Anno decimo

Georgii III. Regis.

An Act to extend the Provisions in Two Acts, passed in the Third and Fifth Years of His present Majesty, for repairing the Road from *Cambridge* to *Ely*, and from *Ely* to *Littleport*, and other Roads therein mentioned, to the Road from *Wilburton* to *Mepall*; and for making other Provision for repairing the said Road from *Ely* to *Littleport*; and for making and keeping in Repair a Road from *Littleport* to *Chequer Corner* in *Downham*, in the Counties of *Cambridge* and *Norfolk*.

Preamble.

WHEREAS by Two Acts, made in the Third and Fifth Years of the Reign of His present Majesty, several Tolls or Duties and Powers were granted for repairing, widening, turning, and keeping in Repair, the Roads from the Town of Cambridge to Ely, and from thence to Soham; and from Stretham Common to a House in the Town of Wilburton, late in the Occupation of George Farrin Gentleman; and from Bug's Pond in Ely aforesaid to a Place called Gibbet Hill, in the Parish of Sutton; and from the Lamb Corner in Ely aforesaid to the Town of Littleport; and by Littleport Plains to the Bank of the Hundred Feet River, and other Roads in the said Acts particularly mentioned and described:

described: And whereas the Road leading from the said House, in the Occupation of George Ferrin, across Grunty Fen, to a House in the Occupation of Love Owen, in the Parish of Mepall; and also the present Road from the Turnpike Road in Littleport, to the South End of the Pavement in Downham; and from the North End of the Pavement in Downham, to a certain Place there called the Chequer Corner, in the County of Norfolk; are in general in a very ruinous Condition, and in some Parts dangerous to Travellers, and the same cannot be made, widened, turned, and kept in Repair, by the present Methods provided by Law: And whereas it would be a great Convenience to the Inhabitants of the Country in general, if a Highway or Road was made from the present Turnpike Road in Littleport aforesaid to a certain Place called Scotting's Ferry, or thereabouts; and from thence across the River Ouze, by a Bridge there to be erected, and along the East Side of the said River, and across Brandon River, by a Bridge there to be erected, to Ferry Causeway; and through the Parish of Southery, in the County of Norfolk, to Helgay; and from thence, through Fordham and Denver, to the South End of the Pavement in Downham aforesaid; and from the North End of the said Pavement to a certain Place called The Chequer Corner, in the Parish of Downham aforesaid: And whereas the Intentions of the said recited Acts, and this Act, would be more effectually carried into Execution, if the Roads thereby and hereby directed to be made, widened, turned, and kept in Repair, were divided into Two separate Districts: But as the Purposes aforesaid cannot be effected without the Aid of Parliament, 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 from and after the Wednesday Fortnight next after the Day of the passing of this Act, the Roads in the said recited Acts mentioned and described, and also the Roads and Ways herein before particularly described, shall be divided into Two separate Districts; and that the Roads from the Town of Cambridge to the Lamb Corner in Ely, and from thence to Soham, and also the Road from Ely aforesaid to Gibbet Hill; and also the Road from Stretham Common to a House in the Town of Wilburton, late in the Occupation of George Farrin Gentleman; and from thence across Grunty Fen to a House in the Occupation

Roads to be divided into 2 Districts.

The South District.

pation of Love Owen, in the Parish of Mepall; shall be and be called the South District of the said Roads: And that the Road leading from the Lamb Corner in Ely to Littleport, by the said Acts directed to be repaired, and also the Road or Way from Littleport aforesaid, by or near Scotting's Ferry and Helgay, to the South End of the Pavement in Downham, and from the North End of the said Pavement to the said Place called the Chequer Coner, in the Parish of Downham, shall be and be called the North District of the said Roads. The *North District*.

And be it further enacted, That the Trustees nominated and appointed in and by virtue of the said recited Acts shall be, and they are hereby appointed, Trustees for putting the said recited Acts and this Act in Execution, so far as they relate to the making, widening, turning, altering, and keeping in Repair the said Roads in the said South District. Trustees for the South District.

And be it further enacted, That the said recited Acts, and the Terms, Clauses, Provisions, Powers, Penalties, Forfeitures, Exemptions, Payments, Punishments, Matters, and Things therein contained, shall extend and have Relation as well to the making, widening, turning, altering, repairing, and keeping in Repair the said intended new Road from the said House, late in the Occupation of George Farrin, across Grunty Fen, to a House in the Occupation of Love Owen, in the Parish of Mepall, as to all other the Roads in the said South District herein before-mentioned and described. Powers of former Acts extended to the South District of Roads.

And be it further enacted, That the said Trustees for the said South District shall be and they are hereby discharged from the putting the said recited Acts into Execution, so far as the same relate to the making, widening, turning, altering, repairing, and keeping in Repair the Road leading from the Lamb Corner in Ely to Littleport, and by Littleport Plains to the Bank of the Hundred Feet River, by the said recited Acts directed to be made, widened, turned, altered, repaired, and kept in Repair. Trustees of the *South District* discharged from repairing particular Roads.

And be it further enacted, That the said Trustees for the said South District, or any Seven or more of them, shall and may erect or cause to be erected a Toll-gate and Toll-house, or Toll-gates and Toll-houses, in, upon, or across any Part of the said Road leading from the said House late in the Occupation of George Farrin, across Grunty Fen, to a House in the Occupation of Love Owen, in the Parish of Mepall, so as the same be not erected within either of the Parishes of Mepall or Sutton, as they the said Trustees, or any Tolls to be taken between *Wilburton* and *Mepall*, and *Gibbet Hill* and *Ertin*.

Seven or more of them, shall think proper; and may cause to be demanded and taken the following Tolls before any Cattle or Carriage shall be permitted to pass through any such Toll-gate; that is to say.

For every Horse, Mare, Gelding, Mule, Ass, or other Beast drawing any Carriage, and for every Wheel of such Carriage, the Sum of One Penny Half-penny.

For every Horse, Mare, Gelding, Mule, or Ass, not drawing, the Sum of One Penny Half-penny.

For every Drove of Oxen, Cows, or other Neat Cattle, the Sum of One Shilling and Three-pence per Score; and so in proportion for any less Number.

And for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Seven-pence Half-penny per Score, and so in proportion for any less Number.

Tolls vested in Trustees of the *South District*.

Which said respective Sum and Sums of Money shall be demanded and taken in the Name of or as a Toll; and shall be paid to such Person or Persons as the said Trustees for the South District, or any Seven or more of them, shall appoint to collect the same; and the Money so to be collected is hereby vested in the said Trustees for the South District, and shall be applied in Manner herein after-mentioned; and the said Tolls shall be collected, levied, and recovered in the same Manner as is in and by the said recited Acts directed, with respect to the Tolls thereby granted.

Only One Toll to be taken between *Wilburton* and *Mepall*.

Provided always, That no Person shall be subject or liable to the Payment of more than One Toll between Wilburton and Mepall.

Tolls on the Road across *Grunty Fen* to be a separate Fund: The other

Particular Application thereof.

exonerated.

And be it further enacted, That the Tolls to be collected upon the Road leading from the said House late in the Occupation of George Farrin, across Grunty Fen, to a House in the Occupation of Love Owen, in the Parish of Mepall, and the Money to be borrowed upon the Credit thereof, shall be and be deemed to be One Fund, and applicable to the Repair of the said Road only, and to the Execution of this Act so far only as the same relates thereto: And that none of the Tolls collected or to be collected on any other of the Roads within the said South District, nor any Money borrowed or to be borrowed on the Credit thereof, shall be applied to the making, widening, turning, altering, repairing, and keeping in Repair the said Road leading from the said House late in the Occupation of George Farrin, across Grunty Fen, to a House in the Occupation of Love Owen, in the Parish of Mepall, unless the Funds

shall

shall at any Time be united by an Order of Thirteen or more Trustees for the said South District, with the Consent of the Person or Persons intitled to Two Thirds at the least of the Monies then borrowed upon the Credit of the respective Tolls.

Trustees for the *North District*.

And be it further enacted, That the Trustees nominated and appointed in and by virtue of the said recited Acts, together with William Say, William Say the younger, Henry Say, William Creasy, William Pierson, Francis Hudson, George Harvey, the Reverend William Adkin, Thomas Adkin, the Reverend George Wright, John Mann, Richard Saffery, Henry Saffery, the Reverend Richard Eaton, Henry Edgar, Robert Edgar, the Reverend William Harvey, Henry Townshend, Richard Carter, Thomas Holman, William Coles, Edmund Saffery, Henry Saffery Son of Edmund Saffery, Thomas Noak, the Reverend John Dering, Thurlow Dering, Conelius Carr, Henry Pole, Edward Smith, Edward Smith junior, Roger Tiffin the younger, Isaac Cockeram, Philip Theodorick, James Bird, Edward Manby, Edward Pratt, Edward Roger Pratt, Henry Bell, Phillip Bell, the Reverend Thomas Moore Doctor in Divinity, Thomas Vincent, the Reverend James Hicks, Matthew Pepper Manby, George Manby, Thomas Browne, Henry Sutliff, John Wright, Gallaway Lambert, Robert Hanslip, Thomas Powers, Robert Collings, Anthony South Canham, the Reverend Love Shipley, the Reverend Williams Youngs, Thomas Ransome, Sir Simeon Stuart Baronet, Edward Bodham, William Gallaway, Edward Darell, John Canham, South Canham, William Osler, John Gotobed, Robert Crabb commonly called Bennetts Robin, Henry Waddelow, John Barber, John Luff, Matthew Waddelow, the Knights of the Shire for the Counties of Cambridge and Norfolk for the Time being, the Lords of the several Manors through which the Roads lead for the Time being, Arthur Annesly, Isaac Cockeram junior, Robert Clough, Robert Clough junior, the Reverend Cyrill Clough, Thomas Moore, John Morley of Ely, Charles Bailey, Isaac Bailey, Edward Tomson, William Finch, John Gregory, Henry Partridge, Henry Partridge the younger, Robert Partridge, Richard Eaton the younger, the Reverend Robert Say, Clerk, Thomas Say, George Waddington Son of John Waddington of Ely, Thomas Page, James Harkness, William Harkness, and their Successors, to be elected in Manner herein after-mentioned, shall be and they are hereby appointed Trustees for putting this Act in Execution, so far only as the same relates to the making, widening, turning, altering, repairing, and keeping

keeping in Repair the Roads in the said North District.

Powers of this Act to extend to the *North Dist &*

And be it further enacted, That for the Purposes of making, widening, turning, altering, repairing, and keeping in Repair the said Roads in the said North District, the Tolls, Powers, Provisions, Clauses, Penalties, Forfeitures, Exemptions, Payments, Punishments, Matters, and Things herein after-mentioned, shall take place and commence from the Wednesday Fortnight next after the Day of the passing this Act, and shall continue in Force during the Terms then to come and unexpired of the said recited Act.

Commencement and Continuance of the Powers.

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

And be it further enacted, That as often as any of the said Trustees shall die or refuse to act (such Refusal being signified in Writing to a Board of Trustees at a General Meeting by the Trustee so refusing to act) it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, by any Writing or Writings under their Hands and Seals, to appoint some other Person to be a Trustee in the Room of the Trustee deceased or refusing to act; and the Person so appointed shall and may act in the Execution of this Act, so far as the same respects the North District, as fully as any Trustee herein before appointed is impowered to act.

No Trustee to accept of any Place of Profit, or to act where interested.

And be it further enacted, That no Person shall be capable of acting as a Trustee under the Authority of this Act, in any Case where he shall be personally interested, or during the Time he shall hold any Place of Profit out of the Tolls hereby granted.

The Qualification of Trustees for the *North District.*

And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, so far as the same respects the North District, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments of the clear yearly Value of Forty Pounds; or shall be Heir Apparent of some Person having such Estate of the clear yearly Value of Eighty Pounds; or possessed of or intitled to a Personal Estate to the Amount of Eight hundred Pounds: And if any Person by this Act deemed incapable to act shall presume to act; every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person who shall inform or sue for the same; to be recovered in any of His Majesty's Courts of Record at Westminster by Action of Debt or on the Case, together with Costs of Suit, wherein no Essoin, Protection, or Wager of Law, nor

Penalty on acting if not qualified.

more than One Imparlance, shall be allowed; and if it shall be proved that the Defendant in such Action hath acted as a Trustee in the Execution of this Act, then such Defendant shall prove that he was qualified as aforesaid, or in Defect of such Proof shall pay the said Forfeiture.

First Meeting of Trustees for the *North District*.

And be it further enacted, That the said Trustees for the North District, or any Five or more of them, shall meet together at the House known by the Sign of the Crown in Downham aforesaid, on the Wednesday Fortnight next after the Day of the Passing of this Act, and shall proceed to the Execution of this Act; and they are hereby impowered to adjourn themselves, from Time to Time, to such Times and Places as the said Trustees, or any Five or more of them, shall think proper; and if it shall at any Time happen that there shall not meet a Number of Trustees sufficient to act, then the Clerk to the Trustees shall appoint a Meeting to be held on that Day Fortnight at the Place where such intended Meeting was appointed to have been held, and shall cause Notice thereof to be affixed on all the Toll-gates then erected, at least Seven Days before such Meeting; and the said Trustees at all their Meetings shall defray own Charges and Expences.

Power to adjourn.

In Default of a sufficient Number, Clerk to adjourn to another Day.

Four General Meetings to be held in every Year.

Occasional Meetings may be appointed.

Provided always, That the said Trustees shall hold Four General Meetings at the least in every Year; such General Meetings to be held alternately at Ely, Littleport, and Downham, on the First Thursday in the several Months of March, June, September, and December; and in case the Treasurer or Treasurers to the said Trustees, or either of them, or any Three of the said Trustees, shall think it necessary that a Meeting of the Trustees should be held between the Times of Adjournment, it shall be lawful for such Treasurers or Treasurer, or Three Trustees, to appoint a Meeting to be held, causing the like Notice as is herein before directed of the Time and Place of such Meeting to be affixed on all the Toll-gates than erected; and the Proceedings of the Trustees at such Meeting shall be as valid and effectual, to all Intents and Purposes, as if the said Trustees had at their last Meeting adjourned to such Time and Place.

Hours of Meetings.

Provided also, That all Meetings shall be appointed to be held at Eleven of the Clock in the Forenoon; and if Five Trustees do not meet by Two of the Clock in the Afternoon, no Business shall be transacted on that Day.

Directions concerning the repealing of Orders.

And be it further enacted, That no Order made by the said Trustees, or any Five or more of them, in or concerning

concerning the Execution of the Trusts, Powers, or Authorities of this Act, shall be revoked or altered, unless Nine Trustees shall concur in such Revocation or Alteration.

Trustees may continue, remove, or erect Toll-houses.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may continue or cause to be erected One Toll-gate upon the said Road between Ely and Littleport; and shall and may cause to be erected Two other Toll-gates on other Parts of the said Roads, the One at or near Scotting's Ferry aforesaid, and the other on or near Fordham Causeway, in the Parish of Fordham, in the County of Norfolk; and shall and may provide a Toll house to each such Toll-gate, with suitable Out-buildings thereto; and may also take in and inclose from the said Roads, or any Part or Parts thereof, or any Ground adjoining thereto, a convenient Garden-spot for each Toll-house; and may cause to be demanded and taken the following Tolls at such Toll-gates respectively, before any Cattle or Carriage shall be permitted to pass through the same; that is to say, At the Toll-gate between Ely and Littleport,

Tolls between *Ely* and *Littleport*.

For every Horse, Mare Gelding, Mule, Ass, or other Beast drawing any Carriage, and for every Wheel of such Carriage, the Sum of One Penny Halfpenny.

For every Horse, Mare, Gelding, Mule, or Ass, not drawing, the Sum of One Penny Halfpenny.

For every Drove of Oxen, Cows, or other Neat Cattle, the Sum of One Shilling and Three-pence per Score, and so in proportion for any less Number.

And for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence per Score, and so in proportion for any less Number.

And at each of the said other Toll-gates at or near Scotting's Ferry, and on or near Fordham Causeway,

Tolls at or near *Scotting's Ferry* and *Fordham Causeway*.

For every Horse, Mare, Gelding, Mule, Ass, or other Beast drawing any Carriage, and for every Wheel of such Carrriage, Two-pence.

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

For every Drove of Oxen, Cows, or other Neat Cattle, the Sum of One Shilling and Three Pence per Score, and so in proportion for any less Number.

And for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence per Score, and so in proportion for any less Number.

Which said respective Sum or Sums of Money shall be

be demanded and taken in the Name of or as a Toll; and shall be paid to such Person or Persons as the said Trustees, or any Seven or more of them, shall appoint to collect the same; and the Money so to be collected is hereby vested in the said Trustees, and shall be applied in such Manner as is herein after-mentioned; and if any Person, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, refuse or neglect to pay the same, it shall be lawful for the Collector or Collectors to seize and distrain any Horse or Horses, or other Cattle or Beast upon which such Toll is by this Act imposed, or any of the Goods or Chattels of the Person so refusing or neglecting; and if such Toll, and the reasonable Charges of such seizing and distraining shall not be paid within the Space of Four Days, such Collector or Collectors shall and may sell the Horses, Cattle, Beasts, or Goods so seized and distrained, returning the Overplus (if any) after deducting such Toll, and all reasonable Charges, to the Owner thereof upon Demand.

Tolls vested in the Trustees.

Tolls to be levied by Distress.

Distress may be sold after Four Days.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to cause to be erected a Toll-gate or Toll-gates, and Toll-house or Toll-houses, on the Side or Sides of any Part or Parts of the said Roads, across any Way or Lane leading out of the same; as also to cause to be erected temporary Toll gates, Bars, or Chains on or across any Part of the said Roads for the Purpose of chequing the Keepers of the other Gates, or to prevent the evading of the Tolls, or on the Side of any Part of the said Roads, or on or across any Way or Lane, leading out of the same; and at any such Toll-gates, Bars, or Chains (without building or providing any Toll-houses thereat) to cause to be taken and levied such Tolls as are by this Act made payable at any Toll-gate erected or to be erected by virtue hereof within the North District, so as the same do not extend to a double Charge upon any Person passing through any other Toll-gate erected or to be erected by virtue of this Act.

Trustees may erect Side-gates,

and temporary Cheque-bars, &c. within the *North District*,

and take Tolls thereat;

but so as not to extend to a double Charge.

Provided always, That nothing in this Act contained shall extend to impower the said Trustees to erect any Side-gate at or in a certain Lane called Downham Lane, leading from Ely to Downham in Cambridgeshire, joining the Road leading from Ely to the Hundred Feet River, at a Place called Purver's Pond.

No Side-gate to be erected near *Downham Lane*.

And whereas in Part of the Road leading from Ely to Littleport, where a Farm called Woodhouse Farm lies,

lies, there are Two Ways, One called The Lower Way, which leads along the South or lower Side of the Closes of the said Farm, and the other called The Upper Way, which turns out of the said lower Way and leads through a Lane called Woodhouse Lane, and joins the said Lower Way near Littleport: And whereas the said lower Way may be made more convenient for the Publick, and at a less Expence than the said upper Way; but if the said upper Way is not shut up and discontinued as a publick Way, the Tolls to be collected on the said lower Way may be evaded: Be it therefore further enacted, That the said Trustees, or any Five or more of them, shall, as soon as conveniently may be, cause the said lower Way to be repaired for the Accommodation of Travellers; and when the same shall be repaired, it shall be lawful for Doctor Matthew Morley, the present Lessee under the See of Ely, or the Lessee for the Time being of the said Farm called Woodhouse Farm, paying to the said Trustees, or any Five or more of them, or to their Treasurer, the yearly Sum of Five Pounds, to cause Part of the said upper Way, from the Turning out of the said lower Way to an House known by the Sign of the Blue Boar, to be shut up and discontinued, to prevent all Persons passing through such Part of the said upper Way to and from the said Places; and also to cause the other Part of the said upper Way, leading from the said House known by the Sign of the Blue Boar, to the Joining of the said lower Way, at or near a Place called Wood End, to be shut up and discontinued, to prevent Persons passing through such other Part of the said upper Way (except to North Fen); the First Payment of the said yearly Sum of Five Pounds to be made before the shutting up or discontinuing either of the said Parts of the said upper Way, and the future Payment to be made on the corresponding Day in each succeeding Year; and the said yearly Sum of Five Pounds, when paid to the said Trustees or their Treasurer, shall be applied in Aid of the Tolls by this Act granted for the Repair of the said Roads within the North District; and in case the said yearly Sum of Five Pounds shall at any Time be in Arrear and unpaid by the Space of Forty Days after the same shall become due and payable, it shall be lawful for the said Trustees, or any Seven or more of them, to let or sell the said Two Parts of the said upper Way to any Person for the best yearly Rent or Price that can be obtained for the same.

For shutting up the Way adjoining to *Woodhouse Farm.*

And

Littleport Ferry Bridge vested in Truſtees for the North Diſtrict.

And whereas the Right Honourable Philip Earl of Hardwicke is ſeiſed of and in a certain Bridge called Littleport Ferry Bridge, and to certain Tolls for the paſſing of Cattle over the ſaid Bridge, which Tolls are now let for the yearly Rent or Sum of Eight Pounds: And whereas, when the Roads directed by this Act to be made and repaired are made and repaired, the ſaid Tolls may be greatly leſſened: In order therefore for making Satisfaction to the ſaid Earl for any Loſs he may thereby ſuſtain, be it further enacted by the Authority aforeſaid, That from and immediately after the paſſing of this Act, the ſaid Bridge and the Tolls now collected thereat, ſhall be veſted in, and the ſame are hereby veſted in, the ſaid Truſtees for the ſaid North Diſtrict, and their Succeſſors, during the Continuance of this Act, for the Uſes and Purpoſes of this Act; and from thenceforth the ſaid Truſtees and their Succeſſors, or any Five or more of them, ſhall, by and out of the Tolls to be collected by virtue of this Act within the ſaid North Diſtrict, pay, or cauſe to be paid, to the ſaid Philip Earl of Hardwicke, his Heirs or Aſſigns, during the Continuance of this Act, the clear yearly Rent or Sum of Eight Pounds of lawful Money of Great Britain, free from all Deductions whatſoever.

Fences to be made againſt the Lands of *John Waddington* Eſquire.

And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall, and they are hereby required to make and maintain a good and effectual Fence, not being a Ditch, not exceeding Five Feet at the Top, along the Lands now belonging to John Waddington Eſquire, at the Foot of the Road intended to be made on the Eaſt Side of the River Ouze; and the Expences thereof ſhall be defrayed out of the Tolls by this Act granted for the Repair of the ſaid Roads within the North Diſtrict, or out of any Monies to be borrowed upon the Credit thereof; or otherwiſe, to make the ſaid John Waddington a Satisfaction in lieu thereof.

Toll-gates, *&c.* in the North Diſtrict, veſted in the Truſtees thereof.

And be it further enacted, That all Toll-gates and Toll-houſes which ſhall be continued or erected by virtue of this Act within the North Diſtrict, and the Materials of which the ſame ſhall conſiſt, ſhall be, and they are hereby veſted in the ſaid Truſtees; and they, or any Five or more of them, are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions in the Name of their Treaſurer or Clerk, or to prefer or order the preferring of Indictments againſt any Perſon or Perſons who ſhall dig up, break, or pull down, ſteal, take, carry away, ſpoil, injure, or deſtroy, any ſuch

Toll-gate or Toll-house, or any of the Materials of which the same shall be built or consist.

Application of the Tolls collected on the North District.

And be it further enacted, That out of the said Tolls, or out of the Monies to be borrowed upon the Credit thereof, the said Trustees, or any Five or more of them, shall, after Payment and Discharge of the Costs and Expences of procuring and passing this Act, apply the Remainder of such Tolls and Monies borrowed, in defraying the Expences of erecting Toll-gates and Toll-houses, and in repairing, widening, and keeping in Repair, the said Roads within the North District, and in other the necessary Costs, Charges, and Expences, attending the Execution of this Act, so far as the same relate to the said Roads.

Tolls subject to Debts upon the Road from *Ely* to *Littleport*.

And be it further enacted, That all the Tolls by this granted, and to be collected within the said North District, shall be subject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the Tolls permitted to be collected and taken upon the Road leading from Ely to Littleport, by the said recited Acts, or either of them, and to the Interest thereof now due and to grow due for the same.

Trustees may lessen the Tolls;

And be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, with the Consent of the Person or Persons intitled to Three Fourths of the Money borrowed upon the Credit of the Tolls, to lessen the Tolls hereby granted for such Time as they shall think proper; and such Tolls so lessened shall be collected, recovered, and applied in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied; and the said Trustees, or any Nine or more of them, may likewise raise the Tolls so lessened, so as the same do not exceed the Tolls hereby granted.

and raise them again.

Tolls to be paid but once a Day.

And be it further enacted, That if any Person shall have paid the Toll by this Act granted, for the passing of any Cattle or Carriage through any Toll-gate continued or erected by virtue of this Act; the same Person, upon producing a Note or Ticket denoting such Payment, shall be permitted to pass through the same Toll-gate with the same Cattle or Carriage Toll-free, at any Time or Times during the same Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next Night); which Note or Ticket the respective Collectors of the Tolls are hereby required to give gratis upon the Payment of such Toll.

Exemptions from Tolls.

And be it further enacted, That nothing herein contained shall extend, or be construed to extend, to charge any

any Coach, Berlin, Chariot, Calash, Chaise, or Chair, or any Passengers on Horseback, upon the Day or Days of Election of a Knight or Knights of the Shire for either of the Counties of Cambridge and Norfolk; nor to charge any Horse, Beast, or Carriage employed in the Conveyance of Materials for the Repair of any of the said Roads, or of any Highway in the Parishes, Hamlets, or Places where any of the said Roads do lie; or in the Conveyance of any Dung, Soil, or Compost for the manuring of any Land in the said Parishes, Hamlets, or Places; or in the plowing, sowing, tilling, or cultivating of any Land therein; or in the Conveyance of any Hay unbound, or Straw, or Corn in the Straw, not sold, or intended for Sale, but only to be stacked or laid up in any of the said Parishes, Hamlets, or Places; or of any Turf or Turves not intended for Sale, but to be laid up and burned in any of the said Parishes, Hamlets, or Places; or in the Conveyance of any Hemp or Flax intended to be stacked or laid therein, from the Lands where such Hemp or Flax shall have grown, to the Place where it shall be wetted, watered, or spread, and from thence to the Place where the same is intended to be so stacked or laid up as aforesaid; nor shall any Toll be taken or demanded from any Person residing in the said Parishes, Hamlets, or Places, for any Horse, Beast, or Carriage employed in the Conveyance of any Lime, Dung, Soil, or Compost for the manuring of any Land in any of the adjoining Parishes, Hamlets, or Places, or in the plowing, sowing, tilling, or cultivating of any Land in any of the said adjoining Parishes, Hamlets, or Places, or in the drawing of any Plough, Harrow, or other Implement of Husbandry, for the Purpose of its being repaired; nor from any Person residing in any of the said Parishes, Hamlets, or Places, going to or from his or her proper Parochial Church, Chapel, or other Place of religious Worship; nor shall any Toll be taken or demanded for any Post-horse carrying the publick Mail or Packet; nor for any Cows going to or from Milking; nor any Horse, Cattle, or Sheep, going to or from Water, or to or from Pasture, in any of the said Parishes, Hamlets, or Places; nor for any Horse or other Beast, the Property of any Inhabitant of any of the said Parishes, Hamlets, or Places, going to or from any Farrier or Smith within the said Parish, Hamlet, or Place; nor for the Horses of any Soldiers upon their March, nor any Carriage attending them with their Baggage; nor for any Horse, Beast, or Carriage employed in the Conveyance of Vagrants under the Authority of legal Passes; nor for any Timber, Wood, Iron, Stone, Brick

Earth, Silt, or other Materials, or any Implements or Tools to be employed in or used for the Purposes of supporting any of the Works of Draining already made, or hereafter to be made, by the Order or Direction of the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level called Bedford Level, or any Seven or more of them, whereof the said Governor or Bailiffs to be Two.

No Toll to be taken between *Littleport* and *Southery Ferry*;

And be it further enacted, That no Horse, Mare, or Gelding, employed in haling of Boats or Gangs of Boats along any of the Navigations adjoining to the Roads hereby intended to be repaired, shall pay any Toll which shall be collected by virtue of this Act, or any old Toll hired or purchased by the Trustees acting under this Act, between the Town of Littleport and Southery Ferry; and that, in Consideration of such Exemption, no Horse, Mare, or Gelding so employed, shall hale on any Part of the Roads hereby intended to be made on the East Side of the said Navigation between Littleport and Southery Ferry aforesaid.

nor Horse, &c. to hale on the East Side of the intended Navigation.

Penalty on illegal Claims.

Provided always, and be it further enacted, That if any Person shall claim and take Benefit of any of the Exemptions aforesaid, not being intitled to the same; such Person shall, for every such Offence, forfeit and pay the Sum of Five Pounds; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in the Manner herein after directed concerning the general Application of Penalties and Forfeitures by this Act imposed.

Penalty on evading the Tolls.

And be it further enacted, That if any Person shall take off, or cause to be taken off, any Horse or other Beast from any Carriage, or shall load or unload any Goods, Wares, or Merchandizes, on either Side of any Toll-gate continued or erected by virtue of this Act, in order to avoid the Payment of any of the Tolls hereby granted; or if any Person shall give to or receive from any Person any Note or Ticket by this Act directed to be given, or shall forge or counterfeit any such Ticket; or if any Person shall forcibly pass through any such Toll gate with any Carriage or Cattle; or if any Person, occupying any Land near to any Toll-gate continued or erected by virtue of this Act, shall permit or suffer any Person to pass through any Gate, Passage, or private Way, with any Carriage or Cattle; or if any Person shall, with any Carriage or Cattle, pass through any such Gate, Passage, or private Way, whereby the Payment of any of the Tolls by this Act granted shall be avoided; every Person offending in any of the Cases aforesaid shall, for

every

every such Offence, forfeit and pay the Sum of Forty Shillings.

And be it further enacted, That the said Trustees, or any Seven or more of them, may, and they are hereby impowered, at any General Meeting, by Assignment, Certificate, or other Writing under their Hands, from Time to Time, to borrow and take up at Interest any such further Sum or Sums of Money as they shall think proper, upon the Credit of the Tolls by this Act granted, in such Manner, and by such Ways and Means, as shall appear to them most proper and convenient for the Payment of the Monies already owing, and for effectually carrying on the Repairs of the said Roads. Trustees may borrow Money on the Credit of the Tolls.

Provided always, That no Money shall be borrowed by the said Trustees upon the Credit of the said Tolls, after the Second Meeting of the said Trustees, unless Notice in Writing, under the Hand of the Clerk to the said Trustees, be, by Order of any Five or more of them, fixed upon all the Toll-gates then erected, at least Fourteen Days before the borrowing of such Money. Notice to be given of borrowing Money.

And be it further enacted, That all Persons possessed of and intitled to any Security or Securities for any Sum or Sums of Money lent upon the Credit of the Tolls granted by either of the said recited Acts, or by this Act, may from Time to Time assign over their respective Securities, and all the Monies which shall be due thereon, to any Person or Persons; and every such Assignment shall from Time to Time be assignable by the Persons intitled thereto; and a Memorandum or Entry of all such Assignments, and of the Days when the same were brought to be entered, shall be made by the Clerk to the said Trustees, in a Book to be kept for that Purpose; for which Entry Two Shillings and Sixpence, and no more, shall be paid to the Clerk; and every Person interested may at all seasonable Times inspect the same; and no such Assignment shall be deemed good and effectual until such Memorandum or Entry shall be made. Assignments may be transferred. Assignments to be entered in a Book. Clerk's Fee.

And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, with the Consent of the Person or Persons intitled to Two Thirds of the Money then borrowed on the Credit of the said Tolls, by Writing under their Hands and Seals, to demise and let the Tolls granted by this Act, or any Part thereof, to any Person or Persons willing to take or farm the same, for any Term not exceeding Three Years, for the best Rent or Price which can be got for the same, to be paid Quarterly in Advance to the said Trustees, or any Five or more of them, or to their Treasurer; Trustees may lease the Tolls.

or otherwise the said Trustees, or any Seven or more of them, shall and they are hereby required to take Security for the Payment of such Rent or Price; which Rent or Price, when received, shall be applied as the Tolls granted by this Act are directed to be applied; and Notice of the Time and Place of Meeting for letting the said Tolls, or any Part thereof, shall be given by the Clerk to the Trustees, by affixing the same in Writing on all the Toll-gates then erected, at least Twenty Days before such Meeting.

Notice thereof to be given.

Trustees may compound with Travellers.

And be it further enacted, That it shall be lawful for the said Trustees, or any Thirteen or more of them, from Time to Time to compound, for any Term not exceeding One Year, with any Person or Persons (except common Carriers) for any Sum of Money in lieu of the Tolls payable for any Carriage, Horses, Cattle, or Beasts which shall pass through any of the Toll-gates continued or erected by virtue of this Act; which Composition-money shall be instantly paid to the said Trustees, or their Treasurer, or to such other Person as they, or any Five of them, shall appoint to receive the same.

at the next Meeting after Proposition made.

Provided always, That no such Composition shall be made at the Meeting whereat the same shall be first proposed; but such Proposition shall be reserved for the Consideration of the Trustees at their next Meeting.

Trustees may appoint Officers, and may remove them, and appoint others.

And be it further enacted, That the said Trustees, or any Seven or more of them, may appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act; and any such Officers or other Persons from Time to Time may remove, and appoint others in case of Death or such Removal; and

Trustees may allow Officers

may, out of the Monies which shall arise by the said Tolls, make Allowances to such Officers and other Persons for their Services; and all and every such Officers and other Persons, and all and every the Officers and other Persons who have had, received, or paid by virtue of either of the said recited Acts, or who shall at any Time or Times hereafter have, receive, or pay any Sums or Sums of Money by virtue of this Act, shall from Time to Time, when thereunto required by the said Trustees, or any Five or more of them, make and render to the said Trustees, or any Five or more of them, a true, exact, and perfect Account in Writing under their respective Hands upon Oath, to be taken before Two or more of the said Trustees (which Oath Two Trustees are hereby impowered to administer) of all Monies which they and every of them respectively shall to that Time have received, paid, and disbursed by

Officers to account upon Oath.

virtue

virtue of either of the said recited Acts or this Act, or by reason of their respective Offices; and in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person as they shall appoint to receive the same: And in case any such Officer or other Person shall not make and render, or shall refuse to verify upon Oath such Account, or to make such Payment as aforesaid, then any One or more Justice or Justices of the Peace for the County, Liberty, or Place where such Officer or other Person shall reside or be found, shall make Enquiry of such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath; and upon Conviction shall commit the Offender to the common Gaol of such County, Liberty, or Place, there to remain without Bail or Mainprize until he shall make and render a full, true, and perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with the said Trustees, or any Seven or more of them, and shall have paid such Composition to the said Trustees, or any Five or more of them, or to such Person as they shall appoint to receive the same; which Composition the said Trustees, or any Seven or more of them, are hereby impowered to make.

Officers not accounting, &c.

Justices to enquire into the Default

and commit the Offender until he shall conform or compound;

Provided always, That no such Officer or other Person shall remain in such common Gaol for a longer Space of Time than Twelve Calendar Months after having rendered a true and perfect Account as aforesaid.

Salaries but not for more than 12 Months.

And be it further enacted, That if any Clerk, Collector, or other Person employed by the said Trustees, shall refuse or neglect to deliver up, within Fourteen Days after being thereunto required by the said Trustees, or any Five or more of them, all the Books, Papers, and Writings in his Custody or Power relating to the Trusts and Powers hereby granted to the said Trustees, any One or more Justice or Justices of the Peace for the County, Liberty, or Place wherein such Clerk, Collector, or other Person shall reside or be found, shall, upon the Complaint of any Five or more of the said Trustees, make Inquiry of and concerning such Default in a summary Way, and upon Proof thereof made before such Justice or Justices, by the Oath of any One or more credible Witness or Witnesses, or by Confession of the Party complained of, shall commit the Clerk, Collector, or other Person so making Default, by Warrant under his

Clerks, Collectors, &c. to deliver up Papers and Writings.

Penalty on Neglect.

his or their Hand and Seal or Hands and Seals, to the common Gaol of such County, Liberty, or Place, there to remain without Bail or Mainprize until he shall deliver or cause to be delivered to the said Trustees, or any Five or more of them, or to their Order, all and every such Books, Papers, and Writings, or until he shall give such Satisfaction to the said Trustees, or any Five or more of them, as they shall think reasonable concerning the same.

Trustees to take Security from the Treasurer.

And be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby required to take such Security from the Treasurer or Treasurers, Collector or Collectors, and Surveyor or Surveyors to be appointed for the Purposes of this Act, for the due Execution of their respective Offices, as to the said Trustees, or any Five or more of them, shall seem meet.

No Victualler, &c. to hold any Place of Profit,

nor furnish Horses, &c.

And be it further enacted, That no Person keeping an Inn, Alehouse, or other House of publick Entertainment, or who shall sell Ale, Wine, Brandy, or other Spirituous Liquors by Retail, shall be capable of holding any Place of Trust or Profit under this Act; nor shall any Person appointed an Officer under the Authority of this Act furnish for Hire any Horses or Carriage (his own Property) to perform any Work upon the said Roads.

Surveyors may dig Gravel, &c. without paying for the same,

And be it further enacted, That it shall be lawful for the Surveyor or Surveyors appointed by the said Trustees, or any Five or more of them, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Materials proper for repairing of Highways, in, upon, out of, or from any River or Brook, Waste or Common, in any Parish, Town, or Place, in, adjoining to, or lying near the Roads aforesaid, to be used in repairing the said Roads, without paying any Thing for the same; they the said Surveyors filling up or sloping down the Pits and Holes with all convenient Speed, and in the mean Time making a sufficient Fence to prevent any Misfortune or Accident happening in the Pits or Holes from whence such Materials shall be taken: And if a Quantity of Materials sufficient for that Purpose cannot be found in or upon any such River or Brook, Waste or Common, then, by Order of the said Trustees, or any Five or more of them, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity of Materials proper and sufficient for that Purpose, in, upon, out of, or from any

levelling the Pits;

for want of sufficient Materials, the same may be taken from private Grounds,

River or Brook, or the Lands or Grounds of any Person where the same may be had or found, to be used towards repairing the said Roads (such Lands and Grounds not being a Yard, walled Garden, Paddock, Wood, Coppice, Nursery, planted Walk or Avenue to any House) they the said Surveyors paying or tendering a reasonable Compensation to the respective Owners or Occupiers of such Lands or Grounds for such Materials, and for the Damage done by carrying the same over their Grounds: And in case of any Difference between the said Trustees, or Surveyor or Surveyors, and any of the said Owners or Occupiers, any Two or more Justices of the Peace for the County, Liberty, or Place where the same shall happen, shall and may, on Ten Days Notice thereof to be given by any such Surveyor to such Owner or Occupier, or by such Owner or Occupier to such Surveyor, to be left at their respective Places of Abode with some or One of their respective Families, hear, settle, and determine the Matters of the said Damages.

making Satisfaction.

Justices to determine Differences.

Provided always, and be it further enacted, That in case such Surveyor or Surveyors, or any Person or Persons by him or them employed, shall at any Time or Times dig, take, and carry any Gravel or other Materials out of or from any inclosed Pasture Grounds belonging to James Harkness Esquire, for the repairing the said Road leading from the Lamb Corner in Ely to the Town of Littleport; and if any Dispute or Difference shall arise between the said Trustees, their Surveyor or Surveyors, or such other Person or Persons, and the said James Harkness, or his Tenant or Tenants, respecting the Value of the Damages to be paid to him or them, the same shall be determined by a Jury of the County of Cambridge, in the Manner as is herein-after prescribed for the determining of the Value of the Lands and Grounds to be taken in and added to the said Roads, or be used for the Purpose of widening or altering the said Roads.

Gravel may be taken from Mr. *Harkness's* Grounds, making Satisfaction.

And be it further enacted, That if any Person or Persons, other than those employed by the said Trustees or their Surveyors for that Purpose, shall break down, pull up, injure, or take away any Bridge, Arch, Post, or Rail, erected, or which shall be erected on any Part of the said Roads; or shall take, carry away, or destroy, any Ballast, Gravel, or other Materials laid, or which shall be laid, on any Part of the said Roads, for the Repair thereof; or shall carry away any of the Drift Sand from the

Penalty on Persons taking away or destroying the Materials for repairing the Roads.

said Roads, without Leave in Writing under the Hands of the said Trustees, or any Five or more of them, specifying the Quantity to be taken, and the Time for taking the same; or if any Person whatsoever shall take away any Materials which shall have been digged or gathered in any Lands, Fields, Wastes, or Grounds, River, or Brook, for the Purpose of repairing the said Roads; or shall get or take away any Materials out of any Pit or Quarry, which shall have been made for the Purpose of getting such Materials for repairing the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Twenty Days, except the Owner or Occupier shall get Materials therein for his own private Use only and not for Sale; every Person so offending, and being thereof convicted before One or more Justice or Justices of the Peace for the County, Liberty, or Place where the same shall happen, upon the Oath or Oaths of One or more credible Witness or Witnesses, or by his or her own Confession, shall for every such Offence forfeit and pay the Sum of Five Pounds.

Surveyors may make Causeways, and erect Bridges, &c.

And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, to make or cause to be made Causeways in or along the Sides of any Part or Parts of the said Roads, and to build or cause to be built a Bridge for Carriages over the River Ouze at or near the said Place called Scotting's Ferry, and a Bridge for Carriages over the River Brandon to Ferry Causeway, and also any other Bridge or Bridges upon, in, or across the said Roads; and to cut or cause to be cut any Watercourses, in, through, or across any Lands or Grounds, to prevent the said Roads, or any Part thereof, from being overflowed, and to erect Bridges over such Drains or Watercourses if necessary; and also to make or cause to be made a Road or Way by, through, or over the Grounds contiguous to any narrow or ruinous Part of the said Roads (not being the Site of or Ground whereon any House or Houses stand, or Yard, Park, Paddock, planted Walk or Avenue to any House) to be made use of by all Passengers with Carriages and Cattle, or otherwise, as a publick Highway, whilst the old or ruinous Road is repairing, and until such Time as it shall be convenient and safe for Carriages and Cattle to pass the same; making reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds for the Damages they shall thereby sustain: And in case of any Difference between the said Trustees, or Surveyor or Surveyors,

and make a temporary Road,

making Satisfaction.

veyors, and any of the said Owners or Occupiers, any Two or more Justices of the Peace for the County, Liberty, or Place where the same shall happen, shall and may, on Ten Days Notice thereof to be given by any such Surveyor to such Owner or Occupier, or by such Owner or Occupier to such Surveyor, to be left at their respective Places of Abode with some of their respective Families, hear, settle, and determine the Matters of the said Damages.

Bridges over the *Ouze* and *Brandon*.

Provided always, That such Bridges so to be built over the River Ouze and the River Brandon, shall be built under the inspection and Direction of the Deputy Surveyor General of the Corporation of Bedford Level.

To cut down Trees and Bushes, and remove Annoyances.

And for the better preventing Incroachments and Annoyances in and upon the said Roads, be it further enacted, That if any Owner or Occupier of any Lands, Tenements, or other Premises near to the said Roads, shall refuse or neglect, by the Space of Ten Days after Notice in Writing given to him or her, or left at his or her usual Place of Abode, under the Hand of the Surveyor or Surveyors appointed by the said Trustees, to trim up, lop, cut down, or root up, and remove any Trees or Bushes growing in or upon the said Roads, or in or upon the Hedges or Banks adjacent thereto, or to scour and cleanse any Ditch, Drain, or Watercourse contiguous to or leading out of or from the said Roads, or to make, build, or erect across such Ditch, Drain, or Watercourse an Arch or Arches sufficient for the free Course of the Water under his or her Gate-way or Passage leading from the said Roads into any Field, Ground, or other Premises; or to pull down or take away any Incroachment; or if any Person shall suffer his or her Sink or Drain to run into the said Roads; or shall throw, cast, or lay, or cause, permit, or suffer to be thrown, cast, or laid, any Dust, Dirt, Ashes, Rubbish, Dung, or other Filth or Annoyance into or upon the said Roads, or into or in any of the Ditches, Drains, or Watercourses thereto belonging; it shall be lawful for such Surveyor or Surveyors, and for any Person by him or them employed, to trim up, lop, cut down, or root up and remove any such Trees or Bushes, and to scour and cleanse any such Ditch, Drain, or Watercourse, and to make, build, or erect such Arch or Arches as aforesaid, and effectually to turn, prevent, or stop up such Sink or Drain so running into any Part of the said Roads, and to abate or pull down and take away any such Incroachment, and to remove such Dust, Dirt, Ashes, Rubbish, Dung, or other Filth

Filth, or Annoyance from the said Roads, or from the Ditches, Drains, or Watercourses belonging thereto; and, in any of the said Cases, by Warrant under the Hand and Seal of any Justice of the Peace for the County, Liberty, or Place where the same shall happen, to levy the Charges thereof (the same being first settled and ascertained by such Justice) by Distress and Sale of the Goods and Chattels of such respective Owner, Occupier, or other Person, rendering, upon Demand, to the Person whose Goods and Chattels shall be so distrained and sold, the Overplus (if any be) after deducting the Charges of such Distress and Sale: And every Person who shall permit or suffer his or her Sink or Drain to run into the said Roads, or any Part thereof, or who, after the Abatement or Removal of any Incroachment or Annoyance by him or her made, caused, or permitted, shall again offend in the like Manner, and shall be convicted upon the Oath of One or more credible Witness or Witnesses, or by his or her own Confession, shall forfeit and pay the Sum of Forty Shillings, over and above the Charges of removing every such Incroachment and Annoyance, to be settled and ascertained as aforesaid: And in case the Person who shall throw, cast, or lay any Dust, Dirt, Ashes, Rubbish, Dung, or other Filth or Annoyance, into or upon the said Roads, or into or in the Ditches, Drains, or Watercourses belonging thereto, cannot be discovered; then, and in such Case, the Occupier of any House, Land, or other Premises adjoining to the said Roads, and before which such Dust, Dirt, Ashes, Rubbish, Dung, or other Filth or Annoyances, shall be thrown, cast, or laid, shall be accounted the Offender, and be liable to pay the Penalty as such.

Charges to be levied by Distress.

Penalty on subsequent Offence.

In case Person committing Annoyance cannot be found,

adjacent Occupier subject to the Penalty.

And be it further enacted, That the said Trustees, or any Seven or more of them, or such Person or Persons as they shall for that Purpose authorise and appoint, may and they are hereby impowered to contract and agree with any Person or Persons for any certain Sum or Sums of Money for the Repairs of any particular Portion or Portions of the said Roads, or for the Building or Repair of any Bridge or Bridges, or for any other necessary Work to be performed in pursuance of this Act; and that all such Contracts and Agreements in Writing shall be valid, and that Actions may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof.

Trustees may contract for Repairs.

And be it further enacted, That the said Trustees, or any Seven or more of them, may turn or alter the Path or Way of any of the said Roads, if they shall think it necessary,

Trustees may alter the Way over any Common, &c.

neceſſary, over any Common or Waſte Grounds, without paying any Thing for the ſame; and the old Road, in lieu whereof ſuch new Way ſhall be made, ſhall be from thenceforth Part of ſuch Common or Waſte Ground; and ſuch new Way ſhall become, and be from thenceforth deemed and taken to be a public Highway, and Part of the Roads intended to be repaired by this Act; and ſhall be repaired and maintained by ſuch Ways and Methods, and in all Reſpects in ſuch Manner, as ſuch old Road was and ought to have been repaired and maintained.

Truſtees impowered to purchaſe Lands, &c.

And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall have full Power and Authority to treat, contract, and agree with the ſeveral Owners, Proprietors, Occupiers of, and Perſons intereſted in, any Lands, Grounds, or Hereditaments, which may by the ſaid Truſtees, or any Seven or more of them, be thought neceſſary or convenient to be taken in and added to the ſaid Roads, for the widening, turning, or altering any Part or Parts thereof, for the Purchaſe of ſuch Lands, Grounds, or Hereditaments, or for the Loſs or Damage which any ſuch Owners, Proprietors, Occupiers, or Perſons intereſted, ſhall or may thereby ſuſtain; and out of the Tolls by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for ſuch Lands, Grounds, or Hereditaments, and for ſuch Loſs or Damage, ſuch Sum or Sums of Money as ſhall be agreed upon between ſuch Owners, Proprietors, Occupiers, and Perſons intereſted as aforeſaid, and the ſaid Truſtees, or any Seven or more of them, and alſo the Coſts and Charges attending ſuch Agreement and Purchaſe.

Bodies Politick, &c. impowered to treat.

And be it further enacted, That it ſhall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, or other Truſtees, for or on Behalf of any Infants, Femes-covert, or Ceſtuique Truſts, and all and every Perſon or Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed or, or intereſted in any ſuch Lands, Grounds, or Hereditaments, to treat, contract, and agree with the ſaid Truſtees, or any Seven or more of them, for the Sale of ſuch Lands, Grounds, or Hereditaments, or for their Intereſt therein, for the Purpoſes aforeſaid, and to ſell and convey the ſame as Occaſion ſhall be and require; and all Contracts, Agreements, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes; any Law, Statute, Uſage, or any other Matter or Thing whatſoever, to the contrary thereof in any wiſe notwithſtanding:

And all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Bodies Politick, &c. neglecting to treat,

And be it further enacted, That if any such Owner, Proprietor, Occupier, Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustees, or other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to 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 Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in and added to the said Roads, or into or through which any such Road is to be turned or altered as aforesaid, shall, by the Space of Fourteen Days after such Notice given or left as aforesaid, refuse or neglect to treat, or shall not agree for the Sale of such Lands, Grounds, or Hereditaments, or, by reason of Absence, shall be prevented from treating; then, and in every such Case, the said Trustees, or any Five or more of them, shall cause to be enquired, and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County, Liberty, or Place where such Grounds, Lands, or Hereditaments, shall lie (which Oath any Two or more of the said Trustees are hereby impowered to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Proprietors, Occupiers, or Person or Persons interested for or upon account of the taking such Lands, Grounds, or Hereditaments, into the said Roads, or of turning any such Road into or through any such Lands, Grounds, or Hereditaments; and in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required to summon and call before such Jury, and examine upon Oath, all Persons who shall be thought necessary or proper to be examined as Witnesses touching or concerning the Premises (which Oath any Two or more of the said Trustees are hereby impowered to administer); and they shall also order and cause such Jury to view the Places in Question, if there be Occasion; and shall use all lawful Ways and Means, as well for their own as for the Jury's Information in the Premises: And after the Jury shall have enquired, ascertained, and settled such Damage and Recompence, they

Jury to settle the Damage and Recompence.

Witnesses to be examined on Oath.

the said Trustees, or any Five or more of them, shall thereupon adjudge and order the Sum or Sums of Money which shall be assessed by the Jury to be paid to the said Owners, Proprietors, or Occupiers of, or other Persons interested in such Lands, Grounds, or Hereditaments, according to the Verdict or Inquisition of the Jury; which said Verdict or Inquisition, Judgement and Order, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, and Persons under any Disability whatever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and all such Owners, Proprietors, and Occupiers, and all Persons interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, be thereby from thenceforth, to all Intents and Purposes, divested of all Property, Right, Title, Interest, or Claim, in, to, or upon the same: And, for the summoning and returning of such Jury, the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County, or Bailiff of the Liberty or Place, where such Lands, Grounds, or Hereditaments shall lie, thereby commanding and requiring him to impannel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff or Bailiff, or their respective Deputy or Deputies, is and are hereby required to impannel, summon, and return such Number accordingly; and out of the Persons so impanneled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall swear, or cause to be sworn, Twelve, who shall be drawn by Ballot out of the said Twenty-four; which Twelve shall be the Jury for the Purposes aforesaid: And in Default of a sufficient Number of Jurymen, the said Sheriff or Bailiff, or their respective Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, to make up the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them, shall have full Power, from Time to Time, to impose any reasonable Fine or Fines on such Sheriff or Bailiff,

Verdict of the Jury to be final.

Trustees may issue their Warrant to the Sheriff to impannel and summon a Jury.

Jurors may be challenged.

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

Bailiff, their reſpective Deputy or Deputies, or Agents, making Default in their Premiſes, and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear; or who ſhall refuſe to be ſworn on the ſaid Jury; or, being ſworn, ſhall not give a Verdict; or ſhall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Perſons who, being required to give Evidence before ſuch Jury, ſhall refuſe or neglect to appear; or appearing, ſhall refuſe to be ſworn and give Evidence; ſo as no ſuch Fine ſhall exceed the Sum of Ten Pounds upon any One Perſon for One Offence.

Fine not to exceed 10*l.*

Expences of Jury, how to be borne.

And be it further enacted, That in caſe any Jury, ſummoned and ſworn purſuant to the Authority of this Act, ſhall give in and deliver a Verdict or Aſſeſſment for more Monies as a Recompence or Satisfaction for the Property, Right, or Intereſt of any Perſons or Perſon in any ſuch Lands, Grounds, or Hereditaments, or for any ſuch Loſs or Damage, than what ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning or returning of ſuch Jury; then the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes concerning the aſcertaining and determining the Value of any ſuch Property, Right, or Intereſt, or Loſs or Damage ſuſtained as aforeſaid, ſhall be borne and paid by the ſaid Truſtees, or any Five or more of them, out of the Tolls hereby granted, or out of any Money borrowed on the Credit thereof: But if the Jury ſhall give in and deliver a Verdict or Aſſeſſment for no more or for leſs Monies than ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning and returning of ſuch Jury; then the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute.

Monies aſſeſſed to be charged on the Tolls in the North Diſtrict.

And be it further enacted, That all Sums of Money ſo aſſeſſed as aforeſaid ſhall be, and the ſame are hereby charged upon the Monies which ſhall be collected or raiſed by virtue of this Act within the North Diſtrict, and ſhall be paid thereout accordingly by the ſaid Truſtees, or any Five or more of them, or by their Treaſurer, to the Perſons reſpectively intitled thereto, or to their Agents: And upon Payment or Tender thereof to ſuch Perſons, or their Agents; and, in caſe of Refuſal to accept the ſame, then upon leaving the ſame in the Hands of the Treaſurer to the ſaid Truſtees, for the Uſe of ſuch Perſons,

sons, such Lands, Grounds, or Hereditaments shall be laid into and made Part of the said Roads, and shall, to all Intents and Purposes whatsoever, become and be deemed and taken to be a publick and common Highway, and be from thencefoorth Part of the said Roads for ever after; and shall be repaired and kept in Repair by such Ways and Methods, and in all Respects in such Manner, as the old Road so widened, altered, or turned was and ought to have been kept in Repair; and after such new Road shall be completed, the Lands and Grounds comprized in or constituting the old or former Road, shall be vested in and may be sold by the said Trustees, or any Five or more of them, to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied towards the Repair of the said Roads, and other the Purposes relating thereto; and the Conveyance or Conveyances to be made of such Lands or Grounds being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the County or Liberty where such Lands, Grounds, or Hereditaments shall lie, shall be good and effectual in the Law to all Intents and Purposes whatsoever; or it shall be lawful for the said Trustees, or any Five or more of them, with the Consent of the Lord or Owner of the Manor, to exchange all or any such Lands or Grounds comprized in or constituting the old or former Road, for any Land, Ground, or Hereditament which the said Trustees shall think necessary to become possessed of, for the widening, turning, or altering any Part or Parts of the said Roads.

Lands purchased to be deemed a publick Highway, and kept in Repair as such.

Old Road may be sold.

Application of Money.

And be it further enacted, That in widening, turning, or diverting any Part or Parts of the said Roads, nothing shall be done which shall or may in any wise injure or damage any Dwelling-house, Out-house, or other Building, or any Garden, Orchard, Yard, Court, Park, Paddock, Nursery Ground, planted Walk or Avenue to any House; any Thing herein contained to the contrary notwithstanding.

Buildings not to be injured.

And be it further enacted, That all Bodies Politick and Corporate, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, and all Persons who before the making of this Act have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account, to repair any Part or Parts of the Roads hereby intended to be repaired, or any Bridges, Causeways, Drains, Sewers, or Arches, shall, notwithstanding

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

notwithstanding this Act, be subject and liable to repair the same respectively, in the same Manner as they have heretofore usually done or ought to have done; and that the Inhabitants of and Occupiers of Lands, Tenements, and Hereditaments in the several Towns, Parishes, Hamlets, and Places through which the said Roads hereby intended to be repaired do lie, who by the Laws and Statutes of this Realm are liable to perform the Work in the Highways for the Repair thereof, commonly called Statute-work, shall still be subject and liable to do and perform the same, and shall and are hereby required to do and perform such and so many Days Work in such Parts of the said Roads by this Act directed to be repaired, and lying within the said Towns, Parishes, Hamlets, or Places in which such Inhabitants respectively shall live, or shall occupy any Lands, Tenements, or Hereditaments as aforesaid, as any Two or more Justices of the Peace for the County, Liberty, or Place in which such Lands, Grounds, or Hereditaments shall lie, at any Petty or Special Sessions of the Peace, upon Application made to them by any Five or more of the said Trustees, shall adjudge and determine; which Statute-work shall be done at such Times and in such Manner as the said Trustees, or any Five or more of them, or their Surveyor, shall appoint.

Inhabitants to perform Statute-work.

And be it further enacted, That the Surveyors of the Highways of and for every of the said Towns, Parishes, Hamlets, and Places, shall and they are hereby required, at the Third Meeting of the said Trustees after the Passing of this Act, and at the First Meeting of the said Trustees after the Twenty-fifth Day of March in every succeeding Year, or at any other Meeting of the said Trustees, if thereunto required by the said Trustees, or any Five or more of them, (Ten Days Notice of such Meeting being fixed on all the Toll-gates then erected) to deliver in to the said Trustees true and perfect Lists in Writing, under their respective Hands, of the Names of all the Inhabitants of and Occupiers of Lands, Tenements, and Hereditaments in such Towns, Parishes, Hamlets, and Places respectively, who are liable to do their Statute-duties in and upon the said Highways; and shall in such Lists distinguish and set forth which of such Inhabitants or Occupiers keep a Team or Teams, or occupy a Plough Land or Plough Lands, and which of them are liable to Duty as Labourers.

Parish Surveyors to give in Lists of Persons liable to do Statute work.

And be it further enacted, That if the respective Surveyors of the several Towns, Parishes, Hamlets, or Places

Penalty on their Neglect.

Places through which the said Roads lead, shall not deliver in to the said Trustees Lists of the Inhabitants of and Occupiers of Lands, Tenements, or Hereditaments in their several Towns, Parishes, Hamlets, and Places, at such Times and in such Manner as by this Act is directed; every such Surveyor shall forfeit and pay for every such Default the Sum of Five Pounds: And if any such Inhabitant or Occupier, being obliged or liable by Law to do Statute-work in and upon the said Roads, shall not perform the same at such Times and Places, and in such Manner, as shall by the said Trustees, or any Five or more of them, or their Surveyor, be directed; such Inhabitant or Occupier shall, for every such Neglect or Default, forfeit and pay the several Sums which are or shall be in such Cases directed to be forfeited and paid by the several Laws and Statutes of this Realm for repairing the Highways thereof: And if any Person who shall come to work as a Labourer, or who shall be sent with any Team, Draught, or Cart to work on the said Roads, shall be found idle or negligent, or shall not properly perform such Statute-work, the Surveyor imployed by the said Trustees may and is hereby impowered and required to discharge such Person, and it shall be deemed and taken as if such Person had not come, or such Team, Draught, or Cart had not been sent to work on the said Roads; and the Person liable to perform such Statute-work shall be subject to the like Forfeitures as if he or she had refused or neglected to perform the same.

Persons found idle, to be turned off.

And be it further enacted, That the said Trustees, or any Five or more of them, may and are hereby impowered to compound with any Body Politick or Corporate, Town, Parish, Hamlet, or Place, and the Inhabitants thereof, or any Person or Persons, for the Repairs to be by them respectively done upon the said Roads, or to any Bridges, Causeways, Sewers, or Drains; and also with the Surveyor or Surveyors of the several Towns, Parishes, Hamlets, and Places through which the Roads hereby intended to be repaired, or any Part or Parts thereof, do lie, or with any of the Inhabitants thereof, or Occupiers of Lands, Tenements, and Hereditaments therein, for the several Days Statute-work to be by them respectively done upon the said Roads, for any certain Sum or Sums of Money, by the Year or otherwise; and the same shall be instantly paid to the said Trustees, or any Five or more of them, or to such Person or Persons as shall be appointed by them to receive the same.

Trustees may compound for such Repairs.

Provided

Surveyor to be reimbursed the Composition-money

Provided always, That if the Surveyor or Surveyors of the Highways of any Town, Parish, Hamlet, or Place, for the Statute-work whereof such Composition shall be made, shall pay the Composition-money in Manner herein before directed; then, and in such Case, such Surveyor or Surveyors shall be repaid or reimbursed the same in such Manner as, by the Laws now in being, Surveyors of the Highways of this Kingdom are to be repaid or reimbursed the Monies by them expended in buying Materials for amending the Highways.

Roads to be measured and Mile stones erected.

And be it further enacted, That the said Trustees, or any Five or more of them, may cause the said Roads to be measured, and Stones or Posts to be from Time to Time set up on the Sides thereof, with Inscriptions denoting the Number of Miles and Distances of Places;

Penalty on defacing Mile-stones.

and if any Person shall wilfully and designedly break, pull down, dig up, injure, or destroy any such Stones or Posts, or shall erase, obliterate, or deface any of the Inscriptions made thereon, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Penalty on drawing Timber, &c. except on Wheel carriages.

And be it further enacted, That if any Person shall hale or draw or cause to be haled or drawn along any Part of the said Roads, any Tree or Piece of Timber, otherwise than upon or by Wheel-carriages, or hale or draw or cause to be haled or drawn any Plough upon or cross any Part of the said Roads, whereby the same shall be prejudiced; every Person so offending shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

For punishing Persons damaging or destroying the Bridges.

And be it further enacted, That if any Person or Persons shall wilfully and maliciously burn, blow up, pull down, or otherwise destroy the said Bridges to be erected over the River Ouze and over the River Brandon, or either of them, or any Part thereof, or shall attempt so to do; or shall wilfully and maliciously, and without Authority from the said Trustees, or any Five or more of them, remove or take away any of the Works thereunto, or to either of them belonging, or in any-wise direct or procure the same to be done, whereby the said Bridges, or either of them, or the Works thereof, may be damaged or destroyed; every such Offender or Offenders, being lawfully convicted thereof, shall be adjudged guilty of Felony, and shall suffer as a Felon without Benefit of Clergy.

Proceedings to be entered in a Book.

And be it further enacted, That the Accounts of all Receipts and Disbursements, and all Contracts, Orders, and Proceedings entered into, made, and had, by or on

the Behalf of the said Trustees in the Execution of this Act, shall be entered in Books to be kept for that Purpose by the Treasurer or Clerk to the said Trustees; and that any Person may take Copies thereof, paying for every Copy not exceeding One hundred Words, Twopence, and so proportionably for any Number of Words; and all Orders and Proceedings so entered shall be signed by the Chairman presiding at the Meeting where such Orders and Proceedings shall be made and had; which said Books, and also the Books directed to be kept for the registering and entering Securities for Monies borrowed, and of any Assignments thereof, shall be admitted to be read in Evidence in all Cases of Appeal, Suits, or Actions touching any Thing done in pursuance of this Act.

Books may be read in Evidence.

And be it further enacted, That all Fines, Penalties, and Forfeitures by this Act imposed (the Manner of recovering whereof is not otherwise particularly directed) shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the County, Liberty, or Place where the Offence shall be committed, or for the County, Liberty, or Place where the Offender shall reside or be found; which Warrant such Justice or Justices is and are hereby impowered and required to grant upon the Information of One or more Witness or Witnesses upon Oath; the Overplus (if any be) after deducting the Charges of such Distress and Sale, to be in all Cases rendered upon Demand to the Party whose Goods and Chattels shall be so distrained and sold; and such Fines, Penalties, and Forfeitures, when recovered, shall be paid to any Five or more of the said Trustees, or to their Treasurer or Clerk, or to any Person appointed by them to receive the same, and shall be by them applied (if not otherwise directed to be applied) to the same Uses as the Tolls by this Act granted are directed to be applied; and in case sufficient Distress cannot be found, it shall be lawful for such Justice or Justices, and he and they is and are hereby required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender to the common Gaol of such respective County, Liberty, or Place for any Time not exceeding Two Calendar Months, unless such Fines, Penalties, or Forfeitures shall be sooner paid.

Penalties may be levied by Distress.

For want of Distress, Offender to be committed.

And be it further enacted, That in all Cases wherein Jurisdiction is given to any Justice or Justices of the Peace by this Act, it shall be lawful for such Justice or

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

Justices to administer an Oath to any Person for his or their more certain Information in the Matters then depending; and that any Justice of the Peace may act as such in the Execution of this Act, notwithstanding his being a Trustee, except in Cases wherein he shall be personally interested.

except where interested.

Justices and Trustees may be Mortgagees.

Provided always, and it hereby declared, That nothing in this Act contained shall extend to prevent any Justice of the Peace or Trustee for the Repair of the said Roads, being a Mortgagee of the Tolls by this Act granted, from acting by reason of such Mortgage Interest.

Persons aggrieved may appeal to the Quarter-sessions;

And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person or Persons may appeal to the Justices of the Peace for the County, Liberty, or Place where the Cause or Matter of such Appeal shall arise, at their General or Quarter-session, within the Space of Three Calendar Months; such Appellant or Appellants first giving, or causing to be given, Ten Days Notice at the least, in Writing, of his, her, or their Intention to bring such Appeal, and of the Cause thereof, to the Treasurer or Clerk to the said Trustees; and, within Two Days next after such Notice given, entering into a Recognizance or Recognizances before some Justice of the Peace for such County, Liberty, or Place, with Two sufficient Sureties, conditioned to try such Appeal at such General Quarter-session, and to abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Session; and the said Justices at such Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance or Recognizances, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way; and shall award such Costs for the Appellant or Appellants, or Respondent or Respondents, as they the said Justices shall think proper; and the Determination of such Session shall be final, binding, and conclusive to all Parties interested therein.

giving Notice thereof,

and entering into Recognizance.

Proceedings not to be removeable by *Certiorari*.

And be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; and that where any Distress shall be made for any Sum or Sums of

Money

Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed to be unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereunto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any ſubſequent Irregularity in the Proceedings of the Perſon or Perſons making ſuch Diſtreſs; 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.

Diſtreſs not to be deemed unlawful for want of Form;

nor the Parties diſtraining be deemed Treſpaſſers *ab initio*, for ſubſequent Irregularity.

Provided always, That where the Plaintiff or Plaintiffs ſhall recover in any ſuch Action, he, ſhe, or they ſhall be paid his, her, or their Full Coſts of Suit, and have the like Remedies for recovering the ſame as for the recovering of Coſts in any other Caſe by Law.

Where Plaintiffs recover, to have Full Coſts.

Provided alſo, That no Plaintiff ſhall recover in any Action for any Irregularity as aforeſaid, if Tender of good and ſufficient Amends ſhall have been made by or on Behalf of the Defendant or Defendants before ſuch Action brought; nor if ſuch Tender of Amends ſhall be made at any Time after the Action brought, and before the Trial thereof, together with Coſts of Suit to the Time of ſuch laſt-mentioned Tender; but on Proof made of ſuch Tender, on any Trial to be had in ſuch Action, the Plaintiff or Plaintiffs ſhall ſuffer Judgement as in Caſes of Nonſuit, with Double Coſts; to be recovered in the ſame Manner as any Defendant or Defendants may recover Coſts in any other Caſe by Law.

Plaintiff not to recover, if Tender of Amends hath been made.

Double Coſts.

And be it further enacted, That for the more exemplary Puniſhment of any atrocious Offence which may be committed againſt this Act, and for recovering a Compenſation adequate to the Damage ſuſtained, the ſaid Truſtees, or any Five or more of them (inſtead of levying the Penalties by this Act particularly impoſed, and proceeding againſt the Offender or Offenders in the ſummary Manner herein before provided) may at their Election prefer and proſecute with Effect a Bill or Bills of Indictment againſt ſuch Offender or Offenders, or may bring an Action or Actions in the Names of any Two or more of them, or in the Name of their Treaſurer or Clerk.

Power to Truſtees to bring Indictments or Actions againſt Offenders.

And be it further enacted, That upon any Complaint, Information, Indictment, or Action to be laid, preferred, or brought againſt any Perſon or Perſons for any Offence committed againſt this Act, the Evidence of any of the Inhabitants of any of the Pariſhes or Places through which

Evidence of Inhabitants to be admitted.

which the Roads directed to be repaired by this Act do lead, shall be taken and admitted; any Law, Custom, or Usage to the contrary notwithstanding.

And be it further enacted, That it shall be lawful for the Justice or Justices before whom any Person or Persons shall be convicted of any Offence or Offences against this Act, to draw up and record such Conviction, mutatis mutandis, in the Form or to the Effect following; that is to say,

Form of Conviction.

County of } BE it remembered, That on this Day of in the Year of the Reign of His present Majesty, *A B* is convicted before me [*us*] of His said Majesty's Justices of the Peace for the said County of [*specifying the Offence, and Time and Place when and where the same was committed, as the Case shall be*] and I [*we*] the said Justice [*Justices*] do adjudge him [*her*] to forfeit and pay for the same the Sum of Given under my Hand and Seal [*our Hands and Seals*] the Day and Year above written.

Writings to be without Stamps.

And be it further enacted, That no Order, Nomination, Appointment, Mortgage, Assignment, or other Security for the borrowing of Money, Contract, Agreement, Information, Conviction, Judgement, Warrant, or other Writing, under the Hand or Hands, Hand and Seal, or Hands and Seals, of any Trustee or Trustees, Justice or Justices of the Peace, or exhibited before any of them, in pursuance of any of the Powers or Authorities by this Act vested in such Trustee or Trustees, Justice or Justices of the Peace; nor any Transfer of any Mortgage Security; nor any Bond taken from any Officer, or his Sureties, in pursuance of this Act, for the due Execution of his Office; nor any other Writing whatsoever concerning the Execution of this Act, shall be charged or chargeable with any Stamp-duty.

Rights of the Corporation of *Bedford Level* reserved.

Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to invalidate, affect, or prejudice any of the Rights, Powers, and Authorities vested in the Governor, Bailiffs, and Commonalty of Conservators of the Great Level of the Fens called Bedford Level, or in the said Governor, Bailiffs, or Conservators by virtue of

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an Act made in the Fifteenth Year of the Reign of King Charles the Second, intituled, An Act for settling the Draining of the Great Level of the Fens called *Bedford Level*; or by virtue of any other Act or Statute whatsoever; but that all Rights, Powers, and Authorities whatsoever which now are vested in the said Governor, Bailiffs, and Commonalty, or in the said Governor, Bailiffs, and Conservators, or any of them, shall for ever hereafter remain, continue, and be in them and every of them, as fully and amply, to all Intents and Purposes, as if this Act had never been made. Act 15 *Car.* II.

And whereas Part of the said Road along the East Side of the River Ouze from Scotting's Ferry to Brandon River, and from thence to Southery Ferry, has been always supported and maintained by the said Governor, Bailiffs, and Commonalty of the Company of Conservators of Bedford Level, and the Commissioners of Burnt Fen and Feltwell Level Districts; and divers large Sums of Money have been annually laid out for that Purpose: And whereas the Support of the said Banks is of the utmost Consequence not only to those Districts, but to other Parts of the said Fens in general; which must on every Breach or Failure thereof be overflowed and annoyed with Waters, to the Loss of many Thousand Acres of rich and valuable Lands: And whereas the Bank from Scotting's Ferry to Brandon River, and from thence to Southery Ferry aforesaid, by the frequent Passing of Horses and Carriages thereon, will be more worn than it has heretofore been, and will require large Sums to be laid out thereon to support and maintain the same: Be it therefore enacted, That from and after the Passing of this Act, and during the Continuance thereof, the said East Bank of the River Ouze from Scottings Ferry to Southery Ferry aforesaid, shall be constantly supported and maintained by the said Trustees out of the Tolls to be collected by virtue of this Act; so that the Seat or Foundation of the said Bank within the Limits aforesaid be never less than the present Seat or Foundation thereof; and that the said Bank be, within Two Years from the Passing of this Act, raised One Foot Six Inches at the least beyond the present Height thereof; and that after the Bank shall have been so raised, the Height of the said Bank be never less than One Foot higher than the present Height thereof; the Dimensions of the present Seat and Height of the said Bank to be settled and ascertained by the Inspector General of the Bedford Level Corporation; the Admeasurement whereof so by him taken shall be delivered into the Hands of the Clerk to the said Trustees at their Second Meeting, under

Trustees to support the East Bank of the River *Ouze*, from *Scottings Ferry* to *Southery Ferry*.

the Hand and Seal of the said Inspector General thereto set in the Presence of Two credible Witnesses; and a Duplicate thereof, signed, sealed, and witnessed in the like Manner, shall be, as soon after as conveniently may be, lodged by the said Inspector General with the Register of the Bedford Level Corporation at the Fen Office in London: And in case it shall at any Time thereafter happen that the Seat and Height of the said Bank be less than the present Seat and Height thereof, or that the Height thereof shall at any Time after the Expiration of the aforesaid Two Years be less than One Foot above the present Height; that then, on Notice thereof to be given in Writing to the Clerk of the said Trustees, under the Hand of the Servant or Officer for the Time being of the Bedford Level Corporation in whose District such Piece of Bank shall lie, the Trustees shall give immediate Orders to amend and make up the same according to the Dimensions aforesaid; and on Failure thereof for the Space of Fourteen Days, it shall then be lawful for such Officer to set about the Repair of the said Bank and to make it equal to the Dimensions aforesaid; and when the same shall be repaired, it shall be lawful for the said Governor, Bailiffs, and Conservators, or any Five or more of them, whereof the said Governor, or Bailiffs, or any of them, to be Two, in case the same shall have been repaired by the Direction of their Officer, to order the Receiver General for the Time being to draw on the Treasurer or Treasurers to the said Trustees, or either of them, for the Money laid out and expended in such Repair; and the said Treasurer or Treasurers shall, out of the First Monies which shall come to his Hands from the said Tolls, and in preference to any other Charge upon the same, pay and satisfy such Draught, and shall be allowed the same in his Accounts by the said Trustees.

And whereas Breaches may happen in the said Banks for want of immediate Attention to the Rise of the Land Floods, and of timely Assistance to preserve and support the said Banks, to the Drowning of many Thousand Acres of Land: And whereas in case of such Accidents, there may not be Time to give Notice to the said Trustees of the Danger, so as to enable them to defend the Banks against the same: Be it enacted, That as often as the said Banks are so endangered by Land Floods, if the Agents or Servants of the said Trustees do not at the Time of such Danger appear on the Place or Places on the said Bank so endangered, to defend the same against any Breach, Slip, or Gull which may happen in the said Banks from such Floods, that then it shall

If Trustees do not defend the Bank against any Breach,

shall be lawful for the Servant or Officer for the Time being of the Bedford Level Corporation in whose District such endangered Piece or Pieces of Bank shall lie, instantly to endeavour, with such Assistance as he shall think necessary, to save and secure the said Bank from any Breach, Slip, or Gall: And if, notwithstanding such Endeavour, a Breach, Slip, or Gall shall happen; then to set about, with such Assistance as he shall think necessary, for the stopping and taking of such Breach, Slip, or Gall; and that the said Governor, Bailiffs, and Conservators, or any Five or more of them, whereof the said Governor or Bailiffs to be Two, in case the Bank shall have been endeavoured to be saved and secured by their Officer, or a Breach, Slip, or Gall happening, the same shall have been by him taken or stopped, may order their Receiver General for the Time being to draw upon the Treasurer or Treasurers to the said Trustees for the Money laid out and expended in so endeavouring to save and secure the Bank, or in taking or stopping such Breach, Slip, or Gall; which Draught such Treasurer or Treasurers is hereby required to pay and satisfy out of the First Monies which shall come to his Hands from the said Tolls, and in preference to any other Charge upon the same; and such Payment shall be allowed in his or their Accounts by the said Trustees.

then the Servant to the *Bedford Level* Corporation may secure the same, and be reimbursed the Money thereby expended.

And be it further enacted, That all and every Sum and Sums of Money, which shall at any Time or Times be advanced to the said Trustees by the said Governor, Bailiffs, and Conservators, for and towards the Support of the said Roads, shall be laid out and expended by the said Trustees upon the said East Bank of the River Ouze, between Scotting's Ferry and Southery Ferry aforesaid, under the Inspection and Direction of the said Corporation, their Superintendant, or such other Officer as they shall appoint.

Money advanced by the Corporation of *Bedford Level, &c.* to be expended upon the said Bank.

And be it further enacted, That if any Action or Suit shall be brought against any Person or Persons for any Thing done in pursuance of this Act, or in relation to the Matters herein contained, the same shall be commenced within Six Calendar Months next after the Cause of Action or Suit accrued, and not afterwards; and shall be brought, laid, and tried in the County or Place where such Matters and Things shall respectively be done or committed, and not in any other County or Place; and that the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial or Trials which shall be had thereupon; and that the Matter or Thing for

Limitation of Actions.

General Issue.

for which such Action or Suit shall be brought, was done in pursuance and by the Authority of this Act: And if such Matter or Thing shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid; then the Jury or Juries shall find for the Defendant or Defendants: And if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Suit shall become Nonsuit, or suffer a Discontinuance of such Action or Suit; or if, upon any Demurrer or Demurrers in such Action or Suit, Judgement shall be given for the Defendant or Defendants; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the Recovery thereof as any Defendant or Defendants hath or have for his, her, or their Costs in any other Case by Law.

Treble Costs.

Publick Act.

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

FINIS.