ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 89.

An Act for enlarging the Term and Powers of an Act of His preſent Majeſty, for repairing the Road from *Peterborough* to *Thorney*, in the *Iſle of Ely* in the County of *Cambridge*. [21ſt *May* 1813.]

WHEREAS an Act was paſſed in the Thirty-ſecond Year of the Reign of His preſent Majeſty, intituled *An Act for amending, widening, and keeping in Repair the Road leading from* Swanſpool Bridge, *in the City of* Peterborough, *to the Town of* Thorney, *in the Iſle of* Ely, *in the County of* Cambridge, *and for altering the Courſe of ſome Part of the ſaid Road:* And whereas the Truſtees appointed by or in purſuance of the ſaid Act have in the Exerciſe of the Powers granted to them borrowed ſeveral conſiderable Sums of Money upon the Credit of the Tolls authorized to be collected upon the ſaid Road, which Money ſo borrowed ſtill remains due, and cannot be repaid, nor the ſaid Road effectually amended, improved, and kept in Repair, unleſs the Term of the ſaid Act be continued, and the Powers and Proviſions thereof altered, amended, and enlarged, and the preſent Tolls increaſed: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Act, and all and every the Clauſes, Powers, Penalties, Forfeitures, Privileges, Proviſions, Matters, and Things therein contained, (except ſuch

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Act further continued.

Parts thereof as relate to Exemptions from Stamp Duties, and alſo ſuch as are hereby varied, altered, or repealed,) ſhall be and continue in full Force and Effect, and be executed for and during the Term herein-after mentioned, in as full, ample, and beneficial a Manner to all Intents and Purpoſes as if the ſame were repeated and re-enacted in the Body of this Act, but ſubject nevertheleſs to the Alterations and Amendments herein contained; and the Term, Tolls, and Powers hereby granted ſhall be and are hereby declared to be ſubject and liable to the Payment of all Sums of Money now due and owing upon the Credit or on account of the ſaid Road, or which ſhall or may hereafter be borrowed or become due on the Credit or on account of the ſame, by virtue of the ſaid recited Act and this Act, and of all Intereſt due and to grow due thereon reſpectively.

Appointing additional Truſtees.

II. And be it further enacted, That from and after the paſſing of this Act, *William Adam*, *John Atkinſon*, *Thomas Atkinſon*, *Sampſon Barber*, *John Bailey* junior, *John Benſon*, *William Bowker*, *Thomas Bowker*, *Samuel Buckle*, *Thomas Ball*, *John Boultbee*, *Richard Buck* Clerk, *William Clapham*, *Thomas Alderſon Cooke*, *William Criſp*, *Martin Cole*, *Thomas Cheſhire*, *Charles Cole*, *John Webb Cole*, *Robinſon Thomas Farſide*, *Benjamin Bull Goodman*, *Feaſt Goodman* junior, *William Gates* junior, *Thomas Goodman* junior, *Robert Goodman*, *Henry Girdleſtone*, *Steed Girdleſtone*, *William Ervin Griffin*, *James Hoyes*, *William Head* Clerk, *William Landen Hopkinſon*, *Charles Jacob*, *William Johnſon*, *Job Johnſon*, *Edward Jenkins*, *Chriſtopher Jeffery*, *William King*, *Robert Lincoln*, *Edward Leeds*, *William Loftus* Clerk, *George Cleaver Maxwell*, *William Morley*, *Thomas Mewburn*, *John Mewburn*, *William Alexander Morland*, *Joſeph Newton*, *John Waldgrave Newton*, *John Moore*, *Robert Francis Pate*, *John Pears*, *Iſaac Pears* junior, *George Platel*, *Joſeph Stephen Pratt* Clerk, *Joſeph Pratt* Clerk, *George Pank*, the Honourable *George William Ruſſell*, commonly called *Lord George William Ruſſell*, *William Slator*, *Edward Southam*, *Henry Yeats Smythies* Clerk, *William Strong*, *William Walcot Squire*, *James Dewburſt Sprigge*, *John Salman*, *William Simpſon*, *Thomas Simpkin*, *William Swift*, the Right Honourable *Francis Ruſſell* commonly called *Marquis of Taviſtock*, *Morris Tonge*, *John Wing* Clerk, *Tycho Wing*, *John Wing*, *Charles Warner*, *John Whitſed*, *Thomas White*, *Samuel Wells*, *James Wells*, *Michael Wells*, *Clement Whitehead*, and *William Whitehead*, together with Ten other Perſons to be named as Truſtees at the Firſt or any other Meeting to be held under this Act, ſhall be added to and joined with the Truſtees appointed by or in purſuance of the ſaid recited Act, for putting the ſaid recited Act and this Act into Execution, and the Truſtees hereby nominated, and their Succeſſors, (being qualified according to the Directions of the ſaid recited Act) are hereby empowered to act in the Execution of the ſaid recited Act, as fully and effectually to all Intents and Purpoſes as if they had been appointed Truſtees in or by virtue of the ſaid recited Act.

For diſcontinuing the preſent Tolls, and granting new ones.

III. And be it further enacted, That the ſeveral Tolls now payable upon the ſaid Road by virtue of the ſaid recited Act ſhall, upon the Second *Monday* next after the paſſing of this Act, ceaſe, determine, and be no longer payable, and that inſtead thereof the following Tolls ſhall be demanded and taken at each and every of the Toll Gates erected under the Authority of the ſaid Act; (that is to ſay),

For every Coach, Berlin, Landau, Sociable, Chariot, Curricle, Calaſh, Hearſe, Phaeton, Chaiſe, or other ſuch Carriage, the Sum of Four-pence Halfpenny, for each Horſe or other Beaſt of Draught drawing the ſame: New Tolls.

For every Cart called a Taxed Cart, the Sum of Four-pence Halfpenny for each Horſe or other Beaſt of Draught drawing the ſame:

For every Waggon, Wain, Cart, or other ſuch Carriage, the Sum of Three-pence for each Horſe or other Beaſt of Draught drawing the ſame:

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence *per* Score, and ſo in Proportion for any leſs Number: And,

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence *per* Score, and ſo in Proportion for any leſs Number.

IV. And be it further enacted, That if any Perſon ſhall neglect or refuſe to pay any of the Tolls hereby granted, and where no Diſtreſs ſhall have been made for the ſame purſuant to the Powers of the ſaid recited Act, it ſhall be lawful for any One Juſtice of the County, Liberty, Diviſion, or Place where the Toll Gate through which ſuch Perſon ſhall have paſſed is ſituate, upon Complaint to him made, to make Inquiry concerning ſuch Neglect or Refuſal, and by Warrant under his Hand and Seal to cauſe ſuch Tolls or Money as ſhall appear to be due and unpaid to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon, rendering the Overplus (if any) after the Money remaining due and the Charges of the ſaid Diſtreſs ſhall have been firſt deducted. Proceeding in caſe of Neglect or Refuſal to pay Tolls.

V. Provided always, and be it further enacted, That only One Toll ſhall be taken in any One Day for paſſing or repaſſing through all the Toll Gates along the Line of the ſaid Road with the ſame Horſes, Cattle, or Carriages. Only One Toll to be taken in One Day.

VI. Provided always, and be it further enacted, That if any Diſpute ſhall happen about the Quantity of Toll due, or the Charge of keeping any Diſtreſs or Diſtreſſes, it ſhall be lawful for the Collector, or Perſon diſtraining, to retain the ſame, or the Money ariſing by the Sale thereof (as the Caſe may happen) until the Quantity of Toll due, and the Charges of ſeizing, diſtraining, keeping, and ſelling ſuch Diſtreſs or Diſtreſſes ſhall be aſcertained by ſome Juſtice of the Peace for the County, Liberty, Diviſion, or Place where ſuch Diſtreſs ſhall have been made; who upon Application made to him for that Purpoſe, ſhall examine the ſaid Matter on Oath of the Parties, or any credible Witneſs or Witneſſes, and determine the Quantity of the Toll due, and aſſeſs the Charges of ſuch Seizure, Diſtreſs, Keeping, and Sale, and alſo of the Collector's Attendance for that Purpoſe on the ſaid Juſtice; all which Sums ſo determined or aſſeſſed ſhall be paid to the ſaid Collector or other Perſon before he ſhall be obliged to return any Diſtreſs, or the overplus Money after the Sale thereof, or of any Part thereof. Diſputes concerning Tolls to be ſettled by a Juſtice.

VII. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe touching or in anywiſe relating to the ſaid Tolls, or any Collectors of Tolls not to be deemed incompetent Witneſſes.

any of them, or to the Recovery of any of the Penalties by the said recited Act or this Act to be laid, or to the Execution of any of the Powers of the said recited Act or this Act, no Person or Persons appointed to collect the said Tolls, or any other Person or Persons acting by or under the Authority of the said Trustees shall be deemed to be incompetent to give Evidence in any such Dispute, Suit, or Litigation by reason of his or their being appointed to collect the said Tolls.

Meetings shall be held alternately at Peterborough and Thorney.

VIII. And be it further enacted, That for the more proper Execution of the said recited Act and this Act, the said Trustees shall and they are hereby required to hold a General Meeting at some Inn, or other public Place, at *Peterborough* and *Thorney* alternately, on the Second *Tuesday* in *November* and the Second *Tuesday* in *May*, in every Year, for transacting such Business relating to the said Road as may then and there appear necessary; the First of such Meetings so to be held at *Thorney*, shall be on the Second *Tuesday* in *May* after the passing of this Act, any Thing in the said recited Act contained to the contrary notwithstanding.

Meetings on Emergencies.

IX. And be it further enacted, That if it shall at any Time be thought necessary for the better Execution of the said recited Act and this Act, that the Trustees should meet before the Time to which any Meeting shall be adjourned, or in case no Adjournment shall have been made as directed by the said recited Act or this Act, the Person acting as Clerk to the said Trustees upon an Order in Writing, signed by any Five or more of them, (although not assembled at a Meeting,) mentioning the Time and Place of such Meeting, shall as soon as may be, give Notice thereof by advertising the same in some Newspaper usually circulated in the Neighbourhood, and affixed on all the Turnpike Gates erected upon the said Road in that Part of the County; and in such Notice appoint a Meeting of the Trustees to be held at such Time and Place as shall be directed by such Order, such Time not being less than Ten Days after Publication of the said Notice; and all the Acts, Orders, and Proceedings of the Trustees at such Meetings shall be as valid and effectual as if such Meetings had been held in pursuance of Adjournment, provided that no Order made at a former Meeting shall be annulled or revoked by any Order at such Special Meeting.

Manner of revoking Proceedings.

X. And be it further enacted, That no Order, Appointment, or Proceeding made at any Meeting of the Trustees holden in pursuance of this or the said recited Act shall be revoked or altered at any subsequent Meeting, unless at a Meeting to be holden for that express Purpose only, nor unless Notice, specifying the Revocation or Alteration intended to be be made, signed by the Clerk to the said Trustees, be advertised as aforesaid, and affixed on all and every the Turnpikes that shall be standing on the said Road, at least Ten Days before such subsequent Meeting, nor unless a Majority of Nine Trustees at the least present at such subsequent Meeting shall decide in favour of such Revocation or Alteration.

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

XI. And be it further enacted, That the said Trustees may sue and be sued for and concerning any Thing to be done against or by virtue or in pursuance of the said recited Act or this Act, in the Name either of their Clerk or Treasurer for the Time being; and that no Action or Suit to

to be brought or commenced by the Direction of or againſt the ſaid Truſtees in the Name of their Clerk or Treaſurer ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk or Treaſurer, or by any Act of ſuch Clerk or Treaſurer, without the Conſent of the ſaid Truſtees, or any Five or more of them, at any Meeting to be held in purſuance of this Act, but that the Clerk or Treaſurer for the Time being ſhall be deemed to be Plaintiff or Defendant, (as the Caſe may be), in every ſuch Action or Suit, and every ſuch Clerk or Treaſurer in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended in purſuance of the ſaid recited Act or this Act, ſhall be fully reimburſed out of the firſt Money to ariſe by virtue of the ſaid recited Act and this Act, all ſuch Coſts, Charges, Damages, and Expences as by the Event or in conſequence of any ſuch Action or Suit, or any Proceeding paſt thereon, he ſhall bear, pay, expend, or be put unto, or become chargeable with, or liable to by reaſon of his ſo being made Plaintiff or Defendant as aforeſaid.

Exemptions from Tolls.

XII. And be it further enacted, That no Toll ſhall be demanded or taken for any Cattle or Carriages employed in carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying on the ſame Day any Stone, Brick, Gravel, or other Materials for repairing the ſaid Road, or for repairing the Highways in any Pariſh or Place through which any Part of the ſaid Road paſſes, or for any Lime uſed in the Townſhip or Pariſh only where the ſame is got and burnt; or laden only with Dung, Marle, Soil, or other Manure to be uſed in manuring of Lands or Grounds; or with any Graſs, Hay, Clover, Fodder of any Sort, Straw, or Corn in the Straw, to be laid up in any of the Houſes, Outhouſes, Yards, Barns, or Premiſes of any of the reſpective Inhabitants or Occupiers of the Land within the ſaid reſpective Pariſhes or Places, being the Growth and Produce of Land held and occupied by the reſpective Inhabitants and Occupiers within ſuch reſpective Pariſh or Place, and carried for their own private Uſe and Conſumption only, and not for Sale; nor for any Cattle or Carriage going for or returning laden with Hedgewood, which ſhall be grown, cut, or uſed in any of the ſaid Pariſhes and Places; nor for any Cattle drawing or going with or going empty, or returning empty after being laden only with any Ploughs, Harrows, or other Implements of Huſbandry belonging to any ſuch Inhabitant or Occupier; nor for any Horſe employed in carrying Griſt to or from any Mill, being for the Uſe and Conſumption of the Owner of ſuch Griſt, reſiding in the Pariſh or Place wherein ſuch Mill ſhall be ſituated, and not for Sale, or for going to or returning from ſuch employ; nor for any Horſe or Horſes or other Cattle going to or from Water, Paſture, or Plough, or other Work in Huſbandry, upon or in any of the Lands within any of the ſaid ſeveral Pariſhes or Places, or going to be or returning from being ſhoed or farried; nor ſhall any Toll be demanded or taken of or from any Rector, Vicar, or Curate going to or returning from his own Pariſh Church or other Place of Divine Worſhip, or viſiting his ſick Pariſhioners, or of or from any Perſon or Perſons in any of the ſaid Pariſhes or Places for paſſing through any of the ſaid Toll Gates or Turnpikes on *Sundays*, or on any other Day on which Divine Worſhip is ordered by Authority to be celebrated, to or from his, her, or their reſpective Pariſh Churches, or other uſual Place of Religious Worſhip

licenſed according to Law, for the Purpoſe of attending, or after having attended Divine Service thereat; or for any Cattle or Carriage conveying the Corpſe or attending the Funeral of any Perſon who ſhall have died in and is to be interred in any of the ſaid Pariſhes or Places; or for any Horſes or Carriages employed or to be employed in conveying, fetching, or guarding the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, or in returning back from conveying or guarding the ſame; or for the Horſes of Soldiers upon their March or upon Duty, or for Horſes, Cattle, or Carriages attending them, or laden only with their Arms or Baggage, or employed in conveying any ſick, wounded, or diſabled Officers or Soldiers, or for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat, or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; or for Horſes or Carriages travelling with Vagrants ſent by legal Paſſes; or for any Coaches, Berlins or Landaus, Sociables, Chariots, Curricles, Calaſhes, Chaiſes, Phaetons, Whiſkeys, Chairs, or other Carriages or Paſſengers on Horſeback going to or returning from any Election of any Knight or Knights of the Shire to ſerve in Parliament for the Counties of *Northampton* or *Cambridge*, or a Citizen or Citizens for the City of *Peterborough*, during ſuch Election, or on the Day before or after ſuch Election ſhall begin or be concluded; and that no Toll ſhall be demanded or taken for any Horſe, Mare, or Gelding furniſhed by or for any Perſon or Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exerciſe, provided that ſuch Perſon ſhall be dreſſed in the Uniform of their reſpective Corps, and have the Arms, Furniture, and Accoutrements according to the Regulations provided for ſuch Corps reſpectively at the Time of claiming ſuch Exemption as aforeſaid; and if any Perſon or Perſons ſhall in any fraudulent or colluſive Manner whatſoever, claim or take the Benefit of any of the Exemptions by this Act granted, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act, and ſhall be recoverable in the Manner directed by the ſaid recited Act.

Carriages conveying Military Stores, not to be ſubject to Penalties for Overweight, &c.

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

XIV. And

Application of Compensation Money, when amounting to 200l.

XIV. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed by virtue of the Powers of the ſaid recited Act or this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, as in the ſaid recited Act particularly mentioned, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing the ſaid recited Act or 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, and Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or other Incumbrances or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, and Hereditaments, or affecting other Lands, Tenements, and 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 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, or 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 or Settlement ſhall be exiſting undetermined, and capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court of Chancery upon Application thereunto, be inveſted by the ſaid Accountant General in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, by the ſaid recited Act or this Act directed to be purchaſed in caſe ſuch Purchaſe or Settlement were made.

When leſs than 200l. and amounting to 20l.

XV. 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 Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, 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,

Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, to be placed to his Account as aforeſaid, in order to be applied in Manner 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 the ſaid recited Act and this Act, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties) in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

When leſs than 20l.

XVI. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as laſt before mentioned ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of the ſaid Act and this Act, in ſuch Manner as the ſaid Truſtees or any Five or more of them ſhall think fit; and in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

Proceeding in caſe of defective Titles.

XVII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed by virtue of the ſaid recited Act or this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Truſtees; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments be not known or diſcovered, then and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the ſaid 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, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court of Chancery, 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 Publick Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title, or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch

Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Reſpecting diſputed Titles.

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

Court of Chancery may order Truſtees to pay Expences.

XIX. 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 the ſaid recited Act or this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, and Hereditaments, to be ſettled to the like Uſes in purſuance of the ſaid recited Act or this Act, it ſhall be lawful for the ſaid Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of the ſaid recited Act or this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, or any Five or more of them, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Statute Work.

XX. Provided always, 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, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for the County, Liberty, Diviſion, or Place through which any Part of the ſaid Road paſſes, and they are hereby empowered and required, upon Application made to them for that Purpoſe by the ſaid Truſtees, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon

the ſaid Road by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road lies; and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh 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 and may be lawful to and for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place, 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 or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions as is, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the Publick Highways; and out of ſuch Liſts ſuch Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to do Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Road as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay-time or Harveſt) and on ſuch Parts of the ſaid Road as the ſaid Truſtees, or their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct; and in Default of Payment thereof the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by the ſaid recited Act authorized or directed 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 Publick Highways; and if any Perſon who ſhall come to work as a Labourer, or who ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid; and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Road; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid

Truſtees,

Truſtees, and applied towards amending the ſaid Road; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places, ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

For compounding for Statute Work.

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

Truſtees may take Poſſeſſion of Toll Houſes, &c. in the Hands of Collectors, &c.

XXII. And be it further enacted, That in caſe the Tolls ariſing from all or any of the Turnpikes or Toll Gates erected or to be erected on the ſaid Road, ſhall at any Time or Times be demiſed or let to farm to any Perſon or Perſons whomſoever, and the Leſſee or Leſſees, Farmer or Farmers, to whom the ſaid Tolls ſhall reſpectively be demiſed or let, 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, or any Part or Inſtalment thereof ſhall be in arrear and unpaid by the Space of Five Days next after the Days on which the ſame ought to be paid, purſuant to the Contract or Agreement for letting the ſame, or if any Collector or Receiver of the Tolls who ſhall be diſcharged from his ſaid Office by the ſaid Truſtees, or the Wife or Widow, or any of the Children, Family, or Repreſentatives of any Collector or Receiver who ſhall die, abſcond, abſent himſelf, or be diſcharged, or any other Perſon or Perſons who ſhall refuſe to deliver up the Poſſeſſion of any Toll Houſe or Toll Houſes, with the Buildings and Appurtenances thereto belonging, for the Space of Five Days next after Demand thereof made in Writing, ſigned by any Five of the Truſtees, or by their Clerk or Treaſurer, with their Authority, and left in ſuch Toll Houſe, or in any Toll Houſes erected or to be erected, then and in any of the ſaid Caſes it ſhall be lawful for the ſaid Truſtees, or any Two or more of them, or the Clerk or Treaſurer, or other Perſon authorized, by Writing under the Hands of any Five or more of the ſaid Truſtees, with ſuch Aſſiſtance as ſhall be thought neceſſary, to enter into and upon the Poſſeſſion of ſuch Toll Houſe or Toll Houſes, Weighing Engine or Weighing Engines, and other Buildings and Premiſes in the Day-time, and remove the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods, out of the ſame, and from the Collection of the Tolls there payable, and to put the ſaid Truſtees, or

any

any of their Officers, or any other Perſon or Perſons appointed by the ſaid Truſtees, or any Five or more of them, in Poſſeſſion thereof, and on ſuch Leſſee or Leſſees, Farmer or Farmers, or any Perſon or Perſons employed by or in Poſſeſſion under them, being ſo put out of Poſſeſſion as aforeſaid, 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 Contract or Agreement for leaſing and letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall accordingly be utterly void to all Intents and Purpoſes as if ſuch Demiſe, Contract, or Agreement had never been made (ſave as to the Covenants or Agreements for Payment of the Rent or Rents thereby reſerved or made payable), and it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, in every ſuch Caſe, to demiſe, let, or farm the ſaid Tolls again to any other Perſon or Perſons, in the ſame Manner as if no former Demiſe, Contract, or Agreement had been made or entered into relative to the ſame.

Power to make Foot Paths; and impoſing Penalty on Perſons injuring them.

XXIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to cauſe Footpaths or Cauſeways to be made on the Sides of the ſaid Road, or any Part or Parts thereof, and if any Perſon or Perſons ſhall ride upon any Footpath or Cauſeway when made by the ſaid Truſtees, or any Surveyor or Surveyors of the Highways, or any other Perſon or Perſons within any of the ſaid Pariſhes, Hamlets, or Places through which the ſaid Road paſſes, or ſhall drive any Horſe, Mule, Aſs, Cattle, Beaſt, Pig, or Swine, Cart, or other Carriage, or wheel any Wheelbarrow or Hand Cart thereon, or ſhall wilfully cauſe any Damage whatſoever to be done thereto, or ſhall lay any Timber, Hay, Straw, Dung, Compoſt, Aſhes, Rubbiſh, or any other Matter or Thing whatſoever, upon the ſaid Footpaths or Cauſeways, or any Part thereof, or ſhall obſtruct or impede the Paſſage upon the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Shillings, to be recovered, levied, and applied in ſuch Manner as other Penalties and Forfeitures are by the ſaid recited Act and this Act, or either of them, directed to be recovered, levied, and applied.

To prevent Encroachments and Annoyances.

XXIV. And, for the better preventing and removing Encroachments, Nuiſances, and Annoyances in and upon the ſaid Road, be it further enacted, That if any Owner or Occupier of any Lands or Tenements near to the ſaid Road ſhall refuſe or neglect by the Space of Ten Days after Notice in Writing given to him or her, or left at his or her uſual Place of Abode, under the Hand of any Surveyor appointed or to be appointed by virtue of the ſaid recited Act or this Act, to ſcour and cleanſe any Ditch, Drain, or Watercourſe contiguous to or leading out of or from the ſaid Road, or to make, build, or erect acroſs ſuch Ditch, Drain, or Watercourſe, any Arch or Arches ſufficient for the free Courſe of the Water under his or her Gateway or Paſſage, leading from the ſaid Road into any Field, Ground, or other Premiſes, or to pull down, take away, or remove any Encroachments, Poſts, Rails, or any other Nuiſance whatſoever, to or upon the ſaid Road, or any Part thereof; or if any Perſon ſhall ſuffer his or her Sink or Drain to run into or upon the ſaid Road, or any Part thereof, or the Footpaths belonging thereto, or any of them, or ſhall throw, caſt, or lay, or permit or ſuffer to be thrown, caſt, or laid, any Duſt, Dirt, Aſhes, Rubbiſh, Compoſt, Dung, or other Filth or Annoyance

noyance into and upon the ſaid Road and Footpaths, or any Part thereof reſpectively, or into or upon any of the Ditches, Drains, or Watercourſes thereto belonging, it ſhall and may be lawful for the Surveyor or Surveyors of the ſaid Turnpike Road, or for any Perſon or Perſons by him or them employed to ſcour and cleanſe any ſuch Ditch, Drain or Watercourſe, and to make, build, or erect ſuch Arch or Arches as aforeſaid, and effectually to turn, prevent, or ſtop up ſuch Sink or Drain ſo running into or upon any Part of the ſaid Road and Footpath, or any of them, and to abate or pull down and take away any ſuch Nuiſance or Encroachment, and to remove ſuch Duſt, Dirt, Aſhes, Rubbiſh, Compoſt, Dung, or other Filth or Annoyance from the ſaid Road and Footpaths, or from the ſaid Ditches, Drains, or Watercourſes, or any of them; and in any of the ſaid Caſes, by Warrant under the Hand and Seal of any Juſtice of the Peace for the County, Liberty, Diviſion, or Place wherein ſuch Offence ſhall be committed, to levy the Charge thereof (the ſame being firſt ſettled and aſcertained by ſuch Juſtice), by Diſtreſs and Sale of the Goods and Chattels of ſuch Owner or Occupier, rendering upon Demand to the Perſon whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, the Overplus (if any be) after deducting the Charges of ſuch Diſtreſs and Sale; and every Perſon who ſhall have permitted or ſuffered his or her Sink or Drain to run into the ſaid Road, or on the ſaid Footpaths, or any Part thereof, or who after the Abatement or Removal of any Nuiſance, Encroachment, or Annoyance, by him or her made, cauſed, or permitted, ſhall again offend in the like Manner, he or ſhe ſhall forfeit and pay the Sum of Twenty Shillings, over and above the Charges of removing every ſuch Nuiſance, Encroachment, or Annoyance (to be ſettled and aſcertained as aforeſaid), to be recovered as any Penalty can or may by the ſaid recited Act be recovered.

Penalty on Perſons interrupting Collectors or Surveyors.

XXV. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, or hinder, or attempt ſo to to do, or cauſe or procure to be aſſaulted, interrupted, or hindered, any Collector or Collectors of the Tolls, or any of the Turnpike Surveyors, or any other Perſon or Perſons by them or any of them, or by the ſaid Truſtees, or any Two or more of them, employed in the Execution of the Powers by the ſaid recited Act or this Act given, or any of them, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to detain Perſons guilty of Offences.

XXVI. And whereas Perſons guilty of Offences againſt the ſaid recited Act or this Act may be tranſient Perſons, unknown to the Collectors, Surveyors, or other Officers under this Act, be it therefore further enacted, That it ſhall be lawful for the Surveyors or other Officers duly authorized by the Truſtees, to ſeize any unknown Perſon or Perſons guilty of any Offence as aforeſaid, and to convey him, her, or them before any One or more Juſtices of the Peace for the County, Liberty, Diviſion, or Place where any ſuch Offence or Offences ſhall be committed, without any other Warrant or Authority than this Act for ſo doing.

Expences of Act.

XXVII. And be it further enacted, That the Coſts, Charges, and Expences incident to and attending the paſſing of this Act, ſhall be paid by the ſaid Truſtees, or any Five or more of them, as ſoon as may be out of the Monies received or to be received or borrowed by virtue of the ſaid recited

recited Act or this Act, in preference to all other Payments whatsoever; and in case any Person or Persons shall advance and pay any Money for the Expences of obtaining and passing this Act, such Person or Persons shall be repaid the same, together with lawful Interest thereon, from the Time of advancing such Money.

Public Act.

XXVIII. 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.

Term of the Act.

XXIX. And be it further enacted, That the Term granted by the said recited Acts shall upon the Second *Monday* next after the passing of this Act cease and determine; and the said recited Act (subject to the Alterations, Variations, and Addition herein-before contained) and this Act, shall from thenceforth commence, continue, and be in force, and be executed 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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