Three or more of the Trustees, upon some Emergency, that there should be an earlier Day of Meeting than the Day appointed by such Adjournment, in that Case the Clerk of the said Trustees, on an Order in Writing to be delivered to him to be signed by any Three or more of the said Trustees, although not assembled at a Meeting, shall forthwith give Notice of such Meeting, by Writing to be affixed on all the Turnpike Gates then erected upon the said Road, at least Five Days before such Meeting, mentioning the Time, Place, and Purpose of such Meeting, as specified in the said Order; and the Proceedings of the Trustees at all such Meetings, respecting the Matters contained in such Notice, shall be as valid and effectual, to all Intents and Purposes, as if such Meeting had been held in pursuance of Adjournment: Provided always, that no further or

other Buſineſs ſhall be entered upon, or taken into Conſideration at any ſuch Meetings, ſo to be called upon any ſuch Emergency as aforeſaid, than ſuch as ſhall have been ſet forth in the Order and Notice for calling ſuch Meetings.

**No Order to be repealed unleſs the Truſtees exceed the Number who made it.**

XI. And be it further enacted, That no Order made by the ſaid Truſtees, and entered in the Book in which their Orders are uſually entered, ſhall be revoked, repealed, or ſet aſide, at any ſubſequent Meeting of the Truſtees, unleſs a greater Number of Truſtees than were preſent when ſuch Order was made, ſhall be preſent at ſuch ſubſequent Meeting, and Conſent to ſuch Revocation or Alteration; and no Order made at any Meeting of the ſaid Truſtees ſhall be repealed or altered, unleſs Ten Days Notice of the Intention of repealing or altering ſuch Order, and of a Meeting to be held for that Purpoſe, ſhall have been given at the Meeting held previous to the Repeal or Alteration being made, and alſo by affixing the ſame on all the Turnpike Gates then ſtanding on the ſaid Road, and by inſerting ſuch Notice in ſome Newſpaper circulated in the Town and County of *Cambridge*.

**Proceedings of Truſtees to be entered in Books.**

XII. And be it further enacted, That all Orders, Reſolutions, and Proceedings of the ſaid Truſtees, made and entered into at their ſeveral Meetings, and the Names of the Truſtees preſent at each Meeting, 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 a competent Number of the Truſtees, ſuch as the Caſe ſhall require, and ſuch Orders and Proceedings ſo entered and ſigned, ſhall be deemed to be original Orders and Proceedings of the Truſtees, and which ſaid Book or Books, and alſo the Book or Books as herein-after directed to be kept for the regiſtering the Mortgages and Transfers thereof, ſhall be deemed to be Originals, and ſhall be admitted as Evidence in all Courts whatſoever.

**Power to appoint Officers.**

XIII. And be it further enacted, That the Treaſurer, Surveyor, and other Officers, already appointed by virtue of the ſaid recited Acts, 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 Truſtees, or any Five or more of them, by virtue of this Act; and that the ſaid Truſtees, by any Writing or Writings under their Hands, may appoint a Treaſurer, Surveyors, Toll Collectors, and other Officers as they ſhall think neceſſary to employ in the Execution of this Act, and may remove any ſuch Officers or other Perſons, or any or either of them, from Time to Time, and upon the Death, Reſignation, or Removal of ſuch Officers or other Perſons, or any or either of them, the ſaid Truſtees may in like Manner appoint others in their Stead, and out of the Monies to ariſe by virtue of this Act, may allow and pay ſuch Salaries, and make ſuch Allowances to ſuch Officers and other Perſons for their Services, as to the ſaid Truſtees ſhall ſeem reaſonable; and all and every ſuch Treaſurer, Surveyor, Toll Collector, and other Officer of the ſaid Road, ſhall from Time to Time, when thereunto required by the ſaid Truſtees, deliver to ſuch Truſtees, or to ſuch Perſon or Perſons as the ſaid Truſtees, ſhall for that Purpoſe appoint a true and perfect Account in Writing, under their reſpective Hands, of all Monies which ſhall have been by them reſpectively had, collected, or received, and how, when, and to whom, and for what Pur-

poſe the ſame and every Part thereof have or hath been applied or diſpoſed of, together with proper Vouchers and Receipts for ſuch Payments, and all ſuch Officers and Perſons ſhall, and they are hereby required to pay all ſuch Monies as upon the Balance of ſuch Account, ſhall appear to be in their reſpective Hands, to ſuch Perſon or Perſons as the ſaid Truſtees ſhall appoint to receive the ſame; and if any ſuch Officers or Perſons ſhall refuſe or neglect to render or give ſuch Accounts as aforeſaid, or to produce and deliver up the Vouchers and Receipts relating to the ſame, or to pay the Balance remaining in his or their Hands, when thereunto required in Manner aforeſaid; or if any ſuch Officers or Perſons ſhall refuſe or neglect to deliver up to the Truſtees, or to any ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, within Ten Days next after being thereunto required by the ſaid Truſtees, all Books, Accounts, Papers, and Writings in their reſpective Cuſtody or Power, any Ways relating to the Execution of this Act, or to the ſaid Roads, and Complaint ſhall be made of any ſuch Refuſal or Neglect to any Juſtice of the Peace, for the County or Place where the Officer or Officers, Perſon or Perſons ſo neglecting or refuſing ſhall live and reſide, ſuch Juſtice may, and he is hereby authorized and required by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Officer or Officers, Perſon or Perſons, to be brought before him, and upon his, her, or their appearing, or not being to be found, to hear and determine the Matter of ſuch Complaint in a ſummary Way, and to ſettle the ſaid Account or Accounts if produced in ſuch Manner as the ſaid Truſtees might have done; and if upon Confeſſion of the Officer or Officers, Perſon or Perſons, againſt whom any ſuch Complaint ſhall be made, or by the Oath or Oaths of any Witneſs or Witneſſes (which Oath ſuch Juſtice is hereby empowered and required to adminiſter without Fee or Reward), or upon Inſpection of the ſaid Accounts if produced, it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been collected or received, ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, 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 Officers, Perſon or Perſons reſpectively; and if no Goods or Chattels can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſame, or if ſuch Officer or Officers, or other Perſon or Perſons, ſhall not appear before the ſaid Juſtice, or offer ſome ſufficient Excuſe at the Time and Place by him appointed for that Purpoſe, or if appearing ſhall refuſe or neglect to give and deliver to ſuch Juſtice an Account or Accounts of all Receipts and Payments as aforeſaid, or to verify the Truth of ſuch Accounts, or of the Articles thereof on Oath as aforeſaid, or to produce and deliver up to the ſaid Juſtices the ſeveral Vouchers and Receipts relating to ſuch Accounts reſpectively, or the Books, Accounts, Papers, and Writings, in his or their Cuſtody or Power relating to the Execution of this Act, or to the ſaid Road, then, and in either of the Caſes aforeſaid, the ſaid Juſtice may, and he is hereby authorized and required by a Warrant or Warrants under his Hand and Seal, to commit ſuch Officer or Officers, Perſon or Perſons, to the Common Gaol of the County or Place where he or they ſhall live or reſide, there to remain without Bail or Mainprize, until he or they ſhall have delivered and ſettled his, her, or their Accounts to the Satisfaction of the ſaid Truſtees, and ſhall have delivered up the Vouchers and Receipts relating thereto, and ſhall have paid

all

all the Money which ſhall appear to be in his, her, or their reſpective Hands, and the reaſonable Charges of ſuch Diſtreſs and Sale, as ſhall in that reſpect have been made, or until he, ſhe, or they ſhall have compounded with the ſaid Truſtees for the ſame, and ſhall have paid the Compoſition Money to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, (and which Compoſition the ſaid Truſtees are hereby empowered to make and receive), or until he, ſhe, or they ſhall have delivered up ſuch Books, Accounts, Papers, and Writings as aforeſaid, or have given Satisfaction in reſpect thereof to the ſaid Truſtees; but no Perſon who ſhall be committed for want of ſufficient Diſtreſs ſhall be detained in Priſon, upon any ſuch Commitment, for any longer Time than Six Calendar Months.

Leſſee of Tolls reſponſible for Perſons employed by him.

XIV. And be it further enacted, That the Leſſee or Hirer of the ſaid Tolls and Duties for the Time being ſhall, at all Times, be reſponſible for every Perſon or Perſons employed by or under him, for the Purpoſe of collecting or receiving the ſaid Tolls, whether ſuch Perſon or Perſons ſhall be a Party in hiring the ſame or not; and all Perſons or Paſſengers going through any Turnpike Gate erected on the ſaid Road, having any lawful Complaint againſt ſuch Collector or Collectors, may prefer the ſame againſt the Leſſee or Hirer of the ſaid Tolls, who ſhall be liable to the ſame Fines, Forfeitures, or Penalties, as if acting in his own proper Perſon.

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

XV. Provided always, 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 Liquor by Retail, ſhall be capable of holding any Place of Truſt or Profit under this Act, or of being appointed a Truſtee, or acting as ſuch, nor ſhall 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.

No Truſtee to vote in the Election of any Officer unleſs he ſhall have acted within a certain Period.

XVI. And be it further enacted, That no Truſtee ſhall have any Voice in the Election or Appointment of any Officer or Perſon to hold any Office or Place of Truſt or Profit under the ſaid Truſtees, by whatſoever Name he ſhall be deſcribed or called, unleſs ſuch Truſtee ſhall have been preſent at One or more Meeting or Meetings, held in purſuance of the ſaid recited Acts or of this Act, and have acted as Truſtee within Two Years preceding the Death, Reſignation, or Removal of the laſt Officer, or in caſe the Officer ſhall be of new Appointment, then preceding the Meeting at which ſuch new Appointment ſhall have been determined upon, and the Preſence of ſuch Truſtee, at ſuch Meeting or Meetings as aforeſaid, ſhall be aſcertained by his Name appearing in the Book or Books kept for the Purpoſe of entering all Proceedings of the Truſtees.

Treaſurer to give Security.

XVII. And be it further enacted, That the ſaid Truſtees ſhall, and they are hereby authorized and required to take ſufficient Security from the Treaſurer or Surveyors to be appointed for the Purpoſes of this Act, for the due and faithful Execution of his and their ſaid Office or Offices.

Security of preſent Surveyor to remain in Force.

XVIII. Provided nevertheleſs, and it is hereby declared, That the Security which hath been given by the preſent Surveyor, under the Authority of the ſaid recited Acts, ſhall remain and continue in as full Force and Effect as if the ſaid recited Acts had not been repealed, and the ſame ſhall be

be deemed, taken, and conſidered as a Security, under the Authority of this Act, to all Intents and Purpoſes as if the ſaid Security had been given and executed in purſuance of this Act; and the ſaid Truſtees may, if they think fit, alſo take ſuch Security from any other Officer appointed or to be appointed under or by virtue of this Act.

Actions to be brought in the Name of the Treaſurer or Clerk, but neither of them to be liable to the Payment.

XIX. And be it further enacted, That in all Actions, Cauſes, Suits, Bills, Plaints, 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 or Names of their Treaſurer or Clerk, and no ſuch Action or Proceeding 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 Treaſurer or Clerk, without the Conſent of the ſaid Truſtees, but that the Treaſurer or 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 Treaſurer or 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.

Truſtees may contract for Repairs.

XX. 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 the repairing of 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 and otherwiſe, or for ſuch Conſiderations as the ſaid Truſtees ſhall think proper.

Turnpikes to be continued and erected.

XXI. And be it further enacted, That the ſaid Truſtees may and they are hereby authorized and empowered to continue all or any of the Turnpikes now ſtanding upon or acroſs the ſaid Road, or on the Sides thereof; and may alſo cauſe to be erected any other or additional Turnpikes, upon or acroſs any Part of the ſaid Road, or at the Sides thereof, or acroſs any Lane or Way leading into the ſame, as they ſhall think fit; and may alſo erect a Toll Houſe at each Turnpike, or at ſuch of them as they ſhall think neceſſary, with ſuitable Out-buildings thereto; and may alſo take in and incloſe, on the Sides of the ſaid Road, convenient Garden Spots to each Toll Houſe, not exceeding One Quarter of an Acre, and may alſo take down and remove all or any or either of ſuch Turnpikes, Toll Houſes and Side Gates which have been erected, or ſhall be erected, by virtue of the ſaid recited Acts and this Act, as they the ſaid Truſtees ſhall ſee Occaſion, and erect others in the Place thereof, or at ſuch other Place or Places as they ſhall think proper.

Property of Turnpikes veſted in Truſtees.

XXII. And be it further enacted, That the Right and Property of all the Turnpikes, Toll Houſes, Buildings, Lamps, Toll Gates, Bars, Toll Boards, Direction Boards, Poſts, Rails, and Fences already erected by virtue of the ſaid recited Acts, or hereafter to be erected by virtue of this Act, and the Materials of which the ſame do or ſhall conſiſt, and the Materials

Materials which have been or ſhall be provided for repairing the ſaid Road; and alſo all the Tools and other Requiſites already or hereafter to be provided for the Purpoſes of the ſaid recited Acts or this Act; and all Books, Deeds, Writings, Maps, and Papers, relating to the ſaid Roads, ſhall be and they are hereby veſted in the ſaid Truſtees, and they are hereby empowered to diſpoſe thereof as they ſhall think proper, and to bring or cauſe to be brought any Action or Actions, or to prefer and proſecute, or order the preferring and proſecuting of any Indictment againſt any Perſon or Perſons who ſhall ſteal, carry away, break down, injure, or ſpoil the ſame, or any Part thereof, or diſturb the ſaid Truſtees, their Agents or Servants, in the Poſſeſſion thereof, and lay the Property thereof in the Name of their Treaſurer or Clerk.

Power to ſell Toll Houſes.

XXIII. 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 now or hereafter to be erected, and the Ground whereon the ſame ſhall ſtand, with the Out-houſes, Gardens, and Appurtenances thereto belonging, (when they ſhall be conſidered by the ſaid Truſtees to be 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; or it ſhall be lawful for the ſaid Truſtees to demiſe and leaſe the ſame for any Number of Years not exceeding Seven Years, for ſuch Price or Prices, Rent or Rents, as can be gotten for the ſame, payable at ſuch Times, and under and ſubject to ſuch Covenants, Clauſes, and Agreements, as the ſaid Truſtees ſhall think fit, the ſaid Truſtees having a Counterpart of ſuch Leaſe, and taking ſuch other Security from the Perſon or Perſons to whom ſuch Leaſe ſhall be made, for the Payment of the Rent and Performance of the Covenants to be contained in ſuch Leaſe, as the ſaid Truſtees ſhall think fit.

Preſent Leaſe of Tolls vacated.

XXIV. And be it further enacted, That from and after the paſſing of this Act the preſent Demiſe or Leaſe granted by virtue of the ſaid recited Acts of the Tolls heretofore payable, and received at the ſaid Turnpike or Toll Gate, ſhall ceaſe, determine, and be utterly void; and if the preſent Leſſee of the ſaid Tolls ſhall make it appear, or prove to the ſaid Truſtees, that any Loſs or Injury will be ſuſtained by him in conſequence thereof, then, and in ſuch Caſe the ſaid Truſtees, or any Seven or more of them, ſhall and may, and they are hereby authorized and required to make a fair and juſt Compenſation and Satisfaction for the ſame unto the ſaid Leſſee, his Executors or Adminiſtrators; and if the ſaid Truſtees ſhall neglect or refuſe to make and give a fair and juſt Compenſation for the Loſs and Injury to be ſuſtained by vacating the ſaid Leaſe as aforeſaid, the

ſame ſhall and may be ſued for and recovered by Action or Suit in any of His Majeſty's Courts of Record at *Weſtminſter*.

XXV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Perſon or Perſons already appointed, or to be appointed by virtue of this Act, Collector or Collectors as aforeſaid, to demand and take the ſeveral Tolls and Duties following, at each and every of the reſpective Turnpikes or Toll Gates, or Turnpike or Toll Gate, or Side Bar or Side Gate, already erected, or which ſhall be erected in, upon, acroſs, or on the Side of the ſaid Road, by virtue of this Act, 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), before any Horſe, Mare, Gelding, Mule, Aſs, Beaſt, or other Cattle, or any Coach, Waggon, Cart, or other Carriage whatſoever, ſhall be permitted to paſs through any of the ſaid Turnpikes or Toll Gates, that is to ſay, Tolls.

For every Horſe, Mare, Gelding, Mule, Aſs, or other Cattle drawing any Coach, Chariot, Landau, Landaulet, Barouche, Sociable, Berlin, Chaiſe, Calaſh, Curricle, Phaeton, Hearſe, or Litter, the Sum of Sixpence:

For every Horſe, Mare, Gelding, Mule, or Aſs, drawing any Two-wheeled Chaiſe, Chair, or Gig, the Sum of Sixpence:

For every Horſe, Mare, Gelding, Mule, or Aſs, drawing any Taxed Cart, the Sum of Sixpence:

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or not laden and not drawing, the Sum of Two-pence:

For every Drove of Oxen, Cows, Calves, or Neat Cattle, the Sum of One Shilling and Three-pence *per* Score, and ſo in Proportion for any greater or leſs Number:

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

For every Waggon having the Sole or Bottom of the Fellies of the Wheels thereof of a greater Breadth or Gauge than Nine Inches, and ſo flat or level as not to deviate more than Two Inches from a flat Surface from the Breadth of the ſaid Wheels, the Sum of Two Shillings:

For every Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and rolling a Surface of that Breadth ſo flat or level as not to deviate more than One Inch from a flat Surface, and drawn by Eight or Seven Horſes, Oxen, or other Beaſts of Draught, the Sum of Two Shillings and Three-pence; and drawn by Six Horſes, Oxen, or other Beaſts of Draught, the Sum of Two Shillings; and drawn by Five Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Eight-pence; and drawn by Four Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Sixpence; and drawn by Three Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Two-pence; and drawn by Two Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling; and drawn by One Horſe, Ox, or other Beaſt of Draught, the Sum of Sixpence:

For every Waggon, Wain, Cart, or other ſuch Carriage having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and rolling a Surface of that Breadth ſo flat or level as not

to

to deviate more than One Inch from a flat Surface, and drawn by Six Horſes, Oxen, or other Beaſts of Draught, the Sum of Four Shillings; and drawn by Five Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Eight-pence; and drawn by Four Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Sixpence; and drawn by Three Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Two-pence; and drawn by Two Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling; and drawn by One Horſe, Ox, or other Beaſt of Draught, the Sum of Sixpence:

For every Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a leſs Breadth or Gauge than Six Inches, and drawn by Four Horſes, Oxen, or other Beaſts of Draught the Sum of Two Shillings; and drawn by Three Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Eight-pence; and drawn by Two Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling; and drawn by One Horſe, Ox, or other Beaſt of Draught, the Sum of Four-pence:

For every other Cart drawn by One Horſe, Ox, or other Beaſt of Draught, the Sum of Four-pence.

Tolls to be paid but once a Day.

XXVI. And be it further enacted, That every Perſon who ſhall have paid the Tolls hereby granted at any Turnpike or Toll Gate erected or to be erected by virtue of this Act, in, upon, or acroſs the ſaid Road, ſhall on the ſame Day be permitted to paſs or repaſs at any Time or Times as often as he or ſhe may think proper, with the ſame Horſe or Horſes, Beaſts, Cattle, Carriage, Waggon, or Cart, for which ſuch Toll ſhall have been paid, through the ſame and every other Turnpike or Toll Gate to be erected, or ſet up at or near the Side of the ſaid Road, or acroſs any Road, Lane, or Way leading into the ſame, without being ſubject to the Payment of any further Toll, ſuch Perſon or any other Perſon returning with the ſame Horſe or Horſes, Beaſts, Cattle, Carriage, Waggon, or Cart, producing a Ticket denoting ſuch Payment, which Ticket ſhall name and ſpecify the ſeveral Gates through which ſuch Perſon or Perſons may paſs Toll-free on Production, and which the Collectors of the Tolls are hereby required to give *gratis* on Receipt of the Tolls.

Horſes returning with freſh Carriages not chargeable.

XXVII. And be it further enacted, That any Horſes, Oxen, or other Beaſts of Draught, which ſhall paſs through any Turnpike or Toll Gate erected as aforeſaid, drawing any Waggon, Wain, Cart or other Carriage, and for which the Toll hereby granted ſhall be duly paid, and ſhall on the ſame Day return and paſs through any of the ſaid Turnpikes or Toll Gates with any other Waggon, Wain, Cart or other Carriage of the ſame Deſcription, ſhall in ſuch Caſe pay no other Toll than if ſuch Horſes, Oxen, or other Beaſts of Draught had returned with the ſame Waggon, Wain, Cart, or other Carriage, for which the ſaid Toll had already been paid as aforeſaid.

Horſes having paſſed not drawing, and returning with any Waggon, how to be chargeable.

XXVIII. And be it enacted, That in caſe any Horſes, Oxen, or other Beaſts of Draught not drawing, ſhall paſs through any Turnpike or Toll Gate, erected or to be erected as aforeſaid, and ſhall, after paying the Tolls hereby granted, return on the ſame Day, drawing any Waggon, Wain, Cart, or other Carriage, through ſuch Turnpike or Toll Gate, the Perſon or Perſons driving the ſame ſhall be allowed from the Toll payable

able for such Waggon, Wain, Cart, or Carriage, the Amount before paid for any such Horses, Oxen, or other Beast of Draught not drawing as aforesaid.

Power of Distress.

XXIX. And be it further enacted, That the said respective Tolls or Sums of Money shall be vested in the said Trustees, and applied as herein-after directed; and if any Person or Persons subject to the Payment of any or either of the said Tolls, shall, after Demand thereof made, either at the Turnpike where such Toll should be collected, or immediately after passing through 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 in respect whereof such Tolls are payable, together with their Bridles, Saddles, Gears, Harness or Accoutrements (except the Bridle or Reins of such Horse or other Beast, apart from such Horse or other Beast), or their Loading, or any Carriage with its Loading or a sufficient Part thereof; 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, Carriage, or Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money (if any be), and what shall remain unsold, on Demand, to the Owner thereof after such Tolls and reasonable Charges occasioned by such Seizure, Distress, and Sale shall be deducted; and if any Dispute shall happen about the Amount of the Tolls due, or about the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector or Person 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 of the Charges of 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, Liberty, 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 deducting the Costs and Charges of making such Distress and Sale to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

Dispute concerning Tolls to be settled by a Justice.

Collectors of Tolls not incompetent Witnesses.

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

For preventing Toll Collectors from taking undue Tolls.

XXXI. And be it further enacted, That all and every Toll Collector, 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 upon 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 upon 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 and 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, and claim ſuch Exemption, 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 when demanded, or upon the legal Toll being paid or tendered, ſhall unneceſſarily detain, or wilfully obſtruct, hinder, or prevent any Paſſenger or Paſſengers from paſſing through any Turnpike or Toll Gate, or ſhall make Uſe of any ſcurrilous or abuſive Language to any Truſtee, Treaſurer, Clerk, Surveyor or other Officer, or any Paſſenger or Paſſengers; 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; and ſuch Penalty ſhall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Penalty for aſſaulting Collectors, &c.

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

Penalty on ſuffering Carriage liable to paſs without being weighed.

XXXIII. 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, erected or to be erected 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 Road, ſhall ſuffer or permit any Waggon, Cart, or Carriage, liable to be weighed at any ſuch Machine or Machines, to paſs through the Turnpike Gate or Gates erected or to be erected on the ſaid Road, without weighing the ſame, or ſhall ſuffer or permit any ſuch Waggon, Cart, or other Carriage to proceed on the ſaid Road without having firſt paid the Tolls payable for ſuch Waggon, Cart, or other Carriage and for all ſuch Overweight

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 Machine, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, as the Juſtice or Juſtices, before whom the Information ſhall be laid, ſhall adiudge.

Exemptions from Toll.

XXXIV. Provided always, and be it further enacted, That no Toll ſhall be demanded or taken for any Horſe or Horſes, or other Beaſt or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the ſaid Road, or any of the Roads in the Townſhips or Pariſhes in which any Part of the ſaid Road lies, or in any Pariſh adjoining the ſame; or Hay, Turnips, Straw, or Corn in the Straw only, not bought, ſold, or diſpoſed of, but paſſing to be laid up or placed in the Houſes, Barns, Out-houſes, or Yards, or on the Lands of the Owners thereof; or for any Horſe, Beaſt, or other Cattle, or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day, any Ploughs, Harrows, or Implements of Huſbandry, or any Mould, Dung, Compoſt, or Manure, (Chalk and Lime excepted) employed in Huſbandry, or for manuring or improving Lands; or for any Horſes or other Beaſts going to or returning from Paſture or Watering Place, or going to be, or returning from being ſhoed or farried; or from any Perſon or Perſons going to or returning from his, her, or their Parochial Church, Chapel, or uſual Place of Religious Worſhip on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated; or going to or returning from attending the Funeral of any Perſon who ſhall die and be buried in any of the Pariſhes in which the ſaid Road lies; or from any Clergyman going to viſit or returning from viſiting any ſick Perſon, or on other his Parochial or Miniſterial Duty; or for any Horſes or Carriages of whatever Deſcription, employed or to be employed in conveying or guarding the Mails of Letter and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying or guarding ſuch Mails or Expreſſes, or in returning back from conveying or guarding the ſame; or for the Horſe or Horſes of any Officers or Soldiers on their March, or on Duty, or for any Horſe or Horſes or other Beaſt, or any Cart, Carriage, or Waggon employed in carrying or conveying, or returning therefrom, having been employed only in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying or conveying any ſick, wounded, or diſabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes, or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, or returning from having been ſo employed; or for any Horſe, Mare, or Gelding, furniſhed by or for any Perſon belonging to any Corps of Yeomanry, or Volunteer Cavalry,

or

or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements, according to the Regulations of such Corps at the Time of claiming the Exemption; or for Horses, Carts, or Waggons, travelling with Vagrants sent by legal Passes, or returning after having been so employed; or for any Horses, Coaches, or other Carriages, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Cambridge*, on the Day or Days of such Election, or the Day before or Day after such Election shall begin or be concluded; and if any Person shall by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Exempting Carriages conveying King's Stores, &c. from Penalties for Overweight.

XXXV. 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, Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall, while so employed, be subject to any Penalty or Forfeiture for Over-weight; nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses drawing the same, 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 the 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.

Power to lessen Tolls.

XXXVI. And be it further enacted, That the said Trustees may, and they are hereby authorized and empowered from Time to Time, as they shall think proper, to lessen or reduce all or any of the Tolls hereby granted, and to raise them again to any Sum not exceeding the Tolls respectively hereby granted, so that such Reduction be with the Consent of the Persons who shall be entitled to Five-sixth Parts at least of the Money then due on the Credit of such Tolls; but such Reduction shall not be made, unless Notice in Writing be given of a Meeting to be held for that Purpose, by affixing the same upon all the Turnpike Gates then erected on the said Road, and by advertising the same in some Newspaper usually circulated in the Neighbourhood of the said Road, at least Fourteen Days before the Meeting for making such Reduction, and such Tolls so lessened, varied, or reduced, or raised again, shall be vested in the said Trustees, and shall be collected, recovered, levied, paid, and applied, in the Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Trustees may lease Tolls.

XXXVII. And be it further enacted, That the said Trustees, or any Seven or more of them, may, and they are hereby empowered, as soon after the passing of this Act, as they shall think proper, after giving Four-

teen Days Notice in ſome Newſpaper circulated in the County of *Cambridge*, and alſo by Writing to be affixed upon all the Turnpike Gates erected on the ſaid Road, the Tolls whereof are intended to be leaſed from Time to Time, to leaſe and demiſe the Tolls granted by this Act, or any Part or Parts of ſuch Tolls; and alſo the additional Tolls for Over-weight to be collected or received at ſuch Gates, and the Penalties payable for the Evaſion of Tolls, by Public Auction, for a Term not exceeding Three Years at one Time, for the beſt Price that can be gotten for the ſame, and to put up and offer the ſaid Tolls to be let in future Years, at ſuch Annual Sum or Sums of Money, and under ſuch Conditions, and to direct the ſame Tolls to be paid by the reſpective Leſſee or Leſſees thereof, at ſuch Time and under ſuch Covenants as the ſaid Truſtees, or any Seven or more of them, ſhall think fit, the ſaid Truſtees having a Counter-part of ſuch Leaſe or Leaſes, and taking ſuch other ſufficient Security from the Perſon or Perſons to whom any ſuch Tolls ſhall be leaſed and demiſed, for Payment of ſuch Rents, and Performance of the Covenants to be reſerved and compriſed in ſuch Leaſe or Leaſes, as the ſaid Truſtees ſhall think fit: Provided always, that no Leaſe ſhall be valid if granted to any Perſon or Perſons who ſhall be or become a Truſtee or Truſtees under this Act, or in which any of the ſaid Truſtees ſhall have any Intereſt or Concern, unleſs ſuch Truſtees ſhall, previous to any Offer made by him on his Account, declare in Writing, to be delivered to the ſaid Clerk, that he intends to make ſuch Offer: Provided further, that no Leſſee of the ſaid Tolls ſhall aſſign the ſaid Leaſe, or let or demiſe the ſame Tolls, or any Part thereof, to any Perſon or Perſons whomſoever, without the previous Conſent of the ſaid Truſtees, or any Seven or more of them, obtained at a Meeting, and entered in their Books; and that any Aſſignment, Leaſe, or Demiſe, made without ſuch Conſent, is hereby declared to be null and void; and that any Perſon in Poſſeſſion of any Toll-houſe, by virtue of any ſuch Aſſignment, Leaſe, or Demiſe, made by ſuch Leſſee of the Tolls as aforeſaid, ſhall and may be removed by the ſaid Truſtees, in ſuch and the ſame Manner as is hereinafter declared concerning the Removal of Leſſees at the Expiration of their Leaſes.

Leſſees or Perſons appointed by them may collect the Tolls.

XXXVIII. And be it further enacted, That during ſuch Time as the ſaid Tolls, or any Part or Parts thereof ſhall be leaſed, demiſed, or in Farm to any Perſon or Perſons whomſoever, it ſhall be lawful for the Leſſee or Leſſees, Farmer or Farmers thereof, or ſuch other Perſon or Perſons as he or they ſhall, by Writing or Writings under his, her, or their Hand or Hands, authorize or appoint, to demand and take the ſaid Tolls, and to uſe all ſuch Means and Methods for the Recovery thereof, in caſe of Non-payment or Evaſion, as the Collectors to be appointed under or by virtue of this Act, are by this Act empowered to uſe.

Power to declare Leaſes of Tolls and Weighing Machines void in caſe of Non-payment of Rent.

XXXIX. And be it further enacted, That if upon or after any Setting or Agreement for letting the ſaid Tolls, or any Part thereof, or any Weighing Machine or Machines to be erected on the ſaid Road, any Default ſhall be made in Payment of the Rent agreed to be paid for the ſame, or any Part thereof, on the Days and Times appointed for the Payment thereof, then, and in ſuch Caſe, the ſaid Truſtees ſhall and may, and are hereby empowered, at any Meeting, to be held after Seven Days previous Notice of the holding of ſuch Meeting ſhall be given to the Leſſee or Leſſees of the ſaid Tolls, or Weighing Machine or Machines, and alſo affixed Seven Days before ſuch Meeting, at or upon all the Turn-

pike Gates then erected, or ſtanding upon or acroſs the ſaid Road, to declare any Leaſe of the ſaid Tolls or Weighing Machine or Machines, or any Contract or Agreement for letting the ſame void, and the ſame ſhall be thereupon void to all Intents and Purpoſes, from the Time of ſuch Declaration; but in ſuch Caſe 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 expelling Leſſees of Tolls at Expiration of Leaſes, or on the ſame Leaſes being declared void.

XL. And be it further enacted, That if the Leſſee or Leſſees of any of the Tolls hereby granted, or of any Weighing Machine or Machines to be erected on the ſaid Road, 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, Liberty, 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 Chattles, out of ſuch Toll Houſe or Toll Houſes, Buildings and Premiſes, and to put any Perſon or Perſons whom the ſaid Truſtees, or any Five or more of them, 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 from 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 and mortgage Tolls.

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 Truſtees, who ſhall advance ſuch Sum or Sums of Money; which Mortgage

gage ſhall be ſigned and ſealed by the ſaid Truſtees, or any Seven or more of them, and be in the Words or to the Effect following; (that is to ſay),

Form of Mortgage.

'BY virtue of an Act paſſed in the Fifty-fifth Year of the Reign of His Majeſty King *George* the Third, intituled [*here ſet forth the Title of this Act*] we of the Truſtees for putting the ſaid Act in Execution, in Conſideration of the Sum of to the Treaſurer of the ſaid Truſtees in Hand paid, do grant, bargain, ſell, and demiſe unto his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act, and of the Toll-gates, Bars, Chains, Toll-houſes and Weighing Machines, for collecting the ſame, and the Buildings and Appurtenances thereof, as the ſaid Sum of doth or ſhall bear to the whole of the Monies now ſecured or hereafter to be ſecured on the Credit thereof; to be had and holden from the Day of the Date hereof, for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of with Intereſt, at the Rate of *per Centum per Annum*, ſhall be ſooner paid and ſatisfied. Given under our Hands and Seals, the Day of in the Year of our Lord One thouſand eight hundred and

Mortgages to be entered in a Book;

and may be transferred.

And Copies of all ſuch Mortgages ſhall be entered in a Book or Books to be kept and provided 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 recited Acts, ſo far as concerns the ſaid Roads hereby intended to be repaired, 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 Aſſignment in the following Words, or Words to the like Effect; that is to ſay,

Form of Transfer.

'I *A. B.* of [*or I, C. D.* of] Executor or Adminiſtrator of *A. B.* late of [*or otherwiſe, as the Caſe may happen to be*] in Conſideration of the Sum of to me paid by *E. F.* of do hereby aſſign and transfer unto the ſaid *E. F.* his Executors, Adminiſtrators, and Aſſigns, a certain Mortgage or Security, bearing Date the Day of in the Year of our Lord under the Hands and Seals of of the Truſtees, for putting in Execution an Act of Parliament, paſſed in the Fifty-fifth Year of the Reign of His Majeſty King *George* the Third, intituled [*here ſet forth the Title of this Act*] with all my Right and Title to the Principal Sum of thereby ſecured, and all Intereſt now due and hereafter to grow due thereon. Dated this Day of in the Year of our Lord One thouſand eight hundred and Witneſs

Transfer to be notified and entered, &c.

Which ſaid Transfer ſhall be produced and notified to the Clerk or Treaſurer for the Time being, who ſhall cauſe an Entry or Memorial to be made thereof in the ſaid laſt-mentioned Book or Books, containing the Date, Name

Name 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 Toll Gates, Bars, Chains, Toll Houſes, and Weighing Machines, and the Buildings and Appurtenances thereto belonging, in equal Degree one with another; and no Perſon ſhall have any Preference in reſpect of the Priority of advancing his or her Money, or the Date of his or her Security.

Old Mortgages may be cancelled and new ones granted.

XLII. And be it further enacted, That the ſaid Truſtees ſhall and may, if thereunto required, receive in and cancel all or any of the Mortgages or Aſſignments now ſtanding out, that were made by virtue of the ſaid Acts, or any of them, relating to the ſaid Roads hereby intended to be repaired, and give and execute another Mortgage, or other Mortgages, inſtead and in lieu thereof reſpectively, in Manner herein-before directed.

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 recited Acts, or any of them, for or in reſpect of the ſaid Roads hereby directed to be repaired, and ſhall be then remaining undiſpoſed of, 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 all the Coſts, Charges, and Expences incident to or attending the obtaining and paſſing this Act, or relative thereto; in the Second Place, in paying the Intereſt now due, and which ſhall become due, upon the ſeveral principal Sums from Time to Time remaining due and owing on Mortgage or Security of the Tolls by this Act granted; in the Third Place, in defraying the Expences of amending, repairing, widening, altering, improving, and keeping in Repair the ſaid Roads, and of executing the ſeveral other Powers, Intents, and Purpoſes of this Act; and, laſtly, in reducing, paying off, and diſcharging, the ſaid ſeveral principal Sums due on ſuch Mortgages or Securities as laſt aforeſaid.

Penalty on Perſons permitting private Paſſages to evade Tolls, or paſs-

XLIV. And be it further enacted, That if any Perſon or Perſons whomſoever, owning, retaining, or occupying any Tenements, Lands, or Grounds near the ſaid Roads, or any Part thereof, ſhall knowingly or wittingly permit or ſuffer any Perſon or Perſons to paſs through any Ground, Gate, Paſſage or private Way, with any Horſe, Beaſt, Cattle or Carriage on which

which a Toll is by this Act impoſed, in order to evade the Payment of the ſaid Toll; or if any Perſon or Perſons owning, going in, or driving, any ſuch Carriage, or owning, riding, or driving any ſuch Horſe, Beaſt, or Cattle, ſhall therewith paſs through any ſuch Ground, Gate, Paſſage, or private Way, in order to evade the Payment of the ſaid Toll, or any Part thereof; 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 of the Toll Gates now erected or hereafter to be erected by virtue of this Act; or having paſſed through any of the ſaid 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, in order to avoid or evade the Payment of any of the Tolls hereby impoſed; or ſhall forge, counterfeit, or alter, or ſhall deliver to or receive from any other Perſon or Perſons (except the Perſon or Perſons appointed to receive the Tolls hereby made payable), any Note or Ticket, in order to avoid or evade the Payment of the ſaid Tolls, or any Part thereof; or if any Perſon or Perſons liable to the Payment of any of the ſaid Tolls, ſhall forcibly paſs, or attempt to paſs, any of the ſaid Toll Gates or Turnpikes, without Payment thereof at ſuch Gate or Gates; or if any Perſon or Perſons ſhall do any other Act, in order or in order to avoid or evade the Payment of the ſaid Tolls, or any Part thereof, each and every Perſon and Perſons, in any Manner aforeſaid offending, and being thereof convicted, on the Oath of One or more credible Witneſs or Witneſſes, before any One or more of His Majeſty's Juſtices of the Peace for the County, Liberty, or Diviſion, wherein any ſuch Offence ſhall be committed (which Oath the ſaid Juſtice or Juſtices is and are hereby empowered and required to adminiſter), ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, (over and beſides ſuch Penalties and Puniſhment as he, ſhe, or they ſhall otherwiſe be liable to by Law) One Moiety whereof, when raiſed, ſhall be paid to the Informer, and the other Moiety to the Treaſurer to the ſaid Truſtees, to be applied for the Purpoſes of this Act.

ing through them, or committing any other Offence.

XLV. 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, Sand, or any other Materials proper for the making or repairing of the ſaid Roads, out of or from any Commons or Waſte Grounds, Common River, or Brook in any Townſhip, Pariſh, or Place in which the ſaid Roads, or any Part thereof ſhall lie in, be ſituate, or in any adjoining Pariſh, Townſhip, 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 where there is not ſufficient of any ſuch Materials to be procured in any Common or Waſte Grounds, Common River or Brook, the ſaid Surveyor or Surveyors, or other Perſons as aforeſaid, may by Order of the ſaid Truſtees, ſearch for, 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 in any Townſhip, Pariſh or Place, in which the ſaid Road or any Part thereof ſhall lie or be ſituate (not being

Surveyors may get Materials in Waſtes, &c. without paying for it,

and in private Lands making Satisfaction.

a Yard, Garden, Park, Paddock, planted Walk or Avenue to a Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees), paying or tendering Payment for ſuch Materials, and for the Damage done to the Owners and Occupiers thereof reſpectively, 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 adjudge reaſonable; 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, any Two or more Juſtices of the Peace for the ſaid Town or County of *Cambridge*, within their reſpective Juriſdictions, 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.

Differences to be ſettled by Quarter Seſſions.

Surveyors not to get Materials in private Grounds till after Notice, &c.

XLVI. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor, or any other Perſon or Perſons under the Authority of this Act, to dig, gather, take, or carry away any Materials for making or repairing the ſaid Roads, out of or from any incloſed Lands or Grounds, until Notice in Writing ſhall have been given to the Occupier of the Premiſes from which ſuch Materials are intended to be taken or left for ſuch Occupier, at his or her laſt or uſual Place of Reſidence, to appear before any Two or more Juſtices of the Peace for the ſaid County to ſhew Cauſe why ſuch Materials ſhould not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier ſhall attend purſuant to ſuch Notice, and ſhall not ſhew ſufficient Cauſe to the contrary, ſuch Juſtices ſhall (if they think proper) authorize ſuch Surveyor, or other Perſon or Perſons to dig, gather, take, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall refuſe or neglect to appear by himſelf or herſelf, or his or her Agent, ſuch Juſtices ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually, to all Intents and Purpoſes, as if ſuch Occupier or his or her Agent had attended.

Penalty on taking away Materials raiſed by Surveyors or digging in Pits not abandoned.

XLVII. 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, 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, or Occupiers of any private Ground, and any Perſon or Perſons authorized by ſuch Owner or Owners to get Materials therein for his, her, or their own 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.

XLVIII. 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

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, Manure, Soil Rubbiſh, or other Matter or Thing whatſoever, in any Part of the ſaid Roads, or on the Side 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, or 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, 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.

XLIX. 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 and Annoyances on any Part or Parts of the ſaid Roads, by Timber, Wood, Stone, Carriages, Saw Pits or other Pits, Trees, Aſhes, Dung, Filth, Rubbiſh, Straw, or otherwiſe; and to turn any 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 prune or lop at proper Seaſons of the Year, any Trees, Branches, 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 the Prunings or Loppings thereof, or in caſe the reſpective Owners or Occupiers of the Lands, where ſuch Annoyances ſhall happen to be, ſhall neglect ſo to do for Five 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 by Writing under their Hands), ſhall, from Time to Time, be reimburſed to the ſaid Surveyor or Surveyors, by ſuch reſpective Owners or Occupiers neglecting to turn, open, ſcour, or cleanſe, or to deepen, widen, and enlarge, any ſuch Gutter, Ditch, Conduit, Drain, or Watercourſe; or to prune or lop ſuch Trees, Branches, Shrubs, or Buſhes, or by the Perſon or Perſons occaſioning, or neglecting, or refuſing to remove ſuch Annoyances as aforeſaid; which Charges ſhall be levied and recovered in the ſame Manner as the Penalties, Forfeitures, and Fines, by this Act inflicted, or authorized to be impoſed, are herein-after directed to be levied and recovered; and if after the Removal of any ſuch Annoyances, any Perſon or Perſons ſhall offend again in like Manner, every ſuch Perſon ſhall for every ſuch Second or ſubſequent Offence, forfeit and pay any Sum not exceeding Five Pounds.

Preventing Buildings or Trees being placed too near the Road.

L. Provided always, and be it further enacted, That from and after the paſſing of this Act no Building or Buildings ſhall be erected or built nearer than Fifteen Feet from the Centre of the ſaid Road, nor ſhall any Gate hereafter to be fixed againſt the ſaid Road be made to open into or upon the ſame, nor ſhall any young Tree or Trees be hereafter planted or permitted to grow up within Fifteen Feet of the Centre of the ſaid Road; and if any Buildings ſhall be ſo erected, any Gate fixed, or any Trees planted, contrary thereto, it ſhall be lawful for the ſaid Truſtees, or any Perſon authorized by them, to take down, or cauſe to be taken down, any ſuch Building, Gate, or Tree, as a Public Nuiſance, and to remove the ſame, and every Part thereof, without making any Compenſation to the Owner or Owners for Damages, Treſpaſs, or otherwiſe.

Power to make Cauſeways, Ditches, &c.

LI. 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 Foot-paths along the Side or Sides of the ſaid Roads, and to cut or make Ditches, Drains, or Watercourſes upon and through any Grounds adjoining 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 adjudge 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 ſaid Town or County of *Cambridge*, at their General Quarter Seſſions of the Peace for the ſaid Town or County, next after ſuch Difference ſhall ariſe.

Roads to be meaſured, and Mile Stones, &c. erected.

Penalty on defacing Mile Stones, &c.

LII. And be it further enacted, That the ſaid Truſtees ſhall, and they are hereby required to 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; 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 Mile Stones, Mile Poſts, or Direction Poſts, or ſhall in any Manner injure or damage the Cauſeways, or obliterate or deface any of the Letters, Figures, or Marks on any of the ſaid Stones or Poſts, and ſhall be thereof lawfully convicted before any Juſtice or Juſtices of the Peace for the ſaid Town or County of *Cambridge*, by the Confeſſion of the Party, or by the Oath of One or more credible Witneſs or Witneſſes, ſuch Perſon or Perſons ſo offending, ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, One Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be paid to the ſaid Truſtees, or to their Treaſurer or Clerk, to be applied for the Purpoſes of this Act.

Riding, &c. on Footways and Cauſeways.

LIII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully ride or drive any Horſe, Beaſt, or Cattle, upon any Footway or Cauſeway, made or to be made on the Side of the ſaid Road, for the Accommodation of Perſons travelling on Foot, or ſhall wilfully draw or drive on any Barrow, Truck, Dray, Sledge, or other Carriage, on any ſuch Footway

Footway or Cauſeway, or ſhall do, or cauſe to be done, any other Injury or Damage to any ſuch Cauſeway or Footway, whether ſuch Cauſeway ſhall be made and repaired by and out of the Tolls ariſing under this Act, or by and out of any other Fund for repairing Cauſeways, 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 or more Juſtice or Juſtices of the Peace for the ſaid Town or County of *Cambridge*, every ſuch Perſon ſo offending, ſhall, for every ſuch Offence, forfeit and pay ſuch Sum of Money as ſuch Juſtice or Juſtices ſhall adjudge, not exceeding Twenty Shillings, to be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of every ſuch Offender, by Warrant under the Hand and Seal, or Hands and Seals of ſuch Juſtice or Juſtices; ſuch Forfeiture to be applied in recompenſing the Informer, according to the Diſcretion of ſuch Juſtice or Juſtices, and in repairing ſuch Cauſeway or Footway; and in caſe the Perſon or Perſons ſo offending and convicted, ſhall have no Goods or Chattels within the Juriſdiction of ſuch Juſtice or Juſtices, or in caſe ſuch Penalty or Forfeiture ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice or Juſtices, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction for the ſaid Town or County of *Cambridge*, there to remain for the Space of One Calendar Month, and ſhall not be ſooner diſcharged, unleſs he or ſhe ſhall pay the Penalty impoſed by ſuch Conviction.

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 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 anywiſe ſuſtain by ſuch widening, turning, varying, or altering ſuch Road, 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 Road when widened, turned, varied, or altered by virtue of this Act, ſhall be and remain Forty Feet wide at the leaſt between and excluſive of the Ditches; and ſuch Lands and Grounds, when ſo purchaſed as aforeſaid, ſhall, by 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, from thenceforth, be deemed and taken as a Public or Common Highway, and Part of the Roads to be repaired by virtue of this Act.

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 ſeized or intereſted in their own Right, and to and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeized or poſſeſſed of or intereſted in any ſuch Land or Hereditaments to contract with the ſaid Truſtees for the Satisfaction to be made for ſuch Damages as aforeſaid, or 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 Land 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, or at the Houſe of the Tenant in Poſſeſſion of the Land or Hereditaments through which any Part of ſuch Road is to be diverted, turned, or altered, ſhall, for the Space of Ten Days 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 inquired into, and aſcertained by a Jury of indifferent Men of the County of *Cambridge*; and in order thereto, the ſaid Truſtees are hereby empowered and required from Time to Time as Occaſion ſhall be or 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 inquired of and aſſeſſed ſuch Damage 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 Land 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, Remainder, Reverſion, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, 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 or Warrants to the Sheriff of the ſaid County of *Cambridge*, 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

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 Men, 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 of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they are to be ſworn; and the ſaid Truſtees 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 who ſhall not appear, or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſworn, ſhall refuſe to give or ſhall not give a Verdict, or ſhall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Perſons, who being required to give Evidence before the Jury, on being paid or tendered a reaſonable Sum for his or her Coſts, Charges, and Expences, ſhall refuſe or neglect to appear, or appearing, ſhall refuſe to be ſworn or examined, or give Evidence, ſo that no ſuch Fine be more than Ten Pounds on any one Perſon for one Offence.

How Expences of Jury 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 Land or Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained, than ſhall have been agreed to or offered by the ſaid Truſtees, or their Treaſurer, Clerk, Surveyor, or other known Agent, before the ſummoning and returning of the Jury, as a Recompence and Satisfaction for any ſuch Right, Intereſt, Property, Loſs, or Damage as aforeſaid, that then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes ſhall be borne and paid by the Treaſurer to the ſaid Truſtees out of the Money to ariſe by virtue of this Act; but if ſuch Jury ſhall give in and deliver a Verdict or Aſſeſſment for no more or 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, Property, Loſs, or Damage as aforeſaid, that then the full Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, 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 for the ſaid County, 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 Money ſo aſſeſſed and adjuſted 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 upon Demand, after being ſo aſcertained and ſettled as aforeſaid, ſhall and may be recovered by the ſaid Truſtees, by ſuch Ways and Means as are herein provided for 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 adjoining to any Dwelling Houſe, or any Yard, Park, Paddock, planted Walk, incloſed 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 Land 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 Road, in lieu whereof ſuch Land and Ground ſhall be purchaſed for ſuch new Road as aforeſaid, (unleſs the ſame ſhall lead over ſome Heath, Common, Moor, or Waſte Ground, or to ſome Village, Town or Place to which ſuch new Road doth not lead,) ſhall be veſted in the ſaid Truſtees, and ſhall and may be diſpoſed of by them for the beſt Price that can be reaſonably got for the ſame; and the Money ariſing by ſuch Sale ſhall be applied and diſpoſed of in amending and improving the Roads by this Act directed to be repaired; and the Sale and Conveyance or Conveyances to be made of ſuch Lands and Grounds, compriſing the ſaid old Road, being executed by the ſaid Truſtees, and inrolled amongſt the Records of the Seſſions of the Peace of the ſaid County of *Cambridge*, 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 Non-application of ſuch Money.

Perſons whoſe Lands adjoin to have the Preference.

LX. Provided always, and be it further enacted, That whereſoever the Courſe of any Part of the ſaid Roads ſhall be altered under or by virtue of the Authority of this Act, or any Toll Houſe diſcontinued, and a new Road opened and made in any adjoining Land, the Offer of the Purchaſe of ſuch old Road or Toll Houſe ſhall be firſt made to the Owner of ſuch adjoining Land, and in caſe ſuch Owner ſhall be deſirous of becoming the Purchaſer of ſuch old Road or Toll Houſes, 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

Value to be ſettled by a Jury, and may be recovered by Action.

His

His Majeſty's Courts of Records; 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 Maſters Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the ſaid County of *Cambridge*, 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 ſuch new Road or Toll-houſe, 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 ſuch Sum and Sums of Money, Conſideration, Recompence, or Satisfaction, to be agreed for, 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 hereinafter mentioned, or (as the Caſe may require), to the Parties or Perſons reſpectively entitled to ſuch Monies, or to their Agents; and that upon Payment or Tender thereof to ſuch Perſons, or their Agents, or in caſe of Refuſal to accept the ſame, then upon leaving the ſame in the Hands of the Treaſurers to the ſaid Truſtees, for the Uſe of ſuch Parties or Perſons, 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 from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title to ſuch Lands and Hereditaments, and every Part thereof.

Application of Compenſation 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 there, *ex parte* the Truſtees for executing this Act, or any Two or more of them, 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, 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 mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the 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 mean Time, and until the ſaid Bank 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.

Application of Compenſation if leſs than 200l. and exceeding 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 amount to or 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, in the Name and with the Privity of the ſaid Accountant-General of the High Court of Chancery, and to 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 the ſaid Truſtees (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.

Application when the Money is leſs than 20l.

LXIV. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned ſhall be leſs than

than 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 as aforesaid, in such Manner as the said Trustees 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 case any Person shall refuse to accept Money awarded, same to be paid into the Bank of England.

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 to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the 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 Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title, &c.

LXVI. Provided always, and be it further enacted, That where any Question shall arise, touching the Title of any Person 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 any Estate, Right, or Interest, in any Lands or Hereditaments to be purchased in pursuance thereof, 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

dends 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 Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, who ſhall from Time to Time, pay ſuch Sum of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Perſons, &c. before liable to repair to continue ſo.

LXVIII. And be it further enacted, That all and every Perſon and Perſons, Townſhips, Pariſhes, Hamlets, Vills, and Places, and the Inhabitants thereof reſpectively, and Bodies Politic and Corporate, who before the making of the ſaid recited Acts 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 or Accounts, 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 recited Acts or this Act had not been made.

Statute Duty.

LXIX. And be it further enacted, That it ſhall be lawful for any Two or more Juſtices of the Peace for the ſaid County of *Cambridge*, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees, or by their Treaſurer, Clerk, or Surveyor, from Time to Time, to adjudge, order, and determine what Part or Proportion of the Statute Work ſhall be done in and upon the ſaid Roads hereby directed to be repaired, and for what Space of Time, and in what Manner, and by whom of the Inhabitants of or Occupiers of Lands and Tenements, in the ſeveral Pariſhes, Townſhips, or Places through which the ſaid Roads do or ſhall paſs, the ſame ſhall be done; and alſo what Proportion of the Compoſition Money received or to be received by the Surveyors of the Highways of ſuch Pariſhes, Townſhips, and Places reſpectively, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by them reſpectively paid to the ſaid Truſtees, or their Treaſurer, Surveyor or Surveyors; and in order thereunto it ſhall be lawful for ſuch Juſtices, and they are hereby required from Time to Time on ſuch Application as aforeſaid, to ſummon the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Townſhip, or Place, to bring in before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons, and at ſuch Time, not being leſs than Ten Days then next following, as the ſaid Juſtices ſhall direct, true and perfect Liſts in Writing,

Liſts of Perſons liable to do Statute Work.

Writing, of the Names of the ſeveral Perſons who within ſuch Pariſhes, Townſhips, or Places reſpectively, ſhall be 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 by each Perſon; which Liſt ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions as 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 the the ſaid Juſtices ſhall and may, and are hereby required to allot, appoint, and order ſuch and ſo many Perſons who ſhall appear ſubject and liable to the 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 Hay-time 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 order and direct what Proportion of the Money received or receivable by the Surveyors of ſuch Pariſhes, Townſhips, or Places reſpectively, from the ſeveral 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, ſhall be paid, and at what Time the ſame ſhall be ſo paid by ſuch Surveyors to the ſaid Truſtees, or their Treaſurer, Surveyor or Surveyors; and in default of Payment thereof, the ſame ſhall or may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Surveyors 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 ſo appointed and ordered to do ſuch Statute Work as aforeſaid, who ſhall neglect or refuſe to perform the ſame, after Four Days Notice in Writing, given to or left with him, her, or them, at his, her, or their uſual Place of Abode for that Purpoſe, by any Surveyor to 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 or 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, for the Repair of the Public Highways; and if any Perſon who ſhall come or be ſent to work as a Labourer, or ſhall be ſent with a Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and diſmiſs the Perſon who ſhall be found idle or negligent as aforeſaid; and in that Caſe every ſuch Perſon ſending ſuch Labourer, Team, or Draught, ſhall be ſubject 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 Truſtees, and applied towards amending the ſaid Roads hereby intended to be repaired; and in caſe the Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes, Townſhips, or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly and wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending

ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

Truſtees may compound for Statute Duty.

LXX. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, and they are hereby authorized and empowered, 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 ſhall lie and be ſituate, for a certain Sum of Money, in lieu of the Whole or any Part of their Statute Work; or to compound with the Surveyor 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.

Compoſition Money how to be recovered.

LXXI. Provided always, and be it further enacted, That in caſe any Compoſition Money, agreed to be paid for or in lieu of any ſuch Statute Work as laſt aforeſaid, ſhall not be paid within Three Days next after the ſame ſhall become payable, according to ſuch Compoſition or Agreement, then it ſhall be lawful for any Two or more Juſtices of the Peace for the ſaid County of *Cambridge*, (Oath having been made by the Surveyor or Surveyors of the ſaid Roads, that the ſame hath been demanded and remains unpaid), to levy ſuch Compoſition Money by Diſtreſs and Sale of the Goods of the Perſon or Perſons, Surveyor or Surveyors of the Highways ſo having compounded, in lieu of ſuch Statute Work, returning the Overplus (if any) to the reſpective Owners of the Goods, ſo to be diſtrained, upon Demand, after the Charges of ſuch Diſtreſs and Sale ſhall have been thereout deducted.

Surveyor of Pariſhes, &c. to be reimburſed Compoſition Money.

LXXII. Provided alſo, and be it further enacted, That if the Surveyor or Surveyors of the Highways for the Time being, of any Pariſh, Townſhip, or Place, for or in reſpect of whoſe Statute Work ſuch Compoſition ſhall be made as aforeſaid, ſhall pay the Compoſition Money, or if ſuch Compoſition Money ſhall be recovered by Diſtreſs and Sale of his or their Goods and Chattels, in Manner herein-before directed, then and in either of the ſaid Caſes ſuch Surveyor or Surveyors ſhall be paid or reimburſed the Compoſition Money which ſhall be ſo paid by or recovered of him or them as aforeſaid, together with the Coſts and Charges of ſuch Diſtreſs and Sale, out of the Compoſition Monies received or to be received by him or them in lieu of Statute Work in ſuch Pariſh, Townſhip, or Place, in ſuch Manner as by the Laws now in being Surveyors of the Highways are to be repaid or reimburſed the Monies by them expended in purchaſing Materials for repairing the ſaid Highways.

For ſecuring tranſient Offenders.

LXXIII. 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 or Place where the Offence or Offences ſhall be committed.

Empowering Juſtices in Seſſions to appoint Perſons to inſpect the Road, &c.

LXXIV. And be it further enacted, That it ſhall and may be lawful to and for the Juſtices of the Peace, at any of their General Quarter Seſſions to be holden in and for the ſaid County after the paſſing of this Act, upon Complaint made to them, to nominate and appoint, if they think proper, Two or more Juſtices of the ſaid County of *Cambridge* to ſurvey and view, or cauſe to be ſurveyed and viewed, by fit and proper Perſons, who ſhall make their Report to the ſaid Juſtices upon Oath, the State and Condition of the ſaid Road, or any Part thereof, and to enquire into and of and concerning the Tolls received in purſuance of this Act, and of the Application of all Monies thereby raiſed and paid to the ſaid Truſtees, or their Treaſurer for the Time being, which Juſtices ſo to be appointed are hereby authorized, on giving Five Days Notice in Writing, under their Hands, to call before them the Treaſurer, Clerk, or other Officer of the ſaid Road, or any of them, and who are hereby required to attend at the Time and Place ſpecified in ſuch Notice, and to produce all Books, Documents and Accounts relating to the ſaid Roads and Tolls in their Cuſtody or Poſſeſſion, in order that the ſame may be inſpected and examined by ſuch Juſtices, and, if required, verified on Oath; and for that Purpoſe, the ſaid Juſtices are hereby authorized to adminiſter an Oath or Oaths for the Purpoſes aforeſaid; and in caſe they ſhall find any Miſ-application or want of Application of the Monies raiſed by ſuch Tolls, or ſhall diſcover any other Abuſe or Exceſs of the Power and Authority given by this Act, they ſhall report and certify the Particulars thereof in Writing under their Hands, to the Juſtices of the Peace at the next General Quarter Seſſions to be thereafter held for the ſaid County; and the ſaid Juſtices, in Seſſions as aforeſaid, are hereby required to examine the Matter, and finally to determine thereupon, and are alſo hereby authorized to make ſuch Order therein as they ſhall think proper, without further or other Appeal.

Form of Conviction.

LXXV. And be it further enacted, That all and every the 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 Form or to the Effect following (*mutatis mutandis*); (that is to ſay),

'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-fifth 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 therefore 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.'

LXXVI. And

Proceedings not to be quashed for want of Form.

LXXVI. 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 that when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress or other Proceeding 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 upon 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 the Behalf of the Party distraining before such Action brought.

Persons not to be sued till after Fourteen Days,

nor after Three Months, &c.

LXXVII. 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 Fourteen 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 where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, 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 Fourteen 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, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for Recovery of the same as any Defendant or Defendants hath or have for his, her, or their Costs in any Case of Law.

Penalties and Forfeitures how to be recovered and applied.

LXXVIII. 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 or Place wherein the Offence shall be committed, or wherein the Offender shall be and reside, either by Confession of the Party or Parties offending,

offending, or by the Oath of the Party complaining, or One or more credible Witneſs or Witneſſes, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties 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, are levied, ſhall be returned, upon Demand, unto 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 to the Purpoſe 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 or Place, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties, Forfeitures, or Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

Perſons aggrieved may appeal to the Quarter Seſſions.

LXXIX. Provided always, and be it further 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 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 Fourteen Days Notice at 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 or Place, with Two ſufficient Sureties, conditioned to try ſuch Appeal, and abide by the Order thereof, 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.

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 Duration of Act.

LXXXI. And be it further enacted, That this Act ſhall commence and take Effect upon the Second *Monday* after the paſſing thereof, and ſhall

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.

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