



ANNO QUADRAGESIMO NONO

# GEORGI III. REGIS.

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## Cap. 26.

An Act to continue and amend Two Acts for repairing and widening the Road from the present Turnpike Road at *Haverhill* to *Redcross*, in the Parish of *Shelford*, in the County of *Cambridge*.

[28th April 1809]

**W**HEREAS an Act was passed in the Sixth Year of His present Majesty's Reign, intituled, *An Act for repairing and widening the Road from the present Turnpike Road at Haverhill to Redcross, in the Parish of Shelford, in the County of Cambridge*: And whereas another Act was passed in the Thirteenth Year of His present Majesty's Reign, intituled, *An Act to enlarge the Term and Powers of an Act, passed in the sixth Year of His present Majesty's Reign, intituled, 'An Act for repairing and widening the Road from the present Turnpike Road at Haverhill to Redcross, in the Parish of Shelford in the County of Cambridge.'* And whereas the Trustees appointed in, and by virtue of the said Acts have, in pursuance of the Powers to them thereby given, borrowed several considerable Sums of Money upon the Credit of the Tolls thereby authorized to be collected, which Money so borrowed still remains due and owing, and the same cannot be paid off, nor can the said Road be effectually amended, improved, and kept in Repair, unless the Terms of the said Acts be further continued, the Powers and Provisions thereof altered, amended, and enlarged, and the Tolls granted and continued by the said Acts increased: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, made in the

6 G. 3. c. 84.  
23 G. 3. c. 110.

[Loc. & Per.] 6 H Sixth

Acts further  
continued.

Sixth and Thirteenth Years of the Reign of His present Majesty, and all the Tolls, Powers, Provisions, Penalties, Forfeitures, Matters and Things therein contained, (save and except such Parts thereof respectively as relate to Exemptions from Stamp Duties, and except such Parts thereof as are hereby varied, altered, or repealed,) shall be in full force and effect, and shall have Continuance for and during the Term hereinafter mentioned, as fully and effectually to all Intents and Purposes, as if the same were repeated and re-enacted in this Act; and this Act, and the additional Term hereby granted, shall be subject and liable, as well to the Payment of all Money now due and owing on the Credit of the said recited Acts, on the Tolls thereby granted and continued, as also to the Payment of all Sums of Money which shall hereafter be borrowed for the Purposes of the said recited Acts, and this Act, and of the Interest due and to grow due for the same respectively.

New Trust-  
tees.

II. And be it further enacted, That the Right Honourable *Francis Godolphin Osborne*, commonly called Lord *Francis Godolphin Osborne*, The Right Honourable *Charles Somerset Manners*, commonly called Lord *Charles Somerset Manners*, The Right Honourable *Charles Yorke*, Sir *Charles Cotton* Baronet, Sir *Thomas Charles Bunbury* Baronet, Sir *Charles Watson* Baronet, Sir *George Beaumont* Baronet; Sir *B. Harwood* Knight, The Honourable *Thomas Brand*, General *Thomas Hall*, General *Elwes*, *R. Jones Adcane*, *Benjamin Keene*, *Marmaduke Dayrell*, *Henry Soame*, *Christopher Jeaffreson*, *John Hall*, *Richard G. Townley*, *Ferdinand Huddleston*, *Thomas B. Littell*, *Peter Allin*, *Christopher Pemberton*, *Christopher Pemberton Junior*, *Ambrose Benning*, *Henry Sperling*, *John Trotter*, *Ebenezer Hollick*, *William Hollick*, *R. P. Todd*, *Charles Stevenson*, *John Mortlocke*, *J. C. Mortlocke*, *Thomas Fassett*, *Charles Pern*, *John Hay*, The Reverend *Turner D.D.*, The Reverend *Edmund Fisher*, The Reverend *Edmund Fisher Junior*, The Reverend *R. C. Barnard*, The Reverend *James Hicks*, The Reverend *Joseph Hall*, The Reverend *J. A. Carr*, The Reverend *Edward Wollaston*, The Reverend *John Maule*, The Reverend *Fyge Jaunsey*, The Reverend *John Hailstone*, The Reverend *George Barlow*, The Reverend *James Cullum*, The Reverend *B. B. Syer*, The Reverend *B. Syer*, The Reverend *Thomas Crick*, The Reverend *Clarkson*, The Reverend *William Byewater*, The Reverend *Holt Okes*, The Reverend *Goodwin*, The Reverend *F. Mereweather*, and The Reverend *W. Boldero*, being qualified according to the Directions of the said First recited Act, shall be, and they are hereby appointed, Trustees for executing the said recited Acts and this Act; and they, together with the Trustees appointed by or elected in pursuance of the said recited Acts, shall be, and are hereby declared Trustees for putting the said Acts and this Act into Execution.

Quorum of  
the Trustees.

III. And be it further enacted, That all Acts, Matters, and Things, authorized or required by the said recited Acts and this Act, or either of them, to be done and executed by the Trustees for carrying the same into Execution, shall and may be done and executed by any Five or more of the said Trustees present at any Meeting, being the Majority of such of them as shall be then present, and the same when so done and executed shall be as good, valid, and effectual, and shall have the same Force and Effect as if such Acts, Matters, and Things had been done and executed by all or any greater Number than Five of the said Trustees.

IV. And

IV. And be it further enacted, That from and after the passing of this Act no Toll shall be demanded or received for any Horse, Mare, Gelding, Mule, or other Cattle drawing any Carriage going for, or returning laden or unladen, having been laden only with Stones, Gravel, or other Materials for repairing the said Road, or any of the Roads in the Parishes or Places in which the Road hereby to be repaired, or any Part thereof, doth lie, or any Dung, Mould, Soil, or Compost of any Kind (Chalk, Lime, Peat Ashes, and Soot excepted), for the manuring any Garden, or other Land or Ground; nor shall any Toll be taken, demanded, or received for any Horse, Mare, Gelding, Mule, or Cattle going for the Purpose of, or returning from ploughing, sowing, tilling, or cultivating of any Land or Ground, or employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying any Hay, Straw, Corn in the Straw, or Wood not sold or disposed of, but to be laid up in the Houses, Out-houses, Yards, or on the Premises of the Owner or Owners thereof; or for any Plough, Harrow, Dray, or other Implements of Husbandry; or for any Horse or other Beast or Cattle going to or returning from Water or Pasture, or going to be, or returning from being shod or farried; or for any Horse, Cattle, or Carriages of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster-General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horses of Soldiers on their March or on Duty, or Carriages or Horses, or other Beasts employed in carrying or conveying the Arms or Baggage of such Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle, drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, provided 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 Exemptions; or for any Carriage, Horse, or other Beast employed in the Conveyance of Vagrants travelling with legal Passes; nor shall any Toll be demanded or taken from any Inhabitant of any Parish in which any Part of such Road doth lie, who shall pass through any of the said Turnpikes to or from his, her, or their respective Parish Church or Chapel, or other Place of religious Worship tolerated by Law on Sundays or on *Christmas Day, Good Friday*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person dying and to be buried in any of the said 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 on *Christmas Day, Good Friday*, or any other Day on which Divine Service is ordered by Authority to be celebrated; nor shall any Toll be demanded or taken for or in respect of any Horse, Cattle, or Beast carrying any Passenger, or drawing any Coach, Landau, Berlin, Chariot, Calash, or Chair going to or returning from the Election of a Knight or Knights of the Shire to serve in Parliament for

the said Counties of *Cambridge* and *Suffolk*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, or shall make use of any Fraud whatsoever, whereby the Payment of the Tolls granted and continued by the said recited Acts and this Act, or any Part thereof, shall be evaded, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, whereof one Moiety shall go to the Informer, and the other Moiety shall be applied to the Purposes of the said recited Acts and of this Act.

Exempting  
Carriages  
with Stores.

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

Statute  
Labour.

VI. 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 Road by the said recited Acts and this Act, or any of them, directed to be made, widened, and repaired, 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 Counties of *Cambridge* and *Suffolk* in their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road doth lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or to their Treasurer; and in order thereunto it shall and may be lawful to and for such Justices, from Time to Time, to summon the Surveyor or Surveyors of the Highways of every such Parish or Place to bring in Lists before such Justices (at some Place to be expressed in such Summons) within Seven days after the serving of such Summons, of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of

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 allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Hay Time or Harvest), and in 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 such Money in Lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as 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 or either of them authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do 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 of 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 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 as 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 the amending of the said Road; and in case the 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.

VII. 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 Purpose hereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity, as in the said recited Acts particularly mentioned,

Re-investing  
Purchase Mo-  
nies when  
amounting to  
200l.

[*Loc. & Per.*]

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tioned,

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

Less than  
200l. and  
amounting to  
20l.

VIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to the Sum of Twenty Pounds, then and in 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 said 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

more of the said Trustees, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such principal Money and the Dividends arising thereon, 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 Court of Chancery.

IX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in such Case 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 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. Under 20l.

X. 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 and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or any Five or more of them, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them) subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise as to the 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 make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning, and specifying for what and for whose Use the same is or are received to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid. In case of not making out Titles, &c.

XI. Provided always, and be it enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest Where any Question shall arise touching the Title, the Person in Possession to be deemed the Owner.

Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of the said recited Acts and this Act, 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 of Chancery, and the Dividends or Interest of the said 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.

The Court of Chancery to order Expences to be paid by the Trustees.

XII. Provided also, and be it 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 and this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, and Hereditaments, to be settled to the like Uses in pursuance of the said recited Acts and this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts and this Act, or so much of the Expences as the said Court shall deem reasonable, to be paid by the said Trustees, or any Five or more of them, out of the Monies to be received by virtue of the said recited Acts and this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Expences of the Act.

XIII. And be it further enacted, That all the Costs and Charges incident to and attending the obtaining and passing of this Act, 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, or any of them, upon the said Road, in Preference to all other Payments whatsoever.

Public Act.

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

Commencement and Continuance of Act.

XV. And be it further enacted, That the said recited Acts (subject to the Alterations and Amendments herein contained) shall continue and be in force, and be executed for and during the Residue now to come and unexpired of the Terms granted by the said recited Acts, and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.