ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 112.

An Act for enlarging the Term and altering the Powers of Two Acts, made in the Twenty-eighth Year of the Reign of King *George* the Second, and in the Nineteenth Year of the Reign of His present Majesty, for repairing the Road from *Bury*, in the County of *Huntingdon*, to a House called *The Spread Eagle*, in *Stratton*, in the County of *Bedford*.

[4th *July* 1803.]

WHEREAS by an Act made in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for repairing the Road from a certain Place in* Bury, *in the County of* Huntingdon, *through* Warboys, Old Hurst, Saint Ives, Hilton, Eltisley, Waresley, Gamlingay, *and* Potton, *to a House called* The Spread Eagle, *in* Stratton, *within the several Counties of* Huntingdon, Cambridge, *and* Bedford, several Tolls and Powers were granted to certain Trustees therein mentioned, which were to continue for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas by One other Act made in the Nineteenth Year of the Reign of His present Majesty, intituled, *An Act for enlarging* 28 Geo. 3.

19 Geo. 3.

the Term of an Act made in the Twenty-eighth Year of King George *the Second, intituled,* ‘ *An Act for repairing the Road from a certain Place in* Bury, ‘ *in the County of* Huntingdon, *through* Warboys, Old Hurſt, Saint Ives, ‘ Hilton, Eltiſley, Wareſley, Gamlingay, *and* Potton, *to a Houſe called* The ‘ Spread Eagle, *in* Stratton, *within the ſeveral Counties of* Hun- ‘ tingdon, Cambridge, *and* Bedford,’ the Term of the ſaid recited Act of the Twenty-eighth Year of the Reign of His late Majeſty King *George* the Second, was enlarged for the further Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament: And whereas an additional Term of Five Years was granted by an Act made in the Twenty-eighth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act to amend an Act made in the Twenty ſixth Year of the Reign of His preſent Majeſty, intituled,* ‘ *An Act for the Amendment and Preſervation of the Publick Highways and* ‘ *Turnpike Roads of this Kingdom, and for the more effectual Execution of* ‘ *the Laws relating thereto*:’ And whereas the Truſtees appointed by the ſaid Two firſt recited Acts, have proceeded in the Execution thereof, and have borrowed conſiderable Sums of Money upon the Credit of the Tolls thereby granted; which Money cannot be repaid, nor the ſaid Roads kept in proper Repair, unleſs the Term granted by the ſaid recited Acts be further continued, and the Powers thereof extended and enlarged: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Act made in the Twenty-eighth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for repairing the Road from a certain Place in* Bury, *in the County of* Huntingdon, *through* Warboys, Old Hurſt, Saint Ives, Hilton, Eltiſley, Wareſley, Gamlingay, *and* Potton, *to a Houſe called* The Spread Eagle, *in* Stratton, *within the ſeveral Counties of* Huntingdon, Cambridge, *and* Bedford; and the ſaid recited Act made in the Nineteenth Year of the Reign of His preſent Majeſty, intituled, *An Act for enlarging the Term of an Act, made in the Twenty-eighth Year of King* George *the Second, intituled,* ‘ *An Act* ‘ *for repairing the Road from a certain Place in* Bury, *in the County* ‘ *of* Huntingdon, *through* Warboys, Old Hurſt, Saint Ives, Hilton, El- ‘ tiſley, Wareſley, Gamlingay, *and* Potton, *to a Houſe called* The Spread ‘ Eagle, *in* Stratton, *within the ſeveral Counties of* Huntingdon, Cambridge, ‘ *and* Bedford,’ and all and every the Tolls and Duties, Clauſes, Powers, Exemptions, Penalties, Forfeitures, Rules, Remedies, Directions, Payments, Proviſions, Articles, Matters, and Things whatſoever therein contained (ſave and except ſuch Parts of the ſame as relate to the Exemptions from Stamp Duties, and ſuch as are varied, altered, or repealed), and alſo this preſent Act, ſhall be and they are hereby declared to be in full Force and Effect for and during the Term herein-after mentioned, and ſhall extend and have relation to the repairing, amending, and widening the ſaid Road, and to all Matters and Things in the ſaid Two laſt recited Acts mentioned, in as full, ample, and beneficial Manner to all Intents and Purpoſes as if the ſame were repeated and re-enacted in the Body of this preſent Act; which ſaid additional Term hereby granted, ſhall and is hereby declared to be ſubject and liable to the Payment of all Monies now due and owing, or which ſhall or may hereafter be borrowed and become due on the Credit of the ſaid Two laſt recited Acts,

12 Geo. 2.

or

or of either of them, and of this present Act, and all Interest due and to become due for the same respectively.

Commencement of the Road.

II. And whereas Doubts may arise where such Part of the said Road as lies within the said Parish of *Bury* commences; in order therefore to remove such Doubts, be it further enacted, That such Part of the said Road as lies within the said Parish of *Bury*, shall commence from the End of *Shelton's Lane* adjoining to the Parish of *Ramsay*; any Thing in the said Two last recited Acts or either of them contained to the contrary thereof in anywise notwithstanding.

Trustees of former Acts may execute this Act.

III. And be it further enacted, That the several Trustees appointed by or in pursuance of the said recited Act made in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for repairing the Road from a certain Place in* Bury, *in the County of* Huntingdon, *through* Warboys, Old Hurst, Saint Ives, Hilton, Eltisley, Wareley, Gamlingay, *and* Potton, *to a House called* The Spread Eagle, *in* Stratton, *within the several Counties of* Huntingdon, Cambridge, *and* Bedford; or appointed by or in pursuance of the said recited Act made in the Nineteenth Year of the Reign of His present Majesty, intituled, *An Act for enlarging the Term of an Act, made in the Twenty-eighth Year of King* George *the Second, intituled,* 'An Act for repairing the Road from a certain Place in Bury, in the County of Huntingdon, through Warboys, Old Hurst, Saint Ives, Hilton, Eltisley, Wareley, Gamlingay, and Potton, to a House called The Spread Eagle, in Stratton, within the several Counties of Huntingdon, Cambridge, and Bedford,' or either of them, and their Successors to be elected in the Manner therein mentioned, shall be, and they are hereby authorized and empowered, to put this present Act and the Powers and Authorities herein contained into Execution.

Exemptions from Tolls.

IV. And be it further enacted by the Authority aforesaid, That no Toll shall be demanded or taken for any Carriage, or any Horse, Cattle, or Beast, laden only with, or going unladen for, or returning unladen, having been laden only with, on the same Day, Stone, Brick, Lime, Timber, Wood, Gravel, or other Materials for repairing the said Road, or of any of the Roads in the Townships or Parishes in which such Road lies; or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Out Houses, or on the Lands of the Owners thereof; or for any Ploughs, Harrows, or Implements of Husbandry, or for any Carriage, or any Horse, Cattle, or Beast, laden only with, or going unladen for, or returning unladen having been laden only with, on the same Day, any Mould, Dung, Marl, Compost, or Manure, employed in Husbandry for manuring or improving of Lands; or from any Person or Persons residing in any Township or Parish in which the said Road lies, going to or from his, her, or their Farm or Farms, in his, her, or their own Occupation, in the same or next adjoining Township or Parish in which such Person or Persons shall dwell; or from any Person or Persons residing in any Township or Parish in which the said Road lies, for any Horses or Cattle, going to or returning from Pasture or Watering Places, or going to be, or returning from being shoed; or from any Person or Persons going to or from their proper parochial Church, Chapel, or other Place of religious Worship tolerated by Law, on the Sabbath

Sabbath Day or *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person that shall die and be buried in any of the said Parishes; or from any Clergyman going to or returning from visiting any sick Person, or upon other his parochial or ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horses, Cattle, or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horses of any Soldiers upon their March or on Duty, or Carriages attending them with their Baggage; or for any Cattle or Carriages employed in the conveying of Vagrants sent by legal Passes; or for any Coach, Landau, Berlin, Chariot, Calash, Chair, or Passenger on Horseback, going to or returning from the Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Huntingdon*, *Cambridge*, or *Bedford*, during the Time of such Election: And if any Person or Persons shall claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, such Person or Persons shall forfeit and pay for every such Offence, any Sum not exceeding Forty Shillings.

Application of Compensation when equal to 200*l.*

V. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Act, made in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for repairing the Road from a certain Place in* Bury, *in the County of* Huntingdon, *through* Warboys, Old Hurst, Saint Ives, Hilton, Eltisley, Waresley, Gamlingay, *and* Potton, *to a House called* The Spread Eagle, *in* Stratton, *within the several Counties of* Huntingdon, Cambridge, *and* Bedford; or of the said recited Act, made in the Nineteenth Year of the Reign of His present Majesty, intituled, *An Act for enlarging the Term of an Act, made in the Twenty-eighth Year of King* George *the Second, intituled, 'An Act for repairing the Road from a certain 'Place in* Bury, *in the County of* Huntingdon, *through* Warboys, Old 'Hurst, Saint Ives, Hilton, Eltisley, Waresley, Gamlingay, *and* Potton, '*to a House called* The Spread Eagle, *in* Stratton, *within the several Counties of* Huntingdon, Cambridge, *and* Bedford,' or of this Act, for the Purposes thereof, which shall belong to any Body Politick, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Lunatick, Ideot, Feme Covert, or other *Cestuique* Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to 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 said Trustees, 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 and Profits of the said Lands, Tenements, or Hereditaments,

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in the Purchase of the Land Tax, or 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, Tenements, or Hereditaments, or affecting other Lands, Tenements, 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, Tenements, 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, Tenements, 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 and Profits of the said Lands, Tenements, and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation shall be less than 200*l.* and exceed 20*l.*

VI. Provided always, and be it enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to 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 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 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 any Five or more of the said Trustees for executing the said recited Acts and this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction and Approbation of the Court of Chancery.

Application where the Money is less than 20*l.*

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

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 Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit, or in case of Infancy or Lunacy, then such Money shall be paid 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.

For getting Materials to repair the Road.

VIII. And be it further enacted, That it shall and may be lawful to and for the Surveyor and Surveyors of the said Road, and all such Persons as he or they shall appoint, to search for, cut, dig, get, gather, and take away any Furze, Heath, Stones, Gravel, Sand, or other Materials, for making and repairing the said Road, out of or from any Common or Waste Ground, or any River or Brook, in any Parish, Township, Hamlet, Division, District, or Place, in which any Part of the said Road doth lie, or in any neighbouring Parish, Township, Hamlet, Division, District, or Place, without paying any Thing for the same, they the said Surveyor or Surveyors, or other Person or 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 off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and it shall and may be lawful to and for the Surveyor and Surveyors, or other Persons as aforesaid, by order of the said Trustees, or any Five or more of them, to search for, cut, dig, get, gather, and take away such Materials in and out of the Lands, Fields, or Grounds of any Person or Persons where the same may be had and found, (such Lands, Fields, or Grounds, not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), paying or tendering such Rate for such Materials to the Owners of such Grounds, and making or tendering such Satisfaction for the Damages done to the Owners or Occupiers of such Grounds where and from whence such Materials shall be cut, dug, gotten, gathered, or carried away, or over which the same or any other Materials for making and repairing the said Road shall be carried, as the said Trustees, or any Five or more of them, shall adjudge reasonable; and in case of any Difference between the said Trustees, or any Five or more of them, the Surveyor or Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning such Payments and Damages, any One Justice of the Peace of the County or Place where such Materials shall be so cut, dug, gotten, gathered, or carried away, shall and may, on Ten Days Notice thereof in Writing given by either Party to the other, or to be left at their respective Places of Abode, hear, settle, and determine the Matters of such Payment and Damages.

Notice to be given to the Owners of Lands before Materials are taken.

IX. Provided always, and be it enacted, That it shall not be lawful to or for any Surveyor or other Person acting by or under the Authority of this Act, to cut, dig, gather, take, or carry away any Materials for making or repairing the said Road, out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Surveyor, 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 usual Place of Residence, to appear before the said Trustees, or any Five or more of them,

or

or Two Justices of the Peace acting for the County or Place where such Premises shall lie, to shew Cause why such Materials shall not be had from such Premises; and in case such Occupier or his Agent shall attend pursuant to such Notice, the said Trustees or such Justices shall, if they think proper, authorize such Surveyor to cut, dig, get, gather, and carry away such Materials, at such Time or Times as to such Trustees or such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, the said Trustees or 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 Agent had attended.

To prevent Materials being taken away.

X. And be it further enacted, That if any Person or Persons whatsoever, other than those employed in the Repairs of the said Road, shall take away any Materials which have been digged, gathered, or collected in any Lands or Grounds, or on the Sides of the said Road, or shall get or take any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Road, before the Surveyors thereof or their Workmen shall have discontinued working therein for the Space of Forty Days, (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale), every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

Orders of Trustees entered in a Book and signed, to be admitted Evidence in all Courts.

XI. And be it further enacted, That all Acts, Orders, Accounts, and Proceedings of the Trustees of the said Road, shall be fairly entered in a Book or Books to be kept by the Clerk or Clerks to the said Trustees for that Purpose, and such Acts, Orders, Accounts, and Proceedings so entered, shall be signed by the said Trustees, or any Five or more of them, and being so signed shall be deemed to be Originals; which said Book or Books, and also the Book or Books directed to be kept by the said recited Act, made in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for repairing the Road from a certain Place in* Bury, *in the County of* Huntingdon, *through* Warboys, Old Hurst, Saint Ives, Hilton, Eltisley, Waresley, Gamlingay, *and* Potton, *to a House called* The Spread Eagle, *in* Stratton, *within the several Counties of* Huntingdon, Cambridge, *and* Bedford, for entering Assignments and Transfers, shall be admitted as Evidence in all Courts whatsoever.

Recovery and Application of Penalties.

XII. And be it further enacted, That all Penalties and Forfeitures by the said first recited Act, made in the Twenty-eighth Year of the Reign of His late Majesty, intituled, *An Act for repairing the Road from a certain Place in* Bury, *in the County of* Huntingdon, *through* Warboys, Old Hurst, Saint Ives, Hilton, Eltisley, Waresley, Gamlingay, *and* Potton, *to a House called* The Spread Eagle, *in* Stratton, *within the several Counties of* Huntingdon, Cambridge, *and* Bedford, and continued by the said recited Act, made in the Nineteenth Year of the Reign of His present Majesty, and this Act imposed, for any Offence against the same, shall be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of some Justice of the Peace for the County or Place where the Offence shall happen,

happen, rendering the Overplus of the Money arising by such Distress and Sale (if any) upon Demand, to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making such Distress and Sale; which Warrant such Justice is hereby empowered and required to grant upon Conviction of the Offender or Offenders, by Confession or upon the Oath of One or more credible Witness or Witnesses, and One Moiety of all such Penalties and Forfeitures, when so levied, shall be paid to the Informer, and the other Moiety to the Surveyor of the said Road, to be employed towards the Repair thereof; and in case sufficient Distress shall not be found, it shall and may be lawful to and for such Justice, and he is hereby authorized and required to commit such Offender or Offenders to the Common Goal or House of Correction of the County or Place where such Offence shall be committed, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges and Expences attending the same, shall be sooner paid and discharged.

Trustees may compound for Statute Work.

XIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to compound and agree with any Person or Persons, Bodies Politick or Corporate, for the Repairs or Statute Work to be by them done on the said Road or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Parishes or Places in which the said Road shall lie and be situate, for a certain Sum of Money by the Year or otherwise, as the said Trustees, or any Five or more of them, shall think reasonable, in lieu of the Whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Road; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer of the said Trustees in Advance, on or before the Fifth Day of *April* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

Expences of the Act.

XIV. And be it further enacted, That the Costs, Charges, and Expences incident to or attending the obtaining and passing of this Act, shall be paid out of the Monies already arisen or to arise by virtue of the said last recited Acts, or this present Act, in Preference to any other Payment whatsoever.

Publick Act.

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

Term of the Act.

XVI. And be it further enacted, That this Act shall commence and take place from and after the passing thereof, and shall continue and be in full Force and Effect 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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