Anno quarto

Georgii III. Regis.

An Act for repairing and widening the Roads from the *High Bridge* in *Spalding*, to a certain Place called *Tydd Goat*, in the County of *Lincoln*, and from *Sutton Saint Mary's* to *Sutton Wash*, in the said County.

WHEREAS the several Roads leading from Spalding High Bridge, through the several Parishes of Weston, Moulton, Whaplode, Holbeach, Fleet, Gedney, Lutton, and Sutton Saint Mary, in the Division of Holland Elloe, in the County of Lincoln, to a Place called Tydd Goat, in the Parish of Tydd Saint Mary, and from Sutton Saint Mary's aforesaid, to the Wash called Sutton Wash, in the said County, from the Nature of the Soil, and by reason of many heavy Carriages, and the great Number of Cattle passing through the same, and the Narrowness thereof in many Places, are become very deep and ruinous, and cannot be effectually amended and widened by the ordinary Course appointed by the Laws in being; May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent

Preamble.

of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Charles Amcotts, the Reverend Nicholas Addinbrooke Clerk, Thomas Alderson, the Right Honourable Brownlow Bertie, commonly called Lord Brownlow Bertie; the Right Honourable Robert Bertie, commonly called Lord Robert Bertie; Thomas Brown, Joseph Banks, John Bates, Henry Boulton, the Reverend Everard Buckworth Clerk, Theophilus Buckworth senior, Theophilus Buckworth junior, Sir Everard Buckworth, Edward Blyth Doctor in Physick, John Spincks Bennet Peregrine Bertie, Charles Berridge LL.D. Basil Berridge Clerk, Leonard Berridge, John Berridge, Leonard Brown, Thomas Bough, Lancelot Browne Clerk, William Bough, John Bough, James Burton, Thomas Briggs, James Bellaers, John Baker of Lutton, Sir John Cust Baronet, John Calcraft, Adlard Cropley, Matthew Clark senior, William Corby, Hugh Clark, Matthew Clark junior, Marmaduke Dayrell, Francis Dayrell, James Delarue senior, James Delarue junior, John Dinham Clerk, Francis Dawkins, John Deane, [illegible] Drake, the Honourable Champion Dymock, Sir John Elwill Baronet, John Everson, Thomas Everson, Brice Fisher, Richard Ridell, John Frotheringham, James Fortrey, Richard Fox Clerk, William Foster, William Fisher, William Greaves Clerk, [illegible] Greaves, Sir Sampson Gideon, John Grundy, Thomas Gough, Thomas Robert Gates, Charles Green, Robert Gregg, John Gregg, James Garland, Erasmus Gold, Richard Gibson Clerk, Sir Bennet Garrard Baronet, Thomas Orby Hunter, Samuel Horne, James Hurst, John Hardy, Joseph Harvey, Isaac Harvey, Daniel Harvey, John Hinson, James Hibbins, Charles Holland, Clement Hawkes, the Honourable George Hobart, John Hooke, Robert Harrison, William Banks Hodgkinson, Maurice Johnson, Walter Johnson, Samuel Joynes, John Ingram, William Jackson, Samuel Jackson, Thomas Jenkins, Thomas Ivis senior, William Jissop, John Kelk senior, John Kelk junior, Guido Kelk, Michael Keightley, James Long, Beeston Long, John Lodge Clerk, Charles L'Blanc, Joseph Littlewood, Sir William Meredith Baronet, John Molson senior, John Molson junior, Thomas Molson, Thomas Measure, John Michell, [illegible] Markham, William March, John Marshall, Thomas Marshall, John Massey, John Northon Clerk, Edward Northon, John Northon junior, Robert Noble, John Nixon, Nathaniel Neal, the Right Honourable Francis Vernon Lord Orwell in the Kingdom of Ireland, James Oliver, John Pitchford, Edmund Parkinson, Edmund Pyle D.D. James [illegible] Brecknock

Trustees Names.

Brecknock Palmer, Charles Anderson Pelham, Jarvis Palmer senior, Jarvis Palmer junior, Samuel Palmer, Matthew Perkins, Sir Thomas Peyton, William Preston, Armstead Parker, Rogers Parker, John Richards, John Richards junior, John Rogerson, John Rustat, Samuel Seawell, Samuel Seawell junior, William Stukeley D. D. William Stukeley, Roger Stevens Clerk, John Shaw Clerk, Charles Scribo, Thomas Sands, Abel Smith, Thomas Smith, William Sneath, Owen Scotney, Charles Townshend Clerk, John Tatam Clerk, Sir John Thorold Baronet, John Truman, Brownlow Toller Clerk, Samuel Calthrop Tyrer, Sir Clement Trafford, Sir Thomas Trollope Baronet, Thomas Middleton Trollope, Thomas Vivian, John Vale Clerk, Sir Francis Whichcote Baronet, Thomas Whichcot, Christopher Whichcote, Hale Wortham, William Welby, Richard Welby, William Earle Welby, Cecil Willis D. D, John Wilkinson, John Wilkinson, Graham Wilkinson, Richard Wilkinson, John Watson, Jonathan Watson, George Worrall, Edward Wileman, James Wallett, Abraham Wallett, Henry Wimbush, John Wallis, Robert Wroot, William Willsby, George Wallis, Thomas Wine, Thomas Wheldall, and their Successors, to be elected in the Manner herein after-mentioned, shall be, and are hereby appointed Trustees for repairing and widening the said Roads, and for putting all the Powers of this Act in Execution.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet at the House of John Mitchell, known by the Sign of The Chequer, in the Town of Holbeach, on that Day Four Weeks next after the passing of this Act, and proceed to the Execution of this Act; and shall then, and from time to time afterwards, adjourn themselves to meet at the Place aforesaid, or at any other Place within or near the said Roads, as they the said Trustees, or any Five or more of them, shall from time to time think most convenient for putting this Act in Execution: And if, at any Meeting or Meetings appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day, the Trustee or Trustees then present, or the Clerk or Clerks to the said Trustees, shall, from time to time, as often as such Case shall so happen, by Notice in Writing to be affixed upon all the Turnpikes which shall then be erected by virtue of this Act, or upon some publick Place in the Towns of Spalding, Holbeach, and Sutton Saint Mary's, at least Ten Days before

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

before the next Meeting, appoint the said Trustees to meet at the Place where the last Meeting was appointed to be held, or at such other Place as the said Trustee or Trustees then present, or the Clerk or Clerks to the said Trustees, shall think convenient, at any Time not exceeding Three Weeks after the Day for which such last Meeting was appointed; and in case it shall happen that no such Adjournment shall be made at any Meeting of the Trustees as aforesaid, or that no Notice or Appointment for Meeting shall be given or made by the Trustee or Trustees, less than Five appearing at any Day and Place of Adjournment, or by the Clerk or Clerks to the Trustees, within Three Weeks after such Day of Adjournment as aforesaid; then, in either of the said Cases, it shall and may be lawful, at any Time after such Omission or Neglect, for any Five of the Trustees, though not assembled at a Meeting in pursuance of this Act, by Notice in Writing, to appoint the Trustees to meet at such Place, upon or near to any Part of the said Roads, as they the said Five Trustees shall think convenient, at any Time not sooner than Ten Days, and not exceeding Twenty one Days, after the Day on which such Notice shall be given by them; and that Ten Days Notice of all Meetings, excepting the General Meeting, shall be given in Writing, and affixed upon all the Turnpikes which shall be erected upon the said Roads, or upon some publick Place in the Towns of Spalding, Holbeach, and Sutton Saint Mary's; and that a General Meeting of the said Trustees shall, yearly and every Year, be held on the Monday after Trinity Sunday in Holbeach, for the passing and settling all Accounts of their Treasurers, Receivers, Toll-bar Keepers, and other Officers relating to the said Roads, and for the Choice of Trustees in the Room of such Trustees as shall be then dead or refuse to act; and the said Trustees, at all their Meetings, shall defray their own Expences; and that all Orders and Determinations of the said Trustees, in Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless

Trustees to defray their own Expences.

No Order to be valid, unless made by the Majority of the Trustees present;

nor to be revoked unless 9 are present.

unless Nine Trustees shall be present; nor shall any Trustee be capable of acting in the Execution of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act; but all such Trustees as are Justices of the Peace may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees.

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

And be it further enacted by the Authority aforesaid, That upon the Death or Refusal to act of any Trustee hereby appointed or hereafter to be chosen, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, from time to time, to elect One other Person, to be a Trustee in the Room of every Trustee so deceased or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election shall be fixed on some publick Place in the Towns of Spalding, Holbeach, and Sutton Saint Mary's, or upon all the said Turnpikes, at least Twenty Days before every such Meeting; and all Persons who shall be so elected, are hereby vested with the same Powers for putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

20 Days Notice thereof to be given.

Qualification of Trustees.

Provided nevertheless, and be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in the Execution of this Act, except in the Power of administering the Oath of Qualification herein after mentioned, unless he shall be in his own Right, or in Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes, or possessed of, or intitled unto, a Personal Estate of the clear Value of One thousand Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds; and every Person shall take and subscribe the Oath following, before any Five or more of the said Trustees, who are hereby authorized and required to administer the same, before he takes upon himself to act; which said Oath shall be in the Words, or to the Effect following; that is to say,

I *A. B.* do swear, That I truly and *bona fide* am, in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear

clear yearly Value of Fifty Pounds above Reprizes, or poſſeſſed of, or intitled unto, a Perſonal Eſtate, to the clear Amount or Value of One thouſand Pounds more than ſufficient to pay my juſt Debts.

Penalty on acting, not being qualified.

And if any Perſon, not being ſo qualified, ſhall preſume to act, contrary to the Intent and Meaning hereof, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, upon Proof given of his having acted as a Truſtee in the Execution of this Act.

Truſtees may erect Turnpikes and Toll-houſes,

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, or any ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, ſhall and may erect One or more Gate or Gates, Turnpike or Turnpikes, upon, in, or acroſs, any Part or Parts of the ſaid Roads, and alſo One or more Toll-houſe or Toll-houſes in and upon the ſame; or agree or contract for the Purchaſe of any Houſe already erected, that may ſtand convenient for that Purpoſe; and pull down and remove the ſame, as they the ſaid Truſtees, or any Five or more of them, ſhall judge proper; and the Tolls following ſhall be demanded and taken by ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall, from time to time, appoint to receive the ſame at each of the ſaid Turnpikes, before any Horſe, Cattle, Beaſt, or Carriage, ſhall be permitted to paſs through the ſame; that is to ſay,

and take the following Tolls thereat.

The Tolls.

For every Coach, Berlin, Landau, Chariot, Calaſh, Chair, Chaiſe, Caravan, Hearſe, or Litter, drawn by Six Horſes, Mares, Geldings, or Mules, the Sum of Two Shillings; and drawn by Four or Five Horſes, Mares, Geldings, or Mules, One Shilling and Six Pence; and drawn by Two or Three Horſes, Mares, Geldings, or Mules, Nine Pence.

For every Calaſh, Chair, or Chaiſe, drawn by One Horſe, Mare, Gelding, or Mule only, Six Pence.

For

For every Waggon, Wain, Cart, or other Carriage, drawn by Four Horſes, Mares, Geldings, Oxen, or other Cattle, One Shilling; and by more than Four, One Shilling and Six Pence; and drawn by Three Horſes, Mares, Geldings, Oxen, or other Beaſts of Draught only, Nine Pence; and drawn by Two Horſes, Mares, Geldings, Oxen, or other Beaſts of Draught only, Six Pence; and drawn by One Horſe, Mare, Gelding, Ox, or other Beaſt of Draught only, Three Pence.

For every Horſe, Mare, Gelding, Aſs, or Mule, laden or unladen, and not drawing, One Penny Half-penny.

For every Drove of Oxen, or Neat Cattle, One Shilling and Three Pence per Score, and ſo in Proportion for a greater or leſſer Number.

For every Drove of Calves, Swine, Sheep, or Lambs, Five Pence per Score, and ſo in Proportion for a greater or leſſer Number.

Which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of or as a Toll; 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, or any Part thereof, it ſhall be lawful for the Perſon or Perſons appointed as aforeſaid for collecting of ſuch Tolls, to ſeize and diſtrain any Horſe or Cattle, Beaſt, or any Goods or Carriage, upon which any ſuch Toll is by this Act impoſed, or any of the Goods and Chattles of ſuch Perſon or Perſons ſo neglecting or refuſing 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 Five Days next after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo diſtraining, ſhall and may ſell the Horſe, Cattle, Beaſt, Carriage, or Goods and Chattles ſo diſtrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after ſuch Tolls, and all reaſonable Charges of ſuch Diſtreſs and Sale, ſhall be deducted; and all the Tolls collected or levied by virtue of this Act, ſhall be and are hereby veſted in the ſaid Truſtees, and ſhall be applied, or may be aſſigned, in ſuch Manner as is herein after mentioned.

Tolls to be levied by Diſtreſs and Sale.

Tolls veſted in Truſtees.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to erect, or cauſe to be erected, One or more Gate or Gates, Turnpike

Truſtees may erect Side-gates, &c.

pike or Turnpikes, on the Side or Sides of the said Roads, and upon, in, or across, any Lane or By-way that does or shall lead into or out of the same; and at such Gate or Gates, Turnpike or Turnpikes, to receive and take such Tolls as are by this Act granted and made payable at any Turnpike or Turnpikes to be erected by virtue thereof; so as the same do not extend to a double Charge upon any Person or Persons passing the same Day through any other of the Gates or Turnpikes to be erected by virtue of this Act, and so as no Person be liable to pay any Toll or Duty for only crossing the said Roads.

and take Tolls thereat,

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

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

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses to be erected or provided by virtue of this Act, and of the Materials for building the same, and also of all Materials which shall be actually got or collected 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 Clerk, or to prefer, or order the preferring of, Indictments against any Person or Persons who shall injure or disturb them in the Possession thereof.

Proviso.

Provided always, and be it further enacted, That no Turnpike shall be erected on the said Roads until Subscriptions shall be obtained for advancing or lending the Sum of Four thousand five hundred Pounds upon the Credit of the Tolls by this Act granted; any thing herein contained to the contrary notwithstanding.

Expences of this Act how to be paid.

And be it further enacted by the Authority aforesaid, That out of the Tolls collected and levied by virtue of this Act, or the Monies to be borrowed upon the Credit thereof, the said Trustees, or any Five or more of them, shall in the first Place pay all the Expences incurred in, and in relation to, the obtaining of this Act, and 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, altering, turning, and keeping in Repair the said Roads, and of executing the other Purposes of this Act, and to no other Use whatsoever.

Trustees may reduce the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, at their First Meeting, and from time to time assembled at any subsequent

Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said Trustees, or any Seven or more of them, shall think proper; and may afterwards from time to time advance all or any of the Tolls so lessened to any Sum or Sums of Money not exceeding the respective Rates herein before-mentioned; and the said Trustees, or any Seven or more of them, may, from time to time, direct the Tolls hereby granted, or so reduced as aforesaid, to be collected in such Parts and Proportions, at the Turnpikes erected by virtue of this Act, as they the said Trustees, or any Seven or more of them, shall think fit; and such reduced Tolls, and also such Parts and Proportions as aforesaid, shall and may be collected, levied, and applied in such and the same Manner as the said respective Tolls are directed to be collected, levied, and applied; but no such Reduction shall be made at any Time after the said First Meeting, unless the Person or Persons, who shall be intitled to Two Thirds of the Money which shall have been lent upon the Credit of the Tolls intended to be reduced, shall be consenting thereto; and that no such subsequent Meeting shall be held for any of the Purposes aforesaid, unless Twenty Days previous Notice at the least shall be given thereof in Writing to be affixed upon all the Turnpikes which shall be then erected by virtue of this Act, or upon some publick Place in the Towns of Spalding, Holbeach, and Sutton Saint Mary's,

Tolls to be paid but Once a Day.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be liable to pay Toll more than Once for passing or repassing at any Time or Times in any One Day (to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night) with the same Horses, Cattle, Beasts, or Carriages, through all or any of the Turnpikes to be erected by virtue of this Act upon the said Roads, and on the Sides thereof, and cross any Lane or Way leading into the same; but all and every Person and Persons, after having paid Toll Once, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Tolls, shall afterwards pass with the same Horses, Cattle, Beasts, and Carriages Toll-free, during such Day, through all the Turnpikes erected by virtue of this Act; and which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis, on Receipt of the Toll.

And

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and are hereby impowered, from time to time, as they shall see convenient, to compound and agree for any Term not exceeding One Year at any One Time, with any Person or Persons for any Carriages, Horses, Cattle, or Beasts, travelling upon the said Roads, or any Part thereof, for any Sum not less than Ten Shillings, for all or any of the Tolls to be paid for or in respect of such Carriages, Horses, Cattle, or Beasts; and all such Composition-money shall be paid quarterly in Advance; and in Default thereof, the Composition or Agreement with the Person or Persons making such Default, shall from thenceforth be void; and all such Composition-monies shall be applied in such Manner as the Tolls in respect whereof such Composition is made are directed to be applied.

Reservation of Rights.

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

Trustees may lease the Tolls.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Nine or more of them, at the General Meeting to be held on the Monday next after Trinity Sunday, in every Year, by Writing under their Hands and Seals, to lease the Tolls arising by virtue of this Act, or any Part of such Tolls, unto any Person or Persons from Year to Year, or for any Term of Years not exceeding Three Years, for the best Rent that can be got for the same; payable at such Times, and under such Covenants, and to such Person or Persons, as they the said Trustees, or any Nine or more of them, shall direct or appoint; Notice of the Meeting for such Purpose being first given

in Writing by the Clerk to the said Trustees, to be affixed upon all the Turnpikes which shall then be erected by virtue of this Act, or upon some publick Place in the Towns of Spalding, Holbeach, and Sutton Saint Mary's, Twenty Days at least before such Meeting, and the Monies arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied.

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, Cattle, Beast, or Carriage, pass through or over any Land, Ground, or Hereditament, lying near any Turnpike which shall be erected by virtue of this Act (the same not being a Publick Highway) or if any Owner or Occupier of any such Ground, Land, or Hereditament, shall knowingly permit or suffer any Person or Persons, with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through or over the same; 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, whereby the Payment of any of the said Tolls, or of 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 or Beast; or shall take off, or cause to be taken off, any Horse, or other Cattle from any Carriage; or shall leave, or cause to be left, upon or near to any Part of the said Roads, any Carriage, Horse, Cattle, or Beast, with an Intent to avoid the Payment of any of the said Tolls, or of any Part thereof, or, with such Intent, shall unload any Goods from any Horse, Cattle, Beast, or Carriage; or secrete any Goods chargeable with any such Toll; every Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Forty 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 hereafter directed to be applied.

or giving or receiving Tickets,

or taking off Horses, &c.

to avoid Payment of the Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That no Toll shall be taken for any Carriage, or any Horse, Cattle, or Beast, laden only with, or going unladen for, or returning unladen, having been laden only with, on the same Day, Gravel, Stone, or other Materials for repairing any of the said Roads, or any of the Roads in the Townships in which such Roads lie; or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Out-houses, or on the Lands of the Owners

Exemptions from Tolls.

ers thereof; or for any Ploughs, Harrows, or Implements of Husbandry, or Mould, Dung, Lime, Compost, or Manure, employed in Husbandry, for manuring or improving of Lands; or for any Hemp or Flax passing from the Grounds where it grew, to the Place where it is proper and convenient for it to be rated or watered, and from thence to the Place where it is proper and convenient for it to be spread upon the Ground, and from thence to be laid up in the Out-houses or on the Lands of the Owners thereof; or from the Owners or Occupiers of any Lands, or their Servants going to or from their respective Lands, on the Business only of looking after such Lands, or the Stock upon the same; or for any Person or Persons residing in any Township in which the said Roads lie, going to or from their proper parochial Church, Chapel, or other Place of Religious Worship, or attending the Funeral of any Person or Persons that shall die and be buried in any of the said Parishes; or for any Post Horse carrying the Mail or Packet; or for any Horse, Cattle, or Sheep, going to or from Water or Pasture, or from one Pasture to another to feed, such Pastures lying in the same Parish and no other; or to be, or from being, shoed or farried; or for any Sheep going to or returning from any Wash-Dike, 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 near the said Roads; or for the Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; or for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; or for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, 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 Lincoln, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded: And if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted, not being intitled to the same, such Person shall forfeit, for every such Offence, the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer, and the other Moiety thereof shall be applied in such Manner as the other Penalties are herein after directed to be applied.

Penalty on making illegal Claims.

Provided

Particular Exemptions.

Provided also, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to charge the Owners or Drivers of any Waggon, Carts, or other Carriages, which shall have carried Corn, or any other Sort of Grain, Hemp, Flax, Wool, or other Merchandize, to the several Markets of Spalding, Holbeach, and Wisbech, or either of them, on a Market Day, with any of the Tolls and Duties granted by this Act, on the Day after such Market Day respectively, if such Waggons, Carts, or Carriages, shall return such Day after the Market Day without any Loading, the Owners or Drivers thereof producing a Note or Ticket, signifying that such Toll or Duty was paid for such Waggon, Cart, or Carriage, the preceding Day; nor to charge the Owners or Drivers of any Waggons, Carts, or Carriages, which shall go without any Loading to the said Wash Side over Night for Loading, and shall pass the next Day loaded, with more than One Payment of the said Tolls, the Owner or Driver of such Waggon, Cart, or Carriage, producing a Note or Ticket, signifying that such Toll or Duty was paid for such Waggon, Cart, or Carriage, when it passed unloaded the preceding Day.

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Seven or more of them, at their First or any subsequent Meeting, upon the Credit of the Tolls to be collected by virtue of this Act, to borrow and take up at Interest such Sum and Sums of Money as they the said Trustees, or any Seven or more of them, shall think fit; and may and are hereby impowered from time to time, by any Writing or Writings under their Hands and Seals, to mortgage or assign over the said Tolls, or any Part or Parts thereof (the Charges of such Mortgages or Assignments to be paid out of such Tolls) to any Person or Persons, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof; and Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose, by the Clerk or Treasurer to the said Trustees; but no Money shall be borrowed upon the Credit of the said Tolls, after such First Meeting, unless Notice be for that Purpose assured in Writing in some publick Place in the Towns of Spalding, Holbeach, and Sutton Saint Mary's, or upon all the Turnpikes erected by virtue of

28 Days Notice to be given of borrowing Money.

this Act, at least Twenty Days before the borrowing thereof; and all and every Person and Persons, to whom any such Mortgage or Assignment shall be made, or who shall be intitled to the Money thereby secured, is and are hereby impowered, from time to time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings to be executed under his, her, or their Hand and Seal, or Hands and Seals, in the Presence of Two or more credible Witnesses, to assign or transfer his, her, or their Right to the Principal and Interest Money thereby secured; all which Assignments or Transfers shall be produced and notified to the said Clerk or Treasurer within Three Calendar Months after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Date, Names of the Parties, and Sums of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the said original Mortgages or Assignments; for which such Clerk or Treasurer shall be paid the Sum of Two Shillings and Six Pence, and no more; and which said Book or Books shall and may, at all seasonable Times, be perused and inspected without any Fee or Reward; and after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon, and such Assignee may, in like Manner, assign or transfer again, and so toties quoties; and it shall not be in the Power of any Person, who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies thereon due; and all and every Person and Persons, to whom any such Mortgage or Assignment shall be made as aforesaid, shall be, in Proportion to the Sum or Sums therein mentioned, Creditors on the said Tolls in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing any such Monies.

Assignments to be entered in a Book.

Assignments may be transferred.

Entries to be made of all Assignments.

Clerk's Fee.

All Creditors to be deemed equal in Degree.

And be it further enacted and declared by the Authority aforesaid, That all and every Trustee and Trustees appointed by this Act, or which shall hereafter be appointed by virtue of any Power or Authority hereby given, shall and lawfully may, notwithstanding his or their being such Trustee or Trustees, advance and lend any Sum or Sums of Money at Interest, on the Security of the said Tolls, in such Manner as any other Person

Trustees may lend Money on the Credit of the Tolls.

Person or Persons, not being a Trustee or Trustees, may, can, or shall do by means or virtue of this Act; and such Trustee or Trustees, so advancing and lending such Sum or Sums of Money, shall and lawfully may accept and take a Mortgage or Mortgages, Assignment or Assignments, of the said Tolls, from Five other or more of the said Trustees, as a Security or Securities for the said Sum or Sums of Money so to be by him or them advanced and lent; which Mortgage or Mortgages, Assignment or Assignments, being so executed by Five or more of the said Trustees, shall be effectual and binding to all Intents and Purposes whatsoever; and the Trustee or Trustees so advancing and lending such Sum or Sums, and accepting and taking such Security or Securities, shall, by means and virtue thereof, have and exercise such and the like Powers and Remedies for recovering and receiving the said Sum or Sums of Money, and the Interest thereof, which any other Mortgagee or Mortgagees of the said Tolls can, may, or shall have and take by means or virtue of this Act.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, from time to time, appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act; and, from time to time, remove such Officers and other Persons, and appoint others in their Stead; and out of the Monies to arise by virtue of this Act, make such Allowances to the said Officers and Persons, as to them the said Trustees, or any Five or more of them, shall seem reasonable; and all such Officers and Persons shall, under their Hands, at such Time and Times, and in such Manner, as the said Trustees, or any Five or more of them, shall direct, deliver to the said Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, true and perfect Accounts in Writing, of all the Monies which shall have been by such Officers and Persons respectively received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint; and all the said Officers and Persons, so accounting as aforesaid, shall, upon Oath, if thereunto required by the said Trustees, or any

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

Five or more of them (which Oaths the said Trustees, or any Two or more of them, are hereby impowered to administer) verify their said Accounts; and if any such Officer or Person shall not make and render, or refuse to verify upon Oath, any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees, or any Five or more of them, within Fourteen Days after being thereunto required by any Five or more of the said Trustees, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act; in each or any of either of the said Cases, any One or more of the Justices of the Peace for the Division or Place wherein such Officer or Person shall be or reside, shall make Enquiry concerning such Default, either by Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer without Fee or Reward); and if any such Officer or Person shall be convicted of any or either of the Offences aforesaid, such Justice or Justices shall commit every such Offender to the Common Gaol for the County of Lincoln, or to some House of Correction in the Division of Holland, in the said County, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Trustees, or any Five or more of them, and shall have paid such Composition in such Manner as they shall appoint; which Composition the said Trustees, or any Five or more of them, are hereby impowered to make; or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

Officers refusing to account,

Justices to enquire into the Default,

and commit the Offender until Payment or Composition made,

Treasurer to give Security

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall take such Security from their Treasurer or Treasurers, Receiver and Receivers, for the due Execution of his or their Office or Offices, as the said Trustees, or any Seven or more of them, shall think proper.

Trustees may appoint Collectors, tho' not assembled at a Meeting

Provided also, That as often as any Collector of the Tolls shall die, or be incapable of performing his Duty, it shall be lawful for any Five or more of the said Trustees, though not assembled at a Meeting in pursuance of this Act, by any Writing under their Hands, to appoint any other Person to collect such Tolls; and the

Person

Person so appointed shall have the same Authority for Recovery thereof as the Person he shall succeed was vested with, until the said Trustees, or any Five or more of them, shall, at a Meeting to be held by Virtue of this Act, appoint a Collector of such Tolls.

Officers to account

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

Provided also, and be it enacted, That no common Brewer, Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant to any Trustee, shall be capable of being a Trustee, or of holding any Place of Profit under this Act.

Surveyors may dig Gravel, &c.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors appointed by any Five or more of the said Trustees, and such other Persons as shall be employed by such Surveyor or Surveyors, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Chalk, Flint, Gravel, Sand, or other Materials, proper for the repairing of the said Roads, out of and from any Waste Grounds or Commons, Rivers or Brooks, in any Parish, Town, or Place, in which any Part of the said Roads lie, or in any neighbouring Parish, Town, or Place, without paying any thing for the same; such Surveyors or other Persons filling up the Pits and levelling the Ground from whence 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 also by Order of the said Trustees, or any Five or more of them, to dig, gather, take, and carry away, any such Materials as aforesaid, in, upon, or out of, from, and over, the Lands of any Person or Persons, (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Grounds planted and set apart as a Nursery for Trees) paying or tendering Payment of such Rates for such Materials, and for the Damage done to the Owners or Occupiers of such Lands and Grounds where and from whence the same shall be digged, drawn, gathered, taken, and carried away, or over which the same or any other Materials gotten in any Waste Ground, Common, River, or Brook, or Private Grounds, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable.

Common and the Owners or Occupiers of Lands without paying or tendering Payment 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.

Surveyors to remove Annoyances, &c.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint from time to time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any

any Five or more of them) to remove and prevent all Annoyances on any Part of the said Roads, by Filth, Dust, Ashes, Rubbish, Straw, Timber, or otherwise; and to turn any Watercourses, Sinks, or Drains, emptying into, along, or out of, the said Roads, to the Prejudice thereof; and to open, scour, cleanse, widen, or make deeper, any Watercourses or Ditches, adjoining thereto, and make the same as deep and large as he or they shall think necessary; and to cut down, lop, or top, any Trees, Shrubs, 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 Premises shall neglect to lop or top, cut down and remove, such Trees, Shrubs, or Bushes, or open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Annoyances, in such Manner, as the said Surveyor or Surveyors shall require, for the Space of Fourteen 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 such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied: And if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit any Sum not exceeding Forty Shillings, and not less than Five Shillings.

and cut down Bushes, &c. the Owners neglecting to remove the same after Notice;

the Charges thereof to be reimbursed to the Surveyor

Penalty of a Second Offence.

Surveyors may make Causeways, &c.

And be it further enacted by the Authority aforesaid, That it shall be lawful 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 also Ditches or Drains in and upon the said Roads, and also through any Ground lying contiguous thereto; and to erect, rebuild, and keep in Repair, Bridges and Arches upon the said Roads, or cross any such Ditch or Drain where necessary, or enlarge any Bridges already made, so as to be passable at all Times for Coaches, Waggons, or other Carriages; and also to widen any of the narrow Parts of the said Roads, by opening, clearing, and taking into the same, any Grounds of any Person or Persons lying contiguous thereto, so as to make such

Parts of the said Roads Forty Feet in Width; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Roads (such Grounds respectively not being the Ground whereon any House stands, or a Yard, Garden, Orchard, 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 as a publick Highway, whilst the old Road is repairing or widening; making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees, or any Five or more of them; but no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Moor or Waste Ground.

and make a temporary Road,

making Satisfaction to the Owners of the Ground.

And be it further enacted by the Authority aforesaid, That no Person or Persons, Bodies Politick or Corporate, shall at any Time, during the Continuance of this Act, pull down, remove, or cause to be pulled down and removed, any Bridge or Bridges (otherwise than for the repairing thereof) in any Part of the Roads hereby intended to be made or repaired, without the Consent of the said Trustees, or any Five or more of them, at a public Meeting; and that the Road leading over each and every of the said Bridges shall be deemed, adjudged, and taken to be a publick and common Highway, to the Intent that all Persons obstructing the Passage over all or any of them may be proceeded against, and punished as Persons who stop or obstruct the King's Highway; and if any Person or Persons shall build, or cause to be built, any Bridge over any River, Drain, or Ditch, where there is or shall be no Bridge at the Time of the passing of this Act, or shall make, or cause to be made, any Passage over or through any River, Drain, or Ditch, by means of which the Payment of the Tolls hereby granted may be avoided, every such Person or Persons building, or making, or causing to be built or made, such Bridge or Passage, shall be liable to the Penalties by this Act inflicted on Persons permitting private Passage.

No Bridges to be pulled down unless with Consent of Trustees.

And be it enacted by the Authority aforesaid, That it shall be lawful for such Person or Persons as the said Trustees, or any Five or more of them, shall appoint, to make use of any publick or Parish Drain leading to or near the said Roads, or of any Ditch lying contiguous to the said Roads, for the Conveyance in Boats of

Publick Drains may be used,

any Materials to be used in repairing the said Roads, and to hale with Oxen or Horses on the Bank or Banks of such Drains or Ditches.

Powers of Court of Sewers,

Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall be deemed or taken to prejudice, lessen, or in any way defeat the Power of the Court of Sewers over such Drains and Works as have been heretofore subject to the Laws of the said Court; other than and except the Powers herein before given to the said Trustees for conveying of Materials for repairing the said Roads, and for enlarging any Bridges, Drains, or Arches, in or across any Part of the Roads hereby directed to be repaired.

and of Undertakers of *Deeping Fens*, reserved.

Provided always, and it is hereby further enacted, That this Act, or any Thing herein contained, shall not extend, or be construed to extend, to impower the said Commissioners or Trustees appointed for putting this Act in Execution, to have, use, or exercise, any Power or Authority over, or to intermeddle with, any of the Banks, Sewers, Drains, or Works, already made, or hereafter to be made, by the Undertakers for the draining of the Fen called Deeping Fen, by virtue of an Act made in the Sixteenth and Seventeenth Years of the Reign of the late King Charles the Second, and of another Act made in the Twenty second Year of the Reign of the said King, the One intituled, An Act for the Draining of the Fen called *Deeping Fen*, and other Fens therein mentioned, and the other intituled, An Act for settling the draining of the Fens in *Lincolnshire* called *Deeping Fens*, or by virtue of any other Act or Statute whatsoever; or to invalidate, lessen, diminish, alter, or take away, any of the Rights, Powers, and Authorities, vested in the said Undertakers to set down Sluices or Tunnels in any Bank or Road to be made by the said Commissioners or Trustees, or any other Power or Authority vested in the said Undertakers; but that all Rights, Powers, and Authorities whatsoever, which by virtue of the said Acts passed in the Sixteenth and Seventeenth, and in the Twenty second Years of the Reign of the said King Charles the Second, or any other Act or Statute whatsoever, or otherwise now are vested in the said Undertakers, or any of them, shall for ever hereafter remain, continue, and be in the said Undertakers for draining the said Fens called Deeping Fens, and other the Fens thereto belonging and appertaining, and every of them, as fully and amply, to all Intents and Purposes, as if this Act had never been made.

And

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall be and are hereby fully impowered to divert, turn, or alter, the Course or Path of any Part or Parts of the said Roads, through any Wood, Common, or Waste Ground, without making any Satisfaction for the same, and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and for that Purpose it shall be lawful for the said Trustees, or any Seven or more of them, to contract and agree with the Owners of, and Persons interested in, any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the diverting, turning, or altering, the Course or Path of any Part or Parts of such Roads through such Lands or Hereditaments: And it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Ideots, Femes Covert, or other Person or Persons whatsoever, and to and for all Femes Covert, who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be possessed of, or interested in, any such Lands or Hereditaments, to contract with the said Trustees, or any Seven or more of them, for the Purchase and Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Seven or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid, and to sell and convey the same, as Occasion shall require; and all Contracts, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or other Matter whatsoever, to the contrary notwithstanding: And all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act: And if any such Body Politick, Corporate, or Collegiate, Corporation Aggregate

Trustees may contract for the Purchase of Lands to be laid into the Roads.

Bodies Politick, &c. may treat for the Sale of such Lands.

Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments, through which any Part of such Road is intended to be diverted, turned or altered, shall, for the Space of Twenty Days next after such Notice given, or left, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be hindered from treating; then, and in every such Case, the said Trustees, or any Seven or more of them, shall cause such Damage and Recompence to be enquired into and ascertained, by a Jury of Twelve indifferent Men of the said Division wherein such Lands or Hereditaments do lie; And in order thereunto, the said Trustees, or any Seven or more of them, are hereby impowered and required, from time to time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every such Person and Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer) and such Trustees, or any Seven or more of them, shall, by ordering a View of the Premisses in Question, or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premisses: And after the said Jury shall have enquired of, and assessed such Damage and Recompence, they the said Trustees, or any Seven or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners and other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury, which said Verdict or Inquisition, and Judgement, Order, or Determination thereupon, shall be inrolled with the Clerk of the Peace for the said Division, Place, or Liberty, in which such Lands or Hereditaments do or shall lie, for the Inrolment whereof such Clerk of the Peace shall not demand or receive any further or other Gratuity than the Sum of Two Shillings; and which, so inrolled as

Jury to settle the Damage and Recompence.

Witnesses may be summoned, and examined upon Oath.

Verdict of the jury to be final.

as aforesaid, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming or to claim in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunaticks, Idiots, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all other Person and Persons whomsoever; And, for summoning and returning such Juries, the said Trustees, or any Seven or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the said County of Lincoln, commanding him to impanel, summon, and return, an indifferent Jury of Eighteen Persons, out of the Division of Holland, qualified to serve upon Juries, to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number of Persons accordingly; and out of the Persons so summoned, impanelled, 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, and they are hereby impowered and required to swear, or cause to be sworn, Twelve Men who shall be the Jury for the Purposes aforesaid; and, in 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, being Freeholders of the said County, and having Lands or Tenements of the clear yearly Value of not less than Five Pounds, 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 Seven or more of them, acting in the Premisses, shall have Power, from time to time to impose any reasonable Fine or Fines upon 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 that shall refuse to be sworn on the said Jury, or, being so sworn, shall 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 Evi-

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

Jurors may be challenged.

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

pence before the said Jury, shall refuse or neglect to appear, or appearing, shall refuse to be examined or to give Evidence; and which Fine or Fines shall be levied and applied in such Manner as the Penalties and Forfeitures are herein after directed to be levied and applied, so that no such Fine be more than Ten Pounds, nor less than Ten Shillings, on any One Person, for One Offence.

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 every such Sum of Money or Recompence, to be agreed for or assessed as aforesaid, shall be paid out of the Tolls collected by virtue of this Act, or out of the Monies to be borrowed upon the Credit thereof, to the Party or Parties respectively intitled to such Monies, or to their Agents; and upon Payment thereof, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk to the said Trustees for the Use of such Parties or Persons, it shall be lawful for any Person or Persons authorized by Writing under the Hands of the said Trustees, or any Five or more of them, to divert or turn such Roads through such Lands or Hereditaments, and to do all and every such Act, Matter or Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and the said Trustees, or any Five or more of them, shall cause such Parts of the said Roads as shall be diverted or turned through any private Grounds, to be pitched and fenced from the adjoining Lands; and all Lands and Hereditaments which shall be made a Part or Parts of the said Roads by virtue of this Act, shall be for ever thereafter, to all Intents and Purposes, a common Highway, and shall be repaired and kept in Repair in such Manner as the Roads hereby appointed to be repaired are by this or any other Law to be amended; and, from thenceforth, all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new Road shall be completed, the Lands constituting the former Road, unless leading over some Wood, Common, or Waste Ground, or to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by, the said Trustees, or any Five 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 to the Repairs of the Roads by this Act directed to be repaired: But this Act shall not extend to the taking down any Dwelling-house

Lands to be when purchased, to be made Part of the Roads,

and esteemed a publick Highway, &c.

and kept in Repair as such.

Old Road may be sold.

Buildings, &c. not to be injured.

house or other Building, or to take in any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, without the Consent of the Owner or Proprietor thereof; any thing herein contained to the contrary notwithstanding.

Land Owners to have the Preference in Purchases.

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.

Trustees not to act where interested.

Provided always, That no Person shall act as a Trustee in any Case relating to the contracting for, or purchasing of, any Lands or Hereditaments wherein he shall be particularly concerned or interested.

If the old Road be turned, Inhabitants not liable to repair the same.

Provided also, That if any new Road shall be made as aforesaid, instead of any former Road over any Moor, Common, or Waste Ground, the Inhabitants of the Parish or Place shall not be obliged to repair such former Road, unless the same doth lead to some Town or Place with which such new Road doth not communicate.

Roads to be 40 Feet wide.

And whereas some Parts of the Roads by this Act to be repaired lie over several Moors, Commons, Waste Grounds, open Fields or Pastures; and if the same were to be inclosed, the said Roads may not be left of a sufficient Breadth for the Accommodation of Travellers; be it therefore enacted, That when any Part of the said Roads over any Moor, Common, Waste Grounds, open Fields or Pastures, shall be made or repaired in pursuance of this Act, the said Roads shall for ever thereafter be and remain Forty Feet broad, and be deemed publick and common Highways.

Rents, &c. chargeable to the Highway, to continue so.

And be it further enacted by the Authority aforesaid, That all the Owners, Occupiers, Grantees, Feoffees, and Committees, of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money, which have been given, or are liable to the amending or maintaining any Part or Parts of the said Roads, or any Bridge or Bridges therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the making of this Act; and that all the Inhabitants of the Townships, Parishes, and Places, in which any Part of the said Roads lie, and all other Persons liable to perform the Work commonly

monly called Statute-work upon the said Roads, shall remain subject to the Performance of such Work: And every Person who shall rent, hold, or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds or upwards, shall be deemed to keep a Team for every Fifty Pounds per Annum so rented, held, or occupied, and shall be liable to perform such Statute-work as Persons keeping Teams are obliged by Law to do: And that the respective Surveyor or Surveyors of the Highways for the respective Townships, Parishes, and Places, in which any Part of the said Roads doth lie, or in case no such Surveyor is or shall be appointed, the Churchwardens, or Overseers of the Poor of such Townships, Parishes, and Places, shall yearly and every Year, within Ten Days after Demand made to him or them respectively in Writing by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors an exact Account in Writing, under his or their Hand or Hands, of the Christian and Surname of every Person who within such respective Townships, Parishes, and Places, are liable to do Statute-work, and shall distinguish in such Lists which of such Persons shall, for by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or not, or by this Act are not deemed to keep a Team or Teams; and the Statute-work shall be done by all such Persons, on such Parts of the Roads hereby intended to be repaired as lie within the said respective Townships, Parishes, and Places, in such Manner and at such Times as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors, shall from time to time direct and appoint, so that no more than Two Days Work shall be done by any One Person or Team on the said Roads in any One Year; and the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor for such Townships, Parishes, and Places respectively within Ten Days after Notice shall be given to him or them by such Turnpike Surveyor or Surveyors of the Time or Times when, and how many of such Persons are to do such Work upon any Part or Parts of the said Roads, shall give Notice thereof to such Persons; and if any Surveyor, Churchwarden, or Overseer of the Poor of any such Town, Parish or Place aforesaid, shall neglect or refuse to do as is hereby required and directed, every such Surveyor, Churchwarden or Overseer,

Persons renting 50 *l. per Ann.* and upwards, Teamholders, &c.

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

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

Overseer, shall, for every such Neglect or Refusal, forfeit and pay the Sum of Five Pounds: And every Person who shall neglect or refuse to do such Work at such Times and Places, and in such Manner, as shall be appointed by the said Trustees, or any Five or more of them, or by such Turnpike Surveyor or Surveyors, every such Person shall forfeit and pay the respective Sums herein after mentioned; that is to say, Every Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Default 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 Default the Sum of One Shilling and Six Pence; and every Person who shall, according to such publick Notice as aforesaid, come as a Labourer, or with any Team, to work on the said Roads, and be found idle or negligent by the said Turnpike Surveyor or Surveyors, where the Work 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, had not come or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Cart, shall be liable to the respective Forfeitures before mentioned; and all Persons doing such Days Work on the said Roads as aforesaid, shall not be liable to do any other Statute-work thereon.

Penalty on Persons not performing Statute-work.

Persons found idle to be turned off.

Provided always, That nothing herein contained shall extend to make liable any Person or Persons to do or perform his, her, or their Statute-work upon the said Roads, who shall not reside within, or be an Occupier or Occupiers of Lands, within Six Miles of the said Roads.

Proviso.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Seven or more of them, to compound or agree by the Year or otherwise, with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to, or chargeable with, the Repair of any Part of the said Roads, or with any Person or Persons for the Performance of his or their Statute-work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, or Places, or such Churchwardens or Overseers of the Poor respectively, as aforesaid,

Trustees may compound for Statute-work.

said, by and with the Consent of the Majority of the Inhabitants of such Townships or Places first had at any Vestry or other publick Meeting of such Inhabitants, to compound and agree by the Year or otherwise with the said Trustees, or any Seven or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part of the said Roads; all which Composition Monies shall be from time to time paid in Advance, and shall be applied in the Repair of the said Roads; and all such Surveyors, Churchwardens, or Overseers of the Poor, shall be reimbursed the Monies so by them paid, in such Manner as Surveyors of the Highways are by the Laws now in being to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Surveyors paying the Composition Monies, how to be reimbursed.

And be it further enacted by the Authority aforesaid, That if any Person shall have or draw, or cause to be laden or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stones (Mill-stones excepted) otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon Wheel Carriages to drag upon any Part of such Roads to the Prejudice thereof, every such Person shall, for every such Offence, forfeit any Sum not exceeding Twenty Shillings, nor less than Five Shillings.

Penalty on haling Timber otherwise than on Wheel Carriages.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may cause the said Roads to be measured, and Stones or Posts to be set up in, upon or near the Sides thereof, at the Distance of One Mile from each other, with Inscriptions thereon, denoting the Distance of every such Stone or Post from any Town or Place, as they shall think fit. And if any Person or Persons shall wilfully pull down, break, or damage, any such Stone or Post, or obliterate any Inscription which shall have been made thereon, or shall cause or procure the same to be done, and be thereof convicted upon Oath by One or more credible Witness or Witnesses, or by his or her own Confession before any Justice of the Peace for the Division wherein such Offence shall be committed (which Oath such Justice is hereby impowered and required to administer without Fee or Reward), every such Person so offending shall forfeit any Sum not exceeding Forty Shillings, nor less than Five Shillings, for every such Stone or Post so pulled down, broke, or damaged, or Inscription so obliterated, whereof One Moiety shall be paid to the

Roads to be measured and Mile stones erected.

Penalty on defacing Mile-stones.

Informer, and the other Moiety shall be applied in such Manner as the Penalties are herein after directed to be applied; and in case such Penalty shall not be forthwith paid, such Justice of the Peace shall commit such Person or Persons to some House of Correction within the Division where the Offence shall be committed, there to remain without Bail or Mainprize for any Space not exceeding Two Calendar Months, nor less than One Calendar Month, unless such Forfeiture, and all reasonable Charges, shall be sooner paid; and every such Offender in either of the said Cases shall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Person or Persons who shall see any such Offence committed, and shall be immediately delivered to a Constable, or other Peace Officer, who shall convey such Offender before any Justice of the Peace, to be dealt with according to Law and the Directions of this Act.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be imposed, the Manner of levying and recovery whereof is not otherwise hereby particularly directed, shall, upon Proof of the Offences respectively, before any One Justice of the Peace for the Division wherein the Offender shall be or reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath such Justice of the Peace is hereby impowered and required to administer without Fee or Reward) be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice (which Warrant or Warrants such Justice is hereby impowered to grant for those Purposes) and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattles; and the Penalties, Forfeitures, and Fines, when paid or levied, shall be (if not otherwise directed to be applied by this Act) from time to time paid to any Five or more of the said Trustees, or to their Treasurer, and applied in Repair of the said Road; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under

ver his Hand and Seal, to cause such Offender or Offenders to be committed to some House of Correction within the Division where the Offence shall be committed, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal to the Quarter Session.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at the next General Quarter Session of the Peace for that Division, or Place, wherein the Cause of Complaint shall arise, and within Six Calendar Months after the Cause of such Complaint shall have arisen, such Appellant first giving, or causing to be given, Ten entire Days Notice, at the least in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Four Days after such Notice, entering into a Recognizance, before some Justice of the Peace for such Division or Place, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by, the Justices at such Quarter Session; and the said Justices, at the said Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear, and finally determine, the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Session shall be binding and conclusive, to all Intents and Purposes.

Distress not unlawful for want of Form;

And be it further enacted by the Authority aforesaid, 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, may recover

nor the Parties distraining deemed Trespassers *ab initio*.

full Satisfaction for the special Damage in an Action upon the Case.

Writings to be without Stamps.

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

Proceedings to be entered in a Book.

Provided also, and it is hereby further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees, or any Five or more of them, shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered, shall be signed by the Clerk or Clerks at any Meeting of Five or more of the said Trustees assembled, as the Case shall require; and such Orders shall be deemed and taken to be original Orders; which said Book or Books, and also the said Book directed to be kept for registering the said Mortgages, Assignments, or Transfers, shall and may be produced and read in Evidence, in all Courts whatsoever.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act shall commence and have Continuance from the passing thereof, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Proceedings not to be quash'd for want of Form, nor removeable by Certiorari.

And be it further enacted by the Authority aforesaid, That no Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted, in or relating to the Execution of this Act, shall be vacated or quashed for want of Form, or be liable to be removed by Certiorari, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster, any Law or Statute to the contrary notwithstanding.

Limitation of Actions.

Provided always, 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, until Twenty one Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after a sufficient Satisfaction or 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 of Lincoln, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall and may, at his Election, plead specially, or the General Issue, Not guilty, 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 that such Action or Suit shall be brought before Twenty one Days Notice shall be 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, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be 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 have such other Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law.

General Issue.

Treble Costs.

Public Act.

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

FINIS.