ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. XXXV.

An Act for more effectually repairing the Road leading from *Royston* in the County of *Hertford*, to *Wandesford Bridge*, and from the Town of *Huntingdon* to *Somersham* in the County of *Huntingdon*, so far as respects the Middle Division and separate District of the said Roads.

[2d *May* 1815.]

WHEREAS an Act was passed in the Ninth Year of the Reign of Her late Majesty Queen *Anne*, intituled *An Act for repairing and amending the Highways leading from* Royston *in the County of* Hertford *to* Wandesford Bridge *in the County of* Huntingdon: And whereas another Act was passed in the Twelfth Year of the Reign of Her said late Majesty Queen *Anne*, intituled *An Act for the more effectual amending the Highways leading from* Royston *in the County of* Hertford *to* Wandesford Bridge *in the County of* Huntingdon: And whereas another Act was passed in the Thirteenth Year of the Reign of His late Majesty King *George* the First, intituled *An Act for the more effectual amending the Highways leading from* Royston *in the County of* Hertford *to* Wandesford Bridge *in the County of* Huntingdon: And whereas another Act was passed in the Fourteenth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to enlarge the Terms and Powers granted by Three several Acts made in the Ninth and Twelfth Years of the Reign of Her late Majesty Queen* Anne, *and in the Thirteenth Year of the Reign of His late Majesty King* George *the First, for amending the Highways leading*

9 Ann. c. 7.

12 Ann. c. 16.

13 G. 1. c. 32.

14 G. 2. c. 13.

leading from Royston *in the County of* Hertford *to* Wandesford Bridge *in the County of* Huntingdon, *so far as the same relate to the Roads lying in the Middle and South Divisions of the said Highways:* And whereas another Act was passed in the Fifth Year of the Reign of His present Majesty,
5 G. 3. c. 77. intituled *An Act for enlarging the Terms and Powers of several Acts of the Ninth and Twelfth Years of Queen* Anne, *and of the Thirteenth of King* George *the First, and of the Fourteenth of His late Majesty, for repairing the Highways leading from* Royston *in the County of* Hertford *to* Wandesford Bridge *in the County of* Huntingdon, *so far as relates to the Middle and South Divisions of the Road comprised in the said Acts, and for amending the Road from the Town of* Huntingdon *to the Causeway at or near the West End of the Town of* Somersham *in the said County of* Huntingdon: And whereas another Act was passed in the Thirtieth Year of the Reign of
30 G. 3. c. 89. His present Majesty, intituled *An Act for continuing the Term, and altering and enlarging the Powers of certain Acts of Parliament for repairing the Roads from* Royston *in the County of* Hertford *to* Wandesford Bridge *in the County of* Huntingdon, *and from the Town of* Huntingdon *to the Causeway at or near the West End of the Town of* Somersham *in the County of* Huntingdon, *so far as relates to the Middle and South Divisions and separate District of the said Roads:* And whereas the Trustees appointed by or in pursuance of the said Acts, for the Care and Management of the said Middle Division and separate District of the said Roads, have made great Progress in carrying into Execution the Powers and Authorities thereby vested in them; and several Sums of Money borrowed upon the Credit of the Tolls thereby granted, have, together with the Tolls, been duly applied, and now remain due and owing; which Money cannot be repaid, nor can the said Middle Division and separate District of the said Roads be properly amended, improved, and kept in Repair, unless the Term granted by the said Acts, so far as relates to the said Middle Division and separate District of the said Roads, be further continued, and the Tolls increased; and as the Powers and Provisions of the said recited Acts have been found in many respects defective and insufficient, it would be more convenient to the Trustees, and beneficial to the said Roads, if the said Acts, so far as the same relate to the said Middle Division and separate District, were to be repealed, and further and more effectual Powers granted for the same Purposes: 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 Acts repealed, &c.

upon the Day hereafter appointed for the Commencement of this Act, the said recited Acts of the Ninth and Twelfth Years of the Reign of Her said late Majesty Queen *Anne*, the Thirteenth Year of the Reign of His said late Majesty King *George* the First, the Fourteenth Year of the Reign of His said late Majesty King *George* the Second, and the Fifth and Thirtieth Years of the Reign of His present Majesty, so far only as they severally relate to or concern the said Middle Division and separate District of the said Roads, leading from *Royston* in the County of *Hertford* to *Wandesford Bridge* in the County of *Huntingdon*, and from the Town of *Huntingdon* to the Causeway at or near the West End of the Town of *Somersham* in the County of *Huntingdon*, shall be and the same are hereby declared to be repealed; and that from thenceforth this Act shall commence and take effect, and be put in Execution

cution for and during the Term herein-after mentioned, for the Purpose of more effectually improving, repairing, widening, and keeping in Repair the said Middle Division and separate District of the said Roads leading from *Royston* in the County of *Hertford* to *Wandesford Bridge* in the County of *Huntingdon*, and from the Town of *Huntingdon* to the Causeway at or near the West End of the Town of *Somersham*; and that this Act, and the Tolls hereby granted, shall be and are hereby made subject and liable to the Payment of all Monies which are or hereafter may be due and owing on the Credit of the Tolls authorized by the said recited Acts, or any of them, to be taken on the said Middle Division and separate District of the said Roads, and to the Payment of all Monies which shall or may hereafter be borrowed on the Credit of the Tolls hereby granted, and all Interest due or to become due for the same respectively.

Trustees.

II. And be it further enacted, That the present Mayor, High Steward, Recorder and Aldermen of the Town of *Huntingdon*, and the Mayor, High Steward, Recorder and Aldermen of the said Town for the Time being, Sir *Alured Clark* Knight of the most Honourable Order of the Bath, *James Rust*, Sir *Richard Bickerton* Knight, the Reverend *William Panchen*, the Reverend *Matthew Holworthy*, the Reverend *John Cook*, *Thomas Sanders*, *Henry Sweeting*, *William Pearce*, *Richard Bale*, *Charles Pasheller*, *Thomas Sismey*, the Reverend *Robert Fowler*, *Henry Loftus Hodson*, *William Loveday*, the Reverend *Edward Edwards*, *Samuel Edward Cooch*, the Reverend *Edward Maltby* Doctor of Divinity, *Thomas Allnutt*, *Henry Godby*, *George Thornhill* the younger, *John Pasheller*, *George Frederick Maule*, *Edward Bates*, *Henry Perkins*, *Charles Veasey*, the Reverend *Edward Wadeson*, *David Mackie*, *Peter Cowling*, *John Heathcote*, *William Henry Fellowes*, *James Torkington*, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for putting this Act into Execution, together with Ten other Persons to be named as Trustees at the First or any other Meeting to be held under this Act.

Persons lending to be Trustees.

III. And be it further enacted, That any Person who, after the passing of this Act, shall lend the Sum of Two hundred Pounds upon the Security of the Tolls hereby granted, towards amending the aforesaid Branch of Road, shall be and is hereby appointed a Trustee for the Purposes of this Act, during such Time as the said Sum of Two hundred Pounds shall continue to be so lent by him or her respectively.

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

IV. And be it further enacted, That in case any of the said Trustees herein-before named, or to be elected as herein-after mentioned, shall die, become unqualified, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, at any General Quarterly Meeting, to appoint one other Person to be a Trustee in the Room of every Trustee so dying, becoming unqualified, or refusing to act; and every Person being qualified as herein-after mentioned, who shall be so appointed, shall be vested with the same Powers and Authorities for putting this Act in Execution, as if he had been named a Trustee in this Act.

All Acts may be done by Five Trus-

V. And be it further enacted, That all Acts and Proceedings at any Meeting to be held in pursuance of this Act, may be done and executed by

tees, unless otherwise directed.

by any Five or more of the said Trustees hereby appointed and to be elected as aforesaid, (except in Cases where it is by this Act otherwise directed).

Qualification of Trustees.

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless at the Time of acting he shall in his own Right, or in the Right of his Wife, be in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments of the clear yearly Value of Forty Pounds, or be possessed of or entitled to a Personal Estate, or of a Real and Personal Estate together, to the Amount of Eight hundred Pounds, or be Heir Apparent of a Person possessed of an Estate in Lands of the yearly Value of One hundred Pounds; and that every such Person, before he shall act as a Trustee in the Execution of this Act, shall take and subscribe in a Book to be kept for that Purpose, an Oath or Affirmation, in the Words or to the Effect following; (that is to say)

Oath of Trustees.

'I do swear, [*or, being one of the People called* Quakers, do solemnly affirm], That I truly and *bonâ fide* am in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments of the clear yearly Value of Forty Pounds, or possessed of or entitled to a Personal Estate, or a Real and Personal Estate together, of the Amount or Value of Eight hundred Pounds, clear of all Debts and Incumbrances, or am Heir Apparent of who, to the best of my Knowledge, is entitled to a Real Estate in Lands, Tenements, and Hereditaments of the clear yearly Value of One hundred Pounds. So help me GOD.'

Which Oath or Affirmation any one of the said Trustees, or their Clerk in their Presence, at any such Meeting, is hereby empowered to administer; and if any Person shall presume to act as a Trustee in the Execution of this Act, not being qualified as aforesaid, or without having taken and subscribed such Oath or Affirmation in Manner aforesaid, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance shall be allowed, in which Action it shall be sufficient for the Plaintiff to prove that such Person hath acted as a Trustee in the Execution of this Act, which Proof shall entitle the Plaintiff to a Verdict, unless the Defendant shall prove that he was at the Time of so acting duly qualified: Provided nevertheless, that all Acts and Proceedings which shall have been done and performed, touching the Execution of this Act, by any such Person, previous to his being convicted of the Offence before mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Trustees not to act where interested.

VII. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, during the Time he shall hold, either in his own Name or in the Name of any Person for his Benefit, any Place of Profit, or shall be directly or indirectly the Farmer or

or Renter of the Tolls hereby granted, or Contractor, or concerned in any Bargain or Agreement for the repairing of the said Roads to be kept in Repair by virtue of this Act, or who shall become Surety for any such Farmer, Renter, or Contractor, nor act nor vote in any Case wherein he shall be personally interested (otherwise than as a Creditor), nor act as a Trustee at any Meeting which he shall attend to transact Business as Agent for any other Person.

No Victualler to be a Trustee, or to hold a Place of Profit under this Act.

VIII. Provided always, and be it further enacted, That no Person keeping an Inn, Alehouse, or other House of Public Entertainment, or who shall sell Ale, Wine, Brandy, or other Spirituous Liquors by Retail, shall be capable of holding any Place of Trust or Profit under this Act, or of being appointed a Trustee, or of acting as such, nor shall be capable of farming or renting the Tolls, unless he shall employ some Person to collect such Tolls who shall not be under any such Incapacity.

Persons in the 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 in the Execution of the Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding his or their being a Trustee or Trustees, provided that such Justice or Justices be not personally interested in the Matters to be adjudged by him or them otherwise than as a Trustee or Trustees.

Meetings of Trustees.

X. And be it further enacted, That from and after the passing of this Act there shall be Four General Quarterly Meetings of the said Trustees held every Year during the Continuance thereof; (that is to say), on the First *Wednesday* in the Months of *January*, *April*, *July*, and *October*, at the Council Chamber in the said Town of *Huntingdon*, or at such other House and Place in the said Town of *Huntingdon* as shall from Time to Time be ordered or appointed by the said Trustees, or the major Part of them, at any General Meeting; the first of such Meetings to be held on such of the said Days as shall first happen next after the passing of this Act, if this Act shall pass Ten Days previous to such Day of Meeting; but if there shall not be Ten Days from the passing of this Act to the Day appointed for such Meeting, then the First Meeting shall be held on the Second Day of Meeting next after the passing of this Act; and that the said Trustees shall and may from Time to Time, when and as they shall think fit, adjourn any such Meeting to a future Time, not exceeding Three Calendar Months, at the same Place, or at some other convenient Place in the said Town of *Huntingdon*, as they shall think proper, for putting this Act into Execution; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act, or to adjourn to any other Time and Place, then the Clerk to the said Trustees shall adjourn the said Meeting to, and appoint the Trustees to meet at the Place where the last Meeting was appointed to be held, on Quarterly Day of Meeting next after the Day on which such last Meeting was appointed to be held, and shall cause Notice thereof to be affixed on all the Turnpike Gates then erected or continued by virtue of this Act, at least Ten Days before such Meeting; and that

the said Trustees at all their Meetings shall defray their own Charges and Expences, except in paying for the Use of the Room or Rooms where their Meetings shall from Time to Time be held for the Purposes of this Act: Provided always, that Two Trustees shall be sufficient to adjourn any such Meeting.

Power to call intermediate Meetings.

XI. And be it further enacted, That if after any Quarterly Meeting or any Adjourned Meeting of the said Trustees, made either by themselves or their Clerk, it shall be thought necessary by Five or more of the Trustees upon some Emergency, that there should be an earlier Day of Meeting than the Quarterly Day of Meeting, or the Day appointed by such Adjournment, in that Case the Clerk of the said Trustees, on an Order in Writing to be delivered to him to be signed by any Five or more of the acting Trustees, although not assembled at a Meeting, shall forthwith give Notice of such Meeting, by Writing to be affixed on all the Turnpike Gates then erected upon the said Middle Division and separate District of the said Roads, at least Ten Days before such Meeting, mentioning the Time, Place, and Purpose of such Meeting, as specified in the said Order; and the Proceedings of the Trustees at all such Meetings, respecting the Matters contained in such Notice, shall be as valid and effectual to all Intents and Purposes as if such Meeting had been held in pursuance of Adjournment: Provided always, that no further or other Business shall be entered upon or taken into Consideration at any such Meetings so to be called upon any such Emergency as aforesaid, than such as shall have been set forth in the Order and Notice for calling such Meetings.

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

XII. And be it further enacted, That no Order made by the said Trustees, and entered in the Book in which their Orders are usually entered, shall be revoked, repealed, or set aside at any such subsequent Meeting of the Trustees, unless a greater Number of Trustees than were present when such Order was made shall be present at such subsequent Meeting, and shall consent to such Revocation or Alteration; and no Order made at any Meeting of the said Trustees shall be repealed or altered, unless Notice of the Intention of repealing or altering such Order, and of a Meeting to be held for that Purpose, shall have been given by the Clerk of the said Trustees, and affixed on all the Turnpike Gates then standing on the said Middle Division and separate District of the said Roads, Ten Days at least previous to such Meeting being had.

Proceedings of Trustees to be entered in Books.

XIII. And be it further enacted, That all Orders, Resolutions, and Proceedings of the said Trustees, made and entered into at their several Meetings, and the Names of the Trustees present at each Meeting, shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings, so entered, shall be signed by the Trustees making the same, or by their Clerk; which said Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages or Transfers thereof, shall be admitted as Evidence in all Courts whatsoever.

Power to appoint Officers, who are to account upon Oath.

XIV. And be it further enacted, That the Treasurer, Clerk, Surveyor, and other Officers of the said Middle Division and separate District of the aforesaid Roads, already appointed by virtue of the said recited Acts, shall

shall continue in Office until they shall die, resign, or be removed by the said Trustees, or any Five or more of them, and shall have the like Powers in all respects as if they had been appointed by the said Trustees, or any Five or more of them, by virtue of this Act; and that the said Trustees by any Writing or Writings under their Hands may appoint a Treasurer, Clerk, Surveyor, Toll Collectors, and other Officers, as they shall think necessary to employ in the Execution of this Act, and may remove any such Officers or other Persons, or any or either of them, from Time to Time; and upon the Death, Resignation, or Removal of such Officers or other Persons, or any or either of them, the said Trustees may in like Manner appoint others in their Stead, and out of the Monies to arise by virtue of this Act may allow and pay such Salaries, and make such Allowances to such Officers and other Persons for their Services, as to the said Trustees shall seem reasonable; and every such Treasurer, Clerk, Surveyor, Toll Collector, and other Officer of the said Middle Division and separate District of the said Roads, shall from Time to Time, when thereunto required by the said Trustees, deliver to such Trustees, or to such Person or Persons as the said Trustees shall for that Purpose appoint, a true and perfect Account in Writing under their respective Hands, of all the Monies which shall have been by them respectively had, collected, or received, and how, when, and to whom, and for what Purposes the same, and every Part thereof, have or hath been applied or disposed of, together with proper Vouchers and Receipts for such Payments; and the Surveyor or Surveyors of the said Roads for the Time being shall, and they are hereby required, at every Quarterly Meeting to be held in pursuance of this Act, to produce an Account in Writing of all Sum and Sums of Money received by him or them by way of Composition for Statute Duty, with the Names of all Persons liable to do Statute Duty; and also an exact and particular Account in Writing of the Number of Loads of Gravel and Stone laid upon the said Roads, distinguishing the Parishes in which the same are laid; and all such Officers and Persons shall and they are hereby required to pay all such Monies as upon the Balance of such Accounts shall appear to be in their respective Hands, to such Person or Persons as the said Trustees shall appoint to receive the same; and if any such Officers or Persons shall refuse or neglect to render or give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance remaining in his or their Hands when thereunto required in manner aforesaid, or if any such Officers or Persons shall refuse or neglect to deliver up to the Trustees, or to any Person or Persons whom they shall appoint to receive the same, within Ten Days next after being thereunto required by the said Trustees, all Books, Accounts, Papers, and Writings in their respective Custody or Power, relating to the Execution of this Act, or to the said Middle Division and separate District of the said Roads, and Complaint shall be made of any such Refusal or Neglect to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons so neglecting or refusing shall live and reside, such Justice may, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Officer or Officers, Person or Persons, to be brought before him, and upon his, her, or their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts (if produced) in

such

such Manner as the said Trustees might have done; and if upon Confession of the Officer or Officers, Person or Persons, against whom any such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, (which Oath such Justice is hereby empowered and required to administer without Fee or Reward), or upon Inspection of the said Accounts, if produced, it shall appear to such Justice, that any of the Monies which have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may, and he is hereby authorized and required, upon 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 can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same, or if such Officer or Officers, or other Person or Persons, shall not appear before the said Justice, unless for some sufficient Excuse, at the Time and Place by him appointed for that Purpose, or if appearing shall refuse or neglect to give and deliver to such Justice an Account or Accounts of all Receipts and Payments as aforesaid, or to 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 Middle Division and separate District of the said Roads, then and in either of the Cases aforesaid, the said Justice may, and he is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Common Gaol of the County or Place where he or they shall live or reside, there to remain without Bail or Mainprize until he or they shall have delivered and settled his, her, or their Accounts, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in his, her, or their respective Hands, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he, she, or they shall have compounded with the said Trustees for the same, and shall have paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, (and which Composition the said Trustees are hereby empowered to make and receive), or until he, she, or they shall have delivered up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees; but no Person who shall be committed for want of sufficient Distress shall be detained in Prison upon any such Commitment for any longer Time than Six Calendar Months.

Treasurer, &c. to give Security.

XV. And be it further enacted, That the said Trustees shall and they are hereby authorized and required to take sufficient Security from the Treasurer or Surveyors to be appointed for the Purposes of this Act, for the due and faithful Execution of his and their said Office or Offices: Provided nevertheless, and it is hereby declared, that the Security or Securities (if any) which hath or have been given by any Treasurer or Treasurers, Surveyor or Surveyors, under the Authority of the said recited Acts, shall remain and continue in full Force and Effect, notwithstanding the passing of this Act; and the same shall be deemed, taken, and considered as a Security under the Authority of this Act, to all Intents and

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

Actions to be brought in the Name of the Treasurer or Clerk.

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

Turnpikes to be continued and erected.

XVII. And be it further enacted, That the said Trustees may and they are hereby authorized and empowered to continue all or any of the Turnpike Gates now standing upon or across the said Middle Division and separate District of the said Roads, leading from *Royston* in the County of *Hertford* to *Wandesford Bridge* in the County of *Huntingdon*, and from the Town of *Huntingdon* to the Causeway at or near the West End of the Town of *Somersham* in the County of *Huntingdon*, or on the Sides thereof; and may also cause to be erected any other or additional Turnpike Gates, upon or across any Part of such Roads, or at or near the Sides thereof, or across any Lane or Way leading into the same, as they shall think fit; and may also erect a Toll House at each Turnpike Gate, or at such of them as they shall think necessary, with suitable Outbuildings thereto, and may also take in and inclose on the Sides of the said Middle Division and separate Districts of the said Roads, convenient Garden Spots to each Toll House, not exceeding Half a Rood; and may also take down and remove all or any or either of such Turnpike Gates, Toll Houses, and Side Gates, which have been erected by virtue of the said recited Acts, or any of them, or which shall be erected by virtue of this Act, as they the said Trustees shall see occasion, and erect others in the Place thereof, or at such other Place or Places as they shall think proper.

No Turnpike to be erected within Two Miles of the Town of Somersham.

XVIII. Provided always, and be it further enacted, That no Turnpike shall be erected by virtue of this Act within Two Miles of the Town of *Somersham*; any thing contained in this Act to the contrary notwithstanding.

Property of Turnpike Gates vested in Trustees.

XIX. And be it further enacted, That the Right and Property of all the Turnpike Gates, Toll Houses, Buildings, Lamps, Bars, Tolls, Boards, Direction Boards, Posts, Rails, and Fences already erected by virtue

virtue of the said recited Acts, or any of them, upon the said Middle Division and separate District of the aforesaid Roads, or hereafter to be erected upon the same Division and District by virtue of this Act; and the Materials of which the same do or shall consist, and the Materials which have been or shall be provided for repairing the said Middle Division and separate District of the said Roads, and also all the Tolls and other Requisites already or hereafter to be provided for the Purposes of the said Middle Division and separate District of the said Roads, and all Books, Deeds, Writings, Maps, and Papers relating to the same, shall be and they are hereby vested in the said Trustees; and they are hereby empowered to dispose thereof as they shall think proper, and to bring or cause to be brought any Action or Actions, or to prefer and prosecute or order the preferring and prosecuting of any Bill or Bills of Indictment against any Person or Persons who shall steal, carry away, break down, injure, or damage any such Toll Gates, Toll Houses, Buildings, or other Materials, Articles, or Things, or shall disturb the said Trustees, their Agents or Servants, in the Possession thereof; and it shall be sufficient in every such Bill of Indictment to state any such Property, Materials, Articles, or Things, to be the Property of the Clerk for the Time being to the said Trustees.

Power to sell or lease Toll Houses.

XX. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses now standing on any Part of the said Middle Division and separate District of the said Roads, or on the Sides thereof, or hereafter to be erected by virtue of this Act, and the Ground whereon the same shall stand, with the Outhouses, Gardens, and Appurtenances thereto belonging, (when they shall be considered by the said Trustees to be useless and unnecessary for the Purposes of this Act), to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same, (and if by private Sale, the first Offer shall be made to the Person or Persons from whom such Ground was first purchased,) and to convey the said Toll Houses, Gardens, and Appurtenances to the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee Simple; and the Person or Persons who shall purchase the same, his, her, or their Heirs or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trusts, and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Nonapplication thereof.

Present Leases vacated.

XXI. And be it further enacted, That on the Day hereby appointed for the First Meeting of the Trustees for carrying this Act into Execution, the present Contracts, Demises, or Leases, granted by virtue of the said recited Acts of the Tolls heretofore payable and received at the several Turnpike Gates known by the Names of the *Hartford* and *Godmanchester* Gates, shall cease, determine, and be utterly void; and if the present Lessees or Hirers of the said Tolls shall make it appear or prove to the said Trustees that any Loss or Injury will be sustained by them respectively in consequence thereof, then and in such Caset he said Trustees, or any Five or more of them, shall and may, and they are hereby

hereby authorized and required to make a fair and just Compensation and Satisfaction for the same unto the said Lessees or Hirers, 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 Contracts or Leases as aforesaid, such Compensation shall and may be sued for in any of His Majesty's Courts of Record at *Westminster*.

Tolls.

XXII. And be it further enacted, That from and after the passing of this Act it shall be lawful for the said Trustees, or any Person or Persons appointed to collect the Tolls granted by the said recited Acts on the said Middle Division and separate District of the said Roads, or to be appointed a Collector or Collectors by virtue of this Act, to demand and take the several Tolls and Duties following, at each and every of the respective Turnpike Gates or Turnpike Gate, or Side Bar or Side Gate, already erected by virtue of the said recited Acts, or which shall be erected by virtue of this Act, upon, across, or on the Side of the said Roads, and on every Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night), before any Horse, Mare, Gelding, Mule, Ass, Beast, or other Cattle, or any Coach, Waggon, Cart, or other Carriage whatsoever, shall be permitted to pass through any of the said Turnpike Gates; (that is to say,)

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

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

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

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

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

For every Drove of Hogs, Swine, Goats, Sheep, or Lambs, the Sum of One Shilling and Three-pence *per* Score; and so in proportion for any less Number:

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

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

Beasts

Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Two-pence; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Sixpence:

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

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

For every Horse drawing a Hawker's Cart, the Sum of Nine-pence; and for every other Cart drawn by One Horse, Ox, or other Beast of Draught, the Sum of Sixpence:

Not more than Two Tolls to be taken.

Provided always, that no more than Two Tolls shall be demanded or taken from any Person or Persons for passing and repassing the same Day, with the same Horse, the same Carriage, or the same Cattle, through all the Toll Gates or Turnpikes which now are erected, or which shall hereafter be erected by virtue of the said recited Acts or of this Act.

Tolls to be paid but Once a Day.

XXIII. And be it further enacted, That every Person who shall have paid the Tolls hereby granted at any Turnpike Gate erected by virtue of the said recited Acts, or which shall be erected by virtue of this Act, in, upon, across, or on the Side of the said Middle Division and separate District of the said Roads, shall on the same Day be permitted to pass or repass at any Time or Times, as often as he or she may think proper, with the same Horse or Horses, Beasts, Cattle, Carriage, Waggon, or Cart for which such Toll shall have been paid, through the same Turnpike Gate, without being subject to the Payment of any further Toll, such Person or Persons producing a Ticket denoting such Payment, which Ticket the Collectors of the Tolls are hereby required to deliver *gratis* on Receipt of the Toll; and each Ticket delivered upon receiving Toll for the Passage of any Carriage shall name and specify the several Gates through which any Person having once paid Toll shall be allowed to pass on the same Day.

XXIV. And

Tolls vested in Trustees.

How Payment may be enforced.

XXIV. And be it further enacted, That the said respective Tolls or Sums of Money shall be vested in the said Trustees, and applied as hereinafter directed; and if any Person or Persons subject to the Payment of any or either of the said Tolls shall, after Demand thereof made, either at the Turnpike Gate where such Toll should be collected, or immediately after passing through the same, neglect or refuse to pay the said Tolls, or any Part thereof, it shall be lawful for the Person or Persons appointed to collect such Tolls, by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain any Horse or Horses, or other Cattle, in respect whereof such Tolls are payable, together with their Saddles, Gears, Harness, or Accoutrements, (except the Bridle or Reins of such Horse or other Beast apart from such Horse or other Beast,) or their Lading, or any Carriage with its Lading, or such of them or such Part thereof as such Collector may think fit; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Three Days next after the Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, or Things so seized and distrained, or such of them or such Part thereof as will be sufficient to satisfy such Tolls, and the Expence of making such Distress and Sale, returning the Overplus of the Money, if any, and what shall remain unsold, on Demand, to the Owner thereof, after such Tolls and reasonable Charges occasioned by such Seizure, Distress, and Sale, shall have been deducted; and if any Dispute shall happen about the Amount of the Tolls due, or about the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector or Persons distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Tolls due and of the Charges of Distress and Sale, and of keeping the Distress, (as the Case shall happen,) shall be ascertained by some Justice of the Peace for the County, Town, or Place where such Dispute shall arise, who on Application made to him for that Purpose shall examine the Matter on the Oath of the Parties, or other Witness or Witnesses, (which Oath such Justice is hereby empowered to administer,) and shall determine the Amount of the Tolls due; and shall also assess the Charges of such Distress and Keeping and Sale, and 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 before he shall be obliged to return the Cattle, Goods, or Chattels so distrained, or any Part thereof.

Exemptions from Toll.

XXV. And be it further enacted, That no Toll shall be demanded or taken for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying, having been employed only in carrying or conveying on the same Day any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Roads, or any of the Roads in the Townships or Parishes in which any Part of the said Middle Division and separate District of the said Roads lie, or with Seed for seeding the Ground in the said Parishes; or Hay, Turnips, Straw, or Corn in the Straw only, not bought, sold, or disposed of, but passing to be laid up or placed in the Houses, Barns, Outhouses, or Yards, or on the Lands of the Owners thereof; or for any Horse, Beast, or other Cattle

or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day any Ploughs, Harrows, or other Implements of Husbandry, or any Mould, Dung, Compost, or Manure (Chalk and Lime excepted) employed in Husbandry, or for manuring or improving Lands; or for any 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 for any Horses or other Beasts going to or returning from Pasture or Watering Place, or going to or returning from being shoed or farried; or from any Person or Persons going to or returning from any Church, Chapel, or other Place of Religious Worship within the Parish where he or she may reside, on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated; or going to or returning from attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Middle Division and separate Districts of the said Roads lie; or from any Clergyman going to visit or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty; or for any Horses or Carriages of whatsoever Description employed or to be employed in conveying or guarding the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying or guarding the same; or for the Horse or Horses of any Officers or Soldiers on their March, or on Duty; or for any Horse or Horses or other Beast, or any Cart, Carriage, or Waggon employed in carrying or conveying, or returning therefrom, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying or conveying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from having been so employed; or for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry, or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements according to the Regulations of such Corps at the Time of claiming the Exemption; or for Horses, Carts, or Waggons travelling with Vagrants sent by legal Passes, or returning after having been so employed; or for any Horses, Coaches, or other Carriages going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Huntingdon* or *Cambridge*, or of a Member or Members to serve in Parliament for the Borough of *Huntingdon*, or Town or University of *Cambridge*, on the Day or Days of such Election, or on the Day or Days before or after such Election shall begin or be concluded; and if any Person shall by any fraudulent or collusive Means whatsoever claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, one Moiety whereof shall be paid to the

the Informer, and the other Moiety shall be applied to the Purposes of this Act.

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

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

Inhabitants of Godmanchester exempted.

XXVII. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to charge the Inhabitants of *Godmanchester* in the said County of *Huntingdon*, with any of the said Tolls or Duties for passing or repassing through the said Gate or Turnpike at *Godmanchester* with Coal, or any other Sort of Fuel whatsoever for Firing to be used in the said Town of *Godmanchester*; any thing in this Act contained to the contrary notwithstanding.

Power to compound for the Tolls in certain Cases.

XXVIII. And be it further enacted, That the said Trustees, or any Five or more of them, may and are hereby empowered from Time to Time to compound, by the Year or otherwise, with all or any of the Inhabitants of the Towns of *Huntingdon* and *Godmanchester*, for the passing of their Carriages of what Sort and with what Wheels soever, or their Beasts and Cattle, through the Turnpike erected within the said Town of *Godmanchester*, and also with all or any of the Inhabitants of *Huntingdon*, *Hartford*, and *Houghton cum Whitton*, for the passing of their Carriages, Beasts, and Cattle through any Turnpike or Turnpikes, Toll Gate or Toll Gates, between the Town of *Huntingdon* and the Causeway at or near the West End of the Town of *Somersham* aforesaid, for such respective Sums of Money as the said Trustees or any Five or more of them shall think proper, in lieu of the Tolls payable at such Turnpike or Turnpikes, which Composition Money shall be always paid in advance to the said Trustees, or to their Appointment, and shall be applied in the same Manner as the Tolls in lieu whereof such Composition shall be made are by this Act directed to be applied, and an Entry thereof shall be made in a Book to be kept for that Purpose by the Clerk to the said Trustees.

Power to lessen Tolls.

XXIX. And be it further enacted, That the said Trustees may, and they are hereby authorized and empowered from Time to Time, as they shall think proper, to lessen or reduce all or any of the Tolls hereby granted, and to raise them again to any Sum not exceeding the Tolls respectively hereby granted, so that such Reduction be with the Consent of the Persons who shall be entitled to Five Sixth Parts at least of the Money then due on the Credit of such Tolls; but such Reduction shall not be made

made unless Notice in Writing be given of a Meeting to be held for that Purpose, by affixing the same upon all the Turnpike Gates then erected on the said Roads, and by advertizing the same in some Newspaper usually circulated in the Neighbourhood of the said Middle Division and separate District of the said Roads, at least Fourteen Days before the Meeting for making such Reduction; and such Tolls so lessened, varied, or reduced, or raised again, shall be vested in the said Trustees, and shall be collected, recovered, levied, paid, and applied in the same Manner as the Tolls hereby granted are directed to be recovered and applied.

Mitigating Tolls on Overweight.

XXX. And be it further enacted, That it shall be lawful for the said Trustees, if they shall think proper, to mitigate any additional Toll or Tolls that shall or may at any Time or Times become due and payable for or in respect of any Waggon, Wain, Cart, or Carriage, passing or being drawn on the said Roads, and being of a greater Weight with the Lading thereof than by Law is allowed; provided that no such additional Toll at any one Time shall be mitigated to any Sum less than One Third Part thereof.

Penalty on Persons permitting private Passages to, or doing Acts to evade Tolls.

XXXI. And be it further enacted, That if any Person or Persons shall go or pass with, or ride or drive any Horse or Beast, or ride in any Carriage through or over any Land, Ground, or Place lying by the Side or near to any Part of the Roads hereby directed to be repaired, the same not being a public Highway, and such Person or Persons not being the Owner or Owners, Occupier or Occupiers thereof, with an Intent to evade the Payment of the Tolls by this Act granted; or if any Person or Persons owning or occupying any such Land, Ground, or Place, shall knowingly or willingly permit or suffer any other Person or Persons to go or pass with any Cattle or Carriage through or over such Land, Ground, or Place, for the Purpose of evading the Payment of any of the said Tolls; or if any Person or Persons shall unload, or cause to be unloaded, any Goods or other Things, or shall take off, or cause to be taken off, any Horse or Beast of Draught from any Carriage, either before or after the same shall have passed through any of the Turnpike Gates now erected or hereafter to be erected by virtue of this Act; or, having passed through any of the said Turnpike Gates, shall afterwards add or put any Horse or Beast to any Carriage for the Purpose of drawing the same upon any Part of the said Roads, with Intent to avoid or evade the Payment of any of the Tolls hereby imposed; or shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons, except the Person or Persons appointed to receive the Tolls hereby made payable, any Note or Ticket with Intent to avoid or evade the Payment of the said Tolls or any Part thereof; or if any Person or Persons liable to the Payment of any of the said Tolls shall forcibly pass or attempt to pass any of the said Turnpike Gates without Payment thereof at such Gate or Gates; or if any Person or Persons shall do any other Act in order to or with Intent to avoid or evade the Payment of the said Tolls or any Part thereof, each and every Person and Persons in any Manner aforesaid offending, and being thereof convicted on the Oath of One or more credible Witness or Witnesses, before any One or more of His Majesty's Justices of the Peace for the County or Place wherein any such Offences shall be committed, (which Oath the said Justice or Justices is and are hereby empowered and required to administer,) shall for every such Offence forfeit and pay any Sum not

exceeding Five Pounds, (over and besides such Penalties and Punishments as he, she, or they shall otherwise be liable to by Law,) One Moiety whereof, when raised, shall be paid to the Informer, and the other Moiety to the Treasurer to the said Trustees, to be applied for the Purposes of this Act.

Collectors of Tolls not to be incompetent Witnesses.

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

Trustees may let the Tolls.

XXXIII. And be it further enacted, That the said Trustees or any Five or more of them may, and they are hereby empowered, as soon after the Commencement of this Act as they shall think proper, after giving Fourteen Days Notice in some Newspaper circulated in the Counties of *Huntingdon* and *Cambridge*, and also by Writing to be affixed upon all the Turnpikes then erected upon or across the said Roads, by Writing under their Hands, from Time to Time, to let and demise the Tolls granted by this Act, or any Part or Parts of such Tolls, and also the additional Tolls for Overweight to be collected or received at such Gates, and the Penalties payable for the Evasion of Tolls, upon public Bidding, for any Term not exceeding Three Years at One Time, for the best Price that can be gotten for the same, payable at such Time, and to such Person or Persons, and under such Conditions as the said Trustees, or any Five or more of them, shall think fit, the said Trustees having a Counterpart of such Lease or Leases, and taking such other sufficient Security from the Person or Persons to whom any such Tolls shall be leased and demised, for Payment of such Rents and Performance of the Covenants to be reserved and contained in such Lease or Leases, as the said Trustees shall think fit: Provided always, that no Lease shall be valid, if granted to any Person or Persons who shall be or become a Trustee or Trustees under this Act, or in which any of the said Trustees shall have any Interest or Concern, unless such Trustee shall, previous to any Offer made by him or on his Account, declare in Writing, to be delivered to the said Clerk, that he intends to make such Offer: Provided further, that no Lessee of the said Tolls shall assign the said Lease, or let or demise the same Tolls, or any Part thereof, to any Person or Persons whomsoever, or enter into any Agreement so to do, without the previous Consent of the said Trustees, or any Five or more of them, obtained at a Meeting and entered in their Book; and that any Assignment, Lease, Demise, or Agreement made or entered into without such Consent is hereby declared to be null and void; and that any Person in Possession of any Toll House by virtue of any such Assignment, Lease, Demise, or Agreement made or entered into by such Lessee of the Tolls as aforesaid, shall and may be removed by the said Trustees, in such and the same Manner as herein-after declared concerning the Removal of Lessees at the Expiration of their Leases.

Lessees or Persons appointed by

XXXIV. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof, shall be leased, demised, or in farm

them, may collect the Tolls.

farm to any Person or Persons whomsoever, it shall be lawful for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall, by Writing or Writings under his, her, or their Hands, authorize or appoint, to demand and take the said Tolls, and to use all such Means and Methods for the Recovery thereof in case of Nonpayment or Evasion, as any Collectors to be appointed under or by virtue of this Act are by this Act empowered to use.

Power to declare Leases of Tolls and Weighing Machines void in case of Nonpayment of Rent.

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

For obtaining Possession of Toll Houses.

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

put any other Person or Persons whom the said Trustees or any Five or more of them shall appoint, in Possession of the said Toll House or Toll Houses, Weighing Machine or Machines, Buildings and Premises, so that the Tolls payable thereat may from thenceforth be received and taken for the Use of the said Trustees, to be applied as by this Act is directed.

For preventing Toll Collectors from taking undue Tolls.

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

Penalty for assaulting Collectors, &c.

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

Penalty on suffering Carriages liable to pass without being weighed.

XXXIX. And be it further enacted, That for the better preventing of Frauds and Collusions respecting Carriages carrying Overweight, if any Lessee or Lessees of the Tolls payable at any Turnpike Gate or Gates erected or to be erected by virtue of this Act, or any Collector or Collectors of the Tolls, or any Person or Persons to be appointed to the Care of any Weighing Machine or Machines erected or to be erected in the said Middle Division and separate District of the said Roads, shall suffer or permit any Waggon, Cart, or Carriage liable to be weighed at any such Machine

Machine or Machines to pass through the Turnpike Gate or Gates erected or to be erected on the said Middle Division and separate District of the said Roads, without weighing the same, or shall suffer or permit any such Waggon, Cart, or other Carriage to proceed without having first paid the Tolls payable for such Waggon, Cart, or other Carriage, and for all such Overweight or Overweights as such Waggon, Cart, or other Carriage respectively shall or may happen to have therein or thereon, or if any such Lessee or other Person shall enter into any Contract, Composition, or Agreement, verbal or written, whereby any specific Sum of Money is to be paid by any Person or Persons for the Carriage of Overweight in respect of any Waggon, Wain, Cart, or other Carriage liable to be weighed at such Machine, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, as the Justice or Justices before whom the Information shall be laid shall adjudge.

Power to borrow Money and mortgage Tolls.

XL. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any Meeting or Meetings to be held for that Purpose, to borrow and take up at Interest, (such Interest not to exceed Five Pounds *per Centum per Annum*,) on the Credit of the Tolls arising by virtue of this Act, such Sum or Sums of Money as they shall from Time to Time think fit; and the said Trustees may, and they are hereby empowered to demise and mortgage the said Tolls, or any Part or Parts thereof, and the Turnpikes and Toll Houses for collecting the same, (the Costs and Charges of such Mortgages to be paid out of such Tolls,) as a Security to any Person or Persons, or their Trustees, who shall advance such Sum or Sums of Money, which Mortgage shall be signed and sealed by the said Trustees or any Five or more of them, and be in the Words or to the Effect following; (that is to say),

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

Mortgages to be entered in a Book.

And Copies of all such Mortgages shall be entered in a Book or Books to be provided and kept for that Purpose by the Clerk or Treasurer to the said Trustees; and all and every or any Person or Persons to whom any Mortgage or Mortgages, Assignment or Assignments of Tolls hath or have been made by virtue of the said recited Acts, so far as concerns the said Middle Division and separate District of the said Roads hereby directed to be repaired, or to whom any such Mortgage or Mortgages shall be made by virtue of this Act, or who shall be entitled to the Monies thereby respectively

spectively secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to the said Mortgage or Assignment, and the Principal and Interest thereby secured, to any Person or Persons whomsoever, by Indorsement on such Mortgage or Assignment, in the following Words, or Words to the like Effect; (that is to say),

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

Transfer to be notified and entered.

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

Old Mortgages may be cancelled and new ones granted.

XLI. And be it further enacted, That the said Trustees shall and may, if thereunto required, destroy and cancel all or any of the Mortgages or Assignments now subsisting, that have been made by virtue of the said recited Acts, or any of them, of the Tolls thereby authorized to be collected on the said Middle Division and separate District of the said Roads hereby directed to be repaired, and to give and execute a Mortgage or Mortgages of the Tolls by this Act granted, in Manner hereinbefore directed, for such Sum or Sums of Money as may be expressed in any Mortgage or Assignment to be cancelled by virtue of this Act.

Application of the Money.

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

of the said Middle Division and separate District of the said Roads hereby directed to be repaired, and shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted or made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say), in the first place, in Payment of all the Costs, Charges, and Expences incident to or attending the obtaining and passing of this Act, or relative thereto; in the second place, in paying the Interest now due, and which shall become due (such Interest to be allowed not exceeding the Rate of Five Pounds *per Centum per Annum*) upon the several Principal Sums from Time to Time remaining due and owing on Mortgage or Security of the Tolls by the said recited Acts and by this Act granted; in the third place, in defraying the Expences of amending, repairing, widening, altering, improving, and keeping in Repair the said Roads, and of executing the several other Powers, Intents, and Purposes of this Acts; and lastly, in reducing, paying off, and discharging the said several Principal Sums due on the Credit of the Tolls collected or to be collected under the said recited Acts and this Act, on the said Middle Division and separate District of the said Roads by this Act directed to be kept in Repair.

Trustees may repair Roads in Godmanchester.

XLIII. And whereas the Trustees are by the said recited Acts or some of them restrained from applying any Money towards repairing the Streets, Lanes, and other Places within any of the Towns through which the said Roads lead: And whereas it is improper that such Restriction should be construed to extend to the Road leading through the Town of *Godmanchester*; be it therefore further enacted, That the said Trustees are hereby authorized and empowered, out of the Tolls by this Act granted, to keep in Repair such Part of the said Roads as lead through the said Town of *Godmanchester*, in the same Manner as they are authorized to keep in Repair any other Part of the Roads by this Act directed to be repaired.

Trustees may contract for Repairs.

XLIV. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to contract and agree with any Person or Persons for repairing the said Middle Division and separate District of the said Roads, or any Part or Parts thereof, or for doing any other Work in pursuance or in the Execution of this Act, in such Manner and for such Sum or Sums of Money annually or otherwise, or for such Considerations as the said Trustees shall think proper.

Surveyors may get Materials in Wastes, &c. without paying for the same;

XLV. And be it further enacted, That the Surveyor or Surveyors of the the said Roads, and such Persons as shall be employed by him or them, or by the said Trustees, is and are hereby empowered to cut, dig, gather, take, and carry away any Furze, Heath, Stone, Gravel, Sand, or any other Materials proper for making or repairing the said Roads, out of or from any Common or Waste Grounds, Common River or Brook, in any Township, Parish, or Place in which any Part of the said Roads shall lie or be situate, or in any adjoining Township, Parish, or Place, without paying

paying any thing for the same, such Surveyor or other Persons filling up the Pits or Quarries, levelling the Ground or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to any Passengers and Cattle; and where there is not a Sufficiency of any such Materials to be procured in any Common or Waste Grounds, Common River or Brook, the said Surveyor or Survevors or other Persons as aforesaid may, by Order of the said Trustees, or any Five or more of them, search for, cut, dig, gather, take, or carry away all such Materials as aforesaid, in, upon, or out, from, and over the Lands of any Person or Persons (not being a Yard, Garden, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees,) in any Township, Parish, or Place in which any Part of the said Roads shall lie or be situate, paying or tendering Payment for the Damage done to the Owners and Occupiers thereof respectively, out of the Grounds whereon or from whence the same shall be cut, gathered, taken, or carried away, or upon, over, or through which the same or any other Materials so cut, dug, and gathered as aforesaid shall be conveyed, such Equivalent in Money as the said Trustees shall judge reasonable; and in case of any Differences between the Trustees, Surveyor or Surveyors, or other Persons appointed or employed as aforesaid, and the Owner or Occupiers of private 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 any such Differences shall or may arise, on Ten Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matters of such Payment and Damage.

and in private Lands, making Satisfaction.

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

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

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

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

getting such Materials, before the Surveyor or his Workmen shall have discontinued working therein for the Space of Six Calendar Months, (except the Owner or Owners or Occupiers of any private Ground, and any Person or Persons authorized by such Owner or Owners to get Materials therein for his, her, or their own private Use only, and not for Sale,) every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, over and above the Value of the Materials so taken away.

Nuisance by leaving Carriages, &c.

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

Surveyors to remove Annoyances.

XLIX. And be it further enacted, That it shall be lawful for the said Surveyor 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 Roads, by Timber, Wood, Stone, Carriages, Saw Pits, or other Pits, Trees, Ashes, Dung, Filth, Rubbish, Straw, or otherwise, and to turn any Watercourses, Gutters, Conduits, or Drains running into, along, or out of the said Roads to the Prejudice thereof, and to open, scour, or cleanse, widen, deepen, and enlarge any Gutter, Ditch, Conduit, Brook, or Watercourse, adjoining or within any reasonable Distance of the said Roads, or any Part or Parts thereof respectively, so as to remove and abate the Inconvenience or Prejudice thereto, by Floods or otherwise, and also to prune or lop at proper Seasons of the Year any Trees, Branches, Shrubs, or Bushes, growing in the Hedges or Fences adjoining the said Roads, so as the same be not planted for Ornament or Shelter, and to take and carry away the Prunings or Loppings thereof, in case the respective Owners or Occupiers of the Lands where such Annoyances shall happen to be shall neglect so to do for Five Days after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof, to be settled by the said Trustees, shall from Time to Time be reimbursed to the said Surveyor or Surveyors, by such respective Owners

or Occupiers neglecting to turn, open, scour, or cleanse, or to deepen, widen, and enlarge any such Gutter, Ditch, Conduit, Drain, or Watercourse, or to prune or lop such Trees, Branches, Shrubs, or Bushes, or by the Person or Persons occasioning or neglecting or refusing to remove such Annoyances as aforesaid, which Charges shall be levied and recovered in the same Manner as the Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed, are herein-after directed to be levied and recovered; and if after the Removal of any such Annoyances any Person or Persons shall offend again in like Manner, every such Person shall for every Second or subsequent Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to make Causeways, Ditches, &c.

L. And be it further enacted, That it shall be lawful for the said Trustees, or the said Surveyor or Surveyors, or such other Person or Persons as the said Trustees shall appoint, to make Causeways or Footpaths along the Side or Sides of the said Roads, and to cut and make Ditches, Drains, or Watercourses, upon and through any Grounds lying contiguous to the said Roads, in order to drain or wash the said Roads, and to prevent the same from being overflowed, as such Surveyor or Surveyors, or other Person or Persons, by Order of any Five or more of the said Trustees, shall judge necessary, making Satisfaction to the Owner or Owners of such Grounds for the Damages which they or any of them shall sustain thereby, as the said Trustees shall adjudge reasonable; and in case any Difference shall happen between such Owner or Occupiers and the said Trustees touching such Damages, the same shall be settled by any Two or more Justices of the Peace for the County in which any such Difference as to Damages shall or may arise.

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

LI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby required to cause the said Roads to be measured, and Stones or Posts to be continued or placed in or near the same, with Inscriptions thereon, denoting the Number of Miles and Distances from Places, as they shall think proper; and also may continue or cause to be set up, on or near the said Roads, such and so many Direction Posts as they may think necessary; and if any Person or Persons shall wilfully break, damage, or pull up any of such Mile Stones, Mile Posts, or Direction Posts, or shall in any Manner injure or damage the Causeways, or obliterate or deface any of the Letters, Figures, or Marks on any of the said Stones or Posts, and shall be thereof lawfully convicted before any Justice or Justices of the Peace for the County in which any such Mischief shall be done, by the Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, such Person or Persons so offending shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, one Moiety whereof shall be paid to the Informer, and the other Moiety shall be paid to the said Trustees, or to their Treasurer or Clerk, to be applied for the Purposes of this Act.

Riding, &c. on Footways and Causeways.

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

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

Trustees may widen or alter, or exchange Road, and purchase Lands.

LIII. And be it further enacted, That in case the said Trustees shall think proper to widen, turn, vary, alter, or exchange any Part or Parts of the Roads by this Act directed to be repaired, for the better Accommodation of Coaches, Carriages, and Passengers, it shall be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time to treat, contract, and agree with any Person or Persons for the Purchase of any Lands, Grounds, or Hereditaments lying near or contiguous to the said Roads, or for the Exchange of any Part of the said Roads, for any Lands, Grounds, or Hereditaments lying near or contiguous thereto, and for the Loss or Damage the Owners, Proprietors, and Occupiers of such Lands, or any of them, shall or may anywise sustain by such widening, turning, varying, altering, or exchanging such Road, and to pay for the same out of the Monies hereby vested in the said Trustees for the Purposes of this Act, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, or Persons interested as aforesaid, and the said Trustees, and for the Costs attending such Purchase or Exchange; which Road, when widened, turned, varied, or altered by virtue of this Act, shall be and remain Forty Feet wide at the least between and exclusive of the Ditches; and such Lands and Grounds, when so purchased or exchanged as aforesaid, shall, by the Order and Direction of the said Trustees, be laid into and made Part of such Road, in such Manner as the said Trustees shall think convenient, with proper Drains, Ditches, and Fences for that Purpose, and shall from thenceforth be deemed and taken as a public or common Highway, and Part of the Roads to be repaired by virtue of this Act; and such Part of the said Road, when so given in exchange as aforesaid, shall, immediately after the Land taken in lieu thereof shall have been used as a public or common Highway, and Part of the Roads to be repaired by virtue of this Act, be vested in the Owner or Owners of the Land so given by them in exchange, and be held and enjoyed by them

Road widened, &c. to be Forty Feet.

in

in the same Manner in every respect, as they would have held and enjoyed the Land so given by them in exchange as aforesaid.

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

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

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

LV. And be it further enacted, That if such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him or them given or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Body or Bodies Politic, Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Roads may be diverted, turned, or altered, shall, for the Space of Ten Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees shall cause such Damage or Recompence to be enquired into and ascertained by a Jury of indifferent Men of the County in which such Lands or Hereditaments may be situated, and in order thereto the said Trustees are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before such Jury, and examine on Oath, any Person or Persons whomsoever (which Oath any One or more of the said Trustees is and are hereby empowered to administer), and such Trustees shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have enquired of and assessed such Damage and Recompence, they the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners and other Persons interested in such Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgment, Order, or Determination thereupon, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim in Possession, Remainder, Reversion, or otherwise, their

their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunatics, Idiots, and Persons under any Disability whatsoever, Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and for summoning and returning such Jury the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County in which such Lands and Hereditaments may be situated, requiring him to impannel, summon, and return Twenty-four Persons qualified to serve on Juries, to appear before the said Trustees at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, summon, and return such Number of Persons accordingly, and out of the Persons so summoned, impannelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and they are hereby empowered and required to draw by Ballot, and to swear or cause to be sworn, Twelve Men, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen so returned, the said Sheriff, or his Deputy or Deputies, or the said Trustees, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to make up the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they are to be sworn; and the said Trustees shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give, or shall not give a Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the Jury, having been paid or tendered a reasonable Sum for his, her, or their Costs and Expences, shall refuse or neglect to appear, or appearing shall refuse to be sworn or examined, or give Evidence, so that no such Fine be more than Ten Pounds on any one Person for one Offence.

How Expences of Jury to be paid.

LVI. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money, as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than shall have been agreed to or offered by the said Trustees, or their Treasurer, Clerk, Surveyor, or Agent, before the summoning and returning of the Jury, as a Recompence and Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the Treasurer to the said Trustees out of the Money to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or less Money than shall have been agreed to and offered by the said Trustees before the summoning and returning of the said Jury, as a Recompence or Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such

Difference, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute, which said Costs and Expences having been ascertained and settled by some Justice of the Peace for such County, not interested in the Matter in question (who is hereby required to examine and settle the same, at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose), shall and may be deducted out of the Money so assessed and 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 of Money so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, shall and may be recovered by the said Trustees by such Ways and Means as are herein provided for Recovery of Penalties and Forfeitures; provided that where by reason of Absence any Person or Persons shall have been prevented from treating with the said Trustees touching the Matters aforesaid, the whole of such Costs and Expences shall be paid by the said Trustees.

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

LVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to the taking down of any Dwelling House or other Building, or to the taking in of any Land that is a Garden or Orchard adjoining to any Dwelling House, or any Yard, Park, Paddock, planted Walk, inclosed Nursery for Trees, or Avenue to any House, or any Part thereof, without the Consent of the Owner or Proprietor thereof respectively in Writing first had and obtained.

Old Roads may be sold.

LVIII. And be it further enacted, That after any Land shall have been purchased and laid into the said Roads, or any Part thereof, in pursuance of this Act, such Part and Parts of the old and former Road in lieu whereof such Land shall be purchased for such new Road as aforesaid (unless the same shall lead over some Heath, Common, Moor, or Waste Grounds, or to some Village, Town, or Place to which such new Road doth not lead) shall be vested in the said Trustees, and shall and may be disposed of by them for the best Price that can be reasonably gotten for the same; and the Money arising by such Sale shall be applied and disposed of in amending and improving the Roads by this Act directed to be repaired; and the Sale and Conveyance or Conveyances to be made of such Lands and Grounds comprising the said old Road, being executed by the said Trustees, and enrolled amongst the Records of the Sessions of the Peace of the County in which such Land lies, shall vest the Property of the same Lands and Grounds in the Person or Persons to whom the same shall be so sold and conveyed to all Intents and Purposes whatsoever, and the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Persons whose Lands adjoin to have the first Offer.

LIX. Provided always, and be it further enacted, That wherever the Course of any Part of the said Roads shall be altered under the Authority of this Act, or any Toll House or Garden discontinued, and a new Road opened and made in any adjoining Land, the Offer of the Purchase of such old Road, or Toll House or Garden, shall be first made to the Owner

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

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

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

LXI. And whereas it is by the said recited Act of the Twelfth Year of the Reign of Her late Majesty Queen *Anne* enacted, and continued by the subsequent Acts herein-before recited, that there should be paid yearly and every Year, during the Continuance thereof, out of the Tolls collected upon the said Middle Division of the said Road, to the Treasurer for the Time being of the said South Division of the said Road, the Sum of Seventy Pounds towards repairing that Part of the said Roads which lies in the said South Division, and which said Sum of Seventy Pounds a Year hath been and still is constantly paid, and it is not intended by this Act to repeal or in anywise prejudice or affect the same; now therefore be it enacted, That nothing in this Act contained shall extend or operate to repeal, prejudice, or affect the Payment of the said Seventy Pounds a Year to the Treasurer of the said South Division, or any Provision contained in the said recited Acts or any of them, or any subsequent Act or Acts passed for the Repair or Regulation of the said South Division of the said Road, so far as relates to the Payment of the said Seventy Pounds a Year; but that the same Sum of Seventy Pounds a Year shall continue payable for and during the Continuance of the said recited or subsequent Acts, or any of them; any thing herein contained to the contrary thereof in anywise notwithstanding.

Act not to affect the Payment of Seventy Pounds to the South District.

LXII. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments which shall be purchased for the Purposes of this Act of any Body Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or from any Femes or Feme Covert, or other incapacitated Person or Persons, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents or Profits of the said Lands, 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, 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 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 Court of Chancery, upon Application thereto, be invested by the said Accountant General

Application of Money when amounting to 200*l.*

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 from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents or Profits of the Lands, Tenements, or Hereditaments so to be purchased, in case such Purchase or Settlement were made.

Where less than 200*l.* and above 20*l.*

LXIII. 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 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 in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner hereinbefore directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Trustees, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money and the Dividends arising therefrom may be applied in manner hereinbefore directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Not exceeding 20*l.*

LXIV. 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 as aforesaid, in such Manner as the said Trustees shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Directions in Cases of not making out Titles.

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

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

Respecting disputed Titles.

LXVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, 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 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 to 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 direct Payment of Expences.

LXVII. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, 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 Court of Chancery, and to 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 Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sum of Money for such Purposes as the said Court shall direct.

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

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

Statute Duty.

LXIX. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace for the Counties of *Hertford* or *Huntingdon*, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Treasurer, Clerk, or Surveyor, from Time to Time to adjudge, order, and determine what Part or Proportion of the Statute Work shall be done in and upon the said Roads hereby directed to be repaired, and for what Space of Time, and in what Manner, and by which of the Inhabitants of or Occupiers of Lands and Tenements in the several Parishes, Townships, or Places through which the said Roads do or shall pass, the same shall be done, and also what Proportion of the Composition Money received or to be received by the Surveyors of the Highways of such Parishes, Townships, and Places respectively, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by them respectively paid to the said Trustees, or their Treasurer, Surveyor or Surveyors; and in order thereunto it shall be lawful for such Justices, and they are hereby required from Time to Time, on such Application as aforesaid, to summon the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, to bring in before such Justices, at some Place to be expressed in such Summons, and at such Time, not being less than Ten Days then next following, as the said Justices shall direct, true and perfect Lists in Writing of the Names of the several Persons who, within such Parishes, Townships, or Places respectively, shall be by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid by each Person, which Lists shall be made in such Manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute in force and effect for the Repairs of the Public Highways; and out of such Lists the said Justices shall and may and are hereby required to allot, appoint, and order such and so many Persons who shall appear subject and liable to the Statute Work as aforesaid, to do such Number

of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable; and the same shall be done on such Days and at such Time (not being Haytime or Harvest), and on such Parts of the said Roads, as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may order and direct what Proportion of the Money received or receivable by the Surveyors of such Parishes, Townships, or Places respectively, from the several Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, shall be paid, and at what Time the same shall be so paid by such Surveyors to the said Trustees or their Treasurer, Surveyor or Surveyors; and in Default of Payment thereof, the same shall or may be recovered by Distress and Sale of the Goods and Chattels of the respective Surveyors liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person so appointed and ordered to do such Statute Work as aforesaid, who shall neglect or refuse to perform the same after Four Days Notice in Writing given to or left with him, her, or them at his or their usual Place of Abode for that Purpose by any Surveyor to the said Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject or liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force for the Repair of the Public Highways; and if any Person or Persons who shall come or be sent to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person sending such Labourer, Team, or Draught, shall be subject to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the Roads by this Act directed or authorized to be repaired; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Surveyors refusing to deliver Lists.

LXX. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and empowered to compound or agree, by the Year or otherwise, with any of the Inhabitants or Occupiers of Lands, Tenements, or Hereditaments of or in any of the Parishes, Townships, or Places in which the said Roads shall lie and be situate, for a certain Sum of Money in lieu of the Whole or any Part of their Statute Work, or to compound with the Surveyor of the Highways for any such Parishes, Townships, or Places, for the Whole or any Part of the Statute Work liable to be performed within the same respectively; all which Composition Monies shall be from Time

Trustees may compound for Statute Duty.

Time to Time paid in advance, and shall be applied in the Repair of the said Roads.

Composition Money how to be recovered.

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

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

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

For securing transient Offenders.

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

Form of Conviction.

LXXIV. And be it further enacted, That all and every the Justice or Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the Form or to the Effect following (*mutatis mutandis*); that is to say,

‘ BE it remembered, That on [*Time of Conviction*] at [*Place of Conviction*] *A. B.* [*Name of Offender*] of [*Addition of Offender*] was ‘ duly convicted before me [*or* us] [*Name and Stile of convicting Justice ‘ or Justices*], for that the said *A. B.* [*Name of Offender*] on [*Time of committing*

'mitting Offence] at [*Place of committing Offence*] did [*here state the Offence against this Act, according to the Fact*] contrary to the Form of the Statute made in the Fifty-fifth Year of the Reign of His Majesty King *George* the Third, intituled [*here set forth the Title of this Act*], and I [*or* we] do therefore declare and adjudge that the said *A. B.* [*Name of Offender*] has forfeited for the said Offence the Sum of [*Fine*], or shall be committed to [*Place of Imprisonment*] for the Space of [*Time of Imprisonment*]. Given under my Hand and Seal [*or* our Hands and Seals] the Day and Year first above written.'

Penalties and Forfeitures how to be recovered and applied.

LXXV. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (the Manner of levying and recovering whereof is not herein otherwise directed) shall, upon Proof of the Offences respectively before any One Justice of the Peace for the County or Place wherein the Offence shall be committed, or wherein the Offender shall be and reside, either by Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant for those Purposes); and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, shall have been levied, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when so levied, (if not otherwise directed to be applied by this Act,) shall be from Time to Time paid to the Treasurer of the said Trustees, and applied to the Purposes of this Act; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, or Fines shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of such County or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, or Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal to the Quarter Sessions.

LXXVI. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved, and to have Cause of Complaint, by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been herein-before appointed, such Person may appeal to the Justices at the General Quarter Sessions of the Peace to be holden for the County or Place wherein the Cause of Complaint shall arise, within Four Calendar Months next after the Cause of Complaint shall have arisen, such Appellant first giving or causing to be given Fourteen Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of and pay such Costs as shall be awarded by the said Justice at such Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the enter-

ing into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and may award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes.

Proceedings not to be quashed for Want of Form.

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

Limitation of Actions.

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

Public Act.

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

Commencement and Duration of this Act.

LXXX. And be it further enacted, That this Act shall commence and take effect upon the Day hereby appointed for the first Meeting of the Trustees to be held for carrying this Act into Execution, and shall from thenceforth 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: Provided always nevertheless, that if at any Time before the Expiration of the said Term the said District of Roads shall be sufficiently repaired and amended, and so adjudged by the said Trustees, or by any Five or more of them, at a Public Meeting, and approved and confirmed by the Justices of the Peace of the County or Counties in which the said District of Roads lie, at their respective Quarter Sessions to be holden for the said County or Counties, then and in such Case, from and after such Adjudication, and also such Approbation and Confirmation shall have taken place, and Payment shall have been made of the respective Sums of Money borrowed or to be borrowed for the Repair of the said District of Roads, by virtue of the said recited Acts and of this Act, together with the Interest for the same respectively, and the Costs and Charges thereof, all and singular the said Tolls and Duties, and all Powers and Authorities by this Act given and granted, shall cease, determine, and be void.

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