Anno tricesimo primo

Georgii II. Regis.

An Act for repairing and widening the Roads from *Donington High Bridge* to *Hale Drove*, and to the *Eighth Mile Stone*, in the Parish of *Wigtoft*, and to *Langret Ferry*, in the County of *Lincoln*.

WHEREAS the Roads leading from Donington High Bridge, through the Towns of Donington and Swineshead, to Hale Drove, and through Swineshead Northend, over Holland or Eight Hundred Fen, through Fourthend Lane, and the Towns of Boston, Skerbeck Quarter, by Wiberton Old Mile Stone, Frampton Mill, through the Town of Kirton, by Sutterton Watch House, to the Eighth Mile Stone, in the Parish of Wigtoft, and from Langret Ferry, over a Bridge called Toft Tunnel, over the Holland or Eight Hundred Fen, to the Road leading from Swineshead to Boston, in the County of Lincoln, 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: Preamble.

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 Vere Bertie, commonly called Lord Vere Bertie; the Right Honourable Robert Bertie, commonly called Lord Robert Bertie; the Right Honourable Brownlow Bertie, commonly called Lord Brownlow Bertie; the Right Honourable Albemarle Bertie, commonly called Lord Albemarle Bertie; the Right Honourable George Manners, commonly called Lord George Manners; the Right Honourable Robert Manners, commonly called Lord Robert Manners; the Right Honourable William Manners, commonly called Lord William Manners; the Honourable George Hobart, the Honourable George Monson, the Honourable Lewis Dymoke, Sir John Cust, Sir Francis Dashwood, Sir John Heathcote, Sir Atwel Lake, Sir Matthew Lamb, Sir Francis Whichcot, Baronets; Charles Amcotts, Dingley Askham, Esquires; John Ayre, Nicholas Ayscough, Gentlemen; William Banks, Trollop Browne, Richard Bestoe, Samuel Brown, Peregrine Bertie, Everard Buckworth, Robert Barbor, Thomas Brown, Esquires; the Reverend Charles Beridge LL. D. the Reverend Henry Best Clerk, Robert Barlow, Richard Bell, Bartholomew Barlow, Thomas Burton, Robert Barlow junior, Thomas Brown, Francis Bealy, George Barnes, Joshua Baxter, Saibanks Broughton, Thomas Brotherton, Isaac Boll, John Brotherton, Robert Blackith, Gentlemen; Francis Cust, John Chaplin, Zachary Chambers, Esquires; the Reverend John Calthrop, the Reverend Richard Cust, Simon Cole, Clerks; Richard Calthrop, Jacob Conington, Thomas Copps, Thomas Cheyney, John Cheyney, William Chown, John Cole, John Colby, Richard Chown, Cole, Gentlemen; Charles Dymoke A. D. Edward Draper Gentleman, the Reverend Jeremiah Ellis Clerk, Richard Pydell, Francis Fane, Esquires; the Reverend Richard Falkner, George Ferne, Cecil Fairfax, Clerks; Samuel Forster, Thomas Fisher, Joseph Fotheringham, Gentlemen; Richard Gilbert Esquire, the Reverend Francis Gough Clerk, William Garfit, William Garfit junior, John Golding, Gentlemen; Robert Banks Hodgkinson Esquire, John Hallam, Thomas Hardwick, Thomas Hall, John Haw, John Harvey, George Fitzwilliam Hodgson, John Hinch, William Higden, Samuel Jackson, William Jackson, Robert Kelham, Benjamin Kippis of Soterton, Gentlemen; Bibi Lake Esquire, the Reverend John Linton, John Linton junior, Clerks; John Lowe Gentleman, John Michell,

Trustees Names.

John Manners, Esquires; the Reverend Charles Myres, James Musent, Clerks; Samuel Obbinson Gentleman, Samuel Preston Esquire, John Parrish, Edward Parrish, Samuel Penson junior, Gentlemen; Samuel Reynardson, Charles Reynolds, Esquires; the Reverend Ebenezer Radcliff Clerk, John Rasor junior, Gentleman; Adlard Squire Stukeley Esquire, the Reverend John Shaw, John Smith, Smith of Sutterton, Anthony Skepper, Clerks; Edward Stevens, John Simpson, Thomas Saul, William Stephens, Thomas Staveley, George Stevens, Henry Spur, Oliver Shepherd, Thomas Staveley, Gentlemen; Richard Tunnard, Anthony Taylor, John Harvey Thursby, Esquires; the Reverend Trimnell, Brownlow Toller, Clerks; Francis Thirkill, Jeffery Tysdale, Kerchever Thompson, William Thompson, Tristram Twell, John Tunnard, Jessop Thorold, Francis Taylor, Gentlemen; Robert Vyner, Robert Vyner junior, Thomas Whichcot, Charles Wood, Willoughby Wood, Charles West, Peter Wyche, Christopher Whichcote, Francis Whichcote, Esquires; the Reverend Samuel Whiting Clerk, Robert Wilby, West Wheldale, John West, John Wayet junior, William Wells, Thomas Waite, Bartholomew Wells, Edward Wright, Thomas Wright, William Watson, William Watson junior, John Ward, John Wood, Seni West, John Yerburgh, Gentlemen; and the Mayor, Recorder, Deputy Recorder, Aldermen, and Town Clerk, of Boston for the time being, shall be, and they and their Successors, to be elected in Manner herein after mentioned, are hereby appointed Trustees for ordering, amending, widening, and keeping in Repair, the said Roads, and also for putting in Execution all the Powers hereby given; and they the said Trustees, or any Five or more of them, shall or may cause to be erected a Turnpike or Turnpikes in or cross the said Road at or near Donington High Bridge, or betwixt the said Bridge and the Town of Donington; and also one other Turnpike or Turnpikes cross the said Road at or near the Guide Post in the Road betwixt the said Town of Donington and the Town of Swineshead; and also one other Turnpike or Turnpikes cross the said Road betwixt the said Town of Swineshead and Hale Drove; and also one other Turnpike or Turnpikes cross the said Road at or near a Bridge called Toft Tunnell; and also one other Turnpike or Turnpikes cross the said Road in or near Fourthend Lane, on the West Side of the Town of Boston; and also one other Turnpike or Turnpikes cross the said Road betwixt the Town of Boston and the Eighth Mile Stone in the Parish of Wigtoft, within Two Miles of the Town of Boston; and shall also cause to be erected or provided a Toll-house

Trustees may erect Turnpikes and Tollhouses,

upon, or adjoining to, the said Roads at or near each of the Places where the said Turnpikes shall be erected:

and make Ditches, Banks or Fences.

And shall also cause to be made such Ditches, Banks, or other Fences, along or near the said Roads, or any Part thereof, as they shall from time to time find necessary, in order to prevent any Person or Persons passing with any Cattle or Carriages from avoiding any or either of the said Turnpikes.

Trustees may erect Sidegates, &c.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, by any Order made at any of their publick Meetings, if they think it necessary, to cause One or more other Turnpike or Turnpikes to be erected on the Side or Sides of the Roads hereby intended to be repaired, across any Road, Lane, or By-way, leading into the same; and also to erect or provide a Toll-house at each of the Places where such Turnpikes shall be erected.

Trustees may remove Turnpikes, &c.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Seven or more of them, assembled at their General Annual Meeting, to take up, alter, and remove, any Turnpike or Turnpikes, Toll-house or Toll-houses, by this Act impowered to be erected or provided, and fix such Turnpike or Turnpikes, and a Toll-house or Toll-

and fix them in any other Place.

houses, at any other convenient Place; and also to erect or provide any other Turnpike or Turnpikes, Toll-house or Toll-houses, at any other Place or Places in, upon, across, or on the Sides of, the said Roads.

No Bar to be erected at *Toft Tunnel*, until 500*l* be subscribed.

Provided nevertheless, That no Turnpike shall be erected at or near Toft Tunnel, until the Sum of Five hundred Pounds shall be actually subscribed towards repairing the said Roads, over and above what was subscribed on or before the First Day of January, One thousand seven hundred and fifty eight.

And be it further enacted by the Authority aforesaid, That at each and every of the Turnpikes which shall be at any Time erected by virtue of this Act, the following Tolls shall be taken by such Person or Persons as the said Trustees, or any Five or more of them, shall appoint for that Purpose, 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, or other Beast of Draught, drawing any Carriage, Three Pence.

For

For every Horse, Mare, Gelding, Mule, Ass; or other Beast of Burthen, 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 every greater or less Number.

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

Which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll; and all the said Tolls shall be, and are hereby, vested in the said Trustees, and shall be applied or assigned in such Manner as is herein after mentioned; 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 to collect the said Tolls as aforesaid, to seize and distrain any Horse or Horses, or other Cattle or Beasts, upon which such Toll is by this Act imposed, or any of the Goods and Chattles of such Person or Persons so refusing or 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, Beasts, 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, Distress, Detainer, and Sale, shall be deducted.

Tolls vested in Trustees.

Tolls to be levied by Distress and Sale.

Distress may be sold after 4 Days.

Provided always, That no Person shall be subject to pay Toll more than Once in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) for passing with the same Cattle or Carriage through all or any of the Turnpikes to be erected by virtue of this Act; but that all Persons, after Payment of Toll Once, shall, during the Remainder of the Day, pass Toll-free with such Cattle or Carriage, upon producing a Ticket, denoting the Payment of the Toll; which Ticket the Collectors of the Tolls are hereby required to give gratis, upon Receipt of the Toll.

Tolls to be paid but Once a Day.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses, which shall be 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 vested in the said Trustees; and they, or any Five or more of them,

Turnpikes and Toll houses vested in the Trustees.

are hereby impowered to dispose thereof as they shall think proper; and to bring Actions, or prefer Bills of Indictment, in their Names, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, or any One or more of them, against any Person or Persons who shall any ways injure or disturb them in the Possession thereof.

Times and Places of Trustees Meetings.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet together at the House known by the Sign of the White Hart at Boston, on the Fourteenth Day after the passing of this Act, and proceed to the Execution of this Act; and adjourn themselves to such Place upon or near to any Part of the said Roads, in the said County of Lincoln, as they the said Trustees, or any Five or more of them, shall think most convenient; and from time to time afterwards adjourn themselves to, and hold their Meetings for the Execution of this Act at, such Place or Places within the said Town of Boston, or at such Place or Places upon or near to any Part of the said Roads in the said County of Lincoln, as they the said Trustees, or any Five or more of them, shall think convenient, as often as it shall be necessary for putting this Act in Execution: And that a General Meeting of the said Trustees shall yearly, and every Year, be held on the First Monday in July, in Boston, for the passing and settling of all Accounts of their Treasurers, Receivers, Toll-bar Keepers, and other Officers relating to the said Roads, and for the Choice of Trustees in the Room of such Trustees as shall be then dead, or refuse to act; and that Ten Days Notice of all Meetings shall be given in Writing, to be fixed upon all the Turnpikes which shall be erected upon the said Roads.

Notice to be given of such Meetings.

Charges of passing this Act to be first paid.

And be it further enacted by the Authority aforesaid, That all the Monies arising by the Tolls collected or levied by virtue of this Act, and that shall be borrowed on the Credit thereof, shall be applied in the first Place, in defraying all the Expences incurred in and upon Account of procuring and passing this Act; and shall, from time to time afterwards, be applied in erecting or providing Turnpikes and Toll-houses, and for repairing, turning, altering, widening, and keeping in Repair, the said Roads, and in paying the Interest and Principal of the Monies borrowed, and for executing the necessary Purposes of this Act, and to no other Use or Purpose whatsoever; but those Parts of the said Roads lying on each Side of the Town of Boston, within the Distance

stance of One Mile from the said Town, shall be first amended and repaired.

Provided also, and be it further enacted by the Authority aforesaid, That no Part of the Money arising by virtue of this Act shall be applied in or towards repairing any Part of the Streets already paved in the Town of Boston, betwixt the East End of the Fould in Fourth-end Lane, and the South End of the House now in the Tenure of William Garfit, Merchant; but that such Streets, and every Part thereof, shall continue to be paved and repaired in the same Manner as they have used to be before the making of this Act. Pavements how to be kept in Repair.

And whereas the Payment of the said Tolls may be evaded, or greatly lessened, by the Passage of Cattle and Carriages along the Road on Hammond Beck Banks, at or between Swineshead, Bargate, and Donington High Bridge; be it therefore enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, to cause the said Road on Hammond Beck Banks to be fenced, or otherwise stopped up, and, from time to time kept constantly fenced or stopped up, in such Manner as the said Trustees, or any Five or more of them, shall think proper: And if any Person or Persons shall wilfully damage or destroy such Fence, or open the said Passage hereby intended to be discontinued, every such Person shall pay to the said Trustees, or their Treasurer, the Expence of repairing and restoring the said Fence; and shall also for every such Offence, forfeit such Sum not exceeding Ten Pounds, nor less than Twenty Shillings, as the said Trustees, or any Five or more of them, shall appoint; which said Expence shall be recovered in such Manner as the Penalties in this Act are herein after appointed to be recovered. Power to stop up Passage.

Provided always, That nothing in this Act contained shall extend to deprive the Inhabitants of Haute Hills of their usual Way or Passage for Cattle or Carriages along the Banks of Hammond Beck aforesaid; but that One or more convenient Gate or Gates, if necessary, shall be made, with Locks thereon, at the Expence of the said Trustees, the Keys whereof shall be delivered to such Inhabitants, they paying for such Keys. Proviso.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Seven or more of them, from time to time, with the Consent of the Mortgagee or Mortgagees, to lessen all or any of the Tolls by this Act granted, and for such Time as they shall think proper; and the Tolls so lessened, shall be recovered and levied in such Manner as is Trustees, with Consent of the Creditors, may lessen the Tolls,

herein before mentioned for recovering and levying the Tolls herein before granted; and the said Trustees, or any Seven or more of them, 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.

and raise them again, if necessary.

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, Mare, Gelding, Ox, Mule, Ass, Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Waggon, Wain, Cart, Dray, or other Carriage, pass through any Ground, Parcel of Land, or other Place, adjoining to, or lying near, any or either of the said Turnpikes, the same not being a Common Road (the Owner or Occupier of such Ground, Land, or Hereditament, through such Gate or Way as he hath usually passed through the same, excepted) or through or along the Road on Hammond Beck Banks, hereby ordered to be stopped up (the Inhabitants of Haute Hills only excepted) or if any Owner or Occupier of any Ground, Land, or Hereditament, which shall adjoin or lie near to any or either of the said Turnpikes; or if any Inhabitant of Haute Hills, by leaving the Gate on Hammond Beck Banks open or unlocked, or by giving or lending his Key; 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 any such Ground, Land, or Hereditament, or the said Gate; or if any Person or Persons shall give to, or receive from, any other Person or Persons, except the Collectors of the Tolls, any Ticket of the Day, by this Act directed to be given by such Collectors, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall take off, or cause to be taken off, any Horse, or other Cattle, from any Coach, Waggon, or other 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 Roads, any Coach, Waggon, or other Carriage, Horse or other Cattle, with such Intent as aforesaid, whereby the Payment of the said Tolls, or any Part thereof, shall be avoided; every Person so offending, in each, any, or either of the Cases aforesaid, shall for every such Offence, forfeit the Sum of Twenty Shillings; whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the other Penalties, are herein after directed to be applied.

or giving or receiving Tickets,

or taking off Horses, &c. to avoid Payment of the Tolls.

Provided

Provided also, and it is hereby further enacted by the Authority aforesaid, That no Toll shall be demanded or taken for any Horse, or other Cattle or Carriage, employed in the Conveyance of any Stones, Gravel, or other Materials, for the repairing of any Highway, or of any Lime, Dung, Mould, Soil, or Compost, of any Kind, for the manuring of any Garden, or other Land or Ground, or that shall be used or employed in the ploughing, sowing, tilling, or cultivating, of any Land or Ground; or for any Horse, or other Cattle or Carriage, employed in the Conveyance of any Hay to be stacked, or Corn in the Straw, to be laid up in the Houses, Outhouses, Yards, or Grounds, of the Owner or Owners thereof; or for any Horse or other Cattle, drawing or conveying any Plough, Harrow, or other Implements of Husbandry, in order for the repairing thereof, or using them in Husbandry or manuring of Land; or for any Horse or other Cattle, going to, or passing from Water or Pasture, or from one Pasture to another for Feed, such Pastures laying on the South or South West Side of the River Wytham, or to be or from being shoed, farried, or cured of any Lameness, Illness, or Distemper; or for any Sheep going to be, or returning from being, washed in any Wash, Dyke, River, or other Place used for the Washing of Sheep in or near any Part of the said Roads, or for any Sheep going to be, or returning from being, clipped in any Place used for the Clipping of Sheep near the said Roads; or for any Post-horse, carrying any Mail or publick Packquet; or for the Horses of any Soldiers on their March, or for any Carriage or Horse or other Cattle, employed in the drawing or conveying their Arms or Baggage; or for any Carriage or Cattle employed in the passing of Vagrants with lawful Passes; nor shall any Person or Persons be subject to pay any Toll for the passing, returning, or repassing, of any Horse, Mare, Gelding, Mule, or Ass, or of any Coach, Berlin, Landau, Chariot, Chaise, Chair, Calash, Caravan, or any other 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 County of Lincoln, on the Day of such Election or Elections, or on the Day before or Day after such Election shall begin, or be concluded: Nor shall the Owners or Drivers of any Waggons, Carts, or Carriages, which shall come without any Loading to the said Towns of Donington, Swinshead, or Boston, over Night, and shall pass the next Day loaded, be subject to more than One Payment of the said Tolls; the Owner or Driver of such Waggon,

Persons and Things exempted from Tolls.

Cart, or Carriage, producing a Ticket, signifying that such Toll was paid for such Waggon, Cart, or Carriage, when it passed unloaded the Day before; any thing herein contained to the contrary notwithstanding: And if any Person or Persons 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; whereof One Moiety 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.

Penalty on Persons making illegal Claims.

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, at any Meeting to be holden in the said Town of Boston, from time to time, to assign over the Tolls arising by virtue of this Act, or any Part thereof (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, with Interest not exceeding Four Pounds Ten Shillings per Centum per Annum, to such Person or Persons, or their Trustees, who shall advance the same, by the following Words of Assignment under their Hands, or by any other Words, in Writing, to that Purpose:

Form of Assignment.

BY virtue of an Act made in the Thirty first Year of the Reign of His Majesty King *George* the Second, *for the amending of the Roads from* Donington High Bridge *to the* Eighth Mile Stone, *in the Parish of* Wigtoft, *and also to* Langret Ferry, *in the County of* Lincoln; we, Five of the Trustees, do assign unto *A. B.* his Executors, Administrators, or Assigns, in Consideration of the Sum of from this Day of in the Year of our Lord One thousand seven hundred and during the Continuance of the said Act, or until the said Sum of with Interest at the Rate of *per Centum per Annum*, shall be repaid, such Proportion of all the Tolls arising by virtue of this Act, as the said Sum of shall bear to the whole Sum advanced on the Credit of the same.

And all and every Person or Persons, to whom the said Trustees, or any Five or more of them, shall at any Time make such Assignment or Assignments, shall be equally intitled to their Proportion of the said Tolls, according to the respective Sums in such Assignment mentioned to be advanced, to secure the Repayment thereof, with Interest,

as

as aforesaid, without any Preference by reason of Priority of Assignment, or on any other Account whatsoever; and the Money so borrowed shall be applied in such Manner as the Tolls are directed to be applied, and to no other Use or Purpose: And Entries or Memorials of every such Assignment or Assignments, containing the Date, Names of the Parties, and Sums of Money borrowed, shall be made in a Book or Books to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees; 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 Tolls, after the First Meeting of the said Trustees, unless Notice be for that Purpose fixed, in Writing, under the Hand of the Clerk or Clerks to the said Trustees, upon all the Turnpikes then erected by virtue of this Act, at least Fourteen Days before the borrowing of such Money: And all and every Person or Persons, to whom any such Assignment or Assignments shall be made as aforesaid, or who shall be intitled to the Money thereby secured, may, from time to time, assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest thereby secured, to any Person or Persons whomsoever; indorsing on the Back of such Security, before One credible Witness, the following Words, or Words to the like Effect:

Entries and Assignments to be made in a Book, to be seen at all Times without Fee.

14 Days Notice to be given of borrowing Money.

Assignments may be transferred.

I Do transfer this Assignment, with all my Right and Title to the Principal hereby secured, and to all the Interest now due, to *C. D.* his Executors, Administrators, or Assigns.

Form of Transfer.

Dated this Day of

A. B.

Witness, *G. H.*

Which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers; who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Date, Names of the Parties, and Sums of Money therein transferred, in the said Book or Books to be kept for the entering the said original Assignments; for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid such Sum as the said Trustees, or any Five or more of them, shall appoint, not exceeding the Sum of Two Shillings and Six Pence, and no more: And after such Entry made,

Transfers to be entered in a Book.

Clerk's Fee.

but not till then, such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignees 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 the same, or any Monies thereby due, or any Part thereof.

Trustees to appoint Officers,

And be it further enacted by the Authority aforesaid, That the Trustees, or any Seven or more of them, may, and are hereby authorized, from time to time, to appoint proper Persons to be Collectors and Receivers of the Tolls; and One or more proper Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, of the said Roads, and such other Officer or Officers as the said Trustees, or any Seven or more of them, shall think necessary; and shall take such Securities for the due Execution of their respective Offices, as the said Trustees, or any Seven or more of them, shall think fit; and such Collectors, Receivers, Clerks, Treasurers, Surveyors, and other Officers, and any or either of them, from time to time, to remove, and to appoint others in the Stead of such of them as shall be so removed, or shall resign, or shall die; but Notice in Writing of the Intention to proceed to such Appointment, and of the Time and Place where the Meeting is to be held, shall be first given and fixed upon all the Turnpikes, at least Ten Days before every such Appointment: And may, and are hereby impowered, out of the Monies arising by virtue of this Act, to contract for, allow, and pay, to such Collectors, Receivers, Clerks, Treasurers, Surveyors, and other Officers, and to such other Person and Persons as shall be assisting to them in the Execution of this Act, such Salaries, Rewards, or Allowances, as they the said Trustees, or any Seven or more of them, shall think reasonable.

and remove them, and appoint others.

10 Days Notice to be given of the Meeting for such Election.

Trustees to allow Officers Salaries.

Provided always, That no Collector of the Tolls, to be appointed by virtue of this Act, shall gain a Settlement in any Parish or Place, by his being appointed to, or executing, such Office.

No Collector shall gain any Settlement.

And be it further enacted by the Authority aforesaid, That all and every such Collectors and Receivers, Clerks, Treasurers, and Surveyors, and other Officers, and all other Persons whatsoever, who shall have or receive any of the Monies which shall be raised, collected, or received, by virtue of this Act, shall, at the Annual General, or any other Meeting, and, from time to time, when and as often as he or they shall be thereunto required by the said Trustees, or any Five or more of them, produce and give

Officers to account upon Oath.

give up to the said Trustees, or any Five or more of them, 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, hath or have been disposed of or applied, together with proper Receipts and Vouchers for the Payment or Payments thereof; 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 Seven or more of them, or to such Person or Persons, and to such Uses and Purposes, as they, or any Seven or more of them, shall direct; and that all such Officers and Persons, so accounting, or to account, as aforesaid, shall, if required, upon their several Oaths (which Oaths any Two or more of the said Trustees are hereby impowered to administer) verify their said Accounts, and the particular Items and Articles thereof: And if any or either of such Officers or Persons, 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 or their Oath or Oaths, or shall refuse or neglect to pay such Monies as, upon the Balance of any Account or Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Seven or more of them, or as they shall direct or appoint; then, and in either of the Cases aforesaid, such Trustees, or any Five or more of them, may and are hereby impowered to bring, or cause to be brought, any Action or Actions in the Name of such Trustees, or in the Name or Names of any One or more of them, against the Officer or Officers, Person or Persons, so refusing or neglecting as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons, respectively; or if Complaint shall be made of any such Refusal or Neglect, as aforesaid, to any Two Justices of the Peace for the County, Division, or Place, where such Officer or Officers, Person or Persons, so neglecting or refusing, shall be or reside, such Justices may, and are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before them; and, upon his or their appearing, or not being to be found, to hear and determine the Matters of such Complaint in a summary Way, and to settle the said Account or Accounts,

Officers not making Account and Payment,

may be sued;

Justices to enquire into the Default,

if

if produced, in such Manner as the said Trustees, or any Five or more of them, by virtue of this Act, might have done: And if upon the Confession of the Party or Parties, or by the Oath or Oaths of One or more Witness or Witnesses (which said Oath or Oaths such Justices are hereby impowered to administer) it shall appear to such Justices, that any of the Monies which shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may, and are hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods of such Officer or Officers, Person or Persons, respectively: And if no Goods of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of levying the same; or if any such Officer or Officers, Person or Persons, shall not appear before the said Justices at the Time and Place by them appointed for that Purpose, upon Notice thereof, in Writing, being delivered to such Officer or Officers, Person or Persons, or left at their last Place or Places of Abode respectively; or, if appearing, shall refuse or neglect to give or deliver to the said Justices such Account or Accounts of the Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, and the Items and Articles thereof, upon Oath, as aforesaid, or to produce or deliver up to the said Justices the several Receipts and Vouchers relating to such Accounts respectively, and to the Items and Articles thereof; then, and in either of the Cases aforesaid, the said Justices may, and are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to cause such Officer or Officers, Person or Persons, to be committed to the common Gaol of the County, Division, or Place, where such Officer or Officers, Person or Persons, shall live or reside; there to remain without Bail or Mainprize, until he or they shall have delivered in, and settled, his or their respective Accounts, and verified the Items thereof on Oath; and shall have produced and delivered up the Receipts and Vouchers relating to such Accounts respectively; and shall have paid all the Monies which shall appear to be in their respective Hands, and the reasonable Charges of such Distresses as shall in those Respects have been made, or shall have compounded with such Trustees, or any Five or more of them, for the same, and paid the Composition Money; which said Compositions the said Trustees, or any Seven or more of them, are hereby impowered to make.

and levy the Balance by Distress and Sale;

and for want of Distress, or Offender refusing to appear and account,

may commit the Offender to Gaol.

And be it further enacted by the Authority aforesaid, That the said Surveyor or Surveyors, or any Person or Persons who shall, by the said Trustees, or any Five or more of them, or by the said Surveyor or Surveyors, be employed for that Purpose, may, and is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Sand, or other Materials proper for the repairing the said Roads, in, upon, out of, or from, any Part of Holland Fen, or from any Waste or Common Grounds, River, or Brook, in any Parish, Town, or Place, through which the said Roads lead, or which do adjoin or lie near to the said Roads, or in any neighbouring Parish, Town, or Place, to be used in repairing the said Roads, 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 fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle: And if sufficient Quantities of Furze, Heath, Stones, Gravel, Sand, or other Materials, cannot be had or found in or upon such Fen, Waste or Common Grounds, Rivers, or Brooks; then to cut, dig, gather, take, and carry away, any Quantity or Quantities of Furze, Heath, Stones, Gravel, Sand, or other Materials, proper and sufficient for that Purpose, in, upon, or out of, from, and over, the Lands or Grounds of any Person or Persons (such Lands and 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 Person or Persons by them employed as aforesaid, or some or One of them, having an Order from the said Trustees, or any Seven 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 such Materials shall be digged, gathered, and conveyed, and over which the same shall be conveyed, as the said Trustees, or any Seven 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, or fencing off such Pits, as aforesaid: And in case of any Difference between the said Trustees, Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning such Damages, the Justices of the Peace, or the major Part of them, who shall be assembled at the next General Quarter Session for the

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

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.

Justices to determine Differences.

the Division or Place wherein the said Materials shall be so cut, digged, gathered, taken, and carried away, 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 him, her, or them, to the said Surveyors, or to be left at their respective Places of Abode, with some or One of their respective Families, shall hear, settle, and determine the Matter of the said Damages; whose Judgement or Order therein shall be final and conclusive to all Parties.

Cattle employed to be depastured on Commons and Waste Grounds.

And whereas the Roads hereby intended to be amended lie in a fertile grasing Country, which probably may not supply Cattle and Carriages sufficient for the Purposes of this Act: And whereas considerable Parts of the said Roads lie through very large and extensive Common Fens; be it therefore enacted by the Authority aforesaid, That it shall be lawful for any Person or Persons, during such Time as he or they are employed in repairing the said Roads, to depasture and keep all such Horses, or other Cattle, as are so employed, in or upon any Common Fen, or in or upon any Waste Ground, belonging to any Parish through which any Part of the said Roads do lie, without paying any thing for the same, or being molested or sued for trespassing, or otherwise: Provided that such Power of Depasturing shall not, for any other Purpose, extend to affect or prejudice the Rights of the Lord or Lords of the Soil of Holland Fen.

Surveyors may remove Annoyances,

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said 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 Roads, by Filth, Dung, Ashes, Rubbish, Water, or otherwise; and to turn, scour, or cleanse, any Watercourses, Sinks, or Drains, running into, along, or out of, the said Roads, and make the same as deep and large as he or they shall think proper; and also to cut down any Trees or Bushes growing in the said Roads; or to cut down, lop, or top, any Trees or Bushes growing 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 or carry away such Trees or Bushes as aforesaid, or to turn, open, scour, or cleanse, such Watercourses or Drains, or remove such other Annoyances, for the Space of Ten Days next after Notice

cleanse Ditches &c.

lop or top Bushes;

the Owners neglecting to remove the same, after Notice;

in

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 reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers; the same to be recovered in such Manner as the Penalties 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 to be reimbursed the Charges;

Penalty for the Second Offence.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said 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 Roads, and also Ditches and Drains through any Ground lying contiguous thereto; and to erect Bridges or Arches upon the said Roads, or enlarge any Bridges already made, so as to be passable at all Times for Coaches, Waggons, or other Carriages; and also to make, or cause to be made, a Road through the Grounds adjoining to any narrow or ruinous 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 or 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 Seven or more of them: And in case of any Difference concerning the same, between such Owners or Occupiers and the said Trustees, it shall be lawful for the Justices of the Peace, or the major Part of them, who shall be assembled at the next General Quarter Session for the Division or Place wherein such Lands or Grounds lie (upon such Notice to be given by such Owners or Occupiers, or the said Surveyors, as is herein before mentioned with respect to Differences arising touching the Damage occasioned by getting Materials for Repair of the said Roads) to settle, adjudge, and finally determine, what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid.

Surveyors may make Causeways,

cut Drains,

and erect Bridges, &c.

and make a temporary Road;

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

And

And whereas it is absolutely necessary, for the repairing some Parts of the said Roads, to convey the Materials in Boats along the Drains or Ditches leading to or near the said Roads, and to make Cuts or Communications between such Drains or Ditches; be it therefore enacted by the Authority aforesaid, That it shall be lawful for such Person or Persons as the said Trustees, or any Five or more of them, shall appoint, to make use of any publick or Parish Drain leading to or near the said Roads, or of any Ditch lying contiguous, or within One hundred Yards of the said Roads, for the Conveyance in Boats of any Materials to be used in repairing the said Roads; and to hale, with Men or Horses, on the Bank or Banks of such Drains or Ditches; and to open, scour, widen, and make deeper, such Drains or Ditches; and to make Cuts or Communications between such Drains or Ditches; and to remove all Obstructions, so as to make a free Passage for the Boats employed in the Conveyance of any of the said Materials; making such reasonable Satisfaction for any Damage done to the Lands or Grounds of any Person or Persons (such Lands or Grounds not being Common or Waste Grounds) as shall be agreed upon between such Person or Persons and the said Trustees, or any Seven or more of them.

Trustees may make use of Drains, or cut new ones, for Conveyance of Materials;

making Satisfaction for Damages.

Provided always, That the said Trustees, or any Five or more of them, shall, and they are hereby required to erect a Pen Sluice, not exceeding Eighty Yards in Length, in every Cut which shall be made by virtue of this Act, for Communication between the several and respective Drains, with sufficient Doors to prevent any more Water passing in or out of the said Drains, than what shall be contained in the said Pen Sluice while the Boats are passing the same; and may and are hereby impowered and required, in case any Lands shall be overflowed or annoyed, or be in Danger of being overflowed or annoyed with Water, by Reason or Means of any Works which shall be made by virtue of this Act, to erect One or more Horse Engine or Engines, or any other Sort of Engine or Engines, and cause such Engine or Engines to be worked so long as the same shall be necessary; and such Drains or Ditches shall be made use of for the Purposes of this Act; the Expence whereof shall be defrayed out of the Monies arising by virtue of this Act: And the said Trustees, or any Five or more of them, may, and are hereby impowered and required, if necessary, to issue back the full Quantity of Water out of such Drains or Ditches, which, by any Works to be

A Pen Sluice to be erected in every new Cut,

and Horse Engines where necessary.

done in pursuance of this Act, shall have been admitted into the same.

Drains subject to Court of Sewers, not of legal Dimensions, to be widened, &c. on Notice; in Case of Neglect, Trustees may widen them:

Provided also, and be it further enacted by the Authority aforesaid, That where any Drains, subject to the Court of Sewers, intended to be made use of for the Purposes of this Act, shall not be found of such Dimensions as they are required to be by the Laws of Sewers in being at the Time of passing this Act; it shall be lawful for the said Trustees, or any Five or more of them, or for any Person or Persons whom they shall appoint, to scour out, widen, and deepen such Drains, in such Manner as is required by the Laws of Sewers aforesaid, in case the Person or Persons who of Right ought to do the same, shall neglect, for the Space of Fourteen Days next after Notice in Writing given for that Purpose, under the Hands of the said Trustees, or any Five or more of them; the Charges whereof shall be reimbursed to the said Trustees, by such Person or Persons who of Right ought to have done the same, to be recovered in such Manner as the Penalties are herein after directed to be recovered.

Their Charges to be reimburied.

Persons aggrieved may appeal to the Quarter Session for the Division of *Kesteven*.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall be aggrieved or prejudiced by the Use of any such publick Drain or Ditch, or the making of any Cut or Communication for the Conveyance of Materials to repair the said Roads, or by the haling of such Boats, or removing of Obstructions, and shall not agree with the Trustees, or any Five or more of them; or, by reason of any Adjournment, shall not have an Opportunity of treating with such Trustees touching the Recompence to be made for the same, or shall be aggrieved or prejudiced by the altering of any Drain as aforesaid subject to the Court of Sewers, or the levying the Charge of any such Alteration; or if the said Trustees, or any Five or more of them, shall not, upon the Application of any Person or Persons occupying Lands in any Parishes through or near which any of the said Drains or Ditches do lead, setting forth, that such Lands are annoyed, or in Danger of being annoyed, with Water, by Means of any Cut or Communication which shall be made by virtue of this Act, cause One or more proper Horse Engine or Engines, or other Engine or Engines, to be erected, and to be worked in such Manner as may be necessary to preserve such Lands, or to issue back out of any such Drain the full Quantity of Water which shall have been let into the same as aforesaid; in each and every such Case, such Person or Persons may appeal to the Justices of the Peace at any General Quar-

ter Session which may be held for the Division of Kesteven, within the Space of Four Months after the Cause of Complaint shall arise; first giving, or causing to be given, Ten Days previous Notice in Writing of such Appeal, and of the Cause or Matter thereof, to the Treasurer or Clerk to the said Trustees; and the Justices assembled at any such Session, or the major Part of them so assembled, upon Proof of such Notice having been given, shall hear and determine the Matters of every such Appeal, and may order and direct any such Works to be altered, removed, or taken away, and such Cuts or Communications to be stopped or altered; and may settle and award such Recompence for Damages done by haling, or by making any Works in pursuance of this Act; and may order any Monies levied for defraying the Charge of scouring, widening, or depthening any such Drain, as aforesaid, to be repaid, and order such Engines to be erected and worked in such Manner as shall be necessary, and such Water to be issued back, as aforesaid; or may ratify and confirm the Orders and Proceedings of the said Trustees, or any of them, and make such other Orders, and give such Directions in relation to the Matters of such Appeal, as they shall think just and reasonable, and shall give Full Costs to the Parties in whose Favour such Appeal shall be determined: And if any such Appellant shall not appear, and prosecute such Appeal with Effect, within the Space of Four Months after the Cause of Complaint shall have arisen, such Appeal shall be dismissed with Full Costs to the said Trustees; and the said Trustees are hereby enjoined and required punctually to obey and execute the Orders and Directions of the said Justices: And if any Costs shall be adjudged by such Session to be paid by the said Trustees, such Trustees, or any Five or more of them, may pay the same out of the Monies arising by virtue of this Act; and the Determinations at such General Quarter Sessions, as aforesaid, shall be final and conclusive to all Parties, and shall not be removeable into any other Court by Writ of Certiorari.

10 Days Notice of Appeal to be given.

Justices thereupon to determine finally.

Horse Causeways how to be applied.

And whereas there are certain paved Causeways for Horses running through the several Parishes of Boston, Wiberton, Frampton, Kirkton, Sutterton, Algarkirke, and Donington, in the Road to be amended by this Act, which have been laid down at great Expence by the said Parishes respectively, and which will become useless when the said Roads shall be effectually repaired, and will be of little Service in amending the same; be it therefore enacted by the Authority aforesaid, That it shall be lawful for the Surveyor and Surveyors of the Highways for the

said Parishes respectively to remove the Materials of the said Causeways, and therewith to repair such other Roads belonging to the said Parishes respectively leading to the said Turnpike Roads, as the Justices of the Peace, at any of their Special Sessions to be holden for the Repair of the Highways, or at any Adjournment of such Session, shall direct and appoint: And in case the said Surveyor or Surveyors, or any of them, shall, for the Space of Fourteen Days after the Receipt of any such Order, refuse or neglect to proceed to the Execution thereof, or to finish and complete the Matters thereby directed to be done, within such reasonable Time as shall be therein limited for that Purpose; such Surveyor or Surveyors so refusing, shall forfeit any Sum, not exceeding Five Pounds, nor under Forty Shillings, as the said Justices shall think fit; such Forfeiture to be expended for the Purposes contained in the said Order for removing or laying down the Materials of such Causeways, as aforesaid.

Parishes not obliged to greater Expence than heretofore.

Provided always, That nothing in this Act contained shall be construed to oblige any Parish to expend, in Repair of their Highways, more in any One Year than what they may, by the Laws now in being, be compelled to do.

The Road not to be nearer to any Drain than 30 Feet.

Provided nevertheless, That nothing herein contained shall extend to impower the said Trustees, or any of them, to make, or cause to be made, any Road or Causeway in Holland Fen nearer to any River or Drain than the Distance of Thirty Feet, to be measured from the Centre or middle Part of such Road to the Side of such River or Drain.

Penalty on laying Silt in or near the said Road.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall lay, or cause to be laid, any Silt, Sand, Soil, or other Thing whatsoever, out of, or in cleansing, scouring, or deepening of, any Rivers, Drains, or Ditches, on any Part of the Roads hereby intended to be made or repaired, or on the Side of the said Roads, so as to prejudice or annoy the same; every such Person or Persons, so offending, shall forfeit any Sum, not less than Five Pounds, nor exceeding Twenty Pounds, as shall be adjudged by any Five or more of the said Trustees, for every Offence, if such Silt, Sand, Soil, or other Thing, be not removed and taken away within Ten Days after Notice being given to them, their or any of their Stewards or Agents.

The old Bridges to be removed,

And be it further enacted by the Authority aforesaid, That no Person or Persons, Bodies Politick or Corporate, shall, at any Time during the Continuance of this Act, pull down, remove, or cause to be pulled down and removed,

removed, any Bridge or Bridges (otherwise than for the repairing thereof) in any Part of the Roads hereby intended to be made or repaired, without the Consent of the said Trustees, or any Seven or more of them, at a publick Meeting; and that the Road leading over each and every of the said Bridges shall be deemed, adjudged, and taken, to be a Publick and Common Highway, to the Intent that all Persons obstructing the Passage over all or any of them, may be proceeded against and punished as Persons who stop or obstruct the King's Highway;

or new ones built.

and if any Person or Persons shall build, or cause to be built, any Bridge over any River, Drain, or Ditch, where there is or shall be no Bridge at the Time of the passing of this Act; or shall make, or cause to be made, any Passage over or through any River, Drain, or Ditch, by means of which the Payment of the Tolls hereby granted may be avoided; every such Person or Persons building or making, or causing to be built or made, such Bridge or Passage, shall be liable to the Penalties by this Act inflicted on Persons permitting private Passage.

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

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Seven or more of them, to widen, turn, or alter, any Part of the said Roads, over any Fen, Common, or Waste Grounds, without paying any thing for the same: And in case the said Trustees, or any Seven or more of them, shall think it necessary to widen, turn, or alter, any other Part of the said Roads; it shall be lawful for the said Trustees, or any Seven or more of them, to purchase any Lands or Hereditaments lying contiguous or near to any Part of the said Roads; and, out of the said Tolls, or out of any Money to be borrowed on the Credit thereof, 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 Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and all other Persons whomsoever, to contract and agree with the said Trustees, or any Seven or more of them, for the Purchase of such Lands or Hereditaments, or any Part thereof, or for their Interest therein, for the Purpose aforesaid, and to sell and convey the same, as Occasion shall 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 notwithstanding;

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

notwithstanding: And all Persons are hereby indemnified for what they shall do in pursuance of this Act.

Persons neglecting to treat for the Sale of such Lands.

And be it further enacted by the Authority aforesaid, That if any Bodies Politick or Corporate, Ecclesiastical or Civil, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, 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 Roads shall be intended to be turned, shall, for the Space of Ten Days after such Notice given or left, 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 each and every such Case, the said Trustees, or any Seven or more of them, shall cause it to be enquired into, and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the County, Division, or Place respectively 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 shall be made to, such Owners or Proprietors, or other Person or Persons interested, for or upon the Account of taking such Lands or Hereditaments into the said Roads, or of turning such Roads through the same: And, in order thereto, 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 or 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 Five 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 such Trustees 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, or other Person or Persons interested, according to such Verdict or Inquisition of the said Jury; which Verdict or Inquisition, Judgement, Order, or Determination,

The Damage and Recompence to be assessed by a Jury.

Witnesses may be summoned and examined upon Oath.

Verdict of the Jury to be final.

tion, shall be inrolled with the Clerk of the Peace of the County, Division, Place, or Liberty, in which such Lands or Hereditaments do or shall lie (for the Inrollment whereof such Clerk of the Peace shall not demand or receive any further or other Gratuity than the Sum of Two Shillings) and being so inrolled, shall be final and binding to all Parties and Persons whomsoever 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 to the Sheriff of the County wherein such Lands or Hereditaments are situate, or to his Deputy, thereby commanding him or them to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the said Trustees, or any Seven 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 impaneled, 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 and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve.

Trustees to issue their Warrants to the Sheriff, &c. of the County to impanel a Jury.

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; And the said Trustees, or any Seven 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, Bailiff, 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 of this Act; and on any of the Persons who, being required

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

to

to give Evidence before the said Jury touching the Premisses, shall refuse by 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 are herein after directed to be levied and disposed of; so as that no such Fine exceeds the Sum of Ten Pounds, nor less than Twenty Shillings, upon any One Person for One Offence. Fine not to exceed 10*l.*

And be it further enacted by the Authority aforesaid, That all and every such 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 said Tolls, or out of the Monies to be borrowed upon the Credit thereof, 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 to the Trustees, for the Use of such Persons; and, after One Month's Notice thereof given to such Persons, or their Agents, or left at the usual Place or Places of their Abode, to receive such Money; it shall be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to take into or add to the said Roads 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 and made Part of the said Roads, shall be deemed and taken to be, to all Intents and Purposes, a publick Highway, and Part of the Roads hereby intended to be repaired; and shall be repaired and kept in Repair by such Means as the Roads hereby appointed to be repaired and widened are, 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 shall be vested in, and shall and may be sold and conveyed by, the said Trustees, or any Seven or more of them, for the best Price that can be got for the same; and the Money arising by such Sale shall be applied in such Manner as the said Tolls are hereby directed to be applied. Money allowed for Lands, &c. how to be charged and tendered. Lands, &c. purchased to be made Part of the Roads, and esteemed as publick Highways. Old Road may be sold.

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; Owners of Lands near the old Road to have the Preference in the Sale thereof.

Lands; such Owner or Owners shall be allowed to purchase the same, in Preference to any other Person.

Buildings, &c. not to be damaged.

Provided always, and it is hereby enacted and declared, That the Authority given to the said Trustees, as aforesaid, shall not extend to the pulling down any Dwelling House, or other Building, or taking in the Site of any House, or other Building, or to take in any Garden or Orchard, Yard, Court, Park, Paddock, planted Walks, or Avenue to an House.

Trustees not to act where interested.

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

Roads over *Black Suice*, the *Old Gowt* in *Skirbeck Quarter*, and *Redstone Gowt*, to be repaired,

And whereas certain Parts of the Roads intended to be hereby repaired on each Side a large Drain called Black Sluice, and the Bridge over the same, and also Part of the Highway at or near the Old Gowt in Skirbeck Quarter, are, have been, and of Right ought to be, repaired at the general Charge of the Eleven Towns of Holland: And whereas certain other Parts of the said Roads on each Side of a large Drain called Redstone Gowt, and the Bridge over the same, have been, and of Right ought to be, repaired at the general Charge of the Occupiers of the Lands in all that large Tract of Country, who are subject to the Repairs of Redstone Gowt: And whereas the Roads over, and at each End of, both the said Bridges, and near the Old Gowt aforesaid, are ruinous and dangerous; be it therefore enacted by the Authority aforesaid, That it shall be lawful for the Surveyor or Surveyors, or other Person or Persons, who usually do or ought to repair the said Bridges and Parts of the Highways, on Behalf of the said Eleven Towns of Holland, or on Behalf of the Occupiers of Lands chargeable with the Repairs of Redstone Gowt, as aforesaid, respectively, and they are hereby severally impowered and required to repair and amend the said Parts of the said Highways with the same Materials, and in the same Manner, as the Highways adjoining thereto shall be repaired by virtue of this Act; or to contract with, and pay to, the said Trustees, or any Seven or more of them, such Sum or Sums of Money as shall be agreed upon between such Trustees, or any Seven or more of them, and the said Surveyor or Surveyors, in lieu of such Repairs: And in case the said Surveyor and Surveyors, or other Person or Persons before mentioned, or any of them, shall neglect to repair the said Highways, as aforesaid, or to contract, or shall not agree with the Trustees for the same, for the Space of One Month after Notice given in Writing under the Hands of the said Trustees,

Trustees, or any Five or more of them, for that Purpose; or if, at any Time during the Continuance of this Act, the said Parts of the Highways shall not be well and sufficiently amended, and kept in Repair (One Month's previous Notice, at least, in Writing, having been first fixed upon or near such Bridge or Road so wanting to be amended, under the Hands of the said Trustees, or any Five or more of them) it shall be lawful for the said Trustees, or any Five or more of them, or their Surveyor, or other Person or Persons by their Order, to repair either, any, or all of the said Bridges or Roads, in such Manner as shall seem to them most effectual; the Charge whereof being ascertained by their Surveyor, upon Oath, if required; and which Oath any Two or more of the Trustees are hereby impowered to administer; shall be reimbursed to the said Trustees by the Officer or Officers acting for or on Behalf of the said Eleven Towns of Holland, and also for and on Behalf of the Persons chargeable to the Repairs of Redstone Gowt respectively, or by an equal Rate to be levied by Order of the Justices of the Peace, at their General Quarter Session for the Division or Place wherein such Roads or Bridges lie; who are hereby authorized and required to make and cause the same to be levied upon all or any Part of the Lands, Tenements, and Hereditaments, chargeable with the Repairs of such respective Bridge or Road so repaired as aforesaid, and which lie within the Limits of their Jurisdiction: And where any Person or Persons, chargeable as aforesaid, reside in any other Division, then the said Rate shall be levied by virtue of a Warrant under the Hand and Seal of any One Justice of the Peace for such Division; who is hereby impowered and required to levy the same upon Sight of the Rate, and Order of Sessions aforesaid, or of a Copy thereof signed by the Clerk of the Peace of the Sessions where such Order shall be made.

or Trustees to repair the same.

And be it further enacted by the Authority aforesaid, That if any Lands, Tenements, or Hereditaments, or any Rents or Sums of Money issuing out of any Lands, Tenements, or Hereditaments, now are or hereafter shall be, given and appropriated towards repairing any Part or Parts of the Roads hereby intended to be repaired, or of any Bridges, Causeways, or Arches, in the said Roads; the Monies issuing from all such Lands, Tenements, or Hereditaments, and all and every such Rent or Rents, Sum or Sums, shall be paid, during the Continuance of this Act, to the said Trustees, or any Five or more of them, assembled at a Meeting, or to their Treasurer, as they shall become due, to be by them

Rents or Sums of Money given to repair the Roads, to be paid to the Trustees.

applied towards the repairing of such Part or Parts of the said Roads, Bridges, or Arches, in such Manner as the said Roads are to be repaired in pursuance of this Act, and also towards reimbursing to the said Trustees whatever Monies they may have expended, over and above such Rents or Sums, on such Part or Parts of the said Roads, Bridges, or Arches, respectively; and in case any of the said Rents or Sums shall not be paid to the said Trustees, or their Treasurer, at the Time or Times the same shall become due and payable, and be demanded, or within One Month after; then it shall be lawful for the said Trustees, or any Five or more of them, by Warrant under their Hands, to levy by Distress, out of and from the Lands, Tenements, and Hereditaments, subject to such Payment as aforesaid, or any Part thereof, such Sum or Sums of Money so behind and unpaid; and such Distress or Distresses, so taken or levied, to sell as soon as conveniently may be, for the best Price that can be conveniently got for the same; returning to the Owner or Owners thereof, the Overplus (if any) over and above what will be sufficient to satisfy such Sum or Sums of Money so behind and in Arrear, and the Charge of making such Distress or Distresses and Sale; and all and every the Lands, Tenements, and Hereditaments, subject to the Payment of any such Rents or Sums as aforesaid, shall, from time to time, after such Payment made by the Owner or Owners thereof to the said Trustees, or their Treasurer, be exonerated and discharged from all Claims and Demands whatsoever on Account of such Rents or Sums so paid, for and during the Time in respect whereof the same shall be paid.

Persons, &c. liable to the Repair of the Roads, to continue so.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who before the making of this Act, hath or have used, or of Right ought by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Roads hereby intended to be repaired, or any Bridges, Causeways, or Arches, in the said Roads; shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with such Repairs, in the same Manner as they and every of them hath or have heretofore usually done, or ought to do; and that the Inhabitants of the several Parishes, Hamlets, and Places, in which the said Roads lie, and every Person or Persons who,

by the Laws of this Realm; are or shall be liable to work in the Highways, for the repairing thereof, commonly called Statute Work, shall, and are hereby required to do and perform such and so many Days Work, not exceeding Three Days Work for any One Person or Team in any One Year, in such Part of the said Roads lying within such Parishes, Hamlets, or Places respectively, or within any Common, where such Persons have Right of Common or Pasture, 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 direct or appoint; and that every Inhabitant of the said Parishes, Hamlets, and Places, and every Person or Persons who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, or upwards, shall be deemed to keep a Team for every Fifty Pounds a Year he so rents, holds, or occupies, and shall perform such Work in the repairing the said Roads, as Persons keeping Teams are obliged by Law, and ought to do.

Surveyors of the Highways to give in Lists of Persons who are chargeable to do Statute-work.

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 hereby required, on Seven Days Notice from the Turnpike Surveyor, Once in every Year, during the Continuance of this Act, to return and deliver unto the Trustees, or any Five or more of them, at their Meetings to be by them held, or to the Collectors or Receivers of the Tolls by this Act made payable, true and perfect Lists, in Writing under their respective Hands, of the Names of all the Inhabitants of such Parishes, Hamlets, and Places respectively, that are liable to do their Statute Duties upon the said Highways; and shall, in each of such Lists, 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; and if any Surveyor of the Highways of any such Parish, Hamlet, or Place, shall not deliver in any such List as aforesaid, by such Time, and in such Manner, as by this Act is required; every such Surveyor, for every such Offence, shall forfeit any Sum not exceeding Five Pounds, nor less than Twenty Shillings; and if any or either of the Inhabitants of the said several Parishes, Hamlets, or Places, shall not do such Statute-work in or upon the said Roads, at such Times and Places, and in such Manner, as they shall by the said Trustees, or any Five or more of them, or by their Surveyor or Surveyors, be directed or appointed to

Penalty on Surveyors neglecting.

Penalty on Persons not performing Statute-work;

to do by virtue of this Act; every such Inhabitant shall, for every such Default, forfeit 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 being by virtue of this Act, not deemed to keep a Team, for every Day's Default, the Sum of One Shilling and Six Pence.

Surveyors may appeal to Quarter Sessions to portion 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 appointed too large a Proportion of the Statute-work in any Parish, Hamlet, or Place, to be done on the said Roads; it shall be lawful for such Surveyor or Surveyors to appeal to the General Quarter Session of the Peace to be held for the Division or Place wherein such Highway shall lie; and the Justices at such Session, are hereby authorized finally to adjust and determine what Proportion of the Statute-work in any 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 appointed by the said Trustees as aforesaid.

Trustees may compound with Persons for Statute-work.

Provided nevertheless, and be it enacted, That it shall 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, 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 Term so agreed for, and for which such Money shall be paid.

Trustees may compound with Parishes, &c. for Statute-work.

Provided also, and be it further 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, may and are hereby impowered from time

to

to time, to compound or agree with all or any of the Inhabitants, or with the Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor, of any Parish, Township, Hamlet, or Place, through or into which any Part of the said Roads lead, or with any of the Owners or Occupiers of Lands or Tenements, which are or shall be liable or chargeable towards repairing any Part of the said Roads, for a certain Sum of Money, or otherwise, by the Year, as the said Trustees, or any Five or more of them, shall think reasonable, in lieu of the Statute or other Work to be done by any such Parish, Township, Hamlet, or Place, or by such Occupier or Occupiers of such Lands or Tenements chargeable as aforesaid; to be instantly paid to such Trustees, or such Person or Persons as they shall appoint; and, in Default thereof, such Composition to be utterly void, and of no Effect.

Surveyors, with Consent of Inhabitants, may compound with Trustees for Statute-work.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor, for any Parish, Township, Hamlet, or Place, by and with the Consent, in Writing, of the major Part of such of the Householders of such Parish, Township, Hamlet, or Place, respectively, as shall be assembled at any Vestry or other publick Meeting for that Purpose (whereof Four Days publick Notice, at the least, shall be given in the Church belonging to such Parish, Township, Hamlet, or Place, on the preceding Lord's Day, immediately after Divine Service) to compound and agree with the said Trustees, or any Five or more of them, for a certain Sum of Money by the Year, in lieu of the Statute-work to be performed by the Inhabitants of such Parish, Township, Hamlet, or Place, respectively, upon the said Roads: And such Surveyor or Surveyors, Churchwardens, or Overseers of the Poor, shall and may raise such Composition Monies; or in case he or they shall advance and pay the same, shall be reimbursed in such Manner, and by such Means, as Monies may be raised by the Laws in being for reimbursing Surveyors of the Highways the Monies by them expended in the Purchase of Materials for repairing of the Highways.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and they are hereby impowered to compound or agree by the Year, or otherwise, but not for a longer Time than One Year, with any Person or Persons using to travel through all or any of the Turnpikes to be erected by virtue of this Act, with any Coach, Waggon, or other

Carriage, Horse, Gelding, or Mare, Ass, or Mule, for any Sum or Sums of Money for and in lieu of Payment of any of the said Tolls; to be instantly paid, in Manner aforesaid, or otherwise to be void, and of no Effect.

Application of the Composition Money.

And be it further enacted by the Authority aforesaid, That all the Composition Monies, which may be paid as aforesaid, shall be applied in such Manner as the Tolls are directed to be applied.

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, may, and are hereby impowered and required to cause the said Roads 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 pull down, dig up, or injure, any or either of such Stones or Posts, or erase, obliterate, or deface, any of the Inscriptions which shall be made thereon, 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 for each Stone or Post so broken, obliterated, defaced, or pulled down; to be levied by Distress and Sale of the Offender's Goods and Chattels, in such Manner as the other Penalties are herein directed to be levied: And in case sufficient Distress shall not be found, then it shall be lawful for any One or more Justice or Justices of the Peace for the County, Division, or Place, wherein the Offence is committed, by Warrant under 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, without Bail or Mainprize, for the Space of Three Calendar Months, unless such Penalty, and all reasonable Charges, shall be sooner paid.

Penalty on defacing Mile-stones, &c.

to be levied by Distress and Sale.

For want of Distress, Offender to be committed.

Penalty on drawing Timber, &c. otherwise than on Carriages.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall hale or draw, or cause to be haled or drawn, upon any Part of the said Roads, any Tree or Trees, Piece or Pieces of Timber, otherwise than upon Wheels, or Carriages, or draw any Plough upon or cross the said Roads, or any Part thereof, whereby the said Roads, or any Part thereof, shall or may be prejudiced; every such Person or Persons, 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

of the Offences respectively for which such Penalties and Forfeitures shall be incurred, before any Five or more of the said Trustees, or before any Justice of the Peace for the County, Division, or Place, wherein the respective Offender or Offenders shall reside, or the Offence be committed, either by the Confession of such Party or Parties, or by the Oath of One Witness, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by a Warrant or Warrants under the Hand and Seal, or Hands and Seals, of the said Trustees, or any Five or more of them, or of such Justice; which Warrant or Warrants any Five or more of the said Trustees, or any such Justice, is and are hereby authorized and required to grant for those Purposes, 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 or Owners of such Goods and Chattles: Which said Penalties and Forfeitures, so levied as aforesaid, or otherwise paid, and every Part thereof (except such Parts thereof as are hereby otherwise disposed of) shall, from time to time, be paid to the said Trustees, and shall be applied in such Manner as the Tolls are directed to be applied: And in case sufficient Distress shall not be found, and such Penalties or Forfeitures shall not be paid, it shall be lawful for any One or more Justice or Justices of the Peace, and he or they is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol of the County, Division, or Place; there to remain, without Bail or Mainprize, for any Time not exceeding Three Months for the First Offence; and, for the Second and any other Offence of the same Kind, for any Time not exceeding Six Months, or less than Four Months, unless such Penalties or Forfeitures, and all reasonable Charges, shall be sooner paid.

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

For want of Distress the Offender to be committed.

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

Distress not to be deemed unlawful for Want of Form,

nor shall the Party distraining be deemed a Trespasser *ab initio*.

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.

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

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.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall think him, or herself, or themselves, aggrieved by any Act, Order, or Judgement, of the said Trustees, or 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 to the Justices, at the next, or at the Second, General Quarter Sessions of the Peace, or to any Adjournment thereof, for the Division or Place wherein the Offence was committed; he, she, or they, causing Ten entire 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 so 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 proceed in, and hear and determine, the Causes and Matters of the said Appeals, and every of them, and shall 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.

Notice of Appeal to be given.

Justices to award Costs.

Their Orders to be final.

Proceedings not to be quashed for want of Form,

Provided also, and be it further enacted by the Authority aforesaid, That no Conviction, Judgement, or Order, of any Justice or Justices of the Peace, or of the said Trustees, in the Execution of the Powers hereby given, shall be quashed, vacated, or discharged, on account of the Form only; nor shall be removed by Certiorari, or otherwise, into any of His Majesty's Courts of Record at Westminster.

nor removeable by *Certiorari*.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act, and all the Powers and Provisions herein contained, shall commence and have Continuance from the Twenty fifth Day of March, One thousand seven hundred and fifty eight, for and during the Term of Twenty one Years,

Years, and from thence to the End of the then next Session of Parliament.

Proceedings, &c. to be entered in a Book.

And be it further enacted by the Authority aforesaid, That the said Trustees shall take Care to have all Receipts, Payments, Debts, Orders, and Contracts, had or made, or contracted or entered into, for or on account of the making, amending, widening, and turning, the said Roads, and all other the Proceedings of them the said Trustees, to be forthwith fairly written and entered in One or more Book or Books, to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall or may be seen and perused, at all seasonable Times, without Fee or Reward, by any Person or Persons whomsoever; and also that any of the said Trustees shall and may take Copies of all or any Part thereof, paying for every Copy, not exceeding One hundred Words, Six Pence; and so proportionably for any greater or lesser Number of Words; and that 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 assembled, as the Case shall require; and such Orders shall be deemed and taken to be Originals; and such Books, and also the said Books directed to be kept for registering or entering the said Assignments and Transfers, shall and may be produced and read in Evidence in all Cases of Appeals, Suits, or Actions, touching any thing done in pursuance of this Act.

Books may be perused *gratis*;

and may be produced, and read in Evidence.

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

And be it further enacted by the Authority aforesaid, That when and as often as any of the said Trustees shall die, or refuse to act, it shall be lawful for the surviving Trustees, or any Seven or more of them, by Writing or Writings under their Hands, from time to time, at their General Annual Meetings, to appoint One other fit Person, properly qualified, in the Room of every Trustee so deceased, or refusing to act; and all such Persons so, from time to time, appointed, shall be joined with the surviving and remaining Trustees in the Execution of this Act; and all such Persons shall, and are hereby impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as if they had been nominated Trustees by this Act.

Qualification of 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 Va-

lue 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, not being qualified as aforeſaid, ſhall preſume to act in the ſaid Truſt, 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 the ſame; to be recovered 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.

Penalty on Perſons acting as Truſtees, who are diſqualified.

Truſtees not impowered to act, but at a Meeting held in purſuance of this Act.

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 to them given, or any of them, except it be at a Meeting to be held in purſuance of this Act, and unleſs the Majority of the Truſtees preſent be conſenting thereto; ſuch Majority not being leſs than the reſpective Numbers authorized to put this Act in Execution; and that all the ſaid Truſtees ſhall, out of their own Monies, pay and defray all their own Charges.

Truſtees to bear their own Expences.

No Order to be repealed, unleſs 11 Truſtees be preſent.

Provided always, and be it further enacted by the Authority aforeſaid, That no Act, Order, Determination, or other Proceeding, 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 Eleven of the ſaid Truſtees ſhall be preſent, and Fourteen Days previous Notice, in Writing, ſhall be given of ſuch Meeting upon all the Turnpikes.

In Default of a ſufficient Number to act, Meeting to be adjourned.

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 ſuch Truſtees ſhall and may adjourn the ſaid Meeting to any other Day, within the Space of One Month next enſuing, by Notice in Writing under his or their Hand or Hands, to be fixed on all the Turnpikes at leaſt Ten Days before the next Meeting; and ſhall appoint the ſaid

Truſtees

Trustees to meet at the House where such last Meeting was appointed to be held.

And be it enacted by the Authority aforesaid, That such Trustees as shall be Justices of the Peace, may and are hereby impowered to act as Justices of the Peace in the Execution of this Act (except in Cases where he or they shall be personally interested) and in all such Cases they shall not be intitled or impowered to act either as a Trustee or Justice; Nor shall any Trustee, who shall have or accept of any Place of Profit under the said Trustees, act as a Trustee during his Enjoyment of such Place of Profit.

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

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

Provided always, and be it enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Deed, Conveyance, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees, or Justice or Justices of the Peace, relating to, or in Execution of, this Act, or exhibited before them, or any of them, concerning the same, shall be chargeable with any Stamp Duty whatsoever.

Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought against any Person or Persons for any Thing done, or to be 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 doing the Matter for which such Action or Suit shall be so brought; and not afterwards; and shall be brought, laid, and tried, in the County or Place where such Matters respectively shall be committed or done, and not elsewhere; and 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 to be had thereupon; and that the Matter for which such Actions or Suits shall be so brought, was done by Authority of this Act; and if the same shall appear to be so done, or shall not be commenced within the Time before limited, or shall be laid in any other County or Place, than aforesaid; then the Jury shall find for the Defendant or Defendants therein: And if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs shall become Nonsuited, or suffer a Discontinuance of any such Action or Suit; or if, upon any Demurrer, Judgement shall be given for the Defendant or Defendants; in each of the Cases aforesaid, such Defendant or Defendants shall have

Limitation of Actions.

General Issue.

Treble

Treble Costs. Treble Costs, and shall have such Remedies for recovering the same, as any Defendant or Defendants may have for his or their Costs in any other Cases at Law.

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 whatsoever, without specially pleading the same.

FINIS.