Anno quinto

Georgii III. Regis.

An Act to continue the Term, and alter and enlarge the Powers, of an Act passed in the Third Year of His present Majesty, for repairing, widening, turning, and keeping in Repair, the Road from the Town of *Cambridge* to *Ely*, and from thence to *Soham*; and for building a Bridge cross the River *Ouze*, at or near a Place called *Stretham Ferry*, in the County of *Cambridge*; and for repairing and widening, and making several other Roads, adjoining to the Roads directed to be repaired and widened by the said Act.

WHEREAS by an Act passed in the Third Year of the Reign of His present Majesty, for repairing, widening, turning, and keeping in Repair, the Road from the Town of Cambridge to Ely, and from thence to Soham; and for building a Bridge cross the River Ouze, at or near a Place called Stretham Ferry, in the County of Cambridge; several Tolls or Duties and Powers were given and granted for the Purposes therein mentioned, 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 Trustees appointed to Preamble.

put the said Act in Execution, have, in pursuance of the Powers thereby to them given, borrowed several Sums of Money upon the Credit of the said Act, which Sums, together with the Tolls or Duties, and the Donations of several private Persons, have been applied according to the Directions of the said Act, and great Progress hath been made in the several Works, and particularly a good substantial Bridge of Brick hath been erected across the River Ouze, at the Place by the said Act directed: And whereas it hath been found that the Direction prescribed by the said Act for the Continuation of the Road from the said Bridge, to the South End of Braham Lane, in the Way to Ely, videlicet, between Elford Closes on the Right Hand, and the Breach Closes on the Left, over the Top of the Hill in the Fields of Stretham, and from thence leaving the Mills and Town of Stretham on the Right Hand, is not the nearest or most commodious Way from the said Bridge to the South End of Braham Lane aforesaid; and that Travellers are therein greatly annoyed and endangered by passing very near one of the said Mills; and that not only the Distance from the said Bridge to Braham Lane aforesaid would be considerably shortened, and the said Annoyance effectually avoided, but that it would be in many Respects more convenient to Passengers, if the Trustees were enabled to divide the Road into Two Branches, separating upon Stretham Common, soon after the passing of the said Bridge, One thereof to be made through the Town of Stretham, to the Turnpike Road leading from Stretham to Ely, and the other from Stretham Common aforesaid, through the Gate already erected between the said Common, and Common Fields of Stretham, to a House in the Town of Wilburton, late in the Occupation of George Farrin Gentleman: And whereas the Road leading from Bugg's Pond in Ely, to a Place called Witchford Tunnell, and from thence to Witchford Bridge, and through the Town of Witchford, and leaving the Windmill on the Left, and the Closes called Swarmhoof Closes on the Right, to a Place called Gibbet Hill, in the Parish of Sutton, and also a short Road or Way turning from Witchford Bridge aforesaid, towards Grunty Fen, consisting of Sixty Poles in Length, or thereabouts; and also the Road from the Lamb Corner in Ely, to the Town of Littleport, and by Littleport Plains, to the Bank of the Hundred Feet River, are in a ruinous Condition, narrow in some Places, and inconvenient to Passengers, and cannot

be repaired by the present Methods provided by Law: And whereas the said Act cannot be carried into effectual Execution, nor the Money borrowed upon the Credit thereof be repaid, nor the Roads herein before mentioned, and which are not comprised within the said Act, be made or effectually repaired and widened, unless some further Provisions are made by Parliament for those Purposes: May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said former Act, and all and every the Tolls or Duties, Authorities, Powers, Articles, Rules, Provisoes, Penalties, Forfeitures, and Clauses therein contained (except such Tolls, Clauses, Matters, and Things, as are hereby varied, altered, or discontinued) shall be and continue in full Force and Effect for and during all the Residue and Remainder of the said Term of Twenty one Years now to come and unexpired, and from and after the Expiration thereof, then for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; and shall extend and have relation not only to the said Roads directed to be made, repaired, and widened, by the said former Act, but also to the making, repairing, and widening, the Roads herein before particulary mentioned, in as full and ample Manner as if the same were herein repeated and re-enacted in the Body of this present Act; which said additional Term hereby granted shall be subject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the said former Act, and of such other Sum and Sums of Money as shall be borrowed for the Purposes of the said former Act and this Act.

Former Act continued, and extended to the Roads in this Act.

And be it further enacted, That the Trustees, or any Seven or more of them, shall and may alter so much of the present Direction of the Road as lies between the Bridge newly erected at Stretham Ferry and the South End of Braham Lane aforesaid, in the Way to Ely, and that instead of the Tract now laid out in pursuance of the said former Act, the Road, after passing so far upon Stretham Common in One Tract as shall be judged by the said Trustees, or any Seven or more of them, convenient, shall be divided into Two, the One whereof to be continued by the Communication of a Gate to be for that Purpose erected across the Common and the Fields

Trustees may alter the Direction of the Roads.

of Stretham, to the End of a Lane called Short Lane, in as straight a Direction as conveniently may be respecting the Lands to be purchased, and the greater or less Facility of making the Road from the different Levels, or otherwise, and thence through the same Lane, and through the Town of Stretham, leaving the Cross on the Right and the Church on the Left, to the Top of the Hill above the Town, and there falling into the Tract already laid out, to proceed by the same to Braham Lane aforesaid, and the other Road leading towards Haddenham, to branch off from the said Ely Road upon some Part of Stretham Common as aforesaid, and to be conducted through the Gate already erected between the said Common and the Fields of Stretham, and immediately after passing through the same to turn to the Left, and thence to be carried on in such Manner as shall be approved and directed by the said Trustees, or any Seven or more of them, to the House situate in Wilburton, which was late in the Occupation of George Farrin Gentleman.

And whereas in Part of the Road leading from Ely to Littleport, where a Farm called Woodhouse Farm lies, there are Two Ways, one called the Lower Way, and leads along the South or lower Side of the Closes of the said Farm; and the other, called the Upper Way, which turns out of the said Lower Way, and leads through a Lane called Woodhouse Lane, and joins the said Lower Way near Littleport: And whereas the said Lower Way may be made more convenient for the Publick, and at a less Expence than the said Upper Way; but if the said Upper Way is not shut up and discontinued as a publick Way, the Tolls to be collected on the said Lower Way may be evaded; be it therefore further enacted, That the said Trustees, or any Seven or more of them, shall and may and they are hereby impowered and required, when they shall think fit and convenient, to cause the said Lower Road to be repaired for the Accommodation of Passengers, and when the said Road shall be repaired, it shall and may be lawful for Doctor Mathew Morley, the Owner of the said Farm called Woodhouse Farm, after Payment of the Sum of One hundred Pounds to the said Trustees, or any Seven or more of them, which Sum shall be by them applied in the repairing the said Lower Road, to cause Part of the said Upper Way, from the turning out of the said Lower Way, to a House known by the Sign of the Blue Boar, to be shut up and discontinued, to prevent

Part of the Road from *Ely* to *Littleport* to be repaired on the South Side of *Woodhouse* Farm.

prevent all Passengers passing through such Part of the said Lane to and from the said Places; and also to cause the other Part of the Lane leading from the said House, known by the Sign of the Blue Bow, to the Joining of the said Lower Way at or near a Place called Wood End, to be shut up and discontinued, to prevent Passengers passing through the said Part of the said Lane (except to North Fen;) and the said Upper Road or Way shall from thenceforth be and the same is hereby vested in the said Doctor Mathew Morley, his Heirs and Assigns for ever, subject only to a Passage to North Fen aforesaid.

And for the raising a Sum of Money sufficient for making, repairing, and widening, the said Roads, and keeping the same in Repair, and for discharging the Debt now due, or which hereafter shall be contracted for the Purposes aforesaid, be it further enacted, That from and after the Passing of this Act, it shall and may be lawful to and for the said Trustees appointed or to be appointed to put the said former and this present Act in Execution, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall under their Hands authorize and appoint, to demand and take the several Tolls and Duties herein after-mentioned, instead of the Tolls and Duties granted by the said former Act, before any Person, Horse, Cattle, or Carriage respectively, shall be permitted to pass through any Gate or Turnpike erected or to be erected by virtue of the said former or this Act; that is to say, at each of the Gates or Turnpikes erected or to be erected between Cambridge and Stretham Ferry,

Former Tolls altered.

Tolls how to be taken.

For every Horse, Mare, Gelding, or other Beast drawing any Carriage, and for every Wheel of such Carriage, the Sum of One Penny.

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

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

And at any Gate or Turnpike erected or to be erected at or near Stretham Ferry,

For every Foot Passenger the Sum of One Half Penny.

And

And also at such Gate or Turnpike at or near Stretham Ferry, and at each of the Gates or Turnpikes erected or to be erected upon any other Part or Parts of the several Roads directed or intended to be repaired by virtue of the said former Act, and this present Act,

For every Horse, Mare, Gelding, or other Beast, drawing any Carriage, and for every Wheel of such Carriage, the Sum of Three half Pence.

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

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

For every Drove of Calves, Hogs, Sheep, or Lambs, Seven Pence half Penny per Score, and so in Proportion for any greater or less Number; except only for any Waggon, Wain, Cart, or Carriage, loaded with Estover Hay, Corn in the Straw, or Turves, Sedge, Reed, or any Product of the Fens, or Dung, or Compost of any Kind, or Clay, or other Earth, passing through any Gate or Turnpike erected or to be erected between Stuntney, and a Place called Stone Bridge, in Ely, every of which Carriages so laden as aforesaid shall there pay the Sum of One Penny.

Which said respective Sum and Sums of Money shall be demanded and taken in the Name of or as a Toll, and shall be and are hereby vested in the said Trustees; and the same and every Part thereof shall be paid, applied, and disposed of, or assigned, to and for the Uses, Intents, and Purposes, of the said former Act and this Act, and to and for no other Use, Intent, or Purpose, whatsoever; and the said Trustees, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall authorize and appoint, shall and they hereby have the same Powers, Authorities, and Remedies, for demanding, collecting, recovering, and levying the Tolls, or Duties, hereby made payable, as are in and by the said former Act given and prescribed for demanding, collecting, recovering, and applying the Tolls or Duties made payable by the said former Act.

Tolls vested in Trustees.

Provided always, That the Lord or Lords, Lady or Ladies, of the Manor of Stretham for the time being, their Servants and Attendants, shall be at all Time exempted from the Payment of any Toll whatsoever for themselves, their Horses, or Carriages, at any Gate or Turn-

Exemptions from Toll.

Turnpike erected or to be erected at or near the Place called Stretham Ferry, or at any Place within the Bounds or Townships of Stretham.

Particular Exemptions as to the Inhabitants of *Stretham* having Right of Common.

Provided also, That the several Inhabitants of the Town of Stretham, having Right of Common in his or her own Occupation (except common Carriers for Hire) shall not pay any Toll whatsoever at any Gate or Turnpike erected or to be erected by virtue of the said former or of this Act, at or near Stretham Ferry aforesaid, or elsewhere within the Bounds or Township of Stretham, nor at more than One Turnpike between the Town of Cambridge, and the Town of Stretham, nor at more than One Turnpike between the Town of Stretham and the Lamb Corner in Ely, for themselves, their Servants, or Attendants, or their Horses, Cattle, or Carriages, laden with their own Property, they the said Inhabitants, Occupiers of Rights of Common as aforesaid, paying to the said Trustees, or to their Treasurer, or to such other Person as the said Trustees, or any Five or more of them, shall appoint to receive the same, their usual yearly Acknowledgment of Four Pence for each Common, and providing and paying a Keeper for the Gates erected and to be erected between their Common and their Corn Fields, and paying all Damages arising by any Neglect thereof, and also repairing and renewing the said Gates at all Times during the Continuance of the said former and this Act; the Costs and Charges nevertheless of renewing the Gate or Gates intended to be erected in the above described new Direction of the Road leading from Stretham Ferry to Ely, to be from time to time repaid to the Inhabitants by the Trustees, or any Five or more of them; but the Gate already erected in that Branch of the Road which leads to Wilburton, shall be repaired at the proper Costs and Charges of them the said Inhabitants of the Town of Stretham.

No Toll to be taken for any Horse, &c. carrying Materials for Repair of any Bridge, &c.

And be it further enacted, That no Toll shall be demanded or taken at any Gate or Turnpike erected or to be erected by virtue of the said former or this Act, for any Waggon, Wain, Cart, Dray, or other Carriage, or for any Horse, Mare, Gelding, Ox, Mule, or other Beast of Draught attending the same, which shall be used or employed in the Carriage of any Materials for repairing any publick Bridge, Road, or Highway, or in the Carriage of any Lime, Chalk, Dung, Mould, Soil, or Compost, of any Nature or Kind whatsoever, for manuring of any Garden or other Land or Ground (any Clay or other Earth not for the Purpose of Manure

always excepted) or in the Carriage of any Hay, Straw, or Corn in the Straw, to be laid up in the Houses, Outhouses, or Barns, or to be stacked upon any Part of the Lands or Premisses of the Owners thereof, and not sold or disposed of, or going to Market (except at any Gate or Turnpike erected or to be erected between Stuntney and a Place called Stone Bridge in Ely, or between Landbeach Common and Chittering Fen) or for any Horse or other Cattle going to or returning from Pasture or Water within the same Town or Parish, being the Property of any of the Inhabitants of such Town or Parish, or going to or from any Smith's Shop within the same Town or Parish to be shod; nor for any Horse or other Beast, nor any Waggon, Cart, or Carriage whatsoever, only crossing the said Road in the Course of any other Road; save only at a certain Place in the Parish of Littleport called Knowl, otherwise Knoll Bridge; nor shall any Toll be demanded or taken for any Coach or Carriage, or Passengers on Horseback, going to or returning from any Election of a Knight or Knights of the Shire, to serve in Parliament for the County of Cambridge, on the Day or Days of such Election; or for any Post-horse or Vehicle carrying the Mail or Publick Packet; or for the Horses of any Officers or Soldiers on their March, or for Carts, Carriages, or Waggons, attending them; or for Horses, Carts, or Waggons, travelling with Vagrants sent by Passes; save only the Tolls to be taken at any Gate or Turnpike erected or to be erected at or near the said Place called Stretham Ferry; which last mentioned Tolls are to extend to all the Cases in this Clause mentioned.

No Composition to be made at the Meeting when first proposed, but to be considered at the next.

And be it further enacted and declared, That no Composition for Tolls shall be agreed for by the said Trustees at any of their Meetings, where the same shall be first proposed; but such Proposition shall be adjourned over for the Consideration of the said Trustees at their next Meeting; and no such Composition shall be valid, unless Thirteen Trustees shall be then present and consenting thereto; and that no such Composition shall be made for a longer Term than One Year.

Clauses of Exemption in former Act repealed.

Provided always, and be it enacted, That from and after the passing of this Act, the Clauses contained in the said former Act, particularizing the Persons and Things exempted from Toll, shall be, and the same are hereby intirely repealed; and from and after the passing of this Act, no Person or Persons, Matters, or Things what-

whatsoever, shall be exempted from the Payment of the several Tolls and Duties herein before mentioned, other than such Person or Persons, Matters, or Things, as are herein before particularly exempted from Payment thereof; any Exception or Exemption in the said former Act contained to the contrary thereof in any wise notwithstanding.

Reservation of Rights.

Provided always, and be it further enacted, That the Lord Bishop of Ely, and his Successors, and the Reverend the Dean and Canons of the Cathedral Church of Ely, and their Successors, and also the Minor Canons of the said Cathedral Church, now and for the time being, shall enjoy and be intitled to the several Exemptions from Toll, for them respectively provided by the said former Act.

And whereas a Doubt hath arisen upon the Construction of the said former Act, whether the Inhabitants of any Town, Parish, Hamlet, or Place, through which any Road or Highway is or shall be turned, altered, or made, by virtue of the Powers granted by the said former Act to the said Trustees, or any Seven or more of them, are subject and liable to perform the Work in the Highways for the repairing thereof, commonly called Statute-work, in and upon the said Roads or Highways so turned, altered, or made; be it therefore further enacted and declared, That it is the true Intent and Meaning of the said former Act and of this Act, that every such Inhabitant shall, and he, she, and they, is and are hereby required to do and perform the Work in the Highways for the repairing thereof, commonly called Statute-work, in and upon any Road or Highway so turned, altered, or made, through the said Towns, Parishes, Hamlets, and Places respectively, where such Inhabitants shall live, in as full and ample a Manner, as he, she, and they, is and are by Law subject and liable to do and perform the said Statute-work in and upon any other publick and common Road or Highway lying within their respective Towns, Parishes, Hamlets, and Places.

Inhabitants of Parishes to do Statute duty upon Roads turned or altered.

Provided always, and be it further enacted, That in Consideration of the said Road to Ely being carried through the Town of Stretham, which will in many Respects be more convenient to the said Town; and in Consideration of the several Inhabitants of the Township or Parish of Stretham, being exempted from performing any Statute-work upon any other Part of the Turnpike Road lying within their Parish or Township (from the

Work to be done by the Inhabitants of *Stretham* in lieu of Statute-work.

Performance of which they are hereby exempted) the several Inhabitants of the Parish or Town of Stretham aforesaid shall be liable and obliged to make, and at all Times during the Continuance of this Act, to keep in good and effectual Repair, at their proper Expence, so much of the said Road as lies between the Entrance of Short Lane, in the Parish of Stretham, and the Spot on the Top of the Hill above the Town of Stretham, where it is proposed to fall into the Tract already laid out for the Road leading to Braham Lane (which includes the Whole of the said Lane called Short Lane, and of the Passage through the Town) the same to be performed under the Direction of the said Trustees, or any Five or more of them, or of the Surveyor or Surveyors by them from time to time to be appointed.

Inhabitants of *Stretham* neglecting Repairs. Trustees to make the same, and levy the Expence.

And be it further enacted, That if the said Inhabitants of the Town or Parish of Stretham shall not duly amend and keep in Repair the said Piece of Road so by them to be repaired as aforesaid, and shall not within Fourteen Days next after Notice given by the said Trustees, or any Five or more of them, or by their Surveyor, to the Surveyors of the Highways for the said Town or Parish, or One of them, sufficiently amend and repair any Defect in the said Piece of Road, then and in such Case the said Trustees, or any Five or more of them, shall and may cause the same to be effectually repaired, and shall deliver, or cause to be delivered, an Account of the Expences of such Repairs to the said Surveyors of the Parish of Stretham, or One of them, who shall repay to the said Trustees, or any Five or more of them, or any Person appointed by them to demand and receive the same, the full Amount of such Expences: And if the said Surveyors, or One of them, shall neglect or refuse, for the Space of Twenty one Days, to repay such Expences to the said Trustees, or any Five or more of them, or to any Person appointed by them to demand and to receive the same, it shall and may be lawful to or for any Two or more Justices of the Peace for the Isle of Ely (upon Oath before them made of such Monies having been expended in the Repair of the said Piece of Road, and of such Neglect or Refusal of Payment on the Part of the Surveyors of the Parish of Stretham) and they are hereby authorized and required to issue a Warrant under their Hands and Seals, impowering such Person so by the said Trustees, or any Five or more of them, appointed to receive the Amount of such Expences, to levy the

the same by Distress of the Goods and Chattles of the Surveyor or Surveyors of the Highways of the Parish of Stretham for the time being, and such Goods and Chattles so distrained, after the Space of Four Days (the said Expences, and the reasonable Charges of distraining and keeping the Distress, not being paid) to sell, returning the Overplus (if any be) to the Owner or Owners thereof upon Demand, the reasonable Charges of distraining, keeping, and selling the same, being first deducted and paid.

And, to the end the Surveyor or Surveyors of the Highways of the said Parish of Stretham may be enabled to raise Monies to reimburse him or themselves, in case the said Expences of repairing the said Piece of Road as aforesaid, shall have been paid by him or them, or levied on him or them, be it further enacted, That such Surveyor or Surveyors shall and may cause a Rate or Assessment to be made on the Inhabitants of the said Parish, in the making whereof Regard shall be had to the Proportion of Statute-work each Inhabitant is liable by Law to perform, and such Rate or Assessment so made (being first allowed and confirmed under the Hands and Seals of Two or more Justices of the Peace for the said Isle of Ely, in like Manner as Rates for Relief of the Poor are allowed and confirmed) shall and may be raised and collected by such Surveyor or Surveyors as aforesaid; and the several Persons therein rated shall be subject and liable to pay the same; and in case of Non-payment within Ten Days after Demand, the said Surveyor or Surveyors shall have the like Remedies, Powers, and Authorities, to levy and recover the same, as are by Law appointed for collecting, levying, and recovering Rates made for Relief of the Poor; and in case of Distress the said Surveyor or Surveyors shall and may deduct all reasonable Charges occasioned by or attending the same.

Parish Surveyors to reimburse themselves.

And be it further enacted, That the Surveyor and Surveyors of the Highways of the said Town or Parish of Stretham for the time being, shall, at all Times during the Continuance of this Act, have Powers, and the said Surveyor and Surveyors for the time being are hereby authorized and impowered (subject to the Direction of the said Trustees, or any Five or more of them) to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Materials proper for making and repairing of Roads, in, upon, out of, or from, any River or Brook, waste

Surveyors may dig Gravel, &c.

Ground or Common, in any Parish, Town, or Place, in, adjoining to, or lying near, the Road, to be used in making or repairing the said Piece of Road, without paying any thing for the same; the said Surveyor or Surveyors levelling, or causing to be levelled, the Ground from whence such Materials shall be taken, so as to prevent any Misfortune or Accident happening thereby; and if such Quantities of Materials sufficient for that Purpose cannot be found in or upon such Rivers or Brooks, Waste or Common, at any convenient Distance, then, and in such Cases, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of Materials as aforesaid, proper and sufficient for that Purpose, in, upon, or out of, and from, the Lands or Grounds of any Person or Persons, where the same may be had or found, to be used towards repairing the said Roads (such Lands and Grounds not being a Yard, walled Garden, Park, Paddock, Wood, Coppice, or Nursery) they the said Surveyors, or other Person or Persons, paying, or offering to pay, to the respective Owners or Occupiers of such Lands or Grounds, such Damages for getting the said Materials, and for carrying the same over their Grounds, as the said Trustees, or any Five or more of them, shall think reasonable: And in case of any Difference between the said Trustees, Surveyors, or Person or Persons by them appointed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, any Two or more Justices of the Peace for the County or Liberty where the said Materials shall be so cut, digged, gathered, taken, and carried away, shall and may, on Ten Days Notice thereof to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, to be left at their respective Places of Abode with some or One of their respective Families, hear, settle, and determine, the Matters of the said Damages; and the Judgement or Order of the Justices therein, shall be final and conclusive to all Parties.

without paying for the same; levelling the Pits.

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

Justices to determine Differences.

Damages done *James Harkness* Esq; to be settled by a Jury.

Provided always, and be it further enacted, That in case the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, or any Person or Persons by them, or any or either of them, employed, shall at any Time or Times dig, take, and carry away, any Gravel or other Materials out of or from any inclosed

Pasture Grounds belonging to James Harkness Esquire; for the repairing the said Road leading from the Lamb Corner, in Ely, to the Town of Littleport; and in case any Dispute or Difference between the said Trustees, Surveyor or Surveyors, or Person or Persons, and the said James Harkness, or his Tenant or Tenants, respecting the Value of the Damages to be paid to him or them, the same shall be determined by a Jury of the County of Cambridge, in the same Manner as is prescribed in and by the said former Act for the determining the Value of the Lands and Grounds to be taken in and added to the said Roads, or to be used for the Purpose of widening or altering the said Roads.

The 2 Gates belonging to the Commoners of *Stretham* to be kept open.

And be it further enacted, That the Two Gates belonging to the Commons and Inhabitants of Stretham, One of them in the said Lane called Short Lane, and the other within the Town of Stretham, shall be always set and kept open in the Day-time; and if any Inhabitant of Stretham shall purposely shut the same, or cause or procure the same to be shut, every such Inhabitant so offending, being thereof convicted before One or more Justice or Justices of the Peace for the Isle of Ely, upon the Oath of the Turnpike Surveyor or Surveyors, or of One or more credible Witness or Witnesses, or by his, her, or their own Confession, shall, for every such Offence, forfeit and pay to the Treasurer, or other Person appointed by any Five or more of the said Trustees to receive the same, the Sum of Twenty Shilling, to be applied in repairing the said Roads; the said Forfeitures, in case of Non-payment, to be recovered, raised, and levied, in like Manner as any other Penalties and Forfeitures are directed to be recovered, raised, and levied, by the said former or this present Act.

No Monies to be expended in Repair of the Road from *Lamb Corner* in *Ely* to *Littleport*, &c. until the whole Extent of the other Roads shall be amended.

Provided always, That no Monies shall be expended in the Repair of the Road from the Lamb Corner in Ely to Littleport, and thence through Littleport Plains to the Bank of the Hundred Feet River, until the whole Extent of the several other Roads in the said former and this present Act comprized shall have been amended and repaired (such Monies only excepted as may be given or advanced for that special Purpose) and that the Tolls which shall be received or taken at any of the Gates erected or to be erected on the said other Roads shall not at any Time, without the Consent of the Person or Persons intitled to Two Third Parts at least of the Monies borrowed upon the Credit of the same, be applied to or expended in the making or repairing of any Part of the said Road from the Lamb Corner, in Ely, to the

Bank

Bank of the Hundred Feet River, or to or in securing or paying of any Sum or Sums to be borrowed for the Purpose of making the said last-mentioned Road; nor shall the Tolls to be taken or received at any Gate or Gates, which shall be erected on any Part of the said last mentioned Road, be in that Case applicable to the Repair of the said other Roads, or to the securing or repaying any Monies borrowed or to be borrowed upon the Credit of the other Tolls; but the Two several Tolls, unless such Consent shall be given as aforesaid, shall be considered as Two distinct Funds and Securities, subject only in common to the paying and discharging all the Expences and Costs of procuring and passing of this present Act, and all Interest which may become due for any Monies which shall be advanced on account thereof.

And, in order to prevent any Disputes which may hereafter arise, touching the Proportion which ought to be paid out of the Tolls to be collected on the Road leading from the Lamb Corner, in Ely, to the Bank of the Hundred Feet River, and out of the Tolls to be collected on the other Roads directed to be repaired by the said former Act and this Act, towards defraying the Expences of obtaining and passing this Act; be it further enacted,

Expences of the Act, how to be apportioned.

That out of the Tolls which shall be collected at any Gate or Gates to be erected on any Part of the said Road leading from the Lamb Corner, in Ely, to the Bank of the Hundred Feet River, One Third Part of the said Expences shall be paid, and the other Two Third Parts thereof shall be paid by the said Trustees, or any Five or more of them, or their Treasurer for the time being, out of the Tolls collected or to be collected at any of the Gates or Turnpikes erected or to be erected on the said Roads, but until the Repair of that Part of the Road which leads from the Lamb Corner, in Ely, to the Bank of the Hundred Feet River, shall be commenced, and Tolls in consequence thereof collected; the Whole of the said Expences shall be charged to the Account of the Tolls collected and to be collected upon the other Parts of the said Road.

Trustees to satisfy the Owners of the Tract of Ground in *Stretham Field*.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to satisfy and pay to the Owners or Occupiers of the Tract of Ground in Stretham Field, at present laid out and used as a Road, and which has laid fallow in Consequence thereof, and will continue so to do until the Two new Branches shall be laid out and made passable,

ble, such reasonable Satisfaction for the Damages they have already and may hereafter thereby sustain, as to the said Trustees, or any Five or more of them, shall seem fit and reasonable; and as well the said Road so before laid out (as to so much thereof as is by this Act directed to be turned or altered) as also the Road over Stretham Common heretofore used, shall, as soon as the said Two new Branches are laid out and made conveniently passable, be from that Time discontinued, and shall no longer be reputed to be a publick Highway.

When Toll to be taken between *Lamb Corner* and the *Hundred Feet River*.

Provided always, and be it further enacted, That no Tolls shall be received or taken at any Gate or Gates to be erected by virtue of this Act upon any Part of the Road lying between the Lamb Corner in Ely, and the Bank of the Hundred Feet River, until the Repair of the said Road, or of some Part thereof, shall be actually commenced.

No Person to pay Toll more than Once in a Day,

Provided also, and be it further enacted, That no Person having paid the Toll hereby granted for the passing of any Horse, Cattle, or Carriage, through One Gate or Turnpike erected between the Town of Cambridge and Stretham Ferry, shall be subject or liable the same Day to the Payment of Toll for the same Horse, Cattle, or Carriage, at any other Gate or Turnpike erected between the said Places; nor shall any Person having paid the Toll hereby granted for the passing of any Horse, Cattle, or Carriage, through Two Gates or Turnpikes erected at or between Stretham Ferry, and the Lamb Corner in Ely, be subject or liable the same Day to the Payment of Toll for the same Horse, Cattle, or Carriage, at any other Gate or Turnpike erected between the said Places; nor shall any Person, having paid the Toll hereby granted for the passing of any Horse, Cattle, or Carriage, through One Gate or Turnpike erected between the Lamb Corner in Ely and Soham, be subject or liable the same Day to the Payment of Toll for the same Horse, Cattle, or Carriage, at any other Gate or Turnpike erected between the said Places; nor shall any Person, having paid the Toll hereby granted for the passing of any Horse, Cattle, or Carriage, through One Gate or Turnpike erected between the Lamb Corner in Ely, and Gibbet Hill in the Parish of Sutton, be subject or liable the same Day to the Payment of Toll for the same Horse, Cattle, or Carriage, at any other Gate erected between the said Places; nor shall any Person, having paid the Toll hereby granted for the passing of any Horse, Cattle, or Carriage, through Two

nor at more than One Gate between *Ely* and *Soham*,

nor between *Ely* and *Gibbet Hill*:

Nor at more than Two between *Ely* and the *Hundred Feet River*.

Gates or Turnpikes erected between the Lamb Corner in Ely, and the Bank of the Hundred Feet River, be subject or liable the same Day to the Payment of Toll for the same Horse, Cattle, or Carriage, at any other Gate or Turnpike erected between the said Places.

Toll to be paid Once a Day only at the same Gate:

And be it further enacted, That if any Person shall have paid the Toll by this Act granted for the passing of any Horse, Cattle, or Carriage, through any Gate or Turnpike erected by virtue of this Act, the same Person, upon producing a Note or Ticket denoting such Payment, shall be permitted to pass through the same Gate or Turnpike with the same Horse, Beast, or Carriage, Toll-free, at any Time or Times during the same Day, to be computed from Twelve of the Clock in One Night, to Twelve of the Clock in the next Night; which said Note or Ticket the Collector of the Tolls is hereby required to give gratis upon the Payment of such Toll, except at any Gate or Turnpike to be erected at or near Stretham Ferry, where Tolls shall be taken for the passing of Horses, Cattle, Carriages, and Persons, for every Time they shall pass through the same; and also at any Gate or Turnpike to be erected between Stuntney, and a Place called Stone Bridge in Ely, at which Tolls shall be taken for every Waggon, Wain, Cart, and Carriage, laden with Estover Hay, Corn in the Straw, or Turves, Sedge, Reed, or any Product of the Fens, or Dung, or Compost, or Clay, or Earth, of any Kind, for every Time they shall pass through the same.

Exception.

Liberty given to remove Two Side Gates particularized by the former Act.

And whereas by a Clause in the said former Act contained, the Trustees, or any Five or more of them, are impowered to erect or cause to be erected a Gate, Rails, and Fences, and to keep the same in Repair, on the Side of the Road at the West End of the Lane or Drove, passing from Braham Brook towards Cawale Fen, and the like at the West End of a certain Lane near Ely, between the Lands or Grounds of Ely Rectory North, and of Barton Farm South, and to set a Lock or Locks upon the same without building or providing any Toll-house thereat; they the said Trustees finding for each of the Farmers, who by the Situation of their Home-steads have frequent Occasions for passing through the said Lanes, One Key gratis.

And whereas a Penalty not exceeding Forty Shillings was by the said former Act intended to be imposed upon any such Farmer, his or her Servant or Servants, who should willingly leave any such Gate or Gates open or unlocked, or should permit any Person or Persons not

not intitled to such free Passage as aforesaid, to pass through any such Gate or Gates with any Horse, Cattle, or Carriage, to evade the Payment of the Tolls, but by Mistake the Words each Commoner so offending, are used instead of the Words, each Farmer so offending; be it therefore enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may at their Discretion remove such Gates, Rails, and Fences, and place the same or other the like Fences in any such Part or Parts within or contiguous to either of the said Lanes, as they shall see convenient, providing One Key gratis for each Farmer, who by the Situation of his or her Home-stall shall have frequent Occasion to pass through either of the said Lanes, agreeable to the Intention of the said former Act; and that every such Farmer, or his or her Servant or Servants, offending in Manner aforesaid by wilfully leaving any such Gate or Gates open or unlocked, or permitting any Person or Persons not intitled to such free Passage as aforesaid, to pass through such Gate or Gates, or Fences, with any Horse or Horses, or any Sort of Cattle or Carriages, to evade the Payment of the Tolls, shall forfeit, for every such Offence, any Sum not exceeding Forty Shillings, as the said Trustees, or any Five or more of them, shall order and appoint, to be recovered in such Manner as the like Penalties and Forfeitures are by the said former Act directed to be recovered; saving and reserving to Thomas Page, or his Assigns, Liberty of carting Brick and Tile Toll-free through any Gate within the Lane above-mentioned, lying between the Lands of Ely Rectory North, and Barton Farm South, for the Space of Seven Years.

Penalty on Persons leaving open the Gates, &c.

And be it further enacted, That the said Trustees, or any Five or more of them, shall and may cause to be erected temporary Gates, Bars, or Chains, on or across any Part of the said Highways or Roads, for the Purpose of chequing the Keepers of the other Gates, or to prevent the evading the Payment of the said Tolls; as also to erect or cause to be erected any Gates, Bars, or Chains, on the Side of the said Highways or Roads, and cross any Way or Lane leading out of the same, and at any such Gates, Bars, or Chains, (without building or providing any Toll-houses thereat) to appoint a Collector or Collectors to receive and take such Tolls, as are by this Act imposed and appointed to be taken at the principal Turnpikes erected or to be erected on such Parts of the said Highways or Roads, with which any of such Temporary or Side Gates, Bars, or Chains,

Trustees may erect temporary Side Gates.

Chains, respectively communicate, so as the same do not extend to a double Charge, in case of passing through any other of the Turnpikes erected or to be erected by virtue of the said former or this present Act.

Proviso. Provided always, That nothing in this Act contained shall extend to impower the said Trustees to erect any Side Gate at or in a certain Lane called Downham Lane, leading from Downham to Ely aforesaid, joining the Road leading from Ely to the Hundred Feet River, at a Place called Purver's Pond.

Parishioners of *Downham* not subject to the Payment of Toll for their Stock going to Pasture. And whereas a Bridle Road and Drift Way for Stock, leading from Downham to Littleport aforesaid, along the Side of Grunty Fen Drain, crossing the said new intended Road, at a certain Place called Knowl Bridge, has long been used by the Parishioners of Downham aforesaid; be it further enacted by the Authority aforesaid, That no Toll by virtue of this Act shall at any Time be demanded of the Parishioners of Downham aforesaid, for any Stock going to or from Pasture, or for any Horse used for the Purposes of Husbandry, or in haling of Boats, within the said Parish of Littleport, at any Side Gate to be erected by virtue of this Act, at or near the said Place called Knowl Bridge.

Persons aggrieved may appeal to the Quarter Sessions. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may (except where any Matter to be done by this Act is herein directed to be final) appeal to the Justices of the Peace at any General Quarter Session of the Peace to be held for the County or Liberty wherein the Cause of Complaint shall arise, within Four Months after the Cause of such Complaint shall have arisen, such Appellant first giving, or causing to be given, Eight Days Notice at the least, in Writing, of his or her Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Three Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Liberty, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of the said Quarter Session; and the said Justices, at the said Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine such Appeal in a summary Way; and, if they see Cause, may, by Order of such Session, mitigate at their Discretion all or any of the said Penalties, Fines, or Forfeitures,

Notice of Appeal to be given.

feitures, or vacate and set aside any Conviction or Convictions (but not for want of Form only) and set the Party at Liberty, or otherwise may ratify and confirm the same, and award such Costs as they shall think proper; and the Determination of such Quarter Session shall be binding and conclusive to all Intents and Purposes, and shall not be liable to be removed by Certiorari, or other Process whatsoever.

No Order made by Five Trustees to be repealed, unless by an equal Number.

And be it further enacted, That no Order made by any Five or more of the said Trustees, in, for, or concerning the executing any of the Trusts, Powers, and Authorities of the said former or of this present Act, shall be revoked, repealed, or set aside by any subsequent Order of the Trustees, unless an equal Number at least of the Trustees shall be then present and consenting thereto; save only that in Cases which may require immediate Interposition, any Five or more Trustees shall have Power to suspend any Order for the Space of Three Weeks, unless another Meeting of the Trustees can be sooner conveniently had.

Charges of passing this Act to be first paid.

Provided always, and be it further enacted, That the Charges and Expences of passing this present Act shall be first paid out of the Monies arising by the said respective Tolls and Duties, or to be borrowed on the Credit thereof.

Penalty on damaging or destroying the Bridge over the *Ouze*.

And whereas the Trustees for putting the said former Act in Execution have erected a Bridge cross the River Ouze; but no Powers are provided in the said Act for punishing any Person or Persons who shall damage or destroy the same; be it therefore further enacted, That if any Person or Persons shall wilfully and maliciously burn, blow up, pull down, or otherwise destroy the said Bridge, or any Part thereof, or attempt so to do, or shall wilfully and maliciously, and without Authority from the said Trustees, or any Five or more of them, remove or take away any Works thereunto belonging, or in any wise direct or procure the same to be done, whereby the said Bridge, or the Works thereof, may be damaged or destroyed, every such Offender or Offenders, being lawfully convicted thereof, shall be adjudged guilty of Felony, and shall suffer as a Felon.

Limitation of Actions.

And be it further enacted, That if any Action or Suit shall be brought or prosecuted against any Person or Persons for any Thing done or to be done in pursuance of the said former or this present Act, every such Action or Suit shall be commenced within Six Months next after the Fact committed, and not afterwards, and shall be laid and brought in the said County of Cambridge or Isle of

Ely, and not elsewhere; and the Defendant or Defend-
General Issue. ants in such Action or Suit may plead the General Issue, and give the said former and this present 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 the said former or this present Act; and if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place; then, and in such Case or Cases, the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions; or if a Verdict shall pass against the Plaintiff or Plaintiffs; or if, upon Demurrer, Judgement shall be given against the said Plaintiff or Plaintiffs, the Defendant or Defendants shall have
Treble Costs. Treble Costs, upon Affidavit made, or the Certificate of the Judge or Judges before whom such Cause shall be tried, whereby it may appear that such Suit was prosecuted against such Defendant or Defendants for Matters contained in the said former or this present Act, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for his, her, or their Costs of Suit in any other Cases by Law.

Publick Act. And be it further enacted, That this Act shall be deemed, adjudged, 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.

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FINIS.