Anno tricesimo

Georgii II. Regis.

An Act for repairing and widening the Roads leading from *Spalding High Bridge*, through *Littleworth*, and by *Frognall*, and over *James Deeping Stone Bridge*, in the County of *Lincoln*, to *Maxey Outgang*, in the County of *Northampton*, adjoining to the High Road there.



WHEREAS the Roads leading from Spalding High Bridge, through Littleworth, and by Frognall, and over James Deeping Stone Bridge, in the County of Lincoln, to Maxey Outgang, in the County of Northampton, adjoining the High Road there, are in a very ruinous Condition, and in several Places very narrow and incommodious, and cannot be effectually amended and widened by the ordinary Course appointed by the Laws in being; 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 Right Honourable John Manners, commonly called Marquis of Granby; the Right Honourable Robert Manners, Preamble. Trustees Names.

ners, commonly called Lord Robert Manners; the Right Honourable George Manners, commonly called Lord George Manners; the Right Honourable Charles Manners, commonly called Lord Charles Manners; the Right Honourable Brownlow Bertie, commonly called Lord Brownlow Bertie; the Right Honourable Albemarle Bertie, commonly called Lord Albemarle Bertie; the Right Honourable Robert Bertie, commonly called Lord Robert Bertie; the Right Honourable William Hall Gage; Lord Viscount Gage, in the Kingdom of Ireland; Charles Amcotts, Daniel Arnold, Thomas Addy, Thomas Ailsby, Robert Austin, John Andrews, Zachary Arnold, Everard Buckworth, Theophilus Buckworth, Theophilus Buckworth, Henry Boulton, Edward Bigland, John Blackwell, Robert Blake, Charles Balguy D. D. Charles Bertie, Robert Barbor, Thomas Bowker, John Bowker, David Bowker, Thomas Beecraft, Charles Berridge L. D. the Reverend Norborn Bertie, John Bland, Bates, John Brigham, White Bates, Clerks; John Brown D. D. Thomas Bailey, Robert Butcher, Thomas Butcher, Richard Beaty, William Benning, Edward Bass, William Buck, Stephen Bee, Vincent Bellars, John Bailey, John Booth, Hugh Boor, Thomas Trollope Browne, Timothy Brecknock, John Boral, John Bevis, Abraham Beharrel, Noah Curtis, John Creed, Ralph Clarke, Michael Cox, Thomas Congreve, William Caldecott, John Caldecott, John Crawford, Richard Cherrington, Robert Clarke, Thomas Cox, James Clarke, John Digby, George Denshire, the Reverend John Dinham Clerk, Samuel Dinham D. D. Thomas Day, Langton Denthire, John Digby of Bourne, William Drury, John Dove, James Delarue, James Delarue junior, Francis Dawkins, Samuel Exell, James Edings, Samuel Earldale, James Fortrey, Richard Figg, James Forster, William Foster, Richard Fydell, the Reverend John Fisher Clerk, Samson Gideon, Samson Gideon junior, Charles Green, Francis Gare, George Gibson, William Gibbs, John Gaskell, John Grundy, the Reverend Kennett Gibson Clerk, Samuel Horn, James Haynes, William Hawkes, John Hinson, John Hardy, Thomas Haycock, John Hurn, Thomas Hall, Francis Howgrave, John Heard, Thomas Hogard, Henry Hogard, Peter Hetherington, John Hetherington, John Hyde, James Harvey, John Harrison, Robert Jones, the Reverend John Johnson, John Jones, Clerks; Walter Johnson, John Ireland, Thomas Ives, Robert Ives, Thomas Ives of Bourne, James Keir D. D. John Kelk, Edward Kingston, the Reverend Richard Arthur Knowles Clerk, Sir Mathew Lamb Baronet, John Lock, Weyman Lee, James Little, Peter Lawrence, John Lawrence, John Laxon, George Lawrence, Francis Lawrence, John Middlemore, John Mitchel, John Massey, Joseph Massey,

John Malston, John Measure, Thomas Measure, Thomas Mason, Robert Maxell, John Mawby, Nicholas Measure, the Reverend Lawrence Maydwell, George Moore, Thomas Mirehouse, Thomas Marsham, Clerks; Robert Mugliston, William Mann, John Newark, Joseph Norton, Walden Orme, the Dean and Prebendaries of Peterborough for the time being, Hutton Perkins, John Proud, Thomas Plowright, Preston, John Patrick, Roger Pinkney, John Partington, John Partington junior, Edward Presgrave, David Provost, Armstead Parker, Rogers Parker, John Pare, Jones Raymond, John Richards, John Richardson, John Rosbe, James Rowland, William Robinson, Robert Randall, Thomas Randall, John Rowell, John Rowell junior, Abot Smith, Adlard Squire, Stukeley Wright Squire, Landon Spur, William Strong, John Sharpin, William Smith, Peter Smith, Isaac Strong, Marmaduke Skurray, Morris Stamford, Christopher Saunderson, James Sneath, George Stevens, Samuel Sharpe, John Sly, Thomas Steed, Wright Serjeant, Sir Thomas Trollope Baronet, John Harvey Thursby, the Reverend Michael Tyson, Charles Townsend, John Tatam, Clerks; John Thoroton, Richard Tryce, Samuel Taylor, Major Thomas Thompson, Carrier Thompson, Cooper Thornhill, Thomas Middleton Trollope, Thomas Trollope, James Tompson, Robert Vyner, Robert Vyner junior, Thomas Vivian, Sir Francis Whichcote Baronet, Thomas Whichcot, Christopher Whichcote, Francis Whichcote, William Willsby, Richard Wood, Mathew Wildbore, John Wilkinson, George Worrall, John Wilkinson, Thomas Wright, Thomas Warriner, Thomas Warriner junior, Clement Whitehead, Thomas Wilkinson, Wildbore Wilkinson, Thomas Winpenny, Robert White, the Reverend David Walker Clerk, Thomas Wills, Edward Wills, Charles West, and Seni West, shall be, and they and their Successors, to be elected in manner herein after-mentioned, are hereby appointed Trustees for amending, widening, and keeping in Repair, the said Roads; and also for putting in Execution all the Powers hereby given: And that they the said Trustees, or any Nine or more of them, shall or may cause to be erected a Turnpike cross the said Road at or near the South End of the said Town of Spalding; and also One other Turnpike cross the said Road at or near a Gate called Hall's Gate, at the West End of Littleworth Drove; and also such other Turnpikes on the Sides of the said Road, and cross any Lane or Way leading out of or near the same, as they the said Trustees, or any Nine or more of them, shall think proper, to prevent the Tolls being evaded; and shall also cause to be erected or provided a Toll-house upon, or adjoining to, the said Roads,

Trustees may erect Turnpikes and Toll-houses, &c.

and take the following Tolls thereat.

at or near each of the Places where the said Turnpikes shall be erected; and the Tolls following shall be paid at each of the said Turnpikes to such Person or Persons as the said Trustees, or any Seven or more of them, shall, in such Manner as is herein after-mentioned, appoint to receive the same, before any Horse, or other Cattle, shall pass through the same; that is to say,

The Tolls.

For every Horse, Mare, Gelding, Mule, Ass, Ox, Bullock, and Beast of Draught, drawing any Carriage, Three Pence.

For every Horse, Mare, Gelding, Mule, Ass, or Beast of Burden, not drawing, One Penny halfpenny.

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten Pence per Score; and so in Proportion for any greater or less Number.

For every Drove of Calves, Hogs, Swine, Sheep, or Lambs, the Sum of Five Pence per Score; and so in Proportion for any greater or less Number.

Tolls vested in the Trustees.

Which said respective Sums of Money shall be demanded and taken in the Name of and as a Toll; and all the said Tolls shall be and are hereby vested in the said Trustees, and shall be applied in such Manner as is herein after-mentioned: And if any Person or Persons, subject

Tolls to be levied by Distress and Sale.

to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, it shall and may be lawful for the Person or Persons appointed as aforesaid to collect such Tolls, to seize and detain any Horse or Horses, or other Cattle, upon which such Toll is by this Act imposed, or any of the Goods and Chattles of such Person or Persons so refusing or

Distress may be sold in 4 Days.

neglecting to pay the same: And if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so distraining shall and may sell the Cattle or Goods so distrained, returning the Overplus (if any there be) upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, and also such Sale, shall be deducted.

Tolls to be paid but Once a Day.

Provided always, and be it enacted by the Authority aforesaid, That no Person shall be liable to the Payment of more than One Toll for passing the same Day (to be computed from Twelve of the Clock in the Night to Twelve of the Clock in the succeeding Night) with the same

same Cattle or Carriage, through all or any of the Turnpikes to be erected by virtue of this Act, cross, or on the Sides of, such Part of the said Road, or cross any Lane or Way leading out of or near the same; but all and every Person and Persons, after having paid Toll Once for passing through any Turnpike cross, or on the Side of, such respective Parts of the said Road as aforesaid, or cross any Lane or Way leading out of or near such respective Parts of the said Road, shall, during the Remainder of such Day, pass Toll-free, with the same Cattle or Carriage, through the Turnpike where such Toll was paid, and through all the other Turnpikes erected cross or on the Side of such respective Part of the said Road, and cross any Lane or Way leading out of or near the same, upon producing a Note or Ticket, denoting the Payment of such Toll; which Note or Ticket the Collectors of the Toll are hereby required to deliver gratis, on the Receipt of the Toll; nor shall any Toll be demanded or taken for only crossing the said Road.

No Toll to be paid for crossing the Road only.

And be it further enacted by the Authority aforesaid, That the Property of all the Turnpikes and Toll-houses erected or provided by virtue of this Act, and of the Materials for building the same, and also for repairing the said Roads, shall be, and are hereby, vested in the said Trustees; and they, or any Five or more of them, are hereby impowered to bring, or cause to be brought and prosecuted, any Action or Actions in the Name or Names of any One or more of them, or of their Treasurer or Treasurers, Clerk or Clerks, or to prefer, or cause to be preferred, an Indictment or Indictments against any Person or Persons, who shall disturb them in the Possession thereof.

Turnpikes and Toll-houses vested in the Trustees.

Provided always, and be it enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in any Case, in the Execution of this Act, unless he shall have, or be seised of, in his own Right, or in the Right of his Wife, and be in the actual Possession, Enjoyment, or Receipt, of the Rents and Profits of a Real Estate in Law or Equity, of the clear Yearly Value of Fifty Pounds above Reprizes; or possessed of a Personal Estate alone, or a Real and Personal Estate together, to the Amount of One thousand Pounds; or be Heir Apparent of a Person possessed of an Estate in Lands of the Yearly Value of One hundred Pounds: And if any Person or Persons so made incapable shall presume to act in the Trust aforesaid, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same; to be recovered

Qualification of Trustees.

Penalty on Persons acting, if not qualified.

in a summary Way, before the Justices of the Peace at their Quarter Sessions, or by Action of Debt, or on the Case, Bill, Suit, or Information, in any of His Majesty's Courts of Record at Westminster, wherein no Essoin, Protection, Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence, on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall meet together at the Old White Hart, in the Town of Spalding, on the Sixth Day of June, in the Year of our Lord One thousand seven hundred and fifty seven, and then proceed to the Execution of this Act; and then the said Trustees, at such First Meeting in the Town of Spalding aforesaid, or any Three or more of them, shall adjourn themselves to such House in the Towns of Deeping Saint James aforesaid, or Deeping Gate, and on the Day of such Meeting in the Towns of Deeping Saint James or Deeping Gate, to such House in the Town of Spalding, as they the said Trustees, or any Three or more of them, at such respective Meeting, shall think proper; and then, and from time to time afterwards, they the said Trustees, or any Three or more of them, shall adjourn themselves to, and hold their Meetings alternately at the said Towns of Deeping Saint James or Deeping Gate, and Spalding; and all Orders and Proceedings, relating to the repairing and widening the said Roads, shall be made and had at such Meetings of the said Trustees as shall be held within the said Towns of Spalding, and Deeping Saint James, or Deeping Gate, and not elsewhere.

Proviso in case of Epidemical Diseases.

Provided always, That when and as often as any epidemical Disease shall be in the said Towns of Spalding and Deeping Saint James, or Deeping Gate, or either of them, that then, and in such Case, it shall be lawful for the said Trustees, or any Three or more of them, to adjourn to, and hold their Meetings at, any other Town or Place near, or adjoining to, the said Roads, as they shall think proper, instead of the Town wherein such Disease shall be, during the Time such Disease shall continue in such Town.

General Meeting of the Trustees to be held annually.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, at their said First Meeting in the said Town of Spalding, as aforesaid,

aforesaid, or any other Meeting in the said Town, whereof Fourteen Days previous Notice shall be given upon all the Turnpikes to be erected by virtue of this Act, to appoint a general annual Meeting or Meetings, for any Number of Years, within the said Towns of Deeping Saint James, or Deeping Gate, during the Continuance of this Act, as they shall think most convenient, for settling and passing the Accounts of the Receipts and Disbursements of the Monies arising by virtue thereof.

Charges of passing this Act to be first paid, &c.

And be it further enacted by the Authority aforesaid, That the Charges and Expences attending the procuring and passing this Act, shall be paid out of the first Monies that shall be borrowed or raised by or upon the Credit of the Tolls by this Act granted, in such Proportions, as the said Trustees, or any Seven or more of them, shall direct at their First Meeting, or at any subsequent Meeting to be holden in the said Town of Spalding, upon Ten Days previous Notice to be given thereof upon all the Turnpikes to be erected by virtue of this Act.

Sums arising by the Tolls to be proportioned annually, or oftener.

And be it further enacted, That an Account of the Money to be collected at all the Turnpikes to be erected as aforesaid, and paid into the Hand or Hands of the Treasurer or Treasurers of the said Road, shall (at such annual Meeting to be holden in the said Towns of Deeping Saint James, or Deeping Gate, or at any other Time within the said Towns, whereof Fourteen Days Notice shall be given, by firing the same on all the Turnpike-gates to be erected by virtue of this Act) by such Treasurer or Treasurers, be produced; and the said Sums so collected, be made One Stock; and, after Payment thereout of the yearly Interest, from time to time, as the same shall become due, for such Sums as shall be so advanced and lent, the Overplus shall be paid to the Treasurer or Treasurers of the said Road; and shall be applied by the said Trustees, or any Seven or more of them assembled at their Meetings, towards the Repairs of the said Road, and to other the Purposes relating thereto, in pursuance of this Act.

No Turnpike to be erected until Subscriptions are obtained.

Provided always, and be it further enacted by the Authority aforesaid, That no Turnpike shall be erected upon any Part of the said Road, until Subscriptions shall be obtained for advancing or lending the Sum of Two thousand Pounds upon the Credit of the Tolls and Duties to be collected by virtue of this Act.

Application of the Tolls after the Roads are repaired.

And be it further enacted, That after the said Roads shall be well and effectually repaired, altered, and widened, the Surplus of the Tolls and Money hereby appro-

priated for repairing, altering, and widening the said Roads so effectually repaired, altered, and widened, shall, after defraying the Expence of keeping such Road in good and effectual Repair, and of executing this Act, be applied in discharging the Monies borrowed upon the Credit of this Act.

Right of Common, &c. not to be obstructed.

Provided also, That no Fences or Inclosures, or any Ways or Passages, to be stopped up by virtue of this Act, shall obstruct or hinder the Right of Common, which is now, or hath been heretofore, used and enjoyed by any Person or Persons whatsoever, in and upon any Commons or Fields, or the Right of the several Drove Ways leading from Kesteven into Holland; but that such Right of Common and Drove Ways shall continue to be used and enjoyed by the Lords, Owners, Occupiers, and Tenants, their Servants, and Labourers, in such Manner as he and they do now, and have heretofore, used and enjoyed the same; any thing in this Act contained to the contrary notwithstanding.

And whereas it may happen, that some of the Turnpikes to be erected by virtue of this Act, may be so placed, as to be a particular Hardship upon the Inhabitants of several of the Parishes through which the said Road leads, or adjacent thereto, whose Business may occasion their frequent passing through such Turnpikes to Market, or otherwise; be it therefore enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, at their General annual Meeting, and not elsewhere, may, and they are hereby impowered, from time to time, to compound or agree by the Year, or otherwise, with all or any of the Inhabitants of such Parishes, situate as aforesaid, or with the Inhabitants in Deeping Fens, or any other the Fens thereunto belonging or adjoining, within the Undertaking of the said Fens, for the passing of such Inhabitants, with their Carriages and Cattle, through any of the said Turnpikes, for such Sum of Money, as the said Trustees, or any Nine or more of them, shall think proper; which Composition-money shall be instantly paid to the Treasurer or Treasurers of the said Road.

Trustees may compound with Travellers.

Trustees, with Consent of the Creditors, may lessen the Tolls.

Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, at their General annual Meeting, with the Consent of the Mortgagee or Mortgagees, to lessen or reduce all or any of the Tolls by this Act granted, for such Time as they shall think proper; and shall have such and the same Power for levying and recovering the Tolls so lessened, as is herein

before

before given for levying and recovering the Tolls granted; and the said Trustees, or any Nine or more of them, at a General annual Meeting, may afterwards, if there shall be Occasion, advance all or any of the Tolls so lessened, to any Sum or Sums, not exceeding the respective Rates herein before mentioned.

Trustees may make Ditches or Fences on the Sides of the Road.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, to make such Ditches or Fences on any Part or Parts of the Side or Sides of the said Road, that leads through any Fen, Common, or open Grounds, as they shall think fit, for the better securing the Payment of the said Tolls and Duties to be collected at the said Turnpikes to be erected by virtue of this Act, so as the said Trustees shall not by such Ditches or Fences, stop up any Common Highway; and shall make and leave proper and convenient Openings and Gates for the Parishioners of the several Parishes where such Ditches or Fences shall be made, to pass and repass with Horses and other Cattle, Carts, Carriages, Ploughs, and other Implements of Husbandry, for plowing, seeding, tilling, manuring, and stocking the said Lands and Grounds, and taking and carrying away the Hay, Straw, and Crops of Corn and Grain in the Straw, not sold, and also for the Riding Horses which shall attend the same Husbandry, without paying any Tolls or Duties for the same; and if any Person or Persons shall damage or destroy, or open any Passage through the said Ditches or Fences, every such Person shall pay the Expence of repairing such Ditches or Fences, to be ascertained by the said Trustees, or any Seven or more of them; and shall also forfeit and pay for every such Offence the Sum of Twenty Shillings; One Moiety thereof to be paid to the Informer, and the other Moiety thereof for repairing the said Roads; which Penalty shall be recovered in such Manner as the Penalties are herein after directed to be recovered.

Penalty on Persons permitting, or going through, private Passage, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, or other Cattle, Coach, Waggon, or other Carriage, pass through any Land, Ground, Gate, Passage, or private Way, adjoining or lying near any Turnpike to be by virtue of this Act erected, such Ground, or other Place, not being a common Highway; or if any Owner or Occupier of any Ground, Land, Gate, Passage, or private Way, which shall adjoin or lie near to any such Turnpike, shall knowingly or willingly permit or suffer any Person or Persons, with any Horse, or other Cattle, or

any Coach, Waggon, or other Carriage, to pass through the same, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person shall wilfully break down or destroy any Ditches or Fences to be made upon or near the said Road for securing the Payment of the said Tolls; or if any Person or Persons shall give to, or receive from, any Person or Persons, or forge or counterfeit, any Ticket by this Act directed to be given by the Collectors of the said Tolls, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike with any Horse, or other Cattle, without Payment of Toll; or shall take off, or cause to be taken off, any Horse, or other Cattle, from any Carriage, with an Intent to avoid paying any of the said Tolls, or any Part thereof; or shall leave, or cause to be left, upon, or near to, any Part of the said Road, any Carriage, Horse, or other Cattle, with such Intent as aforesaid; every Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Twenty Shillings; One Moiety whereof shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are herein directed to be applied.

Persons and Things exempted from Tolls.

Provided also, and it is hereby further enacted by the Authority aforesaid, That no Toll shall be demanded or taken for any Cattle or Carriage employed in the Conveyance of any Materials for the repairing of any Road, or of any Lime, Dung, Mould, Soil, or Compost, of any Kind, for the manuring of any Garden, or other Land or Ground, in any of the Parishes through which the said Road leads, or the Parishes thereto respectively next adjoining; or for any Horse, or other Cattle, employed in the Plowing, Sowing, Tilling, or Cultivating, of any Land or Ground in any such Parishes; or for any Cattle or Carriage employed in drawing or carrying any Servants or Labourers to be employed in Harvest-work or Husbandry; or in the Conveyance of any Hay, Straw, or Corn in the Straw, to be laid up in the Houses, Out-houses, Yards, or Grounds, of the Owner or Owners thereof; or for any Horse, or other Cattle, drawing or conveying any Ploughs, Harrows, or other Implements of Husbandry, in order for the repairing thereof, or using the same in Husbandry, or any Utensil that shall be used or employed in Husbandry, or tilling or manuring of Land; or for any Cattle, Sheep, Swine, or Hogs, going to, or passing from, Water, or to or from any Common or Pasture, in the same, or any adjoining Parish; or for any Sheep going to, or returning from, any Wash-dike, River,

ber, or other Place, used for the Washing of Sheep in or near any Part of the said Road; or for any Sheep going to, or returning from, any Place used for the Clipping of Sheep in or near the said Road; or from the Lord or Lords of the Manors of Spalding and Pinchbeck, or any other Manor or Manors through which the said Roads do lie; or from the Adventurers, Owners, or Commoners, of Deeping Fen, their respective Tenants, Officers, Agents, Servants, and Labourers, or any of them, for or in respect of their passing or repassing with Horses, Waggons, Wains, or Carts, to or from any Common or Fen Ground in any of the Parishes through which the said Roads do lie, or in any of the Parishes thereto respectively next adjoining, in order and for the Purpose of making their Drifts, and looking after their Cattle, in such Common or Fen Grounds respectively, or of carrying on or inspecting any Works for draining Deeping Fen aforesaid; or for any Post-horse carrying any Mail or publick Packet; or for the Horses of any Soldiers on their March, or for any Horse, or other Cattle, employed in the drawing or conveying the Arms or Baggage of such Soldiers; or in passing of Vagrants with lawful Passes; or for any Horse, or other Cattle, or Carriage, that shall be going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Lincoln and Northampton, on the Day of such Election, or on the Day before, or Day after, such Election shall begin and be concluded.

Penalty on Persons making illegal Claims, not being intitled thereto.

Provided nevertheless, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, every such Person shall forfeit the Sum of Twenty Shillings; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the other Penalties are herein after directed to be applied.

Trustees may borrow Money on the Credit of Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, at their First, or any subsequent Meeting, to be holden in the said Towns of Spalding, and Deeping Saint James, or Deeping Gate, or either of them, from time to time, by any Writing or Writings under their Hands and Seals, to assign over the Tolls arising by virtue of this Act upon the said Road (the Costs and Charges of assigning the same to be paid out of such Tolls) for any Time or Term during the Continuance of this Act, as a Security for any Sum or Sums of Money to

be borrowed, not exceeding in the Whole the Sum of Six thousand Pounds, to such Person or Persons, or their Trustees, who shall advance the same, to secure the Repayment thereof, with Interest not exceeding Four Pounds Ten Shillings per Centum per Annum; and the Money so borrowed shall (after Payment of such Proportion of the Charges and Expences of procuring and passing this Act, as shall be directed and appointed by the said Trustees, or any Seven or more of them, in Manner as aforesaid) be applied in and upon account of repairing, widening, and altering the said Road, and for such Uses, and to such Purposes only, as the respective Tolls, on the Credit whereof such Monies shall be lent and advanced, are herein before directed to be applied, and to no other Use or Purpose whatsoever; and Copies of all and every Assignment or Assignments so to be made by the said Trustees, as aforesaid, shall be registered or entered at Length in a Book or Books, to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers, of the said Road; which said Book or Books shall and may be perused, at all seasonable Times, by all Persons whomsoever, without Fee or Reward; but no Money shall be borrowed by the said Trustees, or any of them, upon the Credit of the said Tolls, after the First Meeting of the said Trustees, unless Notice be for that Purpose first in Writing, under the Hand of the Clerk or Clerks to such Trustees, upon all the Turnpikes then erected by virtue of this Act upon the said Road, at least Fourteen Days before the borrowing of such Money; And all and every Person and Persons, to whom any such Assignment or Assignments shall be made, as aforesaid, by the said Trustees, or any Five or more of them, as a Security for any Sum or Sums of Money lent and advanced on the Credit, and for the Purposes mentioned in this Act, or who shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Assignment, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; and such Assignee may in like manner assign again, and so toties quoties; and it shall not be in the Power of such Person or Persons, who shall have made such Assignment, to make void, release, or discharge

Assignments to be entered in a Book.

14 Days Notice to be given of borrowing Money.

Assignments may be transferred.

charge the same, or any Monies thereby due, or any Part thereof.

And be it further enacted by the Authority aforesaid, That the Trustees, or any Nine or more of them, at their First Meeting, or any subsequent Meeting, may, and are hereby impowered, from time to time, to appoint a Collector or Collectors of the Tolls, and a Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, of the said Road, and such other Officer or Officers as they the said Trustees, or any Nine or more of them, shall think necessary or convenient: And such Trustees shall respectively take such Security, for the due Execution of their respective Offices, as they shall think fit; and may remove such Collectors, Receivers, Clerks, Treasurers, Surveyors, and other Officers, or any or either of them, from time to time, and appoint others in the stead of such of them as shall be so removed, or shall die (but Fourteen Days previous Notice shall be given of every such Meeting, upon all the Turnpikes to be by virtue of this Act erected;) and may, and are hereby impowered, out of the Tolls, or the Monies to be borrowed on the Credit thereof, to allow to such Collectors, Receivers, Clerks, Treasurers, Surveyors, and other Officers, and to such other Person and Persons as shall be assisting in or about the repairing, widening, or altering, the said Road, or executing this Act, such Salaries, Rewards, and Allowances, as to them the said Trustees, or any Nine or more of them, shall seem reasonable and convenient.

Trustees may appoint Officers;

and remove them, and appoint others;

Trustees to allow Officers Salaries.

Provided always, That no Collector of the Tolls, to be appointed by virtue of this Act, shall gain any Settlement in the Parish or Place where he shall collect any of the Tolls hereby granted, by reason of his being appointed such Collector.

Collector not to gain a Settlement.

And be it further enacted by the Authority aforesaid, That all and every such Collectors and Receivers, Clerks, Treasurers, Surveyors, and other Officers, and all other Persons whatsoever, who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall, at the said Annual General Meetings, and from time to time, as often as he or they shall be thereunto required by the said Trustees, or any Five or more of them, produce and give up to such Trustees, full, true, and fair Accounts, in Writing, of all the Monies which shall have been by them respectively had, collected, or received, and how, to whom, and for what Purposes, such Monies, and every Part thereof, have or hath been disposed of or

Officers to account upon Oath.

applied,

applied, together with proper Receipts and Vouchers of such Payments; and shall and are hereby respectively required to pay all such Monies as, upon the Balance of such Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or to such Person or Persons, or to such Uses and Purposes, as they, or any Five or more of them, shall direct and appoint; and that all and every the said Officers and Persons so accounting, as aforesaid, shall, if required, upon their several Oaths (which said Oaths the said Trustees, or any Two or more of them, are hereby impowered to administer) verify his and their said Accounts, and the particular Items and Articles thereof; And if any such Officer, or Person, being required so to do, shall refuse or neglect to render and give up such Account or Accounts, as aforesaid, or to produce or deliver up to the said Trustees, or any Five or more of them, the Receipts and Vouchers relating to the same, or to verify the Items or Articles thereof upon his Oath; then, and in any or either of the said Cases, it shall be lawful, upon the Complaint of any Three or more of the said Trustees, for any One Justice of the Peace for the County, Division, or Place, where such Officer or Person shall be or reside; and such Justice is hereby required to make Inquiry concerning such Default, as well by Confession of the Party, as by the Testimony of One or more credible Witness or Witnesses, upon Oath (which Oath the said Justice is hereby impowered and required to administer without any Reward;) and, upon Conviction, such Justice shall commit every such Officer, or other Person, so convicted, to the Common Gaol of the County, Division, or Place, there to remain without Bail or Mainprize, until such Account shall be made and verified, as aforesaid: And if any such Officer, or other Person aforesaid, shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his Hands, it shall be lawful, upon the Complaint of any Three or more of the said Trustees, for any One Justice of the Peace for the County, Division, or Place, where such Officer or Person shall be or reside, and such Justice is hereby required to make Inquiry concerning such Neglect or Refusal in Manner as aforesaid, and, by a Warrant under his Hand and Seal, cause such Sums of Money, as shall appear to him to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattles of every such Officer or Person, rendering the Overplus (if any) after the Money remaining due, and the Charges of

Officers not making Account and Payment, &c.

Justices to enquire into the Default,

and commit the Offender to Gaol;

or levy the Balance by Distress and Sale;

making such Distress and Sale, shall be deducted: and if sufficient Distress cannot be found, then such Justice shall commit every such Officer, or other Person, to the Common Gaol of the County, Division, or Place, wherein such Officer, or other Person, shall be, or reside; there to remain without Bail or Mainprize, until such Offender hath made such Payment to the said Trustees, or according to their Appointment, as aforesaid, or compounded for the same, and paid such Composition-money to such Trustees, or their Treasurer or Treasurers; which Composition the said Trustees, or any Seven or more of them, are hereby impowered to make.

For want of Distress Offender to be committed;

until he shall conform;

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors for the said Road, and such other Persons as shall be employed by him or them for that Purpose, may, and is and are hereby authorized and impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Sand, or other Materials proper for the repairing of the said Road, in, upon, out of, or from, any Waste Grounds or Commons, River or Brook, in any Parish, Town, or Place, through which any Part of the said Road leads, or in any neighbouring Parish, Town, or Place, to be used in repairing the said Road, without paying any thing for the same; such Surveyors, or other Persons, filling up the Pits, and levelling the Ground, from which such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle: And if such sufficient Quantities of Furze, Heath, Stones, Gravel, Sand, or other Materials, cannot be found in or upon such Waste Grounds or Commons, Rivers, or Brooks; then, and in such Case, to dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Sand, or other Materials proper and sufficient for that Purpose, in, upon, or out of, and from the Lands or Grounds of any Person or Persons where the same may be had (such Lands or Grounds not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery, or Meadow Ground, planted with any Walk or Walks of Trees, or Avenue to any House) they the said Surveyors, or other Persons by them employed, as aforesaid, having an Order from the said Trustees, or any Five or more of them, for so doing, and paying, or offering to pay, such Rates for such Materials, and for the Damage done to the Owners or Occupiers of the Lands and Grounds where and from whence the same shall be

Surveyors may dig Gravel, &c. in Waste Grounds,

without paying for the same;

levelling the Pits;

and where there is not sufficient of such Materials to be had there, they may be taken from private Grounds;

making Satisfaction to the Owners of the Ground.

digged, gathered, and conveyed, and over which the same shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable; they the said Surveyors, or other Persons, filling up the Pits, and levelling the Ground, from which such Materials shall be so taken: And in case of any Difference between the said Trustees, Surveyors, or other Persons employed, as aforesaid, and the said Owners or Occupiers, concerning the said Damages, the Justices of the Peace for the County, Division, or Place, wherein the Cause of such Difference shall arise, at their General Quarter Sessions of the Peace to be held in and for such County, Division, or Place, next after such Difference shall arise; and, on Six entire Days Notice thereof to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them to the said Surveyors, or to be left at their respective Places of Abode, with some One of their respective Families, shall hear, settle, and determine, the Matters of the said Damages; whose Judgement or Order therein shall be final and conclusive to all Parties.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said respective Surveyor or Surveyors, and such Persons as he or they shall appoint, from time to time (such Surveyor or Surveyors having an Order from the said Trustees, or any Five or more of them, for that Purpose) to remove and prevent all Annoyances on any Part of the said Road, by Filth, Dung, Ashes, Rubbish, or otherwise; and to turn and convey any Watercourses, Sinks, or Drains, running into, along, or out of, the same, to the Prejudice thereof; and to open, scour, or cleanse, any Watercourses or Ditches adjoining thereto, and to make the same as deep and large as he or they shall think proper and necessary; and to cut down any Trees or Bushes, or lop or top any Trees or Bushes growing in the said Road, or in the Hedges or Banks adjoining thereto, and to take and carry away the same, in case the Owners or Occupiers of the Premisses shall neglect to remove the same, or to cut down and carry away such Trees or Bushes, as aforesaid, or to open, scour, or cleanse such Watercourses or Ditches, or remove such other Annoyances, for the Space of Ten Days next 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, or any Five or more of them, shall be

Surveyors may remove Annoyances,

and cleanse Ditches, &c.

the Owners neglecting to remove the same, after Notice;

Surveyors to be reimbursed the Charges.

be reimbursed to the said respective Surveyor or Surveyors, by such Owners or Occupiers, and be recovered in such Manner as the Penalties and Forfeitures are herein after directed to be recovered; and if after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings.

Surveyors, by Order of the Trustees, may make Causeways,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said respective Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, Causeways and Drains in and upon the said Road, and also Ditches and Drains through any Ground lying contiguous thereto; and to erect Bridges or Arches upon the said Road; and also to make, or cause to be made, a Road through the Grounds adjoining to any ruinous or narrow Part of the said Roads (not being the Ground whereon any House or Houses, or other Buildings stand, or a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground, planted and set apart as a Nursery for Trees) to be made use of by all Passengers, Cattle, Carriages, or otherwise, as a publick Highway, whilst the old Road is repairing or widening, and till such Time as it shall be convenient and safe for Passengers and Carriages to pass through the same; making such reasonable Satisfaction to the Owners or Occupiers of such Ground respectively, through which any such Drains shall be made, or on which any such Arches or Bridges shall be erected, or through which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively, shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, or any Nine or more of them; and in case of any Difference concerning the same, or concerning the turning or conveying any Watercourses, Sinks, or Drains, running into, along, or out of the said Road, between any Person or Persons, and the said Trustees, that then it shall and may be lawful for the Justices of the Peace, or the major Part of them, assembled at the next General Quarter Sessions for the County, Division, or Place, wherein such Roads, Lands, or Grounds lie, to adjudge and finally determine such Differences, and adjudge what Recompence shall be made to such Owners, Occupiers, and other Persons, for the Damages and Inconveniencies they shall have sustained, as aforesaid; such Persons so applying to such Justices, giving Six intire Days

and erect Bridges, &c. and cut Drains, &c.

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences relating thereto.

Days Notice, in Writing, to the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees, before the said Quarter Sessions, of such their Intention to appeal to the said Justices.

Trustees may contract for the Purchase of Lands to be taken into the Roads, &c.

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Nine or more of them, shall think proper to widen, turn, or alter, any Part of the said Road, it shall and may be lawful for such Trustees, or any Nine or more of them, from time to time, to purchase any Lands or Hereditaments lying contiguous or near to any Part of the said Road; and out of the Tolls by this Act appropriated for the repairing the said Road so intended to be widened or altered, or out of any Money to be borrowed on the Credit of such Tolls, to pay for such Lands or Hereditaments, and all the Charges attending such Purchase; and it shall be lawful for all Bodies Politick, or Corporate, Ecclesiastical, or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuiques Trusts, and all other Persons whomsoever, to contract and agree with the said Trustees, or any Nine or more of them, for the Purchase of such Lands or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same, as Occasion shall be and require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid, to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding; and that all Persons shall be, and are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Bodies Politick, or Corporate, &c. impowered to sell Lands to be taken into the Roads.

Persons neglecting to treat for the Sale of such Lands;

And be it further enacted by the Authority aforesaid, That if any such Bodies Politick or Corporate, Ecclesiastical or Civil, or any Person or Persons as aforesaid, 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 Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, Ecclesiastical, or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments, intended to be taken in and added to any Part of the said Roads, or through which any Part of the said Road shall be turned, as aforesaid,

said, shall, for the Space of Twenty one Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or by reason of Absence shall be prevented from treating, then, and in every or any such Case, the said Trustees, or any Nine or more of them, shall cause it to be inquired into, and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the County, Division, or Place respectively, liable to serve upon Juries, wherein such Lands or Hereditaments are situate (which Oaths any Two or more of the said Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners and Proprietors, or other Person or Persons interested, for or upon account of the taking of such Lands or Hereditaments into the said Road, or of turning such Road, or any Part thereof, through the same; and in order thereunto the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, to summon before the said Jury, and examine, upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary and proper to be examined concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer) and they the said Trustees, or any Nine or more of them, shall, by ordering a View, or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premisses; and the said Trustees, or any Nine or more of them, shall order, adjudge, and determine, the Sum or Sums of Money, which shall be assessed by the said Jury for such Damages as aforesaid, to be paid to the said Owners or Proprietors of, or other Person or Persons interested in the said Lands or Hereditaments, according to such Verdict or Inquisition of the said Jury; which Verdict or Inquisition, and Judgement, Order, or Determination, shall be final and binding to all Parties and Persons whatsoever, claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, Ecclesiastical, or Civil, as well as all other Person or Persons whomsoever, and against all and every such Owners and Proprietors: And the said Trustees, or any Seven or more of them, are hereby impowered to issue out their Warrant or Warrants, under their Hands and Seals, to the Sheriff of the

Witnesses may be summoned and examined upon Oath.

Verdict of the Jury to be binding and conclusive.

Trustees to issue their Warrant to the Sheriff for returning a Jury.

County respectively wherein such Lands or Hereditaments are situate, thereby commanding him to impanel, summon, and return, an indifferent Jury of Twenty four Persons, liable to serve upon Juries, to appear before the said Trustees, or any Nine or more of them, 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 impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and for Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve.

Jurors may be challenged.

Provided always, and be it further enacted by the Authority aforesaid, That all Persons concerned shall have their lawful Challenges against any of the said Jurymen;

Trustees may impose a Fine on Sheriff, &c. making Default in the Premisses.

and the said Trustees, or any Nine or more of them, acting in the Premisses, shall have Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or refuse to be sworn on the said Jury, or, being sworn, and refusing to give, or not giving, their Verdict, or in any other Manner wilfully neglecting 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 said Jury touching the Premisses, shall refuse or neglect to appear, or refuse to be examined, and to give Evidence; and, from time to time, to levy and apply such Fine or Fines in such Manner as the Penalties and Forfeitures are hereinafter directed to be levied and disposed of; so that no such Fine be more than Ten Pounds, nor less than Twenty Shillings, upon any One Person for One Offence.

Fine not to exceed 10 *l.*

Money allowed for Lands, how to be charged and tendered.

And be it further enacted by the Authority aforesaid, That all and every Sum or Sums of Money, or Recompence, to be agreed for, or ascertained, as aforesaid, shall be, and is and are hereby, charged upon the respective Tolls by this Act appropriated for the repairing the said

Road, or out of the Monies to be borrowed upon the Credit of such respective Tolls, and shall be paid accordingly to the Persons respectively intitled thereto, or to their Agents; and that upon Payment or Tender thereof to such Persons, or their Agents, and, in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk or Clerks for the time being, for the Use of such Persons; and after Twenty Days Notice thereof given to such Persons, or left with the Owners or Occupiers of the Premisses, it shall and may be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to take into, or add to, such Road, such Lands or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit: And such Lands or Hereditaments so taken into, or made Part of, the said Road, shall be deemed and taken to be, and shall be, to all Intents and Purposes, a publick and common Highway, and shall be repaired, and kept in Repair, by such Ways and Means, as the Road hereby appointed to be repaired and widened, is, by this or any other Law, to be repaired: And after any such new Road shall be completed, the Lands and Grounds constituting the former Road, unless the same leads to some other Village, Town, or Place, shall be vested in, and shall and may be sold and conveyed by, the said Trustees, or any Nine or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied in such Manner as the Tolls hereby appropriated to the Repair of the said Roads, are directed to be applied.

Lands, &c. purchased to be made Part of the Roads, and esteemed as publick Highways.

Old Road may be sold.

Money arising by Sale thereof how to be applied.

Provided always, That in case the Owner or Owners of any Lands adjoining to the Lands constituting the former Road, shall signify, in Writing, to any Five or more of the said Trustees, before the new Road shall be completed, his, her, or their Desire, to purchase so much of the said former Road as shall adjoin to his, her, or their Lands, such Owner or Owners shall be allowed to purchase the same in Preference to any other Person; and if the said Trustees, or any Nine or more of them, and the said respective Owners, shall not agree touching the Money to be paid for the Purchase of such Lands, the Value thereof shall be ascertained and settled by a Jury, in such Manner as is herein before directed with respect to the Valuation of Lands intended to be laid into, or made Part of the said Roads.

Owners of Lands contiguous to the old Roads to have the Preference in the Sale thereof.

Provided

Buildings, &c. not to be injured by this Act.

Provided always, and it is hereby enacted and declared, That the Power and Authority given to the said Trustees, as aforesaid, shall not extend to the pulling down any Dwelling-house, or taking in the Site of any House, or to take in any Garden, Orchard, Yard, Court, Park, Paddock, planted Walk, or Avenue to a House; any thing herein contained to the contrary notwithstanding.

Trustees not to act where interested.

Provided also, That no Person shall act as a Trustee in any Case relating to the contracting for or purchasing of any Lands or Hereditaments, where he shall be concerned in Interest.

Reservation of Rights.

Provided also, and it is hereby enacted and declared, That nothing herein contained shall prejudice, defeat, or interrupt, the Right or Claim of any Person or Persons, Bodies Politick or Corporate, to any such Tolls, Thorough Tolls or Duties, as have been usually had, and lawfully taken, upon any Part of the said Road; and that it shall and may be lawful for the said Trustees, or any Seven or more of them, at any of their Meetings to be holden near the Place where such Tolls have been usually taken, either to compound or agree with the Person or Persons, Bodies Politick or Corporate, so intitled to the same, for a yearly Sum to be paid to him, her, or them, in lieu thereof; or to agree with such Person or Persons, Bodies Politick or Corporate, so intitled to the same, for the absolute Purchase of his, her, or their Right and Title therein, or thereunto; which Composition or Purchase-monies, shall be paid out of the Money arising by the said Tolls, or out of the Money to be borrowed upon the Credit thereof.

Parishes, &c. liable to the Repair of the Road, Bridges, &c. to continue so.

Provided also, and it is hereby enacted and declared, That if any County, Hundred, Parish, Hamlet, or Place, or any particular Person or Persons, Bodies Politick or Corporate, or any Lands, Tenements, or Hereditaments, or any Rents or Profits issuing out of any Lands, Tenements, or Hereditaments, now are, or hereafter shall be liable and chargeable towards repairing the said Road, or any Parts thereof, or any Bridges, Causeways, or Arches in the said Roads, the Inhabitants of every such County, Hundred, Parish, Hamlet, and Place, and particular Person and Persons, Bodies Politick and Corporate, and Owners and Proprietors of such Lands, Tenements, and Hereditaments, shall still remain chargeable and liable to, and shall repair such Roads, Bridges, Causeways, and Arches, in such Manner as they ought to have done, in case this Act had not been made.

Provided

Provided nevertheless, and be it enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, to compound and agree with the Inhabitants of any County, Hundred, Parish, Hamlet, or Place, or any particular Person or Persons, Bodies Politick or Corporate, or the Owners and Proprietors of any Lands, Tenements, or Hereditaments, aforesaid, which now are, or hereafter shall be, liable and chargeable towards repairing all or any Part of the Road, Bridges, Causeways, or Arches, within the said Road, for a certain Sum of Money by the Year, in lieu of such Repairs; which Composition-money shall be paid at the Time of entering into such Agreement; and such respective Inhabitants, Person and Persons, Bodies Politick and Corporate, and Owners and Proprietors, shall be discharged from such Repairs for and during the Time or Times so agreed for, or for which such Money shall be paid. Trustees may compound with Parishes, &c. for Statute-work.

Provided always, That in case the said antient or former Way over any Ground, shall, by virtue or in pursuance of this Act, be turned or diverted, the Inhabitants of the Township, Parish, or Place, wherein the old Road, which shall thereby be left or discontinued, shall lie, shall not be obliged to repair such old Road, unless the said old Road leads to some other Village, Town, or Place, than the new Road doth. Proviso.

And be it further enacted by the Authority aforesaid, That the Inhabitants of the several Parishes, Hamlets, and Places, through which the said Road leads, shall be liable to the Repair of the said Roads, commonly called Statute-work, and are hereby required to do and perform such and so many Days Work, not exceeding Four Days Work, for any One Person or Team in any One Year, in such Parts of the said Roads leading through such Parishes, Hamlets, and Places, and at such Times, and in such Manner, as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them authorized, shall appoint; and that every Inhabitant of the said Parishes, Hamlets, and Places, who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed to keep a Team, and shall do such Work towards the repairing of the said Roads, as Persons keeping Teams are obliged by Law to do. Persons, &c. liable to the Repair of the Roads, to continue so. Persons renting 50 l. a Year, to be deemed Team holders.

And be it further enacted by the Authority aforesaid, That the Surveyors of the Highways of each and every of the said Parishes, Hamlets, and Places, shall, and they are Parish Surveyors, &c. to deliver in Lists of Persons liable to do Statute-work.

are hereby required, on Seven Days Notice given them by the Surveyor or Surveyors of the said Road, once in every Year, to return and deliver in to the said Trustees, at their Meetings to be by them held, or to the respective Collectors of the Tolls, true and perfect Lists, in Writing, under their respective Hands, of the Names of all the Inhabitants of such Parishes, Hamlets, and Places respectively, who are liable to do their Statute-work in and upon the said Highways; and shall in such Lists, and every of them, distinguish which of such Inhabitants do, and by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only.

Penalty on Surveyors neglecting to deliver in such Lists;

And be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways for any Parish, Hamlet, or Place, shall not deliver in any such List, as aforesaid, by such Times, and in such Manner, as by this Act is required, every such Surveyor shall, for every such Default, forfeit and pay not exceeding the Sum of Forty Shillings, nor less than Ten Shillings: And if

and on Persons not performing Statute-work.

any or either of the Inhabitants of the said several Parishes, Hamlets, and Places, shall not do such Statute Work in and upon the said Roads, at such Times and Places, and in such Manner, within their respective Parishes, Hamlets, and Places, as shall by the said Trustees, or any Five or more of them, or by their Surveyor or Surveyors, be directed, every such Inhabitant shall, for every such Neglect or Default, forfeit and pay the several Sums herein after mentioned; that is to say, Every such Inhabitant who shall keep, or by virtue of this Act be deemed to keep, a Team, for every Day's Default, the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or by virtue of this Act not deemed to keep, a Team, for every Day's Default, the Sum of One Shilling and Six Pence.

Trustees may compound with Persons for Statute-work.

Provided always, and be it enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, being authorized so to do by the said Trustees, or any Five or more of them, by Writing under their Hands, may, and are hereby impowered to compound with any Person or Persons, or with the Inhabitants of the several Parishes, Hamlets, or Places, or any of them, for the Statute Work to be by him, her, or them, respectively done upon the said Roads, for such Sums of Money by the Day, or otherwise, as they the said Trustees, or any Five or more of them, shall think proper; which said Money shall be instantly paid to the

said

said Trustees, or according to their Appointment, and applied in repairing the said Road.

Surveyors to appeal to the Quarter Sessions to determine the Statute work.

Provided always, and be it enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways, for the time being, of any of the said Parishes, Hamlets, or Places, shall think the said Trustees, or the Surveyor or Surveyors by them authorized, have directed or appointed too large a Proportion of the Statute Work in any Parish, Hamlet, or Place, to be done on the said Roads, it shall and may be lawful for such Surveyor or Surveyors of the Highways aforesaid to appeal to the General Quarter Sessions of the Peace to be held for the County, Division, or Place, wherein such Highways lie; and the Justices, in their said respective Quarter Sessions, are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute Work in any such Parish, Hamlet, or Place, shall be done on the said Roads; such Surveyor or Surveyors of the Highways, as aforesaid, first giving Six Days Notice, in Writing, of such Appeal, to the Surveyor or Surveyors of the said Road: And it shall be lawful for the said Justices, on hearing and determining such Appeal, to award and give to the Party appealing, or appealed against, such Costs and Charges as they in their Discretion shall think proper; which Costs and Charges shall be recovered in such Manner as the Penalties and Forfeitures are herein directed to be recovered.

Roads to be measured and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall cause the said Road to be measured, and Mile-stones or Posts to be set up in or on the Sides thereof, with Inscriptions, denoting the Number of Miles, and Distance of Places, as they, or any Five or more of them, shall think fit: And if any Person or Persons shall wilfully break, pull down, dig up, or injure, any Stone or Post that shall be so set up, or obliterate or deface any of the Inscriptions which shall be made thereon, or any Part thereof, or cause or procure the same to be done; every such Person so offending shall, for every such Offence, forfeit the Sum of Forty Shillings, to be levied by Distress and Sale of the Offender's Goods and Chattles, in such Manner as the other Penalties are directed to be levied: And in case sufficient Distress shall not be found, then it shall and may be lawful for any One or more Justice or Justices of the Peace for the County, Division, or Place, wherein the Offence shall be committed, by Warrant under

Penalty on defacing Mile-stones, &c.

to be levied by Distress and Sale.

For want of Distress Offender to be committed.

der his or their Hand or Hands, and Seal or Seals, to commit such Person or Persons to the House of Correction for the County, Division, or Place, wherein the Offence shall be committed, there to remain for the Space of Three Calendar Months, or until he, she, or they, shall have paid such Forfeiture.

Penalty on drawing Timber otherwise than on Wheel-Carriages.

And be it further enacted by the Authority aforesaid, That if any Person shall hale or draw, or cause to be haled or drawn, along any Part of the said Road, any Tree or Piece of Timber, otherwise than upon Wheels or Carriages, or draw any Plough upon or cross the said Road, or any Part thereof, whereby the said Road shall or may be prejudiced; every such Person, for every such Offence, shall forfeit the Sum of Ten Shillings.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures hereby inflicted, and not otherwise directed to be levied, shall, upon Proof of the Offences respectively for which such Penalties and Forfeitures shall be incurred, before any One or more Justice or Justices of the Peace of the County, Division, or Place, wherein the respective Offender or Offenders shall reside, or the Offence be committed, either by the Confession of the Party, or by the Oath of One Witness, be levied by Distress and Sale of the Goods and Chattles of the Party offending, by Warrant under the Hand and Seal, or Hands and Seals, of such Justice or Justices; which Warrant such Justice or Justices is and are hereby authorized and required to grant, and to administer such Oath gratis; and the Overplus, remaining, after such Penalties and Forfeitures are recovered, and the Charges of such Distress and Sale are deducted, shall be returned, upon Demand, to the Owner of such Goods and Chattles; which said Penalties and Forfeitures, when paid or levied, as aforesaid (except such Parts thereof as are hereby otherwise disposed of) shall, from time to time, be paid to the said Trustees, or any Three or more of them, or to their Treasurer or Treasurers; and shall be applied in the Repair of the said Road: And in case sufficient Distress shall not be found, and such Penalties or Forfeitures shall not be paid, it shall and may be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to cause such Offender to be committed to the Common Gaol of the County, Division, or Place, for any Time not exceeding Three Months for

Overplus of the Monies raised to be paid to the Owner.

For want of Distress, Offender to be committed.

the

the First Offence, or until such Penalties or Forfeitures, and all reasonable Charges, shall be paid; and for the Second, and every other Offence of the same Kind or Nature, for any Time not exceeding Six Months, nor less than Three Months, or until such Penalties, and all reasonable Charges, shall be fully satisfied and paid.

Distress not to be deemed unlawful for Want of Form, &c.

And be it further enacted, That where 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, Notice, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity, shall and may recover Full Satisfaction for the Special Damage, in an Action upon the Case.

nor shall the Party distraining be deemed a Trespasser ab initio, &c.

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or other Proceeding, if Tender of sufficient Amends shall be made by, or on Behalf of, the Party or Parties who shall have committed, or cause to be committed, any such Irregularity, Trespass, or wrongful Proceeding, before such Action brought.

Plaintiff not to recover, if Tender of Amends shall be made.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall think him, herself, or themselves, aggrieved by any Act, Order, or Judgement, of the said Trustees, or any of them, or of any Justice or Justices of the Peace, in the Execution of any of the Powers hereby to him or them given, such Person or Persons may appeal in all Cases to the Justices at the next General Quarter Sessions of the Peace for the County, Division, or Place, wherein the Cause of Appeal shall arise; every such Person so appealing, first causing Ten intire Days Notice, in Writing, of such Appeal, and of the Cause or Matter thereof, to be given unto the Person or Persons on whose Oath or Oaths or Evidence, such Act, Order, or Judgement, shall be done, made, or awarded, and to some or One of the Collectors of the Tolls; which said Justices, at their said Sessions, upon due Proof of such Notices being given, as aforesaid, shall hear and determine the Causes and Matters of the said Appeals, and every of them; and shall

Persons aggrieved may appeal to the Quarter Sessions.

Notice of Appeal to be given.

give such Costs to the Parties appealing, or appealed against, as they, in their Discretion, shall think proper; and their Orders and Judgements therein shall be final and conclusive to all Parties concerned; and shall not be removed into any superior Court by Writ of Certiorari.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this present Act, and all the Powers herein contained, shall commence and have Continuance from the Tenth Day of May, One thousand seven hundred and fifty seven, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Proceedings to be enter'd in Books.

And be it further enacted by the Authority aforesaid, That all Payments, Debts, Orders, and Contracts, had or made, or contracted or entered into, by, or on the Behalf of, the said Trustees, in the Execution of this Act, shall be entered in One or more Book or Books to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers, for the said Road; and that all and every Person and Persons whomsoever may take Copies of all or any Part of such Book or Books, paying for every Copy, not exceeding One hundred Words, Six Pence; and so proportionably for any greater Number of Words: And all such Orders, so entered, shall be signed by the said Clerk or Clerks, at any Meeting of any Five or more of the said Trustees, as the Case shall require; and such Orders shall be deemed and taken to be original, as if the same were under the Hands and Seals of the said Trustees; which said Books, and also the Books directed to be kept for the registering and entering the said Assignments and Transfers, shall be read in Evidence in all Cases of Appeals, Suits, or Actions, touching any thing done in pursuance of this Act.

Copies may be taken thereof.

Books may be produced, and read in Evidence.

On Death or Removal, others to be chosen.

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee or Trustees shall die, or refuse to act, it shall and may be lawful for the surviving Trustees, at any General Meeting, or any Seven or more of them, by Writing or Writings under their Hands, from time to time, to appoint a fit Person, qualified as aforesaid, in the Room of such Trustee so deceased, or refusing to act: And all Persons so from time to time appointed, shall be joined with the surviving Trustees, in the Execution of all the Powers hereby granted; and every such Person shall and may, and he is hereby authorized to act, to all Intents and Purposes, in as full, large, and ample Manner, as the Trustees hereby appointed are impowered to act.

Provided

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any of them, shall not be impowered to do any Act in the Execution of the Powers hereby given, except at a Meeting to be held in pursuance of this Act; and that all the said Trustees shall defray all their own Charges. Trustees not impowered to act, but at a Meeting held in pursuance of this Act. Trustees to bear their own Expences.

Provided always, and be it enacted by the Authority aforesaid, That no Act, Order, Determination, or other Proceedings of the said Trustees, or any of them, in the Execution of this Act, shall be revoked, repealed, or altered, at any subsequent Meeting, unless Nine of the Trustees shall be present; and Fourteen Days previous Notice in Writing, shall be given of such Meeting, upon all the Turnpikes within the said Road; and that no Act, Order, or other Proceedings of the said Trustees, shall be made, revoked, repealed, or altered, but at such Meetings, except as to the Payment of Monies to the Treasurer or Treasurers of the said Road; and such Acts and Orders as are herein before mentioned, to be made and done at the General annual Meetings. No Order to be repealed, unless 9 Trustees be present. No Order to be repealed, &c. but at such Meetings, &c.

Provided always, and be it enacted by the Authority aforesaid, That if there shall not appear at any Meeting which shall be appointed to be held by the said Trustees, a sufficient Number of them to act at such Meeting, then, and in such Case, the Clerk or Clerks to the said Trustees, shall adjourn such Meeting, to be held at the same, or some other convenient House, in or near some Part of the Road, on that Day Three Weeks; and shall give Notice thereof, in Writing, under his or their Hand or Hands, to be fixed on all the Turnpikes within the said Road, at least Ten Days before the next Meeting. In Default of a sufficient Number to act, Notice to be given of another Meeting.

Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Fifteen or more of them, assembled at any of their General annual Meetings to be holden in the said Towns of Deeping Saint James, or Deeping Gate, to take up, alter, and remove, any Turnpike or Turnpikes, Toll-house or Toll-houses, hereby by them impowered to be erected, built, or provided, and to fix such Turnpike or Turnpikes, Toll-house or Toll-houses, at any other convenient Place or Places in, upon, cross, or on the Side of the said Road or Roads, or cross any Lane or Way leading into the same; and the said several Tolls shall be collected and levied, in Manner as aforesaid, at every such Turnpike so removed or altered; before Trustees may remove any Gates, &c. and fix them in any other Place.

fore any Cattle or Carriage shall be permitted to pass through the same.

No Turnpike to be erected between *Hall's Gate* and *Maxey Outgang*, &c.

Provided always, That nothing herein contained shall authorize the said Trustees, or any of them, to erect or place any Turnpike cross or on the Sides of the Road, between a Place called Hall's Gate, at the End of Littleworth Drove and Maxey Outgang aforesaid, or between Spalding and Crowland.

Trustees who are in Commission of the Peace, may act as Justices.

And be it further enacted by the Authority aforesaid, That such of the said Trustees as are or shall be Justices of the Peace, may, and are hereby authorized and impowered to act as Justices of the Peace in the Execution of the Powers hereby given, notwithstanding his or their being Trustees; except in such Matters, Things, and Respects, in which they shall be personally interested, in which no Person shall act either as a Trustee or Justice; nor shall any Person act as a Trustee, who shall hold any Place of Profit under this Act, during his Enjoyment of such Place of Profit.

Trustees not to act where interested.

No Trustee to accept of any Place of Profit arising from the Tolls.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Information, Appointment, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or otherwise howsoever, or other Writing whatsoever, for putting this Act in Execution, shall be charged or chargeable with any Stamp Duty whatsoever.

Trusteees not to intermeddle with the Banks, &c. of *Deeping Fen*, &c.

Provided always nevertheless, and it is hereby further enacted, That this Act, or any thing herein contained, shall not extend, or be construed to extend, to impower the said Commissioners or Trustees, appointed for putting this Act in Execution, to have, use, or exercise, any Power or Authority over, or to intermeddle with, any of the Banks, Sewers, Drains, or Works, already made, or hereafter to be made, by the Undertakers for the draining of the said Fen called Deeping Fen, by virtue of an Act made in the Sixteenth and Seventeenth Years of the Reign of the late King Charles the Second, and of another Act made in the Twenty second Year of the Reign of the said King; the one intituled, An Act for the draining of the Fen called *Deeping Fen*, and other Fens therein mentioned; and the other, intituled, An Act for settling the draining of the Fens in *Lincolnshire*, called *Deeping Fens*; or by virtue of any other Act or Statute whatsoever; or to invalidate, lessen, diminish, alter, or take away, any of the Rights,

Powers, and Authorities, vested in the said Undertakers, to set down Sluices or Tunnels in any Bank or Road to be made by the said Commissioners or Trustees, or any other Power or Authority vested in the said Undertakers; but that all Rights, Powers, and Authorities whatsoever, which, by virtue of the said Acts passed in the Sixteenth and Seventeenth, and in the Twenty second, Years of the Reign of the said King Charles the Second, or any other Act or Statute whatsoever, or otherwise, now are vested in the said Undertakers, or any of them, shall, for ever hereafter, remain, continue, and be, in the said Undertakers for draining the said Fens called Deeping Fens, and other the Fens thereto belonging and adjoining, and every of them, as fully and amply, to all Intents and Purposes, as if this Act had never been made.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought by any Person or Persons, for any thing done by virtue of this Act, or in relation to the Matters herein contained, every such Action and Suit shall be commenced within the Space of Six Calendar Months next after the Fact committed, and not afterwards; and shall be brought, laid, and tried, in the County or Place where such Matters and Things respectively shall be committed or done, and not elsewhere; and that the Defendant or Defendants, in all such Actions and Suits, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, on any Trial or Trials which shall be had thereupon; and that the same was done in pursuance and by the Authority of this Act: And if the same shall appear to have been so done; or if any such Action or Suit shall not be commenced within the Time limited, or shall be brought in any other County or Place than as aforesaid; then the Jury shall find for the Defendant or Defendants: And if a Verdict shall be found for such Defendant or Defendants; or if the Plaintiff or Plaintiffs in any such Action or Suits shall become Nonsuited, or suffer a Discontinuance of such Action or Suit; or if, upon Demurrer, Judgement shall be given for the Defendant or Defendants; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs; and shall have such Remedy for recovering the same, as any Defendant or Defendants may have for Costs in other Cases by Law.

General Issue.

Treble Costs.

Publick Act. And be it further enacted by the Authority aforesaid, That this Act shall be adjudged, deemed, and taken, to be a Publick Act; and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

FINIS.