Anno tertio

Georgii III. Regis.

An Act for repairing, widening, turning, and keeping in Repair, the Road from the Town of *Cambridge* to *Ely*, and from thence to *Soham*; and for building a Bridge croſs the River *Ouze*, at or near a Place called *Stretham Ferry*, in the County of *Cambridge*.

WHEREAS the Road leading from the South-weſt Corner of Saint Gyles's Church-yard, in the Town of Cambridge, to the Blackſmith's Shop in Milton, in the Occupation of William Haggis; and from thence, by the Right Hand Branch, to or near a Windmill on Waterbeach Common; and from thence, by Landbeach Bar, to Denny Point; and from thence, along a Bank belonging to the Corporation of Bedford Level, to Stretham Ferry; and, croſſing the River Ouze there, through Stretham, to the South End of Braham Lane; and from thence, to the Lamb Corner in Ely; and from thence, by the Porter's Lodge and Backhill, to the High Bridge; and from thence, to and through Stunt- Preamble.

ney, unto the first House in Soham, in the County of Cambridge, is in a ruinous Condition, and in some Parts narrow and incommodious, and in others annoyed by Water, for want of Bridges, particularly of a Bridge over the River Ouze, at or near Stretham Ferry, and of Powers for draining Part of the said Road: And whereas it would be more commodious for Passengers, and the Inhabitants of several Parts of the County, if some Parts of the said Road were turned; particularly by making it from Stretham Ferry, between Elford Closes on the Right Hand, and Breach Closes on the Left, over the Top of the Hill in the Fields of Stretham; and from thence, leaving the Mills and Town of Stretham on the Right Hand, to the South End of Braham Lane aforesaid: And whereas the said Corporation of Bedford Level are willing that the Bank on the East Side of Chittering Dyke, from Stretham Ferry to Denny Point aforesaid, may be made use of as Part of the said Road, and that a Bridge may be built at or near Stretham Ferry aforesaid; but as the said Road cannot be effectually repaired, widened, turned, and drained, nor a Bridge built over the River Ouze at or near Stretham Ferry, unless some Provisions are made by Parliament for those Purposes; May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable John Manners, commonly called Marquis of Granby; the Right Honourable Philip Yorke, commonly called Lord Viscount Royston; Sir John Cotton Baronet, the Honourable Charles Sloane Cadogan, Soame Jenyns, Thomas Brand, Esquires; the Reverend Doctor Hugh Thomas Dean of Ely, the Reverend Master Henry Heaton, the Reverend Doctor John Nicols, the Reverend Doctor Thomas Green, the Reverend Master John Gooch, the Honourable and Reverend Doctor Charles Hervey, the Reverend Doctor Thomas Doyley, the Reverend Doctor Barnard Garnet, the Reverend Doctor John Price, Prebendaries of Ely; Doctor Wharton Peck LL. D. Chancellor of Ely, William Greaves Esquire, Charles Gould Esquire, Francis Dixson Esquire, Charles Allix Esquire, Doctor Robert Glynn M. D. Doctor Charles Collignon M. D. Richard Chiswell Esquire, Master John Howard, Henry Morley Esquire, of Ely; John Waddington Esquire, of Ely; the Reverend Thomas Watkins Clerk, of Ely; the Reverend James Bentham Clerk, of Ely; John Drage Esquire, of Soham; Thomas Cockayne

Trustees Names.

Esquire, of Soham; Aungier Peacock Esquire, John Gallaway, Thomas Poole Draper, Thomas Gotobed, Robert Rayner, John Lamb, Daniel Dickins, George Tookie, George Muriel, Twiford Woodham, John Murkins, Wenham Power, the Reverend Richard Oswin of Haddenham, William Hawys of Haddenham, Henry Porter the elder, of Haddenham; Henry Porter the younger, of Haddenham; William Camps of Wilburton, Thomas Camps of Wilburton, George Crow of Wilburton, Edward Granger of Stretham, Samuel Granger of Stretham, William Read of Stretham, Edward Benson Esquire, Robert Masters, Charles Thomas, Moor Meredith, Thomas Jones, Oliver Naylor, Clerks; William Taylor, William Hall, Gentlemen; the Heads of all the Colleges and Halls in the University of Cambridge, now and for the time being; the Mayor, Aldermen, Recorder, and Deputy Recorder of the Town of Cambridge, now and for the time being; William Howel Ewin Esquire, Edward Guillam senior, James Burleigh, Thomas Wand, Thomas Markby, Thomas Higgins, Francis Hopkins, William Clapham senior, Thomas Cheetham, John Porter, Charles Finch, Thomas Halstead, Henry Morley junior, John Foulgham, John Gardner junior, William Armigier, Gentlemen; Thomas Waddington Esquire, and John Knowles, Gentlemen; and their Successors, to be appointed in Manner herein after-mentioned, shall be, and they are hereby appointed Trustees for putting this Act in Execution.

Qualification of Trustees.

And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, 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 Fifty Pounds, or Real and Personal Estate together, to the Amount or Value of Eight hundred Pounds: And if any Person hereby 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 or Persons who shall inform and 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, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person had acted as a Trustee in the Execution of this Act.

Penalty on acting if not qualified.

Times and Places of Trustees Meeting.

And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the House of Thomas Pratt, known by the Sign of The Lamb in Ely, on the Monday Fortnight next after the Day of the passing of this Act, at Eleven of the Clock in the Forenoon, and shall proceed to the Execution of this Act, and shall then 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, as often as it shall be necessary for putting this Act in Execution; and shall and they are hereby required to hold Four Meetings in every Year; Two thereof at the Town of Cambridge, on the Twenty first Day of September, and the Twenty fifth Day of March; and the other Two at Ely, on the Fifteenth Day of June, and the Twenty fourth Day of November, unless any of the said Days shall happen on a Sunday, and then on the next Day following: And if it shall happen that there shall not appear, at any Meeting, a sufficient Number of Trustees to act, or to adjourn to any other Time and Place, then the Clerk to the Trustees shall adjourn the said Meeting to, and appoint the Trustees to meet at, the Place where the last Meeting was appointed to be held, on that Day Three Weeks next after the Day on which such last Meeting was appointed to be held; and shall cause Notice thereof to be affixed on all the Gates or Turnpikes then erected by virtue of this Act, at least Seven Days before such Meeting; and that the said Trustees, at all their Meetings, shall defray their own Charges and Expences; and that all Meetings appointed for the Execution of this Act, shall be adjourned to Eleven of the Clock of the Forenoon on the Days such Meetings shall be appointed to be held; and if Five Trustees do not meet by Twelve of the Clock, no Meeting shall be held on that Day.

In Default of a sufficient Number to act, Notice to be given of another Meeting.

Trustees to bear their own Expences.

Proviso.

Provided always, That Two Trustees shall be sufficient for the Purpose of Adjournment.

No Trustee shall act but at a publick Meeting.

Provided also, That no Person shall act as a Trustee in the Execution of this Act, unless it be at a Meeting to be held in pursuance of this Act.

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

And be it further enacted, That no Person shall be capable of acting as a Trustee under the Authority of this Act, who shall hold any Place of Profit arising out of the Tolls hereby granted.

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

And be it further enacted, That a Trustee appointed in or by virtue of this Act, who shall be a Justice of the Peace, is hereby authorized and impowered to act as a Justice of the Peace, in the Execution of the Powers and

Authorities hereby given to any Justice of the Peace, notwithstanding his being a Trustee, except in Cases where he is personally interested.

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, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, under their Hands and Seals, to elect and appoint another Trustee, in the Room of such Trustee so dying or refusing to act; and Notice of the Time and Place of Meeting for the Election of such Trustee shall be given by the Clerk to the Trustees, by affixing the same in Writing on all the Turnpikes which shall be erected by virtue of this Act, at least Ten Days before the Meeting for such Election; and the Person so elected and appointed shall and may act in the Execution of this Act, as fully as any Trustee hereby nominated is impowered to do.

Trustees may erect Turnpikes and Toll-houses,

and take the following Tolls thereat.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or across the said Road, and provide a Toll-house to each Gate or Turnpike; and shall demand and take the following Tolls, before any Horse, Cattle, or Carriage shall be permitted to pass through the same; that is to say,

The Tolls.

At each of the said Gates or Turnpikes erected between Cambridge and Ely, for every Horse, Mare, Gelding, or other Beast, drawing any Carriage, and for every Wheel of such Carriage, the Sum of One Penny.

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

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

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 for every Foot Passenger, at the Gate or Turnpike to be erected at or near Stretham Ferry, the Sum of One Halfpenny.

And at each of the said Gates or Turnpikes erected between Ely and Soham, for every Horse, Mare, Gelding, or other Beast, drawing any Carriage, and for every Wheel of such Carriage, the Sum of Three Halfpence.

For every Horse, Mare, Gelding, Mule, or Ass, not drawing, the Sum of Three Halfpence.

For

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

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

And for every Waggon, Wain, Cart, or Carriage, whatsoever, loaded with Aftover-Hay, Corn in the Straw, Turves, Sedge, Reed, or any other Product of the Fens, Dung or Compost of any Kind, passing through any Gate or Turnpike to be erected between Stuntney and Ely, the Sum of One Penny.

Which said respective Sum or 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, or any Seven or more of them, shall appoint to collect the same; and the Money so to be raised is 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 be lawful for the Person or Persons appointed as aforesaid to collect the said Tolls, to seize and distrain any Horse or Horses, or other Cattle or Beast, upon which such Toll is by this Act imposed, or any of the Goods or Chattles of such Person or Persons so neglecting or refusing; and if such Toll, and the reasonable Charges of such seizing and distraining, shall not be paid within the Space of Four Days, the Person or Persons so seizing and distraining shall and may sell the Horses, Cattle, Beasts, or Goods, so seized and distrained, returning the Overplus (if any) upon Demand, thereof made, 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, That it shall be lawful for the said Trustees, or any Seven or more of them, to cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, and to provide a Toll-house or Toll-houses thereto, on the Side or Sides of the said Road, or upon, in, or across any Lane or Way leading into the same, to prevent Persons evading the Payment of the Tolls hereby granted; and there to cause to be taken and levied such Tolls as are by this Act made payable at any Gate or Turnpike erected by virtue hereof, so as the same do not extend to a double Charge upon any Per-

Trustees may erect Side-gates,

and take Tolls thereat,

so as the same do not extend to a double Charge.

son

ſon paſſing through any other of the Gates or Turnpikes erected by virtue of this Act.

Three Gates to be erected.

And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall, and they are hereby required to cauſe One Gate or Turnpike to be erected, and to provide a Toll-houſe thereto, in the Lane near Saint Gyles's Church, in the Town of Cambridge; and alſo One Gate or Turnpike, and to provide a Toll-houſe thereto, at or near Bugg's Pond, in Ely; and alſo One Gate or Turnpike, and to provide a Toll-houſe thereto, at or near Stretham Ferry.

No Perſon to pay the Toll at more than One Gate between the Places here mentioned.

Provided always, and be it further enacted, That no Perſon having paid the Toll hereby granted for the paſſing of any Horſe, Cattle, or Carriage, through One Gate or Turnpike erected by virtue of this Act, between the Town of Cambridge and Stretham Ferry, ſhall be ſubject or liable the ſame Day to the Payment of Toll for the ſame Horſe, Cattle, or Carriage, at any other Gate or Turnpike erected between the ſaid Places; nor ſhall any Perſon having paid the Toll hereby granted for the paſſing of any Horſe, Cattle, or Carriage, through Two Gates or Turnpikes erected by virtue of this Act between Stretham Ferry and Ely, be ſubject or liable the ſame Day to the Payment of Toll for the ſame Horſe, Cattle, or Carriage, at any other Gate or Turnpike erected between the ſaid Places; nor ſhall any Perſon having paid the Toll hereby granted for the paſſing of any Horſe, Cattle, or Carriage, through One Gate or Turnpike erected by virtue of this Act between Ely and Soham, be ſubject or liable the ſame Day to the Payment of Toll for the ſame Horſe, Cattle, or Carriage, at any other Gate or Turnpike erected between the ſaid Places.

No Turnpike to be erected between *Ely* and *Cambridge* but ſuch as 7 Truſtees ſhall order.

And be it further enacted, That no Gate or Turnpike ſhall be erected on any Part or Parts of the ſaid Road between Ely and Cambridge, than ſuch as the ſaid Truſtees, or any Seven or more of them, ſhall cauſe to be erected by virtue of this Act.

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

And be it further enacted, That the ſaid Bridge to be erected at or near Stretham Ferry, and the ſaid Gates or Turnpikes and Toll-houſes, and the Materials of which the ſame ſhall conſiſt, and all Materials which ſhall be provided by the ſaid Truſtees, or by their Surveyor or Surveyors for repairing the ſaid Road, ſhall be, and they are hereby veſted in the ſaid Truſtees; and they, or any Five or more of them, are hereby authorized and impowered to bring or cauſe any Action or Actions to be brought in the Name of their Treaſurer or Clerk, or to prefer and order and direct the preferring of Indictments againſt

any Person or Persons, who shall dig up, break, or pull down, steal, take, or carry away, spoil, injure, or destroy, the said Bridge, or any Gate, Turnpike, or Toll-house, which shall be erected by virtue of this Act, or any Part thereof, or any of the Materials of which the same shall be built or consist, or any of the Materials which shall be provided for the repairing of the said Road, or do any Act to hinder or obstruct them, or any of their Agents or Workmen, in the due Execution of this Act.

Application of the Monies.

And be it further enacted, That out of the First Money arising by the Tolls hereby granted, or out of such Money as shall be borrowed on the Credit thereof, the said Trustees, or any Five or more of them, shall, in the first Place, pay and discharge all the Expences and Costs of procuring and passing this Act; and shall apply the Remainder of the Money so raised in erecting Gates or Turnpikes, and providing Toll-houses, and repairing, widening, amending, and turning the said Road, and defraying the necessary Costs, Charges, and Expences, attending the same, and the Execution of this Act, and to no other Use or Purpose whatsoever.

Trustees may borrow Money upon the Credit of the Tolls.

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 borrowed on the Credit of the Tolls, to lessen the Tolls hereby granted, or any Part thereof, for such Time as the said Trustees, or any Seven or more of them, 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.

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 Horse, Cattle, or Carriage, through any Gate or Turnpike 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 Gate or Turnpike, with the same Horse, Beast, 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 said Note or Ticket the Collector of the Tolls is hereby required to give gratis upon the Payment of such Toll; except at any Gate or Turnpike to be erected at or near Stretham Ferry, where Tolls shall be taken for the passing of Horses, Cattle, Carriages, and Persons, for every Time they shall pass through the same; and also (except as herein after excepted) at any Gate or Turnpike to be erected

except at *Stretham Ferry*, where Tolls shall be paid for every Time Persons pass.

erected between Stuntney and Ely, where Tolls shall be taken for every Waggon, Wain, Cart, and Carriage, laden with Estover-hay, Corn in the Straw, Turves, Sedge, Reed, or any other Product of the Fens, Dung, or Compost of any Kind, for every Time they shall pass through the same.

Trustees may compound with Travellers.

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, from time to time, as often as they shall think fit, to compound by the Year or otherwise with any Person or Persons (except common Carriers) using to travel through all or any of the Gates or Turnpikes to be erected by virtue of this Act, with any Carriage or Cattle, for any Sum of Money, for and in lieu of the Payment of the Tolls hereby granted; which Composition-money shall be instantly paid to the said Trustees, or any Seven or more of them, or to such Person whom they shall appoint to receive the same.

Trustees may lease, &c. the Tolls.

And be it further enacted, That the said Trustees, or any Seven or more of them, may, at any Time during the Continuance of this Act, with the Consent of the Person or Persons intitled to Two Thirds of the Money borrowed upon the Credit of the Tolls, let the Tolls hereby granted, or any Part thereof, on Lease to any Person or Persons, by the Year or otherwise, not exceeding Three Years, for such Sum or Sums of Money as the said Trustees, or any Seven or more of them, shall think reasonable; which Sum or Sums of Money shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same, and shall be applied as the Tolls hereby granted are to be applied, and to no other Use or Purpose whatsoever; and Ten Days Notice of any Meeting for that Purpose shall be given by the Clerk to the said Trustees, by affixing the same in Writing on all the Gates or Turnpikes then erected by virtue of this Act; and the same shall be let to the best Bidder, giving Security to their Satisfaction.

Exemptions from Tolls.

And be it further enacted, That no Toll shall be demanded or taken at any Gate or Turnpike erected by virtue of this Act, for any Waggon, Wain, Cart, Dray, or other Carriage, or for any Horse, Mare, Gelding, Ox, Mule, Ass, or any other Beast, drawing or not drawing the same, which shall be removed empty to or from any Wheelwright or other Artificer in the same Town for Repairs, or which shall be used or employed in the Carriage of any Materials for repairing any publick Bridge, Road, or Highway; or in the Carriage of any Lime, Chalk, Dung,

Mould,

Mould, Soil, or Compost, of any Nature or Kind whatsoever, for manuring of any Garden, or other Land or Ground; or in the Carriage of any Hay, Straw, or Corn in the Straw, not sold or disposed of, but to be laid up in the Houses, Out-houses, Barns, or Backsides of the Owners thereof (except at any Gate or Turnpike to be erected between Stuntney and Ely) or for any Horse or other Cattle going to or returning from Pasture or Water, or to or from any Blacksmiths to be shod; nor for any Horse or other Beast, nor any Waggon, Cart, or Carriage whatsoever, only crossing the said Road in the Course of any other Road; nor shall any Toll be demanded or taken for any Coach or other Carriage, or Passengers on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Cambridge, on the Day or Days of such Election; or for any Post-horse or Vehicle carrying the Mail or publick Packet; or for the Horses of any Officers or Soldiers on their March; or for Carts, Carriages, or Waggons attending them; or for Horses, Carts, or Waggons travelling with Vagrants sent by Passes; save only the Tolls to be taken at any Gate or Turnpike erected at or near the said Place called Stretham Ferry.

Reservation of Right.

Provided always, That the Lord or Lords, Lady or Ladies, of the Manor of Stretham for the time being, their Servants and Attendants, and the several Inhabitants of the Town of Stretham, having Rights of Common in his or her own Occupation (except common Carriers for Hire) shall not pay any Toll whatsoever at any Gate or Turnpike erected by virtue of this Act at or near the said Place called Stretham Ferry, or at any Place or Places within the Bounds or Township of Stretham, for themselves, their Servants, or Attendants, or their Horses, Cattle, or Carriages passing through the same, laden with their own Property; they the said Inhabitants, Occupiers of Rights of Common as aforesaid, paying to the said Trustees, or any Five or more of them, their usual yearly Acknowledgement of Four Pence for each Common, and also providing and paying a Keeper for the Gate or Gates to be erected between their Common and their Corn Fields, answering all Damages arising by any Neglect thereof, and repairing and renewing the said Gate or Gates, when once erected by the Trustees, at all Times during the Continuance of this Act, at their own Costs and Charges.

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

And be it further enacted, That if any Person occupying any Land near to any Gate or Turnpike erected in pursuance of this Act, shall wilfully and knowingly permit

or suffer any Person or Persons to pass through any Gate, Passage, or private Way, with any Cattle or Carriage; or if any Person shall with any Cattle or Carriage pass through any such Gate, Passage, or private Way; or if any Person shall convey any Person or Persons or Cattle over the River Ouze, at or near Stretham Ferry, after the said Ferry shall have been purchased by virtue of this Act, except by Order of the said Trustees, or any Five or more of them, for the Purpose of this Act; or if any Person shall take off, or cause to be taken off, any Horse or other Beast from any Carriage, on either Side of any Gate or Turnpike 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 Gate or Turnpike with any Cattle or Carriage, whereby the Payment of any of the Tolls by this Act granted shall be avoided; every Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, to be levied and recovered in manner herein after-mentioned.

Tolls may be assigned for Money borrowed.

And, for the more speedy repairing, widening, and turning the said Road, and for the executing the several Purposes of this Act, be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from time to time, upon the Credit of the Tolls hereby made payable, to borrow and take up at Interest any such Sum or Sums of Money as they, or any Seven or more of them, shall think needful; and may and they are hereby authorized and impowered to mortgage or assign over the said Tolls, or any Part or Parts thereof, to any Person or Persons, for any Term or Number of Years, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof as aforesaid; which said Sums of Money so to be borrowed (the Charges of procuring and passing of this Act in the Manner aforesaid being thereout first paid) shall be laid out and applied in and for the repairing, widening, and turning the said Road, and other the Purposes of this Act, in such Manner as the said Tolls are hereby directed to be laid out and applied, and to and for no other Use or Purpose whatsoever.

Assignments may be transferred.

And be it further enacted, That all and every Person or Persons to whom any such Mortgage or Mortgages, Assignment or Assignments of the Tolls shall be made, or

who shall be intitled to the Money thereby secured, and his, her, or their Assignee or Assignees, may, and is and are hereby impowered, from time to time, to transfer or assign over such Security or Securities, and all the Monies that shall be due thereon, to any other Person or Persons.

Notice to be given for borrowing Money.

Provided always, and it is hereby declared, That no Money shall be borrowed on the Credit of this Act by the said Trustees, after their First Meeting, unless Notice in Writing, under the Hand of the Clerk to the said Trustees, be, by Order of such Trustees, or any Five or more of them, fixed upon all the Gates or Turnpikes to be erected by virtue of this Act, at least Twenty one Days before the borrowing of such Money.

Trustees may appoint Officers;

and 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 such Officers and other Persons, or any or either of them, from time to time, remove, and to appoint others, in case of Death or such Removal; and may, out of the Monies which shall arise by the Tolls aforesaid, make such Allowances to such Officers and other Persons, for their Services, as to the said Trustees, or any Seven or more of them, shall seem reasonable: And all and every such Officers and other Persons 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 Five or more of the said Trustees (which Oath Two Trustees are hereby impowered to administer) of all Monies which he, they, and every of them respectively, shall, to that Time, have received, paid, and disbursed, by virtue of 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 or Place where such Officer or other Person shall reside, shall make Enquiry concerning 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; (which Oath the said Justice or Justices is and

Officers to account upon Oath.

Officers refusing to account,

Justices may enquire into the Default;

are

are hereby impowered and required to administer) and if any such Officer or other Person shall be convicted of all or any of the Offences aforesaid, such Justice or Justices shall commit the Offender to the Common Gaol of the County or Place where the Offence shall be committed, there to remain without Bail or Mainprize, until he or they shall make and render a full, true, and perfect Account and Payment as aforesaid, or until he or they shall have compounded and agreed with the said Trustees, or any Five 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 or Persons as they shall appoint to receive the same; which Composition the said Trustees, or any Five or more of them, are hereby impowered to make.

and commit the Offender, until Payment or Composition made.

And be it further enacted, That if any Person or Persons who shall have been or shall be appointed a Clerk or Clerks to the said Trustees, shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, within Ten Days after being thereunto required by the said Trustees, or any Five or more of them, all the Books, Papers, and Writings, in his or their Custody or Power, relating to the Trusts and Powers hereby granted to the said Trustees, it shall and may be lawful for any One or more Justice or Justices of the Peace for the County or Place wherein such Offender or Offenders shall dwell, upon due Proof of such Requisition having been made, to summon the Person or Persons to appear before him or them; and upon such Person or Persons appearing and refusing to deliver up such Books, Papers, and Writings, or if such Person or Persons shall not appear according to such Summon or Summons, such Justice or Justices shall and may, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, commit such Person or Persons to the Common Gaol of the County or Place, there to remain without Bail or Mainprize, until he or they 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 or they shall give such Satisfaction to the said Trustees, or any Five or more of them, as they shall think reasonable, concerning the said Books, Papers, and Writings.

The Clerks to deliver Books and Papers to the Trustees.

And be it further enacted, That the said Trustees, or any Five or more of them, are hereby authorized and required, to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his and their said Office and Of-

Treasurer to give Security.

fices, as to the said Trustees, or any Five or more of them, shall seem meet.

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

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.

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

And be it further enacted, That the Surveyor or Surveyors, appointed by the said Trustees, or any Seven or more of them, or any Person or Persons appointed by such Surveyor or Surveyors, may and is and are hereby authorized and impowered to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Gravel, Sand, Soil, Sedge, Reed, or other Materials, proper for making or repairing of Roads, 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 Road aforesaid, to be used in making or repairing the said Road, without paying any thing for the same; they the said Surveyors, or other Persons, levelling the Ground from whence such Materials shall be taken, or causing the same to be done, so as to prevent any Misfortune or Accident happening; and if such Quantities of Materials sufficient for that Purpose cannot be found in or upon such Rivers or Brooks, Waste, or Common, at any convenient Distance, then, and in such Cases, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of Materials, as aforesaid, 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 or found, to be used towards repairing the said Road (such Lands and Grounds not being a Yard, walled Garden, Park, Paddock, Wood, Coppice, or Nursery) they the said Surveyors, or other Person or Persons, paying or offering to pay to the respective Owners or Occupiers of such Lands or Grounds such Damages for getting the said Materials, and for carrying the same over their Grounds, as the said Trustees, or any Five or more of them, shall think reasonable; and in case of any Difference between the said Trustees, Surveyors, or Person or Persons by them appointed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, any Two or more Justices of the Peace for the County or Place where the said Materials shall be so cut, digged, gathered, taken, and carried away, shall and may, on Ten Days Notice

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.

Justices to determine Differences.

Notice thereof to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, 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; and the Judgement or Order of the Justices therein shall be final and conclusive to all Parties.

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

And be it further enacted, That the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, or any Person or Persons by them or either of them appointed or employed, may and is and are hereby authorized and impowered to make, or cause to be made, Causeways in or along the Sides of any Part or Parts of the said Road; and shall build, or cause to be built, a Bridge for Carriages, at or near the said Place called Stretham Ferry; and shall and may build, or cause to be built, any other Bridge or Bridges upon, in, or across, the said Road, or any Part thereof, as they shall judge necessary; and to cut, or cause to be cut, any Watercourses in, through, or across any Lands or Grounds, to prevent the said Road, or any Part or Parts thereof, from being overflowed, and erect Bridges over such Drains or Watercourses, if necessary, and also to use any other Ways and Means for the draining any Part or Parts of the said Road; and also to make, or cause to be made, a Road or Way by, through, or over, the adjoining Grounds of any narrow or ruinous Parts of the said Road hereby intended to be repaired (not being the Site of, or Ground whereon any House or Houses stand, or planted Walk, Yard, Park, Paddock, 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, narrow, or ruinous Road is repairing, and till such Time as it shall be convenient and safe for Carriages and Cattle to pass the same; making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds for the Damages they shall thereby sustain, as to the said Trustees, or any Five or more of them, shall seem reasonable.

make a temporary Road.

Surveyors may remove Annoyances,

And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to remove all Annoyances on the said Road, and to cut down Trees or Bushes growing in the said Road, or in the Hedges or Banks adjacent thereto, the Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances, for

the Owners neglecting to remove the same after Notice;

the Space of Ten Days after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors; the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances as aforesaid; and in case such Owners or Occupiers shall not, upon Demand, pay and reimburse to the Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the County or Place where the Offence shall be committed, from time to time, to levy the Charges thereof upon such Owners or Occupiers by Distress and Sale of his, her, and their Goods and Chattles, rendering the Overplus (if any be) to the Owners or Occupiers thereof, upon Demand, after all Charges paid; and if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted upon Oath before Two or more Justices of the Peace for the said County or Place, shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or more of them, the Sum of Forty Shillings, to be levied and recovered in Manner aforesaid.

Surveyors to be reimbursed the Charges.

Penalty of a Second Offence.

Owners neglecting to scour their Watercourses, &c.

And be it further enacted, That if any Person or Persons, who of Right ought to scour or cleanse any Ditch, Drain, or Watercourse, which shall lead into or out of any Part or Parts of the said Road, shall not in a proper Manner cause the same to be scoured and cleansed within the Space of Ten Days next after Notice in Writing shall for that Purpose be given to him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode, by the said Surveyor or Surveyors, then the said Surveyor or Surveyors may cause such Ditches, Drains, and Watercourses to be scoured and cleansed, and pay for the scouring and cleansing the same; and if the said Person or Persons shall not repay the Money paid by such Surveyor or Surveyors, upon Demand thereof, upon him, her, or them respectively made, either in Person, or by Writing, to be left at his, her, or their respective Place or Places of Abode, the said Money, and every Part thereof, upon Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Nonpayment thereof as aforesaid, by the Oath of One or more Witness or Witnesses,

Surveyors may cleanse them,

and levy the Charges by Distress and Sale.

before any Justice of the Peace of the County or Place where such Person or Persons respectively shall live, shall and may, by Warrant or Warrants under the Hand and Seal of such Justice, be levied by Distress and Sale of the Goods and Chattles of such Person or Persons; rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

Carriages or Horses of Surveyors not to be employed.

Provided always, That no such Surveyor or Surveyors shall use or employ his or their own Carriages or Horses about the Repairs of the said Road.

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

And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may, and they are hereby impowered, at any Time or Times, during the Continuance of this Act, to widen, turn, or alter, any Part or Parts of the said Road, for the better Accommodation of Passengers, and to treat, contract, and agree with the several Owners, Proprietors, Occupiers of, and Persons interested in, any Lands, Grounds, or Hereditaments, which they may think proper to cut through, in order to widen, alter, or turn the said Road from Stretham Ferry, between Elford Closes on the Right Hand, and Breach Closes on the Left, over the Top of the Hill in the Fields of Stretham, and from thence, leaving the Mills and Town of Stretham on the Right Hand, to the South End of Braham Lane, or any other Part or Parts of the said Road, for the Purchase of any such Lands, Grounds, or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may any ways sustain, by such widening, turning, or altering, any Part of such Road; 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.

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or others, are or may be seised or possessed of Lands, Grounds, or Hereditaments, which may by the said Trustees be thought necessary or proper to be taken in and added to the said Road, or through which the said Road may be turned, and such Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing

willing to treat and agree for the Sale of such Lands, Grounds, or Hereditaments, but may be incapable of granting or conveying the same, by reason of Infancy, or other Disability; be it further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, 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 for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, 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 Purchase 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 or 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. impowered to treat for the Sale of such Lands.

And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations 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 Bodies Politick, Corporate, or Collegiate, Corporations 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 Road, or into or through which such Road is to be turned or altered as aforesaid, shall, by the Space of Twenty one Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating; then, and in every or any such Case, the said Trustees, or any Five or more of them, shall cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County or Place wherein such Lands, Grounds, or Hereditaments shall lie (which Oath any Two or more of the Trustees are hereby impowered and

Persons neglecting to treat, &c.

Jury to settle the Recompence.

and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Proprietors, Occupiers, or other Person or Persons interested, for or upon account of the taking such Lands, Grounds, or Hereditaments, into the said Road, or of turning 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, from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer) and they shall also order and cause the said Jury to view the said Places in Question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premisses, as they the said Trustees, or any Five or more of them, shall think fit: And after the said Jury shall have enquired of, ascertained, and settled such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, Proprietors, or Occupiers of, or Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming 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, or Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever; and all and every such Owners, Proprietors, and Occupiers, and all and every Person and Persons any ways 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 Right, Title, Claim, Interest, and Property of, in, to, or out of the same: And, for the summoning or returning such Jury or Juries, the said Trustees, or any Five or more of them,

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be binding.

Truſtees may iſſue a Warrant to the Sheriff, to impanel a Jury.

are hereby impowered to iſſue out their Warrant or Warrants to the Sheriff of the County, or the Bailiff of the Liberty or Place wherein ſuch Lands, Grounds, or Hereditaments, ſhall lie, thereby commanding and requiring him to impanel, 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 impanel, ſummon, and return, ſuch Number 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 in Default of a ſufficient Number of Jurymen, the ſaid Sheriff or Bailiff, or his or their reſpective 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; 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, acting in the Premiſſes, ſhall have full Power, from time to time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff or Bailiff, or their reſpective Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſſes, 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 ſo ſworn, refuſe 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, appearing, ſhall refuſe to be ſworn and give Evidence; and from time to time to levy ſuch Fine or Fines, in the ſame Manner as any other Forfeiture or Penalty herein before mentioned is hereby directed to be levied, ſo that no ſuch Fine ſhall exceed the Sum of Ten Pounds upon any One Perſon for One Offence; and all ſuch Fines ſhall be applied for ſuch Uſes, and in ſuch Manner, as the Tolls granted by this Act are to be applied.

Jurors may be challenged.

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

Fine not to exceed 10*l.*

And be it further enacted, That all and every Sum and Sums of Money, ſo aſſeſſed, as aforeſaid, is hereby charged upon the Monies which ſhall be raiſed by virtue of this

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

this Act, and shall be paid thereout accordingly by the said Trustees, or any Five or more of them, or their Treasurer, to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, 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, such Lands, Grounds, or Hereditaments, shall be laid into and made Part of the said Road, and shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said Road for ever after; and shall be repaired and kept in Repair by such Ways and Methods, and in all Respects in such Manner, as all Common Roads and Highways ought to be kept in Repair: And after such new Road shall be completed, the Lands and Grounds comprised in or constituting the old or former Road, not lying over any Common Grounds, not lying through any Town, shall be vested in, and shall 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 and disposed of for the repairing the said Road, and other the Purposes of this Act; and the Sale, or 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 Place wherein such Lands, Grounds, or Hereditaments shall lie, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Lands when purchased to be made Part of the Road.

Old Road may be sold.

And be it further enacted, That in widening, turning, or diverting any Part or Parts of the said Road, nothing shall be done which shall or may in any wise injure or damage any Dwelling-house or Building belonging thereunto, or any Land or Ground heretofore used as a walled Garden, Park, Plantation, or Nursery of Trees, or Walk of Trees, or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto.

Buildings, &c. not to be injured.

And be it further enacted, That in case any Jury or Juries to be 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 any Ferry to be purchased by virtue of this Act, or for any such Lands, Grounds, or Hereditaments, or for any such Loss or Damage, than what shall have been agreed

Expences of the Juries and Witnesses by whom to be borne.

to

to and offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning or returning the ſaid Jury or Juries, as a Recompence or Satisfaction for any ſuch Ferry, or any ſuch Lands, Grounds, or Hereditaments, or Loſs or Damage as aforeſaid; that then, and in ſuch Caſe, the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes, concerning the aſcertaining and determining the Value of any ſuch Ferry, or any ſuch Lands, Grounds, and Hereditaments, or Loſſes or Damages ſuſtained as aforeſaid, ſhall be borne and paid by the ſaid Truſtees, or any Five or more of them, out of the Tolls or Duties hereby granted; but if any Jury or Juries, ſo to be ſummoned and ſworn as aforeſaid, 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 the ſaid Jury or Juries, as a Recompence or Satisfaction for any ſuch Ferry, or any ſuch Lands, Grounds, or Hereditaments, or Loſſes or Damages as aforeſaid, that then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute.

Old Road over Commons to be Part of the Common, and not repaired as a common Highway.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may turn or alter the Path or Way of any of the ſaid Roads, if they ſhall think it neceſſary, over any Common or Waſte Grounds, without paying any thing for the ſame; and the old Road, in lieu whereof ſuch new Road ſhall be turned or made, ſhall be from thenceforth Part of ſuch Common or Waſte Ground.

Biſhop of *Ely* to pay 4*l. per Annum.* And

And whereas the Right Reverend the Lord Biſhop of Ely and his Predeceſſors have, on account of the Biſhoprick of Ely, heretofore uſually paid One Moiety of the Repairs of a Part of the ſaid Road between the Place called the Lamb Corner in Ely, and the Back Hill there, called the Gallery Way, and hath conſented for himſelf and his Succeſſors to pay a yearly Sum of Four Pounds, in lieu of ſuch Moiety, to the Truſtees appointed by this Act; be it therefore further enacted, That the ſaid Lord Biſhop of Ely, and his Succeſſors, ſhall yearly and every Year, during the Continuance of this Act, pay the ſaid Sum of Four Pounds to the ſaid Truſtees, or any Five or more of them, or their Treaſurer, and that ſuch Payment ſhall be deemed and taken in lieu of ſuch Repairs; and the ſaid Biſhop of Ely, and his Succeſſors, paying the ſaid yearly Sum of Four Pounds to the

the Truſtees aforeſaid, or their Treaſurer, ſhall be indemnified by the preſent and future Truſtees, under this Act, of and from all Preſentments, Fines, Proſecutions, Penalties, Coſts, and Charges whatſoever, on account of the Repair of any Part or Parts of the ſaid Road, by him the ſaid Lord Biſhop of Ely, or his Predeceſſors, heretofore made or repaired; and alſo ſhall not be liable to pay nor charged with any Toll to be collected by virtue of this Act, for any of his or their own Horſes or other Beaſts, Carts, or Wheel Carriages whatſoever, paſſing between the ſaid Lamb Corner in Ely, and the firſt Houſe in Soham.

Dean and Chapter to pay 20 *l. per Ann.* to the Repairs of the Road, and be indemnified.

And whereas the Reverend Dean and Chapter of the Cathedral Church of Ely are directed, by the Statutes of their ſaid Church, to lay out the yearly Sum of Twenty Pounds in making and repairing Bridges and publick Roads according to their Diſcretion, and have hitherto laid out ſuch Sum upon certain Bridges and divers Parts of the Road between the Place called the Lamb Corner in Ely, and the firſt Houſe in Soham aforeſaid; be it therefore further enacted, That the ſaid Dean and Chapter, and their Succeſſors, ſhall yearly and every Year, during the Continuance of this Act, pay the ſaid Sum of Twenty Pounds to the ſaid Truſtees, or any Five or more of them, or their Treaſurer for the time being: And the Payment of the ſaid yearly Sum to the Truſtees or their Treaſurer, for the Purpoſes of this Act, ſhall be admitted and allowed as ſo much Money laid out in a due Obedience to the Statutes of the ſaid Church: And the ſaid Dean and Chapter, and their Succeſſors, paying the ſaid yearly Sum of Twenty Pounds to the Truſtees aforeſaid, or their Treaſurer, ſhall be indemnified by the preſent and all future Truſtees under this Act, of and from all Preſentments, Fines, Proſecutions, Penalties, Coſts, and Charges whatſoever, on account of the Repairs of any Part or Parts of the ſaid Road, by them the ſaid Dean and Chapter, or their Predeceſſors, heretofore made or repaired.

Conſideration to be made to the Dean and Chapter of *Ely*, on ſuperſeding their Tolls;

And whereas the ſaid Dean and Chapter do, by their Servant or Officer, collect and receive an ancient Toll for all Wheel Carriages paſſing over their Bridge called the High Bridge, in Ely aforeſaid, (except the Carriages of the Dean and Canons, and Minor Canons of the ſaid Church) and have conſented that the ſaid Toll ſhall be wholly ſuperſeded, when the new Tolls eſtabliſhed by this Act ſhall take Place, in Conſideration of a yearly Payment of Seven Pounds, and the Exemption herein after mentioned; be it therefore further enacted, That the

Truſtees appointed or to be appointed by virtue of this Act, or any Five or more of them, ſhall, out of the Tolls to be raiſed by this Act, pay, or cauſe to be paid, yearly and every Year, during the Continuance hereof, to the ſaid Dean and Chapter, and their Succeſſors, the Sum of Seven Pounds; and the ſaid Sum of Seven Pounds, paid by ſuch Truſtees or their Treaſurer, ſhall be allowed in their Accounts as ſo much Money paid on Account of the ſaid Road; and that the ſaid Dean, Canons, and Minor Canons of the ſaid Cathedral Church, now and for the time being, ſhall not be liable to pay, nor charged with any Toll to be collected by virtue of this Act, for any of their own Horſes or other Beaſts, Carts or Wheel Carriages whatſoever, paſſing between the ſaid Lamb Corner in Ely, and the Firſt Houſe in Soham.

but they are ſtill to maintain the Bridges.

Provided always, That they the ſaid Dean and Chapter ſhall continue to repair and maintain the ſeveral Bridges within the ſaid Bounds by them hitherto maintained and repaired; any thing in this Act contained to the contrary notwithſtanding.

Perſons liable to repair any Part of the Road, to continue ſo.

And be it further enacted, That all and every Perſon and Perſons, Towns, Pariſhes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who, before the making of this Act, hath or have uſed, or of Right ought, by reaſon of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Road hereby intended to be repaired (except ſuch Parts of the Road as have been heretofore repaired by the Biſhop of Ely, or the Dean and Chapter of Ely) or any Bridges, ſhall, notwithſtanding this Act, be ſubject and liable to, and charged and chargeable with, the repairing and keeping in Repair the ſame Parts of the ſame Road, and ſuch Bridges, in the ſame Manner as they or every of them hath or have heretofore uſually done, or ought to do; and that the Inhabitants of the ſeveral Towns, Pariſhes, Hamlets, and Places, through which the Road hereby intended to be repaired doth lie, who, by the Laws and Statutes of this Realm, are or ſhall be obliged or liable to perform the Work in the Highways, for the repairing thereof, commonly called Statute-work, ſhall ſtill be ſubject and liable to do and perform the ſame Work, and ſhall and are hereby required to do and perform ſuch and ſo many Days Work in ſuch Parts of the ſaid Road by this Act directed to be repaired, and lying within the ſaid Towns, Pariſhes, Hamlets, or Places, in which ſuch Inhabitants reſpectively ſhall live, as the ſaid Truſtees, or any Five or more of them, ſhall direct or appoint, and at ſuch

such Times, and in such Manner, as the Surveyor or Surveyors by them authorized shall direct or appoint; and that every Inhabitant of the said Towns, Parishes, Hamlets, and Places respectively, who shall rent, hold, or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall do and perform such Work in and towards the repairing the Highways of the several Towns, Parishes, Hamlets, and Places, in which they respectively live, as Persons keeping Teams are obliged by Law and ought to do; that is to say, Six Days Work with their Teams for every Fifty Pounds.

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

And, to the end that the said Trustees may know the Inhabitants of all the Towns, Parishes, Hamlets, and Places, wherein the Roads by this Act directed to be repaired do lie, who are liable to do Statute-work in their Highways, and what Sort of Duty they ought respectively to do; 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 First Meeting of the said Trustees after the Twenty fifth Day of March in every Year, or oftener, if thereunto required by the said Trustees, or any Five or more of them, during the Continuance of this Act (Ten Days Notice of such Meeting being fixed on all the Turnpikes erected by virtue of this Act) 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 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, and every of them, distinguish and set forth which of such Inhabitants shall, and by this Act shall be deemed to keep a Team or Teams, and how many, after the Rate aforesaid, and which of them, are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams.

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

And be it further enacted, That if the Surveyor or Surveyors of the several Towns, Parishes, Hamlets, or Places, through which the said Road leads, shall not deliver in to the said Trustees Lists of the Inhabitants of their said several Towns, Parishes, Hamlets, or Places, at such Times, and in such Manner, as by this Act is directed and required to be delivered, such Surveyor or Surveyors, and every of them, shall forfeit and pay for every such Default the Sum of Five Pounds: And if any or either of the Inhabitants of the said several Towns, Parishes,

Penalty on Surveyors neglecting to deliver in such Lists, &c.

Penalty on Persons not performing Statute-work.

Parishes, Hamlets, or Places, being obliged or liable by Law to do Statute-work in and upon the Highways, shall not do such Statute-work in and upon the said Road, at such Times and Places, and in such Manner, as they shall by the Surveyor or Surveyors appointed by the said Trustees, be directed or appointed to do; such Inhabitants, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums herein after mentioned; that is to say, Every such Inhabitant or Person who shall keep, or by virtue of this Act shall be deemed to keep a Team or Teams, for every Day's Work for each Team the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep a Team, for every Day's Work the Sum of One Shilling and Six Pence:

Persons found idle may be turned off.

And if any Person or Persons who shall come to work as a Labourer or Labourers, or be sent with any Team, Draught, or Cart, to work on the said Road, for the Repairs thereof, commonly called Statute-work, are found idle and negligent, or shall not properly perform such Statute-work, the Turnpike Surveyor or Surveyors may and is and are hereby impowered and required to remove and discharge such Person or Persons; and it shall be deemed and taken as if such Person or Persons had not come or sent any Team, Draught, or Cart, to work on the said Road; and he, she, or they, shall be subject and liable to the respective Forfeitures, as if he, she, or they, had neglected or refused to do or perform the said respective Days Work.

Trustees may compound for Statute-work, &c.

And be it further enacted, That the said Trustees, or any Seven or more of them, may and are hereby authorized and impowered to compound, from Year to Year, with any Person or Persons, Bodies Politick or Corporate, for the Repairs to be by them done upon the said Road, and also with the several Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the Road hereby intended to be repaired, or any Part or Parts thereof, do or doth lie, for the several Days Statute-work to be by them respectively done upon the said Road, at and for such Sum and Sums of Money, by the Year, or otherwise, as they the said Trustees, or any Seven or more of them, and such Person or Persons, Bodies Politick or Corporate, or the said Inhabitants respectively, shall agree upon; which said Money shall be instantly paid to the said Trustees, or any Five or more of them, or to their Appointment.

And be it further enacted, That if the Surveyor or Surveyors of the Highways for the time being, of any of the

the Towns, Parishes, Hamlets, or Places, wherein the said Road directed by this Act to be repaired doth lie, shall think the said Trustees have directed or appointed too large a Proportion of the Statute-work in any Town, Parish, Hamlet, or Place, to be done on the said Road, it shall and may be lawful for such Surveyor or Surveyors of the Highways to appeal to the Quarter Session of the Peace of the County or Liberty next after such Direction or Appointment; unless the same shall be made within Eight Days preceding such Quarter Session, and then to the Second Quarter Session next after such Direction or Appointment; and the Justices in their said Quarter Session, are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work in any Town, Parish, Hamlet, or Place, shall be done on the Roads by this Act directed to be repaired; such Surveyor or Surveyors of the Highways having first given Ten Days Notice of such Appeal to the Surveyor or Surveyors appointed by the said Trustees.

Surveyors may appeal to the Quarter Session to proportion the Statute-work.

Notice of Appeal to be given.

And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, to erect, or cause to be erected, a Gate, Rails, and Fences, and to keep the same in Repair, on the Side of the said Road, at the West End of a Lane or Drove passing from Braham Brook towards Cawdle Fen, and the like at the West End of a certain Lane near Ely, between the Land or Ground of Ely Rectory North, and of Barton Farm South, and to set a Lock or Locks upon the same (without building or providing any Toll-house thereat) in order to prevent the evading the Payment of the said Tolls, or any Part thereof; and if any Person or Persons shall steal, take away, damage, or destroy the said Gate or Gates, Rails or Fences, or steal, damage, or break the Lock or Locks of such Gate or Gates, or open any Passage through the said Gate or Gates, or Fence, whereby the Payment of Toll shall be avoided, every such Person shall pay to the said Trustees, or according to the Order of any Five or more of them, the Expence of repairing and restoring all and every such Gates, Locks, Rails, and Fences; such Expence to be ascertained by the said Trustees, or any Five or more of them; and shall also forfeit, for every such Offence, any Sum not exceeding Three Pounds, as the said Trustees, or any Five or more of them, shall order and appoint, to be recovered in such Manner as the Penalties and Forfeitures are herein after appointed to be recovered.

Trustees may erect Gates, &c. in certain Places,

and provide the neighbouring Farmers with Keys.

Provided always, That the said Trustees shall find and provide for each of the Farmers who, by the Situation of their Homesteals, have frequent Occasions for passing through the said Lane, One Key gratis, which will open the Lock of the said Side Gate or Gates, so that the said Farmers may have a free and convenient Passage for themselves, their Servants, Cattle, and Carriages (not charged or chargeable with any Tolls by this Act) to pass and repass through the same, to and from their Pastures, or the common Fields; but that if any such Farmer as aforesaid shall lose his or her Key to such Lock or Locks as aforesaid, that then such Farmer shall, at his or her own Expence, find and provide another Key in its stead, in order to have such free Passage as aforesaid.

Penalty on leaving such Gates open, &c.

Provided also, That if any such Farmer as aforesaid, or his or her Servant or Servants, shall wilfully leave any such Gate or Gates open or unlocked, or permit any Person or Persons, not intitled to such free Passage as aforesaid, to pass through any such Gate or Gates or Fences as aforesaid, with any Horse or Horses, or any Sort of Cattle or Carriages, to evade the Payment of the Tolls, each Commoner so offending shall forfeit, for every such Offence, any Sum not exceeding Forty Shillings, as the said Trustees, or any Five or more of them, shall order and appoint, to be recovered in such Manner as the Penalties and Forfeitures are herein after appointed to be recovered.

Recompence to be made to the Owners of *Stretham Ferry*.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall, on or before the Twenty fourth Day of June, One thousand seven hundred and sixty three, pay or cause to be paid to Charles Gould Esquire, the Sum of One hundred fifty seven Pounds, and Ten Shillings, in full Recompence and Satisfaction of and for his Right and Property in the said Ferry called Stretham Ferry; and also the further Sum of Fifty two Pounds, and Ten Shillings, in full Recompence and Satisfaction of and for his Right and Property in the House, Yard, and Appurtenances, now let with the said Ferry: And that from and immediately after Payment of the said Sums of One hundred and fifty seven Pounds, and Ten Shillings, and Fifty two Pounds, and Ten Shillings, to the said Charles Gould, or the Person or Persons intitled to his Right and Property in the said Ferry, and House, Yard, and Appurtenances, the said Ferry, and House, Yard, and Appurtenances aforesaid, shall be vested in, and the same are hereby

by vested in, the said Trustees, for the Uses and Purposes of this Act.

Commissioners of *Waterbeach Level* may hold their Meetings at the said House.

Provided nevertheless, That the Commissioners for draining Waterbeach Level, shall have Leave and Licence to hold their Meetings, from time to time, and at all Times hereafter, at the said House.

Trustees to contract and agree with Mr. *Standly* for Purchase of *Stretham Ferry*.

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 treat, contract, and agree, with Peter Standly Esquire, for the Purchase of his Right and Property of and in his Ferry called Stretham Ferry, and to pay for the same such Sum and Sums of Money as the said Trustees, or any Seven or more of them, and the said Peter Standly, shall agree upon, out of the Tolls or Duties hereby granted, or out of any Money to be borrowed upon the Credit thereof: And in case the said Peter Standly shall refuse to treat with the said Trustees, or any Seven or more of them (after Twenty one Days Notice shall have been given him for that Purpose) or shall not agree with the said Trustees for the Purchase thereof, then the same shall be determined by a Jury, in the same Manner as is herein before prescribed for the determining the Value of Lands to be taken in and added to any Part of the said Road.

The Bridge at the Ferry, and the Road to *Denny Point*, to be built and repaired under Direction of the D. Surveyor General of *Bedford Level*.

And be it further enacted, That the said Bridge to be built at or near Stretham Ferry, and also the Road to be repaired, widened, heightened, and covered with Gravel, upon the said Bank from the said Ferry to Denny Point aforesaid, shall be built and repaired under the Inspection and Direction of the Deputy Surveyor General of the Corporation of Bedford Level.

Penalty on haling Timber, otherwise than on Wheel Carriages.

And be it further enacted, That if any Person or Persons shall hale or draw, or cause to be haled or drawn, along any Part of the said Road, any Tree or Trees, Piece or Pieces of Timber, or any Stone or Stones, other than and except Mill Stones, otherwise than upon Wheel Carriages or Sledges, every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Roads to be measured, and Mile-stones erected.

And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said Road to be measured, and Mile-stones to be set up on the Sides of the said Road, with such Inscriptions to be made thereon, denoting the Number of Miles, and Distance of Places; and also Posts at the several Roads leading out of the Road hereby directed to be repaired, with Inscriptions to be made thereon, denoting to what Place or Places the said Roads respectively lead; and if any Person or Persons

Penalty on defacing Mile-ſtones.

ſons ſhall wilfully or deſignedly break or pull down, dig up, injure, or deſtroy any or either of the Stones or Poſts that ſhall be ſo ſet up, or erase, obliterate, or deface any of the Inſcriptions which ſhall be made thereon, or cauſe the ſame to be done, every ſuch Perſon ſo offending ſhall forfeit and pay the Sum of Forty Shillings for each Stone or Poſt ſo wilfully or deſignedly broken, obliterated, defaced, or pulled down.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That all Penalties and Forfeitures by this Act impoſed (the Manner of levying and recovering whereof is not otherwiſe particularly directed) ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal or Hands and Seals of One or more Juſtice or Juſtices of the Peace for the County or Place wherein the Offence ſhall be committed; which Warrant the ſaid Juſtice or Juſtices is and are hereby impowered and required to grant, upon the Information of any One or more credible Witneſs or Witneſſes upon Oath (which Oath the ſaid Juſtice or Juſtices is and are hereby impowered and required to adminiſter without Fee or Reward) and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whoſe Goods and Chattles ſhall be ſo diſtrained and ſold (the Charges of ſuch Diſtreſs and Sale being firſt deducted) ſhall be paid to the ſaid Truſtees, or any Five or more of them, or their Treaſurer or Treaſurers, and ſhall be applied (if not otherwiſe directed to be applied by this Act) for and towards the amending the ſaid Road, and other the Purpoſes of this Act; and in caſe ſufficient Diſtreſs cannot 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 commit ſuch Offender or Offenders to the Common Gaol of the County or Liberty, for any Time not exceeding Two Months, or until ſuch Penalty ſhall be paid.

Perſons aggrieved may appeal to the Quarter Seſſion.

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, at their then next Quarter Seſſion of the Peace for the County or Liberty, unleſs ſuch Cauſe of Appeal ſhall happen within Eight Days preceding ſuch next Seſſion, in which Caſe ſuch Appeal

ſhall

shall be brought at the Second Quarter Session then next after; and in all Cases of Appeal by virtue of this Act, the Party or Parties appealing, shall, before Notice given of Appeal, enter into a Recognizance before a Justice of the Peace for the County or Liberty, with Two sufficient Sureties, in the Sum of Twenty Pounds, to prosecute such Appeal with Effect, and to abide the Determination of the Justices of such Quarter Session, and to pay the Costs by them awarded; and in all Cases of Appeal in pursuance of this Act, Ten Days Notice in Writing of such Appeal, and of the Cause or Matter thereof, shall be given to the Clerk to the Trustees; and the Justices, at the said Session, upon due Proof of such Notice being given, and of entering into such Recognizance, shall proceed to hear and determine the Causes and Matters of the said Appeal, in a summary Way; and, if they see Cause, may, by Order of such Session, mitigate at their Discretion all or any of such Penalties and Forfeitures, and set the Parties at Liberty, and vacate and set aside any Conviction or Convictions of the said Justices; or otherwise, may ratify and confirm the same, and award such Costs as they the said Justices at such Session shall think proper; and the Determination of the Justices at such Session shall be binding and conclusive to all Parties concerned or interested therein.

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, 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 Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

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

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

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity as aforesaid,

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

said, if Tender of Amends hath been made by or on Behalf of the Party distraining before such Action brought.

Trustees to make Rules at their publick Meetings, &c.

And be it further enacted, That the said Trustees, or any Five or more of them, are hereby required, at publick Meetings, from time to time, to make proper Rules and Orders for the more effectual putting this Act in Execution, and to appoint such Person or Persons as they shall think fit effectually to carry on Prosecutions for Offences committed against this Act: And that in case any Action or Prosecution shall be commenced or prosecuted for any Offence committed against this Act, under the Authority and by the Direction of the said Trustees, or any Five or more of them, as aforesaid, that then the said Trustees, or any Five or more of them, at some publick Meeting as aforesaid, shall, out of the Money arising by the Tolls hereby granted, or out of the Money that shall be borrowed upon the Credit thereof, allow and pay to the Prosecutor so much as the Costs allowed by Law shall fall short and reimbursing him his just and reasonable Expences: And that if any Action, Suit, or Prosecution, Rule or Order of Court, shall be brought, commenced, prosecuted, or obtained, against any of the said Trustees, or any of their Surveyors or other Officers, for any thing done or acted by the Direction of the said Trustees, or any Five or more of them, as aforesaid, in pursuance of this Act; that then, and in every such Case, the said Trustees, or any Five or more of them, as aforesaid, shall, out of the Profits arising by the Tolls hereby granted, allow and pay to such Trustee or Trustees, their Surveyors or other Officers, all such reasonable Costs, Charges, and Expences, as they or any of them shall or may sustain or be put unto by Reason or Means thereof.

Proceedings to be entered in a Book.

And be it further enacted, That full, true, and fair Accounts and Entries of all the Monies which shall be collected and received, laid out, expended, and paid, by virtue of this Act, and of all Orders, Acts, Matters, Proceedings, and Things which shall be done by the said Trustees, in the Execution of the Powers hereby to them given, shall from time to time be duly and regularly entered in Books, which shall be kept for those Purposes.

Writings to be without Stamps.

And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, or Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees

for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any of the Powers or Authorities hereby vested in such Trustee or Trustees, Justice or Justices of the Peace, or any of them, or Transfer or Assignment of any of the Securities aforesaid, made by any Person or Persons, shall be charged or chargeable with any Stamp Duty whatsoever.

No Order to be repealed, unless 9 Trustees be present.

And be it further enacted, That no Order made by the said Trustees, or any Five or more of them, in, for, or concerning the executing the Trusts, Powers, and Authorities of this Act, or any of them, shall be revoked, repealed, or set aside, by any subsequent Order of the Trustees, unless Seven Trustees shall be then present, and consenting thereto.

Commencement and Continuance of this Act.

And be it further enacted, That this Act, and the several Authorities, Powers, and Tolls, hereby granted and made payable, shall commence and have Continuance from and after the passing of this Act, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Limitation of Actions.

And be it further enacted, That if any Action or Actions, Suit or Suits, 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, such Actions and Suits, and every of them, shall be commenced within Six Months next after the doing the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, and not afterwards; and shall be brought, laid, and tried in the County or Place where such Matters and Things respectively shall be committed or done, and not in any other County or Place; and that the Defendant or Defendants in such Actions and Suits, and every of them, 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 which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act; and if the said 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 therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become

General Issue.

come Nonsuit, or suffer a Discontinuance of such Action or Actions; or if, upon any Demurrer or Demurrers in such Action or Actions, Judgement shall be given for the Defendant or Defendants therein, then, and in either of the Cases aforesaid, such Defendant or Defendants shall
Treble Costs. have Treble Costs, and shall have such Remedy for Recovery thereof as any Defendant or Defendants hath or have for his, her, or their Costs, in any other Cases by Law.

Publick Act. And be it further 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.
