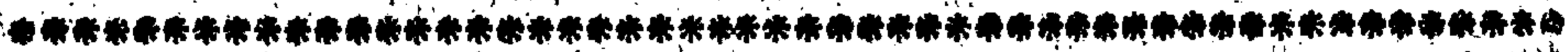




ANNO PRIMO

GEORGII IV. REGIS.



Cap. lxxix.

An Act for repairing the Road from *Chatteris Ferry* through *Somersham* to the *Crown Inn* in *Saint Ives*, and also the Road branching out of the said Road near *Stock's Bridge* through *Needingworth* to *Hermitage Bridge* in the Parish of *Earith* in the County of *Huntingdon*. [15th July 1820.]

WHEREAS an Act was passed in the First Year of the Reign of His Majesty King *George* the Second, intituled *An Act for repairing the Road leading from Chatteris Ferry, which divides the Isle of Ely from the County of Huntingdon, to Hammond's Eau, and from thence to Somersham Bridge at Somersham Town's End in the said County*: And whereas another Act was passed in the Fourteenth Year of the Reign of His said Majesty King *George* the Second, intituled *An Act to enlarge the Term and Powers granted by an Act made in the First Year of His present Majesty's Reign, intituled 'An Act for repairing the Road leading from Chatteris Ferry, which divides the Isle of Ely from the County of Huntingdon, to Hammond's Eau, and from thence to Somersham Bridge at Somersham Town's End in the said County'*: And whereas another Act was passed in the Fifth Year of the Reign of His Majesty King *George* the Third,

1 G. 2. c. 4.

14 G. 2. c. 14.

[Local.]

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intituled

5 G. 3. c. 53. intituled *An Act for continuing the Terms of several Acts, and for giving further Powers for repairing the Road from Chatteris Ferry to Hammond's Eau and Somersham Bridge, and for amending and widening the Road from Somersham Bridge to the Sheep Market in Saint Ives, and also the Road branching out of the said Road near Stock's Bridge, through Needingworth to Earith in the County of Huntingdon*: And whereas another Act was passed in the Thirty-eighth Year of the

38 G. 3. c. 5. Reign of His late Majesty King George the Third, intituled *An Act for continuing for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term and altering and enlarging the Powers of an Act passed in the Fifth Year of the Reign of His present Majesty, for repairing the Road from Chatteris Ferry to Hammond's Eau and Somersham Bridge, and for amending and widening the Road from Somersham Bridge to the Sheep Market in Saint Ives, and also the Road branching out of the said Road near Stock's Bridge, through Needingworth to Earith, in the County of Huntingdon*: And whereas the public Carriage Road leading from a certain Place called *White Hart Corner* into and through a Street called the *Sheep Market* to the *Crown Inn* in the said Parish of *Saint Ives* in the County of *Huntingdon*, and the public Carriage Road leading from a House at the South-west Entrance of the Town of *Earith*, formerly belonging to *Aaron Upsher*, through the Town of *Earith* to the Foot of *Hermitage Bridge* in the same Parish, might be improved and kept in better Repair if such public Carriage Roads were put under the Care and Management of the Trustees for executing this Act: And whereas the Trustees appointed by or in pursuance of the said recited Acts have proceeded in the Execution thereof, and several Sums of Money have been borrowed on the Credit of the Tolls thereby granted, and a considerable Debt now remains charged on the Credit thereof, which Debt cannot be paid off, nor can the said Road be effectually amended, improved, and kept in Repair, unless some of the Powers of the said Acts be altered and enlarged and the Tolls increased; and it is desirable that the Powers heretofore granted by the said recited Acts, and such further Powers as may be necessary for keeping in Repair the Roads herein-after mentioned should be contained in one Act: May it therefore please Your Majesty that it may be enacted; and be it enacted, by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That on the First Day of *August* next after the passing of this Act, the said recited Acts passed in the First and Fourteenth Years of the Reign of His Majesty King George the Second, and in the Fifth and Thirty-eighth Years of the Reign of His late Majesty, shall be and the same are hereby declared to be repealed, and instead thereof this Act shall be put in Execution for and during the Term herein-after mentioned, for the Purpose of more effectually improving, repairing, and keeping in Repair the several Roads herein-after described.

Recited Acts
repealed.

New Term
and Tolls
liable to
Debts, &c.

II. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and are hereby made subject and liable to the Payment of all Monies which have been borrowed and are

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

III. And be it further enacted, That *William James Aislabe Clerk, Robert Alden, Thomas Allpress, Robert Whetham Allpress, John Ansley, John Ashton, John Ashton junior, John Asplan, William Asplan, Cuthbert Johnson Baines Clerk, William Barton, James Beck, James Brittin, Samuel Brown, John Brown of Earith, John Brown of Saint Ives, John Butler, Thomas Chadwell, William Coote, John Carrington Dunn, Francis Earl, John Edwards, George Ekins, George Ekins junior, John Feary, Stephen Feary junior, William Henry Fellowes M. P., John Fryer, John Fryer junior, Daniel Fryer junior, Daniel Fryer, Thomas Fryer, William Gifford, Edward Greene, John Green, Charles Green, William Austin Groocock, Thomas Hawkes, John Launcelot Houghton, Robert Hunt, Thomas Hutchinson, Thomas Hutchinson junior, Stoakley Hutchinson, Bartholomew Ibbott, Edward Jennings, John Ilett, Edward Ilett, Daniel Ilett, Jonathan Ilett, John Ingle of Somersham Fen, John Johnson, Robert Johnson, Robert Knightley, Charles Leeds, John Leeds, Robert Martin Leeds, Thomas Leigh, John Lindsell, Thomas Lindsell, William Lyon, John Mann, Francis Mann, Henry Manning, John Margetts, William Mason, Litchfield Moseley, Henry Moseley, Waddelow Nix, William Nix, James Osborne, Martin Rawling Osborne, William Pearson, Henry Rugeley, Thomas Richardson junior, William Ruston, William Ruston junior, Fryer Richardson, Richard Ruston, Edward Ruston, Joseph Saberton Saberton, Daniel Setchfield, Joseph Smith, Lovell Squire, Matthew Tibbutt, William Tibbutt, George Thompson, Samuel Thorp, Richard Tillard Clerk, John Upsher, Joseph Upsher, Robert Warner, Thomas Warner, Henry Warth, Matthew Wasdale, Samuel Wells, Benjamin Welstead, Taylor White, William Wiles, John Wilson Clerk, John Wilson, Joseph Wilson, Thomas Wilson Clerk, Thomas Wright,*

Appoint-
ment of
Trustees.

and

and all His Majesty's Justices of the Peace acting for the County of *Huntingdon*, shall be and they are hereby appointed Trustees for amending, widening, improving, repairing, maintaining, and keeping in Repair the present Turnpike Road from *Chatteris Ferry* to *Hammond's Eau* and *Somersham Bridge*; and for amending and widening the Road from *Somersham Bridge* to the *Sheep Market* in *Saint Ives*, and also the Road branching out of the said Road near *Stock's Bridge*, through *Needingworth* to *Earith* in the County of *Huntingdon*, and also for improving, repairing, and keeping in Repair the public Carriage Road from the *White Hart Corner*, at the East Entrance of a certain Street in *Saint Ives* called the *Sheep Market* into and through the said Street to the *Crown Inn* in *Saint Ives* aforesaid, and also a Piece of Road leading from a certain House nearly at the South-west Entrance of the Town of *Earith*, formerly belonging to *Aaron Upsher*, through the Street or Town of *Earith* aforesaid, to the Foot of a certain Bridge called *Hermitage Bridge* in the said Parish of *Earith*, and for putting this Act in all other respects in Execution.

Power to appoint additional Trustees.

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

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

V. And be it further enacted, That when any Trustee or Trustees hereby appointed or to be appointed by virtue of this Act shall die or become disqualified or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, from Time to Time by Writing under their Hands, to elect and appoint some other Person in the Room of every Trustee so dying or becoming disqualified or refusing to act, and Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the said Trustees, by affixing a Notice in Writing on all the Turnpikes which by virtue of this Act shall be then continued or erected on the said Roads, at least Fourteen Days before such Meeting; and all and every Person and Persons who shall be so elected and appointed shall immediately upon such Election and Appointment be a Trustee or Trustees for the Purposes of this Act, and after taking and subscribing the Oath hereby prescribed, shall be vested with the same Powers and Authorities for carrying this Act into Execution, as if he or they had been herein nominated and appointed a Trustee or Trustees.

Qualification of Trustees.

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right or in Right of his Wife, seised
or

or possessed of and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person so seised of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds above Reprizes, or shall be possessed of a clear Personal Estate, or of a Real and Personal Estate together, of the Amount or Value of Four thousand Pounds; and if any Person shall presume to act as a Trustee in the Execution of this Act, not being qualified as aforesaid, or without having taken and subscribed the Oath or Affirmation herein-after mentioned, 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.

Acts of Trustees not qualified valid before Conviction.

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

Trustees to take an Oath.

I do swear, (or being one of the People called Quakers, I do solemnly affirm), That I am in my own Right (or, in the Right of my Wife), truly and *bonâ fide* seised or possessed of and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes; (and in case of an Heir Apparent, I do swear, or being one of the People called Quakers, do solemnly affirm), that I am Heir Apparent of who to the best of my Knowledge and Belief is truly and *bonâ fide* seised or possessed of and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds above Reprizes; (and in case of Personal Estate) I do swear, (or being one of the People called Quakers, do solemnly affirm), that I am truly and *bonâ fide* possessed of a clear Personal Estate, or to a Real and

Oath.

[Local.]

25 X

Personal

‘ Personal Estate together, of the Amount or Value of Four thousand Pounds; and that I will truly and faithfully execute the Powers and Trusts reposed in me by an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [here set forth the Title of this Act.] So help me GOD.’

Trustees,
&c. not to
act where in-
terested.

VIII. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, during the Time he shall hold either in his own Name or in the Name of any other Person for his Benefit, any Place of Profit, or shall be directly or indirectly the Farmer or Renter of the Tolls hereby granted, or Contractor or concerned in any Bargain or Agreement for repairing the Roads to be kept in Repair by virtue of this Act, or who shall become Surety for any such Farmer, Renter, or Contractor, or be concerned or interested in any Contract or Contracts under this Act otherwise than as a Trustee, nor act or vote in any Case wherein he shall be personally interested, (otherwise than as a Creditor), nor act as a Trustee at any Meeting where he shall attend to transact Business as Agent for any other Person.

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

IX. And be it further enacted, That any Trustee or Trustees appointed in or by virtue of this Act, who shall be a Justice or Justices of the Peace, may and is and are hereby authorized and empowered to act as a Justice or Justices of the Peace within his or their respective Jurisdictions, in the Execution of the Powers of this Act, notwithstanding his or their being a Trustee or Trustees; provided that such Justice or Justices be not personally interested in the Matters to be adjudged by him or them otherwise than as a Trustee or Trustees.

Meetings of
Trustees.

X. And be it further enacted, That the said Trustees or any Five or more of them shall meet together at the House known by the Name or Sign of the *Crown Inn* in the Town of *Saint Ives* in the said County of *Huntingdon*, or at some other convenient House in *Saint Ives* aforesaid, on the First *Wednesday* next after the Commencement of this Act, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall then proceed in the Execution of this Act, and shall then and from Time to Time afterwards adjourn themselves and meet again at such Time and at such Place, in some one of the Parishes through which the said Roads pass, as they shall think proper, and that Three Trustees present at any Meeting shall be sufficient for the Purpose of adjourning; and if at any Meeting there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day, or in case the Trustees at any Time assembled shall omit to adjourn, then and in every such Case, the Clerk to the said Trustees shall adjourn the Meeting to the Place where the last Meeting was appointed to have been held, or was held, as the Case may be, and to such Time as he shall think fit, not being more than Twenty-one Days nor less than Ten Days from the last Meeting or intended Meeting, and shall thereof give Notice by Writing to be affixed on all the Turnpikes then erected on the said Roads, at least Seven Days before the Day of such intended Meeting; and in case no Ad-

jourment, Notice, or Appointment shall be made or given as aforesaid, then it shall be lawful for any Five or more of the said Trustees to cause Notice in Writing to be affixed on all the Turnpikes which shall be then continued or erected by virtue of this Act, appointing the Trustees to meet at such Time as they the said Five Trustees shall think proper, not exceeding Fourteen Days nor less than Seven Days from the Time of affixing such Notice, and at the Place where the last Meeting was appointed to have been held or was held, as the Case may be, or any other Place or Places in any of the Parishes through which the said Roads pass; and the Trustees shall at all their several Meetings pay their own Expences, but not for the Use of the Room or Rooms where their Meetings shall be held for the Purposes of this Act: Provided always, that the said Trustees shall meet for the Purpose of carrying this Act into Execution Three Times at least in every Year during the Continuance of this Act, Two of such Meetings to be holden at some Place in the Town of *Saint Ives*, and One of such Meetings at some Place in the Town of *Somersham*; and all Orders and Determinations of the Trustees in the Execution of this Act, shall be made at Meetings consisting of not less than Five Trustees, and not otherwise, except in Cases hereby particularly provided for, and no Order or Determination shall be valid, unless the major Part of the Trustees present at such Meeting shall concur therein; and no Order made by Five or more of the said Trustees, shall be revoked or altered at any Meeting without the actual Concurrence of a greater Number of Trustees than the Number by which such original Order was made, nor unless Fourteen Days Notice at the least of such intended Alteration shall have been given at a previous Meeting of the Trustees, and entered in the Book kept for the Entry of their Proceedings, and also have been affixed on all the Turnpikes which by virtue of this Act shall be then continued or erected on the said Roads, Fourteen Days at least before the Meeting at which it may be proposed to alter or revoke such Order; and at every Meeting of the said Trustees, an Entry shall be made of the Names of the Trustees present, and a Chairman shall be appointed to preside thereat, and to sign the Minutes and Entry of Proceedings at every such Meeting, and as often as there shall be an Equality of Votes at any such Meeting upon any Question, including the Vote of the Chairman, then and in every such Case, it shall and may be lawful to and for the Chairman to give the decisive and casting Vote.

XI. Provided always, and be it further enacted, That if after any Adjournment of any Meeting of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall be adjourned, it shall and may be lawful to and for any Two or more of the said Trustees, or to or for their Clerk by an Order in Writing signed by Two or more of such Trustees (although not assembled at a Meeting) to appoint the Time, Place, and Purpose of such earlier Meeting, and to give Notice of such earlier Meeting in Writing, to be affixed on all the Turnpikes then continued or erected by virtue of this Act, such Time not being less than Fourteen Days after such Notice, and also by Advertisement to be published Seven Days before such Meeting in some Newspaper

Meetings on
Emergencies.

Newspaper circulated in the Neighbourhood of the said Roads, and all Proceedings of the Trustees at such Meetings shall be as valid as they would have been in case the Trustees had met in pursuance of an Adjournment.

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

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

Appointment of Officers.

XIII. And be it further enacted, That the said Trustees or any Five or more of them respectively, shall and may from Time to Time at any of their Meetings, by Writing under their Hands, appoint One or more Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Roads, and any other Officers which such Trustees shall think necessary to employ in the Execution of this Act, and from Time to Time remove any such Officer or Officers, and on the Death or Removal of any such Officer or Officers may appoint others in their Stead; and Fourteen Days Notice of the Intention of such Appointment shall be given in Writing, to be affixed on all the Turnpikes then continued or erected by virtue of this Act, of every Meeting where any such Appointment shall be made; and the said Trustees or any Five or more of them shall and may and are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries and make such Allowances to such Officers and other Persons employed for their Services as such Trustees shall think reasonable: Provided always, that no Person shall be capable of acting as a Trustee in the Execution of this Act, or of taking or holding any Place of Trust or Profit under this Act, or of farming or renting the Tolls hereby granted, who shall sell any Wine, Cyder, Ale, Beer, or other Spirituous Liquors by Retail; but no such Person shall be precluded from farming such Tolls, provided he, she, or they employ a Person or Persons to collect such Tolls who shall not be under any such Incapacity: Provided also, that each and every Clerk, Receiver, Collector, Surveyor, and other Officer, save and except the Treasurer appointed under and by virtue of the said recited Acts hereby repealed or

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

or any of them, for or in respect of the said Roads, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and each and every such Clerk, Receiver, Collector, Surveyor, and other Officer shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations in all Respects whatsoever, as if he had been appointed by virtue of this Act.

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

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

XV. Provided always, and be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall refuse, neglect, or be incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for any Five or more of the said Trustees, although not assembled at a Meeting appointed by virtue of this Act, to discharge such Collector or Receiver; and in such Case and also in case any Collector or Receiver shall die, such Trustees as aforesaid shall and may nominate and appoint a proper Person to be a Collector or Receiver of the Tolls to continue until the next Meeting of the Trustees, and every Person so nominated and appointed shall have the like Power and Authority and be answerable and accountable in the same Manner in all Respects as if he had been nominated and appointed at a Meeting held by virtue of this Act; and if any Collector or Receiver of the said Tolls who shall be discharged from his said Office by virtue of this Act, or if the Wife or Widow or any of the Children or Family or other Representative of any Collector or Receiver who shall die or be discharged, or any other Person shall refuse to deliver up the Possession of any Toll House or Building, with the Appurtenances to be continued or erected by virtue of this Act, for the Space of Five Days after Demand thereof made, and Notice in Writing given for that Purpose by any Five or more of the said Trustees, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County wherein the Toll House or Building shall be situate, upon Application made by the said Trustees, or by any Person by them appointed

Trustees may appoint temporary Collectors.

on their Behalf, by Warrant under his or their Hand and Seal or Hands and Seals, to order a Constable or other Peace Officer for the same County, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees or any Five or more of them or their new appointed Officer into the Possession thereof.

Officers to
account.

XVI. And be it further enacted, That all such Officers and all other Persons who shall be appointed or continued by virtue of this Act, shall, from Time to Time when thereunto required by the Trustees for executing this Act, or any Five or more of them respectively, deliver to such Trustees or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under the respective Hands of such Officers or Persons, of all Monies which shall have been by them respectively had, collected, received, paid, laid out, or expended by virtue of this Act, and how, and to whom, and for what Purpose the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments, and all such Officers and Persons shall, and they are hereby respectively required, to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in his or their Hands, to such Person or Persons as such Trustees or any Five or more of them shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance remaining in their Hands when thereunto required in Manner aforesaid, or if any such Officers or other Persons shall refuse or neglect to deliver up to such Trustees, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by such Trustees, or any Five or more of them, all Books, Accounts, Papers, and Writings in their respective Custody or Power any ways relating to the Execution of this Act or to the said Roads, and Complaint shall be made of any such Neglect or Refusal to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons so neglecting or refusing shall live and reside, by any Five or more of the said Trustees, or by any Person or Persons by them authorized on their Behalf, such Justice may and he is hereby authorized and required, to summon such Officer or Officers, Person or Persons, to appear before him, and in case of his or their not appearing upon such Summons, the same having been served upon him or them personally, or left at his or their usual Place or Places of Abode, (no reasonable Cause or Causes being shewn for such Non-appearance) to issue his Warrant or Warrants for his or their Apprehension, and upon his or their appearing upon such Summons, or being apprehended and brought before him by virtue of such Warrant, or having absconded, or not being to be found, it shall be lawful for any such Justice to hear and determine the Matter of such Complaint in a summary Way, and if upon the Confession of the Officer or Officers, Person or Persons against whom any such Complaint shall be made, or by the Oath or Oaths of
any

any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which have been so collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and he is hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Money and the Charges of levying the same, or if such Officer or Officers, Person or Persons, appearing or being brought before such Justice in the Manner aforesaid, shall refuse or neglect to give and deliver to the said Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, or to the said Roads, then and in either of the Cases aforesaid, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Common Gaol of the County or Place where he or they shall live and reside, or to any House of Correction within the same County, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his or their Accounts, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his or their respective Hands, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he or they shall have compounded with the said Trustees or any Five or more of them for the same, and have paid the Composition Money to such Trustees, or to such Person or Persons as they or any Five or more of them shall appoint to receive the same, (and which Composition the said Trustees or any Five or more of them respectively are hereby empowered to make and receive), or until he or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to such Trustees, but no Officer or other Person who shall be committed for default of Distress only, shall be detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months.

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

Treasurer,
&c. to give
Security.

XVIII. And

Actions to be brought in the Name of the Treasurer or Clerk, or of Trustees, who are not to be personally liable to Costs.

XVIII. And be it further enacted, That the said Trustees may sue and be sued in the Name or Names of their Treasurer or Clerk, or in the Name or Names of any one of the said Trustees for or on Behalf of the said Trustees, and no such Action shall abate or be discontinued by the Death or Removal of the Person in whose Name or against whom the said Action shall be brought or commenced, nor by the Act of such Person or Persons done without the Consent of the said Trustees; at a Meeting to be holden in pursuance of this Act: Provided always, that every such Treasurer, Clerk, or Trustee shall always be reimbursed and paid out of the Monies to be raised by virtue of this Act, all such Costs and Charges as by the Event of any such Action he shall be put unto or become chargeable with by reason of his being so made Plaintiff or Defendant as aforesaid.

Toll Gates and Weighing Machines may be erected.

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

Restrictions as to erecting Toll Bars.

XX. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Trustees or any of them, to erect any Toll Gate or build any Toll House, or inclose any Waste, or to place any Side Bar on the South-east Side of the said Bridge called the *Hermitage Bridge*, or any other Place within the Wash between *Earith Town* and the said *Hermitage Bridge* or any Part thereof, or so near to the said Bank of the *Old Bedford River* as to be within Fifty Yards thereof, or within Fifty Yards of the Place on the *Earith Side*, where the straight Line of the said *Old Bedford Bank* intersects the said Road.

Lamps to be lighted at Toll Houses.

XXI. And be it further enacted, That it shall and may be lawful for the said Trustees from Time to Time to order and direct such and so many Lamps to be placed and erected on each and every of the Toll Gates or Turnpikes to be continued or erected by virtue of this Act, or on the Sides thereof, as they shall think proper; and also to order and direct at what Times of the Year and during what Hours such Lamps or any of them shall be kept lighted, and all and every

every Toll Collector and Collectors, whether appointed by the said Trustees or by any Person or Persons to whom such Tolls may be let, who shall neglect or omit to observe and fulfil the Orders of the said Trustees in respect to the keeping of such Lamps lighted, shall forfeit and pay any Sum not exceeding Five Pounds for every such Neglect or Omission.

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

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

Trustees, &c. not incompetent Witnesses.

XXIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons appointed or continued or to be appointed by virtue of this Act, Collector or Collectors as aforesaid, to demand and take the several Tolls and Duties following at each and every of the several and respective Turnpikes or Toll Gates or Toll Houses, or Turnpike or Toll Gate or Toll House, or Side Bar or Side Gate or Chain, which are, is, or shall be standing and

Power to take Tolls.

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being or continued, or which shall be erected by virtue of this Act in, upon, across, or on the Side or Sides of the said Roads or any Part thereof, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock of the next succeeding Night; (that is to say),

Tolls.

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

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

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

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

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

Tickets to be printed.

Exemptions by 55 G. 3. not to be affected.

XXIV. Provided always, and be it further enacted, That Waggon, Carts, and other such Carriages, having the Wheels of the Width and Descriptions, and the Axletrees fixed as directed by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, and the Horses and other Cattle drawing the same, shall have and enjoy the Privileges and Exemptions granted thereby.

XXV. And

XXV. And be it further enacted, That if any Person or Persons subject to the Payment of any of the said Tolls shall after Demand thereof made either at the Gate, Bar, or Chain where such Tolls shall be collected, or after passing through the same neglect, or refuse to pay the same, it shall be lawful for the Person or Persons appointed to collect such Tolls as aforesaid, by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary, to seize or distrain any Horse or Horses, Beast or Beasts, Cattle or Carriage, or other Thing, upon or for which such Toll is hereby imposed, together with the Harness, Bridles, Reins, (except the Bridle or Reins apart from the Horse or Horses), Saddles, Gears, or Accoutrements or their Lading, or a sufficient Part thereof, or any of the Goods or Chattels of or belonging to or in the Possession of the Person or Persons so then and there neglecting or refusing to pay as aforesaid; and if such Toll or any Part thereof so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Five Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Beast or Beasts, Cattle or Carriage, Thing or Things so distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any) and what shall remain unsold upon Demand, to the Owner thereof, after such Toll, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall have been deducted.

Tolls may be distrained for.

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

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

XXVII. Provided also, and be it further enacted, That no more than Three full Tolls on the whole Line of Road shall be demanded or taken of or from any Person or Persons for or in respect of the same Horse or Horses, or other Beasts or Cattle or Carriage or Carriages as aforesaid in any one Day, for passing and repassing through all or any of the said Toll Gates or Toll Bars erected or continued or to be erected or continued on the said Road, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night.

Not more than Three full Tolls to be taken.

XXVIII. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle, or Carriage through any Gate or over any private Passage, Land, Ground, or Place, lying by the Side of or near to any Part of the said Roads, (except the Owner or Occupier of such Land or other Premises, or any of his, her, or their Family or Servants), or if any Person or Persons owning or occupying any Tenements, Lands, or Grounds,

Penalty on avoiding Tolls.

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(not being a public Highway) near to the said Roads, or any Part thereof, shall knowingly or willingly permit or suffer any Person or Persons to go or pass with any Horse, Beast, Cattle, or Carriage through such Gate or over any such private Passage, Lands, or Grounds (save and except as aforesaid) in order to or with Intent thereby to evade the Payment of the said Tolls or any Part thereof; or if any Person shall forge or counterfeit or shall give to or receive from any Person or Persons any Note or Ticket by this Act directed to be given by the Collector of the Tolls, or if any Person or Persons shall take off or suffer to be taken off any Horse or other Beast from any Carriage either before or after having passed through any Turnpike or Toll Gate, or having passed through any Turnpike or Toll Gate shall afterwards add or put any Horse or Beast to any Carriage, for the Purpose of drawing the same upon any Part of the said Roads, or shall leave upon or near to any Part of the said Roads any Horse or Horses, or other Beast or Cattle or any Carriages chargeable with the Payment of any of the said Tolls with Intent to avoid or evade Payment of any of the said Tolls, or if any Person or Persons shall forcibly pass through any such Turnpike or Toll Gate or Side Gate or Bar, with any Horse or other Cattle or Beast, without Payment of the Toll or any Part thereof; all and every such Person or Persons shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings (over and besides such Damage and Punishments as he, she, or they shall otherwise be liable to by Law), to be recovered in such Manner as is herein-after provided for the Recovery of Penalties and Forfeitures.

Disputes
concerning
Tolls to be
settled by a
Justice.

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

Exemptions
from Toll.

XXX. And be it further enacted, That no Toll shall be demanded or taken for any Horses or Carriages conveying or attending His Majesty or any of the Royal Family, or returning after having been been so employed; or for any Horse or Cattle drawing any Carriage passing

Passing through any of the Toll Gates or Toll Bars erected or continued or to be erected by virtue of this Act, carrying or conveying Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials to be used on or about the said Roads, or for repairing any of the Highways or Bridges in the Parishes, Districts, or Places, which are liable to perform Statute Duty upon any Part of the said Roads, or on returning empty having been so employed; or carrying or conveying Hay, not having been stacked, Straw or Corn in the Straw only not sold or disposed of, but going to be laid up in the Houses, Out-houses, Barns, or Yards of the Owners thereof in any of the said last mentioned Parishes, Districts, or Places, or any Ploughs, Harrows, or other Implements of Husbandry to be used in any of the same Parishes, Districts or Places, or to be taken to any Place for the Purpose of the same being repaired, or to be brought back from such Place after the same shall have been repaired; or any Dung, Mould, Ashes, Soot, Horn-bones, Soil or Compost of any Kind whatsoever to be used in the Cultivation or Manuring of Lands (except Lime), or for the Horses of any Clergyman going to or returning from visiting any of his sick Parishioners, or going to or returning from Church or Divine Service, or on any other his parochial or ministerial Duty; or from any other Person or Persons residing in any of the said Parishes, Districts, or Places, who shall pass through any of the said Toll Gates or Toll-bars to or from his, her, or their proper parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of religious Worship tolerated by Law on a *Sunday*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated; or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes, Districts, or Places, or for any Horse, Mule, Ass, or Cattle kept within such Parishes, Districts, or Places, going to or returning from Work in cultivating Lands therein, or for any Horse or Cattle going to or returning from Water or Pasture, or going to or returning from being shod; or for any Horse or Carriage of whatsoever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Post Masters General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom; or for the Horses of Officers and Soldiers on their March or on Duty, or for Carriages or Horses or other Beast employed in carrying the Arms or Baggage of such Officers or Soldiers or in carrying or conveying any sick, wounded, or disabled Officers or Soldiers; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry, or Volunteer Cavalry, or to any Field Officer, Adjutant, or other mounted Officer of Volunteer Infantry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, provided that all such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption, and not otherwise; 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 or Barrack or other Public or Commissariat Stores, of

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or

Penalty on fraudulently taking Benefit of Exemptions.

of belonging to His Majesty or for the Use of His Majesty's Forces; or for any Carriage, Horse or other Beast employed in the Conveyance of Vagrants travelling with legal Passes, or returning after having been so employed, or for any Horse or Carriage going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Huntingdon* on the Day or Days of such Election, or on the Day before or the Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled thereto, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

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

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

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

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

Penalty on Collector, &c. com-

XXXIII. And be it further enacted, That if any Lessee or Lessees, Taker or Takers, Renter or Renters of the Tolls payable at any Turnpike

Turnpike Gate or Gates erected or to be erected on the said Roads, or any Collector or Collectors, or any Person or Persons appointed to the Care of any such Weighing Machine or Machines as aforesaid, shall make or enter into any Bargain, Contract, Composition, or other Agreement, verbal or written, wherein or whereby any specific Sum or Sums of Money in gross or otherwise is or are to be paid by any Person or Persons for the Carriage of Overweight, in respect of any Waggon, Wain, Cart, or other Carriage liable to be weighed at any such Weighing Machine or Machines, each and every such Lessee or Lessees, Taker or Takers, Renter or Renters, Collector or Collectors, and Person or Persons appointed to the Care of any such Weighing Machine or Machines, so bargaining, contracting, compounding, or otherwise agreeing as aforesaid, shall for every such Bargain, Contract, Composition, or Agreement, forfeit and pay any Sum not exceeding Twenty Pounds.

pounding
for Over-
weight.

XXXIV. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, at any Meeting to be holden for that Purpose, whereof at least Twenty-one Days Notice shall be given in Writing, to be affixed on all the Turnpikes or Toll Gates continued or erected or to be erected on the said Roads, and published in some public Newspapers circulated in the Neighbourhood thereof, from Time to Time as they shall think proper, to lessen or reduce and again to raise and advance all or any of the Tolls hereby granted, so that the respective Tolls so to be raised or advanced do not exceed the Tolls by this Act authorized to be taken, and so as such Reduction be made with the Consent in Writing of the several Persons who shall be entitled to Five-sixth Parts of the Money then due on the Credit of the said Tolls; and such Tolls so reduced or advanced and every of them shall be collected, recovered, and applied as the Tolls hereby granted and authorized to be taken are directed to be collected, recovered, and applied.

Tolls may be
reduced, &c.

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

Tolls may be
compounded
for.

XXXVI. And be it further enacted, That any Contract, Demise, or Lease granted by virtue of the said recited Acts, of the Tolls payable and received at the several Turnpikes or Gates erected on any Part of the said Roads at the Time of the passing of this Act, shall cease, determine, and be void at such Days and Times as the said Trustees

Present Lease
vacated.

Trustees shall think fit and determine; and if any Lessee or Hirer of any of the said Tolls shall make it appear or prove to the said Trustees that any Loss or Injury will be sustained by him, her, or them in consequence thereof, then and in such Case the said Trustees or any Five or more of them shall and may and they are hereby authorized and required to make a fair and just Compensation and Satisfaction for the same, unto every such Lessee or Hirer, his, her, or their Executors or Administrators; and if the said Trustees shall neglect or refuse to make and give a fair and just Compensation for any Loss and Injury which may be sustained by vacating the said Contract or Lease as aforesaid, such Compensation shall and may be sued for in any of His Majesty's Courts of Record at *Westminster*.

Tolls may be leased.

XXXVII. And be it further enacted, That it shall be lawful for the said Trustees or any Seven or more of them respectively, from Time to Time, to demise or let to farm, or agree to demise or let to farm, all or any of the Tolls arising by virtue of this Act, and all or any of the Toll Houses and the Conveniences and Appurtenances thereto belonging, for any Term not exceeding Three Years, upon public Bidding, to the highest Bidder, and for the best Price or Rent such Trustees can get for the same, payable in advance, or at such other Time or Times as the said Trustees shall think proper, to any Person or Persons who shall be willing to take or farm the same under the Conditions and Agreements, and with such Sureties for the Payment thereof as the said Trustees or any Seven or more of them shall think necessary; and the Trustees shall have and be entitled to one or more Bidding or Biddings for the said Tolls, either by themselves or their Clerk or Treasurer or other Person by them respectively authorized, any thing in any Law or Statute to the contrary thereof notwithstanding; and the Rent or Money arising by such Letting shall be applied in such Manner as the Tolls under this Act are directed to be applied.

Lessees or Persons appointed by them may collect Tolls.

XXXVIII. And be it further enacted, That during such Time as the said Tolls or any Part or Parts thereof shall be leased, demised, or let to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall authorize or appoint, to occupy and enjoy the Toll House or Toll Houses at which the said Tolls so let are to be collected and to arise, with all the Appurtenances and Conveniences to the same Toll House or Toll Houses belonging, for the Purpose of collecting such Tolls during so long only as such Lessee or Lessees, Farmer or Farmers, shall duly and regularly pay his, her, or their Rent or Rents, and perform the Covenants, Agreements, and Conditions of such Lease, Demise, or Letting, but no further or otherwise; and such Lessee or Lessees, Farmer or Farmers, and the Person or Persons so to be by him or them appointed, (such Rents and Covenants being duly paid and performed), shall and may demand and take the said Tolls so leased, demised, farmed, or let, with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls appointed or
continued

continued by virtue of this Act, is by virtue of this Act authorized and empowered to demand, take, and recover the same, and such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons as aforesaid, shall be subject to the Regulations of this Act, and to the like Pains and Penalties as any Collector of the said Tolls appointed or continued by virtue of this Act is subject or liable to.

XXXIX. And be it further enacted, That if any Lessee, Farmer, Renter, or Collector of the said Tolls shall demand and take, or cause to be demanded and taken from any Person or Persons, any Toll not by this Act authorized to be taken, or a greater or less Toll than is authorized to be taken under the Authority of this Act or of the Orders and Resolutions of the Trustees made in pursuance thereof, such Lessee, Farmer, or Renter shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and also his Contract for renting the Tolls shall be declared to be vacated; if the said Trustees or any Five or more of them shall think fit to vacate the same; and every such Collector not being the Lessee, Farmer, or Renter, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied in Manner herein-after mentioned.

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

XL. And be it further enacted, That all and every Toll Collector or Collectors, being Lessee or Lessees of the said Tolls, or appointed either by the said Trustees or by any Lessee or Lessees to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Turnpike or Toll Gate immediately upon his beginning to collect such Toll or coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall collect such Toll or be upon such Duty; and if any such Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall refuse to permit or suffer, or shall in any ways hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, and naming and specifying thereon the several Gates, if any, to be freed by such Payment, or upon the legal Toll being paid or tendered shall unnecessarily detain, or wilfully obstruct, hinder, or prevent any Traveller, Passenger, Horse, Beast, Cattle, or Carriage from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding

Toll Collectors misbehaving.

[Local.]

26 B

Five

Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, and such Penalty when so adjudged shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Penalty for
assaulting
Collectors.

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

Enabling
Trustees to
take Posses-
sion of Toll
Houses in
certain Cases.

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

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

Power to borrow Money and to assign Tolls.

BY virtue of an Act passed in the First Year of the Reign of His Majesty King George the Fourth, intituled *An Act* [here insert the Title of the Act] we, Nine of the Trustees acting in the Execution of the said Act, in consideration of the Sum of _____ to the Treasurer of the Trustees in hand paid, do grant, bargain, sell, and demise unto *A. B.* his (her or their) Executors, Administrators, or Assigns, such Proportion of the Tolls arising upon the said Roads, or to be collected by virtue of the said Act, and of the Toll Gates and Toll Houses for collecting the same, as the said Sum of _____ doth or shall bear to the whole of the Monies owing and secured on the Credit thereof, to be had and holden from this _____ Day of _____ in the Year of our Lord _____ for and during the Continuance of the said Act, unless the said Sum of _____ with Interest at the Rate of _____ per Centum per Annum, shall be sooner repaid and satisfied. Given under our Hands and Seals, this _____ Day of _____ in the Year of our Lord _____

Form of Mortgage.

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

Copies of all Mortgages to be entered in a Book.

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

An Action of Ejectment may be supported by one Mortgagee.

XLVI. And whereas the said Branch of the said Road leading from a House at the South-west Entrance of the Town of *Earith*, formerly belonging to *Aaron Upsher*, through the Town of *Earith* to the Foot of the *Hermitage Bridge*, passes across the Mouth or Entrance of the great Reservoir or Wash for conveying the Waters of the River *Ouze* through the *Bedford Level* to their Outfall to Sea, and it is necessary that the Road so passing across the said Wash should not be heightened so as to obstruct the Passage of the Waters of the said River into the said Wash; be it therefore further enacted, That nothing herein contained shall authorize or empower the said Trustees of the said Road, or any of them, to increase or raise the Height of the said Road or any Part thereof across the said Wash, so as to become by the Height thereof an Obstruction to the Passage of the Waters of the said River *Ouze*, or the Meadows adjoining unto or down the said Wash; and if at any Time or Times hereafter the said Road or any Part thereof shall be made by the said Trustees or any of them, or by any other Person employed by them or any of them, so as to become by the Height thereof an Obstruction to the Passage of the Waters of the said River *Ouze* or the Meadows adjoining unto or down the said Wash, the Governor, Bailiffs, and Conservators of the Great Level of the Fens called *Bedford Level*, or any Five of them, whereof the said Governor and Bailiffs or any of them to be Two, shall by their Order direct the same to be lowered at the Costs and Charges of the said Trustees; and if such Costs and Charges shall not be paid within Four Weeks after Demand made of the Treasurer of the said Trustees, it shall be lawful for the said Governor, Bailiffs, and Conservators, or any Five of them, or such Person or Persons as they shall direct and employ, and they are hereby authorized to enter upon and take Possession of any of the Toll Houses and Toll Gates on the said Roads, and to receive and collect the Tolls by this Act authorized to be taken at any such Turnpike or Toll Gates for the Purpose of reimbursing themselves all the Costs and Charges of lowering the said Road, together with all the Expences in any Way incidental to the Collection of the said Tolls; and if any Person shall hinder or interrupt such Person or Persons so to be

New Branch of Road not to be raised above the present Height.

appointed to collect the said Tolls in the Execution of his or their Office, the Person or Persons so offending shall forfeit and pay, for every such Offence, the Sum of Five Pounds, to be levied and recovered in the same Manner as any other Penalties imposed by this Act is authorized to be levied and recovered, and shall be paid, after deducting all the Expences incidental to the Prosecution for such Penalties, to the Treasurer of the County Hospital in *Cambridge*, to be applied in Aid of the Funds of that Institution.

Trustees may widen or alter Roads, or purchase Lands.

XLVII. And be it further enacted, That in case the said Trustees shall think proper to widen, turn, vary, or alter any Part or Parts of the said Roads, for the better Accommodation of Coaches, Carriages, and Passengers, it shall be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time to treat, contract, and agree with any Person or Persons for the Purchase of any Lands, Tenements, or Hereditaments, lying near or contiguous to the said Roads; and for the Loss or Damage the Owners, Proprietors, and Occupiers thereof on any of them shall or may sustain, by widening, varying, turning, or altering the said Roads, and to pay for the same out of the Monies hereby vested in the said Trustees for the Purposes of this Act, such Sum or Sums of Money as shall be agreed upon by such Owners, Proprietors, Occupiers, or Persons interested as aforesaid and the said Trustees, and for the Costs attending such Purchase; and such Lands, Tenements, or Hereditaments when so purchased shall, by the Order and Direction of the said Trustees, be laid into and made Part of such Roads, in such Manner as they shall think convenient, and be fenced off with proper Drains, Ditches, or Quickset Fences for that Purpose, and be bounded with Posts and Rails for and during the Term of Seven Years from the Time of making such Fences, by and at the Expence of the said Trustees, after which Time such Fences shall become the Property of the Owner or Owners of the adjoining Lands, and be for ever afterwards kept in Repair by him, her, or them, and that from and after the making and forming of such new Roads, the same shall from thenceforth be deemed and taken to be public or common Highways, and Part of the Roads to be repaired by virtue of this Act: Provided always, that it shall not be lawful for the Trustees acting in the Execution of this Act, to deviate more than One hundred Yards from the present Line or Course of the said Roads, for the Purpose of improving the same, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands and Grounds which may be affected by such Deviation respectively: Provided also, that all such Parts of the said Roads so to be widened, turned, varied, or altered shall be of the Width of Thirty Feet at the least.

Further Deviations not to exceed One hundred Yards.

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

XLVIII. And be it further enacted, That it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Husbands, Guardians, Feoffees, Trustees, Executors, and Committees, not only on

Behalf of themselves, their Heirs and Successors, but also for and on Behalf of Infants, Wards, Cestuique, Trusts, Lunatics, Idiots, or Persons of unsound Memory, and Understanding, and to and for all Femes Covert, seised or interested in their own Right, and to and for all and every Person and Persons whomsoever, who is or are or shall be seised or possessed of or interested in any such Lands, Tenements, or Hereditaments, to contract with the said Trustees for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them any such Lands, Tenements, or Hereditaments, or any Part thereof, for any of the Purposes aforesaid, and all Contracts, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever to the contrary thereof notwithstanding; and all such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations, Aggregate or Sole, Tenants for Life or in Tail General or Special, or for Years determinable on any Life or Lives, Husbands, Guardians, Feoffees, Trustees, Executors, Committees, Femes Covert, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

XLIX. And be it further enacted, That if such Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail General or Special, or for Years determinable on any Life or Lives, Husbands, Guardians, Feoffees, Trustees, Executors, Committees, Femes Covert, or any other Person or Persons interested in any such Lands, Tenements, or Hereditaments, upon Notice to them, him, or her given or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Tenements, or Hereditaments which the said Trustees are enabled to purchase or make use of for the Purposes of this Act, shall for the Space of One Calendar Month next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or otherwise shall be prevented from treating, then and in every such Case the said Trustees shall cause it to be inquired into and ascertained by and on the Oaths of a Jury of Twelve indifferent Men of the County wherein such Lands, Tenements, or Hereditaments may be situate (which Oaths any Two or more of the said Trustees are hereby empowered to administer), what Damages will be sustained by and what Recompence or Satisfaction shall be made to such Owner, Proprietor, Occupier, or other Person or Persons interested for or on account of the taking or using of such Lands, Tenements, or Hereditaments for the Purposes aforesaid; and in order thereto the said Trustees are hereby empowered and required from Time to Time to summon and call before such Jury and examine on Oath any Person or Persons whomsoever (which Oath any Two or more of such Trustees is and are hereby empowered to administer), and the said Trustees shall cause the said Jury to view the

Where Persons neglect or refuse to treat.

Damages to be settled by a Jury.

the Premises in question, and use all lawful Ways and Means as well for their own as for the Information of the said Jury; and after the said Jury shall have assessed such Damages and Recompence, they the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the Owners, Proprietors, Occupiers, or other Persons interested in such Lands, Tenements, or Hereditaments, according to the Verdict or Inquisition of such Jury, which said Verdict or Inquisition, and Judgment, Order, or Determination thereupon shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim in Possession, Reversion, or Remainder in Fee or in Fee Tail General or Special, or for Life or Lives, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any Disability whatsoever, Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever.

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

L. And be it further enacted, That for the summoning and returning such Jury, the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County in which such Lands, Tenements, or Hereditaments may be situate, thereby requiring him to impanel, summon, and return Twenty-four Persons qualified to serve on Juries, to appear before such Trustees at such Time and Place as in such Warrant or Warrants shall be appointed, and such Sheriff or his Deputy is hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear, the said Trustees shall swear or cause to be sworn Twelve who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, such Sheriff or his Deputy, or the said Trustees, shall return other honest and indifferent Men of the Standers-by or that can speedily be procured to attend that Service, to make up the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the Jurymen when they come to be sworn, but shall not challenge the Array; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, his Deputy, Bailiffs, or Agents making default in the Premises, and also on any of the Persons who shall be summoned and returned on such Jury and shall not appear, without shewing any reasonable and sufficient Excuse, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give his or their Verdict, or shall in any other Manner wilfully neglect his or their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury touching the Premises, shall without sufficient Excuse refuse or neglect to appear after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, or appearing shall refuse to be sworn or examined and give Evidence, and to levy and apply such Fine or Fines in the same Manner as other Penalties, Forfeitures,
and

Jurors may be
challenged.

Sheriffs, &c.
may be fined.

and Fines are herein-after directed to be levied and applied, so that no such Fine be more than Twenty Pounds upon any such Sheriff or his Deputy, nor more than Five Pounds on any other of the Persons aforesaid for any one Offence.

LI. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands, Tenements, or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees before the summoning and returning of the Jury, as a Recompence and Satisfaction for any such Right, Interest or Property, or Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and returning the Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Treasurer or Treasurers to the said Trustees out of the Money to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees before the summoning and returning of the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then the full Costs and Expences of summoning and returning the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace within whose Jurisdiction such Difference shall have arisen, not interested in the Matter in question (who is hereby required to examine and settle the same at a Time and Place to be by him appointed, after summoning the Parties interested to attend him for that Purpose), shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Money shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, shall and may be recovered by the Clerk or Clerks of the said Trustees, by such Ways and Means as are herein provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by Reason of Absence have been prevented from treating with the said Trustees as aforesaid, the whole of such Costs and Expences shall be borne and paid by the said Trustees.

Expences of the Jury how to be paid.

LII. And be it further enacted, That upon Payment or Tender of all and every Sum and Sums of Money, Consideration, Recompence, or Satisfaction to be agreed for or ascertained or assessed as aforesaid, to the Parties or Persons respectively entitled to receive

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

[Local.]

26 D

ceive

ceive the same, or to their Agents, or upon depositing such Monies in the Bank of *England* in the Manner by this Act directed, it shall be lawful for the said Trustees, their Surveyors, Workmen, or Agents, to widen, vary, divert, or turn such Roads through or over such Lands, Tenements, or Hereditaments, and to do all and every such Acts, Matters, and Things with relation thereto as the said Trustees shall think fit, and thenceforth all Parties and Persons interested in such Lands, Tenements, and Hereditaments shall be divested of all Right and Title in and to the same and every Part thereof.

Trustees restrained from pulling down Dwelling Houses, &c. without Consent of Owners.

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

Trustees empowered to sell Ground not wanted.

LIV. And whereas by occasion of the Purchases which the said Trustees are empowered to make by virtue of this Act, or by diverting some Part or Parts of the said Roads, they may be seised of some Piece or Pieces of Ground which will be unnecessary for effecting the Purposes of this Act, be it therefore enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to sell and dispose of such Pieces or Parcels of Ground either together or in Parcels, and either by public Sale or private Contract, as they shall find most convenient and advantageous to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees before they shall sell and dispose of any Piece or Pieces of Ground as aforesaid, shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or (in case such Ground shall be a Piece or Pieces of old Road) to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County in which such Ground is situate (who is hereby empowered to take such Affidavit), by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of such Trustees, and that such Offer was then and thereupon refused or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground,

When Pieces of Land are to be sold, the first Offer to be made to the original Proprietor.

In case the Persons cannot agree the

Ground, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner by this Act directed with respect to disputed Value of Premises to be taken and used in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in Manner herein-before directed, with respect to such Purchases made by the said Trustees *mutatis mutandis*, and the Money to arise by the Sale or Sales of such Pieces or Parcels of Ground shall be applied by the Trustees to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money, or any Part or Parts thereof.

Value to be determined by a Jury.

LV. And be it further enacted, That if any Money to be paid, or agreed or awarded to be paid, for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, of any Body Politic, Corporate, or Collegiate; Ecclesiastical or Civil, Corporations Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or of any Feme or Femes Covert or other incapacitated Person or Persons, or of any Person or Persons seised for Life or Lives, of any other Estate in strict or other Settlement, shall amount to or exceed the Sum of Two hundred Pounds, such Money shall with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested under and with the like Direction and Approbation of the said Court in the Purchase of other Lands, Tenements, or Hereditaments which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents and Purposes; and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, or capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities, and in the meantime and until the said Bank Annuities

Application of Compensation if amounting to 200l.

Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased, in case such Purchase or Settlement were made.

Where less than 200l. and above 20l.

LVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy; to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon and therefrom may be applied in any Manner herein-before directed, so far as the Case be applicable; without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Not exceeding 20l.

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

In case of not making out a good Title, or if Persons cannot be found, the

LVIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for the Purchase of any Lands, Tenements, or Hereditaments by virtue of this Act, shall refuse to accept the same,
or

or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said High Court of Chancery; which said Court on the Application of any Person or Persons making Claim to any Sum or or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making and substantiating such Claim, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay the same into the Bank as aforesaid.

Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery, on Motion or Petition.

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

In case of disputed Titles.

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

LX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all such Purchases, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees, out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Power to get
Materials.

LXI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Trustees, and all such Persons as he or they shall appoint, to search for, dig, gather, get, take, and carry away any Materials for making or repairing the Roads by this Act directed to be maintained, widened, improved, and repaired, or any Foot-ways and Paths on the Sides thereof, or for building, rebuilding, or repairing any Toll House or Toll Houses, Fence Wall or Walls, on or by the Sides thereof respectively, or any Bridge or Bridges, Culvert or Culverts thereon, out of any common River or common Brook, or out of or from any Waste or Common, in any Township, Hamlet, Parish, or Place in which any Part of the said Roads lie, or in any adjoining Township, Hamlet, Parish, or Place, without paying any thing for such Materials, the said Surveyor or Surveyors, or other Person or Persons filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks from whence such Materials shall be taken, or railing or fencing off such Pits or Quarries; so that the same may not be dangerous to Passengers or Cattle, and paying for the Damages done, by going through and over any inclosed Lands or Grounds for or with such Materials, such Damages to be ascertained as herein-after mentioned; and also it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any such Materials in or out of the Land of any Person in any Parish, Township, or Place where any Part of the said Road shall lie or be situated, or in any adjoining Parish, Township, or Place, not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees, and which shall have existed as such for One Year at least previous thereto, making or tendering such Satisfaction for the Materials, and for the Damages done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees, or any Five or more of them shall judge reasonable; and in case of any Difference between such Trustees, Surveyors, or other Persons appointed or employed as aforesaid, and the Owners and Occupiers of such Lands or any of them concerning such Payments and Damages as aforesaid, any Two or more Justices of the Peace for the County in which
such

such Materials shall have been collected, on Five Days Notice thereof being given in Writing by either Party to the other, may hear, settle, and determine the Matter of such Payments and Damages; but subject to such Appeal to the General Quarter Sessions of the Peace to be holden in and for such County as is hereinafter directed.

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

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

LXIII. And be it further enacted, That if any Person whomsoever shall take away any Materials, which shall be dug, gotten or gathered for the Repair or Use of the said Roads, or any of the Purposes of this Act, or shall raise or carry away any Materials out of or otherwise interfere with or obstruct the Working of any Pit or Quarry which shall have been made or opened, for the Purpose of getting Materials for making and repairing the said Roads, or for any of the Purposes aforesaid, before such Surveyor or Surveyors or his or their Workmen shall have discontinued working therein for the Space of Two Calendar Months (except the Owner or Occupier of the Land in which such Pit or Quarry shall be made, who shall be allowed to use such Materials for his own private Use only and not for Sale, on paying the Expences for digging the same), every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds over and above the Value of the Materials so taken away.

Penalty on taking away Materials raised by Surveyors.

LXIV. And be it further enacted, That it shall be lawful for all and every such Surveyor and Surveyors and such Person and Persons

For removing Annoyances and as Nuisances.

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, Filth, Rubbish, or other Matter or Thing, and to turn any Watercourses, Gutters, Sinks, Conduits, or Drains running into, along, or out of the said Roads, to the Prejudice thereof, and to open, scour or cleanse, widen, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourse adjoining or near to the said Roads or any Part or Parts thereof, and to make the same as deep and large as such Surveyor or Surveyors shall think necessary, and also to prune, cut down, or lop, at proper Seasons of the Year, any Branches, Shrubs, or Bushes growing on the said Roads, or in the Hedges or Fences adjoining the said Roads, so as the same be not planted for Ornament or Shelter to any House or other Building, or in any Yard, Garden, Orchard, Park, Paddock, planted Walk, Avenue to a House or Plantation or Nursery for Trees, and to take and carry away the Prunings or Loppings thereof, or in such other Manner that the said Roads shall not be prejudiced thereby, in case the respective Owners or Occupiers of the Lands where such Annoyances shall happen to be shall neglect so to do for Fourteen Days after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof, to be settled by any one Justice of the Peace of the County wherein such Annoyance shall happen, shall from Time to Time be reimbursed to the said Surveyor or Surveyors by such respective Owners or Occupiers neglecting to turn, open, scour, or cleanse, or to deepen, widen, and enlarge any such Gutter, Ditch, Conduit, Drain, or Watercourse, or to prune, cut down, or lop such Trees, Branches, Shrubs, or Bushes, or to cut or reduce such Hedges, or by the Person or Persons occasioning or neglecting or refusing to remove such Annoyances as aforesaid, which Charges shall be levied and recovered in the same Manner as the Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed, are herein-after directed to be levied and recovered; and if after the Removal of any such Annoyances, any Person or Persons shall offend again in like Manner, every such Person shall for every such Second or subsequent Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on erecting Encroachments on the Sides of the Roads.

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

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

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

Power to
make Cause-
ways, Drains,
and Bridges.

LXVII And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, when and as often as they shall see Occasion, to cause the said Roads to be measured, and Stones or Posts to be set up and erected in or near the Sides of the said Roads, at the Distance of One Mile from each other, denoting the Distance of every Stone or Post from any Town or

Roads to be
measured,
and Mile
Stones set
up.

[Local.]

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Place,

Place, and also such and so many Direction Posts as to the said Trustees shall seem meet.

Gates to
open in-
wards.

LXVIII. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of the said Roads, or be suffered to continue so to open, except the Hanging Post thereof shall be Thirty Feet at least from the Centre of any such Part of the said Roads, and the Occupier and Occupiers of every Park, Paddock, Field, or Inclosure having any Gate opening contrary to the Directions of this Act, shall within Ten Days after Notice to him, her, or them given, either personally or in Writing, from the Surveyor of the said Roads, cause such Gate to be hung in the Manner hereby directed whenever the same shall be practicable, but in every Case in such Manner as that no Part of the Gate when open, shall project over any Part of the said Roads, or any Footpath belonging thereto; and in default thereof, the Surveyor of the said Roads is hereby authorized to cause such Gate to be so hung, and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the County in which such Gate shall have been erected, and upon Conviction thereof upon the Oath of One credible Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Gates, and shall also forfeit and pay a further Sum not exceeding Forty Shillings for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made as aforesaid.

Justices to
determine
Differences
touching
Statute
Work.

LXIX. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads by this Act directed to be kept in Repair, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace acting in and for the County of *Huntingdon*, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or any Five or more of them, or by their Clerk or Clerks, Surveyor or Surveyors by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done and performed upon the said Roads by the Inhabitants of the respective Parishes, Townships, Hamlets, Districts, Divisions, or Places in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, Hamlet, District, Division, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or to their Treasurer; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, Hamlet, District, Division, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons, within Ten Days after the

the serving of such Summons, of the Names of the several Persons who within such Parish, Township, Hamlet, District, Division, or Place respectively are by Law subject and liable to do and perform Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and specifying the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in force and effect for the Repair of the Public Highways; and out of such Lists the said Justices shall and may appoint and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Seed-time or Hay-time, or Harvest), and on such Parts of the said Roads as the said Trustees and their Surveyor or Surveyors for the Time being shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject or liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of every such Parish, Township, Hamlet, District, Division, or Place for the Time being, to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in default of Payment thereof by any such Surveyor or Surveyors, the same shall or may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, (after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees), shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught, Horse or Beast to work on the said 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 shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught, Horse or Beast had not been sent to work on any Part of the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, Hamlets, Districts, Divisions, or Places in which the said Roads lie, shall refuse or wilfully

fully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition or any Part thereof in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; all which Forfeitures shall be paid to the Treasurers to the said Trustees, and applied towards amending the said Roads.

Trustees
may com-
pound for
Statute
Work.

LXX. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered to compound and agree by the Year or otherwise with any of the Inhabitants or Occupiers of Lands, Tenements, or Hereditaments of or in any of the Parishes, Townships, Hamlets, Districts, Divisions or Places in which the said Roads lie, for a certain Sum of Money in lieu of the Whole or any Part of their Statute Work, or to compound with the Surveyors of the Highways for any such Parishes, Townships, Hamlets, Districts, Divisions, or Places, for the Whole or any Part of the Statute Work liable to be done and performed on the said Roads within the same respectively, all which Composition Monies shall be paid by the Surveyor or Surveyors of the Highways of the said Parishes, Townships, Hamlets, Districts, Divisions, or Places, or by the Person or Persons so compounding to the Treasurer to the said Trustees in advance, on or before the First Day of *November* for the Six Months ending at *Lady Day*, and on or before the First Day of *May* for the Six Months ending at *Michaelmas* in each Year, otherwise the Inhabitants and Occupiers of such Parishes, Townships, Hamlets, Districts, Divisions, or Places, shall not be permitted to compound for that Year.

Trustees
may con-
tract for
altering or
repairing the
Roads, &c.

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

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

LXXII. Provided always, and be it further enacted, That nothing in this Act contained shall authorize the said Trustees to repair or amend the Foot Pavement in the Streets of any Town through which
the

the said Roads lead, or any County or Hundred, Bridge or Bridges; and such Bridges, Drains, and Sewers lying and being in the said Roads, and such Parts of the said Roads as have been heretofore maintained and repaired by any particular Person or Persons, or Bodies Politic or Corporate, or by the Inhabitants of any Town or Place, shall from Time to Time be repaired, maintained, and kept in Repair by such Person or Persons, Bodies Politic or Corporate, or by the Counties, Parishes, Townships, Hamlets, Villages and Places, and the Inhabitants thereof respectively liable to the said Repairs in such Manner as the same were respectively kept in Repair before the passing of this Act.

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

LXXIII. And be it further enacted, That if any Person or Persons shall wilfully pull up or damage any Direction or Mile Post or Stone erected or fixed or to be erected or fixed in or near the Side or Sides of the said Roads, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person shall turn any Horse, Mule, Ass, Cattle, Swine, Sheep, or Lambs, or any other Beasts or Cattle loose to stray on or to be or remain on the Side of the said Roads, or to feed or depasture on the said Roads; or under Pretence of driving such Animals from Place to Place, shall leave them without a proper Person to attend them; or if any Person shall tether any Horse, Mule, Ass, Beast, or other Cattle on the Side of the said Roads, or if any Person or Persons shall ride upon any Footway or Footways, Causeway or Causeways, or any other Way or Ways now made or hereafter to be made upon the said Roads for the Use of Foot Passengers; or shall lead or drive any Horse, Mule, Ass, Cattle, Swine, Sheep, or Lambs, or any other Beasts or Cattle, or shall draw, drive, or wheel any Truck, Dray, Wheel-barrow, Hand-barrow, or any other Carriage upon any such Footway or Footways, Causeway or Causeways, or shall cause any Injury or Damage to be done to the same, or to any Hedges, Fences, Breast-walls, Posts, Rails, or Paling, set up along the Side of or upon any such Foot-way; or if any Person or Persons shall haul or draw, or cause to be hauled or drawn upon any Part of the said Roads, any Timber, Stone, or other Thing, or otherwise than upon Wheeled Carriages, or shall suffer any Timber, Stone, or other Thing, which shall be carried upon Wheeled Carriages, to drag upon any Part of the said Roads to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Roads shall suffer such Pigs or Swine to root up and damage the said Roads, or the Fences, Banks, or Slopes, on either Side thereof; or if any Higler, Cricker, Hawker, Pedlar, or other Person, travelling with any Machine, Vehicle, or other Carriage, shall place or leave the same, or pitch any Tent, or encamp upon or by the Side of any Part of the said Roads; or if any Person driving any Carriage, Waggon, Wain, or Cart upon the said Roads, shall ride upon the Shafts or other Part of the said Carriage, Waggon, Wain, or Cart without holding the Reins of the Horse or Horses or other Beast drawing the same, or meeting another Carriage, Waggon, Wain, or Cart, shall not keep his or her Carriage, Waggon, Wain, or Cart, upon

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

[Local.]

[26 G]

his

his or her Left or Near Side of the said Roads; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage, Waggon, Wain, or Cart under his or their Care upon the said Roads; or if any Person shall kill or singe any Hog, Pig, or Swine, or shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Fireworks whatsoever on any Part of the said Roads or on the Side or Sides thereof, or on the Banks or Lands adjacent or lying open thereto, and within Thirty Yards from the Centre of any Part of the said Roads; or play at Foot-ball or any other Game or Games to the Annoyance of any Passenger or Passengers on the said Roads or any Part thereof; or if any Person shall, after having blocked or stopped any Waggon, Cart, or other Carriage in going up any Hill or rising Ground shall not immediately afterwards take away or remove from the said Roads the Stone or other Thing made use of in so blocking or stopping such Waggon, Cart, or other Carriage; or if any Person shall leave or cause to be left any Stage Coach, Diligence, Post Chaise, Waggon, Wain, Cart, or any other Carriage either with or without any Horse or Beast of Draught harnessed or yoked thereto upon any Part of the said Roads, (except in Cases of Accident, and then such Carriage shall be drawn up as near as may be to the Side of the said Roads), longer than may be necessary for the taking up or setting down of any Passenger or Passengers, or for loading or unloading of any Baggage, Goods, Wares, Merchandize, or any other Matter or Thing whatsoever; or if any Person shall set, place, or expose to sale, or cause to be set, placed or exposed to sale, any Goods, Wares, or Merchandize whatsoever, or any Fruit or Vegetables, or Garden Stuff, or Butcher's Meat or other Matter or Thing upon or projecting over any Part of the said Roads or Footways adjoining thereto; or if any Person shall set up any Stall or Stalls or any other Erection whatsoever for the Purpose of exposing to Sale any such Goods, Wares, or Merchandize, or any other Article, Matter, or Thing whatsoever upon the said Roads, or any of the Footpaths thereof to the Prejudice thereof, or to the Prejudice or Annoyance of Persons travelling thereon; or shall lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbish or other Matter or Thing whatsoever upon any Part of the said Roads or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice or Annoyance of Persons travelling thereon, or if any Person or Persons shall scrape off any Soil, Dung, or other Matter or Thing which shall be or lie upon the said Roads or any Part thereof, without the Leave of the said Trustees or their Surveyor or Surveyors; or if the Surveyor or Surveyors of the said Roads or any Contractor or Contractors for the Repairs of the said Roads or any Part thereof, or any Person or Persons acting by or under their Authority, shall lay or cause to be laid upon the said Roads or the Sides thereof, or upon any Part of the said Roads, any Heaps of Stones or other Materials for repairing the said Roads or any Part thereof, and shall permit and suffer the same to remain in Heaps longer than shall be necessary for spreading or laying such Stones and Materials over or upon the said Roads; or if any Blacksmith or other Person occupying a Blacksmith's Shop having

having Windows to the Fronts of the said Roads, shall not by good and close Shutters every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into the said Roads, every Person offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied as herein-after directed.

LXXIV. Provided always, and be it enacted, That it shall be lawful for the Surveyor of the said Roads, or any Person employed to work thereon, to take, lead, drive away, and impound any Horse, Mule, Ass, Cattle, Swine, Sheep, or Lambs, or any other Beasts or Cattle found grazing and depasturing on the Side or Sides of the said Roads; and unless such Penalty shall be paid within Five Days after such impounding, such Horse, Mule, Ass, Cattle, Swine, Sheep, or Lambs or other Beast or Cattle as aforesaid, may be sold to satisfy such Penalty, and the Overplus of the Money (if any) to arise by such Sale shall, after Payment of all the Costs and Charges of taking and keeping such Horse or other Beasts or Cattle as aforesaid, and making such Sale, be paid on Demand to the Owner or Owners of the Horse or other Beast so impounded and sold as aforesaid.

Cattle grazing on Side of Roads may be impounded.

LXXV. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent or hinder the erecting, placing, or putting up of any Rails, Pales, Posts, Bars, Hurdles, Coops, or Pens for Beasts, Sheep, Horses, Hogs, or Cattle at Markets and Fairs, in any of the Streets through which the said Roads lead in such Manner as the same hath been heretofore used and accustomed.

Act not to extend to Rails, &c. to Markets.

LXXVI. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not otherwise particularly directed) may in case of Non-payment thereof be recovered in a summary Way, by the Order and Adjudication of any one Justice of the Peace for the County, Town, or Place in which such Penalty shall be incurred on Complaint to him for that Purpose exhibited, and afterwards be levied as well as the Costs of such Proceedings on Non-payment by Distress and Sale of the Goods and Chattels of the Offender or Offenders or Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice, who is hereby authorized and required to summon before him any Witness or Witnesses, and to examine him, her, or them upon Oath of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money so levied or recovered, after discharging the Penalty or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned upon Demand to the Owner or Owners of the Goods or Chattels so seized or distrained; and in case such Penalties and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted

Recovery of Penalties and Forfeitures,

ted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Five Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for such Justice or any other Justice of the Peace for such County as aforesaid, and he is hereby authorized and required by Warrant under his Hand and Seal to cause such Offender or Offenders to be committed to the Gaol of such County, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Penalties and Forfeitures and all reasonable Charges shall be sooner paid and satisfied; and such Penalties and Forfeitures when so levied (the Application whereof is not otherwise directed) shall be paid to the Treasurer acting under this Act, and be wholly applied to the Purposes of this Act, and to or for no other Use or Purpose whatsoever.

For securing
unknown
Persons
guilty of
Offences.

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

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

Form of
Conviction.

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

LXXIX. And

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

Proceedings
 not to be
 quashed for
 Want of
 Form.

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

Appeal to
 the Quarter
 Sessions.

Notice of
 Appeal to be
 given.

Quarter Sessions, and shall before such Notice given, enter into a sufficient Recognizance before Two or more Justices of the Peace with Two sufficient Sureties, with Condition to prosecute such Appeal, and to pay all Costs in case such Appeal shall be determined against the Party or Parties so appealing.

Limitation of
Actions.

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

General
Issue.

Treble Costs.

Reservation
of Rights.

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

Public Act.

LXXXIII. 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.

Commence-
ment and
Continuance
of the Act.

LXXXIV. And be it further enacted, That this Act shall commence and take Effect on the Second Day of *August* next after the passing of this Act, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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