Anno quarto

Georgii III. Regis.

An Act for repairing and widening the Roads from *Spalding High Bridge*, to the Market Place in *Donington*; and from the Tenth Mile Stone in the Parish of *Gosbertown*, to the Eighth Mile Stone in the Parish of *Wigtoft*, in the County of *Lincoln*.

WHEREAS the high Roads leading from a certain Bridge called Spalding High Bridge, in the Parts of Holland, in the County of Lincoln, through the said Parish of Spalding, and to and through the several Parishes of Pinchbeck, Surfleet, Gosbertown, and Quadring, to the Market Place in Donington; and from the Tenth Mile Stone, in the Parish of Gosbertown aforesaid, to the Eighth Mile Stone, adjoining the Boston Road, in the Parish of Wigtoft, in the said Parts and County, are in a very ruinous Condition, and, in several Places, very narrow and incommodious, and cannot be effectually amended and widened by the ordinary Course appointed by the Laws in being; Preamble.

being: May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Charles Amcotts, William Aislabie, Esquires; Dinham Atkinson, Thomas Addy, Joseph Alcock, Robert Allen, Daniel Arnold, Gentlemen; Lord Vere Bertie, Lord Robert Bertie, Lord Brownlow Bertie, Lord Albemarle Bertie, Theophilus Buckworth, Leonard Berridge, John Berridge, William Banks, Henry Boulton, Leonard Brown, Thomas Brown, Esquires; the Reverend Everard Buckworth, Charles Berridge LL. D. Bazil Berridge, William Brown, Clerks; Edward Blithe, Charles Balguy M. D. Theophilus Buckworth, Robert Butter, Thomas Burton, Edward Brown, John Brown, Heneage Brown, James Bell, Anthony Birks, John Birks, Robert Brown, William Bell, John Blackwell, Gentlemen; the Right Honourable Sir John Cust Baronet, Hugh Clark, Matthew Clark, Matthew Clark the younger, Thomas Cole, Christopher Clayton, Gentlemen; the Honourable John Dymoke, George Denshire, George Denshire the younger, Daniel Douglas, Esquires; the Reverend John Dinham Clerk, John Digby, James Delarue, James Delarue the younger, John Dove, Hargate Dove, William Draper, Caleb Dodds, Francis Dawkins, Richard Doughty, Gentlemen; Wharton Emerson Esquire, Samuel Elsdale, John Elsdale, Samuel Elsdale the younger, Francis Eastland, Gentlemen; James Fortrey, Richard Fydell, Esquires; the Reverend Richard Fox Clerk, Samuel Foster, William Fisher, John Flinders, John Frotheringham, John Frankland, John Flinders the younger, Gentlemen; Sir Sampson Gideon Baronet, Charles Green, John Grundy, William Graves B. B. Esquires; the Reverend William Graves Clerk, Thomas Robert Gates, William Golding, Gentlemen; Sir Gilbert Heathcote Baronet, Patrick Heron, Samuel Horn, Esquires; John Hinson, William Hawkes, Thomas Hogard, Fitzwilliam Hodgson, John Hinch, John Hardy, Joseph Hill, William Hussey, Gentlemen; Walter Johnson, Maurice Johnson, John Ingram, Esquires; the Reverend George Johnson Clerk, Thomas Ives, Matthew Ives, Thomas Ives the younger, Stephen Saunderson Ingram, Thomas Jennings, John Kelk, John Kelk the younger, Gentlemen; the Reverend John Lodge Clerk, David Lowe, William Longland, William Langton, Isaac Langton, Gentlemen; Lord George Manners, Lord Robert Manners, Lord William Manners, the Reverend

Trustees Names.

William Murray D. D. Thomas Measure, John Molson, John Molson the younger, John Massey, John Massey the younger, Henry Michael, Gentlemen; John Northon Clerk, Edward Northon, Henry Nailour, Gentlemen; Walden Orme, George Pochin, Henry Butler Pacey, Armstead Parker, Esquires; John Parkinson, Thomas Plowright, John Pacey, Gentlemen; the Reverend John Rowning Clerk, John Richards, John Richards the younger, John Rodgerson, John Richardson, Gentlemen; Abel Smith, Adlard Squire Stukely, William Stukely, Samuel Seawell, Samuel Seawell the younger, Esquires; the Reverend John Shaw Clerk, John Skelton, William Sneath, James Sneath, Owen Scotney, Oliver Shepherd, John Smith, William Standish, Fullwood Sanderson, John Sharpin, Samuel Sharpe, Gentlemen; Sir Clement Trafford Knight, Thomas Middleton Trollope Esquire, the Reverend Charles Townsend and John Tatam, Clerks; John Townsend, William Thompson, John Truman, Robert Tunnard, Gentlemen; Thomas Vivian Esquire, William Vesey Gentleman, Sir Francis Whichcote Baronet, Thomas Whichcote, William Willsby, Noble Samuel Wright, Matthew Wildbore, William Welby, William Earl Welby, James Wallett, Esquires; George Worrall, George Williamson, George Williamson the younger, John Wallett, John Wilkinson, Graham Wilkinson, John Ward, Matthew Wiseman, Matthew Wiseman the younger, Henry Ward, Thomas Weeks, Christopher Whichcote, Francis Whichcote, and Jonathan Young, Gentlemen; shall be, and they and their Successors, to be elected in manner herein after-mentioned, are hereby appointed Trustees for surveying, ordering, amending, widening, and keeping in Repair, the said Roads, and also for putting in Execution all the Powers hereby given; and that they the said Trustees, or any Nine or more of them, shall or may cause to be erected a Turnpike or Turnpikes in or cross the said Roads from Spalding High Bridge, to the Market Place in Donington; and from the Tenth Mile Stone in Gosbertown, to the Eighth Mile Stone, adjoining the Boston Road, in the Parish of Wigtoft, at or near a certain Place called Reedygraft, in the Parish of Pinchbeck; and also one or more Turnpike or Turnpikes in or cross the said Roads, at or near the said Tenth Mile Stone in the Parish of Gosbertown; and also one other Turnpike in or cross the said Road, at or near a certain Place called Cross-gate, or Cross-way, on the North Side thereof, in the Parish of Donington aforesaid; and shall also cause to be erected or provided a

Trustees may erect Turnpikes and Toll-houses,

make Ditches, &c. Toll-house to each Turnpike; and shall also cause to be made such Ditches, Banks, or other Fences, along or near the said Roads, or any Part thereof, as they shall, from time to time, find necessary, in order to prevent any Person or Persons passing with any Cattle or Carriages, from avoiding any or either of the said Turnpikes.

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

remove Turnpikes, &c. Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, assembled at their general annual Meeting, to take up, alter, and remove, any Turnpike or Turnpikes, Toll-house or houses, by this Act impowered to be erected or provided, and fix such Turnpike or Turnpikes, Toll-house or Toll-houses, at any other Place or Places in, upon, across, or on the Sides of, the said Roads.

and take the following Tolls thereat. And be it further enacted by the Authority aforesaid, That at each and every of the Turnpikes which shall be at any Time erected by virtue of this Act, the following Tolls shall be taken by such Person or Persons as the said Trustees, or any Nine or more of them, shall appoint for that Purpose, before any Horse or other Cattle shall pass through the same; that is to say,

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

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

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

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

Which

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

Tolls vested in Trustees.

Tolls to be levied by Distress and Sale.

And be it further enacted, That no Person having paid the Toll hereby granted for the passing of any Carriage or Cattle through any Turnpike erected by virtue of this Act, between the Town of Spalding and the Town of Gosbertown, shall be subject or liable to the Payment of any further Toll, for the passing with the same Carriage or Cattle, the same Day, through any other Turnpike erected between the said Places; nor shall any Person, who shall have paid the Toll hereby granted for the passing of any Carriage or Cattle through any Turnpike erected by virtue of this Act, between the Town of Donington and the Toll-gate to be erected nearest to the Town of Spalding, shall be subject or liable to the Payment of any further Toll, for the passing with the same Carriage or Cattle, the same Day, through any other Turnpike erected between the said Places; nor shall any Person who shall have paid the Toll hereby granted for the passing of any Carriage or Cattle through any Turnpike erected by virtue of this Act, be subject or liable, the same Day, (to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the succeeding Night) to the Payment of any other Toll at the same Turnpike; every such Person producing a Note or Ticket denoting

Tolls to be paid but Once a Day.

denoting such Payment; which Note or Ticket the Collector of the Toll is hereby required to give gratis; nor shall any Toll hereby granted be demanded or taken at any Turnpike hereby to be erected, for any Carriage or Cattle which shall cross the said Road only.

Property of the Turnpikes and 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 which shall be erected or provided by virtue of this Act, and of the Materials for building the same, and also for repairing the said Roads, shall be, and are hereby vested in the said Trustees, and they, or any Five or more of them, are hereby impowered to dispose thereof as they shall think proper, and to bring, or cause to be brought and prosecuted, any Action or Actions, or to prefer Bills of Indictment in the Name or Names of any One or more of them, or of their Treasurer or Treasurers, Clerk or Clerks, or any One or more of them, against any Person or Persons who shall any ways injure or disturb them in the Possession thereof.

Qualification of Trustees.

Provided always, and be it enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be seised in his own Right, or in the Right of his Wife, of a Real Estate of the clear yearly Value of Fifty Pounds, or possessed of a Personal Estate to the Amount of Eight hundred Pounds, or be Heir Apparent of a Person possessed of an Estate in Lands of the yearly Value of One hundred Pounds: And if any Person or Persons, so made incapable, shall presume to act in the Trust aforesaid, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds, to any Person or Persons who shall inform or sue for the same, to be recovered by Action of Debt, or on the Case, Bill, Suit, or Information, in any of his Majesty's Courts of Record at Westminster, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act.

Penalty on acting, not being qualified.

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 together at the Old White Hart Inn, in the Town of Spalding aforesaid, on the Third Wednesday next after the Day of the passing of this Act, and then proceed

proceed to the Execution of this Act; and shall then adjourn themselves; and shall afterwards meet in the said Town of Spalding, or at any other Place or Places near the said Road, as the said Trustees, or any Two or more of them, shall think proper, as often as it shall be necessary for putting this Act in Execution; and all Orders and Proceedings relating to the repairing and widening the said Roads, shall be made and had at such Meetings of the said Trustees, as shall be held as aforesaid, and not elsewhere.

Trustees to appoint a general annual Meeting.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, at their said first Meeting in the said Town of Spalding as aforesaid, or at any other Meeting in the said Town, whereof Fourteen Days previous Notice shall be given upon all the Turnpikes to be erected by virtue of this Act, to appoint a General Annual Meeting or Meetings for any Number of Years within the said Town of Spalding, during the Continuance of this Act, as they shall think most convenient, for settling and passing the Accounts of the Receipts and Disbursements of the Monies arising by virtue thereof.

Proviso.

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

Charges of passing this Act to be first paid.

And be it further enacted by the Authority aforesaid, That the Charges and Expences attending the procuring and passing this Act, shall be paid out of the first Monies that shall be borrowed or raised by or upon the Credit of the Tolls by this Act granted, in such Proportions, as the said Trustees, or any Five or more of them, shall direct at their first Meeting, or at any subsequent Meeting to be holden in the said Town of Spalding, upon Ten Days previous Notice to be given thereof upon all the Turnpikes to be erected by virtue of this Act.

Application of the Tolls.

And be it further enacted, That an Account of the Money to be collected at the Turnpikes to be erected as aforesaid, and paid into the Hand or Hands of the Treasurer or Treasurers of the said Road, shall, at such annual Meeting, to be holden in the said Town of

Spalding, or at any other Time within the said Town, whereof Ten Days Notice shall be given, by giving the same on all the Turnpike-gates to be erected by virtue of this Act, by such Treasurer or Treasurers be produced, and the Sums so collected be made One Stock; and after Payment thereout of the yearly Interest, from time to time, as the same shall become due, for such Sums as shall be so advanced and lent, the Overplus shall be paid to the Treasurer or Treasurers of the said Road, and shall be applied by the said Trustees, or any Five or more of them, assembled at their Meetings, towards the Repairs of the said Road, and to other the Purposes relating thereto, in pursuance of this Act.

Trustees to make Ditches, &c. on the Side of the Roads.

Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to make such Ditches or Fences on any Part or Parts of the Side or Sides of the said Roads, that lead through any Fen, Common, or Open Grounds, as they shall think fit, for the better securing the Payment of the said Tolls and Duties to be collected at the said Turnpikes to be erected by virtue of this Act, and shall make and leave proper and convenient Openings and Gates for the Parishioners of the several Parishes where such Ditches or Fences shall be made, to pass and repass with Horses, and other Cattle, Carts, Carriages, Ploughs, and other Implements of Husbandry, for ploughing, seeding, tilling, manuring, and stocking, the said Lands and Grounds, and taking and carrying away the Hay, Straw, and Crops of Corn, and Grain in the Straw, not sold; or for the Carriage of any Flax, Hemp, or Femble, in the Stalk, either for steeping, bleaching, or laying up, in Houses, Out-houses, Barns, or other Places, belonging to the Owner or Owners thereof, before the same be dressed for Sale, and also for the Riding-horses which shall attend the same Husbandry, without paying any Tolls or Duties for the same: And if any Person or Persons shall damage or destroy, or open any Passage through the said Ditches or Fences, every such Person shall pay the Expence of repairing such Ditches or Fences, to be ascertained by the said Trustees, or any Five or more of them, and shall also forfeit and pay, for every such Offence, the Sum of Twenty Shillings; One Moiety thereof to be paid to the Informer, and the other Moiety thereof, for repairing the said Roads; which Penalty

Penalty on damaging the same.

ty shall be recovered in such Manner as the Penalties are herein after directed to be recovered.

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

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, at their General Annual Meeting, with the Consent of the Mortgagee or Mortgagees, to lessen or reduce all or any of the Tolls by this Act granted, for such Time as they shall think proper, and shall have such and the same Power for levying and recovering the Tolls to lessened as is herein before given for levying and recovering the Tolls herein before granted; and the said Trustees, or any Nine or more of them, at their General Annual Meeting, may afterwards, if there shall be Occasion, advance all or any of the Tolls so lessened, to any Sum or Sums not exceeding the respective Rates herein before mentioned. Trustees with Consent of the Creditors may lessen the Tolls.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, or other Cattle, Coach, Waggon, or other Carriage, pass through any Land, Ground, Gate, Passage, or private Way, adjoining or lying near to the said Roads, such Ground or other Place not being a common Highway, or if any Owner or Occupier of any Ground, Land, Gate, Passage, or private Way, which shall adjoin or lie near to any such Turnpike, shall knowingly Penalty on Persons permitting or going thro' private Passage, &c.

or

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

For giving or receiving Tickets,

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

Exemptions from Tolls.

Provided also, and it is hereby further enacted by the Authority aforesaid, That no Tolls shall be demanded or taken for any Cattle or Carriage, employed in the Carriage of any Materials, for the repairing of any Road, or of any Lime, Dung, Mould, Soil, or Compost of any Kind, for the manuring of any Garden or other Land or Ground, in any of the Parishes through which the said Roads lead, or the Parishes thereto respectively next adjoining, or for any Horse, or other Cattle, employed in the ploughing, sowing, tilling, or cultivating of any Land or Ground, in any such Parishes, or for any Cattle or Carriage employed in Harvest Work, in Husbandry, or in the Carriage of any Hay, Straw or Corn in the Straw, to be laid up in the Houses, Out-houses, Yards, or Grounds, of the Owner or Owners thereof, or for the Carriage of any Flax, Hemp, or Femble, in the Stalk, either for steeping, bleaching, or laying up in Houses, Out-houses, Barns, or other Places, belonging to the Owner or Owners thereof, before the same be dressed for Sale; or for any

Horse

Horse or other Cattle drawing or conveying any Ploughs, Harrows, or other Implements of Husbandry, in order for the repairing thereof, or using the same in Husbandry, or any Utensil that shall be used or employed in Husbandry, or tilling or manuring of Land; or for any Cattle, Sheep, Swine, or Hogs, going to or passing from Water to Pasture, or to or from any Common or Pasture in the same, or any adjoining Parish; or for any Sheep going to, or returning from, any Wash 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 any Post Horse carrying any Mail or publick Packet; or for the Horses of any Soldiers on their March; or for any Horse or other Cattle employed in the drawing or conveying the Arms or Baggage of such Soldiers, or in the passing of Vagrants with lawful Passes; or for any Horse or other Cattle or Carriage that shall be going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Lincoln, on the Day of such Election or Elections, or on the Day before or on the Day after such Election shall begin and be concluded; nor shall the Owners or Drivers of any Waggons, Carts, or Carriages, which shall come without any Loading to the said Towns of Donington, Gosbertown, Surfleet, or Spalding, over Night, and shall pass the next Day loaded, be subject to more than One Payment of the said Tolls, the Owner or Driver of such Waggon, Cart, or Carriage, producing a Ticket, signifying that such Toll was paid for such Waggon, Cart, or Carriage, when it passed unloaded the Day before; any thing herein contained to the contrary notwithstanding.

Penalty on making illegal Claims.

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

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, at their First or at any subsequent Meeting, to be holden in the said Town of Spalding, from time to time, by any Writing or Writings under their Hands and Seals, to assign over all

or any Part of the Tolls arising by virtue of this Act (the Tolls and Charges of assigning the same to be paid out of such Tolls) for any Time or Term during the Continuance of this Act, as a Security for any Sum or Sums of Money to be borrowed, not exceeding in the Whole the Sum of Four thousand five hundred Pounds, to such Person or Persons, or their Trustees, who shall advance the same, to secure the Repayment thereof with Interest, not exceeding Four Pounds and Ten Shillings per Centum per Annum; and the Money so borrowed shall (after Payment of the Charges and Expences of procuring and passing this Act) be applied in and upon account of repairing, widening, and altering the said Roads, and for such Uses, and to such Purposes only, as the said Tolls are herein before directed to be applied, and to no other Use or Purpose whatsoever; and Copies of all and every Assignment or Assignments so to be made by the said Trustees as aforesaid, shall be registered or entered at Length in a Book or Books to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers of the said Roads; which said Book or Books shall and may be perused at all seasonable Times, by all Persons whomsoever, without Fee or Reward; but no Money shall be borrowed by the said Trustees, or any of them, upon the Credit of the said Tolls, after the first Meeting of the said Trustees, unless Notice be for that Purpose fixed in Writing under the Hand of the Clerk or Clerks to such Trustees, upon all the Turnpikes then erected by virtue of this Act, at least Fourteen Days before the borrowing of such Money; and all and every Person or Persons to whom any such Assignment or Assignments shall be made as aforesaid by the said Trustees, or any Five or more of them, as a Security for any Sum or Sums of Money lent and advanced on the Credit, and for the Purposes, mentioned in this Act, or who shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Assignment to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; and such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee

14 Days Notice to be given of borrowing Money.

Assignments may be transferred.

may, in like Manner, assign again, and so toties quoties; and it shall not be in the Power of such Person or Persons, who shall have made such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

No Turnpike to be erected until Subscriptions obtained.

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 Two thousand Pounds, upon the Credit of the Tolls by this Act granted; any thing herein contained to the contrary notwithstanding.

Trustees may appoint Officers;

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

and remove them, and appoint others:

Trustees to allow Officers Salaries.

Officers to account upon Oath.

And be it further enacted by the Authority aforesaid, That all and every such Collectors and Receivers, Clerks, Treasurers, Surveyors, and other Officers, and all other Persons whatsoever, who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall, at the said Annual General Meetings, and, from time to time, as often as he or they shall be thereunto required by the said Trustees, or any Five or more of them, produce and give up to such Trustees full, true, and fair, Accounts in Writing of

of all the Monies which shall have been by them respectively had, collected, or received, and how, to whom, and for what Purposes such Monies, and every Part thereof, have or hath been disposed of or applied, together with proper Receipts and Vouchers for such Payments; and shall and are hereby respectively required to pay all such Monies, as upon the Balance of such Accounts shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or to such Person or Persons, or to such Uses and Purposes as they, or any Five or more of them, shall direct and appoint; and that all and every the said Officers and Persons so accounting as aforesaid, shall, if required, upon their several Oaths (which said Oaths the said Trustees, or any Two or more of them, are hereby impowered to administer) verify his and their said Accounts, and the particular Items and Articles thereof; and if any such Officer or Person, being required so to do, shall refuse or neglect to render and give up such Account or Accounts as aforesaid, or to produce or deliver up to the said Trustees, or any Five or more of them, the Receipts and Vouchers relating to the same, or to verify the Items or Articles thereof upon Oath; then, and in any or either of the said Cases, it shall be lawful, upon the Complaint of any Two or more of the said Trustees, for any One Justice of the Peace for the Division or Place where such Officer or Person shall be or reside, and such Justice is hereby required to make Enquiry concerning such Default, as well by Confession of the Party, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice is hereby impowered and required to administer without any Fee or Reward) and, upon Conviction, such Justice shall commit every such Officer or other Person so convicted to the Common Goal of the Division or Place, there to remain without Bail or Mainprize until such Account shall be made and verified as aforesaid; and if any such Officer or other Person aforesaid, shall refuse or neglect to pay any Sum or Sums of Money, which shall appear to remain in his Hands, it shall be lawful, upon the Complaint of any Two or more of the said Trustees, for any One Justice of the Peace for the Division or Place where such Officer or Person shall be or reside; and such Justice is hereby required to make Enquiry touching such Neglect or Refusal, in manner as aforesaid; and, by a Warrant under his Hand and Seal, cause such Sums of Money as shall appear to him to be due and unpaid, to be

Officers refusing to account,

Justices to enquire into the Default,

be levied by Diſtreſs and Sale of the Goods and Chattles of every ſuch Officer or Perſon, rendering the Overplus (if any) after the Money remaining due, and the Charges of making ſuch Diſtreſs and Sale ſhall be deducted; and if ſufficient Diſtreſs cannot be found, then ſuch Juſtice ſhall commit every ſuch Officer or other Perſon to the Common Goal of the Diviſion or Place wherein ſuch Officer or other Perſon ſhall be or reſide, there to remain without Bail or Mainprize until ſuch Offender hath made ſuch Payment to the ſaid Truſtees, or according to their Appointment as aforeſaid, or compounded for the ſame, and paid ſuch Compoſition Money to ſuch Truſtees, or their Treaſurer or Treaſurers, which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby impowered to make.

and commit the Offender;

until Payment or Compoſition made.

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 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 Nine or more of them, ſhall, at a Meeting to be held by virtue of this Act, appoint a Collector of ſuch Tolls.

Truſtees may appoint Collectors, tho' not at a publick Meeting.

And be it further enacted by the Authority aforeſaid, That the Surveyor or Surveyors for the ſaid Roads, and ſuch other Perſons as ſhall be employed by him or them for that Purpoſe, may, and is, and are hereby authorized and impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Sand, or other Materials, proper for the repairing of the ſaid Roads, in, upon, or out of or from, any Waſte Grounds or Commons, River or Brook, in any Pariſh, Town, or Place, through which any Part of the ſaid Roads lead, or in any neighbouring Pariſh, Town, or Place, to be uſed in repairing the ſaid Roads, without paying any thing for the ſame; ſuch Surveyors or other Perſons filling up the Pits, and levelling the Ground from which ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and if ſufficient Quantities of ſuch Furze, Heath, Stone, Gravel, Sand, or other Materials cannot be found in or upon ſuch Waſte Grounds or Commons, Rivers or Brooks, then, and in ſuch Caſe, to dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Sand, or other Materials proper and ſufficient

Surveyors may dig Gravel, &c.

without paying for the ſame;

levelling the Pits.

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

sufficient for that Purpose, in, upon, or out of and from, the Lands or Grounds of any Person or Persons where the same may be had (such Lands or Grounds not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery, or inclosed Ground, planted with any Walk or Walks of Trees, or Avenue to any House) they the said Surveyors, or other Persons by them employed as aforesaid, having an Order from the said Trustees, or any Five or more of them, for so doing, and paying or offering to pay such Rates for such Materials, and for the Damages done to the Owners or Occupiers of the Lands and Grounds where and from whence the same shall be digged, gathered, and conveyed, and over which the same shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable, they the said Surveyors or other Persons filling up the Pits, and levelling the Ground, from whence such Materials shall be so taken; and in case of any Difference between the said Trustees, Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers, concerning the said Damages, the Justices of the Peace for the Division or Place wherein the Cause of Difference shall arise, at their General Quarter Sessions of the Peace to be held in and for such Division or Place, next after such Difference shall arise, and on Six entire Days Notice thereof to be given by the said Surveyor or Surveyors, to the said Owner or Owners, Occupier or Occupiers, or by them to the said Surveyor or Surveyors, or to be left at their respective Places of Abode, with some or One of their respective Families, shall hear, settle, and determine the Matters of the said Damages, whose Judgement or Order therein shall be final and conclusive to all Parties.

making Satisfaction to the Owners.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order from the said Trustees, or any Five or more of them, for that Purpose) from time to time to remove and prevent all Annoyances in any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains, running into, along, or out of, the said Roads, to the Prejudice thereof, and to open, scour, or cleanse, any Watercourses or Ditches adjoining thereto, and to make the same as deep and as large as he or they shall think proper and necessary, and to cut down, lop, or top, any Trees or Bushes, growing in the said Roads, or in the Hedges

Surveyors to remove Annoyances, &c.

and cut down Bushes, &c.

or

or Banks adjoining thereto, and to take and carry away the same, in case the Owners or Occupiers of the Premisses shall neglect to remove the same, or to cut down and carry away such Trees, or Bushes, as aforesaid, or to open, scour, or cleanse such Watercourses or Ditches, or remove such other Annoyances for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers neglecting to cut down the said Trees or Bushes, or to remove such other 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 Two or more Justices of the Peace for the Division or Place wherein the Matter in Dispute shall arise, from time to time to levy the Charge thereof upon such Owners or Occupiers by Distress and Sale of his and their Goods and Chattles, rendering the Overplus (if any be) to the Owner or Owners 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, shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or more of them, the Sum of Twenty Shillings, to be levied and recovered in Manner aforesaid.

the Owners neglecting to remove the same after Notice;

the Charges thereof to be reimbursed to the Surveyor;

to be levied by Distress and Sale.

Penalty of a Second Offence.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order in Writing for that Purpose from the said Trustees, or any Five or more of them, to make, or cause to be made, Causeways and Drains in and upon the said Roads, and also Ditches and Drains through any Ground lying contiguous thereto; and to erect, rebuild, and keep in Repair, Bridges or Arches upon the said Roads, and also to make, or cause to be made, a Road through the Grounds adjoining to any ruinous or narrow Part of the said Roads, not being the Ground whereon any House or Houses, or other Buildings, Stand, or a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted or set apart as a Nursery for Trees, to be made use of by all Passengers, Cattle, Carriages, or otherwise, as a publick Highway,

Surveyors may make Causeways, &c.

and make a temporary Road;

way, whilſt the old Road is repairing or widening, and till ſuch Time as it ſhall be convenient and ſafe for Paſſengers and Carriages to paſs through the ſame; making ſuch reaſonable Satisfaction to the Owners or Occupiers of ſuch Ground reſpectively, through which any ſuch Drains ſhall be made, or on which any ſuch Arches or Bridges ſhall be erected, or through which any ſuch temporary Road ſhall be made, for the Damages which ſuch Owners or Occupiers reſpectively ſhall or may thereby ſuſtain, as ſhall be adjudged reaſonable by the ſaid Truſtees, or any Five or more of them; and in caſe of any Difference concerning the ſame, or concerning the turning or conveying any Watercourſes, Sinks, or Drains running into, along, or out of the ſaid Roads, between any Perſon or Perſons and the ſaid Truſtees, that then it ſhall and may be lawful for the Juſtices of the Peace, or the major Part of them, aſſembled at their next General Quarter Seſſions for the Diviſion or Place wherein ſuch Roads, Lands, or Grounds lie, to adjudge and finally determine ſuch Differences, and adjudge what Recompence ſhall be made to ſuch Owners, Occupiers, and other Perſons, for the Damages they ſhall have ſuſtained as aforeſaid, ſuch Perſons ſo applying to ſuch Juſtices, giving Six intire Days Notice in Writing, to the Clerk or Clerks, Treaſurer or Treaſurers, to the ſaid Truſtees, before the ſaid Quarter Seſſions, of ſuch their Intention to appeal to the ſaid Juſtices.

making Satisfaction to the Owners of the Ground.

Juſtices to determine Differences.

And whereas there are certain paved Cauſeways for Horſes running through the ſeveral Pariſhes of Spalding, Pinchbeck, Surfleet, Goſbertown, Quadring, and Donington, in the Road to be amended by this Act, which have been laid down at great Expence by the ſaid Pariſhes reſpectively, and which will become uſeleſs when the ſaid Roads ſhall be effectually repaired, and will be of little Service in amending the ſame; be it therefore enacted by the Authority aforeſaid, That it ſhall be lawful for the Surveyor and Surveyors of the Highways for the ſaid Pariſhes reſpectively, to remove the Materials of the ſaid Cauſeways, and therewith to repair ſuch other Roads belonging to the ſaid Pariſhes reſpectively, leading to the ſaid Turnpike Roads, as the Juſtices of the Peace at any of their ſpecial Seſſions to be holden for the Repair of the Highways, or at any Adjournment of ſuch Seſſion, ſhall direct and appoint; and in caſe the ſaid Surveyor or Surveyors, or any of them, ſhall, for the Space of Fourteen Days after the Receipt of any ſuch Order, refuſe or neglect to proceed to the Execution thereof,

or to finish and complete the Matters thereby directed to be done, within such reasonable Time as shall be therein limited for that Purpose, such Surveyor or Surveyors so refusing shall forfeit any Sum not exceeding Five Pounds, nor under Ten Shillings, as the said Justices shall think fit; such Forfeiture to be expended for the Purposes contained in the said Order for removing or laying down the Materials of such Causeways, as aforesaid.

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

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Nine or more of them, shall, at any Time or Times during the Continuance of this Act, think proper to widen, turn, or alter, any Part or Parts of the said Roads, for the better Accommodation of Coaches, Carriages, and Passengers; that then the said Trustees, or any Nine or more of them, shall have full Power and Authority, from time to time, to treat, contract, and agree, with the several Owners, Proprietors, Occupiers of, and Persons interested in, any Lands, Grounds, or Hereditaments, lying contiguous or near to the said Roads, 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 Roads; and out of the Tolls or Duties 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 Nine 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 Roads, for turning, widening, altering, or amending the same; and such Persons, or Bodies Politick, Corporate, Collegiate, or Feoffees, may be 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 by the Authority aforesaid,

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

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 Nine or more of them, for the Purchase of such Grounds, Lands, or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be 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.

Owners neglecting to treat, &c.

And be it further enacted by the Authority aforesaid, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or any 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 Roads, or into which such Road is to be turned or altered as aforesaid, shall, for the Space of Fourteen 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 Division or Place in which such Lands or Grounds so to be taken in do lie (which Oaths any Two or more of the said Trustees are hereby impowered and required to administer)

Jury to settle the Damage and Recompence.

minister) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Occupiers, or Proprietors, or other Person or Persons, interested for or upon account of the taking of such Lands, Grounds, or Hereditaments, into the said Roads, or of turning such Roads, or any Part thereof, into the same; and, in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, 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 such Trustees are hereby impowered and directed 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 other 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, Occupiers, or Proprietors of, or other 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, Occupiers, and Proprietors, 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, thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property of, in, to, or out of;

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be final.

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

of, the same: And, for the summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County in which such Lands and Grounds so to be taken in do lie, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Eighteen Persons, or more, 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 his 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 his Deputy or Deputies, shall return other indifferent Freeholders, possessed of Five Pounds per Annum, of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve.

Jurors may be challenged.

And be it further enacted by the Authority aforesaid, That all Persons concerned shall have their lawful Challenges, against any of the said Jurymen when they come to sworn; and the said Trustees, or any Five or more of them, acting in the Premisses, shall have Power from time to time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, not exceeding the Sum of Ten Pounds upon any One Person for any One Offence, and also 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, and refusing to give, or not giving, their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury, touching the Premisses, shall refuse or neglect to appear, or, appearing, shall refuse to be examined and give Evidence; a Fine or Fines not exceeding the Sum of Five Pounds upon any One Person for any One Offence, 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;

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

Fine not to exceed 5 l.

and

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.

And be it further enacted by the Authority aforesaid, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed as aforesaid, shall be, and is, and are hereby charged and chargeable upon the Monies which shall be raised, received, or borrowed, by virtue of this Act, and shall be paid thereout accordingly 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, thereupon leaving the same in the Hands of the Clerk or Clerks to the said Trustees, for the Use of such Persons, and after Ten Days Notice thereof given to such Persons, or their Agents, or left with the Occupier or Occupiers of the said Premisses, to receive such Money, Consideration, Recompence, or Satisfaction, it shall and may be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to take into, and add to the said Roads, such Grounds, Lands, or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Grounds, Lands, or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and after the Purchase of the said Lands, Grounds, or Hereditaments, or Adjudication of the Value thereof made, and Tender of Payment and Notice given as aforesaid, such Lands, Grounds, or Hereditaments, shall be laid into, and made Part of the said Roads, in such Manner as the said Trustees, or any Five or more of them, shall order and direct, and shall be by them, or by such Person or Persons as they, or any Five or more of them, shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and after such draining, ditching, fencing, and setting out, the said Lands, Grounds, or Hereditaments, 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 Roads for ever after, and shall be repaired and kept in Repair, by such Ways and Methods, and in all Respects in such Manner as the old Roads so widened, altered, or turned, was and ought to have been kept in Repair, and after such new Road shall be compleated, the Lands and Grounds comprised in,

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

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

and esteemed a publick Highway,

and kept in Repair as such.

Old Road may be sold.

in, or constituting the old or former Road, 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 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 and amending the said Roads, and the Sale or Conveyance and Conveyances so 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, Division, or Place, where such Lands or Grounds do lie, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Owners to have Preference in Sale of the old Road.

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

Differences to be settled by a Jury.

Buildings, &c. not to be injured.

Provided always, and it is hereby enacted and declared, That the Power and Authority given to the said Trustees as aforesaid, shall not extend to the pulling down any Dwelling-house or Building, or taking in the Site of any House, or to take in any Yard, Garden, Orchard, Court, Park, Paddock, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to a House; any thing herein contained to the contrary notwithstanding.

Trustees not to act where interested.

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

Provision for Persons claiming Right to Toll.

Provided also, 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, to any such Tolls, Thorough 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 Five or more of them, at any of their Meetings to be holden in the said Town of Spalding, 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 Monies arising by the said Tolls, or out of the Monies to be borrowed upon the Credit thereof.

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

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

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

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

discharged

discharged from such Repairs, for and during the Time or Times so agreed for, or for which such Money shall be paid.

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

Provided always, That in case the said ancient or former Way over any Ground shall, by virtue of in pursuance of this Act, be turned or diverted, the Inhabitants of the Township, Parish, or Place, wherein the old Road, which shall thereby be left or discontinued, shall lie, shall not be obliged to repair such old Road, unless the said old Road leads to some other Village, Town, or Place, than the new Road doth.

Inhabitants to do Statute-work.

And be it further enacted by the Authority aforesaid, That all and every the Inhabitants, Tenants, Occupiers, and other Persons, of the several Towns, Parishes, Hamlets, and Places, in which the said Roads lie, who by Law are, or shall be, liable to the Repair of the Highways, commonly called Statute-work, shall and are hereby required to do and perform such and so many Days Work, not exceeding Three Days Work for any One Person or Team, in any One Year, in such Part of the said Roads lying within such Towns, Parishes, Hamlets, or Places, and at such Times, and in such Manner, as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them authorized, shall appoint; and that every Inhabitant, Tenant, Occupier, or other Person, of the said Towns, Parishes, Hamlets, or Places, 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 of the said Roads, as Persons keeping Teams are obliged by Law, and ought to do.

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

And, to the End that the said Trustees may know the Inhabitants, Tenants, Occupiers, and other Persons, 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 by the Authority aforesaid, That the Surveyors of the Highways of and for every of the said Towns, Parishes, Hamlets, and Places, where, or in, or for which any such Surveyor or Surveyors usually have been, or ought to be chosen, shall, and are hereby required, at the First Meeting of the said Trustees after the Twenty fifth Day of March in every Year, during the Continuance of this Act (Ten

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

Days

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, Tenants, Occupiers, or other Persons, 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, Tenants, Occupiers, or other Persons, shall, and by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams.

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

And be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the several Towns, Parishes, Hamlets, or Places, through which the said Roads do lead, shall not deliver in to the said Trustees Lists of the Inhabitants, Tenants, Occupiers, and other Persons, 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, Tenants, Occupiers, or other Persons, of the said several Towns, 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 Roads, at such Times and Places, and in such Manner, as they shall, by the said Trustees, or any Five or more of them, or by the Surveyor or Surveyors by them authorized, be directed or appointed to do, such Inhabitants, Tenants, Occupiers, 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, Tenant, Occupier, or Person, who shall keep, or by virtue of this Act shall be deemed to keep a Team, for every Day's Work, the Sum of Ten Shillings; and every other Inhabitant, Tenant, Occupier, or Person, not keeping, or by virtue of this Act not deemed to keep a Team, for every Day's Work, the Sum of One Shilling and Six Pence.

Penalty on Persons not performing Statute-work.

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them

Trustees may compound for Statute work.

appointed, being authorized and impowered so to do by the said Trustees, or any Five or more of them, may, and are hereby authorized and impowered to compound with the several Inhabitants, Tenants, Occupiers, or other Persons, of the several Towns, Parishes, Hamlets, and Places, through which the Roads 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 Roads, at and for such Rates or Sums of Money, by the Year or otherwise, as they the said Trustees, or any Five or more of them, or the Surveyor or Surveyors, and Inhabitants, Tenants, Occupiers, or other Persons, 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.

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

Provided always, and be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways for the time being, of any of the Towns, Parishes, Hamlets, or Places, wherein the said Roads directed by this Act to be repaired do lie, shall think the said Trustees, or the Surveyor or Surveyors by them authorized, have directed or appointed too large a Proportion of Statute-work, in any Town, Parish, Hamlet, or Place, to be done on the said Roads, it shall and may be lawful for such Surveyor or Surveyors of the Highways aforesaid, to appeal to the General Quarter Session of the Peace, next after such Direction or Appointment, to be held for the Division or Place wherein such Highway lies, and the Justices in their said Quarter Sessions 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 as aforesaid, having first given Fourteen Days Notice in Writing of such Appeal to the Surveyor or Surveyors, authorized by the said Trustees, as aforesaid.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trusteees, or any Five or more of them, may, and are hereby authorized, impowered, and required, to cause the said Roads to be measured, and Mile-stones or Posts to be fixed or set up, in or on the Sides of the said Roads, with Inscriptions to be made thereon, denoting the Number of Miles, and Distance of Places, and also Posts at the several Roads leading out

out of the Roads hereby directed to be repaired, with Inscriptions to be made thereon, denoting to what Place or Places the said Roads respectively lead, as they, or any Five or more of them, shall think fit; and if any Person or Persons 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 fixed, or set up, or erase, obliterate, or deface, any of the Inscriptions which shall be made thereon, or cause or procure the same to be done, every such Person so offending, shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully or designedly broken, obliterated, defaced, or pulled down, to be levied by Distress and Sale of the Goods and Chattles of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace, for the Division or Place where the Offence shall be committed, before whom such Conviction shall be made, One Moiety of which Forfeiture shall go to the Informer, and the other Moiety shall be laid out and applied in repairing the Stones or Posts so broken, pulled down, obliterated or defaced, or in supplying new Ones in their Stead; and if there be any Overplus of such Forfeitures, the same shall be laid out in repairing the Roads aforesaid; and in case the Person or Persons so offending and convicted, shall have no Goods or Chattles, then it shall and may be lawful for such Justice or Justices of the Peace as aforesaid, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to commit such Person or Persons to the Common Goal for the Division or Place wherein such Offence shall be committed, there to remain for the Space of One Calendar Month, to be reckoned from the Day of Commitment; and the Person or Persons shall not be discharged, till he, she, or they, shall have paid the said Sum of Forty Shillings, or until the Expiration of the said Calendar Month.

Penalty on defacing Milestones;

to be levied by Distress and Sale.

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

Penalty on haling Timber, &c. otherwise than on Wheel Carriages.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures imposed or made payable

Penalties and Forfeitures how to be recovered and applied.

payable by this Act (other than and except such for the Recovery whereof any other Method or Methods is or are herein before prescribed) upon Proof thereof, and of the several Matters, Causes, or Things, for which the same Penalties and Forfeitures shall be incurred respectively, before any Justice of the Peace of the Division or Place where the respective Party or Parties who shall incur such Penalties and Forfeitures shall live, either by the Confession of such Party or Parties, or by the Oath of One Witness, shall be levied by Distress and Sale of the Goods, Chattles, and Effects of the Party or Parties so incurring, by a Warrant or Warrants under the Hand and Seal of such Justice, which Warrant or Warrants any such Justice is hereby authorized and required to grant for those Purposes, and to administer such Oath gratis; and the same Penalties and Forfeitures being so levied as aforesaid, or otherwise paid, and every Part thereof (other than and except such Parts thereof as are hereby directed to be paid to Informers against Persons for Offences which shall be by them committed in Breach of this Act) shall, from time to time, be paid to the said Trustees, or any Five or more of them, or to their Appointment, and shall be laid out and applied in and towards the repairing and widening the Roads by this Act directed to be repaired, or in making a new Road through private Grounds as aforesaid, and keeping the said Roads in Repair.

Overplus Money to be returned to the Owners.

Provided always, and be it further enacted, That the Overplus of the Money which shall be raised and levied by such Distresses and Sales as aforesaid, after Payment or Deduction of the respective Penalties and Forfeitures for which the same shall be taken and made, and of the reasonable Charges of taking and making the same, shall (if demanded) be paid to the respective Owners of the Goods, Chattles, and Effects, which shall be so distrained and sold; and if no Goods, Chattles, and Effects of the Person or Persons who shall incur the said Penalties and Forfeitures can be found sufficient to answer the same, and the Charges of such Distresses and Sales (if any such shall be taken and made) then, and in such Cases, any Justice may and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cause such Person and Persons to be committed to the Common Gaol of the Division or Place for any Time not exceeding Three Calendar Months for the First Offence, or until such Penalties or Forfeitures, and the Charges of such Distresses and Sales (if any such there be) shall be

For want of Distress, Offender to be committed.

paid; and for the Second and every other Offence of the same Kind or Nature, for any Time not exceeding Six Calendar Months, nor less than Three Calendar Months, or until such Penalties or Forfeitures by him, her, or them incurred, and the reasonable Charges of the said Distresses and Sales (if any such there be) shall be fully satisfied and paid.

Distress not to be deem'd unlawful for want of Form only;

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

nor the Party distraining be deem'd a Trespasser *ab initio*.

Plaintiff not to recover if Tender of Amends be made.

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

Persons aggrieved may appeal to the Quarter Sessions.

Provided also, and be it further enacted by the Authority aforesaid, That if any Person shall think him or herself aggrieved by any Act, Order, or Judgement of any Justice or Justices of the Peace, which shall by him or them be done, made, or awarded by virtue of this Act, or in the Execution of any of the Powers hereby to him or them given, such Person may appeal to the Justices at the next General Quarter Session of the Peace for the Division or Place where the Matter or Thing for or by reason of which such Act, Order, or Judgement shall be so done, made, or awarded, and which shall be holden next after the doing, making, or awarding of such Act, Order, or Judgement, he, she, or they causing Ten Days Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given to the Person or Persons on whose Oath or Oaths, or Evidence, such Act, Order, or Judgement shall be so done, made, or awarded, and to some or One of the Collectors

Notice of Appeal to be given.

or Receivers of the said Tolls; which said Justices at their said Session, upon due Proof of such Notices being given as aforesaid, shall proceed in and hear and determine the Causes and Matters of the said Appeals, and every of them; and the Orders and Judgements of the said Justices shall be final and conclusive to all Parties concerned or interested therein.

Proceedings not to be quash'd for want of Form.

Provided also, and be it further enacted by the Authority aforesaid, That no Conviction, Judgement, or Order of the Justices of the Peace at their General Quarter Session, or of any Justice or Justices of the Peace which shall be by them respectively awarded or made in pursuance of this Act, or in the Execution of the Powers hereby to them respectively given, shall be quashed, vacated, or discharged, for or on account of Form only; nor shall be removed by Certiorari into any of His Majesty's Courts of Record at Westminster, until the Person or Persons who shall sue out or prosecute such Writ, shall enter into a Bond with Two sufficient Sureties in the Penalty of Fifty Pounds to the Person or Persons in whose Favour such Conviction, Judgement, or Order shall be made, conditioned for the prosecuting such Writ with Effect, and Payment of the Costs and Charges to be awarded by the Court into which such Conviction, Judgement, or Order shall be, or intended to be removed, in case such Writ shall not be prosecuted with Effect, or such Conviction or Order shall be confirmed.

nor removeable by *Certiorari*.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act, and the several Tolls, Authorities, and Powers hereby made payable and given, 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 to be entered in a Book.

And be it further enacted by the Authority aforesaid, That full, true, and fair Accounts and Entries of all the Monies that 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, by the Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and other Officers for the said Roads; and that all

all and every Person and Persons whomsoever may take Copies of all or any Part of such Book or Books, paying for every Copy not exceeding One Hundred Words, Two Pence, and so proportionably for any greater Number of Words; and all such Orders of the said Trustees so entered, shall be signed by the said Clerk or Clerks at any Meeting of any Five or more of the said Trustees, as the Case shall require; and such Orders shall be deemed and taken to be original Orders, as if the same were under the Hands and Seals of the said Trustees; which said Books, and also the Books directed to be kept for the registering and entering the said Assignments and Transfers, shall be read in Evidence in Cases of Appeals, Suits, or Actions, touching any thing done in pursuance of this Act.

Books may be read in Evidence.

And be it further enacted by the Authority aforesaid, That when and as often as any of the Trustees, named or appointed by virtue of this Act, shall die, remove, or refuse to act, it shall and may be lawful for the surviving or remaining Trustees, or any Nine or more of them, at any of their Meetings, by Writing or Writings under their Hands, from time to time, to elect, nominate, and appoint One or more fit Person or Persons to be a Trustee or Trustees in the room of such Trustees or Trustees so dying, removing, or refusing to act; and all and every such Person and Persons as shall be so chosen and appointed to be joined with such surviving or remaining Trustees, shall and may, and he and they is and are hereby authorized and impowered to act in the Execution of this Act, to all Intents and Purposes, in as full, large, and ample Manner, as the Trustees hereby appointed are authorized and impowered to act.

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

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

No Act valid, unless made at a publick Meeting.

Trustees to defray their own Expences.

Provided always, and be it enacted by the Authority aforesaid, That no Act, Order, Determination, or other Proceedings of the said Trustees, or any of them, in the Execution of this Act, shall be revoked, repealed, or altered, at any subsequent Meeting, unless Nine of the Trustees shall be present; and Fourteen Days

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

previous Notice in Writing shall be given of such Meeting, upon all the Turnpikes to be erected upon the said Roads; and that no Act, Order, or other Proceedings of the said Trustees, shall be made, revoked, repealed, or altered, but at such Meetings, except as to the Payment of Monies to the Treasurer or Treasurers of the said Roads, and such other Acts and Orders as are herein before directed to be made and done at the General Annual Meetings.

No Order made to be repealed, &c. but at a public Meeting.

In Default of a sufficient Number to act,

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

Notice to be given of another Meeting.

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

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

Trustee not to accept of a Place of Profit.

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

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

Writings to be without Stamps.

Provided always, and be it enacted by the Authority aforesaid, That no Nomination, Information, Appointment, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security, for the borrowing of Money, or otherwise howsoever, or other Writing whatsoever, for putting this Act in Execution,

Execution, shall be charged or chargeable with any Stamp Duty whatsoever.

Roads over Commons, &c. to be 60 Feet wide.

And whereas some Parts of the Roads, by this Act to be repaired, lie over Commons or Waste Grounds, 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 Common or Waste Ground, shall be made or repaired in pursuance of this Act, the said Roads shall for ever thereafter be and remain Sixty Feet broad, and be deemed publick and common Highways.

After Repairs, Tolls to be applied to discharge Money borrowed.

And be it further enacted, That after the said Roads shall be well and effectually repaired, altered, and widened, the Surplus of the Tolls and Money hereby appropriated for repairing, altering, and widening, the said Roads, shall, after defraying the Expence of keeping such Roads in good and effectual Repair, and of executing this Act, be applied in discharging the Monies borrowed upon the Credit of this Act.

Trustees may make use of any publick Drain, &c.

And be it further 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 conveying Boats laden with Materials to be used in repairing the said Roads, and to hale such Boats with Men or Horses on the Bank or Banks of such Drains or Ditches.

Reservation of Rights.

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.

Provided always nevertheless, 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 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,

by hereafter to be made, by the Undertakers for the draining of the Fenn, called Deeping Feen, 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 Fenn, called *Deeping Fenn*, and other Fenns therein mentioned; and the other intituled, An Act for settling the draining of the Fenns in *Lincolnshire*, called *Deeping Fenns*; 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 Funnels in any Bank or Road to be made by the said 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 adjoining, and every of them, as fully and amply, to all Intents and Purposes, as if this Act had never been made.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, or in relation to the Matters herein contained, until Ten Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after a sufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed, and every such Action or Suit shall be laid or brought in the County or Place where such Matters and Things respectively shall be done or committed, and not elsewhere; and the Defendant or Defendants in every such

General Issue.

Action or Suit, shall and may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the same was done in Pursuance, and by the Authority, of this Act: And if the same shall appear to be so done, or if any Action or Suit shall be brought before Ten Days

Days Notice thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, as aforesaid, or shall be brought in any other County or Place, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs in any such Action or Suit shall become Nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law. Treble Costs

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

FINIS.