



ANNO QUINQUAGESIMO SEPTIMO

# GEORGI III. REGIS.

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## Cap. lxxviii.

An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from *Cambridge*, to the Old North Road near *Arrington Bridge*, in the County of *Cambridge*.

[7th July 1817.]

**W**HEREAS an Act was passed in the Thirty-seventh Year of the Reign of His present Majesty, intituled, *An Act for amending, altering, improving, and keeping in Repair the Road leading from the Town of Cambridge into the Old North Road near Arrington Bridge, all in the County of Cambridge*: And whereas the Trustees appointed under or by virtue of the said Act, have proceeded to put the same in Execution, for which Purpose they have borrowed considerable Sums of Money on the Credit of the Tolls thereby granted, which still remain due, and cannot be repaid; nor can the said Road be properly amended, improved, and kept in Repair, unless the Term of the said Act be continued, and some of the Powers and Provisions of the said Act altered and enlarged, and the Tolls increased; May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act passed in the Thirty-seventh Year of the Reign of His present Majesty, and all and every the Authorities, Powers, Privileges, Provisions, Penalties, and Clauses therein contained, (except such as varied, altered, or repealed,)

[Local.]

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37G.3.c.179.

repealed,) shall be and continue in full Force, and be executed for and during the Term hereinafter mentioned, as fully and effectually, to all Intents and Purposes, as if the same were herein particularly repeated and re-enacted, but subject nevertheless to the Amendments, Variations, Alterations, and Additions herein contained, and which shall commence and take effect upon the Twenty-fourth Day of *August* next after the passing of this Act; and this Act, and the additional Term and Tolls hereby granted, shall be subject and liable to the Payment of all Money, now due and owing on the Credit or on account of the said former Act, or which may hereafter be borrowed or become due and owing on the Credit of the said Act and this Act, and of all Interest due and to grow due for the same respectively.

The Extent of Road more particularly defined.

II. And be it further enacted, That from and after the passing of this Act, the Road to be kept in Repair by the said Trustees for executing the said recited Act and this Act, shall be deemed to commence at that Part of the Parish of *Grantchester* nearest to the Town of *Cambridge*, leading thence into the Old North Road near *Arrington Bridge* aforesaid.

Power to appoint Ten additional Trustees.

III. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at a Meeting to be holden for that Purpose, (of which Meeting, and of the Purpose thereof, such Notice shall be given as is directed by the said recited Act respecting the Appointment of future Trustees on Vacancies,) to elect, nominate, and appoint any Number of other fit and proper Persons, not exceeding Ten, to be Trustees for the Purposes of the said recited Act and this Act, in addition to the Trustees by or in pursuance of the said recited Act nominated and appointed.

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

IV. And be it further enacted, That no Trustees 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 Act or of this Act, and have acted as a Trustee within Two Years preceding the Death, Resignation, or Removal of the last Officer; 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.

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

V. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint or continue the Person who has been, or shall be appointed to act as their Clerk in the Execution of the said recited Act and this Act, or the Partner of any such Clerk, the Treasurer, for the Purposes of the said recited Act or this Act, or to appoint or continue the Person who has been, or shall be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said recited Act or this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes aforesaid, or if any Person, being the Partner of any such Clerk, shall act

as

as Treasurer, or being the Partner of any such Treasurer, shall act as Clerk in the Execution of the said recited Act or this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Effoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

VI. And be it further enacted, That the Tolls or Duties authorized by the said recited Act to be demanded and taken upon the said Road, shall, from and after the Twenty-third Day of *August* next after the passing of this Act, be, and the same are hereby repealed; and thenceforth for and during the Continuance of the Term hereinafter mentioned, instead of such Tolls or Duties, the following Sums of Money shall be demanded, collected, and paid at each and every of the Toll-Gates and Toll-Houses already erected, or hereafter to be erected, upon such Part of the said Road, or on the Sides thereof, by virtue of the said recited Act or this Act, and which by this Act is directed to be kept in Repair, before any Horses, Cattle, or Carriages shall be permitted to pass through such Toll-Gates, or any of them; (that is to say,)

For every Horse, Mule, or Ass drawing any Coach, Chariot, Landau, Landauet, Phaeton, Marine, Berlin, Barouche, Chaise, Calash, Curricule, Hearse, Gig, Chair, or Taxed Cart, the Sum of One Shilling:

For every Horse or Beast of Draught drawing any Waggon, Wain, Drug, Cart, or other such like Carriage, the Sum of Nine-pence:

For every empty Carriage with Four Wheels, fastened to or behind any Waggon, Wain, Drug, Cart, or other Carriage, the Sum of One Shilling; and for every empty Carriage, with Two Wheels so fastened, the Sum of Sixpence; and if loaded, double such Sums:

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

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

For every Drove of Calves, Hogs, Pigs, Sheep, or Lambs, the Sum of Ten-pence *per* Score, and so in proportion for any greater or less Number.

All which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll, and may be lessened and raised again, leased, or demised, or compounded for by the said Trustees of the said Road, in such and the like Manner as the Tolls or Duties granted by the said recited Act, are thereby authorized or allowed to be lessened and raised again, leased or demised, or compounded for, but no further or otherwise, and shall be paid to such Person or Persons as the said Trustees, or any Seven or more of them, shall from Time to Time appoint to collect the same; and the Money so to be raised shall be, and is hereby vested in the said Trustees, and shall be applied in such and the like Manner as the Tolls and Duties hereby repealed were by the said recited Act directed to be applied; and if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed

Repealing former Tolls and granting new ones.

Tolls.

Tolls vested in Trustees.

Power of Distress.

to

to collect the said Tolls, to seize and distrain any Horse or Horses, or other Cattle or Beast, upon which such Toll is by this Act imposed, or any of the Goods or Chattels of such Person or Persons so neglecting or refusing; and if such Tolls, and the reasonable Charges of such seizing and distraining, shall not be paid within the Space of Three Days, the Person or Persons so seizing and distraining shall and may sell the Horses, Cattle, Beasts, or Goods so seized and distrained, returning the Overplus (if any), on Demand, to the Owner thereof, after such Tolls and all reasonable Charges shall have been deducted.

Waggons, &c.  
having  
Wheels and  
Axletrees ac-  
cording to  
55G.3.c.119.  
to have an  
Abatement of  
One-fourth of  
Toll.

VII. And be it further enacted, That for and in respect of all Waggons, Carts, or other Carriages, having the Wheels of the Widths and Descriptions, and the Axletrees fixed as mentioned and set forth in and by an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled, *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, and for and in respect of all Horses and other Beasts drawing the same respectively, there shall be allowed an Abatement of One-fourth Part of the Tolls hereby granted.

Toll to be  
paid only once  
a Day:

VIII. Provided also, and be it further enacted, That no Person or Persons who shall have paid the Toll for passing through any Turnpike or Gate to be erected across, or on the Sides of the said Road, (except as hereinafter excepted,) shall be liable to the Payment of any further or other Toll for passing or repassing at any Time or Times through the same Turnpike or Gate, with the same Horses, Cattle, or Carriage, before Twelve of the Clock of the Night of the same Day; such Person or Persons producing a Note or Ticket to the Collector of the Tolls at such respective Turnpike or Gate, denoting Payment of such Toll, which Note or Ticket the Collector of the said Tolls is hereby required to give *gratis*, on Payment of such Toll, if demanded: Provided always, That nothing herein contained shall extend, or be construed to extend, to authorize or empower the said Trustees to cause Tolls to be taken on the same Day, for the same Cattle or Carriages, at more than Two Gates or Turnpikes to be erected by virtue of this Act, or at more than one Gate or Turnpike, unless the Gate or Turnpike at which the Second Toll shall be demanded is distant Six Miles from the Gate or Turnpike where the First Toll was paid; any Thing herein contained to the contrary notwithstanding.

Nor more  
than Two  
Gates, unless,  
&c.

Stage  
Coaches and  
Post Chaise.

IX. Provided always, and be it further enacted, That the Tolls hereby granted, shall be paid for and in respect of all Horses or Mules drawing any Stage Coach, every Time they shall pass through any Toll-Gate already erected, or hereafter to be erected, by virtue of the said recited Act or of this Act, upon the said Road; and for and in respect of all Post Horses or Mules drawing any Post Chaise or Carriage, every Time they shall pass through any such Toll-Gate, and a Ticket shall be produced denoting a fresh Hiring, any Thing in this Act contained to the contrary thereof notwithstanding.

Powers of re-  
cited Act  
relating to  
Tolls con-  
tinued.

X. And be it further enacted, That all the Powers, Provisions, Matters, and Things in the said recited Act contained, which relate to or concern the Tolls and Duties thereby authorized to be demanded and taken upon the said Road, except such Parts as are hereby varied, altered,

or repealed, shall, from and after the Twenty-third Day of *August* next, after the passing of this Act. for and during the Continuance of the Term hereinafter mentioned, be deemed and considered as relating to the Tolls or Duties by this Act granted, and shall be put in Force, and be executed accordingly, as if the same were repeated and re-enacted in the Body of this Act.

XI. And be it further enacted, That so much of the said recited Act as authorizes a Justice of the Peace to settle Disputes concerning the Quantity of Tolls due, or the Charges of keeping any Distress, shall be, and the same is hereby repealed; and that from and after the passing of this Act, if any Dispute shall happen concerning any Tolls due, or the Charges occasioned by any Distress to be taken by virtue of the said recited Act or of this Act, it shall be lawful for the Collector so distraining to retain such Distress, or the Money arising from the Sale thereof, till the Amount of the Tolls and the Charges of such Distress shall be ascertained by some Justice of the Peace for the County, Town, or Place where any such Dispute shall arise, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties, or of a Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered in case of Non-payment thereof forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), on Demand, after Payment of such Costs and Charges, and the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Repealing certain Parts of former Act, and for settling Disputes concerning Tolls.

XII. And be it further enacted, That upon Payment of any of the Tolls granted or made payable by, or by virtue of this Act, the Collector or Receiver shall, and he is hereby required to deliver *gratis* to the Person paying such Toll, a Note or Ticket denoting such Payment; and which Notes or Tickets shall be provided by the said Trustees, and there shall be printed and specified thereon the Names of the several or respective Gates which such Tickets shall free, or which ought, under the Provisions of the said recited Act or this Act, to be passed free for Payment of one Toll.

Tickets to be printed.

XIII. And be it further enacted, That all and every the Toll Collectors, 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 Gate to be continued or erected by virtue of the said recited Act or 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 on his beginning to collect such Toll, or coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted in Black Letters on a White Ground, or White Letters on a Black Ground, and shall continue the same so placed during the whole Time he shall collect such Toll, or be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there

Punishing Toll Collectors misbehaving.

[Local.]

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during

Toll Collec-  
tors not to  
make use of  
scurrilous  
Language to  
Travellers.

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 denoting the Payment of the Tolls, and naming and specifying the several Gates freed by such Payment; or upon the legal Toll being paid or tendered, shall unnecessarily detain, or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Gate; or shall make use of any scurrilous or abusive Language to any Traveller or Passenger; then, and in every such Case, every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds 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 the said recited Act directed to be recovered and applied.

General  
Exemptions  
from Toll.

XIV. And be it further enacted, That none of the Tolls hereby authorized to be taken, shall be demanded, taken, or received at any of the Turnpike Gates erected, or to be erected, or continued upon the said Road, for any Horses, Cattle, or Carriages of whatsoever Description, employed, or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses; or in returning therefrom, or for the Horses belonging to any Officers or Soldiers on their March, or on Duty, or for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers, or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores, of, or belonging to His Majesty, or for the Use of His Majesty's Forces; or from any Rector, Vicar, or Curate going to or returning from his own Parish Church, or other Place of Divine Worship, or visiting his sick Parishioners; or from any Person or Persons going to or returning from Church, Chapel, or other usual Place of Religious Worship, on *Sundays*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated, or attending the Funeral of any Person or Persons who shall die, and be buried in any Parish, Hamlet, or Place, through which any Part of the said Road lies; or for any Horses, Beasts, Cattle, or Carriages, used or employed for the Purpose only of carrying or conveying Persons to or from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Cambridge*, or of carrying or conveying Vagrants sent by legal Passes; or of carrying or conveying Hay, Straw, or Corn in the Straw, for the Use of the Owners, and not for Sale or purchased; or of carrying or conveying, at any Time between the First Day of *May* and the First Day of *November*, and at such other

other Times (if any) during Frost, as the said Trustees, or any Five or more of them, either at a Meeting, or otherwise, shall order and direct, any Dung, Mould, Manure, or Compost to be used only for manuring of Lands, lying in any Township, Hamlet, Lordship, or Parish through which the said Road passes, or going or returning empty in that Employment; or for any Horses, Beasts, or Cattle employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Plough, Harrow, or other Implement of Husbandry, unless the Carriage bearing any such Plough, Harrow, or other Implement of Husbandry, be also laden with any other Thing not hereby intended to be exempted from Payment of Toll; or for any Horse, Beast, or Cattle passing to or repassing from Water or Pasture; nor for any Horse, Beast, or other Cattle, when going to or returning from being shod or farried; or for any Horse, Beast, or Cattle used or employed for the Purpose only of carrying or conveying Materials for making or repairing any Highway or public Road within any such Parish, Hamlet, or Place as aforesaid, or for rebuilding, building, or repairing any present or future Bridge or Bridges on the said Road under this Trust; nor for any Horse, Beast, Cattle, or Carriage, which shall cross the said Road only, or shall not pass more than One Hundred Yards thereon; or for any Horse, Mare, or Gelding furnished by or for any Person or Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place appointed for Exercise, Inspection, or Review, provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements according to the Regulations appointed for such Corps at the Time of claiming the Exemption; and if any Person shall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

Penalty on fraudulently taking Benefit of Exemptions.

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

Owners or Drivers of Waggons conveying Military Stores, not subject to Penalties for Overweight.

XVI. 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 or hereafter to be erected, and the Ground whereon the same shall stand, with the Outhouses, Gardens, and Appurtenances thereto belonging, and any other Piece or Pieces of Ground, when they shall be considered by the said Trustees to be useless and unnecessary for the Purposes

Power to sell Toll-Houses, &c.

Purposes of the said recited Act and 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 Non-application thereof.

First Offer of Purchase to be made to Owners of adjoining Estates.

XVII. Provided always, and be it enacted, That the Offer of the Purchase of any Toll-House or Toll-Houses and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereto belonging, or any other Piece or Pieces of Ground not wanted for the Purposes of the said recited Act or this Act, shall be first made to the Owner of the Land adjoining thereto; and in case such Owner shall be desirous of becoming the Purchaser of such Toll House or Toll Houses with the Appurtenances thereto belonging, or any Piece or Pieces of Ground as aforesaid, and cannot agree with the said Trustees for the Price to be paid for the Purchase of the same, and such Owner shall still be desirous of becoming the Purchaser thereof, then and in such Case, the Value thereof shall be settled and ascertained by a Jury, in such and the like Manner as the Price for any Land to be taken in pursuance of the said recited Act, is directed to be settled and ascertained in and by the said recited Act; and such Owner shall be deemed the Purchaser thereof, at the Sum to be ascertained by the Jury to be the Value thereof, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as by the said recited Act is directed with respect to Purchases made by the said Trustees *mutatis mutandis*; and in case such Owner shall refuse to pay such Money on Demand made thereof by the Treasurer, or Clerk to the Trustees, and Tender of the Conveyances of such Toll House or Toll Houses, with the Appurtenances, or any Piece or Pieces of Ground as aforesaid, the same shall and may be recovered by the said Trustees by Action of Debt, in any of His Majesty's Courts of Record at *Westminster*; and in case any such Owner shall not agree, or shall refuse to purchase any such Toll House or Toll Houses, with the Appurtenances, or any such Piece or Pieces of Ground as aforesaid, it shall and may be lawful to and for any Person, or Persons (not interested in the Premises) to make an Affidavit to be sworn before a Master, or Master Extraordinary of the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the County, Town, Division, or Place where such Toll House or Toll Houses and Appurtenances, or any such Piece or Pieces of Ground shall lie, 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 Toll House or Toll Houses, and Appurtenances, or Piece or Pieces of Ground, (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.



XVIII. Provided always, and be it further enacted, That the said Trustees, in diverting, altering, or improving any Part of the said Road, under the Powers of the said recited Act, shall not deviate more than One Hundred Yards, of Three Feet each, from the present Line, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Deviations not to exceed more than 100 Yards from the present Road.

XIX. And be it further enacted, That if any Money shall be agreed or awarded to be paid, for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Act and this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as in the said Act mentioned, such Money shall, in case the same shall amount to, or exceed the Sum of Two Hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, *ex parte* the Trustees for executing the said recited Act and this Act, pursuant to the Method prescribed by the Act of the Twelfth Year of the Reign of King *George* the First, Chapter Thirty-two, and the General Orders of the said Court, without Fee or Reward; to the Intent that such Money may be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making the Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the Meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be vested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the Meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlements were made.

Application of Compensation if amounting to 200*l.*

Where less  
than 200*l.* and  
exceeding  
20*l.*

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

Application  
where not  
more than  
20*l.*

XXI. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last 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, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then 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  
Titles, or if  
Persons can-  
not be found,  
Purchase  
Money to be  
paid into the  
Bank,

subject to the  
Order of the  
Court of  
Chancery on  
Motion or  
Petition.

XXII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements or Hereditaments, to be purchased by virtue of the said recited Act or this Act, shall refuse to accept the same, or shall not be able to make out a good Title to the Premises to the Satisfaction of the said Trustees, or any Five or more of them; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case, it shall be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said 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 such Sum or Sums of Money into the Bank as aforesaid.

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

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto according to such Possession.

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

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

XXV. And be it further enacted, That so much of the said recited Act as relates to the Performance of Statute Labour on the said Road, shall be, and the same is hereby repealed, and that all Persons who by Law are or shall be liable to do Statute Work, or are, or shall be chargeable towards

Statute Work.

towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the County of *Cambridge*, and they are hereby required and empowered (upon Application made to them by the said Trustees, or by their Clerk or Surveyor by their Order,) yearly to adjudge and determine what Part or Proportion of Statute Work shall every Year be done upon the said Road, by the Inhabitants of the respective Parishes, Hamlets, or Places in which the said Road lies; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Hamlet, or Place, in lieu of, or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or to their Treasurer or Treasurers; and, in order thereunto, it shall be lawful for such Justices, from Time to Time, to summon the Surveyor or Surveyors of the Highways for every such Parish, Hamlet, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons, (within Five Days after the serving of such Summons,) of the Names of the several Persons who within such Parish, Hamlet, or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions as 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 appoint and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road, as the said Justices shall think reasonable, and the same shall be done on such Days, and at such Times (not being Haytime or Harvest,) and on such Parts of the said Road, as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Act authorized or directed to be recovered; and each and every Person who shall refuse or neglect to do Statute Work as aforesaid, (after Notice in Writing given to, or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor of the said Trustees,) shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent

negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and discharge the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person or Persons shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and if any Surveyor of the Highways for any of the said Parishes, Hamlets, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees, or their Surveyor or Surveyors, and such Persons as they or he shall appoint, from Time to Time to remove and prevent all Annoyances and Obstructions on any Part of the said Road, by Timber, Stones, Carriages, Saw Pits, Dung, Ashes, Straw, Rubbish, or otherwise, and to dispose of the same in such Manner as they shall think proper, for the Benefit of the said Road; and also to turn any Watercourses, Sinks, or Drains running along, under, into, or out of the said Road to the Prejudice thereof; and to open, scour, cleanse, or widen any Watercourses or Ditches adjoining or near thereto, and make the same as deep and large as he or they shall think necessary; and to cut down, lop, or top any Trees, Branches, Shrubs, or Bushes growing in the said Road, or in the Hedges or Banks adjacent thereto, (except Trees or Bushes planted as an Ornament or Shelter to any House, Building, Garden or Orchard, or in any planted Walk or Avenue to any House,) within Seven Yards of the Centre of the said Road; and to take and carry away the same respectively, and dispose thereof for the Benefit of the said Road, and to cut down and reduce all Hedges adjoining the said Road, to the Height of Four Feet, in case the Persons occasioning such Annoyances shall neglect to remove the same within Seven Days after Notice given for that Purpose in Writing by the Surveyor or Surveyors; or in case the Owners or Occupiers of the Lands shall neglect to open, scour, cleanse, widen, or sink such Watercourses or Ditches, or (at the proper Season of the Year) to cut down, lop, or top, and remove such Trees, Branches, Shrubs, or Bushes, or reduce such Hedges in such Manner as the Surveyor or Surveyors shall require, for the Space of Ten Days next after Notice in Writing given for those Purposes, under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof (to be settled by any One of His Majesty's Justices of the Peace for the said Town or County of *Cambridge*;) shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as Penalties and Forfeitures are by the said recited Act directed to be recovered and applied; and such Owners or Occupiers so neglecting to open and sink and cleanse such Watercourses or Ditches, or to cut and reduce such Hedges (at the proper Season of the Year), within the Time aforesaid, after Notice given, shall likewise forfeit for every Foot in Length of the same, any Sum not exceeding Two Shillings, nor less than Sixpence, over and besides the Charges so to be settled as aforesaid; and if, after Removal of any of the said Annoyances, any Person shall again offend in like Manner, every such Person shall, for every such sub-

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sequent Offence, forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings.

Preventing Buildings or Trees being placed too near the Road.

XXVII. Provided always, and be it further enacted, That from and after the passing of this Act, no Building or Buildings shall be erected or built nearer than Twenty-one Feet from the Centre of the said Road, nor shall any Gate hereafter to be fixed against the said Road, be made to open into or upon the same, nor shall any young Tree or Trees be hereafter planted or permitted to grow up within Twenty-one Feet of the Centre of the said Road; and if any Buildings shall be so erected, or any Gate fixed, or any Trees planted contrary thereto, it shall be lawful for the said Trustees, or any Person authorized by them, to take down, or cause to be taken down, any such Building, Gate, or Tree as a public Nuisance, and to remove the same, and every Part thereof, without making any Compensation to the Owner or Owners for Damages, Trespas, or otherwise.

Riding, &c. on Footways and Causeways.

XXVIII. 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 by virtue of 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 said Town or County of *Cambridge*, 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, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Person or Persons to the Common Gaol or House of Correction for the said Town or County of *Cambridge*, 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.

For getting Materials to repair the Road.

XXIX. And be it further enacted, That so much and such Parts of the said recited Act as authorizes the said Surveyors, by Order of the said Trustees, to get Materials for repairing the said Road, shall be, and the same is and are hereby repealed; and it shall and may be lawful for the Surveyor or Surveyors of the said Road, and all such Person or Persons as he or they shall appoint, to search for, dig, gather, and take away any Stones, Gravel, Sand, or other Materials for making or repairing the said Road, out of any Waste or Common Ground, common River or Brook,

Brook, in any Parish, Town, or Place, in, adjoining to, or lying near the said Road, without paying any Thing for the same; they the said Surveyor or Surveyors, or other Person or 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 off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and if sufficient Quantities of Materials cannot be had or found in or upon any such Waste or common Ground, common River or Brook, then and in such Case the Surveyor or Surveyors or other Persons as aforesaid may, by Order of any Two Justices of the Peace, search for, dig, gather, and take away any such Materials in and out of the Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, (such Lands, Fields, or Grounds, not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the Value of the Materials, and for the Damage done to the Owners and Occupiers of such Grounds, where and from whence the same shall be dug, gathered, and carried away, or over which the same, or any other Materials for making or repairing the said Road shall be carried, as the said Justices shall judge reasonable.

XXX. And be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any Person or Persons acting under the Authority of this or the said recited Act, to dig, gather, get, take, or carry away any Materials for repairing such Road out of or from any inclosed Lands or Grounds, without the Consent in Writing of the Owners or Occupiers thereof first had and obtained for that Purpose, and until Ten Days previous Notice in Writing, signed by the Surveyor of the said Road, shall have been given to the Owners or Occupiers of the Premises from which such Materials are intended to be taken, or left at the House, or last usual Place of Abode of such Owners or Occupiers, to appear before any Justice or Justices of the Peace, acting in and for the County or Place in which such Lands or Grounds shall be situate, to shew Cause why such Materials should not be had from such Lands or Grounds; and in case such Owner or Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justice or Justices shall, if he or they think proper, authorize such Surveyor, or other Persons, to dig, gather, get, take, and carry away such Materials, in such Manner as is directed by the said recited Act, at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or his Agent, such Justice or Justices may (upon Proof, on Oath, of the Service of such Notice, and which Oath they or any One of them are hereby empowered to administer,) make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes, as if such Owner or Occupier or his Agent had attended.

Notice to be given before Materials taken.

XXXI. And be it further enacted, That it shall be lawful for the said Trustees of the said Road, or any Seven or more of them, to borrow, and take up at Interest, upon the Credit of the Tolls by this Act granted, such Sum or Sums of Money as they or any Seven or more of them shall think needful, and to give and execute for the same any Mortgage

Old Mortgages may be cancelled and new ones granted.

or

or Mortgages of the said Tolls hereby granted, and also, if thereunto required by the Person or Persons interested therein, to receive and cancel all or any of the Mortgages made of the Tolls authorized to be demanded and taken upon the said Road, by virtue of the said recited Act, and give and execute any new or other Mortgage or Mortgages of the Tolls hereby granted, in lieu thereof respectively; which said Mortgage and Mortgages hereafter to be given and executed, shall be made and transferrable in such and the like Manner as any Mortgage or Mortgages is or are by the said recited Act directed or authorized to be made and transferred.

Accounts of  
the Trustees  
to be open to  
the Inspection  
of Creditors.

XXXII. Provided always, and be it further enacted, That the said Trustees shall, and they are hereby required from Time to Time, to cause to be entered in a Book regular Accounts of the Receipts and Disbursements, and of the several Articles for which any Sum of Money has been disbursed, which Book shall be kept by the Clerk, in order that any of the Trustees; or any Creditor or Creditors on the said Tolls, may, at all reasonable Times have access thereto, and take Copies or Extracts therefrom, without paying any Thing for the same; and in case the said Clerk shall refuse to permit such Person or Persons as aforesaid to inspect or take Extracts from such Book of Accounts, he shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

For paying  
the Expences  
of this Act.

XXXIII. And be it further enacted, That the Charges and Expences incurred in and about the obtaining and passing of this Act, together with lawful Interest for the Money which shall be advanced from Time to Time for that Purpose, shall be paid out of any Money already raised by virtue of the said recited Act or out of the first Monies which shall be raised or borrowed upon the Credit of the said recited Act and this Act, or out of any Money to be collected by virtue thereof, in preference to all other Payments whatsoever.

Public Act.

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

Commence-  
ment and  
Continuance  
of this Act.

XXXV. And be it further enacted, That the said recited Act, (subject to the Alterations, Additions, and Amendments in this Act contained,) and this Act shall be put in Force, and be executed for and during the Residue now to come of the Term granted by the said recited Act, and from the Expiration thereof, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.