ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. XXV.

An Act for repairing the Road from *Shelton's Lane* in *Bury* in the County of *Huntingdon*, to a Houſe formerly called *The Spread Eagle* in the Hamlet of *Stratton*, in the Pariſh of *Biggleſwade*, in the County of *Bedford*. [8th *April* 1819.]

WHEREAS an Act was paſſed in the Twenty-eighth Year of the Reign 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: And whereas another Act was paſſed in the Nineteenth Year of the Reign of His preſent Majeſty King *George* the Third, intituled *An Act for enlarging the Term of an Act made in the Twenty-eighth Year of the Reign 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, Gamlin-'gay, and Potton, to a Houſe called The Spread Eagle in Stratton, within 'the ſeveral Counties of Huntingdon, Cambridge, and Bedford:' And whereas another Act was paſſed in the Forty-third Year of the Reign of His preſent Majeſty King *George* the Third, intituled *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-

28 G. 2. c. 35.

19 G. 3. c. 86.

43 G. 3. c. 112.

the County of Bedford: And whereas the Truſtees appointed by or in purſuance of the ſaid Acts have proceeded in the Execution thereof, and ſeveral Sums of Money have been borrowed upon the Credit of the Tolls thereby granted, and a conſiderable Debt now remains charged on the Credit of the ſaid Tolls, which Debt cannot be paid off, nor can the ſaid Road be effectually amended, improved, and kept in repair, unleſs ſome of the Powers of the ſaid Acts be altered and enlarged, and the Tolls increaſed; and it would be convenient if the Powers for managing the ſaid Road were conſolidated in one Act of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That on the Day of the Commencement of this Act, the ſaid recited Acts paſſed in the Twenty-eighth Year of the Reign of His late Majeſty King *George* the Second, and in the Nineteenth and Forty-third Years of the Reign of His preſent Majeſty, ſhall be, and the ſame are hereby declared to be repealed, and inſtead thereof this Act ſhall commence and take effect upon the firſt *Tueſday* in the Month of *June* next after the paſſing thereof, and ſhall be put in Execution for and during the Term herein-after mentioned, for the Purpoſe of more effectually improving, repairing, and keeping in repair the Road herein-after more particularly deſcribed.

Former Acts repealed.

New Term and Tolls liable to Debts, &c.

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

Appointment of Truſtees.

III. And be it further enacted, That *William James Aiſlabie* Clerk, *Robert Allden*, *John Allpreſs* of *Fenſtanton*, *Robert Whetham Allpreſs*, *Thomas Allpreſs*, *Samuel Allvey* Doctor of Medicine, *John Anſley*, Sir *John Arundel* Knight, *John Aſhton*, *John Aſhton* the Younger, *Wil-*

liam Aſtell M. P., *George Bailey, Cuthbert Johnſon Baines* Clerk, *Edward Baines, Joſeph Staines Banks, Joſeph Barnes, Charles Barnet, John Farmer Beard, James Beck, John Bennett,* Sir *Richard Bickerton* Baronet, *James Blott, Thomas Bourdillon* Clerk, *John Bricheno, Peter Brighty, William Brighty, James Brittin, Thomas Brown* Clerk, *John Brown,* Sir *John Montagu Burgoyne* Baronet, *John Butler* of *Little Raveley, John Butler* of *Saint Ives, William Campion* the Younger, *John Carſtairs, Thomas Chadwell, Charles Madrylle Cheere, William Coote, John Coote, Peter Cowling,* the Honourable and Reverend *Henry Cockayne Cuſt, Robert Daintree, John Daintree* the Younger, *Richard Daintree, John Danns, John Day, William Day, Oliver Dring, John Carrington Dunn, Francis Earl, John Edwards, Thomas Ekins, George Ekins, George Ekins* the Younger, *George Feary, William Henry Fellowes* M. P., *Edward Fellowes, William Flowers, Robert Fowler* Clerk, *John Franks, Robert Drax Free* Doctor in Divinity, *Thomas Gifford, William Gifford, John Goodliff, Edward Greene, John Green, Charles Green, William Auſtin Groocock, John Hammond, Joſeph Harris, Benjamin Harvey, William Harvey, William Henſon, George Goodman Hewitt, Matthew Holworthy, John Launcelot Houghton, Robert Hunt, John Thomas Huntley* Clerk, *Vere Warner Huſſey, Thomas Hutchinſon, Thomas Hutchinſon* the Younger, *John Ibberſon, Francis Ibberſon, Henry Ibberſon, Iſaac Ibberſon, Edward Jennings, John Johnſon, Edward Johnſon, Robert Johnſon, Thomas Johnſton* Clerk, *John Julian, William Julian, Robert Knightley,* Sir *George William Leeds* Baronet, *John Lindſell, Thomas Lindſell, William Lindſell, Robert Lindſell, James Linton, John Linton, Thomas Longland, John Longland,* Lord Viſcount *Mandeville, John Mann, John Mann* the Younger, *Francis Mann, Henry Manning, John Matthews, John Margetts, Poulter Margetts, Thomas Margetts, William Margetts, William Margetts* the Younger, *William Martin, Jonathan Martin,* the Reverend *Henry Mawdeſley, George Frederick Maule,* the Honourable *Frederick Montagu* commonly called Lord *Frederick Montagu, Litchfield Moſeley,* the Honourable *Francis Henry William Needham,* the Honourable *Francis John Needham, Waddelow Nix, James Oſborne, Martin Rawling Oſborne, James Paine, William Panchen* Clerk, *Henry Parker, John Paul, William Pearſon, Walter Peck, Roger Peck, Robert Pointer* Clerk, *Richard Pooley, John Pooley* of *Upwood, Thomas Pooley* of *Ramſey, Thomas Pooley* of *Little Raveley, Francis Pym, Francis Pym* the Younger, *Thomas Quinton, John Robinſon, John Bonfoy Roper, Owſley Rowley, William Payne Rugeley, Henry Rugeley, James Ruſt, John Serjeant, Daniel Setchfield, Henry Smith, James Smith, Robert Smith, Henry Piper Sperling, Abraham Staffurth, Samuel Staffurth, Pyatt Staffurth, Henry Sweeting, Edward Theed, William Theed, George Thomſon, George Thornhill, George Thornhill* the Younger, *Stephen Thornton, Godfrey Thornton, Samuel Thorp, William Throſſell, Richard Tillard* Clerk, *James Torkington, Thomas Ulph, Joſeph Upſher, Thomas Warner, Robert Warner, Matthew Waſdale, Samuel Wells, Benjamin Welſtead, Daniel Welſtead, Marion Welſtead,* the Reverend *Richard Whittingham,* the Reverend *William Wilkinſon, George Auguſtus Wilkinſon,* and *George Foud,* and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for amending, widening, improving, repairing, maintaining, and keeping in repair the preſent Turnpike Road from a Lane called *Shelton's Lane* in *Bury,* in the County of *Huntingdon,* commencing from that End of the ſaid Lane which adjoins to the Pariſh of *Ramſey* in the ſaid County, and paſſing thence through the Pariſhes of *Bury, Wiſtow, Warboys,*

Warboys, *Old Hurſt*, *Woodhurſt*, *Houghton*, *Saint Ives*, *Fenſtanton*, *Hemingford Grey*, *Hilton*, *Papworth Saint Agnes*, *Yelling*, *Great Granſden*, *Abbotſley* and *Wareſley*, in the County of *Huntingdon*, and through the ſeveral Pariſhes of *Papworth Everard*, *Eltiſley*, *Croxton*, and *Gamlingay*, in the County of *Cambridge*, and through the ſeveral Pariſhes of *Potton* and *Sutton*, to a Houſe formerly called the *Spread Eagle*, now uſed as a Farm Houſe, in the Hamlet of *Stratton*, in the Pariſh of *Biggleſwade*, in the County of *Bedford*, and for putting this Act in every other Reſpect in Execution.

Power to appoint additional Truſtees.

IV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Five or more of them, and they are hereby authorized and empowered at any of their Meetings to be holden in purſuance of this Act, (of which Meeting and of the Purpoſe thereof ſuch Notice ſhall be given as is hereinafter directed reſpecting the Appointment of future Truſtees on Vacancies,) to elect, nominate, and appoint any Number of other fit and proper Perſons not exceeding Ten in the whole, to be Truſtees for the Purpoſes of this Act, in addition to the Truſtees hereby appointed; and ſuch Truſtees, ſo elected and being duly qualified, ſhall be and are hereby inveſted with the ſame Powers and Authorities for executing this Act, as if they had been herein named and appointed.

On Death or Refuſal to act other Truſtees to be choſen.

V. And be it further enacted, That when any Truſtee or Truſtees hereby appointed, or to be appointed by virtue of this Act, ſhall die or become diſqualified or refuſe to act, it ſhall be lawful for the ſurviving or remaining Truſtees, or any Five or more of them, from Time to Time, by Writing under their Hands, to elect and appoint ſome other Perſon in the Room of every Truſtee ſo dying or becoming diſqualified or refuſing to act; and Notice of the Time and Place of Meeting for every ſuch Election ſhall be given by the Clerk to the ſaid Truſtees, by affixing a Notice in Writing on all the Turnpikes which by virtue of this Act ſhall be then continued or erected on the ſaid Road, at leaſt Fourteen Days before ſuch Meeting; and all and every Perſon and Perſons who ſhall be ſo elected and appointed, ſhall immediately upon ſuch Election and Appointment be a Truſtee or Truſtees for the Purpoſes of this Act, and after taking and ſubſcribing the Oath hereby preſcribed, ſhall be veſted with the ſame Powers and Authorities for carrying this Act into Execution, as if he or they had been herein nominated and appointed a Truſtee or 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 he ſhall be in his own Right or in Right of his Wife ſeiſed or poſſeſſed of and in the actual Poſſeſſion or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements, or Hereditaments of the clear Yearly Value of One hundred Pounds above Reprizes, or ſhall be Heir Apparent of a Perſon ſo ſeiſed of Meſſuages, Lands, Tenements, or Hereditaments of the clear Yearly Value of One hundred and fifty Pounds above Reprizes, or ſhall be poſſeſſed of a clear Perſonal Eſtate, or of a Real and Perſonal Eſtate together, of the Amount or Value of Three thouſand Pounds; 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 the Oath or Affirmation hereinafter mentioned, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon

Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; in which Action it ſhall be ſufficient for the Plaintiff to prove that ſuch Perſon hath acted as a Truſtee in the Execution of this Act, which Proof ſhall entitle the Plaintiff to a Verdict, unleſs the Defendant ſhall prove that he was, at the Time of ſo acting, duly qualified: Provided 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.

VII. Provided alſo, and be it further enacted, That every Truſtee appointed or to be elected and appointed by virtue of this Act, before he ſhall act as ſuch, except in adminiſtering the Oath or Affirmation next hereinafter mentioned at the Firſt or Second Meeting of the ſaid Truſtees, ſhall take an Oath or Affirmation before One or more of the ſaid Truſtees, who is and are hereby empowered to adminiſter the ſame, in the Form or to the Effect following; (that is to ſay),

Truſtees to take an Oath.

'I do ſwear (*or* being one of the People called *Quakers*, do ſolemnly affirm) That I am in my own Right (*or* in the Right of my Wife) truly and *bonâ fide* ſeized or poſſeſſed of and in the actual Poſſeſſion or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes; *(and in caſe of an Heir Apparent)* I do ſwear (*or* being One of the People called *Quakers*, do ſolemnly affirm) that I am Heir Apparent of who to the beſt of my Knowledge and Belief is truly and *bonâ fide* ſeized or poſſeſſed of and in the actual Poſſeſſion or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds above Reprizes; *(and in caſe of Perſonal Eſtate)* I do ſwear (*or* being one of the People called *Quakers*, do ſolemnly affirm) that I am truly and *bonâ fide* poſſeſſed of a clear Perſonal Eſtate, or to a Real and Perſonal Eſtate together, of the Amount or Value of Three thouſand Pounds; and that I will truly and faithfully execute the Powers and Truſts repoſed in me by an Act paſſed in the Fifty-ninth Year of the Reign of His Majeſty King *George* the Third, intituled *An Act* [*here ſet forth the Title of this Act.*]

'So help me GOD.'

Oath.

VIII. And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act during the Time he ſhall hold, either in his own Name or in the Name of any other Perſon for his Benefit, any Place of Profit, 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 repairing the Road to be kept in Repair by virtue of this Act, or who ſhall become Surety for any ſuch Farmer, Renter, or Contractor, or be concerned or intereſted in any Contract or Contracts under this Act otherwiſe than as a Truſtee, nor act or vote in any caſe wherein he ſhall be perſonally intereſted (otherwiſe than as a Creditor),

Truſtees, &c. not to act where intereſted.

Creditor), nor act as a Truſtee at any Meeting where 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.

IX. 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 within his or their reſpective Juriſdictions in the Execution of the Powers of this Act, 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.

Meetings of Truſtees.

X. And be it further enacted, That the ſaid Truſtees or any Five or more of them, ſhall meet together at the Houſe known by the Name or Sign of the *Crown Inn*, in the Town of *Saint Ives*, in the ſaid County of *Huntingdon*, or at ſome other convenient Houſe in *Saint Ives* aforeſaid, on the Firſt *Tueſday* in the Month of *June* 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 then proceed in the Execution of this Act, and ſhall then and from Time to Time afterwards adjourn themſelves, and meet again at ſuch Time and at ſuch Place in ſome One of the Pariſhes through which the ſaid Road paſſes, as they ſhall think proper, and that Three Truſtees preſent at any Meeting ſhall be ſufficient for the Purpoſe of adjourning; and if at any Meeting there ſhall not appear a ſufficient Number of Truſtees to act or to adjourn to another Day, or in caſe the Truſtees at any Time aſſembled ſhall omit to adjourn, then and in every ſuch Caſe the Clerk to the ſaid Truſtees ſhall adjourn the Meeting to the Place where the laſt Meeting was appointed to have been held, or was held, as the Caſe may be, and to ſuch Time as he ſhall think fit, not being more than Twenty-one Days, nor leſs than Ten Days from the laſt Meeting, or intended Meeting, and ſhall thereof give Notice by Writing to be affixed on all the Turnpikes then erected on the ſaid Road, at leaſt Seven Days before the Day of ſuch intended Meeting; and in caſe no Adjournment, Notice, or Appointment ſhall be made or given as aforeſaid, then it ſhall be lawful for any Five or more of the ſaid Truſtees to cauſe Notice in Writing to be affixed on all the Turnpikes which ſhall be then continued or erected by virtue of this Act, appointing the Truſtees to meet at ſuch Time as they the ſaid Five Truſtees ſhall think proper, not exceeding Fourteen Days nor leſs than Seven Days from the Time of affixing ſuch Notice, and at the Place where the laſt Meeting was appointed to have been held or was held, as the Caſe may be, or any other Place or Places in any of the Pariſhes through which the ſaid Road paſſes; and the Truſtees ſhall at all their ſeveral Meetings pay their own Expences, but not for the Uſe of the Room or Rooms where their Meetings ſhall be held for the Purpoſes of this Act: Provided always, that the ſaid Truſtees ſhall meet for the Purpoſe of carrying this Act into Execution Three Times at leaſt in every Year during the Continuance of this Act, Two of ſuch Meetings to be holden at ſome Place in the Town of *Saint Ives*, and One of ſuch Meetings at ſome Place in the Town of *Potton*; and all Orders and Determinations of the Truſtees in the Execution of this Act, ſhall be made at Meetings conſiſting of not leſs than Five Truſtees, and not otherwiſe, except in Caſes hereby particularly provided for; and no Order or Determination ſhall be valid unleſs the

the major Part of the Truſtees preſent at ſuch Meeting ſhall concur therein; and no Order made by Five or more of the ſaid Truſtees ſhall be revoked or altered at any Meeting without the actual Concurrence of a greater Number of Truſtees than the Number by which ſuch original Order was made, nor unleſs Fourteen Days Notice at the leaſt of ſuch intended Alteration ſhall have been given at a previous Meeting of the Truſtees, and entered in the Book kept for the Entry of their Proceedings, and alſo have been affixed on all the Turnpikes which by virtue of this Act ſhall be then continued or erected on the ſaid Road, Fourteen Days at leaſt before ſuch Meeting; and at every Meeting of the ſaid Truſtees a Chairman ſhall be appointed, and as often as there ſhall be an Equality of Votes at any ſuch Meeting upon any Queſtion, including the Vote of the Chairman, then and in every ſuch Caſe it ſhall and may be lawful to and for the Chairman to give the deciſive and caſting Vote.

Meetings on Emergencies.

XI. Provided always, and be it further enacted, That if after any Adjournment of any Meeting of the ſaid Truſtees it ſhall at any Time be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day to which ſuch Meeting ſhall be adjourned, the Clerk, by an Order in Writing ſigned by Three or more of ſuch Truſtees (although not aſſembled at a Meeting), mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice of ſuch earlier Meeting by Notice in Writing to be affixed on all the Turnpikes then continued or erected by virtue of this Act, ſuch Time not being leſs than Fourteen Days after ſuch Notice, and alſo by Advertiſement to be publiſhed Seven Days before ſuch Meeting, in ſome Newſpaper circulated in the Neighbourhood of the ſaid Road; and all Proceedings of the Truſtees at ſuch Meetings ſhall be as valid as they would have been in caſe the Truſtees had met in purſuance of an Adjournment.

Accounts to be kept of Receipts and Diſburſements, which ſhall be open to the Inſpection of the Truſtees and Creditors.

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

Appointment of Officers.

XIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them reſpectively, ſhall and may from Time to Time, at any

of

of their Meetings, by Writing under their Hands, appoint One or more Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the ſaid Road, and any other Officers which ſuch Truſtees ſhall think neceſſary to employ in the Execution of this Act, and from Time to Time remove any ſuch Officer or Officers, and on the Death or Removal of any ſuch Officer or Officers, may appoint others in their Stead; and Fourteen Days Notice of the Intention of ſuch Appointment ſhall be given in Writing, to be affixed on all the Turnpikes then continued or erected by virtue of this Act, of every Meeting where any ſuch Appointment ſhall be made; and the ſaid Truſtees, or any Five or more of them, ſhall and may and are hereby authorized and empowered, by and out of the Monies ariſing by virtue of this Act, to pay ſuch Salaries and make ſuch Allowances to ſuch Officers and other Perſons employed for their Services, as ſuch Truſtees ſhall think reaſonable: Provided always, that no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, or of taking or holding any Place of Truſt or Profit under this Act, or of farming or renting the Tolls hereby granted, who ſhall ſell any Wine, Cyder, Ale, Beer, or other Spirituous Liquors by Retail; but no ſuch Perſon ſhall be precluded from farming ſuch Tolls provided he, ſhe, or they employ a Perſon or Perſons to collect ſuch Tolls, who ſhall not be under any ſuch Incapacity: Provided alſo, that each and every Clerk, Receiver, Collector, Surveyor, and other Officer appointed under and by virtue of the ſaid recited Acts hereby repealed, or any of them, for or in reſpect of the ſaid Road, ſhall hold and enjoy ſuch their ſeveral and reſpective Offices and Employments, until removed therefrom by the Truſtees for executing this Act; and each and every ſuch Clerk, Receiver, Collector, Surveyor, and other Officer, ſhall have the like Power and Authority for the Purpoſes of this Act, and for carrying the ſame into Execution, and ſhall be ſubject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all reſpects whatſoever, as if he had been appointed by virtue of this Act.

Perſons ſelling Wine, &c. not capable of holding Places of Profit or acting as Truſtees.

Offices of Clerk and Treaſurer not to be held by one Perſon.

XIV. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to continue or appoint the Perſon who may be continued or appointed to act as their Clerk in the Execution of this Act, or the Partner of any ſuch Clerk, the Treaſurer or Sub-treaſurer for the Purpoſes of this Act, or to continue or appoint the Perſon who may be continued or appointed Treaſurer or Sub-treaſurer, or the Partner of any ſuch Treaſurer or Sub-treaſurer, the Clerk to the ſaid Truſtees for executing this Act; and if any Perſon ſhall act in both the Capacities of Clerk and Treaſurer or Sub-treaſurer for the Purpoſes of this Act, or if any Perſon, being the Partner of any ſuch Treaſurer or Sub-treaſurer, ſhall act as Clerk in the Execution of this Act, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance ſhall be allowed.

Truſtees may appoint temporary Collectors.

XV. Provided always, and be it further enacted, That when and as often as any Collector or Receiver of the Tolls ſhall refuſe, neglect, or be incapable of performing his Duty, or ſhall abſcond or abſent himſelf, it ſhall

ſhall be lawful for any Five or more of the ſaid Truſtees, although not aſſembled at a Meeting appointed by virtue of this Act, to diſcharge ſuch Collector or Receiver; and in ſuch Caſe, and alſo in caſe any Collector or Receiver ſhall die, ſuch Truſtees as aforeſaid ſhall and may nominate and appoint a proper Perſon to be a Collector or Receiver of the Tolls, to continue until the then next Meeting of the Truſtees; and every Perſon ſo nominated and appointed ſhall have the like Power and Authority, and be anſwerable and accountable in the ſame Manner, and in all reſpects as if he had been nominated and appointed at a Meeting held by virtue of this Act; and if any Collector or Receiver of the ſaid Tolls who ſhall be diſcharged from his ſaid Office by virtue of this Act, or the Wife or Widow, or any of the Children or Family, or other Repreſentative of any Collector or Receiver who ſhall die or be diſcharged, or any other Perſon ſhall refuſe to deliver up the Poſſeſſion of any Toll Houſe or Building, with the Appurtenances to be continued or erected by virtue of this Act, for the Space of Five Days after Demand thereof made, and Notice in Writing given for that Purpoſe by any Five or more of the ſaid Truſtees, then and in any of the ſaid Caſes it ſhall be lawful for any Juſtice or Juſtices of the Peace for the County wherein the Toll Houſe or Building ſhall be ſituate, upon Application made by the ſaid Truſtees, or by any Perſon by them appointed on their Behalf, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Conſtable or other Peace Officer for the ſame County, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe or Building in the Day-time, and to remove the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods, out of the ſame, and to put the ſaid Truſtees, or any Five or more of them, or their new appointed Officer, into the Poſſeſſion thereof.

Officers to account.

XVI. And be it further enacted, That all ſuch Officers, and all other Perſons who ſhall be appointed or continued under or by virtue of this Act, ſhall from Time to Time, when thereunto required by the Truſtees for executing this Act, or any Five or more of them, reſpectively deliver to ſuch Truſtees, or to ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, a true and perfect Account in Writing under the reſpective Hands of ſuch Officers or Perſons, of all Monies which ſhall have been by them reſpectively had, collected, received, paid, laid out, or expended by virtue of this Act, and how and to whom, and for what Purpoſe the ſame, and every Part thereof, hath been diſpoſed of, together with proper Vouchers and Receipts for ſuch Payments; and all ſuch Officers and Perſons ſhall, and they are hereby reſpectively required to pay all ſuch Monies, as upon the Balance of ſuch Account or Accounts ſhall appear to be in his or their Hands, to ſuch Perſon or Perſons as ſuch Truſtees, or any Five or more of them, ſhall appoint to receive the ſame; and if any of the ſaid Officers or Perſons ſhall refuſe or neglect to render and 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 their Hands when thereunto required in Manner aforeſaid; or if any ſuch Officers or other Perſons ſhall refuſe or neglect to deliver up to ſuch Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, within Ten Days after being thereunto required by ſuch Truſtees, or any Five or more of them, 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 Road, and Complaint ſhall be made of any ſuch Neglect or Refuſal 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, by any Five or more of the ſaid Truſtees, or by any Perſon or Perſons by them authorized on their Behalf, ſuch Juſtice may and he is hereby authorized and required to ſummon ſuch Officer or Officers, Perſon or Perſons, to appear before him; and in caſe of his or their not appearing upon ſuch Summons, the ſame having been ſerved upon him or them perſonally, or left at his or their uſual Place or Places of Abode (no reaſonable Cauſe or Cauſes being ſhewn for ſuch Nonappearance), to iſſue his Warrant or Warrants for his or their Apprehenſion; and upon his or their appearing upon ſuch Summons, or being apprehended and brought before him by virtue of ſuch Warrant, or having abſconded or not being to be found, it ſhall be lawful for any ſuch Juſtice to hear and determine the Matter of ſuch Complaint in a ſummary Way; and if upon the Confeſſion of the Officer or Officers or Perſon or Perſons againſt whom any ſuch Complaint ſhall be made, or by the Oath or Oaths of any credible Witneſs or Witneſſes, it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been ſo 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 Nonpayment 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 ſhall be found ſufficient to anſwer and ſatisfy the ſaid Money, and Charges of levying the ſame, or if ſuch Officer or Officers, Perſon or Perſons, appearing or being brought before ſuch Juſtice in the Manner aforeſaid, ſhall refuſe or neglect to give and deliver to the ſaid Juſtice an Account or Accounts of the Receipts and Payments as aforeſaid, or to produce and deliver up to the ſaid Juſtice 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, ſuch Juſtice may, and he is hereby authorized and required, by Warrant 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 and reſide, or to any Houſe of Correction within the ſame County, there to remain without Bail or Mainprize until he or they ſhall have delivered in and ſettled his or their Accounts, and ſhall have delivered up the Vouchers and Receipts relating thereto, and ſhall have paid the Money which ſhall appear to be in his or their reſpective Hands, and the reaſonable Charges of ſuch Diſtreſs and Sale as ſhall in that reſpect have been made, or until he or they ſhall have compounded with the ſaid Truſtees or any Five or more of them for the ſame, and paid the Compoſition Money to ſuch Truſtees, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint to receive the ſame, (and which Compoſition the ſaid Truſtees, or any Five or more of them reſpectively, are hereby empowered to make and receive,) or until he or they ſhall deliver up ſuch Books, Accounts, Papers, and Writings as aforeſaid, or have given Satisfaction in reſpect thereof to ſuch Truſtees; but no Officer or other Perſon who ſhall be committed for Default of Diſtreſs only, ſhall be detained in Priſon by virtue of this Act for any longer Space of Time than Six Calendar Months.

Treaſurer, &c. to give Security.

XVII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall, and they are hereby directed and required to take ſufficient

ſufficient Security from the Treaſurer or Treaſurers to be appointed for the Purpoſes of this Act, for the due and faithful Execution of his or their Office or Offices; and may alſo, if they think fit, take ſuch Security from any Collector or Receiver of the Tolls, or other Officer to be appointed by virtue of this Act: Provided always, that any ſuch Security given or taken in purſuance or by virtue of the ſaid recited Acts, ſhall continue and be of the ſame force and effect as if the ſame had been given or taken in purſuance or by virtue of this Act.

Truſtees may ſue or be ſued in the Name of their Clerk or Treaſurer,

XVIII. And be it further enacted, That all Actions, Suits, Proſecutions, Informations, Appeals, and other Proceedings whatſoever, to be had, taken, proſecuted, or defended by or againſt the Truſtees of the ſaid Road, ſhall be had, taken, proſecuted, or defended in the Name of the Clerk or Treaſurer to the ſaid Truſtees of the ſaid Road for the Time being; and no Action, Suit, Proſecution, Information, Appeal, or other Proceedings to be had, taken, proſecuted, or defended by or againſt the ſaid Truſtees, or any of them, by virtue of this Act, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk or Treaſurer, but that the Clerk or Treaſurer to the ſaid Truſtees for the Time being ſhall always be deemed the Plaintiff, Proſecutor, Informant, Appellant, Defendant, or Reſpondent in any ſuch Action, Suit, Proſecution, Information, Appeal, or other Proceedings, as the Caſe ſhall be: Provided always, that every ſuch Clerk or Treaſurer in whoſe Name any ſuch Action, Suit, Proſecution, Information, Appeal, or other Proceedings ſhall be had, taken, proſecuted, continued, or defended in purſuance of this Act, ſhall be fully reimburſed and paid, out of the Monies ariſing by virtue of this Act, all ſuch Coſts, Charges, Damages, and Expences, as by the Event or in conſequence of any ſuch Action, Suit, Proſecution, Information, Appeal, or other Proceedings, he ſhall pay, bear, ſuſtain, expend, or be put unto or become chargeable with or liable for by reaſon of being ſo made Plaintiff, Defendant, Informant, Appellant, or Reſpondent as aforeſaid.

and to be reimburſed all Expences.

Power to erect Turnpikes, Tollgates, Sidegates, Weighing Machines, &c.

XIX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, or ſuch Perſon or Perſons as they or any Five or more of them ſhall authorize and appoint, to continue all and every or any of the Turnpikes or Toll Gates and Toll Houſes and Side Gates or Side Bars now ſtanding and being in and upon or acroſs the ſaid Road, or to diſcontinue the ſame, or either of them, or to remove and alter the Situation of the ſame, or either of them, and to erect and ſet up or build, or cauſe to be erected, ſet up, and built, upon, in, or acroſs the ſaid Road, or any Part thereof, or at the Entrance of any Road or Lane that doth or ſhall lead into or out of the ſaid Road, when and as they ſhall judge neceſſary, any Weighing Machine or Weighing Machines, Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Bar or Bars, Chain or Chains, and alſo One or more Toll Houſe or Toll Houſes, with Outbuildings and Conveniences ſuitable thereto, at or near each Toll Gate or Weighing Machine, and to take in and incloſe on the Sides of the ſaid Road ſuitable Garden Spots for ſuch Toll Houſe or Toll Houſes, or for ſuch Toll Houſe or Toll Houſes as are now erected, not exceeding One-eighth of an Acre each, with ſuch Lamp or Number of Lamps at or near the ſaid Toll Houſe or Toll Houſes as they ſhall think neceſſary; and from Time to Time to take down and remove, or again to put up in a different Situation, or

to

to alter and discontinue the same, or any of them, as they the said Trustees, or any Five or more of them, shall think proper and direct or appoint.

Toll Gates, Houses, &c. vested in Trustees.

XX. And be it further enacted, That the Right and Property of, in, and to all the Toll Gates, Turnpikes, Weighing Machines, Bars, Rails, Fences, Toll Houses, and other Houses and Buildings, and the several Conveniences and Appurtenances thereto belonging, which have been provided or erected under and by virtue of the said recited Acts hereby repealed, or any of them, and which shall be provided, erected, or made by virtue of this Act, and all Materials for repairing or building the same, and for repairing the said Road, or any Part thereof; and all other Materials, Articles, and Things which shall be purchased, collected, or provided for the Purposes of this Act, or for the said Road, shall be vested in the said Trustees, and they, or any Five or more of them, are hereby empowered to sell and dispose of the same as they shall think proper, and to bring or cause to be brought, in the Name of their Clerk for the Time being, any Action or Actions, or to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall without Right keep Possession of any such House or Appurtenances, or who shall break down or damage, steal or take away any such Toll Gates, Turnpikes, Weighing Machines, Bars, Rails, Fences, Toll Houses, and other Houses and Buildings, Conveniences, and Appurtenances, or any Part or Parts thereof, or any such Materials, Articles, or Things, or who shall disturb the said Trustees, or their Agents or Servants in the Possession thereof; and in all Actions and Proceedings whatsoever, whether Civil or Criminal, it shall be sufficient to state any such Property, Materials, Articles, or Things, to be the Property of the Clerk for the Time being to the said Trustees, without naming or otherwise describing the said Trustees; and in all civil and criminal Proceedings whatsoever relating to the said Road, or any Part thereof, no Person being a Trustee, Creditor, Mortgagee, Farmer, Lessee, or Collector of the Tolls, Clerk, Treasurer, Surveyor, or other Officer or Servant of, or other Person employed by the said Trustees or any of their Officers, or an Inhabitant of any Township, Parish, or Place through or into which the said Road, or any Part thereof, doth or shall pass, shall be incompetent to give Testimony or Evidence therein by reason of his or her being such Trustee, Creditor, Mortgagee, Farmer, Lessee, Collector, Clerk, Treasurer, Surveyor, Officer, or Servant, or Person employed as aforesaid, or Inhabitant as aforesaid.

Trustees, &c. not incompetent Witnesses.

Power to take Tolls.

XXI. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons appointed or continued, 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 several and respective Turnpikes or Toll Gates, or Toll Houses or Turnpike, or Toll Gate or Toll House, or Side Bar or Side Gate or Chain, which are, is, or shall be standing and being, or continued and erected by virtue of this Act, in, upon, across, or on the Side or Sides of the said Road, or any Part thereof, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say),

For every Horſe, Mule, Aſs, or other Cattle, drawing any Coach, Chariot, Landau, Barouche, Sociable, Berlin, Chaiſe, Calaſh, Curricle, Phaeton, Hearſe, Litter, Chair, Gig, Waggon, Wain, Cart, or other Carriage, the Sum of Nine-pence: Tolls.

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

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

Which ſaid Tolls ſhall be demanded and taken before any Horſe, Mule, Aſs, Beaſt, or other Cattle, Coach, Waggon, Cart, or other Carriage whatſoever, ſhall be permitted to paſs through any Turnpike or Toll Gate, or Side Bar or Side Gate, or Chain, already erected and continued, or to be erected and continued by virtue of this Act, upon or acroſs the ſaid Road, or any Part thereof, or upon or acroſs any Lane or Way leading into the ſame: Provided that the Power hereby granted to take Toll at any Side Gate or Side Bar, ſhall not extend to a Double Charge upon any Horſes, Beaſts, Cattle, or Carriages paſſing through any other of the Turnpikes or Toll Gates of the ſaid Road; and upon Payment of any of the ſaid Tolls the Collector or Receiver ſhall and he is hereby required to deliver *gratis* to the Perſon paying ſuch Toll a Note or Ticket denoting ſuch Payment, and all ſuch Notes or Tickets ſhall be provided by the ſaid Truſtees or their Leſſees, and there ſhall be printed and ſpecified thereon the Names of the ſeveral or reſpective Gates, if any, which ſuch Tickets ſhall free, or which ought under the Proviſions of this Act to be paſſed free for One Payment of Toll; and ſuch of the ſaid Tolls or Duties as ſhall be collected on the ſaid Road, ſhall be and are hereby veſted in the Truſtees of the ſaid Road, and ſhall be applied for the Purpoſes of this Act in Manner herein-after directed. Tickets to be printed.

XXII. Provided always, and be it further enacted, That Waggons, Carts, and other ſuch Carriages, having the Wheels and Axletrees fixed as directed by an Act paſſed in the Fifty-fifth Year of the Reign of His preſent Majeſty, intituled *An Act to enable the Truſtees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Caſes*, and the Horſes and other Cattle drawing the ſame, ſhall have and enjoy the Privileges and Exemptions granted thereby. Exemptions by 55 G. 3. not to be affected.

XXIII. And be it further enacted, That if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand thereof made either at the Gate, Bar, or Chain where ſuch Tolls ſhall be collected, or after paſſing through the ſame, neglect or refuſe to pay the ſame, it ſhall be lawful for the Perſon or Perſons appointed to collect ſuch Tolls as aforeſaid, by himſelf, herſelf, or themſelves, or taking ſuch Aſſiſtance as he, ſhe, or they ſhall think neceſſary, to ſeize or diſtrain any Horſe or Horſes, Beaſt or Beaſts, Cattle or Carriage, or other Thing, upon or for which ſuch Toll is hereby impoſed, together with the Harneſs, Bridles, Reins, (except the Bridle or Reins apart from the Horſe or Horſes) Saddles, Gears, or Accoutrements, or their Lading, or a ſufficient Tolls may be diſtrained for.

Part thereof, or any of the Goods or Chattels of or belonging to or in the Poſſeſſion of the Perſon or Perſons ſo then and there neglecting or refuſing to pay as aforeſaid; and if ſuch Toll, or any Part thereof ſo neglected or refuſed to be paid, and the reaſonable Charges of ſuch Seizure and Diſtreſs, ſhall not be paid within the Space of Five Days next after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Horſe or Horſes, Beaſt or Beaſts, Cattle or Carriage, Thing or Things ſo diſtrained, or a ſufficient Part thereof, returning the Overplus of the Money to ariſe by ſuch Sale (if any), and what ſhall remain unſold, upon Demand, to the Owner thereof, after ſuch Toll, and the reaſonable Charges occaſioned by ſuch Seizure, Diſtreſs, and Sale, ſhall have been deducted.

One Payment for paſſing at any One Gate to clear One Return.

XXIV. Provided always, and be it further enacted, That all and every Perſons and Perſon paying ſuch Toll for or in reſpect of any Horſes, Beaſts, Cattle, or Carriages at any Turnpike or Toll Gate to be continued or erected upon the ſaid Road, ſhall, on producing a Note or Ticket, Notes or Tickets denoting ſuch Payment, be entitled to return or repaſs once after every ſuch Payment on the ſame Day, (to be computed as aforeſaid) with the ſame Horſes, Beaſts, Cattle, and Carriages, Toll-free, through the Turnpike or Toll Gate at which Toll ſhall have been ſo paid, (except as by this Act is excepted).

Stage Coaches and Poſt Chaiſes.

XXV. Provided always, and be it further enacted, That the Tolls hereby granted ſhall be paid for and in reſpect of all Horſes or Mules drawing any Stage Coach, every Time they ſhall paſs through any Toll Gate already erected or hereafter to be erected by virtue of this Act upon the ſaid Road, and for and in reſpect of all Poſt Horſes or Mules drawing any Poſt Chaiſe or other Carriage, every Time they ſhall paſs through any ſuch Toll Gate, and a Ticket ſhall be produced denoting a freſh Hiring, any Thing in this Act contained to the contrary notwithſtanding.

Number of Toll Gates limited.

XXVI. Provided always, and it is hereby further enacted, That the Number of Toll Gates to be erected or continued on the ſaid Road by virtue of this Act, ſhall at no One Time exceed the Number of Eight: Provided alſo, that no Toll Gate ſhall be erected on any Part of the ſaid Road nearer to the Town of *Ramſey* in the ſaid County of *Huntingdon* than *Bury Bridge*.

Penalty on avoiding Tolls.

XXVII. And be it further enacted, That if any Perſon or Perſons ſhall ride, drive, go, or paſs with any Horſe, Beaſt, Cattle, or Carriage, through any Gate, or over any private Paſſage, Land, Ground, or Place lying by the Side of or near to any Part of the ſaid Road (except the Owner or Occupier of ſuch Land or other Premiſes, or any of his, her, or their Family or Servants), or if any Perſon or Perſons owning or occupying any Tenements, Lands, or Grounds (not being a public Highway), near to the ſaid Road or any Part thereof, ſhall knowingly or willingly permit or ſuffer any Perſon or Perſons to go or paſs with any Horſe, Beaſt, Cattle, or Carriage through ſuch Gate, or over any ſuch private Paſſage, Lands, or Grounds (ſave and except as aforeſaid), in order to or with Intent thereby to evade the Payment of the ſaid Tolls, or any Part thereof; or if any Perſon ſhall forge or counterfeit, or ſhall give to or receive from any Perſon or

Perſons any Note or Ticket by this Act directed to be given by the Collector of the Tolls, or if any Perſon or Perſons ſhall take off or ſuffer to be taken off any Horſe or other Beaſt from any Carriage, either before or after having paſſed through any Turnpike or Toll Gate, or having paſſed through any Turnpike or Toll Gate 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 Road, or ſhall leave upon or near to any Part of the ſaid Road any Horſe or Horſes or other Beaſt or Cattle, or any Carriages chargeable with the Payment of any of the ſaid Tolls, with Intent to avoid or evade Payment of any of the ſaid Tolls, or if any Perſon or Perſons ſhall forcibly paſs through any ſuch Turnpike or Toll Gate, or Side Gate or Bar, with any Horſe or other Cattle or Beaſt, without Payment of the Toll or any Part thereof, all and every ſuch Perſon or Perſons ſhall for each and every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, (over and beſides ſuch Damage and Puniſhments as he, ſhe, or they ſhall otherwiſe be liable to by Law), to be recovered in ſuch Manner as is herein-after provided for the Recovery of Penalties and Forfeitures, One Moiety whereof ſhall be paid to the Informer, and the other Moiety to the Treaſurer of the ſaid Truſtees, to be applied for the Purpoſes of this Act.

Diſputes concerning Tolls to be ſettled by a Juſtice.

XXVIII. And be it further enacted, That in caſe any Diſpute or Diſputes ſhall happen reſpecting the Payment of Toll or the Amount of Toll due, or the Charges of keeping or ſelling any Diſtreſs, ſuch Diſpute or Diſputes ſhall be heard and determined by ſome Juſtice of the Peace for the County or Place in which the Cauſe of Diſpute ſhall ariſe, who, upon Application to him made for that Purpoſe, ſhall examine the Matter upon Oath of the Parties or other Witneſs or Witneſſes (which Oath every ſuch Juſtice is hereby authorized and empowered to adminiſter), and ſhall determine the Amount of the Toll due, and other Matters in Diſpute between the Parties, and alſo aſſeſs the Charges of ſuch Diſtreſs, Keeping, and Sale, and alſo of the Attendance of any Perſon or Perſons for that Purpoſe on ſuch Juſtice, and may alſo award ſuch Coſts to be paid by either Party to the other as to ſuch Juſtice ſhall ſeem juſt and reaſonable, all which Coſts, in caſe the ſame ſhall not be forthwith paid, ſhall and may be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo ordered or directed to pay the ſame, by Warrant under the Hand and Seal of ſuch Juſtice (which Warrant every ſuch Juſtice is hereby empowered to iſſue); and the Overplus (if any) after Payment of ſuch Coſts, and the Coſts of ſuch Diſtreſs and Sale, ſhall be returned upon Demand to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold.

General Exemption from Tolls.

XXIX. And be it further enacted, That none of the Tolls hereby authorized to be taken ſhall be demanded, taken, or received at any of the Turnpikes, Toll Gates, Bars, or Chains to be continued or erected upon the ſaid Road, for any Horſes or Carriages belonging to or conveying or attending His Majeſty or any of the Royal Family; or of or from any Surveyor or Surveyors of the ſaid Road in the Execution of their reſpective Offices; or for any Horſes, Cattle, or Carriages of whatſoever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes,

Expreſſes, or in returning therefrom; or for the Horſes belonging to any Officers or Soldiers on their March or on Duty, or for any Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers, or in returning empty after having been ſo employed, 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 carrying or conveying any Ordnance, Barrack, or Commiſſariat, or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, or for any Horſe, Mare, or Gelding furniſhed by or for any Perſon or Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry reſpectively, and rode by him or them, or for any Carriage conveying Volunteer Infantry in going to or returning from the Place appointed for and on the Days of Exerciſe, Inſpection, or Review; provided that ſuch Perſon or Perſons be dreſſed in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for ſuch Corps reſpectively at the Time of claiming ſuch Exemption; or for the Horſes of any Rector, Vicar, or Curate going to or returning from his own Pariſh Church or other Place of Divine Worſhip, or on other his parochial or miniſterial Duty, or viſiting his ſick Pariſhioners; or from any Perſon or Perſons going to or returning from his or their proper parochial Church or Chapel, or from any Perſon or Perſons going or returning from his, her, or their uſual Place of Religious Worſhip tolerated by Law, on *Sundays*, or on any other Day on which Divine Worſhip is or ſhall be ordered by Authority to be celebrated, or attending the Funeral of any Perſon or Perſons who ſhall die and be buried in any Pariſh, Hamlet, or Place through which any Part of the ſaid Road doth lie or paſs; or for any Horſes, Beaſts, Cattle, or Carriages uſed or employed for the Purpoſe only of carrying or conveying Perſons to or from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Huntingdon*, or for the ſaid County of *Cambridge*, or for the ſaid County of *Bedford*, during the Time of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; or of carrying or conveying Vagrants ſent by legal Paſſes; or of carrying or conveying Hay, Turnips, Tares, 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, Outhouſes, or Yards, or on the Lands or Grounds of or belonging to the reſpective Inhabitants of the ſeveral Pariſhes or Places in or through which the ſaid Road doth lie or paſs, or the Inhabitants of any Pariſh next adjoining to the ſaid Road; or of carrying or conveying any Lime, Dung, Mould, Marl, Soil, Manure, or Compoſt employed in Huſbandry, or to be uſed only for manuring or improving of Land, or going or returning empty in that Employment; or for any Horſe or other Beaſt uſed by any Perſon going through any Turnpike Gate ſolely for the Purpoſe of looking after or ſuperintending the Management or Cultivation of any Lands or Grounds which he may occupy in the Pariſh where he ſhall uſually reſide, or the next adjoining Pariſh, or to be uſed in the Management or Cultivation thereof; nor for any Stock or other Cattle on its Removal from Paſture into the ſame or any adjoining Pariſh, for the ſole Purpoſe of ſtocking and Change of Paſture; or for any Horſe, Beaſt, Cattle, or Carriage employed in carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day, any Plough, Harrow,

Harrow, Hurdles, Trays, Cribs, or other Implements of Husbandry, or any other Thing whatsoever belonging to or employed by such Inhabitants respectively in Husbandry, or for stocking of Lands in the same or any adjoining Parish, as shall be useful, necessary, or convenient to be sent therewith for the better or more safely conveying the same, so as to prevent or guard against such Ploughs, Harrows, Hurdles, Trays, Cribs, or other Implements of Husbandry from being damaged or injured, unless the Carriage bearing any such Plough, Harrow, or other Implement of Husbandry be also laden with some other Thing not hereby intended to be exempted from Payment of Toll; or for any Horse, Beast, or Cattle passing to or repassing from Water or Pasture, or for any Horse, Beast, or Cattle going to be or returning from being shod or farried, not beyond the Distance of Four Miles; or for any Horse, Beast, or Cattle used or employed for the Purpose only of carrying or conveying Gravel, Stones, Sand, or other Materials for making or repairing the said Road hereby directed to be repaired, or any other Highway or public Road within any such Parish, Townships, Chapelry, Hamlet, or Place as aforesaid, or returning empty having been so employed, or with Seed for seeding the Ground in the said Parishes or any adjoining Parish, or for building, rebuilding, or repairing any present or future Bridge or Bridges on the said Road, or in returning empty, having been employed for any of the Purposes aforesaid; and if any Person shall claim or take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and in all Cases the Proof of Exemption shall lie upon the Person claiming the same, One Moiety whereof shall be paid to the Informer, and the other Moiety thereof shall be applied for the Purposes of this Act.

Penalty on fraudulently taking Benefit of Exemptions.

XXX. Provided always, and be it further enacted, That no Toll shall be demanded or taken at the Toll Gate now erected on that Part of the said Road which passes through the Parish of *Sutton* in the County of *Bedford*, and now called *Sutton Gate*, or at any Toll Gate or Toll Gates to be erected by virtue of this Act on any Part of the said Road which now passes through the said Parish of *Sutton*, for or in respect of the Passage of any Horse, Mule, or Ass, or any Beast, Cattle, or Carriage whatsoever, belonging to and being *bonâ fide* in the Use, Service, or Employment of the Proprietor or Proprietors for the Time being of a certain capital Messuage or Mansion House standing and being in the Parish of *Sutton* aforesaid, and there called *Sutton Park House*, so long as such capital Messuage or Mansion House shall continue the Estate or Property of the present Owner thereof, Sir *John Montagu Burgoyne* Baronet, or his Heirs.

Exemptions in Favour of certain Inhabitants of Sutton.

XXXI. Provided always, 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 be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in or upon any such Waggon, Wain, Cart, or other Carriage, or of its being drawn by any Number of Horses or Oxen, but it shall

Carriages for His Majesty's Service not to be weighed.

shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, for drawing the same; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads or in this Act contained to the contrary notwithstanding.

Penalty on Collector, &c. suffering Carriages to pass without weighing.

XXXII. And be it further enacted, That if at any Weighing Machine erected on any Part of the said Road, any Lessee or Lessees, Taker or Takers, Renter or Renters of the Tolls payable at any of the Toll Gates continued or erected or to be erected by virtue of this Act, or any Collector or Collectors of the Tolls, or any Person or Persons appointed or to be appointed to the Care of any such Weighing Machine, or of any Weighing Machines which may or shall at any Time hereafter be erected on the said Road, shall suffer or permit any Waggon, Cart, or other Carriage liable to be weighed at any such Machine or Machines to pass through the Toll Gate or Toll Gates continued or erected, or to be erected on the said Road, without weighing the same, or shall suffer or permit any such Waggon, Wain, Cart, or other Carriage to proceed on the said Road, or any Part thereof, without having first paid the Toll payable for and chargeable upon such Waggon, Wain, Cart, or other Carriage, and for all such Overweight or Overweights as such Waggon, Wain, Cart, or other Carriage respectively shall or may happen to have therein or thereon, each and every such Person shall for each and every such Offence forfeit and pay any Sum not exceeding Twenty Pounds.

Penalty on Collector, &c. compounding for Overweight.

XXXIII. And be it further enacted, That if any Lessee or Lessees, Taker or Takers, Renter or Renters of the Tolls payable at any Turnpike Gate or Gates erected or to be erected on the said Road, or any Collector or Collectors, or any Person or Persons appointed to the Care of any such Weighing Machine or Machines as aforesaid, shall make or enter into any Bargain, Contract, Composition, or other Agreement, verbal or written, wherein or whereby any specific Sum or Sums of Money, in gross or otherwise, is or are 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 any such Weighing Machine or Machines, each and every such Lessee or Lessees, Taker or Takers, Renter or Renters, Collector or Collectors, and Person or Persons appointed to the Care of any such Weighing Machine or Machines, so bargaining, contracting, compounding, or otherwise agreeing as aforesaid, shall for every such Bargain, Contract, Composition, or Agreement, forfeit and pay any Sum not exceeding Twenty Pounds.

Tolls may be reduced, &c.

XXXIV. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, at any Meeting to be holden for that Purpose, whereof at least Twenty-one Days Notice shall be given in Writing to be affixed on all the Turnpikes or Toll Gates continued or erected or to be erected on the said Road, and published in some public Newspaper circulated in the Neighbourhood thereof, from Time to Time, as they shall think proper, to lessen or reduce, and again to raise and advance all or any of the Tolls hereby granted, so that the respective Tolls so to be raised or advanced do not exceed the Tolls by this Act authorized to be taken, and so as such Reduction be made with the Consent in Writing

of the ſeveral Perſons who ſhall be entitled to Five ſixth Parts of the Money then due on the Credit of the ſaid Tolls; and ſuch Tolls, ſo reduced or advanced, and every of them, ſhall be collected, recovered, and applied as the Tolls hereby granted and authorized to be taken, are directed to be collected, recovered, and applied.

Tolls may be compounded for.

XXXV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them reſpectively, from Time to Time to compound, for any Term not exceeding One Year at any one Time, with any Perſon or Perſons for any Horſes, Beaſts, or Carriages travelling on the ſaid Road, for all or any of the ſaid Tolls to be paid in reſpect of ſuch Horſes, Beaſts, or Carriages; and ſuch Compoſition Money ſhall be paid in Advance quarterly, and in Default of ſuch Payment the Compoſition or Agreement with ſuch Perſon ſo making Default ſhall from thenceforth be void; and all ſuch Compoſition Money ſhall be applied in the ſame Manner as the Tolls are directed to be applied by this Act.

Preſent Leaſe vacated.

XXXVI. And be it further enacted, That any Contract, Demiſe, or Leaſe granted by virtue of the ſaid recited Acts of the Tolls payable and received at the ſeveral Turnpikes or Gates erected on the ſaid Road at the Time of the paſſing of this Act, ſhall ceaſe, determine, and be void at ſuch Days and Times as the ſaid Truſtees ſhall think fit and determine; and if any Leſſee or Hirer of any of the ſaid Tolls ſhall make it appear or prove to the ſaid Truſtees, that any Loſs or Injury will be ſuſtained by him, her, or them in conſequence thereof, then and in ſuch Caſe the ſaid Truſtees or any Five 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 every ſuch Leſſee or Hirer, his, her, or their Executors or Adminiſtrators; and if the ſaid Truſtees ſhall neglect or refuſe to make and give a fair and juſt Compenſation for any Loſs and Injury which may be ſuſtained by vacating the ſaid Contract or Leaſe as aforeſaid, ſuch Compenſation ſhall and may be ſued for in any of His Majeſty's Courts of Record at *Weſtminſter*.

Tolls may be leaſed.

XXXVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them reſpectively, from Time to Time to demiſe or let to farm, or agree to demiſe or let to farm, all or any of the Tolls ariſing by virtue of this Act, and all or any of the Toll Houſes, and the Conveniences and Appurtenances thereto belonging, for any Term not exceeding Three Years, upon public Bidding to the higheſt Bidder, and for the beſt Price or Rent ſuch Truſtees can get for the ſame, payable in Advance, or at ſuch other Time or Times as the ſaid Truſtees ſhall think proper, to any Perſon or Perſons who ſhall be willing to take or farm the ſame under the Conditions and Agreements, and with ſuch Sureties for the Payment thereof, as the ſaid Truſtees or any Seven or more of them ſhall think neceſſary, without being compelled to put up the ſaid Tolls at the Sum at which they were laſt let, or to have any other Meeting for the letting thereof; and if the ſaid Truſtees, at any ſuch Meeting for letting the ſaid Tolls, ſhall be of Opinion that a Combination exiſts among the Bidders to undervalue the ſame, they may then proceed in ſuch Letting in ſuch Manner as to them reſpectively ſhall ſeem moſt likely to create a real *bonâ fide* and an advantageous Competition for the ſame; and at ſuch Letting the Truſtees preſent ſhall have and be entitled to One or more Bidding or Biddings for the ſaid Tolls, either by themſelves or their

their Clerk or Treaſurer, or other Perſon by them reſpectively authorized, any thing in any Law or Statute to the contrary thereof notwithſtanding; and the Rent or Money ariſing by ſuch Letting ſhall be applied in ſuch Manner as the Tolls under this Act are directed to be applied.

Leſſees or Perſons appointed by them may collect 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 let to any Perſon or Perſons whomſoever, it ſhall and may be lawful to and for the Leſſee or Leſſees, Farmer or Farmers thereof, or ſuch other Perſon or Perſons as he or they ſhall authorize or appoint, to occupy and enjoy the Toll-houſe or Toll-houſes, at which the ſaid Tolls ſo let are to be collected and to ariſe, with all the Appurtenances and Conveniences to the ſame Toll-houſe or Toll-houſes belonging, for the Purpoſe of collecting ſuch Tolls, during ſo long Time only as ſuch Leſſee or Leſſees, Farmer or Farmers ſhall duly and regularly pay his, her, or their Rent or Rents, and perform the Covenants, Agreements, and Conditions of ſuch Leaſe, Demiſe, or Letting, but no further or otherwiſe; and ſuch Leſſee or Leſſees, Farmer or Farmers, and the Perſon or Perſons ſo to be by him or them appointed, (ſuch Rents and Covenants being duly paid and performed), ſhall and may demand and take the ſaid Tolls ſo leaſed, demiſed, farmed, or let, with the like Powers for the Recovery thereof, to all Intents and Purpoſes whatſoever, as any Collector of the ſaid Tolls appointed or continued by virtue of this Act, is by virtue of this Act authorized and empowered to demand, take, and recover the ſame; and ſuch Leſſee or Leſſees, Farmer or Farmers, Collector or Collectors, or other Perſon or Perſons as aforeſaid, ſhall be ſubject to the Regulations of this Act, and to the like Pains and Penalties as any Collector of the ſaid Tolls appointed or continued by virtue of this Act is ſubject or liable to.

Penalty on Collector, &c. taking greater or leſs Toll than allowed.

XXXIX. And be it further enacted, That if any Leſſee, Farmer, Renter, or Collector of the ſaid Tolls ſhall demand and take, or cauſe to be demanded and taken from any Perſon or Perſons, any Toll not by this Act authorized to be taken, or a greater or leſs Toll than is authorized to be taken under the Authority of this Act, or of the Orders and Reſolutions of the Truſtees made in purſuance thereof, ſuch Leſſee, Farmer, or Renter ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, and alſo his Contract for renting the Tolls ſhall be declared to be vacated, if the ſaid Truſtees or any Five or more of them ſhall think fit to vacate the ſame; and every ſuch Collector, not being the Leſſee, Farmer, or Renter, ſhall for every ſuch Offence forfeit any Sum not exceeding Forty Shillings, ſuch Forfeitures to be recovered and applied in Manner hereinafter mentioned; but in caſe ſuch Forfeitures reſpectively cannot be recovered of and from ſuch Toll Collector, Gate Keeper, or Receiver, in Manner hereinafter mentioned, in conſequence of ſuch Toll Collector, Gate Keeper, or Receiver abſconding, or not having Goods, Chattels, and Effects to anſwer any Diſtreſs or Diſtreſſes hereinafter mentioned, then and in ſuch Caſe the Farmer, Leſſee, or Renter of the Tolls reſpectively ſhall become and be from thenceforth liable to the Payment of ſuch Forfeitures reſpectively, to be recovered of and from the Farmer, Leſſee, or Renter, by and in the Name of the Clerk or Treaſurer to the ſaid Truſtees for the Time being, by Action of Debt, or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoign, Protection, Privilege, or Wager of Law, nor more than One Imparlance, ſhall be allowed: Provided

vided always, that if the Juſtice by or before whom the Matter of Complaint ſhall be heard, ſhall be of Opinion that the Offender had probable Grounds for ſuch Demand, it ſhall be lawful for ſuch Juſtice to mitigate the ſaid reſpective Penalties, as ſuch Juſtice ſhall think fit.

Toll Collectors miſbehaving.

XL. And be it further enacted, That all and every Toll Collector or Collectors being Leſſee or Leſſees of the ſaid Tolls, or appointed either by the ſaid Truſtees or by any 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 Turnpike or Toll Gate, immediately upon his beginning to collect ſuch Toll or coming on Duty, each of the Letters of ſuch Name or Names to be at leaſt Two Inches 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 collect ſuch Toll or be upon ſuch Duty; and if any ſuch Collector of the ſame Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, 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 denoting the Payment of the Toll, and naming and ſpecifying thereon the ſeveral Gates, if any, to be freed by ſuch Payment, or upon the legal Toll being paid or tendered, ſhall unneceſſarily detain or wilfully obſtruct, hinder, or prevent any Traveller, Paſſenger, Horſe, Beaſt, Cattle, or Carriage from paſſing through any Turnpike or Toll Gate, or ſhall make uſe of any ſcurrilous or abuſive Language to any Traveller or Paſſenger, then and in every ſuch Caſe every ſuch Toll Collector ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge; and ſuch Penalty, when ſo adjudged, ſhall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Penalty for aſſaulting Collectors.

XLI. And be it further enacted, That if any Perſon or Perſons ſhall at any Time aſſault, obſtruct, hinder, or moleſt, or cauſe or promote to be aſſaulted, obſtructed, hindered, or moleſted any Collector of the Tolls who ſhall or may be employed by virtue of or in the Execution of this Act, in the Performance of his Duty, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Enabling Truſtees to take Poſſeſſion of Toll Houſes when let to farm.

XLII. And be it further enacted, That in caſe all or any of the Tolls ariſing by virtue of this Act upon the ſaid Road ſhall be demiſed or let to farm to any Perſon or Perſons in any Manner whatſoever, and the Leſſee or Leſſees, Farmer or Farmers thereof ſhall neglect or refuſe to perform the Terms and Conditions on which the ſame ſhall be ſo demiſed or let, or in caſe the Rent or Rents agreed to be paid by ſuch Leſſee or Leſſees, Farmer or Farmers, ſhall be in Arrear for the Space of Seven Days next after any of the Days on which the ſame ought to be paid, purſuant to the Leaſe, Agreement, or Contract for demiſing or letting thereof, or in caſe ſuch

ſuch Leaſe or Agreement ſhall in any other Manner become void, then and in either of thoſe Caſes it ſhall and may be lawful for any Juſtice of the Peace for the County in which any ſuch Toll-houſe or Toll-houſes may be ſituated, by Warrant under his Hand and Seal, to order a Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter upon and take Poſſeſſion of every or any Toll Houſe, Toll Gate, Bar, Chain, or Weighing-Machine, and the Buildings and Appurtenances thereunto belonging; and to remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers of the Tolls ariſing thereat reſpectively, or ſuch Collector or Collectors or other Perſon or Perſons having Poſſeſſion of the ſaid Toll Houſe or Toll Houſes from the Poſſeſſion thereof, and from the Collection of ſuch Tolls, and to give the ſaid Truſtees, or other Perſons acting by or under their Authority reſpectively, Poſſeſſion thereof; and thereupon it ſhall be lawful for the ſaid Truſtees or any Five or more of them, if they ſhall think fit, to vacate and determine the Leaſe, Contract, or Agreement for demiſing or letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall be utterly void to all Intents and Purpoſes (ſave as to the Covenants or Agreement for Payment of the Rent or Rents thereby reſerved, or other unperformed or broken Obligations, Covenants, or Agreements on the Leſſees Part) as if ſuch Demiſe or Agreement had never been made; and it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, in every ſuch Caſe to demiſe or let to farm the ſaid Tolls again to any other Perſon or Perſons, or cauſe them to be collected in ſuch and the ſame Manner as if no former Demiſe, Contract, or Agreement had been made relative thereto.

Power to borrow Money, and to aſſign Tolls.

XLIII. And be it further enacted, That the ſaid Truſtees, or any Nine or more of them, at any of the Meetings to be holden by virtue of this Act, may and they are hereby authorized and empowered, from Time to Time to borrow and take up at Intereſt, on the Credit of the Tolls hereby granted or authorized to be taken on the ſaid Road, ſuch Sum or Sums of Money as they or any Nine or more of them ſhall think neceſſary, not exceeding Five thouſand Pounds, in Addition to any Sum of Money now due and owing on the ſaid Road, or which may be borrowed for paying off ſuch Money; and they are hereby alſo authorized and empowered, either at every ſuch Meeting, or afterwards, by any Writing or Inſtrument under their Hands and Seals, to mortgage all or any Part of the Tolls hereby granted (the Charges of mortgaging the ſame to be paid out of ſuch Tolls), for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money ſo to be borrowed, to ſuch Perſon or Perſons, or his, her, or their Truſtee or Truſtees as ſhall advance and lend the ſame, which Mortgage ſhall be made in the following Form of Words, or in ſome other Form of Words to the like Effect; (that is to ſay,)

Form of Mortgage.

'BY virtue of an Act paſſed in the Fifty-ninth Year of the Reign of His Majeſty King *George* the Third, intituled *An Act* [*here inſert the Title of this Act*] we Nine of the Truſtees acting in Execution of the ſaid Act, in Conſideration of the Sum of to the Treaſurer of the ſaid Truſtees in Hand paid, do grant, bargain, ſell, and demiſe unto *A. B.* his (her *or* their) Executors, Adminiſtrators, or Aſſigns, ſuch Proportion of the Tolls ariſing upon the ſaid Road, or to be collected

'lected by virtue of the said Act, and of the Toll Gates and Toll Houses for 'collecting the same, as the said Sum of doth or shall bear 'to the whole of the Monies owing and secured on the Credit thereof, 'to be had and holden from this Day of in the 'Year of our Lord 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 repaid and 'satisfied. Given under our Hands and Seals this Day of 'in the Year of our Lord .'

Copies of Mortgages to be entered in a Book.

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees; and all and every Person or Persons to whom any such Mortgage or Mortgages shall be made as aforesaid, or who shall be possessed of any Mortgage made by virtue of the said former Acts, or any of them, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever, by signing, before One credible Witness, an Instrument, indorsed upon such Mortgage or Assignment or under-written or thereunto annexed, in the following Words, or in Words to the like Effect; (that is to say),

Form of Transfer.

'I *A. B.* do transfer this Mortgage or Security, or a certain Mortgage 'or Security [*shortly stating it, as the Case may be*] with all my Right 'and Title to the Principal Money thereby secured, and all the Interest 'now due thereon, unto *C. D.* his (*or* her *or* their,) Executors, Administrators, and Assigns. Dated this Day of 'in the Year of our Lord

'Witness *E. F.*' '*A. B.*'

Which must be entered with the Clerk.

Which said Transfer shall be produced and notified to the Clerk to the said Trustees within Three Calendar Months next after the Day of the Date thereof, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, specifying the Date, Names of the Parties, and Amount of the Sum transferred, for which Entry such Clerk shall be paid the Sum of Five Shillings and no more, and such Transfer shall then entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee or Assignees may in like Manner assign and transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred), to make void, release, or discharge the original Security, or any Monies thereby due, or any Part thereof.

Application of the Tolls and Money to be borrowed.

XLIV. And be it further enacted, That all Costs, Charges, and Expences relative to or attending the obtaining and passing of this Act, with Interest for the same, shall be paid and discharged in Preference to all other Payments whatsoever, and the same shall be paid by the said Trustees, or any Five or more of them, out of the Monies already received by virtue of the said recited Acts or any of them, or out of the First Money which shall arise or be received by virtue of this Act; and the Remainder of all such Monies arising upon or from the said Road, shall from Time to Time be applied by the Trustees in keeping down the Interest of the principal Monies by them borrowed or raised, under or by virtue of the said recited Acts,

Acts, or any of them, and which may be by the ſaid Truſtees borrowed or raiſed under or by virtue of the Powers of this Act, or on the Credit thereof; and in amending, widening, improving, and maintaining and keeping in Repair the ſaid Road, and in otherwiſe carrying this Act into Execution; and afterwards in repaying the principal Monies already borrowed or raiſed under or by virtue of the ſaid recited Acts, or to be by them the ſaid Truſtees borrowed or raiſed under or by virtue of this Act, upon the Credit of the Tolls ariſing on the ſaid Road, and to or for no other Uſe or Purpoſe whatſoever.

An Action of Ejectment may be ſupported by One Mortgagee.

XLV. And be it further enacted, That if any Mortgagee or Mortgagees of the ſaid Tolls, Toll Gates, Bars, Chains, Toll Houſes, and Buildings ſhall ſeek to take Poſſeſſion of the ſaid Toll Gates, Bars, Chains, Toll Houſes, and Buildings, in order to pay himſelf, herſelf, or themſelves the principal Money and Intereſt, or any Part thereof, due to him, her, or them, it ſhall be competent for him, her, or them, as Leſſor or Leſſors of the Plaintiff, and upon his, her, or their Demiſe only, and without uniting in ſuch Demiſe the other Mortgagees of the ſaid Tolls and Premiſes, to obtain ſuch Poſſeſſion; but ſuch Perſon or Perſons who ſhall obtain the Poſſeſſion thereof, ſhall not apply the Tolls which may conſequently be received by him, her or them, to his, her, or their own excluſive Uſe and Benefit, but to and for the Uſe and Benefit of all the Mortgagees of the ſaid Tolls, Toll Gates, Buildings, and Premiſes *pari paſſu*, and in proportion to the ſeveral Sums which may be due to them as ſuch Mortgagees.

Empowering the Truſtees to enter into an Agreement with his Grace the Duke of Mancheſter for diſcontinuing certain Tolls or Duties received by his Grace on Part of the ſaid Road, and as to the Repair of ſuch Road for a limited Time.

XLVI. And whereas a certain Part of the ſaid Road commencing at the South End of a Street called *Bridge Street*, in the Town of *Saint Ives*, and leading over the Great Stone Bridge there, the Length thereof being about Four hundred and forty Yards, is frequently overflowed with Water, and at Times is impaſſable for Carriages; and his Grace the Moſt Noble *William* Duke of *Mancheſter* is liable to keep ſuch Part of the ſaid Road as well as the ſaid Bridge in Repair; and certain Tolls are collected, by or for the Benefit of the ſaid Duke, from Perſons paſſing with Horſes, Cattle, and certain Carriages along the ſaid Road and over the ſaid Bridge: And whereas ſuch Part of the ſaid Road might be improved, if Works were erected for the better Paſſage over the ſaid Road in Times of Flood, and if the Truſtees for executing this Act were enabled to enter into an Agreement with the ſaid Duke or ſome Perſon authorized on his Behalf, reſpecting ſuch Works and the Repairs of ſuch Road, and for diſcontinuing for a limited Period the Tolls ſo received by him or for his Uſe on the ſaid Road and Bridge; and if the ſaid Road were during the Term of this Act repaired by the Truſtees out of the Monies to be raiſed by virtue of this Act, and if they were empowered to pay an annual Sum out of the Monies ſo to be raiſed to the ſaid Duke in lieu of ſuch Tolls; be it therefore further enacted, That it ſhall be lawful for Five or more of the Truſtees for executing this Act, at any General or Special Meeting, to enter into an Agreement with the ſaid Duke, or any Perſon authorized by him, for altering or repairing the ſaid Road, and for the erecting any Works for improving the ſaid Road, or for the Suſpenſion and Diſcontinuance of any Tolls or Duties which the ſaid Duke is by Law, Preſcription, Charter, Uſage, or Cuſtom, empowered to take and collect on the ſaid Bridge and Road, and to make a Compenſation not exceeding Fifty Pounds *per Annum* to the ſaid Duke for the Suſpenſion or Diſcontinuance of ſuch Tolls

or

or Duties for a limited Period; and in caſe any ſuch Agreement ſhall be entered into, it ſhall be lawful for the Truſtees acting in the Execution of this Act, and they are hereby required, to pay or cauſe to be paid, out of the Monies to ariſe by virtue of this Act, any Sum of Money ſo to be agreed upon, not exceeding the Sum of Fifty Pounds *per Annum*, to the ſaid Duke, or to the Perſon or Perſons who may be appointed and entitled to receive the ſame, at ſuch Times and in ſuch Manner as ſhall be agreed upon; and then and from thenceforth, ſo long as the Truſtees for executing this Act ſhall perform their Parts of ſuch Agreement, it ſhall not be lawful for the ſaid Duke, or any Perſon on his Behalf or for his Benefit, to continue or erect any Bar or Toll Gate, or to demand or receive any Toll or Duty on the ſaid Bridge or Part of the ſaid Road, or to continue, erect, or cauſe to be erected any Gate or Bar which may occaſion Obſtruction to Perſons deſirous of paſſing to, from, along, and over the ſaid Bridge or Road; and all Sum and Sums of Money to be ſo paid by virtue of this Act to the ſaid Duke, or the Perſon or Perſons appointed to receive the ſame, ſhall be applicable and applied in like Manner as any Tolls or Duties which might be collected or received on the ſaid Bridge or Road would be applicable in caſe no ſuch Agreement as aforeſaid ſhould be entered into.

Truſtees may widen or alter Road, and purchaſe Land.

XLVII. 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 Road 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, Tenements, or Hereditaments lying near or contiguous to the ſaid Road, and for the Loſs or Damage the Owners, Proprietors, and Occupiers thereof, or any of them, ſhall or may ſuſtain by widening, varying, turning, or altering the ſaid 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 by ſuch Owners, Proprietors, Occupiers, or Perſons intereſted as aforeſaid and the ſaid Truſtees, and for the Coſts attending ſuch Purchaſe; and ſuch Lands, Tenements, or Hereditaments, when ſo purchaſed, ſhall, by the Order and Direction of the ſaid Truſtees, be laid into and made Part of ſuch Road in ſuch Manner as they ſhall think convenient, and be fenced off with proper Drains, Ditches, and Quickſet Fences for that Purpoſe, and be mounded with Poſts and Rails for and during the Term of Seven Years from the Time of making ſuch Fences, by and at the Expence of the ſaid Truſtees, after which Time ſuch Fences ſhall become the Property of the Owner or Owners of the adjoining Lands, and be for ever afterwards kept in repair by him, her, or them; and that from and after the making and forming of ſuch new Road, the ſame ſhall from thenceforth be deemed and taken to be a public or common Highway, and Part of the Road to be repaired by virtue of this Act: Provided always, that it ſhall not be lawful for the Truſtees acting in the Execution of this Act, to deviate more than One hundred Yards from the preſent Line or Courſe of the ſaid Turnpike Road for the Purpoſe of improving the ſame, without the Conſent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands and Grounds which may be affected by ſuch Deviation reſpectively.

Future Deviations not to exceed One hundred Yards.

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

XLVIII. And be it further enacted, That it ſhall be lawful for all Bodies Politic or Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail general or ſpecial, or for Years determinable on any Life or Lives, Huſbands, Guardians, Feoffees, Truſtees, Executors, and Committees, not only 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 ſeiſed or intereſted in their own Right, and to and for all and every Perſon and Perſons whomſoever, who is or are or ſhall be ſeiſed or poſſeſſed of or intereſted in any ſuch Lands, Tenements, or Hereditaments, to contract with the ſaid Truſtees for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey unto them any ſuch Lands, Tenements, 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 thereof notwithſtanding; and all ſuch Bodies Politic, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail general or ſpecial, or for Years determinable on any Life or Lives, Huſbands, Guardians, Feoffees, Truſtees, Executors, Committees, Femes Covert, and all other Perſons, ſhall be and are hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

Where Perſons neglect or refuſe to treat.

XLIX. And be it further enacted, That if ſuch Bodies Politic or Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail general or ſpecial, or for Years determinable on any Life or Lives, Huſbands, Guardians, Feoffees, Truſtees, Executors, Committees, Femes Covert, or any other Perſon or Perſons intereſted in any ſuch Lands, Tenements, or Hereditaments, upon Notice to them, him, or her 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 Bodies Politic or Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands, Tenements, or Hereditaments, which the ſaid Truſtees are enabled to purchaſe or make uſe of for the Purpoſes of this Act, ſhall for the Space of One Calendar Month next after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence or otherwiſe ſhall be prevented from treating, then

Damages to be ſettled by a Jury.

and in every ſuch Caſe, the ſaid Truſtees ſhall cauſe it to be inquired into and aſcertained by and on the Oaths of a Jury of Twelve indifferent Men of the County wherein ſuch Lands, Tenements, or Hereditaments may be ſituate (which Oaths any Two or more of the ſaid Truſtees are hereby empowered to adminiſter), what Damages will be ſuſtained by, and what Recompence or Satisfaction ſhall be made to ſuch Owner, Proprietor, Occupier, or other Perſon or Perſons intereſted, for or on account of the taking or uſing of ſuch Lands, Tenements, or Hereditaments for the Purpoſes aforeſaid; and in order thereto, the ſaid Truſtees are hereby empowered and required, from Time to Time, to ſummon and call before ſuch Jury, and examine on Oath, any Perſon or Perſons whomſoever (which Oath any Two or more of ſuch Truſtees is and are hereby empowered to adminiſter); and the ſaid Truſtees ſhall cauſe the ſaid Jury to view the Premiſes in queſtion, and uſe all lawful Ways and Means, as well for their own as for the Information of the ſaid Jury; and after the ſaid

Jury

Jury ſhall have aſſeſſed ſuch Damages and Recompence, they the ſaid Truſtees ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid to the Owners, Proprietors, Occupiers, or other Perſons intereſted in ſuch Lands, Tenements, or Hereditaments, according to the Verdict or Inquiſition of ſuch Jury; which ſaid Verdict or Inquiſition, and Judgment, Order, or Determination thereupon, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever, claiming or to claim in Poſſeſſion, Reverſion, or Remainder, in Fee, or in Fee Tail general or ſpecial, or for Life or Lives or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Lunatics, Idiots, and Perſons under any Diſability whatſoever, Bodies Politic or Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, as well as all other Perſons whomſoever; and for the ſummoning and returning ſuch Jury, the ſaid Truſtees are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the County in which ſuch Lands, Tenements, or Hereditaments may be ſituate, thereby requiring him to impannel, ſummon, and return Twenty-four Perſons qualified to ſerve on Juries, to appear before ſuch Truſtees at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, and ſuch Sheriff, or his Deputy, is 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, the ſaid Truſtees ſhall ſwear or cauſe to be ſworn Twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, ſuch Sheriff or his Deputy, or the ſaid Truſtees, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be 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 Jurymen when they come to be ſworn, but ſhall not challenge the Array; and the ſaid Truſtees acting in the Premiſes ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines on ſuch Sheriff, his Deputy, Bailiffs, or Agents, making Default in the Premiſes, and alſo on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury and ſhall not appear without ſhewing any reaſonable and ſufficient Excuſe, or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſworn ſhall refuſe to give or ſhall not give his or their Verdict, or ſhall in any other Manner wilfully neglect his or their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Perſons who being required to give Evidence before the ſaid Jury touching the Premiſes ſhall, without ſufficient Excuſe, refuſe or neglect to appear, after having been paid or tendered a reaſonable Sum for his, her, or their Coſts, Charges, and Expences, or appearing ſhall refuſe to be ſworn or examined and give Evidence, and to levy and apply ſuch Fine or Fines in the ſame Manner as other Penalties, Forfeitures, and Fines are herein-after directed to be levied and applied, ſo that no ſuch Fine be more than Twenty Pounds upon any ſuch Sheriff or his Deputy, nor more than Five Pounds on any other of the Perſons aforeſaid, for any One Offence.

Truſtees to iſſue their Warrant to the Sheriff to ſummon the Jury.

Jurors may be challenged.

Sheriff, etc. may be fined.

L. And be it further enacted, That in caſe any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money as a Recompence for the Right, Intereſt, or Property of any Perſon or Perſons in any Lands, Tenements, or Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees before the ſummoning and returning of the Jury, as a Recompence

Expences of the Jury how to be paid.

pence and Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, then and in ſuch Caſe the Coſts and Expences of ſummoning and returning the Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be borne and paid by the Treaſurer or Treaſurers 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 for leſs Money than ſhall have been agreed to and offered by the ſaid Truſtees before the ſummoning and returning of the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, then the full Coſts and Expences of ſummoning and returning the ſaid Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Differences, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences, having been aſcertained and ſettled by ſome Juſtice of the Peace within whoſe Juriſdiction ſuch Difference ſhall have ariſen, 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 to attend him for that Purpoſe,) ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Money ſhall be deemed and taken to all Intents and Purpoſes to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged; or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid on Demand, after being ſo aſcertained and ſettled as aforeſaid, ſhall and may be recovered by the Clerk or Clerks to the ſaid Truſtees by ſuch Ways and Means as are herein provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Caſes where any Perſon or Perſons ſhall, by reaſon of Abſence, have been prevented from treating with the ſaid Truſtees as aforeſaid, the whole of ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees.

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

LI. And be it further enacted, That all and every 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 other Monies to be raiſed by virtue of this Act, either into the Bank of *England*, or (as the Caſe may require) to the Parties or Perſons reſpectively entitled to receive the ſame, or to their Agents; and upon Payment or Tender thereof to ſuch Perſons or their Agents, and in caſe of their Refuſal to accept the ſame, then upon depoſiting ſuch Monies in the Bank of *England* in the Manner by this Act directed, and after Ten Days Notice thereof given to ſuch Parties or Perſons, or their Agents, to receive ſuch Money, Conſideration, Recompence, or Satisfaction, it ſhall be lawful for the ſaid Truſtees, their Surveyors, Workmen, or Agents, to widen, vary, divert, or turn ſuch Road through or over ſuch Lands, Tenements, or Hereditaments, and to do all and every ſuch Acts, Matters, and Things with relation thereto, as the ſaid Truſtees ſhall think fit; and thenceforth all Parties and Perſons intereſted in ſuch Lands, Tenements, and Hereditaments, ſhall be diveſted of all Right and Title in and to the ſame, and every Part thereof.

Truſtees reſtrained from pulling down

LII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to 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, or any Yard, Park, Paddock, planted Walk, or Avenue to any Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees, or any Part thereof reſpectively, without the Conſent in Writing of the Owner or Proprietor thereof reſpectively firſt had and obtained.

Dwelling-houſes, etc. without the Conſent of the Owners.

LIII. And whereas by reaſon of the Purchaſes which the ſaid Truſtees are empowered to make by virtue of this Act, or by reaſon of the diverting of ſome Part or Parts of the ſaid Road, they may be ſeiſed of ſome Piece or Pieces of Ground over and above what will be neceſſary for effecting the Purpoſes of this Act; be it therefore enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to ſell and diſpoſe of ſuch Pieces or Parcels of Ground either together or in Parcels, and either by public Sale or private Contract, as they ſhall find moſt convenient and advantageous to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame: Provided always, that the ſaid Truſtees, before they ſhall ſell and diſpoſe of any Piece or Pieces of Ground as aforeſaid, ſhall firſt offer the ſame for Sale to the Perſon or Perſons of whom the ſame ſhall have been purchaſed, or (in caſe ſuch Ground ſhall be a Piece or Pieces of old Road) to the Perſon or Perſons whoſe Lands ſhall adjoin thereto; and if ſuch Perſon or Perſons reſpectively ſhall then and thereupon refuſe, or ſhall not agree (except with reſpect to or on account of the Price thereof) to purchaſe the ſame reſpectively, an Affidavit to be made and ſworn before a Maſter or Maſter Extraordinary of the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County in which ſuch Ground is ſituate, (who is hereby empowered to take ſuch Affidavit), by ſome Perſon or Perſons no way intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by or on the Behalf of ſuch Truſtees, and that ſuch Offer was then and thereupon refuſed, or was not agreed to by the Perſon or Perſons to whom the ſame was made, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and was refuſed or not agreed to by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing ſuch Piece or Pieces of Ground, and he, ſhe, or they, and the ſaid Truſtees, ſhall differ or not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by a Jury in Manner in this Act directed with reſpect to diſputed Value of Premiſes to be taken and uſed in purſuance of this Act; and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in Manner herein-before directed with reſpect to ſuch Purchaſes made by the ſaid Truſtees, *mutatis mutandis*, and the Money to ariſe by the Sale or Sales of ſuch Pieces or Parcels of Ground ſhall be applied by the Truſtees to the Purpoſes of this Act; but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Nonapplication of ſuch Money, or of any Part or Parts thereof.

Truſtees empowered to ſell Overplus Grounds.

When Pieces of Land are to be ſold, the Firſt Offer to be made to the Original Proprietor.

In caſe the Perſons cannot agree, the Value to be determined by a Jury.

LIV. And be it further enacted, That if any Money to be paid, or agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed by virtue of the Powers of this Act, of any Body Politic, Corporate, or Collegiate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Feoffees, Truſtees, Guardians, Committees, Femes Covert, or other incapacitated Perſon or Perſons, ſhall amount to or exceed

Application of Compenſation if amounting to 200l.

ceed the Sum of Two hundred Pounds, such Money shall with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, 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, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under and with 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 meantime, and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities 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 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 Lands, Tenements, or Hereditaments so to be purchased, in case such Purchase or Settlement were made.

Where less than 200l. and above 20l.

LV. Provided always, and be it further 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 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, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the 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 Five or more of the said Trustees for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating

nating and approving Parties) in order that such Principal Money, and the Dividends arising thereon and therefrom, 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 or Approbation of the said High Court of Chancery.

Not exceeding 20l.

LVI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last mentioned shall not exceed Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees or any Five or more of them 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 respectively entitled thereto.

In case of not making out a good Title, or if Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery on Motion or Petition.

LVII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for the Purchase of any Lands, Tenements, or Hereditaments 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 the 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, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money to 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 to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, [describing them] subject to the Order, Control, and Disposition of the said High 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 said 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 and substantiating such Claim, 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 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 the same into the Bank as aforesaid.

In case of disputed Titles.

LVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments,

or

or of any Eſtate, Right, Title, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance of this Act for the Purpoſes aforeſaid, or to any Bank Annuities to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, 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, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court, and the Dividends or Intereſt of the Bank Annuities, 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, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

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

LIX. 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, Tenements, 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 High Court of Chancery, and be applied in the Purchaſe of other Lands, Tenements, 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 ſuch Purchaſes, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Power to get Materials.

LX. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors to the ſaid Truſtees, and all ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, gather, get, take and carry away, any Materials for making or repairing the Road by this Act authorized to be maintained or repaired, or any Footways and Paths on the Sides thereof, or for building, rebuilding, or repairing any Toll Houſe or Toll Houſes, Fence, Wall or Walls, on or by the Sides thereof reſpectively, or any Bridge or Bridges, Culvert or Culverts thereon, out of any Common River or Brook, or out of or from any Waſte or Common in any Townſhip, Hamlet, Pariſh, or Place in which any Part of the ſaid Road doth lie, or in any adjoining Townſhip, Hamlet, Pariſh, or Place, without paying any thing for ſuch Materials, the ſaid Surveyor or Surveyors, or other Perſon or Perſons, filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks wherefrom ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Perſons or Cattle, and paying for the Damages done by going through and over any incloſed Lands or Grounds for or with ſuch Materials, ſuch Damages to be aſcertained as herein-after mentioned; and alſo that it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, get, gather, take, and carry away any ſuch Materials in or out of the Land of any Perſon (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees, and

which

which ſhall have exiſted as ſuch for One Year at leaſt previous thereto), making or tendering ſuch Satisfaction for the Materials, and for the Damages done to the Owners or Occupiers of the Lands where and from whence the ſame ſhall be dug, gathered, and carried away, or over which the ſame ſhall be carried, as the ſaid Truſtees or any Five or more of them ſhall judge reaſonable; and in caſe of any Difference between ſuch Truſtees, Surveyors, or other Perſons appointed or employed as aforeſaid, and the Owners and Occupiers of ſuch Lands or any of them, concerning ſuch Payments and Damages as aforeſaid, any Two or more Juſtices of the Peace for the County in which ſuch Materials ſhall have been collected, on Five Days Notice thereof being given in Writing by either Party to the other, ſhall hear, ſettle, and determine the Matter of ſuch Payments and Damages.

Notice to be given to the Occupiers of Land before Materials got.

LXI. Provided always, and be it further enacted, That no Surveyor or any other Perſon or Perſons acting under the Authority of this Act ſhall begin to dig, gather, or carry away any Materials for making or repairing the ſaid Road, or for any of the Purpoſes aforeſaid, out of or from any incloſed Land, until Notice in Writing ſigned by ſuch Surveyor ſhall have been firſt given to the Owner or his known Agent, or to the Occupier of the Land from which ſuch Materials are intended to be taken, or left at the uſual Place of Abode of ſuch Owner or Occupier, to appear before any Two Juſtices of the Peace acting for the County in which ſuch Lands may be ſituate, to ſhew Cauſe why ſuch Materials ſhould not be dug, got, gathered, taken, and carried away; and in caſe ſuch Owner, Agent, or Occupier ſhall attend purſuant to ſuch Notice, and ſhall not ſhew ſufficient Cauſe to the contrary, ſuch Juſtices ſhall, if they think proper, and they are hereby empowered, to authorize ſuch Surveyor or other Perſon to dig, get, gather, take, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Juſtices ſhall ſeem proper; and if ſuch Owner or Occupier ſhall neglect or refuſe 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 Owner or Occupier, or his or her Agent, had attended; and the Order of ſuch Juſtices ſhall be final and concluſive to and upon all Parties.

Penalty on taking away Materials raiſed by Surveyors.

LXII. And be it further enacted, That if any Perſon whomſoever ſhall take away any Materials which ſhall be dug, gotten, or gathered for the Repair or Uſe of the ſaid Road, and any of the Purpoſes aforeſaid, or ſhall raiſe or carry away any Materials out of, or otherwiſe interfere with or obſtruct the Working of any Pit or Quarry which ſhall have been made or opened for the Purpoſe of getting Materials for making and repairing the ſaid Road, or for any of the Purpoſes aforeſaid, before ſuch Surveyor and Surveyors, or his or their Workmen, ſhall have diſcontinued working therein for the Space of Two Calendar Months, (except the Owner or Occupier of the Land in which ſuch Pit or Quarry ſhall be made as to Materials 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, over and above the Value of the Materials ſo taken away.

For removing Annoyances and Nuiſances.

LXIII. And be it further enacted, That it ſhall be lawful for all and every ſuch Surveyor and 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 Road, by Timber, Wood, Stone, Carriages, Saw Pits, or other Pits, Trees, Aſhes, Dung, Filth, Rubbiſh, Straw, or other Matter or Thing, and to turn any Watercourſes, Gutters, Sinks, Conduits, or Drains running into, along, or out of the ſaid Road, 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 Road, or any Part or Parts thereof, and to make the ſame as deep and large as ſuch Surveyor or Surveyors ſhall think neceſſary, and alſo to prune, cut down, lop, or top, at proper Seaſons of the Year, any Branches, Shrubs, or Buſhes growing on the ſaid Road, or in the Hedges or Fences adjoining the ſaid Road, ſo as the ſame be not planted for Ornament or Shelter to any Houſe or other Building, or in any Yard, Garden, Orchard, Park, Paddock, planted Walk, Avenue to a Houſe, or Plantation, or Nurſery for Trees, and to take and carry away the Prunings or Loppings thereof, or in ſuch other Manner that the ſaid Road ſhall not be prejudiced thereby, in caſe the reſpective Owners or Occupiers of the Lands where ſuch Annoyances ſhall happen to be, ſhall neglect ſo to do for Fourteen 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 any one Juſtice of the Peace of the County wherein ſuch Annoyance ſhall happen, 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, cut down, lop, or top ſuch Trees, Branches, Shrubs, or Buſhes, or to cut or reduce ſuch Hedges, 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.

Penalty for erecting Encroachments on the Side of Road.

LXIV. And be it further enacted, That if any Perſon ſhall, from and after the paſſing of this Act, encroach by making or cauſing to be made any Dwelling Houſe or other Building, Wall, Hedge, Ditch, or other Fence, within the Diſtance of Thirty Feet from the Middle or Centre of ſuch Road (except Turnpike Houſes erected by Order of the ſaid Truſtees), every Perſon ſo offending ſhall forfeit for every ſuch Offence the Sum of Five Pounds to ſuch Perſon as ſhall give Information of the ſame; and it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, by Order under their Hands made at a Public Meeting, or ſome Adjournment thereof, directed to their Surveyor, to cauſe ſuch Dwelling Houſes, Buildings, Walls, Hedges, Ditches, or other Fences to be pulled down or filled up at the Expence of the Perſon or Perſons by whom the ſame ſhall be made or erected; and in caſe of Refuſal by ſuch Perſon or Perſons to pay the Expences of taking away and removing ſuch Encroachments, it ſhall and may be lawful for any Juſtice or Juſtices of the Peace for the

County wherein ſuch Encroachment ſhall be made, upon Proof thereof to him or them made upon Oath, which Oath ſuch Juſtice or Juſtices is or are hereby empowered to adminiſter, to levy as well the Expence of taking down ſuch Dwelling Houſes, Buildings, Walls, Hedges, and Fences, and filling up the Ditches as aforeſaid, as the Penalty hereby impoſed, by Diſtreſs and Sale of the Offender's Goods and Chattels, rendering the Overplus, if any, to the Owner or Owners on Demand.

Power to make Cauſeways, Drains, and Bridges.

LXV. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, or for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint (ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid Truſtees or any Five or more of them), to make and keep in Repair, or cauſe to be made and kept in Repair, any Cauſeway or Cauſeways for the Uſe of Foot Paſſengers along any Part of the ſaid Road, in ſuch Manner as they ſhall think proper, and alſo Ditches or Drains in and upon the ſaid Road, and alſo through any Ground lying contiguous thereto, and to erect, rebuild, and keep in Repair, all Bridges, Culverts, and Arches upon the ſaid Road, or acroſs any of the Ditches, Watercourſes, or Drains where neceſſary, and alſo to make or cauſe to be made a Road through the Grounds adjoining to any ruinous or narrow Part of the ſaid Road, (ſuch Grounds reſpectively not being the Site or Ground whereon any Houſe or Houſes ſtand, nor being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any Houſe, or any incloſed Ground, planted and ſet apart as a Nurſery for Trees) to be made uſe of by all Paſſengers, Cattle, and Carriages as a public Highway, whilſt ſuch ruinous or narrow Part of the ſaid Road be repairing, and until it ſhall be convenient for Paſſengers or Carriages to paſs along the ſame, making ſuch Recompence to the Owners and Occupiers of ſuch private Grounds reſpectively, for the Damages they ſhall or may thereby ſuſtain, as ſhall be adjudged reaſonable by the ſaid Truſtees or any Five or more of them; and in caſe of any Difference concerning the ſame between ſuch Owners or Occupiers and ſuch Truſtees, then it ſhall be lawful for any Two or more Juſtices of the Peace for the County wherein ſuch Difference may ariſe, on Ten Days Notice in Writing being given by either Party to the other, to ſettle, adjudge, and determine what Recompence ſhall be made to ſuch Owners and Occupiers for the Damages they ſhall have ſuſtained as aforeſaid.

Roads to be meaſured and Mile Stones ſet up.

LXVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, when and as often as they ſhall ſee Occaſion, to cauſe the ſaid Road to be meaſured, and Stones or Poſts to be ſet up and renewed in or near the Sides of the ſaid Road, at the Diſtance of One Mile from each other, denoting the Diſtance of every Stone or Poſt from any Town or Place, and alſo ſuch and ſo many Direction Poſts as to the ſaid Truſtees ſhall ſeem meet.

Gates to open inwards.

LXVII. And be it further enacted, That no Gate of any Park, Paddock, Field, or Incloſure whatſoever ſhall be made to open into or towards any Part of the ſaid Road, or be ſuffered to continue ſo to open, except the Hanging Poſt thereof ſhall be Thirty Feet at leaſt from the Centre of any ſuch Part of the ſaid Road, and the Occupier or Occupiers of every Park, Paddock, Field, or Incloſure having any Gate opening contrary to the Directions

Directions of this Act, ſhall, within Ten Days after Notice to him, her, or them given, either perſonally or in writing, from the Surveyor of the ſaid Road, cauſe ſuch Gate to be hung in the Manner hereby directed whenever the ſame ſhall be practicable, but in every Caſe in ſuch Manner as that no Part of the Gate, when open, ſhall project over any Part of the ſaid Road, or any Foot-path belonging thereto; and in Default thereof the Surveyor of the ſaid Road is hereby authorized to cauſe ſuch Gate to be ſo hung, and the Perſon or Perſons guilty of ſuch Neglect or Default, ſhall, upon Complaint made to any Juſtice or Juſtices of the Peace acting in and for the County in which ſuch Gate ſhall have been erected, and upon Conviction thereof, upon the Oath of One credible Witneſs, pay to ſuch Surveyor ſuch Sum as the ſaid Juſtice or Juſtices ſhall direct, to defray the Expence of making the Alteration and hanging ſuch Gates, and ſhall alſo forfeit and pay a further Sum not exceeding Forty Shillings for his, her, or their Neglect therein, to be fixed by and at the Diſcretion of the Juſtice or Juſtices before whom ſuch Conviction ſhall be made as aforeſaid.

Juſtices to determine Differences touching Statute Work.

LXVIII. And be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Road by this Act directed to be kept in repair, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall be lawful for any Two or more Juſtices of the Peace acting in and for the Counties of *Huntingdon*, *Cambridge*, and *Bedford*, within their reſpective Juriſdictions, and they are hereby empowered and required (upon Application made to them for that Purpoſe by the ſaid Truſtees, or any Five or more of them, or by their Clerk or Clerks, Surveyor or Surveyors by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done and performed upon the ſaid Road by the Inhabitants of the reſpective Pariſhes, Townſhips, Hamlets, Diſtricts, Diviſions, or Places in which the ſaid Road doth lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Townſhip, Hamlet, Diſtrict, Diviſion, or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees or to their Treaſurer; and in order thereunto it ſhall be lawful for ſuch Juſtices, from Time to Time, to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh, Townſhip, Hamlet, Diſtrict, Diviſion, or Place within their reſpective Juriſdictions, to bring in Liſts before ſuch Juſtices at ſome Place to be expreſſed in ſuch Summons, (within Ten Days after the ſerving of ſuch Summons) of the Names of the ſeveral Perſons who within ſuch Pariſh, Townſhip, Hamlet, Diſtrict, Diviſion, or Place reſpectively are by Law ſubject and liable to do and perform 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 ſpecifying the Amount of the reſpective Sums to be paid, which Liſts of Names ſhall be made in ſuch Manner and under ſuch Regulations and Reſtrictions, as is, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the public Highways; and out of ſuch Liſts the ſaid Juſtices reſpectively ſhall and may appoint and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to do Statute Work as aforeſaid, to do ſuch Number of Days

Statute

Statute Work in every Year upon the ſaid Road as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Seed-time, Hay-time, or Harveſt) and on ſuch Parts of the ſaid Road as the ſaid Truſtees, or their Surveyor or Surveyors for the Time being, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject or liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper, to the Surveyor or Surveyors of every ſuch Pariſh, Townſhip, Hamlet, Diſtrict, Diviſion, or Place for the Time being, to be by him or them paid over to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct; and in default of Payment thereof by any ſuch Surveyor or Surveyors, the ſame ſhall or may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid (after Notice in Writing given to or left for him, her, or them, at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe, ſigned by the Surveyor or Surveyors 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 and liable to ſuch Pains, Penalties, and Forfeitures as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in force and effect for the Repair of the public Highways; and if any Perſon who ſhall come to work as a Labourer, or who ſhall be ſent with any Team or Draught Horſe or Beaſt 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 ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught Horſe or Beaſt had not been ſent to work on any Part of the ſaid Road; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes, Townſhips, Hamlets, Diſtricts, Diviſions, or Places in which the ſaid Road doth lie, ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Road.

Truſtees may compound for Statute Work.

LXIX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby authorized and empowered, to compound and 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, Hamlets, Diſtricts, Diviſions, or Places in which the ſaid Road doth lie, for a certain Sum of Money in lieu of the Whole or any Part of their Statute Work, or to compound with the Surveyors of the Highways for any ſuch Pariſhes, Townſhips, Hamlets, Diſtricts, Diviſions, or Places, for the Whole or any Part of the Statute Work liable to be done and performed on the ſaid Road within the ſame reſpectively; all

which Compoſition Monies ſhall be paid by the Surveyor or Surveyors of the Highways of the ſaid Pariſhes, Townſhips, Hamlets, Diſtricts, Diviſions, or Places, or by the Perſon or Perſons ſo compounding, to the Treaſurer to the ſaid Truſtees, in advance, on or before the Firſt Day of *November* for the Six Months ending at *Lady Day*, and on or before the Firſt Day of *May* for the Six Months ending at *Michaelmas* in each Year, otherwiſe the Inhabitants and Occupiers of ſuch Pariſhes, Townſhips, Hamlets, Diſtricts, Diviſions, or Places, ſhall not be permitted to compound for that Year.

Truſtees may contract for altering or repairing the Roads, &c.

LXX. And be it further enacted, That the ſaid Truſtees or any Five or more of them, or ſuch Perſon or Perſons as they ſhall for that Purpoſe authorize or appoint, ſhall and may, and they and he are and is hereby empowered to contract with any Perſon or Perſons for altering, improving, widening, or repairing the ſaid Road, or any Part or Parts thereof, and for erecting Mile or Direction Stones or Poſts thereon, or for doing any other Works to be performed in the Execution of this Act, in ſuch Manner and for ſuch Sum or Sums of Money as the ſaid Truſtees or any Five or more of them ſhall think proper; and that all Contracts or Agreements in Writing entered into purſuant to any Order of the ſaid Truſtees, or any Five or more of them, by their Clerk or Treaſurer, Surveyor, or other Officer, with any Workmen or other Perſon or Perſons, relating to any Matter or Thing to be done by virtue of this Act, ſhall be binding upon all ſuch Parties and Perſons as ſhall ſign the ſame, his, her, or their Executors and Adminiſtrators; and that Actions and Suits ſhall and may be maintained thereon by the ſaid Truſtees, or any Five or more of them, or by their Clerk, and in his or their Name or Names reſpectively.

Truſtees not to repair the Pavement in Streets of Towns, &c.

Perſons chargeable to the Repairs of Bridges, Drains, and Sewers to continue ſo.

LXXI. Provided always, and be it further enacted, That nothing in this Act contained ſhall authorize the ſaid Truſtees to repair or amend the Foot Pavement in the Streets of any Town through which the ſaid Road doth lead, or any County or Hundred Bridge or Bridges; and that ſuch Bridges, Drains, and Sewers, lying and being in the ſaid Road, and ſuch Parts of the ſaid Road which have been heretofore maintained and repaired by any particular Perſon or Perſons, or Bodies Politic or Corporate, or by the Inhabitants of any Town or Place, ſhall from Time to Time be repaired, maintained, and kept in Repair by ſuch Perſon or Perſons, Bodies Politic or Corporate, or by the Counties, Pariſhes, Townſhips, Hamlets, Villages, and Places, and the Inhabitants thereof reſpectively liable to the ſaid Repairs, in ſuch Manner as the ſame were reſpectively kept in Repair before the paſſing of this Act; and no ſuch Perſon or Perſons, Bodies Politic or Corporate, Counties, Pariſhes, Townſhips, Hamlets, Villages, and Places, or Inhabitants, ſhall, by virtue of this Act, or any Thing herein contained, be diſcharged from any ſuch Repairs; and in caſe at any Time during the Continuance of this Act any ſuch Part or Parts of the ſaid Road, or any ſuch Bridge, Cauſeway, Drain, or Sewer, ſhall happen to be out of Repair, and the Perſon or Perſons, Body Politic or Corporate liable to repair the ſame, ſhall for the Space of Five Days after Notice in Writing for that Purpoſe given to ſuch Perſon or Perſons, or ſuch Body Politic or Corporate, or their Clerk or Agent, or any Member thereof, under the Hands of Five or more of the ſaid Truſtees, refuſe or neglect to repair the ſame, then and in ſuch Caſe, and as often as ſuch Caſe ſhall happen, it may and ſhall

be lawful to and for the ſaid Truſtees, or any Five or more of them, from Time to Time, as Occaſion ſhall be, by Writing under their Hands, to order the ſame to be repaired by their Surveyor or other Workmen, and the Expences thereof to be paid by their Clerk, out of the Money to be raiſed by virtue of this Act; and in caſe ſuch Perſon or Perſons, Body Politic or Corporate, ſhall, for the Space of Ten Days after Demand thereof made to ſuch Perſon or Perſons, Body Politic or Corporate, or their Clerk or Agent, or any Member thereof, by the Clerk of the ſaid Truſtees or their Surveyor, refuſe or neglect to repay the ſame to ſuch Clerk or Surveyor, then and in ſuch Caſe the ſaid Truſtees may and ſhall recover the ſame againſt ſuch Perſon or Perſons, Body Politic or Corporate, by Action of Debt or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*, to be brought in the Name or Names of any One or more of the ſaid Truſtees, or their Clerk for the Time being, in which Action or Actions ſo to be brought, no Eſſoign, Protection, Privilege, Wager of Law, or more than One Imparlance ſhall be allowed, and the Plaintiffs or Plaintiff in ſuch Action, in caſe they or he obtain a Verdict or Judgment, ſhall be entitled to full Coſts of Suit, and ſhall have the like Remedy for the ſame, and the Damages recovered in ſuch Action, as any Plaintiff or Plaintiffs hath or have for Coſts and Damages in any other Action or Caſe by Law.

Penalty on defacing Mile Stones, riding, &c. upon Cauſeways.

LXXII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully pull up or damage any Direction or Mile Poſt or Stone erected or fixed, or to be erected or fixed in or near the Side or Sides of the ſaid Road, or ſhall obliterate or deface any of the Letters, Figures, or Marks inſcribed thereon, or if any Perſon ſhall turn out any Horſe, Mule, Aſs, Cattle, Swine, or Sheep, to feed or depaſture on the ſaid Road, or under Pretence of driving ſuch Animals from Place to Place ſhall leave them without a proper Perſon to attend them; or if any Perſon or Perſons ſhall ride upon any Footway or Footways, Cauſeway or Cauſeways, or any other Way or Ways to be made upon the ſaid Road for the Uſe of Foot Paſſengers, or ſhall lead or drive any Horſe or Horſes, Carriage or Carriages, Cattle or Swine, or ſhall draw, drive, or wheel any Truck, Dray, Wheelbarrow, or other Carriage upon any ſuch Footway or Footways, Cauſeway or Cauſeways, or ſhall cauſe any Injury or Damage to be done to the ſame, or to any Hedges, Fences, Breaſt Walls, Poſts, Rails, or Paling ſet up along the Side of or upon any ſuch Footway; or if any Perſon or Perſons ſhall haul or draw, or cauſe to be hauled or drawn upon any Part of the ſaid Road, any Timber, Stone, or other Thing, otherwiſe than upon Wheeled Carriages, or ſhall ſuffer any Timber, Stone, or other Thing which ſhall be carried upon Wheeled Carriages, to drag upon any Part of the ſaid Road to the Prejudice thereof; or if any Perſon driving any Pigs or Swine upon the ſaid Road ſhall ſuffer ſuch Pigs or Swine to root up and damage the ſaid Road, or the Fences, Banks, or Slopes on either Side thereof; or if any Perſon driving any Carriage, Waggon, Wain, or Cart upon the ſaid Road, ſhall ride upon the Shafts or other Part of the ſaid Carriage, Waggon, Wain, or Cart, without holding the Reins of the Horſe or Horſes, or other Beaſt drawing the ſame, or meeting another Carriage, Waggon, Wain, or Cart, ſhall not keep his or her Carriage, Waggon, Wain, or Cart upon his or her Left or Near Side of the ſaid Road; or if any Perſon ſhall in any Manner wilfully prevent any other Perſon or Perſons from paſſing him or her, or any Carriage, Waggon, Wain,

Wain, or Cart under his or her Care, upon the ſaid Road; or if any Perſon ſhall kill or ſinge any Hog, Pig, or Swine, or ſhall make or aſſiſt in making any Fire or Fires, or ſhall ſet Fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatſoever on any Part of the ſaid Road, or on the Side or Sides thereof, or on the Banks or Lands adjacent or lying open thereto, or play at Foot Ball or any other Game or Games upon the ſaid Road or any Part thereof; or if any Perſon ſhall leave any Carriage, Waggon, Wain, or Cart (except in Caſes of Accident), upon any Part of the ſaid Road, or on the Side or Sides thereof, longer than may be neceſſary to load or unload the ſame, or ſhall not place the ſame during the Time of ſuch loading or unloading thereof, as near to the Side of the ſaid Road as conveniently may be, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto, or ſhall lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever upon any Part of the ſaid Road, or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice or Annoyance of Perſons travelling thereon; or if any Perſon or Perſons ſhall ſcrape off any Mud, Soil, or other Matter or Thing which ſhall be or lie upon the ſaid Road, or any Part thereof, without the Leave of the ſaid Truſtees or their Surveyor or Surveyors; or if the Surveyor or Surveyors of the ſaid Road, or any Undertaker or Undertakers for the Repairs of the ſaid Road, or any Part thereof, or any Perſon or Perſons acting by or under their Authority, ſhall lay or cauſe to be laid upon the ſaid Road or the Sides thereof, or upon any Part of the ſaid Road, any Heaps of Stones or other Materials for repairing the ſaid Road, or any Part thereof, and ſhall permit or ſuffer the ſame to remain in Heaps longer than ſhall be neceſſary for ſpreading or laying ſuch Stones and Materials over or upon the ſaid Road, every Perſon offending in any of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds: Provided always, that nothing herein contained ſhall extend to prevent or hinder the erecting, placing, or putting up any Rails, Pales, Poſts, Bars, Hurdles, Coops, or Pens for Beaſts, Sheep, Horſes, Hogs, or Cattle, or any Standings for the vending of Goods, or for other Purpoſes, at Markets and Fairs in any of the Streets through which the ſaid Road doth lead, in ſuch Manner as the ſame hath been heretofore immemorially uſed and accuſtomed.

Nor to Rails, &c. to Markets.

Recovery and Application of Penalties.

LXXIII. And be it further enacted, That all Penalties and Forfeitures hereby inflicted or authorized to be impoſed (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed), with the Coſts and Charges attending the Conviction, ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of Two or more of His Majeſty's Juſtices of the Peace for the Counties of *Huntingdon*, *Cambridge*, or *Bedford*, within their reſpective Juriſdictions, rendering the Overplus of ſuch Diſtreſs (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the Charges of making the ſame, which Warrant every ſuch Juſtice within his Juriſdiction is hereby empowered and required to grant, upon Conviction of the Offender, by Confeſſion or upon the Oath of One or more credible Witneſs or Witneſſes; and ſuch Penalties and Forfeitures, when ſo levied, ſhall be paid, One Moiety to the Informer and the other Moiety to the Surveyor of the ſaid Road, to be applied towards the Repair thereof, unleſs otherwiſe directed by this Act; but if the Surveyor ſhall be the Informer, then the

the whole ſhall be applied towards the Repair of the ſaid Road; and in caſe ſuch Diſtreſs cannot be found, and ſuch Penalties and Forfeitures ſhall not be forthwith paid, it ſhall and may be lawful for ſuch Juſtice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit ſuch Offender or Offenders to the Common Gaol or Houſe of Correction for ſuch County, for any Time not exceeding Six Calendar Months, unleſs ſuch Penalty or Forfeiture, with the Coſts and Charges attending the Conviction and Commitment, ſhall be ſooner paid and ſatisfied.

For ſecuring unknown Perſons guilty of Offences.

LXXIV. And be it further enacted, That it ſhall and may be lawful for any of the ſaid Truſtees, Collectors, Surveyors, or other Officers reſpectively, and ſuch other Perſon or Perſons as he or they ſhall call to his or their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any Perſon or Perſons (being unknown to ſuch Truſtees, Collectors, Surveyors, or other Officers) who ſhall commit any Offence or Offences againſt this Act, and take him, her, or them before any Juſtice or Juſtices of the Peace of the County where the Offence or Offences ſhall be committed; and ſuch Juſtice or Juſtices ſhall and is and are hereby required to proceed and act with reſpect to ſuch Offender or Offenders according to the Proviſions of this Act.

LXXV. And for the more eaſy Conviction of Offenders againſt this Act, be it further enacted, That all and every the Juſtices and Juſtice of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, (as the Caſe ſhall happen), or in any other Form of Words to the ſame Effect.

Form of Conviction.

'County of } BE it remembered, That on the Day of
'to wit. } in the Year of His
'Majeſty's Reign, and in the Year of our Lord *A. B.* is
'convicted before of His Majeſty's
'Juſtices of the Peace for the ſaid County, by virtue of an Act
'paſſed in the Fifty-ninth Year of the Reign of King *George* the Third,
'intituled *An Act*, [*here inſert the Title of this Act, and ſpecify the Offence*
'*when and where committed.*] Given under our Hands and Seals (*or* my
'Hand and Seal) the Day and Year firſt above written.'

Proceedings not to be quaſhed for Want of Form.

LXXVI. And be it further enacted, That no Order or Proceeding to be made concerning any Matters in this Act contained, or the Conviction or Convictions of any Offender or Offenders by virtue of this Act, ſhall be quaſhed, ſet aſide, or vacated for Want of Form only, nor ſhall be removed or removable by *Certiorari* or otherwiſe into any of His Majeſty's Courts of Record at *Weſtminſter*; and where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceeding relating thereto; and if any Irregularity ſhall be afterwards committed by any Perſon or Perſons diſtraining, he, ſhe, or they ſhall not on that account be deemed a Treſpaſſer or Treſpaſſers *ab initio*; but the Party or Parties aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage ſuſtained thereby in an

Action on the Caſe; but the Plaintiff or Plaintiffs ſhall not recover in any Action for ſuch Irregularity as aforeſaid, if Tender of ſufficient Amends ſhall be made by or on Behalf of the Party diſtraining before ſuch Action brought.

Appeal to Quarter Seſſions.

LXXVII. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act, either by the ſaid Truſtees or by any One or more of His Majeſty's Juſtices of the Peace, or by any other Perſon or Perſons whomſoever, and for which no particular Mode of Relief hath been already appointed, ſuch Perſon or Perſons may, within Fourteen Days next after ſuch Cauſe of Complaint ſhall ariſe, appeal to the Juſtices of the Peace at their General Quarter Seſſions to be holden for the County in which the Cauſe of Complaint ſhall ariſe, unleſs ſuch Complaint ſhall ariſe within Twenty-eight Days preceding ſuch Seſſions, in which Caſe ſuch Appeal may be brought at the Second Seſſions after ſuch Cauſe ſhall ariſe; and the ſaid Juſtices are hereby authorized and required to take Cognizance thereof, and to hear and determine ſuch Complaint or Complaints, and if they ſee Cauſe, ſhall and may, by Order of ſuch Seſſions, mitigate at their Diſcretion all or any Part of the Penalties or Forfeitures laid upon or incurred by the Party or Parties complaining, or vacate or ſet aſide the Conviction or Convictions, and ſet the Parties at Liberty, or otherwiſe may ratify or confirm the ſame, with ſuch Coſts as to them at their Diſcretion ſhall ſeem reaſonable; and the ſaid Juſtices are hereby authorized and required to levy by their Order or Warrant ſuch Coſts ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall refuſe to pay the ſame; and for Want of ſuch ſufficient Diſtreſs, to commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction for ſuch County for any Time not exceeding Four Calendar Months, or until Payment of ſuch Coſts: Provided always, that the Perſon or Perſons ſo appealing as aforeſaid ſhall and are hereby required to give Notice in Writing to the Clerk of the Truſtees of the ſaid Road of ſuch his, her, or their Intention of bringing and proſecuting an Appeal Fourteeen Days before the ſaid Quarter Seſſions, and ſhall before ſuch Notice given enter into a ſufficient Recognizance before Two or more Juſtice or Juſtices of the Peace, with Two ſufficient Sureties, with Condition to proſecute ſuch Appeal, and to pay all Coſts in caſe ſuch Appeal ſhall be determined againſt the Party or Parties ſo appealing.

Notice of Appeal to be given.

Limitations of Actions.

LXXVIII. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done or omitted to be done in purſuance of this Act, until after Fourteen Days Notice thereof ſhall be given to the Defendant or Defendants, nor after a ſufficient Satisfaction or Tender thereof ſhall be made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed; and every ſuch Action ſhall be laid and tried in the County in which 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 a ſufficient Satisfaction had been

been made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or if such Action shall be brought in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or shall discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgment shall have been given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any Case by Law.

Reservation of Right.

LXXIX. Provided also, and it is hereby enacted and declared, That nothing herein contained shall prejudice, defeat, or interrupt the Right or Claim of any Person or Persons, Bodies Politic or Corporate, to any such Tolls, Thorough Tolls, or Duties as have been usually had and lawfully taken upon any Part of the said Road.

Public Act.

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

Commencement and Continuance of this Act.

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

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