



ANNO QUADRAGESIMO OCTAVO  
GEORGII III. REGIS.

\*\*\*\*\*

*Cap. 5.*

An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Road from *Scole Bridge* to *Bury Saint Edmunds*, in the County of *Suffolk*. [11th March 1808.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His present Majesty, intituled, *An Act for repairing and widening the Road from Scole Bridge, to the Place where the East Gate lately stood in the Town of Bury Saint Edmunds, in the County of Suffolk*: And whereas another Act was passed in the Twenty-eighth Year of the Reign of His present Majesty, intituled, *An Act for continuing the Term of an Act of the Ninth Year of His present Majesty, for repairing and widening the Road from Scole Bridge to the Town of Bury Saint Edmunds, in the County of Suffolk; and for amending the said Act*: And whereas the Trustees acting in the Execution of the said Acts have made great Progress in the Repairs of the said Road, and for that Purpose have borrowed several considerable Sums of Money on the Credit of the Tolls thereby granted; which still remain due, and cannot be repaid, nor the said Road effectually amended and kept in Repair, unless the Term of the said Acts be further continued, and some of the Powers thereof altered, amended, and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all the Clauses, Powers, Authorities, Provisions, Exemptions, Penalties, Forfeitures, Matters, and Things therein contained (except such Parts thereof as relate to Exemption from Stamp Duties, and also such as are hereby varied, altered, or repealed) shall be and remain in full Force and Effect, and shall be executed for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Alterations and Amendments herein contained; and that this Act shall commence and take effect upon the passing thereof, and the Term and Powers hereby granted shall be and are hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the said recited Acts, and of such other Sums of Money as shall be borrowed upon the Credit thereof and of this Act, and of all Interest due and to grow due thereon respectively.

Former Acts,  
continued.

Additional  
Trustees.

II. And be it further enacted, That *John Amys* the younger, *Henry Edward Bunbury*, *Thomas D'Eye Betts*, *James Betts*, *Adam Baynes*, *Edward Bridgman* the younger, *George Boldero* Clerk, *James Crosbie*, *John Cobbold* the younger, *Zachariah Crabb*, *Zachariah Crabb* the younger, *Nathaniel D'Eye* Clerk, *Philip Harrison*, *Thomas Hawes*, *William Hepworth* Clerk, *Philip Meadows* Clerk, *Daniel Rust Meadows*, *John Mills*, *Robert Nunn*, *John Parson*, *William Pemberton* Clerk, *Gill Stedman*, *John Sparke* the younger, *Thomas Peyton Slapp* Clerk, *James Smith* the younger, *Barnard Smith*, *James Singleton*, *Mark Singleton*, *Marmaduke Wilkinfon* Clerk, *John Worth*, *Henry Walton*, *William Walker* Clerk, *George Walker* Clerk, and *Richard Wright* Clerk (being qualified according to the Directions of the said first recited Act) shall be and are hereby added to and joined with the surviving and remaining Trustees, appointed by or in pursuance of the said recited Acts, for putting the said recited Acts and this Act into Execution, and shall have the like Powers for that Purpose as if they had been named and appointed Trustees in or by virtue of the said recited Acts or either of them.

For lessening  
the Quorums  
of Trustees.

III. And whereas the Quorums of Trustees mentioned in the said first recited Act are found to be too large, it frequently happening that so many of the Trustees cannot conveniently be assembled; be it therefore further enacted, That the Number of Trustees present at any Meeting to be held in pursuance of the said recited Acts or this Act, competent for the several Purposes hereafter mentioned, shall be as follows; (that is to say) for revoking of Orders and Determinations of Trustees; for empowering Trustees to compound for Debts; for reducing the Tolls and raising them again; for borrowing Money; for purchasing Land, or altering the Course of the Road; for electing new Trustees; for altering, removing, or putting up any Turnpike or Turnpikes, Side Gates or Side Bars, or altering Cross Gates; for appointing a Treasurer, Surveyors, Clerks, Gate Keepers, or other Officers, Seven only of the Trustees shall be necessary; and for letting the Tolls; for compounding for the Tolls for One Year; for making Arches upon or across the Road, and digging and cutting Drains, Watercourses, and other Works, to keep the Road dry; for compounding with the Parishes for the Statute Duty; for examining, auditing, and settling the Annual Accounts, and all other common and general Business of the Trust, Five only of the Trustees shall be necessary; any Thing in the said recited Acts, or either of them, contained to the contrary thereof in anywise notwithstanding: Provided that nothing herein contained shall be construed to repeal or alter the Powers and Directions given in and by the said recited Acts, or either of them, to One or more of the Trustees or their Clerk for adjourning Meetings.

Empowering  
the Trustees  
to erect Side  
Gates.

IV. And whereas the Trustees are by the said first recited Act empowered to erect Side Gates on the Side or Sides of the said Road, and cross any Lane or Way leading out of the same, in order to prevent Persons from avoiding the Tolls by turning off the said Road, but the Powers so given are found insufficient completely to prevent such Practices, there being other Places at which Persons can turn off and avoid paying the Tolls, which they ought of right to pay; be it therefore further enacted, That it shall be lawful for the said Trustees, if they judge necessary, to erect or cause to be erected a Turnpike or Turnpikes, Side Gate or Side Gates, at or near the Side or Sides of the said Road, and in or across any Lane or Way, Lanes or Ways leading out of the same (not expressly prohibited in and

by the said recited Acts or either of them) and to erect Toll Houses and inclose Garden Ground, in like Manner and under the like Rules and Directions as are in the said Act mentioned concerning the same; and it shall and may be lawful for the said Trustees, or such Person or Persons as they shall appoint for that Purpose, to demand, take, and receive at all such Turnpikes or Side Gates so authorized to be erected and set up across the several Lanes and Ways before mentioned; such and the like Tolls, and in such Manner, Parts, and Proportions, as are authorized to be taken at any other Turnpike erected upon the said Road.

V. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, Beast, Swine, or Carriage whatsoever, turn off the said Turnpike Road and come on to the same again, with Intent to evade the Payment of the said Tolls or any Part thereof, or shall in any other Manner or by any other Means intentionally evade the same, every Person so offending shall for each such Offence forfeit any Sum not exceeding Five Pounds, one Moiety thereof to be paid to the Informer, and the other Moiety to be applied for the Purposes of this Act.

Penalty on  
Persons evad-  
ing the Tolls.

VI. And be it further enacted, That no Toll shall be demanded or taken for any Horse, Cattle, or Beast, employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing of the said Road, or any of the Roads in the Townships or Parishes in which any Part of such Road lies; or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Outhouses, or on the Lands of the Owners; or for any Horse, Cattle, or Beast employed in carrying or conveying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, or any Lime, Mould, Dung, Compost, or Manure employed in Husbandry, for manuring or improving Lands, or for any other Thing employed in the Management of any Farms or Lands; or for any Horse or Cattle going to or returning from Pasture or Watering Places, or going to be or returning from being shod or farried; or from any Person going to or returning from his or her proper Parochial Church, Chapel, or other Place of Religious Worship tolerated by Law on a *Sunday*, or upon any other Day on which Divine Service is ordered by Authority to be celebrated; or attending the Funeral of any Person that shall die and be buried in any of the said Townships or Parishes; or from any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty on a *Sunday*, or any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horse, Cattle, or Carriage, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horse, Cattle, or Beast attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horse, Cart, Cattle, or Beast, employed in the Conveyance of Vagrants sent by legal Passes, or returning therefrom; or for any Horse, Cattle, or Beast, carrying or conveying any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Suffolk*, on the Day

Exemptions  
from Toll.

or

or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and that no Toll shall be demanded or taken for any Horse, Mare, or Gelding, furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise; provided that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption as aforesaid; and if any Person or Persons shall, in any fraudulent or collusive Manner whatsoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

Persons charge-  
able to Statute  
Work, to con-  
tinue so.

VII. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road, or any Part thereof; shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said County of *Suffolk*, and they are hereby required, upon Application made to them by the said Trustees, or any Five or more of them, or by their Clerk or Surveyor, by their Order, respectively to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes, Townships, or Places in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them, paid to the said Trustees or to their Treasurer; and in order thereunto it shall and may be lawful to and for such Justices, from Time to Time, to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in true and perfect Lists in Writing before such Justices, at some Place to be expressed in such Summons, within Five Days after the serving of such Summons, of the Names of the several Persons who within such Parish, Township, or Place, are by Law subject and liable to do Statute Work for that Year; or to the Payment of any Money in lieu of or as Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid, which Lists shall be made in such Manner and under such Regulations and Restrictions, as is, are, or may be directed by any Law or Statute in force and effect for the Repair of the publick Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest) and on such Parts of the said Road, as the said Trustees or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time

or

or Times as they the said Justices shall direct; and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Acts authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the publick Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid; or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

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

Trustees may compound for Statute Work.

IX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Acts and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, as in the said first recited Act particularly

Application of Compensation Money when amounting to or exceeding 200*l.*

[*Loc. & Per.*]

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mentioned,

mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the said recited Acts and this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making the Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the Meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the Meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Where less  
than 200l.  
and exceeding  
20l.

X. 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 amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, with the Privy and in the Name of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in the 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 the said recited Acts and

and this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner hereinbefore directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction of Approbation of the said Court of Chancery.

XI. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands; Tenements, or Hereditaments so purchased, taken, or used for the Purposes of the said recited Acts and 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 to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application where less than 20l.

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

In case of not making out Titles;

if Persons cannot be found, Purchase Money to be paid into the Bank.

XIII. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the Court of Chancery, in pursuance of the said recited Acts or this Act,

Respecting disputed Titles.

Act, for the Use of the said Road, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of the Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful One, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court of Chancery to direct the Payment of Expences.

XIV. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of the said recited Acts or this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this or the said recited Acts, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

For Paying the Expences of the Act.

XV. And be it further enacted, That all the Costs and Charges incident to and attending the obtaining and passing of this Act, together with lawful Interest for the same, from the passing thereof, shall be paid out of any Money collected or received, or to be collected or received, by virtue of the said recited Acts and this Act.

Public Act.

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

Term and Continuance of the Act.

XVII. And be it further enacted, That the Term granted by the said recited Acts shall from and after the passing of this Act, cease and determine; and that the said Acts (subject to the Alterations, Additions, and Amendments herein contained) and this Act, shall from thenceforth continue and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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