



ANNO QUINQUAGESIMO TERTIO

# GEORGI II. REGIS.

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## Cap. 41.

An Act for more effectually repairing the Road from the *Horseshoe Corner*, in *Godmanchester*, in the County of *Huntingdon*, to the South-east End of *Castle Street*, in the Town of *Cambridge*, in the County of *Cambridge*. [15th April 1813.]

**W**HEREAS an Act was passed in the Eighteenth Year of the Reign of His late Majesty King George the Second, intituled *An Act to repair and widen the Road leading from Godmanchester, in the County of Huntingdon, through Fenstanton and Cambridge, to the first Rubbing House on Newmarket Heath, in the County of Cambridge:* 18 G. 2. c. 23. And whereas an Act was passed in the Third Year of the Reign of His present Majesty King George the Third, intituled *An Act to enlarge the Term and Powers granted by an Act made in the Eighteenth Year of the Reign of His late Majesty King George the Second, intituled 'An Act to repair and widen the Road leading from Godmanchester, in the County of Huntingdon, through Fenstanton and Cambridge, to the first Rubbing House on Newmarket Heath, in the County of Cambridge:'* 3 G. 3. c. 30. And whereas an Act was passed in the Thirty-third Year of the Reign of His present Majesty, intituled *An Act to continue the Terms of Two several Acts, passed in the Eighteenth Year of the Reign of His late Majesty King George the Second, and in the Third Year of the Reign of His present Majesty, for repairing and widening the Road leading from Godmanchester, in the County of Huntingdon, through Fenstanton and Cambridge, to the first Rubbing House on Newmarket Heath, in the County of Cambridge:* 33 G. 3. c. 156.

[Loc. & Per.] 8 H And



And whereas the Trustees appointed in and by the said several Acts have made, widened, and repaired that Part of the said Road which leads from the *Horseshoe Corner*, in the Town of *Godmanchester*, to the South-east End of *Castle Street*, in the Town of *Cambridge*, in the County of *Cambridge*, and for that Purpose have borrowed considerable Sums of Money upon the Credit of the Tolls by the said Acts granted, which Money is still due and owing, and cannot be paid off, nor can the said Road be effectually amended and kept in Repair unless the Term granted and continued by the said Acts, so far as relates to the said Road, be further continued, and the Tolls increased: And whereas it would be more convenient to the said Trustees, and the same might be more effectually amended, improved, and kept in Repair, if the said Acts, so far as the same relate to that Part of the said Road, and also to another Part of the said Road leading from the South-east End of *Castle Street* aforesaid, to the End of *Jesus Lane*, in *Cambridge* aforesaid, were repealed, and further and other Powers granted instead thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That on the Day of the Commencement of this Act the said Acts of the Eighteenth Year of the Reign of His said late Majesty *George* the Second, and the Third and Thirty-third Years of the Reign of His present Majesty, so far only as they severally relate to or concern the said Road from the said *Horseshoe Corner* in *Godmanchester*, to the South-east End of *Castle Street*, in the Town of *Cambridge*, and from thence to the End of *Jesus Lane*, in *Cambridge* aforesaid, shall be, and the same are hereby declared to be repealed; and that this Act, and the Tolls hereby granted, shall commence and take Effect upon the First *Tuesday* in the Month of *June* next after the passing of this Act, and shall be in force for and during the Term herein-after mentioned, for the Purpose of more effectually improving, repairing, and keeping in Repair the said Road leading from the said *Horseshoe Corner*, in the Town of *Godmanchester*, to the South-east End of *Castle Street*, in *Cambridge* aforesaid; and all the Tolls by this Act granted shall be and are hereby made subject and liable to the Payment of all Monies which now are due and owing on the Credit of the Tolls authorized to be taken by the said recited Acts, or any of them, on the said Road, leading from the *Horseshoe Corner*, in the Town of *Godmanchester*, to the South-east End of *Castle Street*, in the Town of *Cambridge*, and to the Payment of all Monies which shall or may hereafter be borrowed and become due and owing by virtue of this Act, and of all Interest due, and to become due, for the same respectively.

Former Acts repealed as to certain Part of the Road.

New Term and Tolls to be liable to Debts, &c.

Trustees.

II. And be it further enacted, That the Members for the County of *Huntingdon* for the Time being, the Members for the County of *Cambridge* for the Time being, the Members for the Town of *Huntingdon* for the Time being, the Members for the Town of *Cambridge* for the Time being, the Mayor, Recorder, and Aldermen of the Town of *Huntingdon* for the Time being, the Mayor, Recorder, and Aldermen of the Town of *Cambridge* for the Time being, *William James Aislaby* Clerk, *Thomas Allpress*, *John Allpress*, *John Ansley* Esquire, *William Armstrong* Clerk, *John Ashton*, *John Ashton* the younger, *Cutbert Johnson Baines* Clerk,  
*Joseph*



*Joseph Staines Banks Clerk, Joseph Barnes Esquire, John Robert Baumgartner Esquire, James Beck, Sir Richard Bickerton Baronet, Thomas Bourdillon Clerk, James Brittin, Thomas Brown Clerk, John Carstairs Esquire, William Clark, Alexander Cotton Clerk, Peter Cowling Esquire, William Cowling Clerk, John Daintree, John Daintree the younger, Richard Daintree, Robert Daintree, David Daintree, Robert Denny, John Dodson, Edward Edwards Clerk, William Ellis Clerk, William Henry Fellowes Esquire, Edward Greene, William Austin Grocock, John Hammond Esquire, Joseph Harris, John Heathcote Esquire, William Heckford, John Hibbert Esquire, John Ekin Hovenden Esquire, Thomas Hutchinson, Thomas James Esquire, Robert Knightly, Sir George William Leeds Baronet, Robert Martin Leeds, John Lindfell Esquire, Thomas Lindfell, James Linton Esquire, William Loveday Esquire, David Mackie, Francis Mann, John Mann, John Margetts, William Margetts, Thomas Margetts, Thomas Margetts the younger, George Margetts, Poulter Margetts, Knight George Cote Mitchell Esquire, John George Montagu commonly called Lord Viscount Hinchinbrook, Frederick Montagu commonly called Lord Frederick Montagu, Peete Musgrave, Waddelow Nix, James Osborne, Martin Rawling Osborne, William Palmer Clerk, William Panchen Clerk, Francis Goodson Panting, Charles Pasbeller, John Pasbeller, Edward Martin Peck Clerk, Walter Peck Esquire, Roger Peck, Christopher Pemberton Esquire, William Robinson, Owsley Rowley Esquire, Henry Rugeley, Daniel Setchfield, Castel Sherard Clerk, George Sherard Clerk, Richard Sumpter Esquire, Henry Sweeting Esquire, Henry Sweeting the younger, William Tebbutt, Edward Theed Esquire, Edward Rutter Theed Clerk, John Thomas, George Thornhill Esquire, George Thornhill the younger Esquire, Richard Tillard Clerk, Thomas Ulph, Joseph Upsher, Robert Warner, Matthew Wasdale, Samuel Wells the younger, Benjamin Welstead Esquire, Marion Welstead, and Daniel Welstead, and their Successors, to be elected in Manner herein-after mentioned, shall be, and they are hereby appointed Trustees, for repairing, widening, improving, and keeping in Repair the said Road from the said *Horseshoe Corner*, in the Town of *Godmanchester*, to the South-east End of *Castle Street*, in *Cambridge* aforesaid, and for putting this Act in Execution.*

III. And be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, at a Meeting to be held for that Purpose, (of which Meeting and of the Purpose thereof Twenty Days Notice shall be given, as is herein-after directed respecting the Appointment of future Trustees on Vacancies), to elect, nominate, and appoint any Number of fit and proper Persons, not exceeding Ten, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed.

Additional Trustees may be elected.

IV. And be it further enacted, That in case any of the said Trustees herein-before named, or to be elected as herein-after mentioned, shall die, become unqualified, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, at a Meeting to be held for that Purpose, to appoint one other Person to be a Trustee in the room of every Trustee so dying, becoming unqualified, or refusing to act, Notice of the Time and Place of Meeting for every Appointment of Trustees being fixed on all the Turnpikes Gates erected, or to be erected on the said last-mentioned Road, and also advertised

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



in One of the Newspapers usually circulated in the said County of *Huntingdon*, at least Ten Days before every such Meeting; and every Person being qualified as hereafter mentioned, who shall be so appointed, shall be vested with the same Powers and Authorities for putting this Act in Execution, as if he had been named a Trustee in this Act.

All Acts may be done by Trustees, unless otherwise directed.

V. And be it further enacted, That all Acts and Proceedings relative to the Execution of this Act, may be done and executed by any Five or more of the said Trustees hereby appointed and to be elected as aforesaid, except in Cases where it is by this Act otherwise directed.

Qualification of Trustees.

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless at the Time of acting he shall, in his own Right or in the Right of his Wife, be in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds over and above Mortgages, Debts, and all other Incumbrances whatsoever, in anywise affecting the same, or be possessed of or entitled to a Personal Estate, or of a Real and Personal Estate together, to the Amount of One thousand Pounds over and above all such Incumbrances as aforesaid, or be Heir Apparent of a Person possessed of an Estate in Lands of the yearly Value of One hundred Pounds; and that no such Person shall be capable of acting as a Trustee in the Execution of this Act (except in administering the Oath hereinafter mentioned, at the First Meeting after the passing of this Act), until he shall have taken and subscribed in a Book to be kept for that Purpose, an Oath or Affirmation, in the Words or to the Effect following; (that is to say),

Oath of Trustees.

‘ I *A. B.* do swear, [*or, being One of the People called Quakers, do solemnly affirm*], That I truly and *bona fide* am, in my own Right or in the Right of my Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, above all Mortgages, Debts, or other Incumbrances anywise affecting the same, or possessed of or entitled to a Personal Estate, or to a Real and Personal Estate together of the Amount or Value of One thousand Pounds, clear of all Debts and Incumbrances, or am Heir Apparent of who, to the best of my Knowledge, is entitled to a Real Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds. So help me GOD.’

Which Oath or Affirmation, any One of the said Trustees, or their Clerk in their Presence, at any such Meeting, is hereby empowered to administer; and if any Person shall presume to act as a Trustee in the Execution of this Act, not being qualified as aforesaid, or without having taken and subscribed such Oath or Affirmation in Manner aforesaid, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, wherein no Effoign, Protection, or Wager of Law or more than One Imparlance shall be allowed; in which Action it shall be sufficient for the Plaintiff to prove that such Person hath acted as a Trustee in the Execution of this Act, which Proof shall entitle the



the Plaintiff to a Verdict, unless the Defendant shall prove that he was, at the Time of so acting, duly qualified: Provided nevertheless, that all Acts and Proceedings which shall have been done and performed, touching the Execution of this Act, by any such Person previous to his being convicted of the Offence before mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Acts of Trustees not qualified valid before Conviction.

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

Trustees not to act where interested.

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

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

IX. And be it further enacted, That the said Trustees shall meet together at the House known by the Name or Sign of the *Valiant Trooper*, in the Parish of *Fenstanton*, in the County of *Huntingdon*, on the First *Tuesday* in the Month of *June* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon, and Two of the Clock in the Afternoon, and shall at such Meeting proceed to the Execution of this Act, and shall from Time to Time afterwards meet at the same, or any other Place in the Parish of *Fenstanton* aforesaid, as often as they shall think fit, and shall and may, from Time to Time, when they think proper, adjourn any such Meeting to a future Time, not exceeding Three Calendar Months, at the same Place, or at some other convenient Place in the said Parish of *Fenstanton*, as they shall think proper, for putting this Act in Execution; and if it shall happen that there shall not appear at any such Meeting, a sufficient Number of Trustees to act, or to adjourn to any other Time and Place, then the Clerk to the said Trustees shall adjourn the said Meeting to, and appoint the Trustees to meet at, the Place where the last Meeting was appointed to be held, on that Day Month next after the Day on which such last Meeting was appointed to be held, and shall cause Notice thereof to be affixed on all the Turnpike Gates then erected or continued by virtue of this Act, at least Ten Days before such Meeting; and that the said Trustees, at all their Meetings, shall defray their own Charges and Expences, except in paying for the Use of the Room or Rooms where their Meetings shall from Time to Time be held for the

First Meeting of Trustees.



Purposes of this Act: Provided always, that Two Trustees shall be sufficient to adjourn any such Meeting.

Power to call intermediate Meetings.

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

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

XI. And be it further enacted, That no Order made by the said Trustees, and entered in the Book in which their Orders are usually entered, shall be revoked, repealed, or set aside, at any subsequent Meeting of the Trustees, unless a greater Number of Trustees than were present when such Order was made, shall be present at such subsequent Meeting, and consent to such Revocation or Alteration; and no Order made at any Meeting of the said Trustees shall be repealed or altered, unless Notice of the Intention of repealing or altering such Order, and of a Meeting to be held for that Purpose, shall have been given, on all the Turnpike Gates then standing on the said Road, and inserted in some Newspaper circulated in the Counties of *Cambridge* and *Huntingdon*, Ten Days previous to such Meeting being held.

Proceedings of Trustees to be entered in Books.

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

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

XIII. And be it further enacted, That the Treasurer, Clerk, Surveyor, and other Officers, already appointed by virtue of the said recited Acts, shall continue in Office until they shall die, resign, or be removed by the said Trustees, or any Seven or more of them, and shall have the like Power in all Respects as if they had been appointed by the said Trustees, or any Five or more of them, by virtue of this Act; and that the said Trustees, by any Writing or Writings, under their Hands, may appoint a Treasurer, Clerk, Surveyor, Toll Collectors, and other Officers, as they



they shall think necessary, to employ in the Execution of this Act, and may remove any such Officers, or other Persons, or any or either of them, from Time to Time; and upon the Death, Resignation, or Removal of such Officers or other Persons, or any or either of them, the said Trustees may in like Manner appoint others in their Stead, and out of the Monies to arise by virtue of this Act, may allow and pay such Salaries, and make such Allowances to such Officers and other Persons for their Services, as to the said Trustees shall seem reasonable; and all and every such Treasurer, Clerk, Surveyor, Toll Collector, and other Officer of the said Road, shall from Time to Time, when thereunto required by the said Trustees, deliver to such Trustees, or to such Person or Persons, as the said Trustees shall for that Purpose appoint, a true and perfect Account in Writing, under their respective Hands, of all Monies which shall have been by them respectively had, collected, or received, and how, when, and to whom, and for what Purposes the same, and every Part thereof, have or hath been applied or disposed of, together with proper Vouchers and Receipts for such Payments, and shall verify the Accounts upon Oath, if thereunto required, (which Oath the said Trustees, or any One or more of them, are and is hereby empowered to administer); and all such Officers and Persons shall, and they are hereby required to pay all such Monies as upon the Balance of such Account shall appear to be in their respective Hands, to such Person or Persons as the said Trustees shall appoint to receive the same; and if any such Officers or Persons shall refuse or neglect to render or give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof on Oath, or to pay the Balance remaining in his or their Hands, when thereunto required in Manner aforesaid; or if any such Officers or Persons shall refuse or neglect to deliver up to the Trustees, or to any Person or Persons whom they shall appoint to receive the same, within Ten Days next after being thereunto required by the said Trustees, all Books, Accounts, Papers, and Writings in their respective Custody, or Power, relating to the Execution of this Act, or to the said Road, and Complaint shall be made of any such Refusal or Neglect to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons, so neglecting or refusing, shall live and reside, such Justice may, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Officer or Officers, Person or Persons, to be brought before him, and upon his, her, or their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced in such Manner as the said Trustees might have done; and if upon Confession of the Officer or Officers, Person or Persons, against whom any such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, (which Oath such Justice is hereby empowered and required to administer without Fee or Reward,) or upon Inspection of the said Accounts, if produced, it shall appear to such Justice that any of the Monies which shall have been collected or received, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may, and he is hereby authorized and required upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels can be found sufficient to answer and



satisfy the said Money, and the Charges of distraining and selling the same, or if such Officer or Officers, or other Person or Persons, shall not appear before the said Justice, unless for some sufficient Excuse at the Time and Place by him appointed for that Purpose, or if appearing, shall refuse or neglect to give and deliver to such Justice an Account or Accounts of all Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, or of the Articles thereof, on Oath as aforesaid, or to produce and deliver up to the said Justices the several Vouchers and Receipts, relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings, in his or their Custody or Power, relating to the Execution of this Act, or to the said Road, then, and in either of the Cases aforesaid, the said Justice may, and he is hereby authorized and required, by a Warrant or Warrants, under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Common Gaol of the County or Place where he or they shall live or reside, there to remain, without Bail or Mainprize, until he or they shall have delivered and settled his, her, or their Accounts, and have verified the same on Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in his, her, or their respective Hands, and the reasonable Charges of such Distress and Sale, as shall in that respect have been made, or until he, she, or they shall have compounded with the said Trustees for the same, and shall have paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees are hereby empowered to make and receive), or until he, she, or they shall have delivered up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees; but no Person who shall be committed for want of sufficient Distress shall be detained in Prison, upon any such Commitment, for any longer Time than Six Calendar Months.

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

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

No Trustee to vote in the Election of any Officer unless he shall have acted within a certain Period.

XV. And be it further enacted, That no Trustee shall have any Voice in the Election or Appointment of any Officer or Person to hold any Office or Place of Trust or Profit under the said Trustees, by whatsoever Name he shall be described or called, unless such Trustee shall have been present at One or more Meeting or Meetings, held in pursuance of the said recited Acts, or of this Act, and have acted as Trustee within Two Years preceding the Death, Resignation, or Removal of the Officer who shall occasion such Vacancy; or in case the Office shall be of new Appointment, then preceding the Meeting at which such new Appointment shall have been determined upon, and the Presence of such Trustee, at such Meeting or Meetings as aforesaid, shall be ascertained by his Name appearing in the Book or Books kept for the Purpose of entering all Proceedings of the Trustees.

XVI. And



XVI. And be it further enacted, That the said Trustees shall, and they are hereby authorized and required to take sufficient Security from the Treasurer or Surveyors to be appointed for the Purposes of this Act, for the due and faithful Execution of his and their said Office or Offices; provided nevertheless, and it is hereby declared, that the Security or Securities which hath been given by any Treasurer or Treasurers, Surveyor or Surveyors, under the Authority of the said recited Acts, shall remain and continue in full Force and Effect, notwithstanding the passing of this Act, and the same shall be deemed, taken, and considered as a Security, under the Authority of this Act, to all Intents and Purposes, as if such Security or Securities had been given and executed in pursuance of this Act; and the said Trustees may, if they think fit, also take Security from any other Officer appointed or to be appointed under or by virtue of this Act.

Treasurer to give Security.

Security of present Treasurer and Surveyor to remain in force.

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

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

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

Trustees may contract for Repairs.

XIX. And be it further enacted, That the said Trustees may, and they are hereby authorized and empowered, to continue all or any of the Turnpike Gates now standing upon or cross the said Road, leading from the said *Horseshoe Corner* in the Town of *Godmanchester*, to the South-east Corner of *Castle Street*, in the Town of *Cambridge*, or on the Sides thereof; and may also cause to be erected any other or additional Turnpike Gates upon or across any Part of such Road, or at or near the Sides thereof, or across any Lane or Way leading into the same, (except across the Turnpike Road leading from *Saint Ives* to *Hilton*, in the County of *Huntingdon*;) as they shall think fit; and may also erect a Toll House at each Turnpike Gate, or at such of them as they shall think necessary, with suitable Out Buildings thereto; and may also take in and inclose, on the Sides of the said Road, convenient Garden Spots

Turnpikes to be continued and erected.

[Loc. & Per.]

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to each Toll House, not exceeding Half a Rood, and may also take down and remove all or any or either of such Turnpike Gates, Toll Houses and Side Gates which have been erected by virtue of the said recited Acts, or which shall be erected by virtue of this Act, as they the said Trustees shall see Occasion, and erect others in the Place thereof, or at such other Place or Places as they shall think proper: Provided always, that nothing herein contained shall authorize the Trustees to set or remove the Turnpike Gate called the *Cambridge Gate*, and the Weighing Machine contiguous thereto, nearer to the Town of *Cambridge* than they are now placed and stand.

Property of  
Turnpike  
Gates vested  
in Trustees.

XX. And be it further enacted, That the Right and Property of all the Turnpike Gates, Toll Houses, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Posts, Rails, and Fences already erected by virtue of the said recited Acts, or hereafter to be erected by virtue of this Act, and the Materials of which the same do or shall consist, and the Materials which have been or shall be provided for repairing the said Road; and also all the Tools and other Requisites already or hereafter to be provided for the Purposes of the said Road; and all Books, Deeds, Writings, Maps, and Papers relating to the said Road, shall be and they are hereby vested in the said Trustees, and they are hereby empowered to dispose thereof as they shall think proper; and to bring or cause to be brought any Action or Actions, or to prefer and prosecute, or order the preferring and prosecuting of any Bill or Bills of Indictment, or to proceed in a summary Way, before a Magistrate of the County in which the Offence shall be committed, against any Person, or Persons who shall steal, carry away, break down, injure, or damage any such Toll Gates, Toll Houses, Buildings; or other Materials, Articles, or Things, or shall disturb the said Trustees, their Agents or Servants in the Possession thereof; and it shall be sufficient, in every such Bill of Indictment, to state any such Property, Materials, Articles, or Things, to be the Property of the Clerk for the Time being to the said Trustees.

Power to sell  
or lease Toll  
Houses.

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



of Years not exceeding Seven Years, for such Price or Prices, Rent or Rents, as can be gotten for the same, payable at such Times, and under and subject to such Covenants, Clauses, and Agreements as the said Trustees shall think fit, the said Trustees having a Counterpart of such Lease, and taking such other Security from the Person or Persons to whom such Lease shall be made, for the Payment of the Rent and Performance of the Covenants to be contained in such Lease, as the said Trustees shall think fit.

XXII. And be it further enacted, That on the First *Tuesday* in the Month of *June* next after the passing of this Act, the present Contract, Demise, or Lease granted by virtue of the said recited Acts, of the Tolls heretofore payable, and received at the several Turnpike Gates, known by the Names of the *Fenstanton* and *Cambridge* Turnpike Gates, and also of the Weighing Machine at the last-mentioned Gate, shall cease, determine, and be utterly void; and if the present Lessee or Hirer of the said Tolls shall make it appear, or prove to the said Trustees, that any Loss or Injury will be sustained by him in Consequence thereof, then, and in such Case, the said Trustees, or any Seven or more of them, shall and may, and they are hereby authorized and required to make a fair and just Compensation and Satisfaction for the same, unto the said Lessee or Hirer, his Executors or Administrators; and if the said Trustees shall neglect or refuse to make and give a fair and just Compensation for any Loss and Injury which may be sustained by vacating the said Contract or Lease as aforesaid, such Compensation shall and may be sued for in any of His Majesty's Courts of Record at *Westminster*.

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

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

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

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

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

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

For



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

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

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

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

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

For every other Cart drawn by One Horse, Ox, or other Beast of Draught, the Sum of Sixpence.

XXIV. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to empower the said Trustees to cause more than Two Tolls to be demanded or taken on the same Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock on the succeeding Night for the Passage of the same Carriage, Chaise, Waggon, Cart, or other Carriage, Horse,

Not more than Two Tolls to be taken.



Horse, Beast, or Cattle, through all the Turnpike Gates erected or to be erected on the said Road.

XXV. And be it further enacted, That every Person who shall have paid the Tolls hereby granted at any Turnpike Gate erected by virtue of the said recited Acts, or which shall be erected by virtue of this Act, in, upon, across, or on the Side of the said Road, shall on the same Day be permitted to pass or repass at any Time or Times as often as he or she may think proper, with the same Horse or Horses, Beasts, Cattle, Carriage, Waggon, or Cart, for which such Toll shall have been paid, through the same Turnpike Gate, without being subject to the Payment of any further Toll; such Person or Persons producing a Ticket denoting such Payment, which Ticket the Collectors of the Tolls are hereby required to give *gratis* on Receipt of the Tolls.

Tolls to be paid but once a Day.

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

Tolls vested in Trustees.

How Payment may be enforced.

Disputes concerning Tolls to be settled by a Justice.

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be obliged to return the Cattle, Goods, or Chattels so distrained, or any Part thereof.

Collectors of Tolls to be competent Witnesses.

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

For preventing Toll Collectors from taking undue Tolls.

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

Penalty for assaulting Collectors, &c.

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

XXX. And



XXX. And be it further enacted, That for the better preventing of Frauds and Collusions respecting Carriages carrying Overweights, if any Lessee or Lessees of the Tolls payable at any Turnpike Gate or Gates, erected or to be erected by virtue of this Act, or any Collector or Collectors of the Tolls, or any Person or Persons to be appointed to the Care of any Weighing Machine or Machines erected or to be erected on the said Road, shall suffer or permit any Waggon, Cart, or Carriage liable to be weighed at any such Machine or Machines to pass through the Turnpike Gate or Gates, erected or to be erected on the said Road, without weighing the same, or shall suffer or permit any such Waggon, Cart, or other Carriage, to proceed on the said Road without having first paid the Tolls payable for such Waggon, Cart, or other Carriage, and for all such Overweight or Overweights as such Waggon, Cart, or other Carriage, respectively shall or may happen to have therein or thereon; or if any such Lessee or other Person shall enter into any Contract, Composition, or Agreement, verbal or written, whereby any specific Sum of Money is to be paid by any Person or Persons for the Carriage of Overweight, in respect of any Waggon, Wain, Cart, or other Carriage, liable to be weighed at such Machine, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, as the Justice or Justices before whom the Information shall be laid, shall adjudge.

Penalty on suffering Carriages liable to pass without being weighed.

XXXI. 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 Road, or any of the Roads in the Townships or Parishes in which any Part of the said Road lies; or with Seed for seeding the Ground in the said Parishes; or Hay, Turnips, Straw, or Corn in the Straw only, not bought, sold, or disposed of, but passing to be laid up or placed in the Houses, Barns, Out Houses, 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, (Chalk and Lime excepted), employed in Husbandry, or for manuring or improving Lands; or for any Horse or other Beast used by any Person going through any Turnpike Gate, solely for the Purpose of looking after or superintending the Management or Cultivation of any Lands or Grounds which he may occupy in the Parish where he shall usually reside; or for any Horses or other Beasts going to or returning from Pasture or Watering Place, or going to be or returning from being shod or farried; or from any Person or Persons going to or returning from any Church, Chapel, or other Place of Religious Worship, within the Parish where he or she may reside on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated; or going to or returning from attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Road lies; or from any

Exemptions from Toll.

Clergyman



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 or guarding the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying or guarding the same; or for the Horse or Horses of any Officers or Soldiers on their March, or on Duty, or for any Horse or Horses, or other Beast, or any Cart, Carriage, or Waggon, employed in carrying or conveying, or returning therefrom, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers; or in carrying or conveying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from having been so employed; or for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements, according to the Regulations of such Corps at the Time of claiming the Exemption; or for Horses, Carts, or 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 County of *Cambridge* or *Huntingdon*, or of a Member or Members to serve in Parliament for the Town or University of *Cambridge*, or Borough of *Huntingdon*, 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 Five Pounds, 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 Pen-  
alties for  
Overweight.

XXXII. And be it further enacted, That no Person owning or driving, or causing to be driven any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall, while so employed, be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriages, 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.

XXXIII. Provided



XXXIII. Provided also, and be it further enacted, That it shall be lawful for any Inhabitant of the Parish of *Fenstanton* aforesaid, to pass and repass at all Times with Horses, Cattle, or Carriages through the Side Gate erected near the Turnpike Gate now standing in the Village of *Fenstanton* aforesaid, without being subject or liable to the Payment of any Tolls by the said recited Acts or this Act authorized to be collected.

Exemptions for Inhabitants of Fenstanton at the Side Gate in Fenstanton.

XXXIV. And be it further enacted, That no Toll shall be demanded or taken at the Side Gate adjoining or near to the said Turnpike Gate called the *Cambridge Gate*, at the North West End of the Town of *Cambridge*, of any of the Inhabitants of the Parishes of *Cottenham*, *Westwick*, *Histon*, and *Impington*, in the County of *Cambridge*, or of any of the Inhabitants of the University or Town of *Cambridge*, or of any Person or Persons residing within Two Miles thereof, for any Horse, Cattle, or Carriage which shall only cross the said Road, or which shall not pass above One hundred Yards thereon.

Exemptions at the Side Gate at Cambridge.

XXXV. And be it further enacted, That the said Trustees may, and they are hereby authorized and empowered from Time to Time, as they shall think proper, to lessen or reduce all or any of the Tolls hereby granted, and to raise them again to any Sum not exceeding the Tolls respectively hereby granted, so that such Reduction be with the Consent of the Persons who shall be entitled to Five-sixth Parts at least of the Money then due on the Credit of such Tolls; but such Reduction shall not be made, unless Notice in Writing be given of a Meeting to be held for that Purpose, by affixing the same upon all the Turnpike Gates then erected on the said Road, and by advertising the same in some Newspaper usually circulated in the Neighbourhood of the said Road, at least Fourteen Days before the Meeting for making such Reduction; and such Tolls so lessened, varied, or reduced, or raised again, shall be vested in the said Trustees, and shall be collected, recovered, levied, paid, and applied, in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Power to lessen Tolls.

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

Mitigating Toll on Overweight.

XXXVII. And be it further enacted, That the said Trustees, or any Seven or more of them, may, and they are hereby empowered, as soon after the passing of this Act as they shall think proper, after giving Fourteen Days Notice in some Newspapers circulated in the Counties of *Cambridge* and *Huntingdon*, and also by Writing to be affixed upon all the Turnpike Gates then erected upon or across the said Road, by Writing under their Hands, from Time to Time, to let and demise the Tolls granted by this Act, or any Part or Parts of such Tolls, and also the additional Tolls for Overweight to be collected or received at such Gates, and the Penalties payable for the Evasion of Tolls upon public Bidding,

Trustees may let the Tolls.

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for any Term not exceeding Three Years at one Time, for the best Price that can be gotten for the same, payable at such Time, and to such Person or Persons, and under such Conditions as the said Trustees, or any Seven or more of them shall think fit, the said Trustees having a Counterpart of such Lease or Leases, and taking such other sufficient Security from the Person or Persons to whom any such Tolls shall be leased and demised, for Payment of such Rents and Performance of the Covenants to be reserved and comprised in such Lease or Leases, as the said Trustees shall think fit: Provided always, that no Lease shall be valid if granted to any Person or Persons who shall be or become a Trustee or Trustees under this Act, or in which any of the said Trustees shall have any Interest or Concern, unless such Trustees shall, previous to any Offer made by him or on his Account, declare in Writing, to be delivered to the said Clerk, that he intends to make such Offer: Provided further, that no Lessee of the said Tolls shall assign the said Lease, or let or demise the same Tolls, or any Part thereof, to any Person or Persons whomsoever, without the previous Consent of the said Trustees, or any Seven or more of them, obtained at a Meeting, and entered in their Book; and that any Assignment, Lease, or Demise, made without such Consent, is hereby declared to be null and void; and that any Person in Possession of any Toll House, by virtue of any such Assignment, Lease, or Demise, made by such Lessee of the Tolls as aforesaid, shall and may be removed by the said Trustees, in such and the same Manner as is hereinafter declared, concerning the Removal of Lessees at the Expiration of their Leases.

Lessees or Persons appointed by them may collect the Tolls.

XXXVIII. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof shall be leased, demised, or 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 any Collectors to be appointed under or by virtue of this Act, are by this Act empowered to use.

Power to declare Leases of Tolls and Weighing Machines void in case of Non-payment of Rent.

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



such Lease, Contract, or Agreement, and for all Costs, Charges, Damages, and Expences, which the said Trustees or their Treasurer for the Time being shall or may pay, sustain, or be put unto, by reason of the Non-performance of any Covenant, or Agreement, Covenants or Agreements, to be contained in any such Lease, Contract, or Agreement, on the Part of such Lessee or Lessees.

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

For obtain-  
ing Posses-  
sion of Toll  
Houses, &c.

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

Power to  
borrow Mo-  
ney and  
mortgage  
Tolls.

‘ **B**Y virtue of an Act passed in the Fifty-third Year of the Reign of His Majesty King George the Third, intituled [*here set forth the Title of this Act*] We \_\_\_\_\_ of the Trustees for putting the said Act in Execution, in Consideration of the Sum of \_\_\_\_\_

Form of  
Mortgage.

‘ to



' to the Treasurer of the said Trustees in hand paid, do grant, bargain,  
 ' sell, and demise unto his Executors,  
 ' Administrators, and Assigns, such Proportion of the Tolls arising by  
 ' virtue of the said Act, and of the Toll Gates, Bars, Chains, Toll Houses,  
 ' and Weighing Machines for collecting the same, and the Buildings and  
 ' Appurtenances thereof, as the said Sum of  
 ' doth or shall bear to the whole of the Monies now secured or hereafter  
 ' to be secured on the Credit thereof; to be had and holden from the  
 ' Day of the Date hereof, for and during the Continuance of the said  
 ' Act, unless the said Sum of with Interest, at the  
 ' Rate of *per Centum per Annum*, shall be sooner  
 ' paid and satisfied. Given under our Hands and Seals, the  
 ' Day of in the Year of our Lord One thousand eight  
 ' hundred and .

Mortgage to  
be entered in  
a Book.

May be  
transferred.

Form of  
Transfer.

And Copies of all such Mortgages shall be entered in a Book or Books  
 to be provided and kept for that Purpose by the Clerk or Treasurer;  
 and all and every or any Person or Persons to whom any Mortgage or  
 Mortgages, Assignment or Assignments of Tolls, hath or have been made  
 by virtue of the said recited Acts, so far as concerns the said Road hereby  
 directed to be repaired, or to whom any such Mortgage or Mortgages shall  
 be made by virtue of this Act, or who shall be entitled to the Monies  
 thereby respectively secured, may, from Time to Time, transfer his, her,  
 or their Right, Title, Interest, or Benefit to the said Mortgage or Assign-  
 ment, and the Principal and Interest thereby secured, to any Person or  
 Persons whomsoever, by Indorsement on such Mortgage or Assignment  
 in the following Words, or Words to the like Effect; (that is to say)

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

Transfer to  
be notified  
and entered.

Which said Transfer shall be produced and notified to the Clerk or  
 Treasurer for the Time being, who shall cause an Entry or Memorial to  
 be made thereof in the said last mentioned Book or Books, containing  
 the Date, Name of the Parties, and Sum of Money therein transferred;  
 for which the said Clerk or Treasurer shall be paid the Sum of Five  
 Shillings and no more, and such Transfer shall then entitle such Assignee,  
 his, her, or their Executors, Administrators, and Assigns, to the Benefit  
 thereof and Payment thereon; and every such Assignee may in like  
 Manner assign or transfer the same again, and so *toties quoties*, and it shall



not be in the Power of any Person or Persons to whom the same shall have been previously transferred, to make void, release, or discharge the original Security, or any Money thereby due, or any Part thereof; and all Persons to whom any Mortgage or Transfer shall be made as aforesaid, shall, in Proportion to the Sums of Money thereby secured, be Creditors on the Tolls by this Act granted, and on the said Turnpike Gates, Bars, Chains, Toll Houses, and Weighing Machines, and the Buildings and Appurtenances thereto belonging, in equal Degree one with another; and no Person shall have any Preference in respect of the Priority of advancing his or her Money, or the Date of his or her Security.

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

Old Mortgages may be cancelled, and new ones granted.

XLIII. And be it further enacted, That all Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said recited Acts, or any of them, for or in respect of the said Road hereby directed to be repaired, and shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted or made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say) in the First Place, in Payment of all the Costs, Charges, and Expences incident to or attending the obtaining and passing of this Act, or relative thereto; in the Second Place, in paying the Interest now due, and which shall become due, (such Interest to be allowed not exceeding the Rate of Five Pounds *per Centum per Annum*.) upon the several principal Sums from Time to Time remaining due and owing on Mortgage or Security of the Tolls by this Act granted; in the Third Place, in defraying the Expences of amending, repairing, widening, altering, improving, and keeping in Repair the said Road, and of executing the several other Powers, Intents, and Purposes of this Act; and lastly, in reducing, paying off, and discharging the said several principal Sums due on the Credit of the Tolls collected or to be collected on the Road by this Act directed to be kept in Repair.

Application of the Money.

XLIV. And be it further enacted, That it shall be lawful for the said Trustees, at any Time during the Continuance of this Act, to ditch and fence out, or cause to be ditched and fenced out, the Common Fields lying on each Side of the said Road leading from a certain Lane called *Howe's Lane*, to the said Town of *Cambridge*, and also to ditch and fence out a certain Lane commonly called *Horne Lane*, or by what other Name the same may be called, lying on the back Part of certain Clofes called *Howe's Clofes*, and from thence to or along the Meerway which parts

For fencing of certain Common Fields.

[*Loc. & Per.*]

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the



the Common Fields of *Cambridge* and *Girton*, to the Bottom of a certain Close in the said Parish of *Girton*, late in the Occupation of *John Mail*, and from thence along the Meerway which parts the Parishes of *Maddingley* and *Girton*, to certain Closes or Inclosures called *Moor Barns*, or the *Hay Fields*, within the Parishes of *Maddingley* or *Girton*, in the said County of *Cambridge*; and also to cause such other Ditches and Fences to be made and erected on the Side or Sides of any Part of the said Road as they shall think proper, to prevent the evading of the Payment of the said Tolls, or any Part thereof; and if any Person or Persons shall damage or destroy, or open any Passage through such Ditches or Fences, every such Person or Persons shall forfeit to the said Trustees any Sum not exceeding Twenty Pounds, as the said Trustees shall order and appoint.

A Gate to be erected for the Use of particular Persons.

XLV. Provided always, and be it further enacted, That the said Trustees shall, and they are hereby required, to erect or set up one Gate or Bar in or over the most convenient Part of the said Fence or Ditch, to be made or continued along the said Meerway, for the Use and Convenience of the Owner and Occupier of the Lands adjoining thereto, to pass and repass with his or their Carriages and Cattle; the said Trustees finding and providing for the said Owner and Occupier One Key gratis, to the said Gate or Bar; and if any such Owner or Occupier, or his or their Servants shall wilfully leave such Gate or Bar open or unlocked, or if any Person or Persons shall steal, take away, damage, or destroy such Gate or Bar, or Lock, or open any Passage through such Gate or Bar, whereby the Payment of any Tolls shall be evaded, every such Person shall pay to the said Trustees, or to the Order of any Five or more of them, the Expence of repairing and restoring such Gate, Bar, or Lock; (such Expence to be ascertained by the said Trustees,) and shall also forfeit for every such Offence any Sum not exceeding Twenty Pounds.

Trustees may order the Drain from White Cross Piece to be deepened, &c.

XLVI. And be it further enacted, That it shall be lawful for the said Trustees to order and direct the Ditch or Drain leading from a Place called *White Cross Piece*, in the Parish of *Conington*, through the several Fields of *Conington* and *Fenstanton*, to the River *Ouze*, to be deepened or widened; and also to order or direct Posts and Rails to be erected on the Sides of such Ditch or Drain, where the same may be thought necessary.

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

XLVII. And be it further enacted, That if any Person or Persons shall go or pass with, or ride or drive any Horse or Beast, or ride in any Carriage through or over any Land, Ground, or Place, lying by the Side of or near to any Part of the said Road, the same not being a Public Highway, and such Person or Persons not being the Owner or Owners, Occupier or Occupiers thereof, with an Intent to evade the Payment of the Tolls by this Act granted; or if any Person or Persons owning or occupying any such Land, Ground, or Place, shall knowingly or willingly permit or suffer any other Person or Persons to go or pass with any Cattle or Carriage, through or over such Land, Ground, or Place, whereby the Payment of any of the said Tolls shall be evaded; or if any Person or Persons shall unload, or cause to be unloaded, any Goods or other Thing, or shall take off, or cause to be taken off, any Horse, or Beast of Draught, from any Carriage, either before or after the same shall have passed through any of the Turnpike Gates now erected or hereafter to be erected by



virtue of this Act; or having passed through any of the said Turnpike Gates, shall afterwards add or put any Horse or Beast to any Carriage, for the Purpose of drawing the same upon any Part of the said Road, with Intent to avoid or evade the Payment of any of the Tolls hereby imposed; or shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons (except the Person or Persons appointed to receive the Tolls hereby made payable), any Note or Ticket, with Intent to avoid or evade the Payment of the said Tolls, or any Part thereof; or if any Person or Persons liable to the Payment of any of the said Tolls shall forcibly pass, or attempt to pass, any of the said Turnpike Gates, without Payment thereof at such Gate or Gates; or if any Person or Persons shall do any other Act, in order or with Intent to avoid or evade the Payment of the said Tolls, or any Part thereof, each and every Person and Persons in any Manner aforesaid offending, and being thereof convicted on the Oath of One or more credible Witness or Witnesses, before any One or more of His Majesty's Justices of the Peace for the County, or Place, wherein any such Offence shall be committed (which Oath the said Justice or Justices is and are hereby empowered and required to administer), shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds (over and besides such Penalties and Punishment as he, she, or they shall otherwise be liable to by Law), One Moiety whereof, when raised, shall be paid to the Informer, and the other Moiety to the Treasurer to the said Trustees, to be applied for the Purposes of this Act.

XLVIII. And be it further enacted, That the Surveyor or Surveyors of the said Road, and such Persons as shall be employed by him or them, or by the said Trustees, is and are hereby empowered to cut, dig, gather, take and carry away any Furze, Heath, Stone, Gravel, Sand, or any other Materials proper for making or repairing the said Road, out of or from any Common or Waste Grounds, Common, River, or Brook, in any Township, Parish, or Place, in which any Part of the said Road shall lie or be situate, or in any adjoining Township, Parish, or Place, without paying any Thing for the same, such Surveyor or other Persons filling up the Pits or Quarries levelling the Ground, or sloping down the Banks where such Materials shall be taken; or railing or fencing such Pits or Quarries, so that the same may not be dangerous to Passengers and Cattle; and where there is not a Sufficiency of any such Materials to be procured, in any Common or Waste Grounds, Common, River or Brook, the said Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the said Trustees, search for, cut, dig, gather, take, or carry away all such Materials as aforesaid, in, upon, or out of, from, and over the Lands of any Person or Persons (not being a Yard, Garden, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees) in any Township, Parish, or Place in which any Part of the said Road shall lie or be situate, paying or tendering Payment for the Damage done to the Owners and Occupiers thereof respectively, out of the Grounds whereon, or from whence the same shall be cut, gathered, taken, or carried away, or upon, over, or through which the same, or any other Materials so cut, dug, and gathered as aforesaid, shall be conveyed, such Equivalent in Money as the said Trustees shall judge reasonable; and in case of any Difference between the Trustees, Surveyor or Surveyors, or other Persons appointed or employed

Surveyors may get Materials in Wastes, &c. without paying for it,

and in private Lands making Satisfaction.

Differences to be settled by Quarter Sessions.



ployed as aforesaid, and the Owners or Occupiers of private Lands, or any of them, concerning such Payment and Damages as aforesaid, the Justices of the Peace, at their next General Quarter Sessions or the Second General Quarter Sessions at the farthest, to be holden for the County in which any such Differences shall or may arise, on Ten Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matters of such Payment and Damages; and the Judgment or Order of the said Justices therein shall be final and conclusive upon all Parties.

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

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

Penalty on  
taking away  
Materials  
raised by Sur-  
veyors, or  
digging in  
Pits not  
abandoned.

L. And be it further enacted, That if any Person or Persons shall take away, or cause to be taken away, any Materials which shall have been dug or gathered in any Lands, Fields, Commons, Waste Grounds, Rivers, Brooks, or elsewhere, for the Purpose of making or amending the said Road, or shall dig, get, or take away any Materials out of any Pit or Quarry, which shall have been made for the Purpose of getting Materials for the said Road, before the Surveyor or his Workmen shall have discontinued working therein for the Space of Six Calendar Months, (except the Owner or Owners, or Occupiers of any private Ground, and any Person or Persons authorized by such Owner or Owners to get Materials therein for his, her, or their own private Use only, and not for Sale) every Person so offending shall forfeit and pay, for every such Offence, any Sum not exceeding Five Pounds over and above the Value of the Materials so taken away.

Nuisances by  
leaving Car-  
riages, &c.

LI. And be it further enacted, That if any Person shall leave any Waggon, Wain, Cart, or other Carriage, in, upon, or on the Side of any Part of the said Road, without any Horse or other Beast of Draught yoked or harnessed thereto to draw the same, except in Cases of Accident, or for any longer Time than shall be necessary for loading or unloading thereof, and the same being then drawn up as near to the Sides of the Road as conveniently may be, or shall knowingly or wilfully lay any Sort of Timber or Trees, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish,



Rubbish, or other Matter or Thing whatsoever, in any Part of the said Road, or on the Side thereof; or if any Person or Persons shall draw, or cause to be drawn, upon any Part of the said Road, any Tree or Piece of Timber, or Stone, or otherwise than upon Wheel Carriage or Carriages, or shall suffer any Part of any Tree or Piece of Timber, which shall be conveyed upon any Wheel Carriage, to drag or trail upon any Part of the said Road, to the Prejudice or Injury thereof; or if any Person or Persons shall slaughter, finge, scald, or dress any Beast or Cattle, in or upon any Part of the said Road, or shall hew or saw any Piece of Stone, Wood, or Timber, or bind, make, or repair (except in Cases of Accident) the Wheel of any Carriage, or (except in Cases of Accident) shoe, bleed, or carry any Horse or other Beast, in or upon any Part of the said Road, every Person so offending in any of the Cases aforesaid, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

LII. And be it further enacted, That it shall be lawful for the said Surveyor and Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time, to remove and prevent all Nuisances and Annoyances on any Part or Parts of the said Road, by Timber, Wood, Stone, Carriages, Saw-pits or other Pits, Trees, Ashes, Dung, Filth, Rubbish, Straw, or otherwise; and to turn any Watercourses, Gutters, Conduits, or Drains, running into, along, or out of the said Road, to the Prejudice thereof; and to open, scour, or cleanse, widen, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourse adjoining or near to the said Road, or any Part or Parts thereof respectively; and also to prune or lop, at proper Seasons of the Year, any Trees, Branches, Shrubs, or Bushes, growing in the Hedges or Fences adjoining the said Road, so as the same be not planted for Ornament or Shelter, and to take and carry away the Prunings or Loppings thereof, in case the respective Owners or Occupiers of the Lands, where such Annoyances shall happen to be, shall neglect so to do for Five Days after Notice in Writing, given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors; the Charges whereof to be settled by the said Trustees, shall from Time to Time, be reimbursed to the said Surveyor or Surveyors, by such respective Owners or Occupiers neglecting to turn, open, scour, or cleanse, or to deepen, widen, and enlarge any such Gutter, Ditch, Conduit, Drain, or Watercourse, or to prune or lop such Trees, Branches, Shrubs, or Bushes, or by the Person or Persons occasioning, or neglecting, or refusing to remove such Annoyances as aforesaid; which Charges shall be levied and recovered in the same Manner as the Penalties, Forfeitures, and Fines by this Act inflicted, or authorized to be imposed, are hereinafter directed to be levied and recovered; and if after the Removal of any such Annoyances, any Person or Persons shall offend again in like Manner, every such Person shall, for every such second or subsequent Offence, forfeit and pay any Sum not exceeding Five Pounds.

LIII. And be it further enacted, That it shall be lawful for the said Trustees, or the said Surveyor or Surveyors, or such other Person or Persons as the said Trustees shall appoint, to make Causeways or Foot Paths along the Side or Sides of the said Road, and to cut or make Ditches, Drains, or Watercourses upon and through any Grounds lying contiguous to the said Road, in order to drain or wash the said Road, and to prevent the

[Loc. & Per.]

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same

Surveyors to  
remove  
Annoyances.

Power to  
make Cause-  
ways,  
Ditches, &c.



same from being overflowed, as such Surveyor or Surveyors, or other Person or Persons, by order of the said Trustees, shall judge necessary, making Satisfaction to the Owners or Occupiers of such Grounds, for the Damages which they, or any of them, shall sustain thereby, as the said Trustees shall adjudge reasonable; and in case any Difference shall happen, between such Owners or Occupiers and the said Trustees, touching such Damages, the same shall be settled by the Justices of the Peace for the County in which any such Difference as to Damages shall or may arise, at their General Quarter Sessions of the Peace for the said County, next after such Difference shall arise.

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

Penalty on defacing Mile Stones, &c.

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

Riding, &c. on Footways and Causeways.

LV. And be it further enacted, That if any Person or Persons shall wilfully ride or drive any Horse, Beast, or Cattle, upon any Footway or Causeway, made or to be made on the Side of the said Road for the Accommodation of Persons travelling on Foot, or shall wilfully draw or drive any Barrow, Truck, Dray, Sledge or other Carriage, on any such Footway or Causeway, or shall do or cause to be done any other Injury or Damage to any such Causeway or Footway, whether such Causeway shall be made and repaired by and out of the Tolls arising under this Act, or by and out of any other Fund for repairing Causeways, and shall be convicted thereof, by his or her own Confession, or by the Oath of One or more credible Witness or Witnesses, before any One or more Justice or Justices of the Peace for the County in which any such Footway or Causeway shall lie; every such Person so offending, shall, for every such Offence, forfeit and pay such Sum of Money as such Justice or Justices shall adjudge, not exceeding Twenty Shillings, to be levied and recovered by Distress and Sale of the Goods and Chattels of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals, of such Justice or Justices; such Forfeiture to be applied in recompensing the Informer, according to the Discretion of such Justice or Justices, and in repairing such Causeway or Footway; and in case the Person or Persons so offending, and convicted, shall have no Goods or Chattels within the Jurisdiction of such Justice or Justices, or in case such Penalty or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice or Justices,



Justices, by Warrant under his or their Hand or Seal, or Hands and Seals, to commit such Person or Persons to the Common Gaol or House of Correction for the same County, there to remain for the Space of One Calendar Month, and shall not be sooner discharged, unless he or she shall pay the Penalty imposed by such Conviction.

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

Trustees may widen or alter Road, and purchase Lands.

Road widened, &c. to be Forty Feet.

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

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

LVIII. And be it further enacted, That if such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, or any other Person or Persons interested

Where Persons neglect or refuse to treat, Da-



gages to be  
settled by a  
Jury.

interested in any such Lands or Hereditaments, upon Notice to him or them given, or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Body or Bodies Politic, Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Road may be diverted, turned, or altered, shall, for the Space of Ten Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by Reason of Absence shall be prevented from treating, then and in every such Case the said Trustees shall cause such Damage or Recompence to be inquired into, and ascertained by a Jury of indifferent Men of the County in which such Lands or Hereditaments may be situated, and in order thereto, the said Trustees are hereby empowered and required, from Time to Time, as Occasion shall require, to summon and call before such Jury, and examine on Oath, any Person or Persons whomsoever, (which Oath any One or more of the said Trustees is and are hereby empowered to administer,) and such Trustees shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have inquired of, and assessed such Damage and Recompence, they the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners and other Persons interested in such Lands or Hereditaments, according to the Verdict or Inquisition of such Jury, which said Verdict, or Inquisition and Judgment, Order or Determination thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming or to claim in Possession, Remainder, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any Disability whatsoever, Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and for summoning and returning such Jury, the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County in which such Lands and Hereditaments may be situated, requiring him to impanel, summon, and return Twenty-four Persons qualified to serve on Juries, to appear before the said Trustees at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so summoned, impaneled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and they are hereby empowered and required to draw by ballot, and to swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid, and in Default of a sufficient Number of Jurymen so returned, the said Sheriff, or his Deputy or Deputies, or the said Trustees, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to make up the Number Twelve, and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they are to be sworn; and the said Trustees shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury,



Jury, and who shall not appear, or appearing, shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give a Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the Jury, shall refuse or neglect to appear, or appearing shall refuse to be sworn or examined or give Evidence, so that no such Fine be more than Ten Pounds on any One Person for One Offence.

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

How Expences of Jury to be paid.

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

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

[Loc. & Per.]

8 P

LXI. And



Old Roads  
may be sold.

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

Persons  
whose Lands  
adjoin to  
have the  
Preference.

LXII. Provided always, and be it further enacted, That wherever the Course of any Part of the said Road shall be altered under the Authority of this Act, or any Toll House or Garden discontinued, and a new Road opened and made in any adjoining Land, the Offer of the Purchase of such old Road or Toll House or Garden shall be first made to the Owner of such adjoining Land as shall be cut and used for the Purpose of making such new Road; and in case such Owner shall be desirous of becoming the Purchaser of such old Road or Toll House, and cannot agree with the said Trustees for the Price to be paid for the Purchase of the same, and such Owner shall be desirous of becoming the Purchaser thereof, then the Value thereof shall be settled and ascertained by a Jury, in such Manner as the Price for any Land to be taken in pursuance of this Act is directed to be settled and ascertained in and by this Act, and such Owner shall be deemed the Purchaser thereof at the Sum to be ascertained by a Jury to be the Value thereof; and in case such Owner shall refuse to pay such Money, upon Demand thereof by the Treasurer or Clerk to the said Trustees, and Tender of the Conveyance of such old Road or Toll House, the same shall and may be recovered by the said Trustees by Action of Debt in any of His Majesty's Courts of Record; and in case any such Owner shall not agree, or shall refuse to purchase any such old Road or Toll House, it shall be lawful for any Person or Persons (not interested in the Premises) to make an Affidavit, to be sworn before a Master or Masters Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County in which such Matter in Difference shall arise, stating, that such Offer has been made by or on Behalf of, the said Trustees; and that such Owner has not agreed, or has refused to purchase such old Road or Toll House, (as the Case may be), and such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and not agreed to, or refused by such Owner: Provided nevertheless, that if such Owner shall be willing to take such old Road or Toll House in Exchange for any Land intended to be used for such new Road, it shall be lawful for the said Trustees, and they are hereby required, to assure the same to such  
Person

Value to be  
settled by a  
Jury, and  
may be re-  
covered by  
Action.



Person by entering the same in their Book, and delivering to him or her a Copy thereof, signed by the said Trustees, which Copy shall be a good and valid Title to the same, and be available in any Suit at Law, or in Equity.

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

LXIV. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments, which shall be purchased for the Purposes of this Act, of any Body Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or from any Femes or Feme Covert, or other incapacitated Person or Persons, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, or any Two or more of them, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents or Profits of the said Lands or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands 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 and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined, and capable of taking Effect; and in the



mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General 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 or Profits of the Lands and Hereditaments so to be purchased, in case such Purchase or Settlement were made.

Where less than 200l. and above 20l.

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

Not exceeding 20l.

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

In case of not making out good Titles, &c.

LXVII. 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 or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees; or in case such Person or Persons, to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found, or if the Person or Persons entitled to



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

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

Where any Question shall arise as to the Title to Money.

LXIX. 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 or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases, from Time to Time, to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together

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

[*Loc. & Per.*]

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with



with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sum of Money for such Purposes as the said Court shall direct.

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

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

Statute  
Duty.

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

Lists of Per-  
sons liable to  
do Statute  
Work.



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

Composition  
Money.

Neglecting  
to do Statute  
Work.

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

Trustees may  
compound  
for Statute  
Duty.

LXXIII. Provided always, and be it further enacted, That in case any Composition Money agreed to be paid for or in lieu of any such Statute

Composition  
Money how  
to be reco-  
vered.



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

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

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

For securing transient Offenders.

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

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

Form of Conviction.

BE it remembered, That on [Time of Conviction], at [Place of Conviction], A. B. [Name of Offender], of [Addition of Offender] was duly convicted before me, (or, us) [Name and Stile of convicting Justice or Justices], for that the said A. B. [Name of Offender], on [Time of committing Offence], at [Place of committing Offence], did [here state the Offence against the Act, according to the Fact] contrary to the Form of the Statute made in the Fifty-third Year of the Reign of His Majesty King  
George



George the Third, intituled [*here set forth the Title of this Act*]; and I (or, we) do therefore declare and adjudge, that the said *A. B.* [*Name of Offender*], has forfeited for the said Offence the Sum of [*Fine*] or shall be committed to [*Place of Imprisonment*], for the Space of [*Time of Imprisonment*]. Given under my Hand and Seal, (or, our Hands and Seals,) the Day and Year first above written.

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

Proceedings  
not to be  
quashed for  
want of  
Form.

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

Persons not  
to be sued  
till after  
Fourteen  
Days. &c.

[*Lec. & Per.*]

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LXXIX. And



Penalties and Forfeitures how to be recovered and applied.

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

Persons aggrieved may appeal to the Quarter Sessions.

LXXX. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved, and to have Cause of Complaint by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been hereinbefore appointed, such Person may appeal to the Justices at the General Quarter Sessions of the Peace, to be holden for the County or Place wherein the Cause of Complaint shall arise, within Four Calendar Months next after the Cause of Complaint shall have arisen, such Appellant first giving, or causing to be given, Fourteen Days Notice at least, in Writing, of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer of the said Trustees; and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of, and pay such Costs as shall be awarded by the said Justices at such Quarter Sessions; and the said Justices at such 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 such Appeal in a summary Way, and may award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes.

Public Act.

LXXXI. 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.



LXXXII. And be it further enacted, That this Act shall commence and take Effect upon the First *Tuesday* in the Month of *June* next, after the passing of this Act, and shall continue and be in Force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Commence-  
ment and  
Duration of  
Act.

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