



ANNO QUINQUAGESIMO SECUNDO

# GEORGI II. REGIS.



## Cap. 23.

An Act for repairing the Roads from *Ipswich* to *Helmingham*, and to *Debenham*, and from *Hemingston* to *Otley Bottom*, in the County of *Suffolk*.

[20th March 1812.]

**W**HEREAS the Road leading from the *Stones End* in *North Gate Street*, in the Parish of *Saint Margaret*, in the Town and Borough of *Ipswich*, in the County of *Suffolk*, to the Guide Post near the Church in the Parish of *Helmingham*, in the said County; and also the Road leading from the *Stones End* in *George Lane*, in the Parish of *Saint Matthew*, in the said Town and Borough, through *Gosbeck* and *Pettaugh*, to the Turnpike Road in *Debenham*, in the said County, leading from *Woodbridge* to *Eye*; and also the Road branching out of the last-mentioned Road at or near a Place called *Stone Wall*, in the Parish of *Hemingston*, in the said County, and leading to a Place called *Otley Bottom*, in the Parish of *Otley*, in the said County, are much out of Repair, and in many Places narrow and incommodious for Travellers and Carriages, and cannot be effectually amended, widened, turned, altered, improved, and kept in good Repair, by the ordinary Course of Law: 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 Members serving in Parliament for the County of *Suffolk* for the Time being, the Members for the Borough of *Ipswich* for the Time being, the Magistrates for the County of *Suffolk*, the Bailiffs of the Borough of *Ipswich* aforesaid

[*Los. & Per.*]

for the Time being, Sir *William Middleton* Baronet, *Mileson Edgar*, *John Meadows Theobald*, *Philip Meadows*, *Dykes Alexander*, *John Cobbold*, *Philip Bowes*, *Vere Broke*, *Charles Broke*, *Horace George Broke*, *John Brand*, *William Fowle Middleton*, *John Vernon*, *Francis Slater Rebow*, *Benjamin Stead*, *John Meadows Rodwell*, *William Kirby Clerk*, *George Capper Clerk*, *John Longe Clerk*, *William Leedes*, *Thomas Charles Cooke Clerk*, *George Baker*, *Edmund Bellman Clerk*, *Samuel Alexander*, *John Cobbold the younger*, *John Coupertbwaite*, *Mileson Gery Edgar Clerk*, *Benjamin Cooper*, *William Cockerell*, *Thomas Mills*, *Henry Gostlin White Clerk*, *Edward Elliston*, *Edward Edwards*, *William Barker*, *Thomas Edwards*, *George Ashford*, *John Edwards*, *William Barber*, *William Fonnereau Clerk*, *Charles Fonnereau Clerk*, *John Garnham*, *Samuel Gross*, *James Hitch Clerk*, *John King Clerk*, *Edward Kersey*, *William Smith*, *Luke Leedes*, *William Ling*, *William Welton*, *Thomas Methold Clerk*, *Daniel Rust Meadows*, *Philip Meadows the younger*, Clerk, *Samuel Mullet*, *William Martin*, *Charles Poppy*, *Thomas Pettit*, *John Piffey*, *Samuel Peck*, *Joseph Burch Smyth*, *Thomas Simpson*, *John Stanford*, *Edmund Tye*, *John Turner*, *James Todd*, *Robert Witham*, *John Welham*, *James Wenn*, *Samuel Holland Doctor of Physic*, *Charles Brooke Clerk*, *Shirley Western Clerk*, *John Davis Plestow Clerk*, *William Hurn Clerk*, *Emerson Cornwell*, *Nathaniel Welton*, and *John Stimson*, and their Successors, shall be and are hereby appointed Trustees for amending, widening, repairing, improving, and keeping in Repair the several Roads herein-before described, and for putting this Act into Execution.

Appoint-  
ment of new  
Trustees on  
Vacancies.

II. And be it further enacted, That when and as often as any of the Trustees hereby appointed, or to be elected in Manner herein-after mentioned, shall die, or by Writing under their Hands refuse to act in the Execution of this Act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, at a Meeting to be held for that Purpose, from Time to Time to elect some other fit Person to be a Trustee in the Room of every Trustee so dying or refusing to act as afore-said (Ten Days public Notice of the Meeting for every such Election being given in some Newspaper published or circulated in the said County, and also upon the several Turnpikes or Toll Gates, which shall be then standing upon or across the said Roads); and every Person who shall be so elected shall be a Trustee, and shall be joined with the surviving or remaining Trustees, and is hereby empowered to act in the Execution of this Act to all Intents and Purposes, as if he had been named and appointed a Trustee in and by this Act.

Qualification  
of Trustees.

III. 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 the Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds above Reprizes, or shall be Heir Apparent of a Person seized of a Real Estate in Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or shall be possessed of or entitled unto a Personal Estate of One thousand Pounds, nor (except in administering the Oath herein-after mentioned) until he shall have taken and subscribed before any One or more of the said Trustees an Oath in the Words or to the Effect following; (that is to say)

“ I, *A. B.* do swear, That I truly and *bona fide* am in my own Right  
 “ [or, in the Right of my Wife], in the actual Possession and Enjoy-  
 “ ment [or, Receipt], of the Rents and Profits of Lands, Tenements or  
 “ Hereditaments, of the clear yearly Value of Fifty Pounds above Re-  
 “ pizes, [or, am Heir Apparent of *A. B.* who to the best of my Knowledge  
 “ and Belief is seized of such an Estate of the clear yearly Value of One  
 “ hundred Pounds], or, am possessed of a Personal Estate of the Amount  
 “ of One thousand Pounds after all my Debts are paid.

“ So help me GOD.”

And if any Person, not being so qualified shall nevertheless act as a  
 Trustee in the Execution of this Act, 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, or by  
 Bill, Suit or Information; and every Person so prosecuted shall prove  
 that he is qualified, or otherwise shall pay the said Penalty, upon Proof  
 given of his having acted as a Trustee in the Execution of this Act;  
 provided nevertheless, that all Acts and Proceedings which shall have  
 been done and performed by any such Person touching the Execution of this  
 Act, 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:  
 Provided also, that no Person shall be capable of acting as a Trustee in  
 the Execution of this Act, in any Case where he shall be concerned in  
 Interest, or during the Time he shall hold any Place of Profit under this  
 Act; but it shall be lawful for such of the said Trustees as are or shall  
 be in the Commission of the Peace for the County of *Suffolk*, to act as  
 Justices of the Peace in the Execution of this Act, except only in such  
 Cases where they shall be personally interested.

Penalty on  
acting not  
being  
qualified.

Trustees may  
act as Justices  
of the Peace,  
but not to  
hold Places of  
Profit or  
act where  
interested.

IV. And be it further enacted, That the said Trustees, or any Three or  
 more of them, shall meet at the House called or known by the Name of  
 the *Barley Mow*, in *Witnesham*, in the said County of *Suffolk*, upon the  
 Fourth Monday next after this Act shall have received the Royal Assent,  
 between the Hours of Eleven of the Clock in the Forenoon, and One of  
 the Clock in the Afternoon, and shall proceed to the Execution of this  
 Act, and may adjourn themselves, and afterwards meet at the same or any  
 other Place or Places near the said Roads, or any of them, as they the  
 said Trustees shall think necessary for putting this Act into Execution;  
 and that Two Trustees, present at any Meeting, shall be sufficient for  
 the Purpose of Adjournment only; and if it shall happen that there shall  
 not appear at any Meeting a sufficient Number of Trustees to act or to  
 adjourn, or in case the Trustees at any Time assembled shall omit to ad-  
 journ, then the Clerk or Clerks to the said Trustees shall adjourn the  
 Meeting to the Place where the last Meeting was appointed to have been  
 held, at such Time as he shall think fit, not exceeding the Space of  
 Twenty-one Days from the Time of the last Default, and shall give  
 Notice thereof in Writing, to be affixed on each of the Turnpike Gates  
 then erected upon or across the said Roads, and shall also cause Notice  
 thereof to be inserted in some Newspaper printed or circulated within the  
 said County of *Suffolk*; and in case no such Adjournment, Notice, or  
 Appointment for Meeting shall be made or given by such Clerk or  
 Clerks,

Meetings  
of Trustees.

Trustees at Meetings to pay their own Expences.

All Orders and Determinations of Trustees to be made by the Majority present at any Meetings, the whole Number present not being less than Three.

Meetings on Emergencies.

Proceedings of the Trustees to be entered.

Clerks, then it shall be lawful for any Three or more of the said Trustees to cause Notice in Writing to be affixed upon such of the Turnpike Gates then erected upon or across the said Roads as they shall think proper, and to cause such Notice to be inserted in some such Newspaper as last-mentioned, appointing the Trustees to meet at such Time and Place near the said Roads as they the said Trustees, or any Three or more of them, shall think proper, within the Space of Twenty-one Days, but not before the Expiration of Six Days from the Time of affixing such Notice and inserting the same in such Newspaper as aforesaid; and that there shall be One General Meeting of the said Trustees in every Year at such Time and Place as the said Trustees, or any Three or more of them, shall appoint; and the Trustees shall at all and every their Meetings in the Execution of this Act, bear and defray their own Charges and Expences; and all Acts, Orders, Determinations, Matters, and Things, by this Act authorized, directed, mentioned, or intended to be done, made, or performed by the said Trustees, shall be done, made, or performed at a Meeting or Meetings to be held in pursuance of this Act (except in such Cases as are hereby otherwise expressly mentioned); and the same shall be done, made, or performed by the Majority of the Trustees present at their respective Meetings, the whole Number present at any such Meeting not being less than Three; and all Acts, Orders, and Proceedings, so made or done, shall be as valid as if done, made, or performed by all the said Trustees: Provided always, that no Order so made by the said Trustees shall be revoked or altered at any subsequent Meeting, unless the Number of Trustees revoking or altering the same shall be Nine at the least, and unless the Person or Persons applying to revoke or alter such Order, shall first give due Notice thereof to the Clerk or Clerks to the said Trustees, who shall cause Notice, specifying such Revocation or Alteration, to be inserted in some Newspaper published or circulated within the said County, and to be affixed on all the Turnpikes or Toll Gates which shall be then standing upon or across the said Roads, at least Fourteen Days previous to any Meeting to be held for that Purpose, any Thing herein-before contained to the contrary notwithstanding.

V. And be it further enacted, That if, after any Adjournment of the said Trustees, it shall be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case the Clerk or Clerks to the said Trustees, on an Order in Writing, signed by any Three or more of the said Trustees, (although not assembled at a Meeting), mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in Writing, to be affixed on all the Turnpike Gates then erected upon or across the said Roads, and cause the same to be inserted in some such Newspaper as aforesaid, and of the Time and Place which shall be mentioned in the Order of the said Trustees, (such Time not being sooner than Fourteen Days after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at all such Meetings shall be as valid and effectual as they would have been, in case such Meetings had been held in pursuance of Adjournment.

VI. And be it further enacted, That all Orders and Proceedings of the said Trustees in the Execution of this Act shall from Time to Time

be entered in a Book to be kept for that Purpose; and such Orders and Proceedings so entered, being signed by the Clerk to the said Trustees, shall be taken and deemed to be Originals; and the said Book, and also the Book herein-after directed to be kept for registering Mortgages, Assignments, and Transfers, shall be sufficient Evidence in all Courts whatsoever.

VII. And be it further enacted, That the said Trustees shall and may from Time to Time appoint a Treasurer or Treasurers, Clerk or Clerks, and also such Collectors of the Tolls, Surveyors, and other Officers, as they shall think necessary, and may also from Time to Time remove any such Officers when they shall see Occasion; provided nevertheless, that when any Collector of the Tolls to be appointed by virtue of this Act, shall die, resign, or become incapable of performing his Duty, it shall be lawful for any Three or more of the said Trustees, (although not assembled at a Meeting), by Writing under their Hands, to appoint a Collector of the Tolls in the Stead of the Collector who shall die, resign, or become incapable of performing his Duty as aforesaid; and the Person so appointed shall have the same Authority for the collecting and recovering of the Tolls hereby granted as the Person he shall succeed was invested with, until the said Trustees shall at a Meeting appoint a Collector of the Tolls in his Stead.

Trustees may appoint Officers.

Three Trustees may appoint a temporary Collector.

VIII. And be it further enacted, That all such Officers as shall be appointed by virtue of this Act as aforesaid, shall, as often as required by the said Trustees, render and give to them, or to such Person or Persons as they shall for that Purpose appoint, a true, exact, and perfect Account in Writing, under their respective Hands, with the proper Vouchers, of all Monies which they shall respectively to the Time of rendering such Accounts, have received, paid, and disbursed by virtue of this Act, or for, or on Account, or by Reason of their respective Offices, and shall verify such Accounts upon Oath if thereunto required by the said Trustees, (which Oath the said Trustees, or any One of them present at a Meeting, are and is hereby empowered to administer); and in case any Money so received by any such Officer shall remain in his Hands, the same shall be paid to the said Trustees, or to such Person or Persons as they shall in Writing under their Hands, authorize and empower to receive the same; and if any such Officer shall refuse or wilfully neglect to render and give such Account, or to produce and deliver up such Vouchers, or to verify such Account upon Oath as aforesaid, or shall, for the Space of Fourteen Days after being thereunto required by the said Trustees, or any Three or more of them, refuse or neglect to render and give up to them, or to such Person or Persons as they shall direct or appoint, all Books, Papers, Writings, Tools, Matters, and Things, in his Hands, Custody, or Power, relating to the Execution of this Act, or which he shall have disposed of without the Consent and Approbation of the said Trustees; then it shall be lawful for any Justice of the Peace for the County where the Officer so making Default shall be or reside, upon Application made to him for that Purpose by or on Behalf of the said Trustees, to make Enquiry of and concerning any such Default as aforesaid in a summary Way, as well by the Confession of the Party, as by the Testimony of any credible Witness upon Oath, (which Oath such Justice is hereby empowered and required to administer without Fee or

Officers to account.

Power to compel an Account or Payment.

[Loc. & Per.]

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Reward),

Reward), and by Warrant under his Hand and Seal to cause such Money as shall appear to him to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattels of such Officer, rendering to him the Overplus (if any) on Demand, after the Money remaining due, and the Charges and Expences of making such Distress and Sale shall be deducted; and if sufficient Distress cannot be found, or if it shall appear to any such Justice in Manner aforesaid, that any such Officer shall have refused or wilfully neglected to give such Account, or to verify the same in Manner aforesaid, or to deliver up all Books, Papers, Writings, Tools, Matters, and Things, in his Custody or Power, relating to the Execution of his Office, or of this Act as aforesaid, such Justice shall commit him to the Common Gaol of the County, or House of Correction where such Offender shall be or reside, there to remain without Bail or Mainprize, until he shall make and give a true and perfect Account, and verify the same in Manner aforesaid, and shall produce and deliver up the Vouchers relating thereto, and shall have paid the Money (if any) remaining in his Hands as aforesaid, according to the Directions of the said Trustees, or shall have compounded with the said Trustees for such Money, and paid such Composition according to their Direction, (which Composition the said Trustees are hereby empowered to make and receive); or until he shall deliver up such Books, Papers, Writings, Tools, Matters, and Things as aforesaid, or have given Satisfaction to the said Trustees concerning the same; but no such Officer who shall be committed on Account of his not having sufficient Goods and Chattels as aforesaid, shall be detained in Prison for any longer Time than Six Calendar Months; and the said Trustees are hereby authorized out of the Money arising by virtue of this Act, to make such Allowance to every or any such Clerk, Collector, Surveyor, and other Officer, for or in respect of his Care and Pains in the Execution of his Office, and to such other Persons as shall have been employed in the Execution of this Act, as to the said Trustees shall seem reasonable: Provided always, that no Person shall be capable of holding any Place of Profit under the said Trustees, who shall sell any Wine, Ale, Spirituous Liquors, or Provisions by Retail.

No Victualler to hold any Place of Profit under this Act.

Officers to give Security.

IX. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from every Treasurer or Receiver to be appointed for the Purposes of this Act, for the due and faithful Execution of his Office; and if they think fit may also take such Security from any other Officer to be appointed under or by virtue of this Act.

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

X. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of this Act, either in the Names of the Trustees who may be Parties to any Deed or Instrument in Writing upon which any Action shall or may be brought, or in the Name of the Clerk or Clerks, Treasurer or Treasurers for the Time being to the said Trustees; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees in their Names or in the Name of their Clerk or Clerks, Treasurer or Treasurers, shall abate or be discontinued by the Death, Incapacity, or Removal of any Trustee or Trustees, Clerk or Clerks, Treasurer or Treasurers, or by the Act of such Clerk or Clerks, Treasurers

suret or Treasurers, without the Consent of the said Trustees, or any Three or more of them; but that the Clerk or Clerks, Treasurer or Treasurers for the Time being to the said Trustees, in case such Action shall be brought against or defended in the Name of such Clerk or Clerks, Treasurer or Treasurers, shall be deemed to be Plaintiff or Defendant (as the Case may be) in every such Action; provided always, that such Trustees, Clerk or Clerks, Treasurer or Treasurers, in whose Names or Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action or Proceedings, they or he shall bear, pay, expend, or be put unto or become chargeable with for or by Reason of their or his being so made Plaintiffs or Defendants, or Plaintiff or Defendant as aforesaid.

XI. And be it further enacted, That the said Trustees shall and they are hereby authorized and empowered to cause Five Turnpikes or Toll Gates; or any lesser Number, to be erected in, upon, or across the said Roads; (that is to say), a Turnpike or Toll Gate, and a Side Gate, at or near the Cross Road upon *Westerfield Green*, leading from *Whitton* to *Tuddenham*; another Turnpike or Toll Gate in the Parish of *Witnesham*, at or near the Road leading through *Swilland* to *Otley*; another Turnpike or Toll Gate between a certain Messuage or Farm called the *Sparrow's Nest*, and the Boundary of the Parish of *Saint Margaret*, in the Town and Borough of *Ipswich* aforesaid; another Turnpike or Toll Gate in the Parish of *Crowfield*, between a certain Public House called or known by the Name or Sign of the *Rose*, and the Turning of the Road to *Gosbeck Church*; and another Turnpike or Toll Gate between a certain Place called *Stone Wall* and *Otley Bottom*, or at such other Place or Places as they the said Trustees shall think proper; and the said Trustees are hereby empowered to cause any other Turnpike or Toll Gate, Turnpikes or Toll Gates, to be erected, set up, and provided at, on, or near the Side or Sides of the said Roads or any of them, and across any Roads, Lanes, or Ways leading into the same; and also such Toll Houses and Weighing Engines, and proper and necessary Buildings and Fences adjoining or near to such Turnpikes or Toll Gates, Turnpike or Toll Gate, Weighing Engines or Engine, or any of them, as to the said Trustees shall seem requisite and expedient, and may take in and inclose from the said Roads convenient Garden Spots to such Toll Houses or any of them, as they shall think proper, not exceeding Half an Acre each.

Trustees may erect Turnpikes.

Side Gates and Toll Houses.

XII. And be it further enacted, That the Right and Property of and in all the Turnpikes or Toll Gates, Toll Houses, Weighing Engines, and other Erections and Buildings which shall or may be erected and provided by virtue of this Act, and their respective Appurtenances, and the Materials of which the same shall consist, and all Materials which shall be provided for repairing the said Roads, shall be and are hereby vested in the said Trustees, and they are hereby authorized and empowered to dispose of the same as they shall think fit for the Purposes of this Act, and to bring or cause to be brought any Action in the Name of any One or more of them, or of their Treasurer or Treasurers, or Clerk or Clerks, and to prefer and prosecute, or order and direct the preferring and prosecuting of Indictments against any Person or Persons who

Property of Turnpikes vested in Trustees.

who shall dig up, break, or pull down, steal, take, or carry away, spoil, injure, or destroy, any of the said Turnpikes or Toll Gates, Toll-Houses, Weighing Engines, and other Erections and Buildings, or any of the Materials aforesaid, or who shall do any Act to injure or obstruct any Person employed by the said Trustees in the Execution of this Act.

Turnpikes  
may be  
removed.

XIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered from Time to Time, when and as often as they shall think proper, by their Order, to be made at a Meeting to be held after Notice, specially stating the Purpose of such Meeting, (and with the Consent and Approbation of such Person or Persons as shall be entitled to Two-third Parts or more of the Money which shall be then due and owing upon the Credit of the said Tolls, but not otherwise), to cause any of the Turnpikes or Toll Gates, or any of the Weighing Engines which shall be erected by virtue of this Act in, upon, or across, or on the Sides of the said Roads, or any of them, to be taken down and removed, and the same, or any other Turnpike or Toll Gate and Weighing Engine, in lieu of every Turnpike or Toll Gate and Weighing Engine so taken down and removed, to be erected, in, upon, or across any other Part or Parts of the said Roads; and from Time to Time, as often as they shall think fit, again to take down and remove the same Turnpikes or Toll Gates and Weighing Engines, or any of them, and to cause the same or any of them to be erected in, upon, or across the Part or Parts of the said Roads, whereon the same or any of them formerly stood, or in, upon, or across any other Part or Parts thereof: Provided always, that no Meeting shall be held for such Purpose as aforesaid, unless Twenty Days previous Notice thereof at the least shall have been given in some Newspaper published or circulated within the said County, and also upon the several Turnpikes or Toll Gates which shall be then standing in, upon, or across the said Roads.

No Turn-  
pikes to be  
removed  
without  
Twenty Days  
Notice.

Tolls.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons by virtue of this Act to be appointed Collector or Collectors as aforesaid, to demand and take the several Tolls and Duties following at each and every of the respective Turnpikes or Toll Gates, or Turnpike or Toll Gate which shall be erected, in, upon, or across the said Roads, or any of them, by virtue of this Act, and on every Day (such Day to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the next succeeding Night); that is to say,

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

For every Coach, Diligence, Berlin, Landau, Chariot, Caravan, Hearse, Litter, Calash, Chaise Marine, Chaise, Sociable, Curricule, Chair, Car, or other such like Carriage, drawn by Six Horses, Mares, Geldings, Mules, or Asses, the Sum of Two Shillings; and drawn by Four or Three Horses, Mares, Geldings, Mules, or Asses, the Sum of One Shilling; and drawn by Two Horses, Mares, Geldings, Mules, or Asses, the Sum of Nine-pence; and drawn by One Horse, Mare, Gelding, Mule, or Ass, the Sum of Four-pence Halfpenny:

For every Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels of less Breadth or Gauge than Nine Inches  
from



from Side to Side, and drawn by Four or Five Horses, or other Beasts, going at Length, the Sum of One Shilling and Sixpence; and drawn by Three Horses or other Beasts going at Length, the Sum of One Shilling; and drawn by Two Horses or other Beasts going at Length, the Sum of Nine-pence; and drawn by One Horse or other Beast, the Sum of Three-pence:

For every Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels of less Breadth or Gauge than Nine Inches from Side to Side, drawn by Four or more Horses or other Beasts, going all or any Two of them abreast, or in a Pair or Pairs, the Sum of One Pound Fifteen Shillings and Sixpence; and drawn by Three Horses or other Beasts, any Two of them going abreast or in a Pair, the Sum of Fifteen Shillings; and drawn by Two Horses or other Beasts, going abreast or in a Pair, the Sum of Two Shillings:

For every Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels of the Breadth or Gauge of Nine Inches or upwards from Side to Side, or having the Fellies of the Wheels of the Breadth or Gauge of Six Inches or upwards from Side to Side, such last-mentioned Wheels being cylindrical and rolling a flat Surface, drawn by Eight or Seven Horses or other Beasts, the Sum of Three Shillings; and drawn by Six or Five Horses or other Beasts, the Sum of Two Shillings and Sixpence; and drawn by Four, Three, or Two Horses or other Beasts, the Sum of One Shilling and Sixpence:

For every Drove of Oxen, Cows, or other Neat Cattle, the Sum of One Shilling and Three-pence *per* Score; and so in Proportion for any less Number: And for every Drove of Calves, Hogs, Sheep or Lambs, the Sum of Five-pence *per* Score; and so in Proportion for any less Number; and the said respective Tolls shall be demanded and taken before any Horse or Horses, or other Beast or Cattle, or any Carriage whatsoever, be permitted to pass through any such Turnpike or Toll Gate:

And which said respective Tolls, and every of them, shall be and the same are hereby vested in the said Trustees; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made by any Collector or Collectors to be appointed as aforesaid, neglect or refuse to pay the same or any Part thereof, it shall be lawful for such Collector or Collectors, or other Person or Persons whom he or they shall take to his or their Assistance therein, to seize and distrain any Horse or other Beast, Cattle or Carriage, upon which any such Tolls are by this Act imposed, or any of the Goods or Chattels carried or drawn by such Horse or Horses, or other Beast or Cattle in such Carriage or belonging to any Person or Persons so neglecting or refusing, or liable to pay the Tolls aforesaid, or any of them (except the Bridle or Reins of any Horse or other Beast, separate from such Horse or other Beast); and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, 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 other Beast, Cattle or Carriage, or Goods or Chattels so seized and distrained, rendering the Overplus (if any) on Demand to the Owner or Owners thereof, after such Tolls and all reasonable Charges and Expences shall be deducted.

How to be recovered.

Tolls payable  
in certain  
Cases.

XV. And be it further enacted, That if any Waggon, Wain, Cart or other Carriage, having the Fellies of the Wheels of less Breadth or Gauge than Nine Inches, from Side to Side, and drawn by Four or more Horses or other Beasts, going all, or any Two or more of them abreast, or in a Pair or Pairs; or drawn by Three Horses or other Beasts, Two of them going abreast or in a Pair; or drawn by Two Horses or other Beasts, going abreast or in a Pair, shall be drawn upon the said Roads, or any of them, for the Space of One hundred Yards, without passing or going through any of the Turnpikes or Toll Gates to be erected thereon, every such Waggon, Wain, Cart or other Carriage, which shall be so drawn on the said Roads, or any of them, for the said Space of One hundred Yards, although without passing any of the said Turnpikes or Toll Gates, shall be subject and liable to the Tolls imposed by this Act on the same respectively, and which would have become payable in case the same had passed through any of the said Turnpikes or Toll Gates, with the Horses or other Beasts abreast, to be recovered in like Manner as any Penalty by this Act imposed may be recovered.

Limiting the  
Number of  
Tolls to be  
paid in One  
Day.

XVI. Provided always, and be it further enacted, That every Person who shall have paid the Tolls hereby granted at any Turnpike or Toll Gate to be erected by virtue of this Act, in, upon, or across any of the said Roads, shall on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) be permitted to pass and repass at any Time or Times as often as he or she shall think proper, with the same Horse or Horses, or other Beast or Beasts, Cattle or Carriage; for or in respect of which such Tolls shall have been paid, through the same Turnpike or Toll Gate at which such Tolls shall have been paid, and also through all or any of the Turnpikes or Toll Gates to be erected or set up at or near the Side or Sides of the said Roads, or any of them, across any Road, Lane, or Way, leading into the same, next or near to the said Turnpike or Toll Gate at which such Tolls shall have been paid, without being subject to the Payment of any further Toll; and that every Person who shall have paid the Tolls hereby granted, or any of them, at any Side Gate, Turnpike, or Toll Gate to be erected by virtue of this Act, at or near the Side or Sides of the said Roads, or any of them, across any Road, Lane or Way leading into the same, shall on the same Day (to be computed as aforesaid) be permitted to pass and repass at any Time or Times, as often as he or she shall think proper, with the same Horse or Horses, or other Beast or Beasts, Cattle or Carriage, for or in respect of which such Tolls shall have been paid, through the same Side Gate, Turnpike or Toll Gate, and also through the Turnpike or Toll Gate to be erected in, upon, or across the said Roads, or any of them, which such Horse or other Beast, Cattle, or Carriage, shall afterwards first pass next or near to the said Side Gate, Turnpike, or Toll Gate to be erected near the Side of the said Road, at which such Toll shall have been so paid, without being subject to the Payment of any further Toll, such Persons respectively producing Notes or Tickets denoting such respective Payments; which Notes or Tickets the Collectors of the Tolls are hereby required to deliver gratis upon Receipt of the Tolls: Provided always, that nothing herein contained shall extend or be deemed or construed to extend to charge or make liable any Person or Persons who shall have paid Toll for the same Horse or Horses, Beast or Beasts, Cattle or Carriage, at any Two of the said Turnpikes or Toll Gates, with the Payment of any

any more or further Toll for the same Horse or Horses, or other Beast or Beasts, Cattle or Carriage in any One Day (to be computed as aforesaid) at any Turnpike, Toll Gate, or Side Gate to be erected upon the whole Line of Road, on producing Notes or Tickets for that Purpose, to be given in Manner before directed.

XVII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Roads, or any of the Roads in the Townships or Parishes in which any Part of the said Roads lie; or with Seed for seeding the Ground; or Hay, Turnips, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Outhouses or Yards, or on the Lands of the Owners thereof; or for any Horse, Beast, or other Cattle or Carriage, employed in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, or Manure employed in Husbandry for manuring or improving Lands, or any other Thing employed in the Management of any Farm or Lands; or for any Horses or other Beasts going to or returning from Pasture or Watering-Place, or going to be or returning from being shod or farried; or from any Person or Persons going to or returning from his, her, or their proper Parochial Church, Chapel, or other Place of Religious Worship on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or going to or returning from attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Roads lie; or from any Clergyman going to visit or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty; or for any Horses or Carriages of 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 or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty, or for any Horse or Horses or other Beast, or any Cart, Carriage, or Waggon employed in carrying or conveying, or returning therefrom, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying or conveying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, or Barrack or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from having been so employed; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection or Review, provided that such Person shall be

Exemptions  
from Toll

Passengers  
on Election  
Days for  
Knights of  
the Shire for  
Suffolk ex-  
empted.

be dressed in the Uniform of his Corps, and shall have his Arms, Furniture and Accoutrements, according to the Regulations of such Corps at the Time of claiming the Exemption; or for Horses, Carts, or Waggon travelling with Vagrants sent by legal Passes, or returning after having been so employed; or for any Horses, Coaches, or other Carriages going to or returning from any Election, of a Knight or Knights of the Shire, to serve in Parliament for the said County of *Suffolk*, on the Day or Days of such Election, or the Day before or Day after such Election shall begin or be concluded; and if any Person shall by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shilling, one Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

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

XVIII. 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, or 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, or the Horse or Horses drawing the same, 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 the Owner or Driver of any such Waggon, Wain, Cart or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Exempting  
Carriages  
conveying a  
Last of Wheat  
or other  
Grain from  
Overweight.

XIX. And whereas the accustomed Mode of Sale and Delivery of Wheat, and other Grain, within the County of *Suffolk* is by the Last, or Ten Quarters, and the Waggon usually employed in carrying such Wheat and other Grain have the Soles or Bottoms of the Fellies of the Wheels thereof of less Breadth than Six Inches, and are usually laden with Ten Quarters of Wheat or other Grain, which Quantity is of somewhat greater Weight than is by an Act made in the Thirteenth Year of the Reign of His present Majesty, relating to Turnpike Roads within that Part of *Great Britain* called *England*, allowed to be carried along Turnpike Roads in such Waggon as before mentioned: And whereas it would be a great Inconvenience to Persons who shall have Occasion to send their Wheat and other Grain in Waggon along any Part of the said Roads by this Act directed to be repaired, if they should be obliged to send a less Quantity at a Time than Ten Quarters; be it therefore further enacted, That no Person shall be subject or liable to any Penalty, Forfeiture, or additional Toll, for or on account of Overweight of any Waggon passing along any Part of the said Roads, and laden with Ten Quarters of Wheat or other Grain only, any Thing in the said recited Act to the contrary thereof in anywise notwithstanding.

Tolls may  
be let.

XX. And be it further enacted, That the said Trustees shall or may and they are hereby authorized, and empowered, by Writing under their  
Hands

Hands and Seals at any Time or Times, to let, demise, and to farm let the Tolls by this Act granted, or any Part thereof, and also the Turnpikes, Toll Houses, and Weighing Engines to be erected as aforesaid, for any Term not exceeding Three Years at any one Time, unto any Person or Persons who shall be willing to take or farm the same (Twenty Days Notice of the Intention of such letting or farming being given in some Newspaper published or circulated within the said County, and also upon all the Turnpikes or Toll Gates which shall be then standing in, upon, or across the said Roads), for the best Rent or Rents that can be gotten for the same, and which shall be payable to the said Trustees or their Treasurer, at such Times and under such Covenants as the said Trustees shall direct or appoint.

XXI. And be it further enacted, That during such Time as the said Tolls or any Part or Parts thereof shall be leased, demised, or in Farm to any Person or Persons whomsoever, it shall be lawful for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall by Writing or Writings under his, her, or their Hand or Hands, authorize or appoint, to demand and take the said Tolls, and to use all such Means and Methods for the Recovery thereof, in case of Non-payment or Evasion, as the Collectors appointed under or by virtue of this Act are by this Act empowered to use.

Lessees, or Persons appointed by them, may collect the Tolls.

XXII. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, and they are hereby authorized and empowered from Time to Time as they shall think proper, to lessen or reduce all or any Part or Parts of the Tolls hereby granted, at all, any or either of the Turnpikes or Toll Gates by this Act authorized to be erected; and when so reduced, again to raise the same respectively to any Sum not exceeding the respective Tolls by this Act granted, and so as such Reduction be made with the Consent of the several Persons who shall be entitled to Five Sixth-parts of the Money then due on the Credit of the said Tolls; but no such Reduction shall be made unless Twenty Days Notice in Writing shall be given of a Meeting to be held for that Purpose, such Notice to be affixed upon all the Turnpike Gates then erected on the said Roads, and also inserted in the Newspaper called *The Ipswich Journal*, or if not then published, then in some other Newspaper published or circulated within the said County of *Suffolk*, at least Twenty Days before the Meeting for making such Reduction; and such Tolls so lessened or reduced, or raised again, shall be collected, recovered, and applied in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Power to lessen the Tolls.

XXIII. And be it further enacted, That the said Trustees may and they are hereby empowered from Time to Time as they shall see convenient, to compound and agree for any Term not exceeding One Year at any one Time, with all or any of the Inhabitants of the several Towns, Parishes, Hamlets, or Places, near to or through which the said Roads hereby directed to be repaired do lead, for the Passage of his, her, or their Horses, Carriages, and other Beasts or Cattle through all or any of the Turnpikes or Toll Gates to be erected by virtue of this Act; which Composition Money shall be paid in advance Half-yearly or otherwise, and in Default thereof the Composition or Agreement with the Person or Persons making such Default shall be void.

Tolls may be compounded for.

[*Loc. & Per.*]

5 T

XXIV. And

Collectors,  
&c. may give  
Evidence.

XXIV. And be it further enacted, That in case any Dispute, Suit, or Litigation shall happen to arise touching or in anywise concerning or relating to the Tolls to be collected on the said Roads, or any of them, or the Recovery of such Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by Reason of his, her, or their being appointed to collect the said Tolls, or acting under the Authority of the said Trustees as aforesaid.

Power to  
borrow  
Money;

and assign the  
Tolls as a  
Security.

XXV. And be it further enacted, That it shall be lawful for the said Trustees to borrow and take up at Interest such Sum and Sums of Money as they shall from Time to Time think fit, upon the Credit of the Tolls arising by virtue of this Act, or any Part or Parts thereof; and by Writing under their Hands and Seals to assign over or mortgage the said Tolls, or any Part or Parts thereof, (the Costs and Charges of such Assignments or Mortgages to be paid out of the said Tolls), to any Person or Persons for any Term during the Continuance of this Act, as a Security or Securities for the Payment of the several Sums that shall be so borrowed with the Interest thereof; which Assignments or Mortgages shall be according to the Form following:

Form of  
Assignment.

BY virtue of an Act of Parliament, passed in the Fifty-second Year of the Reign of King *George* the Third, intituled  
We, or more of the Trustees for carrying  
the said Act into Execution, in Consideration of the Sum of  
to the Treasurer of the said Roads, in Hand paid by  
do hereby grant, bargain, sell, and demise unto  
the said his Executors, Administrators, and Assigns, such  
Proportion of the Tolls arising by virtue of the said Act, as the said  
Sum of doth or shall bear to the whole Sum  
advanced or to be advanced on the Credit of the said Tolls; to be had  
and holden from this Day of for and during  
the Continuance of the said Act, unless the said Sum of  
with the Interest thereof, shall be sooner paid and satisfied. Given  
under our Hands and Seals this Day of

Assignments  
may be  
transferred.

And Copies of all such Mortgages and Assignments shall be entered in a Book to be kept for that Purpose by the Clerk or Clerks to the said Trustees; but no Money shall be borrowed unless Notice be for that Purpose given in some Newspaper published or circulated within the said County, and also upon the Turnpikes or Toll Gates which shall be then standing in, upon, or across the said Roads, at least Fourteen Days before the borrowing thereof; and all Mortgages or Assignments which shall be made in the Manner and Form aforesaid, shall be good, valid, and effectual, to all Intents and Purposes whatsoever; and all Persons to whom any such Mortgages or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time, by Writing under their respective Hands and Seals, transfer their Right, Title, Interest, or Benefit to the Principal or Interest thereby secured, to any Person or Persons whomsoever, by Indorsement on such Mortgage or Assignment in the Presence of any credible Witness, which Transfer shall be according to the Form following:

I Do

I Do transfer the within Mortgage, and all Principal and Interest now due thereon, unto  
 and Assigns. Witness my Hand and Seal this  
 Executors, Administrators, and Assigns, Transfer.  
 Day of

All which Transfers shall be produced and notified to the Clerk or Clerks to the said Trustees, who shall cause an Entry or Memorial to be made thereof, containing the Dates, Names of the Party, and Sums of Money, in a Book to be kept for that Purpose, for which the said Clerk or Clerks shall be paid the Sum of Two Shillings and Sixpence, and no more; and after such Entry made, every such Transfer shall entitle the respective Assignees or Persons to whom the same shall be made, their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon, and it shall not be in the Power of any Person making any such Transfer to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof; and all Persons to whom such Mortgages, Assignments, or Transfers shall be made as aforesaid, shall be, in Proportion to the Sums therein respectively mentioned, Creditors on such Tolls, in equal Degree, one with another, and shall have no Preference in respect to the Priority of advancing any such Monies, or the Dates of such Assignments, and all such Monies so borrowed shall be and are hereby declared to be vested in the said Trustees for the Purposes of this Act.

XXVI. And be it further enacted, That out of the first Monies arising by the Tolls which shall be collected by virtue of this Act, or out of the first Monies which shall be borrowed upon the Credit thereof, the said Trustees shall, in the first Place, pay and defray all the Charges and Expences incident to and attending the obtaining and passing of this Act; and after Payment, Satisfaction, and Discharge thereof, the Residue and Remainder of such Monies shall from Time to Time be applied in erecting Turnpikes or Toll Gates, Toll Houses, and Weighing Engines, and in amending, widening, and repairing the Roads by this Act intended to be widened, amended, and repaired, and in defraying the necessary Costs, Charges, and Expences attending the same, and the Execution of this Act, and in the Payment of the Principal Monies charged or borrowed by virtue thereof, and the Interest due and to grow due thereon, and to and for no other Use, Intent, or Purpose whatsoever.

Application  
of the Tolls  
and Money  
borrowed.

XXVII. And be it further enacted, That the said Trustees may and they are hereby authorized and empowered to widen, turn, alter, and make the Course or Path of any Part or Parts of the said Roads within the Limits herein-after mentioned, through or over any Commons or Waste Grounds, without making any Satisfaction for the same; and also in, upon, through, or over any private Lands, Tenements, or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may sustain thereby; and for that Purpose it shall be lawful for the said Trustees, or any Three or more of them, to treat, contract, and agree with the Owners of and Persons interested in any such Lands or Premises for the Purchase thereof, or for the Loss or Damage such Person or Persons interested therein, or any of them, shall or may any Ways sustain by such widening, turning, or altering the Course or Path of any Part of the said Roads; and it shall be

Power to  
widen or alter  
the Course of  
the Road.

lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees for or on Behalf of any Infants, Femes Covert, or *Cestuique* Trusts, and for all and every Person and Persons who are or shall be seised, possessed of, or interested in any such Lands or Premises, to contract and agree with the said Trustees for the Sale of such Lands, Grounds, or Hereditaments, and for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey to the said Trustees, all or any of such Lands or Premises as Occasion shall be and require; and all Contracts, Sales, and Conveyances, which shall be so made, shall be valid and effectual in the Law to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing to the contrary notwithstanding; and all such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, and Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Road to be made according to the Map or Plan deposited at the Office of the Clerk of the Peace.

XXVIII. And whereas a Map or Plan describing the Line of the said Roads, and the Lands, Hereditaments, and Premises through which the proposed Alterations are to be made or carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands and Premises, have been deposited at the Office of the Clerk of the Peace for the said County of *Suffolk*; be it therefore enacted, That the said Map or Plan, and the Book of Reference, shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at any seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees in making the said Roads shall not deviate more than One Hundred Yards of Three Feet each from the Line described in the said Map or Plan, and Book of Reference, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate or Collegiate, through whose Lands or Premises such Deviation shall be made.

Lands marked in the Plan may be used, notwithstanding Errors in the Book of Reference.

XXIX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said proposed Alterations of Road into, through, across, or over the several Lands, Hereditaments, or Premises of any Person or Persons who is or are or may be Owner or Owners of Land or Premises over which the same is set out and described in the said Map or Plan and Book of Reference as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees restrained from pulling down Dwelling

XXX. Provided always, and be it further enacted, That the Powers and Authorities hereby given shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling



Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a 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 or Proprietor thereof first had and obtained, other than and except such as are marked or described in the said Map or Plan and Book of Reference, any Thing in this Act contained to the contrary thereof in anywise notwithstanding.

ing Houses,  
&c. without  
the Consent  
of the  
Owners.

XXXI. And be it further enacted, That in case any Body Politic or Corporate, or other Owners of, or Person or Persons interested in, any Lands, Tenements, Hereditaments, or Premises requisite or necessary for the Purposes of this Act, or any Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees, shall refuse to treat, or shall not agree for the Sale of any such Lands or Premises, or for their Interest therein, or by Reason of Absence shall be prevented from treating, and the said Trustees shall within Ten Days at the least before any General or Quarter Sessions of the Peace to be holden for the said County, cause Notice in Writing to be given to such Owners or Persons interested, Feoffees, Executors, Administrators, Guardians, or other Trustees respectively, or to the principal Officer of any such Body Politic or Corporate, or to be left at the House of the Tenant in Possession of the Lands or Premises intended to be purchased, purporting that the Value thereof will be adjusted and settled by a Jury at the said Sessions; then and in every such case the Justices at such Sessions, upon Proof made to them of such Notice having been given or left as aforesaid, are hereby authorized and required to charge the Jury which shall attend at such Sessions, or some other Jury of Twelve honest Men, to be then and there impanelled and returned by the Sheriff of the said County, without Fee or Reward, and cause them to be sworn well and truly on their Oaths, to assess the Value of the Lands or Premises mentioned or described in the said Notice, and the Damages and Recompence to be given for the same, or such Part or Parts thereof as shall be intended to be taken or used for the Purposes of this Act, to the respective Owners and Persons interested according to their respective Interests therein; and the said Trustees, and all Persons interested in the said Lands or Premises, shall have their lawful Challenges against any of the said Jury when they come to be sworn; and the said Jury when sworn and charged as aforesaid, and after proper Evidence upon Oath to them given (which Oath, and also the Oath to the said Jury, the said Justices are hereby authorized and required to administer), concerning the Nature, Quantity, and Value of such Lands or Premises, or such Part or Parts thereof as aforesaid; and also after having viewed the Place in Question, (if judged necessary by the said Justices in Sessions assembled, on the Application of the said Trustees or any of the Parties interested as aforesaid), shall by their Verdict assess, declare, and ascertain the Quantum of the Damages and Recompence to be given for the same to such respective Owners and Persons, according to their respective Interests therein; and such Verdict of the said Jury shall be binding, final, and conclusive to the said Trustees, and to all Persons and Parties interested in the said Lands or Premises; and the said Justices shall and may award Costs to either Party, as in their Discretion shall seem meet.

Value of  
Land, &c.  
to be ascer-  
tained by a  
Jury if the  
Parties can-  
not agree.

Witnesses  
may be ex-  
amined on  
Oath.

Expences of  
Jury how  
paid.

XXXII. 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 or Satisfaction for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than shall have been agreed to and offered by the said Trustees, or any Three or more of them, before the impannelling of the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then and in such case the Costs and Expences of impannelling, summoning, and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the said Trustees, or any Three or more of them, out of the Money to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or less Money than shall have been agreed to and offered by the said Trustees, or any Three or more of them, before the impannelling of the said Jury, as a Recompence and Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then the full Costs and Expences of impannelling, summoning, and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be paid and borne by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the said County, not interested in the Matter in Question, (who is hereby authorized and required to settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies 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, may be recovered by the Clerk or Clerks to the Trustees, by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that in case any Person shall by Reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees out of any Money to be raised or received under or by virtue of this Act.

On Payment  
of the Pur-  
chase Money  
Land may be  
made Use of.

XXXIII. And be it further enacted, That all Sums of Money or Recompence to be agreed for or assessed as aforesaid, shall be and the same are hereby charged upon the Monies which shall be collected or raised by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or by their Treasurer or Treasurers, to the Persons respectively entitled thereto, or to their Agents; and upon Payment thereof to such Persons, or their Agents, or in case of Refusal to accept the same after Tender thereof, on depositing the same in the Bank of England in Manner by this Act directed, (as the Case shall be), it shall be lawful for the said Trustees, their Surveyors, Workmen, or Agents, to enter into the Possession of such Lands, Hereditaments, and Premises, and to cause the same to be laid into and made Part of the said Roads, and the said Lands and Grounds shall from thenceforth, to all Intents and Purposes whatsoever, become and be deemed, and taken to be a public

public and common Highway, and Part of the said Roads for ever, and shall be repaired and kept in Repair by such Ways, Means, and Methods, and in all Respects in such Manner as the said Roads hereby directed to be widened, altered, or turned, are, was, or ought to have been kept in Repair; and all Parties and Persons shall for ever thereafter be divested of all Right and Title to such Lands, Hereditaments, or Premises; and after any such new Road shall be completed, the Ground constituting the former Road (unless leading to some Village, Town, or Place, to which such new Road doth not lead) shall be vested in, and shall or may be sold and conveyed by the said Trustees for the best Price that can be gotten for the same; and it shall also be lawful for the said Trustees to sell and dispose of any other Piece or Pieces of Ground of which they may become possessed by virtue of this Act, and which may not be wanted for the Purposes thereof, and the Money arising by such Sale or Sales shall be applied for the Purposes of this Act; and the Conveyance to be made of such old Road, or Piece or Pieces of Ground being executed by any Three or more of the said Trustees, and inrolled with the Clerk of the Peace for the said County, shall be good and effectual in the Law to all Intents and Purposes; and the Lords of the respective Manors shall have the same Interest and Property in such new Road as they were possessed of or entitled to in the former Road, in lieu whereof such new Road shall be made.

XXXIV. Provided always, and be it further enacted, That in case the said Trustees shall think proper to sell or dispose of any Piece or Pieces of Ground not wanted for the Purposes of this Act, they 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 in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County in which such Piece or Pieces of Ground shall be situate, (who are hereby respectively 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 the said 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, 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 purchased by the said Trustees in pursuance of this Act; and the Expence of hearing and determining such Difference, shall be borne and paid in like Manner as by this Act directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*, and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Pieces of Road or Ground as afore-

First Offer to whom to be made.

said,

said, shall be applied to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Application  
of Money  
awarded,  
above 200l.

XXXV. 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 this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the said Trustees, 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 Incumbrance 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 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 or Settlement shall be existing undetermined, or capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall by Order of the said 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 mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so to be purchased under the Authority of this Act, in case such Purchase or Settlement was made.

XXXVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements,

Where less  
than 200l.  
and above  
20l.

ments 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 Three or 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 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.

XXXVII. 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 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 this Act, in such Manner as the said Trustees, or any Three 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.

Where under  
2ol.

XXXVIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees or any Three 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 be lawful for the said Trustees, or any Three 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 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 such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the 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

In case of not making out a good Title, or Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of Chancery on Petition.

[*Loc. & Per.*]

5 X

Order

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  
disputed  
Titles.

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

Court may  
order reason-  
able Ex-  
pences to be  
paid by the  
Trustees.

XL. 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 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 High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the 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.

XLI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to be appointed by virtue of this Act, or for any other Person or Persons by him or them, or by the said Trustees for that Purpose, employed to cut, dig, gather, take, and carry away any Furze, Heath, Stones, Gravel, Chalk, Limestones, Sand, Flints, or other

other Materials proper for repairing the said Roads, in, upon, out of, or from any Waste or Common Ground, or from any River or Brook in any Parish, Town, Hamlet, or Place, in, adjoining to, or lying near the said Roads, or in any adjoining Parish, Town, Hamlet, or Place, to be used in repairing the said Roads, without paying any Thing for the same, such Surveyor or Surveyors, or other Person or Persons filling up the Pits and levelling the Grounds from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and also, by Order of the said Trustees, to cut, dig, gather, take, and carry away any such Materials as aforesaid, in, upon, or out of, and from or over the private Lands or Grounds of any Person or Persons, to be used in or towards the repairing the said Roads, (such private Lands or Grounds not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Plantation, or inclosed Ground planted as an Avenue to a House, or a Nursery of Trees), paying or tendering Payment of such Rates or Sums of Money for such Materials, and for the Damage which shall be done to the Owners or Occupiers of the private Lands and Grounds where and from whence the same shall be dug, gathered, taken, and carried away, or over which the same or any other Materials gotten in any Waste Ground, Common, River, or Brook, shall be conveyed, as the said Trustees shall adjudge reasonable: Provided nevertheless, that it shall not be lawful for any Surveyor, or any other Person or Persons under the Authority of this Act, to dig, gather, take, and carry away Materials for the Purpose aforesaid from any inclosed Lands, until Notice in Writing, under the Hands of Three or more of the said Trustees, shall have been given to the Owner or Owners, Occupier or Occupiers of such Lands or Grounds, or left for him, her, or them, at his, her, or their usual Place of Residence, to appear before the said Trustees, or any Three or more of them, or Two Justices of the Peace for the said County, at such Time and Place as shall be mentioned in such Notice, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Owners, Occupier or Occupiers, shall attend pursuant to such Notice, the said Trustees, or such Justices shall, if they think fit, after having heard the Matter, authorize any such Surveyor or other Person or Persons as aforesaid, to dig, gather, take, and carry away such Materials at such Time or Times as the said Trustees, or such Justices shall think proper; and if such Owner or Owners, Occupier or Occupiers, shall neglect or refuse to appear, without sufficient Excuse, by themselves, himself, or herself, or by their, his, or her Agent, the said Trustees or such Justices shall and may make such Order therein as they shall think fit in like Manner, and the same shall be as effectual as if such Owner or Owners, Occupier or Occupiers, or his, her, or their Agent had attended.

XLII. And be it further enacted, That in case of any Difference between any such Owners or Occupiers as aforesaid and the said Trustees, touching the Damage aforesaid, the Justices of the Peace at the General Quarter Sessions to be holden for the said County, on Eight Days Notice thereof being given in Writing by either Party to the other, shall, upon Application for that Purpose by or on Behalf of either Party, hear, settle,

Differences  
to be settled  
at the  
Quarter  
Sessions.

settle, and determine the Matter of such Payment and Damages; and the Judgment or Order of the said Justices therein shall be final and conclusive to the Parties.

For removing and preventing Annoyances, &c.

XLIII. And be it further enacted, That it shall be lawful for any Surveyor or Surveyors under this Act, having an Order from the said Trustees for that Purpose, and such Person or Persons as he or they shall appoint, from Time to Time to remove, take, and carry away all Annoyances by Filth, Dung, Ashes, Soil, Compost, Clay, Rubbish, or otherwise, and also all Obstructions by Gates or otherwise, which are or shall be in or upon the said Roads, or any Part or Parts thereof, under what Authority soever the same have been or shall be erected; and at proper Seasons of the Year to cut down, lop, top, plash, and trim up any Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto, in case the Owner or Owners, Occupier or Occupiers, shall neglect to cut down, lop, top, plash, or trim up such Trees or Bushes, or to remove such Annoyances for the Space of Twenty-one Days after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors; and the Charges thereof, to be settled by the said Trustees by Writing under their Hands, shall be reimbursed and paid to the Surveyor or Surveyors by such Owner or Owners, Occupier or Occupiers so neglecting to cut down, lop, top, plash or trim up the said Trees or Bushes, or to remove such Annoyances as aforesaid; and in Default of Payment thereof upon Demand, the same shall be levied and recovered in such Manner as any Penalty or Forfeiture for Offences against this Act is herein-after directed to be levied and recovered; and if after the Removal of any of the said Annoyances any Person or Persons shall again offend in like Manner, or if any Person or Persons shall wilfully throw any Soil or other Filth upon the said Roads, or any Part thereof, to the Prejudice or Annoyance of Persons travelling thereon, every such Person shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence; and no Person or Persons whomsoever shall after the passing of this Act make, raise or set any new Shed or other Building, Wall or Walls, Hedge or Hedges, Fence or Fences of Thorns or Quicksets, or any other Fences whatsoever, in or upon the Lands or Grounds next adjoining to the said Roads, on either Side of the Ditches thereof, nearer than the Space of Fifteen Feet from the Centre of the said Roads; and if any Person or Persons shall make any Inclosure, Wall, Hedge or Fence on the Side of the said Roads, contrary to the Directions of this Act, then and in such Case the said Trustees, or any Seven or more of them, from Time to Time on their View or Sight of such Inclosure so made, shall give Notice in Writing under their Hands to the Owner or Owners thereof, or the Person or Persons who shall have made, or caused the same to be made, requiring him, her, or them to remove the same within Thirty Days after such Notice; and in case of Refusal or Neglect of such Owner or Owners, or other Person or Persons to remove the same, then it shall be lawful for the said Trustees, or any Seven or more of them, to order and cause such new Inclosure, Wall, Fence or Hedge to be levelled, thrown down or removed by the Surveyor or Surveyors of the said Roads, or by his or their Order, and to levy the Expence thereof upon such Offender or Offenders in and by such Ways



and Means, and in such and the same Manner as any Penalties or Forfeitures by this Act are herein-after directed to be levied or recovered: Provided always, that no Timber Tree or Stand, or any other Tree whatsoever standing Fifteen Feet or more from the Crown or Centre of the said Roads, or any Timber Tree or Stand, or other Tree whatsoever standing in any Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Plantation, Nursery, or inclosed Ground now planted with Trees adjoining to the said Roads, shall be liable to be cut down, lopped, plashed or trimmed up by virtue of this Act.

XLIV. And be it further enacted, That if any Person or Persons who of right ought to widen, deepen, scour or cleanse any Ditch, Drain or Watercourse, lying in or over, or leading into or out of the said Roads or any of them, shall not in a proper Manner widen, deepen, scour or cleanse such Ditch, Drain or Watercourse, or cause the same to be done within the Space of Twenty-one Days after Notice in Writing under the Hand of any such Surveyor as aforesaid, shall for that Purpose be given to him, her, or them respectively, or shall be left at his, her, or their Place or Places of Abode by Order of the said Trustees, the said Surveyor may and he is hereby authorized and empowered to cause such Ditch, Drain or Watercourse to be widened, deepened, scoured and cleansed, and to pay for the scouring and cleansing the same; and shall be reimbursed and paid by the Person or Persons who of right ought to widen, deepen, scour or cleanse the same; and if such Person or Persons shall not repay the Money so paid by such Surveyor for the Space of Ten Days after Demand thereof upon him, her, or them made, either in Person or by Writing, to be left at his, her or their Place or Places of Abode, such Money shall or may be levied and recovered in the like Manner as any Penalty or Forfeiture for Offences against this Act is herein-after directed to be levied or recovered.

Ditches, &c.  
to be  
cleansed.

XLV. And be it further enacted, That it shall be lawful for such Surveyor or Surveyors as aforesaid, and such Person or Persons as shall or may be appointed by Order of the said Trustees, to make or cause to be made any Causeways in or along the Sides of the said Roads, or any of them, and to cut and make Drains or Watercourses through any Lands or Grounds lying contiguous to the said Roads, making full Satisfaction to the Owners and Occupiers of such Lands and Grounds; and to erect and keep in Repair Arches of Brick or other Materials, Trunks or Tunnels, and also to cause Ditches or Trenches to be made in such Places and in such Manner as such Surveyor or Surveyors, by Order of the said Trustees, shall adjudge necessary for the better amending the said Roads and keeping the same in good Repair; and also to make or cause to be made a temporary Way or Passage through, over and along the Lands or Grounds adjoining to any narrow or ruinous Part or Parts of the said Roads, (such Lands or Grounds not being a Garden, Orchard, Yard, Park or planted Walk, or Avenue to any House, Plantation or Nursery for Trees), to be made Use of by all Passengers with Horses, Carriages or otherwise, as a Road whilst the old narrow or ruinous Road is repairing or widening, and until the same shall be made convenient and safe for Passengers and Carriages, making such reasonable Satisfaction to the

Causeways,  
Drains, &c.  
may be made.

[Loc. & Per.]

52

Owner

Owner or Occupier, Owners or Occupiers, of such Lands or Grounds through which any such Drain or Watercourse, or on which any such Arch or Bridge, Trunk or Tunnel, or through, over and along which any such temporary Way or Passage shall be made, for the Damage which he, she, or they shall or may sustain thereby, as shall be agreed upon between the said Trustees and such Owner or Occupier, Owners or Occupiers; or in case of any Difference concerning the same, as shall be assessed and adjudged by the Justices of the Peace at the then next General Quarter Sessions of the Peace which shall be holden for the said County of *Suffolk*; and all such Arches, Bridges, Trunks, Tunnels, and other Erections, Mile-stones, Posts, and other Materials, Matters and Things provided by virtue of this Act for the Purposes of the said Roads, shall be and are hereby declared to be vested in the said Trustees.

Roads to be measured and Mile-stones erected.

XLVI. And be it further enacted, That the said Trustees may and they are hereby empowered to cause the said Roads to be measured, and Stones or Posts to be set up on the Sides thereof, with Inscriptions thereon, denoting the Distance of every such Stone or Post from any Town or Place, as they shall think fit; and may also, if they think fit, erect Posts at the several Roads leading out of the Roads hereby directed to be repaired, with Inscriptions thereon, denoting to what Place or Places the said Roads respectively lead, and may also cause the Name of every Town and Village upon the said Roads to be painted in white Letters upon a black Ground on some conspicuous Part of some House, with the Content of the Owner and Occupier thereof, or of some other Building at each End of every such Town and Village; and if any Person or Persons shall wilfully break, pull down, dig up, injure or destroy any such Stones or Posts, or erase, obliterate or deface any of the Inscriptions thereon, or any Inscription upon any such House or other Building as aforesaid, or cause or procure the same to be done; or if any Person shall haul or draw, or cause to be hauled or drawn upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages, (Mill-stones excepted), or shall suffer any Part of any Tree or Piece of Timber which shall be carried on Wheel Carriages, to drag upon any Part of the said Roads to the Prejudice thereof; or if the Owner of or Person driving any Pigs or Swine shall suffer the same to root up or damage any Part of the said Roads, or the Fences, Hedges, Banking, or Copse on either Side thereof; or if any Person driving any Coach, Chaise, Waggon, Tumbril, Cart, or other Carriage upon the said Roads, and meeting another Coach, Chaise, Waggon, Tumbril, Cart, or other Carriage, shall not keep his Carriage on the Left Side of the said Roads; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him, her, or them, upon the said Roads, or the Coach, Chaise, Waggon, Tumbril, Cart, or other Carriage under his Care; or if any Person shall make, or assist in making any Fire or Fires, commonly called *Bonfires*, or shall set fire to, let off, or throw any Squib, Rocket, Serpent, or Firework whatsoever on any Part or Parts of the said Roads; or if any Person shall leave any Coach, Chaise, Waggon, Wain, Tumbril, Cart, or other Carriage in, upon, or on the Side of any Part of the said Roads, without sufficient Cause,

Cause, or longer than may be necessary for loading or unloading the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or while unloading, shall not place the same during such unloading as near to the Side of the said Roads as conveniently may be; every Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

XLVII. And be it further enacted; That when and so often as any Part of the said Roads shall be broken or dug up for the Purpose of laying down, altering, or amending any Waterpipe, Plug, or other Waterwork, or for any other Purpose whatsoever, the Person or Persons so breaking or digging up such Roads, or any Part thereof, or causing the same to be done, shall immediately give Notice thereof to the Surveyor or Surveyors to be appointed by this Act, in Writing left at his usual Place of Abode, under a Penalty not exceeding Twenty Shillings, in order that the same may with all convenient Speed be repaired under the Direction of such Surveyor or Surveyors, and the Expence thereof shall be paid by the said Trustees, and they shall be reimbursed by the Proprietor or Proprietors of the Waterworks, or other Person or Persons who shall break or dig up such Roads, or any Part thereof; and if the said Proprietor or Proprietors, or other Person or Persons so breaking or digging up the said Roads, shall not within Ten Days after the same shall have been repaired, reimburse and pay to the said Surveyor or Surveyors the Expence of repairing the same, the said Trustees shall cause the same to be levied by Distress and Sale of the Goods and Chattels of such Proprietor or Proprietors, or other Person or Persons by whom or by whose Order the said Roads shall be so broken or dug up, by Warrant under the Hand and Seal of any Justice of the Peace for the said County, which Warrant such Justice is hereby empowered and required to grant, rendering the Overplus, if any, on Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Road broken up for mending Waterpipes.

XLVIII. And be it further enacted, That it shall be lawful for the said Trustees or their Surveyor, and they are hereby empowered (if for the Purposes of this Act it shall at any Time be deemed necessary or expedient) to raise, sink, or alter the Situation or Position of any of the Waterpipes or Plugs, or other Waterworks in, upon, or under the said Roads, as often and in such Places as they shall think proper, so as the Waterpipes and the Conveyance of the Water be not thereby injured or prevented; and the Charges attending the same shall be paid out of the Money arising by virtue of this Act.

Situation of Waterpipes may be altered.

XLIX. And be it further enacted, That every Owner, Proprietor, Occupier, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees, Trustees, and every other Person or Persons who now are, or at any Time have been liable or chargeable towards repairing any Bridge or Bridges built across or adjoining to the said Roads, or any Part thereof, shall still remain liable and chargeable to such Repairs, in such Manner as they would have been if this Act had not been made; and in case any Lands, Tenements, or Hereditaments, or any Rents

Persons liable to repair the Roads to continue so.

or

or Profits issuing out of any Lands, Tenements, or Hereditaments, now are, or shall hereafter be liable and chargeable towards the amending any Part or Parts of the said Roads, such Lands, Tenements, Hereditaments, Rents, and Profits, shall still remain so liable and chargeable, and the Possessors and Occupiers thereof are hereby required and directed to pay such Rents and Profits as ought to be applied towards the Repairs of the said Roads to the said Trustees, or to their Treasurer; and upon Default of Payment thereof, the same shall or may be levied and recovered in like Manner as any Penalties or Forfeitures for Offences against this Act are herein-after directed to be levied and recovered: Provided always, that in case the ancient or former Way over any Common or Waste Ground shall by virtue or in pursuance of this Act be turned or diverted, the Inhabitants of the Township, Hamlet, or Parish wherein such old or former Road shall lie, shall not be obliged to repair such old or former Road, unless the same leads to some Village, Town, or Place, with which the new Road doth not communicate.

Statute  
Labour.

Justices to  
determine  
Differences  
touching  
Statute  
Work.

L. 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 Roads, 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 for the said County of *Suffolk*, and they are hereby empowered and required, (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes 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 or Place, in lieu of or as a Composition for such Statute Work, shall be by him 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 or Place, to bring in Lists before such Justices at some Place to be expressed in such Summons, (within Fourteen Days after the serving of such Summons), of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise; and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the public Highways; and out of such Lists such Justices shall or 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 Roads, 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 Roads, as the said

Trustees or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices 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 said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct, and in Default of Payment thereof, the same shall 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, Beatt 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 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 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 Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; 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.

LI. And be it further enacted, That it shall be lawful for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them done on the said Roads or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all or any the Parishes or Places in which the said Roads are 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 Roads; 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-ninth Day of September in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

[Loc. & Per.]

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LII. And

Penalty on  
Collectors  
misbehaving,  
and for set-  
tling Disputes  
concerning  
Tolls.

LII. And be it further enacted, That if any Dispute or Disputes shall happen or arise between the Collector or Collectors of the said Tolls, or his or their Servants, Agents, or Assistants, and any Passenger or Passengers, or Person or Persons travelling on the said Roads or any of them, relative to the Amount of the Tolls due, or the Charges of keeping any Distress or Distresses for the Non-payment of Toll, or by Reason of such Collector or Collectors, or any Person or Persons by him or them employed, unnecessarily delaying or detaining any such Passenger or Passengers, or Person or Persons, or by such Collector or Collectors, or his or their Servants, Agents, or Assistants, or other Person or Persons by them employed, making use of any scurrilous or abusive Language, or by breaking of any Lamp or Lamps, or doing any Injury to any Toll Gate, Toll House, or Weighing Machine, or Appurtenances to the same respectively belonging, then and in any of the said Cases it shall be lawful for any Justice of the Peace for the County where any such Dispute shall arise, or such Offence or Offences shall be committed, to determine the Amount of the Tolls due, and upon Complaint of the Person or Persons so aggrieved, detained, or delayed, to cause such Collector or Collectors, his, her, or their Servants, Agents, or Assistants, or any Person or Persons by him or them employed, and all other Persons concerned, to appear and be brought before such Justice of the Peace by Warrant under his Hand and Seal, to make Inquiry of and concerning such Dispute or Disputes, Offence or Offences, in a summary Way, as well by the Confession of the Parties themselves, as by the Testimony of the Person or Persons aggrieved, upon Oath (which Oath such Justice is hereby empowered and required to administer); and if such Collector or Collectors, his or their Servants, Agents, or Assistants, or any other Person or Persons by him or them employed, or any of them, shall be convicted by such Justice of any such Offence or Offences, such Person or Persons so convicted shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, at the Discretion of the Justice of the Peace before whom he, she, or they shall be so convicted, together with all reasonable Costs, Charges, and Expences attending such Conviction.

Penalty on  
evading  
Tolls.

LIII. And be it further enacted, That if any Person or Persons shall with any Horse or other Beast or Cattle, or Carriage whatsoever, pass through or over any Land or Ground, except the Owner or Occupier, adjoining to or lying near any Turnpike to be erected by virtue of this Act, the same not being a public Highway; or if the Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any Person or Persons with any Horse or other Beast, or Cattle or Carriage to pass through or over the same, whereby the Payment of any of the said Tolls shall be avoided; or if any Person shall give to or receive from any Person, other than the Collectors of the said Tolls, any Tickets by this Act directed to be given by the said Collectors, or shall forge or counterfeit any such Ticket, or make use of any such forged or counterfeit Ticket, knowing the same to be forged or counterfeited, with the Intent that the Payment of any of the said Tolls shall be thereby avoided; or if any Person shall forcibly pass through any of the said Turnpikes or Toll Gates with any Horse or other Beast, or Cattle, or Carriage,

Carriage, without Payment of the Tolls for the same, or shall take off, or cause to be taken off, any Horse or other Beast or Cattle from any Carriage, or shall leave or cause to be left upon or near any Part of the said Roads, any Horse or other Beast or Cattle, or any Goods, with Intent to avoid Payment of the said Tolls or any Part thereof, every Person so offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

LIV. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed, or to be appointed, to put this Act into Execution; be it therefore further enacted, That it shall be lawful for any of the said Trustees, or their Clerk or Clerks, or their Collectors, Surveyors, or other Officers respectively, and such other Person or 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 such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace for the County or District near to the Place where the Offence or Offences shall be committed.

For securing  
transient  
Offenders.

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

‘ **B**E it remembered, That on the Day of  
 ‘ Form of  
 ‘ Conviction.  
 ‘ in the Year of our Lord  
 ‘ *A. B.* is convicted before me *C. D.* One of His Majesty’s Justices  
 ‘ of the Peace for the County of  
 ‘ of having [*specifying the Offence, and the Time and Place when and*  
 ‘ *where the same was committed, as the Case may be.*]  
 ‘ Given under my Hand and Seal the Day and Year first above  
 ‘ written.’

LVI. And be it further enacted, That all Penalties, Forfeitures, and Fines, by this Act authorized or imposed, (the Manner of levying and recovering whereof is not herein otherwise particularly directed), shall, upon Proof of the Offences respectively before any Justice of the Peace for the said County of *Suffolk*, or any Justice of the Peace for the County or Place where the Offender shall be or reside, either by the Confession of the Party or Parties, or by the Oath of any credible Witness, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby authorized and required to grant for those Purposes, and also to administer such Oaths *gratis*), and the Overplus, after such Penalties, Forfeitures, and Fines are recovered, and the

Recovery of  
Penalties.

the Charges of levying and recovering the same shall have been deducted, shall be returned on Demand to the Owner or Owners of such Goods and Chattels; and all such Penalties, Forfeitures, and Fines, (where not otherwise directed to be applied by this Act), shall from Time to Time be paid to the Treasurer or Treasurers to the said Trustees, and applied for the Purposes of this Act; and in case sufficient Distress cannot be found, or such Penalties, Forfeitures, or Fines shall not be forthwith paid, it shall be lawful for any such Justice, 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 Common Gaol, or House of Correction for the said County, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, or Fines; and all reasonable Charges, shall be sooner paid and satisfied.

Distress not to be deemed unlawful for Want of Form.

LXVII. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress 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, Notice, Warrant of Distress, or other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity, may recover full Satisfaction for the Special Damage in an Action upon the Case.

Proceedings not to be quashed for Want of Form.

LXVIII. And be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any Proceedings to be had touching the Conviction of any Offender against this Act, shall be quashed or vacated for want of Form only, or removed or removeable by *Certiorari*, or any other Writ or Process, into any of His Majesty's Courts of Record at *Westminster*.

Power to compel Payment of Subscriptions.

LXIX. And be it further enacted, That the several Persons who have subscribed or shall subscribe any Sum or Sums of Money towards amending and repairing the said Roads, or for or towards defraying the Expences of obtaining and passing of this Act, and their respective Heirs, Executors, or Administrators, shall and they are hereby required to pay the respective Sums so subscribed to the Treasurer or Treasurers to the said Trustees, within such Time or Times, and in such Parts and Proportions, as the said Trustees shall order and direct; and in Default thereof it shall be lawful for the said Trustees to sue for and recover the same in the Name or Names of their Treasurer or Treasurers, Clerk or Clerks, in any of His Majesty's Courts of Record, by Action of Debt or on the Case; and all such Monies shall be and are hereby declared to be vested in the said Trustees for the Purposes of this Act.

Appeal.

LX. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any



any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person or Persons may within the Space of Four Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at any General or Quarter Sessions of the Peace to be holden for the said County, every such Appellant first giving or causing to be given Fourteen Days Notice at the least in Writing of his or her Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, and within Seven Days next after such Notice, entering into a Recognizance before some Justice of the Peace for such County, with Two sufficient Sureties conditioned to try such Appeal, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the Justices at their said Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of every such Appeal in a summary Way, and award such Costs to the Party appealing, or appealed against, as the said Justices shall think proper; and the Determination of the Justices at such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes.

LXI. And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, every such Action or Suit shall be brought within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid or brought in the County where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in any such Action or Suit shall or 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 the same shall appear to be so done, or if such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be laid or brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuit, or discontinue his or their Action after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant hath for Costs of Suit in any Case by Law.

LXII. 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.

LXIII. And be it further enacted, That this Act, and all the Tolls and Powers hereby given, shall commence and take Effect on the passing thereof, and shall be put in Execution, and continue in Force from  
*[Loc. & Per.]* 6 A thenceforth,  
 Commence-  
 ment and  
 Term of the  
 Act.

thenceforth, for and during the Term of Twenty-one Years then next ensuing, and from thence to the End of the then next Session of Parliament.

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