Anno quinto

Georgii III. Regis.

An Act to continue the Term, and render more effectual an Act passed in the Thirtieth Year of the Reign of His late Majesty, for repairing and widening the Roads leading from *Spalding High Bridge*, through *Littleworth*, and by *Frognall*, and over *James Deeping Stone Bridge*, in the County of *Lincoln*, to *Maxey Outgang*, in the County of *Northampton*, adjoining to the High Road there.



Whereas by an Act passed in the Thirtieth Year of the Reign of His late Majesty, for repairing and widening the Roads leading from Spalding High Bridge, through Littleworth, and by Frognall, and over James Deeping Stone Bridge, in the County of Lincoln, to Maxey Outgang, in the County of Northampton, adjoining to the High Road there, several Tolls and Powers were given and granted to Trustees thereby appointed; which Tolls and Powers were to have Continuance for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament: And whereas the said Trustees, for the more speedy and effectual repairing the said Road, borrowed upon Preamble.

upon the Credit of the said Act a very considerable Sum of Money, which Sum, together with the Tolls collected, have been duly applied according to the Directions of the said Act, and great Progress hath been made in repairing and widening the said Roads; but the same cannot be effectually repaired, widened, and kept in Repair, and the Money borrowed be repaid, unless the Term granted by the said Act is further continued, and the Powers thereof are altered and enlarged: May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all and every the Tolls or Duties, Powers, and Clauses therein contained (except such as are hereby varied, altered, or repealed) shall be and continue in full Force, and be executed for the amending, widening, and keeping in Repair the said Roads, for and during all the Residue and Remainder of the Term granted by the said recited Act now to come and unexpired, and from thenceforth for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament, as fully and effectually as if the same were here again repeated and re-enacted in the Body of this present Act; which said additional Term, and the Tolls or Duties hereby granted, and hereby continued, are hereby declared to be subject and liable to the Payment of all Sums of Money now owing upon the Credit of the said recited Act, and of all such other Sum and Sums of Money as shall be borrowed for the Purposes of the said recited Act and this Act, and the Interest due and to grow due on the same.

The recited Act further continued for 21 Years.

And be it further enacted, That the Trustees appointed in or by virtue of the said recited Act, together with Robert Allen, Richard Arnold, Robert Arnold, Joseph Allcock, Robert Austin junior, Montague Bertie Clerk, John Boyall, William Boyall junior, William Boulton, Robert Banks, Robert Banks junior, Sutton Banks, Thomas Brown, Heneage Brown, Henry Bennet, John Borvis, Alison Clarke, Henry Cumbrey, Hugh Clarke, John Collins, William Dyer, George Denshire junior, James Everitt, William Elger, John Figg, William Fisher, Augustine Forster, William Goodale, Thomas Goodale, James Haynes junior, Cheselden Henson, Thomas Hoggard junior, Thomas Hudson, Zachary Ireland, Edward Johnson, John Johnson of Deeping, John Johnson of Stamford, Thomas Jennings, Thomas Ives junior, Matthew Ives, Stephen Saunderson,

Additional Trustees.

Saunderson Ingram, John Knight, John Molecey, Francis Mawby, Thomas Marshall, Thomas Norton, John Noon, Henry Nailour, Godfrey Newzam, Thomas Porter, Charles Pierpoint, Thomas Peers, George Pochin, John Rosbe, William Rodgerson, John Rowning Clerk, John Richards junior, Samuel Reynardson, Samuel Charles Reynardson, Samuel Sharp of Market Deeping, Samuel Sharp junior, Henry Smith, Abel Smith, Fullwood Sanderson, Samuel Seawell, Samuel Seawell junior, Stephen Smith, John Terriwest, John Thisleton, Robert Turnard, Cornelwall Tathewell LL. D. Michael Tyson junior, Thomas Waters, Warburton, Thomas Williax, John Wyche, John Wyche junior, Henry Ward, and Henry Ward junior, shall be, and they are hereby appointed, Trustees for putting the said recited Act and this Act in Execution.

Trustees not to remove Turnpikes, &c.

And be it further enacted, That nothing in this Act contained shall extend to impower the said Trustees, or any of them, to remove the Turnpikes from the said Places where they are now situate, called Hall's Gate, and the South End of the Town of Spalding, or to erect any other Turnpike on the said Roads; and that nothing herein contained shall authorize or impower the said Trustees, or any of them, to erect or place any Turnpike cross or on the Sides of the said Roads between the said Place called Hall's Gate, at the End of Littlewoith Drove, and Maxey Outgang aforesaid, or between Spalding and Crowland, or across or on the Sides of the North and South Droves; and that no Fences or Inclosure shall be made to obstruct or hinder the Right of Common which is now or hath been heretofore used and enjoyed by any Person or Persons whomsoever in and upon any Commons or Fields; or the Right of the several Drove Ways leading from Kesteven into Holland; but that such Right of Common and Drove Ways shall continue to be used and enjoyed by the Lords, Owners, Occupiers, and Tenants, their Servants and Labourers, in such Manner as he and they do now and have heretofore used and enjoyed the same; any thing in this Act or the said recited Act contained to the contrary notwithstanding.

Tolls to be taken at both Turnpikes.

And be it further enacted, That the same Tolls shall and may be demanded and taken at each of the said Turnpikes as are granted in and by the said recited Act; and all and every Person and Persons who shall pass through the Turnpike erected at the South End of the Town of Spalding with any Carriage or Cattle, in their Way from any Part of the Road lying Southward of the said Turnpike, and shall not produce a Note or Ticket, denoting the Payment of the Tolls at

the said Turnpike erected at the said Place called Mills Gate, shall be subject and liable to the Payment of Double Tolls at the said Turnpike erected at the South End of the Town of Spalding, except the Inhabitants of Deeping Fen, and for Horses bating of Boats on the River Welland.

Tolls to be paid but Once a Day.

And be it further enacted, That if any Person shall have paid the Toll by the said recited Act or this Act granted, for the Passing of any Cattle or Carriage through any Gate or Turnpike erected by virtue of the said recited Act or this Act, the same Person, upon producing a Note or Ticket denoting such Payment, shall be permitted to pass through the same Gate or Turnpike with the same Cattle or Carriage Toll free at any Time or Times during the same Day, to be computed from Twelve of the Clock in One Night, to Twelve of the Clock in the next Night; which said Note or Ticket the Collector of the Tolls is hereby required to give gratis upon the Payment of such Toll.

Time and Place of Trustees Meeting.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall meet together at the Old White Hart Inn, in the Town of Spalding, on the Third Monday next after the Day of the passing of this Act, and then proceed to the Execution of this Act; and the said Trustees, or any Five of them, shall adjourn themselves from time to time to any other Time or Place in or near the said Roads, as often as it shall be necessary for putting the said recited Act and this Act in Execution.

Trustees to appoint General Meetings.

Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, 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, by affixing the same, under the Hand of the Clerk to the said Trustees, upon all the Turnpikes erected or to be erected by virtue of the said former Act or of this Act, to appoint a General Annual Meeting or Meetings for any Number of Years, with the said Town, during the Continuance of the said recited Act and of this Act, as they shall think most convenient for the settling and passing the Accounts of the Receipts and Disbursements of the Monies arising by virtue of the said recited Act and this Act.

Charges of passing this Act to be paid out of the Tolls.

And be it further enacted, That all the Charges and Expences attending the obtaining and passing this Act shall be paid out of the Monies to be borrowed upon the Credit of the Tolls by the said recited Act and this Act granted,

granted, be out of the Tolls or Duties which shall be collected by virtue thereof.

Treasurer to account annually.

And be it further enacted, That an Account of the Money to be collected at all 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 Fourteen Days Notice shall be given, by firing the same on all the Turnpike-gates to be erected by virtue of the said recited Act or of this Act) by such Treasurer or Treasurers, be produced, and the said 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 may compound with Travellers.

And whereas it may happen that some of the Turnpikes erected or to be erected by virtue of the said recited Act or this Act, may be so placed, as to be a particular Hardship upon the Inhabitants, Owners, or Occupiers, of several of the Parishes through which the said Roads lead, or late adjacent thereto, whose Business may occasion their frequent passing through such Turnpikes to Market, or otherwise; be it therefore enacted, That the said Trustees, or any Seven or more of them, at their General Annual Meeting, and also 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, Owners, or Occupiers, of such Parishes, situate as aforesaid, or with the Inhabitants, Owners, or Occupiers in Deeping Fens, or any other the Fens thereunto belonging or adjoining, within the Undertaking of the said Fens, for the passing of such Inhabitants, Owners, or Occupiers, with their Carriages and Cattle through any of the said Turnpikes, for such Sums of Money as the said Trustees, or any Seven or more of them, shall think proper, so that such Composition-money for each Person shall not be less than Ten Shillings, and so in Proportion for less than a Year; which Composition-money shall be instantly paid to the Treasurer or Treasurers of the said Road.

Trustees, with Consent of Creditors, may lessen the Tolls;

Provided always, and be it enacted, That it shall and may be lawful for the said Trustees, or any Seven or more

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 the said former Act and this Act granted, for such Time as they shall think proper; and shall have such and the same Power for levying and recovering the Tolls so lessened, as is in and by the said former Act given for levying and recovering the Tolls thereby granted; and the said Trustees, or any Seven or more of them, at a 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 in the said recited Act mentioned.

and raise them again.

Exemptions from Toll.

Provided always, and it is hereby further enacted by the Authority aforesaid, That no Toll shall be demanded or taken by virtue of the said recited Act or this Act, for any Cattle or Carriage employed in the Conveyance of any Materials for the repairing of any Road, or of any Lime, Dung, Mould, Soil, or Compost, of any Kind, for the manuring of any Garden, or other Land or Ground in any of the Parishes through which the said Roads lead, or the Parishes thereto respectively next adjoining; or for any Horse or other Cattle employed in the ploughing, sowing, tilling, or cultivating, of any Land or Ground in any such Parishes; or for any Cattle or Carriage employed in drawing or carrying any Servants or Labourers to be employed in Harvest Work or Husbandry, or in the Conveyance of any Hay, Straw, or Corn in the Straw, to be laid up in the Houses, Out-houses, Yards, or Grounds, of the Owner or Owners thereof; or for any Horse or other Cattle drawing or conveying any Ploughs, Harrows, or other Implements of Husbandry, in order for the repairing thereof, or using the same in Husbandry, or any Utensil that shall be used or employed in Husbandry, or tilling or manuring of Land; or for any Cattle, Sheep, Swine, or Hogs, going to or passing from Water, or to or from any Common or Pasture in the same or any adjoining Parish; or for any Sheep going to or returning from any Wash Dyke, River, or other Place used for the Washing of Sheep, in or near any Part of the said Roads; or for any Sheep going to or returning from any Place used for the Clipping of Sheep in or near the said Roads; or from the Lord or Lords of the Manors of Spalding, Pinchbeck, East and West Deeping, Uffington, and Tallington, or any other Manor or Manors through which the said Roads do lead; or from the Adventurers, Owners, or Commoners of Deeping Fen,

Fen, their respective Tenants, Officers, Agents, Servants, and Labourers, or any of them, for or in respect of their passing or repassing with Horses, Waggons, Wains, or Carts, to or from any Common or Fen Ground, in any of the Parishes through which the said Roads do lead, or in any of the Parishes thereto respectively next adjoining, in order and for the Purpose of making their Drifts, and looking after their Cattle in such Common or Fen Grounds respectively, or of carrying on or inspecting any Works for draining Deeping Fen aforesaid; or for any Post-horse carrying any Mail or publick Packet; or for the Horses of any Soldiers on their March, or for any Horses or other Cattle employed in the drawing or conveying the Arms or Baggage of such Soldiers; or in passing of Vagrants with lawful Passes; or for any Horse or other Cattle or Carriage that shall be going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Lincoln and Northampton, on the Day of such Election, or on the Day before or on the Day after such Election shall begin and be concluded.

Penalty on making illegal Claims, &c.

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

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, at their First or any subsequent Meeting, 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 the Tolls arising by virtue of the said former Act, and of this Act, upon the said Road (the Costs and Charges of assigning the same to be paid out of such Tolls) for any Time or Term during the Continuance of the said recited Act, and this Act, as a Security for any Sum or Sums of Money to be borrowed, so that the Sums borrowed, and to be borrowed, shall not exceed in the Whole the Sum of Eight thousand Pounds, to such Person or Persons, or their Trustees, who shall advance the same, to secure the Repayment thereof, with legal or less Interest; and the Money so borrowed shall (after Payment of the Charges and Expences of procuring and passing this Act as aforesaid) be applied in and upon account of repairing, widening, and altering, the said Road, and for

such Uses, and to such Purposes, only, as the respective Tolls are by the said former Act, and 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 Road; 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 upon the said Road, at least Fourteen Days before the borrowing of such Money: And all and every Person and Persons to whom any such Assignment or Assignments shall be made as aforesaid by the said Trustees, or any Five or more of them, as a Security for any Sum or Sums of Money lent and advanced on the Credit and for the Purposes mentioned in this Act, or who shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Assignment to be 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 Assignee may, in like Manner, assign again, and so toties quoties; and it shall not be in the Power of such Person or Persons who shall have made such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

Assignments to be entered in a Book.

14 Days Notice to be given of borrowing Money.

Assignments may be transferred.

Trustees to appoint Officers,

And be it further enacted, That the said Trustees, or any Five or more of them, at their First Meeting after the passing of this Act, or any subsequent Meeting, may, and are hereby impowered, from time to time, to appoint a Collector or Collectors of the Tolls, and a Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, of the said Road, and such other Officer or Officers as they the said Trustees, or any Five or more of them, shall think necessary or convenient; and such Trustees shall respectively take such Security for the due Execu-

tion of their 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 by virtue of the said recited Act, and this Act, erected); 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 Road, or executing the said recited Act, and this Act, such Salaries, Rewards, and Allowances, as to them the said Trustees, or any Five or more of them, shall seem reasonable and convenient: And such Officers and Persons shall account with the said Trustees, and pay the Monies that shall be remaining in their hands, as in the said recited Act is directed, or otherwise be subject to the like Penalties as are by the said Act inflicted upon such Officers and Persons for not accounting and paying as aforesaid.

and remove them, and appoint others.

Trustees to allow Officers Salaries.

And be it further enacted, That the Inhabitants of, or Owners or Occupiers of, Lands, Tenements, or Hereditaments, in the several Parishes, Hamlets, and Places, through which the said Road leads, shall be liable to the Repair of the said Roads, commonly called Statute-work, 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 Parts of the said Roads leading through such Parishes, Hamlets, and Places, and at such Times, and in such Manner, as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them authorized, shall appoint: And that every Inhabitant of, or Owner and Occupier of, Lands, Tenements, and Hereditaments, in the said Parishes, Hamlets, and Places, who shall jointly or severally rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed to keep a Team, and shall do such Work towards the repairing of the said Roads as Persons keeping Teams are obliged by Law to do; that is to say, Three Days Work for every Fifty Pounds a Year which he or they shall so rent, hold, or occupy.

Persons liable to do Statute-work to continue so.

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

And

By whom Statute-work is to be performed.

And be it further enacted, That the Inhabitants of and Occupiers of Lands, Tenements, and Hereditaments in the Towns, Parishes, Hamlets, or Places, of Spalding, James Deeping, and Maxey, shall continue subject and liable to do and perform their Statute-work or Duty upon the said Roads, according to the Directions of the said recited Act and this Act; and that the Statute-work or Duty to be done and performed upon the Road leading from the Turnpike at the South End of the Town of Spalding to Hall's Gate, shall be done and performed by the Inhabitants, Owners, or Occupiers, living between the North and South Droves, and by none other of the Inhabitants of Deeping Fen.

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

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

Penalty on Surveyors neglecting to deliver in such Lists,

and on Persons not performing Statute-work.

And be it further enacted, That if the Surveyor or Surveyors of the Highways for any Parish, Hamlet, or Place, shall not deliver in any such List as aforesaid, by such Times and in such Manner as by this Act is required, every such Surveyor shall, for every such Default, forfeit and pay not exceeding the Sum of Five Pounds, nor less than Twenty Shillings: And if any or either of the Inhabitants of, or Owners, or Occupiers of Lands, Tenements, and Hereditaments, in the said several Parishes, Hamlets, and Places, shall not do such Statute-work in and upon the said Roads, at such Times and Places, and in such Manner, within their respective Parishes, Hamlets, and Places, as shall by the said Trustees, or any Five or more of them, or by their Surveyor or Surveyors, be directed; every such Inhabitant, Owner, or Occupier, shall, for every such Neglect or Default, forfeit and pay the several Sums herein after-mentioned; that is to say, Every

such

such Inhabitant, Owner, or Occupier, who shall keep, or by virtue of this Act be deemed to keep, a Team, for every Day's Default the Sum of Ten Shillings; and every other Inhabitant, Owner, or Occupier, or Person, not keeping, or by virtue of this Act not deemed to keep, a Team, for every Day's Default the Sum of One Shilling and Six Pence.

Trustees to appoint a Person to make a List of the Inhabitants of *Deeping Fen* liable to do Statute-work.

Provided always, and be it further enacted, That there being no Surveyors of the Highways appointed for Deeping Fen, by which Means no List of the Inhabitants of the said Fen can be delivered, as is herein before directed and required; be it therefore further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, to appoint some Person or Persons to make a List of the several Inhabitants of the said Fen herein before directed and required to do and perform Statute-work or Duty on the said Road lying in Deeping Fen aforesaid, and to return such List to the said Trustees, or any Five or more of them; and the said Trustees, or any Five or more of them, shall proceed upon such List when returned, in the same Manner as if such Lists had been returned by any Surveyor or Surveyors of the Highways.

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

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

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That all the Penalties and Forfeitures hereby inflicted, and not otherwise directed to be levied, shall, upon Proof of the Offences respectively for which such Penalties and Forfeitures shall be incurred, before any One or more Justice or Justices of the Peace of the County, Division, or Place, wherein the respective Offender or Offenders shall reside, or the Offence be committed, either by the Confession of the Party, or by the Oath of One Witness, be levied by Distress and Sale of the Goods and

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

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

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

nor the Parties distraining deemed Trespassers *ab initio*.

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

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or other Proceeding, if Tender of sufficient Amends shall be made before such Action shall be brought.

Provided always, and be it further enacted, That if any Person or Persons shall think him, herself, or themselves aggrieved by any Act, Order, or Judgement of the said Trustees, or any of them, or of any Justice or Justices of the Peace, in the Execution of any of the Powers hereby to him or them given, such Person or Persons may appeal in all Cases to the Justices at the next General Quarter Sessions of the Peace for the County, Division, or Place, wherein the Cause of Appeal shall arise; every such Person, so appealing, first causing Ten Days Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given unto the Person or Persons on whose Oath or Oaths, or Evidence, such Act, Order, or Judgement shall be done, made, or awarded, and to some or One of the Collectors of the Tolls; which said Justices, at their said Sessions, upon due Proof of such Notices being given as aforesaid, shall hear and determine the Causes and Matters of the said Appeals, and every of them; and shall give such Costs to the Parties appealing, or appealed against, as they in their Discretion shall think proper; and their Orders and Judgements therein shall be final and conclusive to all Parties concerned; and shall not be removed into any Superior Court by Writ of Certiorari.

Persons aggrieved may appeal to the Quarter Sessions.

Notice of Appeal to be given.

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

Trustees not to act but at a publick Meeting.

Trustees to defray their ownExpences.

Provided always, and be it enacted, That no Act, Order, Determination, or other Proceedings of the said Trustees, or any of them, in the Execution of the said recited Act or this Act, shall be revoked, repealed, or altered, at any subsequent Meeting, unless Nine of the Trustees shall be present; and Fourteen Days previous Notice in Writing shall be given of such Meeting, upon all the Turnpikes within the said Road; 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 Road, and such Acts and Orders as are in the said recited Act and herein before mentioned to be made and done at the General Annual Meetings.

No Order to be repealed unless Nine Trustees are present.

Provided always, and be it enacted, That if there shall not appear at any Meeting which shall be appointed to

In Default of a sufficient Number of Trustees to act,

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 Land or some other convenient House in or near 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 within the said Roads, at least Ten Days before the next Meeting.

Notice to be given of another Meeting.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Information, Appointment, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or otherwise howsoever, or other Writing whatsoever, for putting the said recited Act or this Act in Execution, shall be charged or chargeable with any Stamp Duty whatsoever.

Roads over Commons, &c. to be 70 Feet broad.

And whereas some Parts of the Roads by the said recited Act and this Act directed 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 Grounds shall be made or repaired in pursuance of the said former Act or of this Act, the said Roads shall for ever thereafter be and remain Seventy Feet broad, and be deemed publick and common Highways.

Trustees may make use of publick Drains for the Passage of Boats laden with Materials for the Roads.

And be it further enacted, 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, 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 heretofore been 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 by the said recited Act and this Act directed to be repaired.

And

And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of the said recited Act or this Act, to ascertain the Value of any Lands, Tenements, and Hereditaments, which the said Trustees, or any Nine or more of them, shall think necessary and proper to purchase for the widening, turning, or altering, any Part or Parts of the said Roads, or for any Loss or Damage sustained by any Person or Persons by means of the widening, turning, or altering, the said Roads, shall give in and deliver a Verdict or Assessment for more Monies, as a Recompence or Satisfaction for the Right, Interest, or Property, of any Person or Persons, in any such Lands, Grounds, or Hereditaments, or for any such Loss or Damage, than what shall have been agreed to and offered by the said Trustees, or any Nine or more of them, before the summoning or returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, in any such Lands, Grounds, or Hereditaments, or Loss or Damage as aforesaid; that then, and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses concerning the ascertaining and determining the Value of any such Right, Property, or Interest, or Losses or Damages sustained as aforesaid, shall be borne and paid by the said Trustees, or any Five or more of them, out of the Tolls or Duties hereby granted, or out of any Money to be borrowed upon the Credit thereof; but if any Jury or Juries so to be summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more or for less Monies than shall have been agreed to and offered by the said Trustees, or any Nine or more of them, before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, in any such Lands, Grounds, or Hereditaments, or Losses or Damages as aforesaid, that then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, shall be borne and paid by the Person or Persons with whom the said Trustees shall have any Controversy or Dispute.

Expences of the Jury how to be borne.

Provided always nevertheless, and it is hereby further enacted, That the said recited Act or this Act, or any thing therein or herein contained, shall not extend, or be construed to extend, to impower the said Trustees to have, use, or exercise, any Power or Authority over, or to intermeddle with, any of the Banks, Sewers, Drains, or Works, already made, or hereafter to be made,

Reservation of Rights.

made by the Undertakers for the draining of the said Fens called Deeping Fen, by virtue of an Act made in the Sixteenth and Seventeenth Years of the Reign of the late King Charles the Second, and of another Act made in the Twenty second Year of the Reign of the said King; the One intituled, An Act for the draining the Fen called *Deeping Fen*, and other Fens therein mentioned; and the other intituled, An Act for settling the draining of the Fens in *Lincolnshire*, called *Deeping Fens*; or by virtue of any other Act or Statute whatsoever; or to invalidate, lessen, diminish, alter, or take away, any of the Rights, Powers, and Authorities, vested in the said Undertakers to set down Sluices or Tunnels in any Bank or Road to be made by the said Commissioners or Trustees, or any other Power or Authority vested in the said Undertakers; but that all Rights, Powers, and Authorities whatsoever, which, by virtue of the said Acts passed in the Sixteenth and Seventeenth, and in the Twenty second Years of the Reign of the said King Charles the Second, or any other Act or Statute whatsoever, or otherwise, now are vested in the said Undertakers, or any of them, shall for ever hereafter remain, continue, and be, in the said Undertakers for draining the said Fens called Deeping Fens, and other the Fens thereto belonging and 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, That if any Action or Suit shall be brought by any Person or Persons for any Thing done by virtue of the said recited Act, or this Act, or in relation to the Matters therein or herein contained, every such Action and Suit shall be commenced within the Space of Six Calendar Months next after the Fact committed, and not afterwards; and shall be brought, laid, and tried, in the County or Place where such Matters and Things respectively shall be committed or done, and not elsewhere; and that the Defendant or Defendants in all such Actions and Suits, may plead the General Issue, and give the said recited Act, and this Act, and the Special Matter, in Evidence on any Trial or Trials which shall be had thereupon; and that the same was done in pursuance and by the Authority of the said recited Act, or this Act: And if the same shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time limited, or shall be brought in any other County or Place than as aforesaid; then the Jury shall find for such Defendant or Defendants: And if a Verdict shall be found for the Defendant

General Issue.

fendant or Defendants, or if the Plaintiff or Plaintiffs in any such Action or Suit shall become Nonsuited, or suffer a Discontinuance of such Action or Suit; or if, upon Demurrer, Judgement shall be given for the Defendant or Defendants; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants may have for Costs in other Cases by Law. Treble Costs.

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

FINIS.