Anno ſecundo

Georgii III. Regis.

An Act for repairing and widening the Roads from a certain Bridge called *James Deeping Stone Bridge*, to *Peter's Gate* in *Stamford*, in the County of *Lincoln*; and from thence to the South End of the Town of *Morcot*, in the County of *Rutland*.



Whereas the High Roads leading from James Deeping Stone Bridge in the County of Lincoln, to and through Market Deeping, Tallington, and Uffington, to Saint Peter's Gate, in the Borough of Stamford, in the ſaid County of Lincoln; and from thence to and through Tinwell, Ketton, and South Luffenham; and from thence to the South End of the Town of Morcot, in the County of Rutland, are in a ruinous Condition, and in ſeveral Places very narrow and incommodious, and the ſaid Roads cannot be effectually repaired and widened by the ordinary Courſe appointed by the Laws in being: May it therefore pleaſe Your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority Preamble.

Truſtees Names.

Authority of the ſame, That the Honourable Sir John Cuſt Baronet, Speaker of the Honourable Houſe of Commons; the Right Honourable John Manners, commonly called Marquis of Granby; the Right Honourable Cavendiſh, commonly called Marquis of Hartington; the Right Honourable Robert Bertie, commonly called Marquis of Lindſay; the Right Honourable Robert Manners, commonly called Lord Robert Manners; the Right Honourable George Manners, commonly called Lord George Manners; the Right Honourable James Manners, commonly called Lord James Manners; the Right Honourable Brownlow Bertie, commonly called Lord Brownlow Bertie; the Right Honourable Robert Bertie, commonly called Lord Robert Bertie; the Right Honourable Vere Bertie, commonly called Lord Vere Bertie; the Right Honourable George Harry Grey, commonly called Lord Grey; the Right Honourable John Brudenell, commonly called Lord Brudenell; the Right Honourable George Lord Carbery, in the Kingdom of Ireland; the Right Honourable John Lord Carysfort, in the Kingdom of Ireland; the Honourable Thomas Chambers Cecil, the Honourable William Finch, the Honourable Edward Finch, the Honourable John Finch, the Honourable George Fitz William, the Honourable Charles Yorke, the Honourable George Monſon, the Honourable Joſhua John Proby, Sir Thomas Trollope, Sir John Thorold, Sir Nathaniel Thorold, Sir Francis Whichcote, Sir Francis Daſhwood, Sir Charles Buck, Sir Philip Boteler, Sir John Ruſhout, Sir Gilbert Heathcote, Sir Cecil Wray, Sir John Bernard, Sir Edmund Iſham, Sir John Dolben, Sir John Robinſon, Sir John Langham, Sir Thomas Palmer, Sir Arthur Haſilrigg, Sir William Halford, Sir Matthew Lamb, Sir Samſon Gideon Baronets; the Mayor, Aldermen, and Capital Burgeſſes, of the Town or Borough of Stamford for the time being; John Archer, Gilbert Affleck, Eſquires; William Affleck, James Affleck, Clerks; Alexander Adams, Zachary Arnold, John Allen, William Allat, Daniel Arnold, Robert Auſtin junior, Robert Allen, William Addy, Manning Aſhton, Gentlemen; Charles Bertie, William Burton, George Bridges Brudenell, Thomas Barker, Henry Boulton, John Blackwell, the Reverend Charles Berridge D. D. Thomas Trollope Brown, Everard Buckworth, Eſquires; Norborn Bertie, Montague Bertie, Chambers Bate, Robert Bates, White Bates, Richard Brown, Clerks; Edward Blithe Doctor of Phyſick, Theophilus Buckworth, Theophilus Buckworth junior, John Batſon, Benjamin Bereſford,

ford, Thomas Brown, James Bellaers, John Boyall, Thomas Beecroft, John Byerley, John Bailey, Morris Barchard, William Buck, Robert Brown, Thomas Brecknock, Jacob Borradale, Gentlemen; Henry Cecil, John Chaplin, Charles Chaplin, Francis Cuſt, Peregrine Cuſt, Eſquires; Richard Cuſt Clerk, Henry Cumbrey Gentleman, John Collins, William Chamberlin, George Cheſelden, Gentlemen; Henry Dove Eſquire, Joſeph Digby, Edward Darell, John Denham, Clerks; George Denſhire, James Davie, John Dove, Hargate Dove, Gentlemen; Gerard Ann Edwards Eſquire, John Exton, William Ellis, James Everett, James Edings, Gentlemen; James Fortrey, Richard Fydell Eſquires; William Fancourt, Thomas Foſter, Clerks; Richard Figg, John Figg, John Freer, Henry Fryer, George Fothergill, Gentlemen; Samſon Gideon Eſquire, Gueſt, William Gale, Clerks; Charles Green, William Green, James Greenwood, John Grundy, Richard Goodale, William Goodale, George Gibſon, Thomas Robert Gates, Gentlemen; John Heathcote, Thomas Hotchkin, Robert Hotchkin, Anthony Hotchkin, Eſquires; Thomas Hurſt, Humphry Hyde, Clerks; Hooke, Cheſelden Henſon, Thomas Haycock, William Hodges, Gentlemen; Thomas Harriſon Doctor in Divinity, James Hurſt, John Hepburn junior, Iſrael Halford, John Hopkins, James Harvey, Thomas Hall, Thomas Hogard, Francis Howgrave, John Hyde, James Haynes, James Haynes junior, Gentlemen; Cyril Jackſon Doctor of Phyſick, Matthew Judd, John Inet, Henry Johnſon, Robert Johnſon, John Ireland, Walter Johnſon, Thomas Ives, Matthew Ives, Thomas Jackſon, Gentlemen; William Paine King, Henry Kirkham, Smith Kirkham, Eſquires; Richard Arthur Knowles, Talbot King, Henry Knapp, Clerks; John Knight, Kemp, Gentlemen; George Lucas Eſquire, Richard Lucas, Manwaring Laughton, Clerks; James Little Gentleman, John Mitchell Eſquire, Lawrence Maidwell, Enoch Markham, Clerks; Thomas Maſon, Francis Moore, John Mawby, Thomas Mawby, Robert Miller, John Maſſey, William Maſſey, Gentlemen; Thomas Noel, Benet Noel, Noah Neale, Eſquires; Godfrey Newzam, Edward Nott, John Newark, Thomas Norton, Gentlemen; George Oliver, Edward Owen, Gentlemen; George Pochin, Armſtead Parker, Rogers Parker, John Palmer, Eſquires; George Pochin, Baptiſt Proby, Clerks; Charles Pierrepont, John Patrick, Thomas Porter, William Pool, John Pare, William Phillips, Samuel Pridmore, Gentlemen; John Ruſhout, Samuel Reynard-

 ſon,

ſon, Samuel Reynardſon junior, Eſquires; William Roſs, Farindon Reid, Renel, Clerks; Robert Ridlington, Joſeph Robinſon, William Reddall, William Roberts, John Richards, John Richards junior, Robert Ridlington of Glaſton, Daniel Reddiſh, Richard Raworth, John Richardſon, Gentlemen; the Honourable and Reverend Robert Sherard, Coningsby Sibthorpe Eſquire, Peter Symonds, George Searſon, Morris Stamford, Marmaduke Scurray, Joſeph Sharpe, Samuel Sharpe, Samuel Sharpe junior, Chriſtopher Sanderſon, Thomas Smith, William Stevenſon, James Sneath, Gentlemen; Thomas Middleton Trollope, Arthur Trollope, William Trollope, John Harvey Thurſby, Charles Tryon, Eſquires; Anthony Trollope, Brownlow Toller, Michael Tyſon, Charles Townſend, Robert Tryon, Clerks; Thomas Taylor, John Thoroton, Major Thomas Thompſon, Robert Tymperon, Joſeph Tomlinſon, John Thorpe, Charles Thickbroom, Barnaby Turner, Gentlemen; Robert Vyner, Robert Vyner junior, Thomas Vivion, Eſquires; Thomas Whichcote, Chriſtopher Whichcote, Francis Whichcote, Peter Wyche, John Wyche, Eſquires; David Walker, Francis Wotton, Thomas Wilberfoſs, Richard Wright, John Wilſon, John Williams, Clerks; George Williamſon, George Williamſon junior, John Wyche, John Wyche junior, Robert White, Henry Ward, Joſeph Wilford, William Waters, Robert White junior, Gentlemen; ſhall be, and they and their Succeſſors, to be elected in Manner herein after mentioned, are hereby appointed Truſtees, for amending, widening, and keeping in Repair, the ſaid Roads, and alſo for putting in Execution all the Powers hereby given; and that the ſaid Truſtees, or any Nine or more of them, ſhall and may erect, or cauſe to be erected, One Turnpike or Toll-gate croſs the ſaid Roads, at or near to a Gate called Tallington Weſt Gate, dividing the Fields of Tallington and Uffington aforeſaid; and alſo ſhall cauſe to be erected a Toll-houſe, upon or adjoining to the ſaid Roads, at or near, and either on the Eaſt or Weſt Side of the ſaid Gate called Tallington Weſt Gate; and in caſe after the Expiration of Twelve Calendar Months from the Commencement of this Act, the ſaid Truſtees, or any Nine or more of them, ſhall find and judge that the Tolls at ſuch Turnpike ſo to be placed as aforeſaid, will not be ſufficient for the Payment of the Intereſt of the Monies to be borrowed by virtue of this Act, and for defraying the Charges of repairing and keeping the ſaid Roads in good and ſufficient Repair, then, and in that Caſe, it ſhall be lawful for the

Truſtees may erect Turnpikes and Toll-houſes, and take Tolls thereat.

the ſaid Truſtees, or any Nine or more of them, and they are hereby directed to take up and remove the ſaid Turnpike or Toll-gate ſo placed at Tallington Weſt Gate, as aforeſaid; and in lieu thereof, to erect, or cauſe to be erected, Two Turnpikes or Toll-gates between James Deeping Stone Bridge aforeſaid, and a certain Bridge called Newſtead Bridge, in the Pariſh of Uffington aforeſaid; that is to ſay, One Turnpike or Toll-gate in Deeping Lane (lying on the Weſt of the Town of Market Deeping aforeſaid) and in and upon any ſuch Part of the ſaid Lane, as the Truſtees, or any Nine or more of them, ſhall think proper and expedient, and One other Turnpike or Toll-gate at or near to Newſtead Bridge aforeſaid; and alſo ſuch other Turnpikes or Toll-gates on the Sides of the ſaid Roads, and croſs any Lane or Way, leading out of or near the ſame, as they the ſaid Truſtees, or any Nine or more of them, ſhall think proper, to prevent the Tolls being evaded; and ſhall alſo cauſe to be erected a Toll-houſe, upon or adjoining to the ſaid Roads, at or near each of the Places where the ſaid Turnpikes ſhall be erected as aforeſaid; and alſo One Turnpike or Toll-gate, and Toll-houſe, in, upon, and croſs any Part of the ſaid Roads, between Saint Peter's Gate, in the Borough of Stamford, and the South End of the Town of Morcot aforeſaid; and alſo ſuch other Turnpikes on the Sides of the ſaid Roads, and croſs any Lane or Way leading out of or near the ſame, as they the ſaid Truſtees, or any Nine or more of them, ſhall think proper, to prevent the Tolls being evaded, and ſhall alſo cauſe to be erected or provided a Toll-houſe upon or adjoining to the ſaid Roads, at or near each of the Places where the ſaid Turnpikes ſhall be erected; and the Tolls following ſhall be paid at each of the ſaid Turnpikes, to ſuch Perſon or Perſons as the ſaid Truſtees, or any Seven or more of them, ſhall, in ſuch Manner as is herein after mentioned, appoint to receive the ſame, before any Horſe or other Cattle ſhall paſs through the ſame; that is to ſay,

and take Tolls thereat.

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

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

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

For

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

Which said respective Sums of Money shall be demanded and taken in the Name of, and as a Toll; and all the said Tolls shall be and are hereby vested in the said Trustees, and shall be applied in such Manner as is herein after mentioned; and if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, it shall and may be lawful for the Person and Persons appointed as aforesaid to collect such Tolls, to seize and detain any Horse or Horses, or other Cattle, upon which such Toll is by this Act imposed, or any of the Goods and Chattles of such Person or Persons so refusing or neglecting to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so distraining shall and may sell the Cattle or Goods so distrained, returning the Overplus (if any there be) upon Demand, to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted.

Tolls vested in the Trustees.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

And be it further enacted by the Authority aforesaid, That out of the Tolls or Monies to be borrowed upon the Credit thereof, the said Trustees, or any Seven or more of them, shall, in the First Place, pay all the Expences incurred in, and in relation to, the obtaining this Act; and that afterwards all such Tolls and Monies shall be applied in defraying the Expences of erecting and providing the Turnpikes and Toll-houses, and of repairing, widening, and keeping in Repair, the said Roads, and of executing the Purposes of this Act, and to no other Use whatsoever.

Application of the Money

Provided always, and be it enacted by the Authority aforesaid, That in case there shall be more than One Turnpike or Toll-gate erected in, upon, and cross, or on the Side or Sides, of the said Roads lying between Market Deeping and Newstead Bridge aforesaid; no Person or Persons having paid the Toll or Duty at any One of such Turnpikes or Toll-gates through which such Person or Persons shall pass, and producing a Note or Ticket that the Toll or Duty was paid (which Note or Ticket the Collector or Collectors is and are hereby required to give gratis) shall be liable to pay for passing the same

Tolls to be paid but Once a Day

ſame Day, to be computed from Twelve of the Clock in the Night to Twelve of the Clock in the ſucceeding Night, with the ſame Cattle or Carriage, any Toll or Duty at the other of ſuch Turnpikes or Toll-gates to be erected upon the ſaid Roads, between Market Deeping and Newſtead Bridge, ſuch Perſon or Perſons producing the ſaid Note or Ticket to the ſaid Collector or Collectors of the ſaid Toll or Duty at the latter Turnpike or Toll-gate; and that no Perſon or Perſons ſhall be liable to the Payment of more than One Toll for paſſing the ſame Day (to be computed as aforeſaid) with the ſame Cattle or Carriage, through any of the Turnpikes to be erected by virtue of this Act; but nothing in this Act ſhall extend, or be conſtrued to extend, to indemnify or exempt any Perſon or Perſons whatſoever, paſſing on the ſame Day through both or one of the ſaid Turnpikes to be erected between Market Deeping and Newſtead Bridge aforeſaid, and afterwards through the Turnpike to be erected between the ſaid Saint Peter's Gate and Morcot aforeſaid, from the Payment of the Tolls or Duties hereby directed to be taken and paid, at ſuch Turnpike to be erected between Saint Peter's Gate and Morcot aforeſaid; nor to indemnify or exempt any Perſons paſſing on the ſame Day through both or One of the Turnpikes to be erected between Newſtead Bridge and Market Deeping aforeſaid, from the Payment of the Tolls or Duties to be taken and paid at One of the Turnpikes to be erected between Newſtead Bridge and Market Deeping aforeſaid.

Property of the Turnpikes and Toll-houſes, &c. veſted in the Truſtees.

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

Qualifications of Truſtees.

Provided always, and be it enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Truſtee in any Caſe in the Execution of this Act, unleſs he ſhall have or be ſeized of, in his own Right, or in the Right of his Wife, and be in the actual Poſſeſſion, Enjoyment, or Receipt of the Rents and Profits of a Real Eſtate, in Law or Equity, of the clear yearly Value of

Forty Pounds above Reprizes, or possessed of a Personal Estate alone, or a Real and Personal Estate together, to the Amount of Eight hundred Pounds, or be Heir Apparent of a Person possessed of an Estate in Lands of the yearly Value of One hundred Pounds: And if any Person Persons so made incapable, shall presume to act in the Trust aforesaid, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds, to any Person or Persons who shall inform or sue for the same, to be recovered in a summary Way, before the Justices of the Peace at their Quarter Sessions, or by Action of Debt, or on the Case, Bill, Suit, or Information, in any of his Majesty's Courts of Record at Westminster, wherein no Essoin, Protection, Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act.

Penalty on acting if not qualified.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall meet together at the Bull Inn in the Town or Borough of Stamford aforesaid, on the Second Thursday next after the passing of this Act, and then proceed to the Execution of this Act; and then the said Trustees, at such First Meeting in the Town or Borough of Stamford aforesaid, or any Three or more of them, shall adjourn themselves to such House in the Town of Market Deeping aforesaid, and on the Day of such Meeting in the Town of Market Deeping aforesaid, to such House in the Town of Stamford, as they the said Trustees, or any Three or more of them, at such respective Meeting shall think proper; and then, and from time to time afterwards, they the said Trustees, or any Three or more of them, shall adjourn themselves to, and hold their Meetings alternately, at the said Towns of Stamford and Market Deeping; and all Orders and Proceedings relating to the repairing and widening the said Roads, shall be made and had at such Meetings of the said Trustees, as shall be held within the said Towns of Stamford and Market Deeping, and not elsewhere.

Trustees may adjourn Meetings.

General Annual Meetings.

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

whereof Fourteen Days previous Notice shall be given upon all the Turnpikes to be erected by virtue of this Act, and appoint a General Annual Meeting or Meetings for any Number of Years within the said Town of Stamford, during the Continuance of this Act, as they shall think most convenient, for settling and passing the Accounts of the Receipts and Disbursements of the Monies arising by virtue thereof.

In case of any Epidemical Disease at Stamford or Market Deeping, the Trustees may adjourn to some other Place.

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

No Turnpike to be erected till 2000 *l.* be subscribed to the Credit of the Tolls.

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

Trustees may compound with Inhabitants.

And whereas it may happen that some of the Turnpikes to be erected by virtue of this Act, may be so placed as to be a particular Hardship upon the Inhabitants of several of the Parishes or Places through which the said Roads lead, or adjacent thereto, whose Business may occasion their frequent passing through such Turnpikes to Market, or otherwise; be it therefore enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, at their General Annual Meeting, and not elsewhere, may, and they are hereby impowered from time to time, to compound or agree by the Year or otherwise, with all or any of the Inhabitants of such Parishes or Places situate as aforesaid, for the passing of such Inhabitants with their Carriages and Cattle through any of the said Turnpikes, for such Sum of Money as the said Trustees, or any Nine or more of them, shall think proper; so that such Composition money for each Person shall not be less than Ten Shillings for One Year, and so in proportion for less than a Year, and shall be instantly paid to the Treasurer or Treasurers of the said Roads.

Trustees may reduce the Tolls, &c. and raise them again.

Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, at their General Annual

Annual Meeting, to lessen or reduce all or any of the Tolls by this Act granted, for such Time as they shall think proper, and shall have such and the same Power for levying and recovering the Tolls so lessened, as is herein before given for levying and recovering the Tolls granted; and the said Trustees, or any Nine or more of them, at their General Annual Meeting, may afterwards (if there shall be Occasion) advance all or any of the Tolls so lessened to any Sum or Sums not exceeding the respective Rates herein before mentioned.

Trustees may fence off the Roads,

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

leaving proper Openings and Gates for the Use of the Parishioners, &c.

Penalty of damaging or destroying the same.

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse or other Cattle, Coach, Waggon, or other Carriage, pass through any Land, Ground, Gate, Passage, or Private Way, adjoining or lying near any Turnpike to be by virtue of this Act erected, such Ground or other Place not being

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

Exemptions from Tolls.

Provided also, and it is hereby further enacted by the Authority aforesaid, That no Toll shall be demanded or taken for any Cattle or Carriage employed in the Conveyance of any Materials for the repairing of any Road, or of any Lime, Dung, Mould, Soil, or Compost, of any Kind, for the manuring of any Garden, or other Land or Ground, in any of the Parishes through which the said Roads lead, or the Parishes thereto respectively next adjoining; or for any Horse or other Cattle employed in the Plowing, Sowing, Tilling, or cultivating, of any Land or Ground in any such Parishes; or for any Cattle or Carriage employed in drawing or carrying any Servants or Labourers to be employed in Harvest-work or Husbandry, or in the Conveyance of any Hay, Straw, or Corn in the Straw, to be laid up in the Houses, Outhouses, Yards, or Grounds, of the Owner or Owners thereof; or for any Horse or other Cattle drawing or conveying any Ploughs, Harrows, or other Implements of Husbandry,

in order for the repairing thereof, or using the same in Husbandry, or any Utensil that shall be used or employed in Husbandry, or tilling or manuring of Land; or for any Cattle, Sheep, Swine, or Hogs, going to, or passing from, Water, or to or from any Common or Pasture in the same or any adjoining Parish; or for any Sheep going to, or returning from, any Wash-dyke, River, or other Place, used for the Washing of Sheep, in or near any Part of the said Roads; or for any Sheep going to, or returning from, any Place used for the Clipping of Sheep, in or near the said Roads, or from the Lord or Lords of the Manors of East and West Deeping, Uffington, and Tallington, or any other Manor or Manors through which the said Roads do lead, or from the Owners or Commoners of Deeping Fen, their respective Tenants, Officers, Agents, Servants, and Labourers, or any of them, for or in respect of their passing or repassing with Horses, Waggons, Wains, or Carts, to or from any Common or Fen Ground in any of the Parishes through which the said Roads do lead, or in any of the Parishes thereto respectively next adjoining, in order and for the Purpose of making their Drifts, and looking after their Cattle in such Common or Fen Grounds respectively; or for any Post-horse carrying any Mail or publick Packet; or for the Horses of any Soldiers on their March, or for any Horses or other Cattle employed in the drawing or conveying the Arms or Baggage of such Soldiers, or in passing of Vagrants with lawful Passes; or for any Horse, or other Cattle, or Carriage, that shall be going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Lincoln, Northampton, Rutland, Huntingdon, and Leicester, on the Day of such Election, or on the Day before, or on the Day after such Election shall begin and be concluded.

Penalty on making illegal Claims.

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

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, at their First or any subsequent Meeting, from time to time, by any Writing or Writings under their Hands and Seals, to assign over all or any Part of the Tolls arising by virtue of this Act (the

Tolls

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

Assignments to be entered in a Book.

Notice to be given for borrowing Money.

Assignments may be transferred.

And

Truſtees to appoint Officers;

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

and remove them, and appoint others.

Truſtees to allow Officers Salaries.

Officer, &c. not to gain a Place of Settlement.

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

Officers to account upon Oath.

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

upon the Ballance of such Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or to such Person or Persons, or to such Uses and Purposes, as they, or any Five or more of them, shall direct and appoint; and that all and every the said Officers and Persons so accounting, as aforesaid, shall, if required, upon their several Oaths (which said Oaths the said Trustees, or any Two or more of them, are hereby impowered to administer) verify his and their said Accounts; and the particular Items and Articles thereof; and if any such Officer or Person, being required so to do, shall refuse or neglect to render and give up such Account or Accounts, as aforesaid, or to produce or deliver up to the said Trustees, or any Five or more of them, the Receipts and Vouchers relating to the same, or to verify the Items or Articles thereof upon his Oath, then and if any or either of the said Cases, it shall be lawful, upon the Complaint of any Two or more of the Trustees, for any One Justice of the Peace, for the County, Division, or Place, where such Officer or Person shall be or reside, and such Justice is hereby required to make Inquiry concerning such Default, as well by Confession of the Party, as by the Testimony of One or more credible Witness or Witnesses, upon Oath (which Oath the said Justice is hereby impowered and required to administer, without any Fee or Reward) and upon Conviction, such Justice shall commit every such Officer or other Person so convicted, to the Common Gaol of the County, Division, or Place, there to remain without Bail or Mainprize, until such Account shall be made and verified as aforesaid; and if any such Officer, or other Person aforesaid, shall refuse or neglect to pay any Sum or Sums of Money, which shall appear to remain in his Hands, it shall be lawful, upon the Complaint of any Two or more of the said Trustees, for any One Justice of the Peace, for the County, Division, or Place, where such Officer or Person shall be or reside, and such Justice is hereby required to make Inquiry concerning such Neglect or Refusal, in Manner as aforesaid, and by a Warrant under his Hand and Seal, cause such Sums of Money as shall appear to him to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattles of every such Officer or Person, rendering the Overplus (if any) after the Money remaining due, and the Charges of making such Distress and Sale, shall be deducted; and if sufficient Distress cannot be found, then such Justice shall commit every such Officer or other Person to the Common

Officers refusing to account,

Justices may inquire into the Default;

and commit the Offenders, until Payment or Composition made.

Gaol of the County, Division, or Place, wherein such Officer or other Person shall be or reside, there to remain without Bail or Mainprize, until such Offender hath made such Payment to the said Trustees, or according to their Appointment as aforesaid, or compounded for the same, and paid such Composition Money to such Trustees, or their Treasurer or Treasurers; which Composition the said Trustees, or any Seven or more of them, are hereby impowered to make.

Surveyors may dig Gravel, &c. out of Waste Grounds, &c.

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

without paying for the same;

levelling the Pits.

If sufficient Materials cannot be had there, they may be taken from private Grounds;

making Satisfaction to the Owners of the Grounds.

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

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and ſuch Perſons as he or they ſhall appoint, from time to time (ſuch Surveyor or Surveyors having an Order from the ſaid Truſtees, or any Five or more of them, for that Purpoſe) to remove and prevent all Annoyances on any Part of the ſaid Roads, by Filth, Dung, Aſhes, Rubbiſh, or otherwiſe; and to turn any Watercourſes, Sinks, or Drains, running into, along, or out of, the ſaid Roads, to the Prejudice thereof, and to open, ſcour, or cleanſe, any Watercourſes or Ditches adjoining thereto, and to make the ſame as deep and large as he or they ſhall think proper and neceſſary; and to cut down, lop, or top, any Trees or Buſhes growing in the ſaid Roads, or in the Hedges or Banks adjacent thereto, and to take and carry away the ſame; in caſe the Owners or Occupiers of the Premiſſes ſhall neglect to remove the ſame, or to cut down and carry away ſuch Trees or Buſhes as aforeſaid, or to open, ſcour, or cleanſe, ſuch Watercourſes or Ditches, or remove ſuch other Annoyances, for the Space of Ten Days next after Notice in Writing given for that Purpoſe, under the Hand or Hands of ſuch Surveyor or Surveyors; the Charges whereof, to be ſettled by the ſaid Truſtees, or any Five or more of them, ſhall be reimburſed to the ſaid Surveyor or Surveyors by ſuch Owners or Occupiers, and be recovered in ſuch Manner as the Penalties and Forfeitures are herein after directed to be recovered; and if, after Removal of any of the ſaid Annoyances, Surveyors may remove Annoyances, and turn Watercourſes, &c. and cleanſe Ditches; and cut down Buſhes, &c. the Owners neglecting to remove the ſame after Notice; Surveyors to be reimburſed the Charges.

Penalty of a Second Offence.

any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings.

Surveyors may make Causeways,

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

erect Bridges, &c. and make a temporary Road;

making Satisfaction to the Owners of the Ground.

Justices to determine Differences.

before the ſaid Quarter Seſſions, of ſuch their Intention to appeal to the ſaid Juſtices.

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

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

Where Perſons refuſe to treat, &c. for Sale of ſuch Lands, &c.

And be it further enacted by the Authority aforeſaid, That if any ſuch Bodies Politick or Corporate, Eccleſiaſtical or Civil, or any Perſon or Perſons, as aforeſaid, intereſted in any ſuch Lands or Hereditaments, upon Notice to him or them given or left in Writing at the Dwelling-houſe or Houſes, or Place or Places of Abode, of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politick, Corporate, Eccleſiaſtical or Civil, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Hereditaments intended to be taken in, and added to, any Part of the ſaid Roads, or through which any Part of the ſaid Roads ſhall be turned as aforeſaid, ſhall, for the Space of Twenty one Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſſes, or, by reaſon of Abſence, ſhall be prevented from treating; then,

Jury to assess the Damages.

and in every or any such Case, the said Trustees, or any Nine or more of them, shall cause it to be inquired into, and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the County, Division, or Place respectively, wherein such Lands or Hereditaments are situate (which Oaths any Two or more of the said Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners and Proprietors, or other Person or Persons interested, for or upon account of the taking of such Lands or Hereditaments into the said Roads, or of turning such Roads, or any Part thereof, though the same; and, in order thereunto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, to summon before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary and proper to be examined concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer); and they the said Trustees, or any Nine or more of them, shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own, as for the said Jury's better Information in the Premisses; and the said Trustees, or any Nine or more of them, shall order, adjudge, and determine, the Sum or Sums of Money which shall be assessed by the said Jury, for such Damages as aforesaid, to be paid to the said Owners or Proprietors of, or other Person or Persons interested in, the said Lands or Hereditaments, according to such Verdict or Inquisition of the said Jury; which Verdict or Inquisition, and Judgement, Order, or Determination, shall be final and binding to all Parties and Persons whatsoever, claiming, or to claim, in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, Ecclesiastical or Civil, as well as all other Person or Persons whomsoever, and against all and every such Owners and Proprietors; and the said Trustees, or any Seven or more of them, are hereby impowered to issue out their Warrant or Warrants, under their Hands and Seals, to the Sheriff of the County respectively wherein such Lands or Hereditaments are situate, thereby commanding him

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be binding.

Trustees to issue their Warrants to the Sheriff, to impanel and summon a Jury.

to

to impanel, summon, and return, an indifferent Jury of Twenty four Persons, to appear before the said Trustees, or any Nine or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number of Persons accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and for Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve.

Jurors may be challenged.

Provided always, and be it further enacted by the Authority aforesaid, That all Persons concerned shall have their lawful Challenges against any of the said Jurymen; and the said Trustees, or any Nine or more of them, acting in the Premisses, shall have Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs, or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or refuse to be sworn on the said Jury, or being sworn, and refusing to give, or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, or refuse to be examined and to give Evidence; and, from time to time, to levy and apply such Fine or Fines in such Manner as the Penalties and Forfeitures are herein after directed to be levied and disposed of, so that no such Fine be more than Ten Pounds, nor less than Twenty Shillings, upon any One Person for One Offence.

Penalty on Sheriff, &c., making Default.

Fine not to exceed 10*l.*

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

And be it further enacted by the Authority aforesaid, That all and every Sum or Sums of Money, Consideration, or Recompence, to be agreed for, or ascertained as aforesaid, shall be, and is and are hereby charged upon the Tolls by this Act granted, or the Monies to be borrowed upon the Credit thereof, and shall be paid accord-

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

Lands, &c. when purchased, to be made Part of the Roads,

and deemed a publick Highway,

and kept in Repair as such.

Old Road may be sold.

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

Owners of Lands adjoining such old Roads, to have the Preference in Purchase:

The Value to be settled by a Jury, in case of Difference.

Provided always, and it is hereby enacted and declared, That the Power and Authority given to the said Trustees as

Buildings not to be injured.

as aforeſaid, ſhall not extend to the pulling down any Dwelling-houſe, or taking in the Site of any Houſe, or to take in any Garden, Orchard, Yard, Court, Park, Paddock, planted Walk, or Avenue to a Houſe; any thing herein contained to the contrary notwithſtanding.

Trustees not to act where interested.

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

Perſons, &c. chargeable to the Highways to continue ſo.

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

Truſtees impowered to compound for Statute work.

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

Proviſo.

Provided always, That in caſe the ſaid ancient or former Way over any Ground ſhall, by virtue or in purſuance of this Act, be turned or diverted, the Inhabitants of the

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Township, Parish, or Place, wherein the said Road which shall thereby be left or discontinued shall lie, shall not be obliged to repair such old Road, unless the said old Road leads to some other Village, Town, or Place, than the new Road doth.

Inhabitants to do Statute-work.

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

Persons renting 50*l. per Ann.* deemed Team-holders.

Surveyors to deliver in Lists of Persons liable to do Statute-work.

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

Penalty on Surveyors neglecting to deliver in such Lists of Portion of Statute-work.

And be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways, for any Parish, Hamlet, or Places shall not deliver in any such Lists as aforesaid, by such Times and in such Manner as by this Act is required, every such Surveyor shall, for every such Default, forfeit and pay any Sum not exceeding the Sum of Forty Shillings, not less than Ten Shillings to

Shillings; and if any or either of the Inhabitants of the said several Parishes, Hamlets, and Places, shall not do such Statute-work in and upon the said Roads, at such Times and Places, and in such Manner, within their respective Parishes, Hamlets, and Places, as shall by the said Trustees, or any Five or more of them, or by their Surveyor or Surveyors, be directed; every such Inhabitant shall for every such Neglect or Default, forfeit and pay the several Sums herein aforementioned; that is to say, Every such Inhabitant who shall keep, or by virtue of this Act be deemed to keep, a Team, for every Day's Default the Sum of Ten Shillings; and every other Inhabitant or Person not keeping or by virtue of this Act not deemed to keep a Team, for every Day's Default, the Sum of One Shilling and Six Pence; and every Person who shall come to work as a Labourer, or be sent with any Team, Draught, or Cart to work on the said Roads, and be found idle or negligent by the said Turnpike Surveyor or Surveyors employed there while it is to be done; such Surveyor or Surveyors may and is and are hereby required to discharge such Person; and it shall be deemed as if such Person, or such Team, Draught, or Cart, had not come or been sent to do such Work: And every such the Labourer or Person or the Owner of such Team, Draught, or Cart, shall be liable to the respective Forfeitures before mentioned.

Penalty on Persons not performing Statute-work.

Inhabitants to Statute-

Persons found idle may be turned off.

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

Trustees may compound with Parishes for Statute-work.

Provided always, and be it enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways for the time being, or any of the said Parishes, Hamlets, or Places, shall think the said Trustees, or the Surveyor or Surveyors by them authorized, have directed or appointed too large a Proportion of the Statute-work

Penalty on Surveyors may appeal to the Quarter Sessions to proportion the Statute-work.

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in any Pariſh, Hamlet, or Place, to be done on the ſaid Roads; it ſhall and may be lawful for ſuch Surveyor or Surveyors of the Highways aforeſaid, to appeal to the General Quarter Seſſions of the Peace, to be held for the County, Diviſion, or Place, wherein ſuch Highways lie, and the Juſtices in their ſaid reſpective Quarter Seſſions are hereby authorized and impowered finally to adjuſt and determine what Proportion of the Statute-work in any ſuch Pariſh, Hamlet, or Place, ſhall be done on the ſaid Roads; ſuch Surveyor or Surveyors of the Highways as aforeſaid, firſt giving Six Days Notice in Writing of ſuch Appeal to the Surveyor or Surveyors of the ſaid Roads; and it ſhall be lawful for the ſaid Juſtices, on hearing and determining ſuch Appeal, to award and give to the Party appealing, or appealed againſt, ſuch Coſts and Charges as they in their Diſcretion ſhall think proper; which Coſts and Charges ſhall be recovered in ſuch Manner as the Penalties and Forfeitures are herein directed to be recovered.

Roads to be meaſured, and Mile-ſtones erected.

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

Penalty on defacing Mile-ſtones, &c.

Penalties to be levied by Diſtreſs and Sale.

For want of Diſtreſs, Offender to be committed.

And

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

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures hereby inflicted, and not otherwise directed to be levied, shall, upon Proof of the Offences respectively for which such Penalties and Forfeitures shall be incurred, before any One or more Justice or Justices of the Peace of the County, Division, or Place, wherein the respective Offender or Offenders shall reside, or the Offence be committed, either by the Confession of the Party, or by the Oath of One Witness, be levied by Distress and Sale of the Goods and Chattles of the Party offending, by Warrant under the Hand and Seal, or Hands and Seals, of such Justice or Justices (which Warrant such Justice or Justices is and are hereby authorized and required to grant, and to administer such Oath gratis) and the Overplus remaining after such Penalties and Forfeitures are recovered, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand to the Owner of such Goods and Chattles, which said Penalties and Forfeitures when paid or levied as aforesaid (except such Parts thereof as are hereby otherwise disposed of) shall from time to time be paid to the said Trustees, or any Three or more of them, or to their Treasurer or Treasurers, and shall be applied towards the Repair of the said Roads; and in case sufficient Distress shall not be found, and such Penalties or Forfeitures shall not be paid, it shall and may be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to cause such Offender to be committed to the Common Gaol of the County, Division, or Place, for any Time not exceeding Three Months, for the First Offence, or until such Penalties or Forfeitures and all reasonable Charges shall be paid, and for the Second and every other Offence of the same Kind or Nature, for any Time not exceeding Six Months, nor less than Three Months, or until such Penalties and all reasonable Charges shall be fully satisfied and paid. Penalties and Forfeitures how to be recovered and applied.

Distress not to be deemed unlawful for want of Form only;

And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money, to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the Special Damages in an Action upon the Case.

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

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

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

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall think himself, herself, or themselves aggrieved, by any Act, Order, or Judgement, of the said Trustees, or any of them, or of any Justice or Justices of the Peace, in the Execution of any of the Powers hereby to him or them given, such Person or Persons may appeal to the Justices at the next General Quarter Sessions of the Peace for the County, Division, or Place, wherein the Cause of Appeal shall arise, every such Person so appealing,

10 Days Notice of Appeal to be given.

first causing Ten intire Days Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given unto the Person or Persons on whose Oath or Oaths, or Evidence, such Act, Order, or Judgement, shall be done, made, or awarded, and to some or One of the Collectors of the Tolls; which said Justices at their said Sessions, upon due Proof of such Notices being given as aforesaid, shall hear and determine the Causes and Matters of the said Appeals, and every of them, and shall give such Costs to the Parties appealing, or appealed against, as they in their Discretion shall think proper; and their Orders and Judgements therein shall be final and conclusive to all Parties concerned, and shall not be liable to be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at

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Westminster; any Law or Statute to the contrary notwithstanding.

And be it further enacted by the Authority aforesaid, That this present Act, and all the Powers herein contained, shall commence and take Effect from and after the passing thereof, and shall continue in full force, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament. (Commencement and Continuance of this Act.)

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

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

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No Trustee to act unless at a publick Meeting.

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

Trustees to defray their own Expences.

No Order to be repealed unless Nine Trustees are present.

Provided always, and be it enacted by the Authority aforesaid, That no Act, Order, Determination, or other Proceedings of the said Trustees, or any of them, in the Execution of this Act, shall be revoked, repealed, or altered, at any subsequent Meeting, unless Nine of the Trustees shall be present, and Fourteen Days previous Notice in Writing shall be given of such Meeting, upon all the Turnpikes to be erected upon the said Roads; and that no Act, Order, nor other Proceedings of the said Trustees shall be made, revoked, repealed, or altered, but at such Meetings, except as to the Payment of Monies to the Treasurer or Treasurers of the said Roads, and such other Acts and Orders as are herein before directed to be made and done at the General Annual Meetings.

In Default of a sufficient Number of Trustees to act,

Notice to be given of another Meeting.

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

Trustees in the Commission of the Peace may act as Justices.

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

And

And be it further enacted, That no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant, to any Trustee, shall be capable of holding any Place of Profit under this Act. No Victualler, &c. to have any Place of Profit.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Information, Appointment, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or otherwise howsoever, or other Writing whatsoever, for putting this Act in Execution, shall be charged or chargeable with any Stamp Duty whatsoever. Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, or in relation to the Matters herein contained, until Ten Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after a sufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County or Place where such Matters and Things respectively shall be committed or done, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done; or if any such Action or Suit shall be brought before Ten Days Notice thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County or Place, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs, in any such Action or Suit, shall become nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law. Limitation of Actions. General Issue. Treble Costs.

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

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