Anno quinto

Georgii III. Regis.

An Act for amending the Road from *Chatteris Ferry*, through *Chatteris* and *Marſh*, to *Wisbech Saint Peters*; and from thence to *Tid Gote* in the *Iſle of Ely*; and from *Wiſbech* aforeſaid, through *Outwell*, to *Downham Bridge* in the County of *Norfolk*; and for repealing the ſeveral Acts for repairing the ſaid Road between *Wisbech* and *March*.

WHEREAS the Roads leading from Chatteris Ferry, through the upper Part of Chatteris Field and Chatteris Town, in the Iſle of Ely, in the County of Cambridge, to Carters Bridge; and over the ſaid Bridge, through the ſeveral Towns, Pariſhes, and Hamlets of Doddington, Wimblington, and March, in the ſaid Iſle, to a Bridge over the River Nene, in March aforeſaid; and over the ſaid Bridge, to a Place called Guyhirn Corner; and from thence, on the South Side of the River Bank, to the Houſe now or late of Preamble.

William Higgins; and from the said House upon the said Bank, to the Bridge over the said River, in Wisbech Saint Peters, in the said Isle of Ely; and over the said Bridge, to a Bridge called Dowgate Bridge; and from thence, through the Gap in the Sea Bank, and Part of the Parishes of Leverington and Newton, to Tid-Gote, in the said Isle of Ely; and from Wisbech Bridge aforesaid, through the Town of Wisbech Saint Peters, to Emneth, in the County of Norfolk; and from thence, to a Place called Milldam; and over the said Dam, to Outwell Bridge; and from the said Bridge, on the North Bank of Well Creek, to the West End of the New Powdike; and from thence, upon the North Side of the New Powdike, to the West End of a Place called North Delph Corner; and from thence, upon the Bank, to the Bridge over the said Creek at North Delph Corner; and from the said Bridge, at the Bottom of the Bank, to a Place called Salters ~~Load~~; and from thence, on the North Side of the River Ouze, to Downham Bridge, in the County of Norfolk; are, from the Nature of the Soil, and the heavy Carriages and Droves of Cattle passing and repassing upon the same, and from the Narrowness thereof in many Places, become very deep, and in a bad Condition, and cannot be effectually widened and repaired by the ordinary Course appointed by the Laws now in being: May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable John Manners, commonly called Marquis of Granby; the Right Honourable Francis Russell, commonly called Marquis of Tavistock; the Right Honourable Brownlow Bertie, commonly called Lord Brownlow Bertie; the Honourable Robert Boyle Walsingham Esquire, Sir John Cust, Sir John Hynde Cotton, Sir Thomas Peyton, Sir Armine Wodehouse, Baronets; Sir Philip Vivazor Knight, Sir Clement Trafford Knight, Doctor John Fountayne, Dean of York; Doctor Hugh Thomas, Dean of Ely; William Addey, William Adkins, Christopher Adamson, Thomas Audley the younger, Edward Adams, Thomas Arks, Ralph Archbould, Lawrence Banyer, Henry Burrough Clerk, Henry Burrough the younger, Thomas Burrough, Joseph Barwick, George Burges, John Bellamy, Henry Bell, John Bates, John Bateman, Joseph Brown, John Blench, Peregrine Bertie, Brownlow Cust, Charles Nalson Cole, James Collier, Robert Colvile, Richard Colvile, Robert Colvile

Trustees Names.

Colvile **the younger**, John Creed, Richard Cumberland, Charles Clarke **Clerk**, John Clarkſon **Clerk**, Edward Croſs, Robert Clarke, Thomas Chapman, Iſaac Coe, William Creaſey, Richard Carter, John Corthorn, William Corthorn, David Cowherd, Freeman Cawthorn, John Clipſon, William Coles, William Coe, Thomas Coles, Richard Camps, Joſeph Cole, Thomas De Grey **the younger**, Henry Daſhwood, Francis Dixon, Johnſon Dixon, Jacob Dixon, John Dering **Clerk**, John Dickinſon **Clerk**, Joſeph Dixon, Joſeph Dixon **Son of** Jacob Dixon, Richard Eaton **Clerk**, Henry Edgar, William Elwes, James Forſter, Robert Foſter, James Flanner, William Ezekiel Flanner, James Fiſher, Joſeph Forby, Daniel Fryer, George Fiſher, John Forſter **Clerk**, Robert Fayle, William Greaves **B. B.** William Greaves **Clerk**, John Garland, John Goddard, Thomas Goddard, Simon Goodman, Nevil Goodman, John Gardner, John Gardner **the younger**, Robert Grimditch, Robert Good, John Glenton, John Grimwood, James Harkneſs, William Harkneſs, Simon Hardy, Simon Hardy **the younger**, Jeremiah Hancock, Joſeph Hancock, Thomas Hardley, Richard Heaton, Thomas Harris, Thomas Hanſon, John Hanſon, Richard Hemus, Bartholomew Herber, Joſeph Howell, Maſon Hardy, Thomas Hardy, John Hancock, Soame Jenyns, John Johnſon, Robert Johnſon, Joſeph James, Jacob Jarman, Hardy Johnſon, Thomas Johnſon, Beeſton Long, Nicholas Lumpkin, Thomas Life, Thomas Life **Mercer**, William Lewin, William Langman, Robert Hutchinſon Lewin, Robert Lenton, Thomas Moore **Clerk**, Samuel Maſſey **M. D.** William Maſon, Matthew Pepper Manby, William Mowle, Hugh Mapleſden, John Mann, John Matthews, John Morris, Thomas Moſs, Thomas Morgan, Thomas Morgan **the younger**, William Moore, John Northon, Edward Norton, Richard Oram **Clerk**, Hewar Oxburgh, Thomas Orion, John Orton, Jeremiah Odey, Armſtead Parker, Edward Pratt, Rogers Parker, Henry Partridge, Henry Partridge **the younger**, Baptiſt Proby **Clerk**, Henry Pole, Jermyn Pratt **Clerk**, Roger Pratt, Edward Pemberton, William Purrant, William Pierſon, John Ratcliff, Thomas Ranſom, William Robinſon, George Read, Hardy Robinſon, Samuel Rhodes, Samuel Stedman **D. D.** Henry Southwell, Robert Saliſbury, Edward Southwell, John Southwell, John Sumpter, Daniel Swaine, John Swaine, Thomas Tayler Swaine, William Say, Richard Saffery, Thomas Shepheard, Thomas Smith, William Strong, Spelman Swaine, George Swaine, Edward Smith, Edward Smith **the younger**, John Skrimſhaw, John Skrimſhaw **the younger**,

Edward Steevens, John Scribo, John Smith, William Smalley, Love Shipley Clerk, Robert Sherman, John Searle Clerk, Gabriel Scott, Thomas Scott, Robert Smart, Thomas Stonea Clerk, Clement Trafford, Sigiſmund Trafford, Edward Twells, John Twells Clerk, Thomas Theodorick, William Thompſon, John Thompſon, Joel Tombleſon, David Tullidelph, Thomas Tawney, John Tombleſon, Thomas Vivian, John Viſe, Thomas Whichcot, Matthew Wyldbore, David Waite, Robert Walſham, George Waddington, Thomas Waddington, John Waddington, John Warren Clerk, Robert Wenſley, John Wrangle, Benjamin Woodward, Edward Warmoll, George Warth, Richard Walſham, Robert Wyldbore, William Wardell, Thomas Warth, John Warth, Thomas Warth the younger, William Wells, Joſeph Wilkinſon, George Haſlewood Worrall, Richard Weſt, Iſaac Wildbore, Henry Whiteman, William Walcot M. D. William Wardle, Thomas Patrick Young Clerk, William Young Clerk, and John Yorke, ſhall be, and they and their Succeſſors, to be elected in Manner herein after-mentioned, are hereby appointed Truſtees, for amending, widening, and keeping in Repair, the ſaid Roads; and alſo for putting in Execution all other the Powers hereby given: And that they the ſaid Truſtees, or any Nine or more of them, ſhall and may cauſe to be erected all ſuch Gates, Turnpikes, and Fences, in, upon, or acroſs, the ſaid Roads, or any of them, or acroſs any Lane or Drove leading into the ſame, or any of them, and all ſuch Fences on the Sides thereof, and all ſuch Toll-houſes thereupon, near to the ſaid Gates or Turnpikes, and, from time to time, to remove or alter the ſame, or any of them, as they the ſaid Truſtees, or any Nine or more of them, ſhall think proper: And that the Tolls following ſhall be paid at each of the ſaid Turnpikes, to ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall, in ſuch Manner as is hereafter mentioned, appoint to receive the ſame, before any Horſe, Cattle, Beaſt, or Carriage whatſoever, ſhall be permitted to paſs through the ſame; that is to ſay,

Truſtees may erect Turnpikes and Toll-houſes, &c.

and take the following Tolls thereat.

The Tolls.

For every Coach, Berlin, Landau, Chariot, Calaſh, Chaiſe, Caravan, Hearſe, or Litter, drawn by Six or more Horſes, Mares, Geldings, Mules, or other Beaſts of Draught, the Sum of Two Shillings.

For every Coach, Berlin, Landau, Chariot, Calaſh, Chaiſe, Caravan, Hearſe, or Litter, drawn by Four or Five Horſes, Mares, Geldings, Mules, or other

Beasts of Draught, the Sum of One Shilling and Six Pence.

For every Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Caravan, Hearse, or Litter, drawn by Two or Three Horses, Mares, Geldings, Mules, or other Beasts of Draught, the Sum of Nine Pence.

For every Calash, Chair, or Chaise, drawn by One Horse, Mare, Gelding, Mule, or other Beast of Draught, the Sum of Six Pence.

For every Waggon, Wain, Cart, or Carriage, drawn by Six Horses, Mares, Oxen, or other Beasts of Draught, the Sum of One Shilling and Six Pence.

For every Waggon, Wain, Cart, or Carriage, drawn by Four or Five Horses, Mares, Oxen, or other Beasts of Draught, the Sum of One Shilling.

For every Waggon, Wain, Cart, or Carriage, drawn by Three Horses, Mares, Oxen, or other Beasts of Draught, the Sum of Nine Pence.

For every Waggon, Wain, Cart, or Carriage, drawn by Two Horses, Mares, Oxen, or other Beasts of Draught, the Sum of Six Pence; and for every Waggon, Wain, Cart, or Carriage, drawn by One Horse, Mare, Ox, or other Beast of Draught, the Sum of Three Pence.

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

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

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

Which said respective Sums of Money shall be demanded and taken in the Name of and as a Toll; and all the said Tolls shall be, and are hereby vested in the said Trustees, and shall be applied in such Manner as is herein after-mentioned: And that 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, upon which such Tolls are 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,

Tolls vested in the Trustees.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

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 seizing and distraining, shall and may sell the Cattle or Goods so seized and distrained, returning the Overplus, if any there be, upon Demand, to the Owner or Owners thereof; after such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, and also of such Sale, shall be deducted.

Persons passing over Waste Grounds, &c. to avoid paying the Tolls, deemed Trespassers.

Provided always, and be it enacted by the Authority aforesaid, That no Person or Persons, passing over the Commons or Waste Grounds in the Hamlet of March aforesaid, or in any of the Hamlets, Parishes, or Places, in or through which the said Roads shall pass, other than Persons having a Right of Common in the said Waste Grounds or Commons, or Persons passing or repassing to and from their respective Lands, or to and from any of the neighbouring Villages and Places upon the old accustomed Roads or Paths, leading to such Lands, Villages, or Places, shall, from and after the repairing, amending, and laying out of, the said Roads, by this Act intended to be amended, travel upon any other Road or Path, or make use of, for a Road, with any Horse, Cattle, or Carriage, any other Part of the said Commons or Waste Grounds, than such as shall be repaired, amended, and laid out, by virtue of this Act; and that all Roads and Paths, upon or over the said Commons or Waste Grounds, or any of them, other than such as shall be so repaired, amended, or laid out, or such old accustomed Roads or Paths, shall, from thenceforth, be deemed and are hereby declared to be Parts and Parcels of the said Commons or Waste Grounds, and all Persons travelling upon the same with Horses, Beasts, Cattle, and Carriages, or any of them, shall be deemed Trespassers.

No Person to pay Toll more than Once in a Day at any of the Turnpikes herein mentioned.

Provided also, and be it enacted by the Authority aforesaid, That no Person or Persons, who shall have paid the Toll hereby granted, for the passing with any Horse, Cattle, Beast, or Carriage, between Chatteris Ferry, and Wisbech Saint Peters, at Two of the Gates or Turnpikes, set up by virtue of this Act between the said Places, shall be subject or liable to pay any further or other Toll the same Day, at any other Gate or Turnpike set up between the said Places, for passing with the same Horse, Cattle, Beast, and Carriage, but shall be permitted to pass Toll-free through such other Gate or Turnpike, Gates or Turnpikes, upon producing a Note

or

or Ticket of his, her, or their having paid the Toll at Two of the said Gates or Turnpikes; which said Note or Ticket the Collectors are hereby required to give gratis; nor shall any Person or Persons, who shall have paid the Toll hereby granted for the passing with any Horse, Cattle, Beast, or Carriage, between the Town of Wisbech Saint Peters and Downham Bridge, at Two of the Gates or Turnpikes set up by virtue of this Act, between the said Places, be subject or liable to pay any further or other Toll the same Day, at any other Gate or Turnpike set up between the said Places, for passing with the same Horse, Cattle, Beast, and Carriage, but shall be permitted to pass Toll-free, through such other Gate or Turnpike, Gates or Turnpikes, upon producing a like Note or Ticket, to be in like Manner given for that Purpose; nor shall any Person or Persons, who shall have paid the Toll hereby granted for the passing with any Horse, Cattle, Beast, or Carriage, between the Town of Wisbech Saint Peters and Tid Gote, at any One of the Gates set up by virtue of this Act, between the said Places, be subject or liable to pay any further or other Toll the same Day, at any other Gate or Turnpike set up between the said Places, for passing with the same Horse, Cattle, Beast, and Carriage, but shall be permitted to pass Toll-free through such other Gate or Turnpike, upon producing a like Note or Ticket, to be in like Manner given for that Purpose; nor shall any Person or Persons, who shall have paid the Toll hereby granted for the passing with any Horse, Cattle, Beast, or Carriage, between the Town of Wisbech Saint Peters and March, at any One of the Gates set up by virtue of this Act, between the said Places, be subject or liable to pay any further or other Toll the same Day, at any other Gate or Turnpike set up between the said Places, for passing with the same Horse, Cattle, Beast, and Carriage, but shall be permitted to pass Toll-free through such other Gate or Turnpike, Gates or Turnpikes, upon producing a like Note or Ticket; nor shall any Person or Persons, who shall have paid the Toll hereby granted for the passing with any Horse, Cattle, Beast, or Carriage, between the Town of Wisbech Saint Peters and Outwell Bridge, at any One of the Gates set up by virtue of this Act, between the said Places, be subject or liable to pay any further or other Toll the same Day, at any other Gate or Turnpike set up between the said Places, for passing with the same Horse, Cattle, Beast, and Carriage, but shall be permitted to pass Toll-free, through such other Gate or Turnpike, Gates or Turn-

pikes, upon producing a like Note or Ticket; nor shall any Person or Persons, who shall have paid the Toll hereby granted for the passing with any Horse, Cattle, Beast, or Carriage, between March and Chatteris, at any One of the Gates set up by virtue of this Act between the said Places, be subject or liable to pay any further or other Toll the same Day, at any other Gate or Turnpike set up between the said Places, for passing with the same Horse, Cattle, Beast, and Carriage, but shall be permitted to pass Toll-free, through such other Gate or Turnpike, Gates or Turnpikes, upon producing a like Note or Ticket; nor shall any Person or Persons, who shall have paid the Toll hereby granted for the passing with any Horse, Cattle, Beast, or Carriage, through any Gate or Turnpike set up by virtue of this Act, be subject or liable to pay the same Day, at the same Gate or Turnpike, for the passing with the same Horse, Cattle, Beast, and Carriage, but shall be permitted to pass Toll-free through such Gate or Turnpike, at which he, she, or they shall have so paid, upon producing a like Note or Ticket, to be in like Manner given for that Purpose, of his, her, or their having paid on that Day, at such Gate or Turnpike (every such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) nor shall any Toll be taken for only crossing the said Roads.

Times and Places of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall meet together at the House of James Ellerker, known by the Sign of the Rose and Crown in Wisbech Saint Peters aforesaid, on the Tuesday Three Weeks next after the Day of the passing of this Act, and then and there proceed to the Execution thereof: Provided that there be One General Meeting of the said Trustees, held annually at the Town of Wisbech Saint Peters aforesaid, on the Tuesday next preceding the Twenty fourth Day of June in every Year, for the passing and settling of the Accounts of the Treasurers, Collectors, Clerks, and the other Officers of the said Trustees; and for the Choice of Trustees in the Room of such as shall be dead, or refuse to act; and that there shall be also Three other Meetings of the said Trustees in every Year; the One to be held at Wisbech Saint Peters aforesaid, the Second at the Town of March aforesaid, and the Third at the Town of Downham in the County of Norfolk: And provided that all other Meetings to be held for the Purposes of this Act, shall be held alternately at Wisbech,

March, and Downham, and the said Trustees have hereby Power to adjourn themselves accordingly: And that Notice in Writing, of every Meeting of the said Trustees, except of the Annual Meeting, shall be given under the Hand of the Clerk to the said Trustees, and affixed upon every of the Gates or Turnpikes erected by virtue of this Act, at least Ten Days before such Meeting; and if it shall happen, that at any of the said Meetings, there shall not be a sufficient Number of Trustees to act at the said Meeting, or in case the Trustees so assembled shall omit or neglect to adjourn themselves, then the Clerk to the said Trustees shall adjourn the said Meeting to, and appoint the said Trustees to meet at the Place where the last Meeting was appointed to be held, on that Day Fortnight next after the Day on which such last Meeting was to have been held, and shall cause Notice thereof to be affixed on every of the said Gates or Turnpikes, at least Ten Days before such Meeting; and that the said Trustees, at all their said Meetings, shall defray their own Charges and Expences; and that all Orders and Determinations of the said Trustees, in the Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order or Determination; nor shall any Order or Determination touching the erecting or setting up any of the Gates or Turnpikes, or Fences, to be erected or set up by virtue of this Act, or touching the removing or altering any of the said Gates, Turnpikes, or Fences, be revoked or altered, unless Eleven or more of the said Trustees shall concur therein; nor shall any other Order or Determination of the said Trustees, be revoked or altered at any subsequent Meeting, unless Seven or more of the said Trustees shall also concur therein; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act; but that all such Trustees as are Justices of the Peace, may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

Trustees to defray their own Expences.

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

No Trustee to accept of a Place of Profit.

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

Provided always, and be it further enacted by the Authority aforesaid, That Two Trustees shall be sufficient for the Purpose of Adjournment; and if it shall at any Time

In case the Clerk shall omit to give Notice, Trustees may do it.

Time happen, that Two Trustees shall not appear at the Time and Place appointed for any of the Meetings of Trustees to be held under this Act, then, in case the Clerk to the said Trustees shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall and may be lawful for any Two or more of the Trustees appointed to put this Act in Execution, at any Time or Times (the Space of Ten Days after such Refusal, Neglect, or Prevention of the Clerk or Clerks having first intervened) to give Notice and to appoint such Trustees to meet at some House in or near the said Roads, on that Day Fortnight after the Date of such Notice; which said Notice shall be in Writing, and shall be affixed on all the Turnpikes continued or erected by virtue of this Act; and the same shall be deemed and taken to be sufficient Notice for any such Meeting.

No Gates to be set up in certain Places.

Provided also, and be it further enacted by the Authority aforesaid, That nothing herein contained shall authorize the said Trustees, or any of them, to erect, place, or have any Gate, Turnpike or Bar, cross or on the Sides of the Road between Chatteris Ferry and the End of Chatteris Town next the Common, or nearer to the Hamlet of March than Millhill Gate, entering upon the Common next Studbridge Lane at the One End, and the Gate entering upon the Common near Grandford Farm at the other End; or nearer to the Town of Wisbech, on the Road to Leverington, than Pickars Lane End; or nearer to Wisbech, in the Road to Outwell, than the House in the Occupation of Mrs. Sarah Wensley.

Proviso.

Provided also, That if any Gate or Gates, Bar or Bars, shall be set up between Carter's Bridge and Doddington aforesaid, by virtue of this Act, then the Inhabitants of the Town of Doddington shall have the Liberty of passing and repassing Toll-free through such Gate or Gates, Bar or Bars, to the Forty Foot, or Vermuyden's Drain, with their Horses, Cattle, Carts, and Carriages.

Trustees may set Fences upon the River Bank between *Wisbech* and *Walton Dam.*

And be it enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may set up and erect, or cause to be set up and erected, all such Fences upon, cross, or on the Sides of the River Bank, between Wisbech Town and Walton Dam, for the preventing any Passage upon the said Bank, or on the Sides thereof, for Horses, Cattle, Beasts, or Carriages, as they shall think proper; provided that the Commissioners of Sewers for the Hundred of Wisbech, and Parts adjacent, shall and may have, from time to time,

time, a free Paſſage upon or on the Sides of the ſaid Bank, for themſelves, their Agents, Officers, Servants and Workmen, Horſes, Carts and Carriages, for the viewing, bearing, harrowing and cleaning of the ſaid River, and for the ſurveying and repairing of the ſaid Bank, and for the doing every other Work neceſſary to be done in and about the ſaid River and Bank.

Keys to be provided for Occupiers of Land.

Provided alſo, and be it enacted, That if the ſaid Truſtees ſhall, at any Time or Times, ſet up or place any Rails or Fences croſs any Lanes or Droves leading into the ſaid Roads, or any of them, where no Toll-houſe ſhall be erected, then they the ſaid Truſtees ſhall fix a Gate in ſuch Fences, and find and provide gratis for every Occupier of Land, who, from the Situation of his or her Land, ſhall have Occaſion to paſs through the ſaid Fences, One or more Key or Keys to open the Lock or Locks on ſuch Gate or Gates; ſo that ſuch Occupier ſhall and may have a Paſſage for himſelf or herſelf, his or her Servants, Cattle and Carriages to and from his or her Land; and that if ſuch Occupier ſhall loſe ſuch Key, then he or ſhe ſo loſing the ſame, ſhall provide another at his or her own Expence: Provided, That if any ſuch Occupier of Land, his or her Servant or Servants, ſhall wilfully leave any ſuch Gate or Gates open, or permit any Perſon or Perſons, not intitled to ſuch Paſſage, to paſs through ſuch Gate or Gates, with any Horſe, Cattle, Beaſt or Carriage, to evade the Payment of the Tolls to be collected by virtue of this Act, then every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Forty Shillings, to be recovered and applied as the other Penalties and Forfeitures are herein after directed to be recovered and applied.

Truſtees may compound for Tolls.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall, and they are hereby required, from time to time, whenever applied to for that Purpoſe, to compound and agree for any Term not exceeding One Year, with any Perſon or Perſons, Inhabitants of Wiſbech Saint Peters aforeſaid, keeping any Carriage or Carriages, and travelling upon the ſaid Roads, or any Part thereof, for the Sum of Ten Shillings, for the Toll or Tolls to be taken for or in reſpect of ſuch Carriage or Carriages of ſuch Perſon or Perſons; and alſo for or in reſpect of the Horſes, Beaſts, or Cattle, of ſuch Perſon or Perſons travelling upon the ſaid Roads, or any Part thereof, at all or any of the Gates or Bars which ſhall be ſet up by

virtue of this Act, and shall be standing next to the Town of Wisbech Saint Peters aforesaid; and also with any such Person or Persons not keeping a Carriage, for any Horses, Cattle, or Beasts travelling upon the said Roads, or any Part thereof, for the Sum of Five Shillings, for the Toll or Tolls to be taken for or in respect of any such Horses, Cattle, or Beasts, at such Gates or Bars; and with any Person or Persons, Inhabitants of Leverington, Newton, and Tid Saint Giles, or any of them, keeping any Carriage or Carriages, and travelling upon the said Roads in their Way to and from Wisbech Saint Peters, for the Sum of Ten Shillings, for the Toll or Tolls to be taken for or in respect of such Carriage or Carriages of such Person or Persons, and also for or in respect of the Horses, Beasts, or Cattle of such Person or Persons travelling upon the said Roads, or any Part thereof, at any Gate or Bar which shall be set up by virtue of this Act, between Tid Gote and Pickars Lane; and also with any such Person or Persons, Inhabitants of Leverington, Newton, and Tid Saint Giles, or any of them, not keeping a Carriage for any Horses, Cattle, or Beasts, travelling upon the said Roads, in their Way to and from Wisbech Saint Peters aforesaid, for the Sum of Five Shillings, for the Toll or Tolls to be taken for or in respect of such Horses, Cattle, or Beasts, at such Gate or Bar; and also with any Person or Persons, Inhabitants of Elm and Emneth, or either of them, keeping any Carriage or Carriages, and travelling upon the said Roads, in the Way to and from Wisbech Saint Peters aforesaid, for the Sum of Ten Shillings, for the Toll or Tolls to be taken for or in respect of such Carriage or Carriages of such Person or Persons; and also for or in respect of the Horses, Beasts, or Cattle, of such Person or Persons travelling upon the said Roads, or any Part thereof, at any Gate or Bar to be set up by virtue of this Act upon the said Road, between any Part of Elm or Emneth aforesaid, and the said House in the Occupation of Sarah Wensley; and also with any such Person or Persons, Inhabitants of Elm and Emneth, or either of them, not keeping a Carriage for any Horses, Cattle, or Beasts, travelling upon the said Road, in their Way to and from Wisbech Saint Peters aforesaid, for the Sum of Five Shillings, for the Toll or Tolls to be taken for or in respect of such Horses, Cattle, or Beasts, at such Gate or Bar; provided that such Composition shall not exempt the said Inhabitants of Wisbech Saint Peters, Elm, and Emneth, or any of them,

from the Payment of Toll at any other Gate or Bar to be set up by virtue of this Act; but that the said Inhabitants of Wisbech Saint Peters shall, notwithstanding such Composition, pay at One other Gate or Bar between Wisbech Saint Peters and March, Wisbech Saint Peters and Outwell Bridge, and Wisbech Saint Peters and Tid Gote; and at Two other Gates or Bars between Wisbech Saint Peters and Chatteris Ferry, and Wisbech Saint Peters and Downham Bridge; and that the Inhabitants of Elm and Emneth shall, notwithstanding the said Composition, pay at One other Gate or Bar between the said Parishes of Elm and Emneth, and Outwell Bridge, and at Two other Gates or Bars between the said Parishes of Elm and Emneth, and Downham Bridge, if any such Gates or Bars shall be set up by virtue of this Act.

Trustees may compound with Travellers.

And be it also enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may and are hereby impowered, from time to time, as they shall see Occasion, to compound and agree for any Term not exceeding One Year at any One Time, with any Person or Persons, for any Carriages, Horses, Cattle, or Beasts, travelling upon the said Roads, or any Part thereof, for any Sum not less than Twenty Shillings, for all or any of the Tolls to be paid for or in respect of such Carriages, Horses, Cattle, or Beasts; provided always, that no Composition shall be allowed by virtue of this Act, with any Person or Persons travelling for Hire; provided also, that the said Composition-money, and also the Composition-money to be agreed for and taken of the Inhabitants of Wisbech Saint Peters, Leverington, Newton, Tid Saint Giles, Elm and Emneth aforesaid, by virtue of this Act, shall be paid quarterly and in Advance; and in Default thereof, the Composition or Agreement with the Person or Persons omitting to pay the same in Advance as aforesaid, shall from thenceforth be void; and that all such Composition-money shall be applied in such Manner as the Tolls hereby directed to be paid are to be applied.

Property of Turnpikes and Toll-houses vested in Trustees.

And be it further enacted by the Authority aforesaid, That the Property of all the Turnpikes, Fences, and Toll-houses, to be erected by virtue of this Act, and of the Materials for rebuilding the same, and all Materials actually got for repairing the said Roads, shall be, and are hereby vested in the said Trustees, and that they, or any Five or more of them, are hereby empowered to commence and prosecute any Action or Actions in the Name or Names of any One or more of them, or of their Treasurer

ſurer or Clerk, or to prefer an Indictment or Indictments againſt any Perſon or Perſons who ſhall diſturb them in the Poſſeſſion thereof.

Truſtees may leaſe, &c. the Tolls.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Eleven or more of them, at the General Annual Meeting, to be held on the Tueſday next preceeding the Twenty fourth of June in every Year, upon Twenty eight Days Notice in Writing being affixed on the ſeveral Turnpikes upon the ſaid Roads, to demiſe and leaſe the Tolls ariſing by virtue of this Act, or any of them, unto any Perſon or Perſons, from Year to Year, or for any Term of Years not exceeding Three Years, for the beſt Rent that can be got for the ſame, payable at ſuch Times, and under ſuch Covenants, and to ſuch Perſon or Perſons as they the ſaid Truſtees, or any Eleven or more of them, ſhall direct or appoint.

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 have, or be ſeiſed of, in his own Right, or in the Right of his Wife, and be in the actual Poſſeſſion, Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments, of the clear yearly Value of Forty Pounds, above Reprizes; or poſſeſſed of a Perſonal Eſtate of the Amount of Eight hundred Pounds; or ſhall be Heir Apparent of a Perſon ſeiſed in his own Right, of Lands, Tenements, and Hereditaments, of the clear yearly Value of Eighty Pounds; and if any Perſon or Perſons not being ſo qualified as aforeſaid, ſhall preſume to act in the Truſt aforeſaid, contrary to the true Intent and Meaning hereof, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds, to any Perſon or Perſons who ſhall proſecute or ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or ſhall pay the ſaid Sum of Fifty Pounds, without any other Proof on the Part of the Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act.

Penalty on acting if not qualified.

Application of the Monies.

And be it further enacted by the Authority aforeſaid, That out of the firſt Monies to be raiſed by virtue of this Act, the ſaid Truſtees, or any Five or more of them, ſhall,

shall, in the First Place, pay and defray all the Charges and Expences attending the procuring and passing, or in relation to the obtaining this Act, and shall, from time to time, apply the Remainder of the Money so raised, in erecting and repairing Turnpikes and Toll-houses, and in repairing, altering, widening, and keeping in Repair, the said Roads, and of executing all the other Purposes of this Act, and to no other Use whatsoever.

Trustees may vary the Tolls

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, from time to time, at a Meeting or Meetings to be held for that Purpose, with the Consent of the Mortgagee or Mortgagees of the said Tolls, if there shall be any, to lessen or vary all or any of the Tolls by this Act granted, for such Time and Times as they the said Trustees, or any Five or more of them, shall think proper; and may afterwards, if there shall be Occasion, advance or raise the same again, so as the same do not exceed the Tolls by this Act granted; and such Tolls so lessened or altered, shall be collected, recovered, and applied, in the same Manner as the Tolls hereby granted are directed to be recovered and applied; but no Meeting shall be held for any of the Purposes aforesaid, unless Twenty eight Days previous Notice at the least be given thereof in Writing, to be affixed upon all the Gates or Turnpikes which shall be then erected by virtue of this Act.

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage whatsoever, pass through any Land, Gate, Passage, or private Way, adjoining to or lying near any Turnpike to be by virtue of this Act erected, through which such Person or Persons shall have no Right to pass; or if any Occupier or Owner of any Land, Gate, Passage, or private Way, which shall adjoin or lie near to any such Turnpike, shall knowingly or willingly permit or suffer any Person or Persons with any Horse, Cattle, Beast, or 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 or Persons shall give to, or receive from, any other Person or Persons; or shall 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 shall forcibly pass through, or over any such Turnpike or other Fences set up by virtue of this Act, with any Horse

to avoid Payment of the Tolls.

or other Beaſt, without Payment of Toll, or ſhall take, or cauſe to be taken, from off any Carriage, any Horſe or other Beaſt, with an Intent to avoid any of the ſaid Tolls, or any Part thereof; or ſhall leave upon or near to any Part of the ſaid Roads, any Horſe, Cattle, Beaſt, or Carriage, with ſuch Intent as aforeſaid; every Perſon ſo offending, ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings; One Moiety thereof to the Informer or Informers, and the other Moiety thereof to ſuch Perſon or Perſons and for ſuch Purpoſes as the other Penalties and Forfeitures are herein directed to be paid and applied; but nothing herein contained ſhall extend to lay any Forfeiture or Penalty on any Perſon or Perſons employed in the haling of Barges, or other Veſſels in Wiſbech River, between the Sea and the Town of Wiſbech, for the paſſing of any Horſe or Horſes employed in the ſaid Buſineſs, over any of the Fences ſet up by virtue of this Act on the Banks of the ſaid River, or for ſwimming ſuch Horſes through the ſaid River to avoid the ſaid Fences.

Perſons and Things exempted from Toll.

And be it further enacted by the Authority aforeſaid, That no Toll ſhall be demanded or taken of any Perſon or Perſons whatſoever for any Horſe, Cattle, Beaſt, or Carriage, employed in the Conveyance of any Materials for the repairing of the ſaid Roads, or any of them, or any other Road in the Pariſhes, Hamlets, or Places, in or through which the ſaid Roads, or any of them, ſhall paſs; or in the Conveyance of any Dung, Soil, or Compoſt of any Kind, for the manuring of any Land in the ſaid Pariſhes, Hamlets, or Places; or in the plowing, ſowing, tilling, or cultivating, of any Land therein; or for any Horſe Cattle, Beaſt, or Carriage, employed in the Conveyance of any Hay, Straw, or Corn in the Straw, not ſold or intended for Sale, but only to be ſtacked or laid up in any of the ſaid Pariſhes, Hamlets, or Places; or of any Turf or Turves not intended for Sale, but to be laid up and burned in any of the ſaid Pariſhes, Hamlets, or Places; or in the Conveyance of any Hemp or Flax, intended to be ſtacked or laid therein from the Lands where ſuch Hemp or Flax ſhall be growing, to the Place where it ſhall be wetted, watered, or ſpread, and from thence to the Place where the ſame is intended to be ſo ſtacked or laid up as aforeſaid; or of any Perſon or Perſons reſiding in the ſaid Pariſhes, Hamlets, or Places, for any Horſe, Cattle, Beaſt, or Carriage, employed in the Conveyance of any Lime, Dung, Soil, or Compoſt of any Kind, for the manuring of any Land in any of the adjoining Pariſhes, Hamlets, or Places; or in the ploughing, ſowing, tilling, or cultivating, of

any Land in any of the said adjoining Parishes, Hamlets, or Places; or in the drawing of any Plough, Harrow, or Implement of Husbandry, for the repairing thereof; or of the Owners or Occupiers of any Lands in any of the said Parishes, Hamlets, or Places, in or through which the said Roads shall pass, or their Servants going to or from their said respective Lands on the Business only of looking after such Lands, or the Stock or Crop upon the same; or for any Waggons returning empty from any of the Fairs or Markets in Wisbech Saint Peters aforesaid, on the same or on the Day after that Day, on which such Fair or Market shall be held; or for any Cattle or Carriages employed by the Corporation of Bedford Level, their Officers or Agents, for the Purposes of carrying Materials for the making, repairing, or amending, any Works which shall by them be deemed necessary for the draining the Great Level of the Fens, or the Preservation of the Navigation through the same; or for any Cattle or Carriages employed by the Commissioners of Sewers for the Hundred of Wisbech and Parts adjacent, their Officers or Agents, as well for the said Purposes as for the Bearing, Harrowing, Cleaning, and Scowering out any of their Rivers or Drains within their Jurisdiction; or of any Person or Persons residing in any of the said Parishes, Hamlets, or Places, going to or from their proper Parochial Church, Chapel, or other Place of religious Worship; or for any Post Horse carrying the Publick Mail or Packet; or for any Horse, Cattle, or Sheep, going to or from Water or Pasture; or any Cows going to or from milking in any of the said Parishes, Hamlets, or Places; or for any Horse, Mare, or other Beast, going to or from shoeing or farrying in any of the said Parishes, Hamlets, or Places; or for any Sheep going to or from any Place used for the washing or clipping of Sheep near the said Roads; or for the Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; or for any Cattle or Carriage employed in the Conveyance of Vagrants legally passed from one Place to another; or for any Coach, Landau, Berlin, Chariot, Calash, Chaise, Chair, or any Passengers on Horseback, going to or from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Cambridge or Norfolk: And if any Person shall claim and take the Benefit of any of the said Exemptions, not being intitled to the same, every such Person shall forfeit and pay

Penalty of making illegal Claims.

pay for every such Offence, the Sum of Forty Shillings, One Moiety thereof to the Informer or Informers, and the other Moiety shall be applied in such Manner as the other Penalties and Forfeitures are herein 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 Eleven or more of them, to borrow and take up at Interest, upon the Credit of the Tolls to be collected by virtue of this Act, any such Sum or Sums of Money as they the said Trustees shall think proper, and, from time to time, by any Writing or Writings under their Hands and Seals, to mortgage and assign over the said Tolls, or any Part or Parts thereof (the Costs and Charges of assigning the same to be paid out of such Tolls) to any Person or Persons for any Term of Years during the Continuance of this Act, as a Security for any Sum of Money which shall be so borrowed, with legal Interest for the same; and that Copies of all such Mortgages and Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; but that no Money shall be borrowed upon the Credit of the said Tolls at any Meeting after the said first Meeting, unless Twenty eight Days Notice of such Meeting, and the Purpose for which it is to be held, shall be given by the Clerk to the said Trustees, and affixed on all the Gates and Turnpikes erected by virtue of this Act: And that it shall and may be lawful for all and every Person or Persons to whom any such Mortgage and Assignment shall be made as aforesaid, or who shall be intitled to the Money thereby secured, from time to time, and at all Times, by any Writing or Writings under his, her, or their Hands, to be indorsed on 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, to assign or transfer his, her, or their Right to the Principal Money and Interest thereby secured; and that such Assignments or Transfers shall be produced and notified to the said Clerk or Treasurer within Three Calendar Months after the Date thereof, who shall cause an Entry or Memorial to be made, containing the Date of such Assignments or Transfers, Names of the Parties, and Sums of Money therein mentioned to be assigned or transferred in the said Book or Books to be kept for entering the said original Mortgages and Assignments,

Entries to be made of all Assignments.

Assignments may be transferred.

for

for which the said Clerk or Treasurer shall be paid the Sum of Two Shillings and Six Pence, and no more; and that after such Entry made, such Assignment or Transfer shall intitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the Benefit and Payment thereon; and every Assignee or Assignees shall and may in like Manner, from time to time, assign and transfer; and that no Person or Persons, who shall have made any such Assignment or Transfer, shall, after the making thereof, release, discharge, or make void the same, or any Money thereon due; and that all and every Person and Persons to whom such Mortgage or Assignment shall be made as aforesaid, shall be, in Proportion to the Sum or Sums therein mentioned, Creditors on the said Tolls, in equal Degree one with another, and shall have no Preference in respect to the Priority of advancing any such Money. Clerk's Fee. All Creditors to be deemed equal in Degree.

And be it further enacted by the Authority aforesaid, That all and every Trustee and Trustees appointed by this Act, or which shall hereafter be appointed by virtue of any Power or Authority hereby given, shall and lawfully may, notwithstanding his or their being such Trustee or Trustees, advance and lend any Sum or Sums of Money at Interest on the Security of the said Tolls, in such Manner as any other Person or Persons may, can, or shall do by means or virtue of this Act; and that such Trustee or Trustees, so advancing and lending such Sum or Sums of Money, shall and lawfully may accept and take a Mortgage or Mortgages, Assignment or Assignments, of the said Tolls, from the said Trustees, or any Eleven or more of them, as a Security or Securities for the said Sum or Sums of Money so to be by him or them advanced and lent; which Mortgage or Mortgages, Assignment or Assignments, being so executed by the said Trustees, or any Eleven or more of them, shall be effectual and binding to all Intents and Purposes whatsoever; and that the Trustee or Trustees so advancing and lending such Sum or Sums of Money, and accepting and taking such Security or Securities, shall, by Means and Virtue thereof, have and exercise such and the like Powers and Remedies for recovering and receiving the said Sum or Sums of Money, and the Interest thereof, as any other Mortgagee or Mortgagees of the said Tolls can, may, or shall have and take by Means or Virtue of this Act. Trustees may advance Money, and take Security.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, Trustees to appoint Officers;

may, from time to time, at any of their Meetings, appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act; and, from time to time, remove such Officers and other Persons, and appoint others in their Place; and out of the Monies to arise by virtue of this Act, make such Allowances to the said Officers and Persons, as to them the said Trustees, or any Five or more of them, shall seem reasonable: And that all such Officers and Persons shall deliver under their Hands, at such Time and Times, and in such Manner, either to the said Trustees, or to such Person or Persons as they the said Trustees, or any Five or more of them, shall direct and appoint, true and perfect Accounts in Writing, of all the Monies which shall have been, by such Officers and Persons respectively, received by virtue of this Act, and set forth in such Accounts how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or to such Person or Persons as they, or any Five or more of them, shall appoint to receive the same; and all the said Officers and Persons so accounting as aforesaid, shall, upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oath any One of the said Trustees is hereby impowered to administer) verify their said Accounts; and if any such Officer or Person shall not make and render, or refuse to verify upon Oath any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees, within Ten Days after being thereunto required in Writing by any Five or more of the said Trustees, all the Books, Papers, and Writings, in his Custody or Power relating to the Execution of this Act; that then, and in any or either of the said Cases, any One or more Justice or Justices of the Peace for the Isle of Ely, if such Officer or Person shall reside in the said Isle, or for the County where such Officer or Person shall reside, shall and may make Enquiry concerning such Default, either by Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer without Fee or Reward) and that if any such Officer or Person shall be convicted of any or either of the Offences aforesaid, such Justice or Justices shall commit every such

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

Officers refusing to account,

Justices to inquire into the Default,

and commit the Offender,

Offender to the Common Gaol of the said Isle, or of the County where he shall reside, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Trustees, or any Five or more of them, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Trustees, or any Five or more of them, are hereby impowered to make) or until he shall have delivered up such Books, Papers, and Writings, as aforesaid, or given Satisfaction in respect thereof to the said Trustees, or any Five or more of them. until Payment or Composition made.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall take such Security from their Treasurer or Receiver, for the due Execution of his Office, as they the said Trustees, or any Five or more of them, shall think proper. Treasurer to give Security.

Provided also, That as often as any Collector of the Tolls shall die, resign, or be incapable of performing his Duty, it shall and may be lawful for any Three or more of the said Trustees, though not assembled at any of their said Meetings 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 Collector whom he shall succeed was vested with, until the said Trustees, or any Five or more of them, shall appoint a new Collector of such Tolls, in the Place of him so dying, resigning, or becoming incapable of acting.

Provided also, and be it enacted by the Authority aforesaid, That no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, shall be capable of being a Trustee, or of holding any Place of Profit under this Act; nor shall any menial Servant to any Trustee be capable of holding such Place of Profit. Victualler not to hold a Place of Profit.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors appointed by the said Trustees, in Manner aforesaid, and such other Persons as shall be employed by such Surveyor, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Chalk, Flint, Gravel, Sand, or other Materials, proper for the repairing of the said Roads, out of, and from, any Waste Grounds or Commons, Rivers or Brooks, in any Parish, Hamlet, or Place, in or through which any of the said Roads shall Surveyors may dig Gravel, &c.

without paying for the same.

shall pass, or in any neighbouring Parish, Hamlet, or Place, without paying any thing for the same, such Surveyor or other Persons levelling or sloping down the Ground, from whence such Materials shall be taken, so that the same may not be dangerous to Passengers or Cattle; and when a Sufficiency of such Materials cannot be had or found in or upon any such Waste Grounds, Commons, Rivers, or Brooks, then, and in such Case, it shall and may be lawful for such Surveyor or other Persons, by Order of the said Trustees, or any Five or more of them, to dig, gather, take, and carry away, any such Materials as aforesaid, out of, from, and over, the Lands of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, Planted Walk, or Avenue to any House, or any inclosed Grounds, planted and set apart as a Nursery for Trees) paying or offering to pay for such Materials, and for the Damage done to the Owners or Occupiers of such Lands and Grounds, where and from whence the same shall be taken and carried, or over which the same or any other Materials, gotten in any Waste Ground, Common, River, Brook, or private Grounds, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable; provided that no such Materials shall be taken for the repairing of the said Roads, or any Part thereof, from any River Bank, or other defensive Bank, or from the Foot of any such Bank so as to weaken the same, or shall be taken out of any Waste Ground or Common in the Hamlet of March, for the repairing of any Part of the said Roads, other than and except such Part thereof as shall be lying between the utmost Boundary of March, next to the Hamlet of Wimblington, and the Bridge over Bevil's Leam near to Stone Bridge Farm: And in case of any Difference between the said Trustees, Surveyor, or other Persons employed as aforesaid, and the said Owners or Occupiers, concerning the said Damages, the Justices of the Peace for the said County of Norfolk, if the Cause of such Difference shall arise in the said County, or for the said Isle of Ely, if such Cause shall arise in the said Isle, at their next General Quarter Session of the Peace, to be held in and for such County or Isle, after such Difference shall arise, and on Seven entire Days Notice thereof, to be given by the said Surveyor to the said Owner or Owners, Occupier or Occupiers, or by them to the said Surveyor, or to be left at their respective Places of Abode, with some or One of their respective Families; shall hear,

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

making Satisfaction to the Owners.

Justices to determine Differences.

hear, settle, and determine, the said Damages, and their Judgement and Order therein shall be final and conclusive to all Parties.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Surveyor, and such Persons as he shall appoint, from time to time, (such Surveyor having an Order for that Purpose from the said Trustees, or any Five or more of them) to remove all Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, Straw, Timber, or otherwise, and to turn any Water-courses, Sinks, or Drains, running into, along, or out of the said Roads, to the Prejudice thereof, and to open, scour, cleanse, or widen any Water-courses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary; and to cut down, lop, or top, any Trees, Shrubs, or Bushes, growing in the said Roads, or in the Hedges or Banks adjoining thereto, and to take and carry away the same, in case the Owners or Occupiers of the Lands on which the same shall so grow, shall neglect to lop or top, cut down and remove such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen, such Water-courses or Ditches, or remove such other Annoyances, in such Manner as the said Surveyor shall require, for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hand of such Surveyor; and that the Charges thereof, to be settled by the said Trustees, or any Five or more of them, shall be reimbursed to such Surveyor by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied; and that if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, to be recovered and applied as such other Penalties and Forfeitures are to be recovered and applied.

Surveyors may remove Annoyances, &c.

and cut down Trees,

the Owners neglecting to remove the same after Notice;

the Charges to be reimbursed the Surveyor.

Penalty of a Second Offence.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Surveyor, and such Person or Persons as he shall appoint (such Surveyor 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, Drains, and Ditches, in and upon the said Roads, and through any Ground lying contiguous thereto, and to erect, rebuild, and keep in Repair, all such Bridges and Arches upon

Surveyors may make Causeways, &c.

upon the said Roads, or cross any such Ditch or Drain, as shall be thought necessary, or enlarge any Bridges already made, so as to make them passable at all Times for Coaches, Waggons, or other Carriages; and also to widen any of the narrow Parts of the said Roads, by opening, clearing, and laying into the same, any Grounds of any Person or Persons lying contiguous thereto, so as to make such Parts of the said Roads, if thought necessary, Forty Feet wide; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, or to any narrow or ruinous Part of the said Roads (such Grounds respectively not being the Ground whereon any House stands, or a Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) to be made use of as a publick Highway, whilst the old Road is repairing or widening (making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, or any Five or more of them; provided that no Satisfaction be made for doing or performing any of the Works aforesaid upon or through any Waste Ground.

and widen the narrow Parts of the Roads;

and make a temporary Road;

making Satisfaction to the Owners of the Ground.

Bridges, &c. in the Road not to be removed.

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

or made, such Bridge, Arch, or Passage, shall be liable to the Penalties by this Act inflicted on Persons permitting private Passages.

Trustees may make use of publick Drains, &c.

And be it enacted by the Authority aforesaid, That it shall and may 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 Drain leading to or near the said Roads, or of any Ditch lying contiguous to the said Roads, for the Conveyance in Boats of any Materials to be used in repairing the said Roads, and to hale 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 herein contained shall extend to give the said Trustees, or any of them, a Power to convey their Materials for the making or repairing of the said Roads, or any Part thereof, upon or over the River Nene, without paying the usual Toll for the same; nor shall any thing herein contained extend to take from the Commissioners of the said River, their Right to scour and cleanse the said River, whenever necessary, and to throw the Earth, Mud, and Sullage arising therefrom, upon the Banks thereof, or to lessen or diminish any other Right or Power which the said Commissioners, by an Act intituled, An Act for improving and preserving the Navigation from *Salters Load Sluice* in the County of *Norfolk*, to *Standground Sluice* in the County of *Huntingdon*, and from *Floods Ferry* in the *Isle of Ely* in the County of *Cambridge*, to *Ramsey High Load* in the said County of *Huntingdon*; and also the Navigation from *Old Bedford Sluice* in the said County of *Norfolk*, to the River *Nene*, in the Parish of *Ramsey*, in the said County of *Huntingdon*, are vested with: Provided also, That no Horse or Mare haling or towing any Barge or Vessel, in the said River Nene or Well Creek, shall be liable to pay more than One Penny for every such Horse or Mare, for passing through any Gate or Bar set up by virtue of this Act; and that such Horse or Mare shall pay only at One Gate between Downham Bridge and Outwell Bridge.

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

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall be, and are hereby impowered, to divert, turn, or alter, the Course or Path of any Part or Parts of the said Roads, into or through any Moor, Common, or Waste Ground, without making any Satisfaction for the same, and also into or through any private Grounds

or

or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and for that Purpose it shall and may be lawful for the said Trustees, or any Five or more of them, to contract and agree with the Owners of, or Persons interested in, any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the diverting, turning, or altering, of the Course or Path of any Part or Parts of such Roads, into or through such Lands or Hereditaments: And that it shall and may be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Ideots, Femes Covert, or other Person or Persons whatsoever, and for all Femes Covert who are or shall be seised or interested in their own Right, and for all and every Person and Persons whatsoever, who are or shall be possessed of, or interested in, any such Lands or Hereditaments, to treat and contract with the said Trustees, or any Five or more of them, for the Purchase of such Lands or Hereditaments, and for Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, all or any of such Lands or Hereditaments, for the Purposes aforesaid; and that all Contracts, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or other Matter, to the contrary notwithstanding: And that all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, and Administrators, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act: And that if any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, or Administrators, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them, given or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, Corpo-

Bodies Politick, &c. to contract for the Sale of such Lands.

Persons, &c. neglecting to treat,

Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Road is intended to be diverted, turned, or altered, shall, at the First Meeting of the said Trustees, after the Expiration of Twenty eight Days after such Notice shall be so given or left, as aforesaid, neglect or refuse to treat, or shall not agree in the Value of the said Lands or Hereditaments, or, by reason of Absence, shall be prevented from treating; then, and in every such Case, the said Trustees, or any Five or more of them, shall cause such Damage and Recompence to be enquired into and ascertained by a Jury of Twelve indifferent Men of the County of Norfolk, if such Lands or Hereditaments shall lie or be situate in the said County of Norfolk; but if the same shall be situate in the Isle of Ely, then by a Jury of Twelve indifferent Men of the said Isle: And in order thereunto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every such Person and Persons, as shall be thought necessary or proper to be examined concerning the Matters in Question (which Oath any One of the said Trustees is hereby impowered to administer) and that such Trustees, or any Five or more of them, shall, by ordering a View of the Lands or Hereditaments in Question, or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's Information, and that after the said Jury shall have enquired of, and assessed such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners and other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination thereupon, shall be inrolled with the Clerk of the Peace for the said County or Isle, according to the Situation of the said Lands or Hereditaments, for the Inrollment whereof such Clerk of the Peace shall not demand or receive any further or other Gratuity than the Sum of Two Shillings; and which being so inrolled as aforesaid, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whatsoever, claiming, or to claim, in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants,

Jury to settle the Damage and Recompence.

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be final.

Femes Covert, Lunaticks, Ideots, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whatsoever: And, for summoning and returning such Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the said County of Norfolk, if the Lands or Hereditaments for which such Damage and Recompence are to be assessed, shall lie in the said County, commanding him to impanel, summon, and return, an indifferent Jury of Twenty four Persons out of the said County, qualified to serve upon Juries: But if such Lands or Hereditaments lie in the said Isle of Ely, then to the Chief Bailiff of the Royal Franchise of Ely, the Liberty of the Bishop of Ely, commanding him to impanel, summon, and return an indifferent Jury of Twenty four Persons out of the said Isle, qualified to serve upon Juries, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff or Bailiff, and their respective Deputies, are hereby required to impanel, summon, and return such Number of Persons accordingly: And out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall, and they are hereby impowered and required to swear, or cause to be sworn, Twelve Men, to be the Jury for the Purposes aforesaid: And, that in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, or the said Chief Bailiff, or his Deputy or Deputies, shall return so many other honest and indifferent Men, of the Standers-by, being Freeholders of the said County or Isle, and having Lands or Tenements of the clear yearly Value of not less than Five Pounds, or that can be readily procured to attend the said Service, as shall make up such as shall have been so summoned and shall appear Twelve Men; and that all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn: And that 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 upon such Sheriff or Chief Bailiff, or their respective Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons

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

Jurors may be challenged.

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

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 sworn, shall refuse to give, or shall not give in their Verdict, or in any other Manner wilfully neglect 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, shall refuse or neglect to appear, or, appearing, shall refuse to be examined, or to give Evidence; and that such Fine or Fines shall be levied and applied in such Manner as the other Penalties and Forfeitures are herein after directed to be levied and applied; so that no such Fine be more than Ten Pounds, nor less than Twenty Shillings, on any One Person for any One Offence; and the Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls collected by virtue of this Act, or out of the Monies to be borrowed upon the Credit thereof, to the Party or Parties respectively intitled to such Monies, or to their Agents; and that upon Payment thereof, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk to the said Trustees for the Use of such Parties or Persons, it shall and may be lawful for any Person or Persons authorized by Writing under the Hands of the said Trustees, or any Five or more of them, to divert or turn such Roads through such Lands or Hereditaments, and to do every such Act, Matter, or Thing, with relation to such Lands or Hereditaments, as the said Trustees shall think fit; and that the said Trustees shall cause such Parts of the said Roads, as shall be diverted or turned into or through any private Grounds, to be ditched and fenced out from the adjoining Lands; and all Lands and Hereditaments which shall be made a Part or Parts of the said Roads by virtue of this Act, shall be for ever thereafter to all Intents and Purposes a common Highway, and shall be repaired and kept in Repair in such Manner as the Roads hereby appointed to be repaired are by this or any other Law to be amended; and from thenceforth all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments; and that after any such new Road shall be completed, the Lands constituting the former Road, unless leading over some Moor, Common, or Waste Ground, or to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by, the said Trustees, or any Five or more of them, for the

Fine not to exceed 10 *l.*

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

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

and esteemed a publick Highway.

Old Road may be sold.

the best Price that can be got for the same; and the Money arising by such Sale shall be applied to the Repair of the Roads by this Act directed to be repaired.

Buildings, &c. not to be injured.

Provided always, and it is hereby enacted and declared, That no Power or Authority hereby given to the said Trustees as aforesaid, shall extend to the pulling down of any Dwelling-house, or taking in the Scite of any House or Garden, Orchard, Court, Park, Paddock, planted Walk, or Avenue, without the Consent of the Owner or Proprietor thereof; any thing herein contained to the contrary notwithstanding.

Right to ancient Tolls reserved.

Provided also, and be it further enacted by the Authority aforesaid, 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, either to compound or agree with any such 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 and thereto; and that the said Composition or Purchase shall be paid out of the Money arising by the Tolls to be taken by virtue of this Act, or out of the Money to be borrowed upon the Credit thereof.

And whereas an Act was made in the Third Year of the Reign of His late Majesty King George the Second, intituled, An Act for the making a new Road, and for the repairing and amending the ancient Road between the Towns of *Wisbech* and *March*, in the Isle of *Ely*, in the County of *Cambridge*: And whereas an Act was made in the Twenty second Year of His said late Majesty, for enlarging the Term and Powers of the said former Act: And whereas the Trustees of the said Acts have proceeded to put the said Acts in Execution, and for that Purpose have taken up at Interest the Sum of Sixteen hundred Pounds, and which now remains due: And whereas the Tolls collected upon the said Road have proved very ineffectual for amending and keeping in Repair the said Road, and for paying off the Money so borrowed: And whereas it may be more for the Benefit of the Publick to have the said Road between Wisbech and March, included

cluded in this Act, and for the Advantage of the Creditors under the said Acts, to have their Money secured to them under this Act; upon which Considerations the said Trustees of, and Creditors under, the said Acts, have consented that the said Acts may be repealed; be it therefore further enacted by the Authority aforesaid, That the said Sum of Sixteen hundred Pounds, now due upon the Credit of the said recited Acts, shall be, by the Trustees appointed to put this Act in Execution, or any Five or more of them, within Three Months after the passing of this Act, secured to the Persons intitled to the same, by Mortgage or Assignment of the Tolls to be collected by virtue of this Act, in the same Manner and Form, and shall be payable, with legal Interest, from the Day of passing this Act, without Preference, as any other Sum or Sums of Money to be borrowed upon the Credit of this Act is or are hereby directed to be secured and made payable, and may in like Manner be assigned or transferred; and that the said recited Acts, made in the Third and Twenty second Years of His said late Majesty, shall be, and the same are hereby declared to be repealed; and the said Road, and the Turnpike, Toll-house, and Piece of Land, containing about Two Acres thereto belonging, shall be vested in the said Trustees appointed by this Act, and shall be under their Direction and Management during the Continuance of this Act.

Money borrowed on the Credit of the Tolls collected on the Road between *Wisbech* and *March* secured under this Act.

The former Acts repealed.

And whereas certain Customary Payments, in the Nature of Tolls, have been immemorially made and taken, for the Passage of Horses, Cattle, and Carriages, over the aforesaid Bridge, called Downham Bridge; and such Payments or Tolls have been generally demised at certain Annual Rents, by the Bridge Reeves of Downham aforesaid, Officers yearly appointed by the Inhabitants of the said Parish, by whom the Repairs of the said Bridge have immemorially been borne; and such Payments or Tolls have been immemorially collected by the Persons to whom they have been so demised; and the same are agreed to be worth One hundred Pounds per Annum: And whereas the Traffick over the said Bridge will, by the said intended Turnpike Road, be greater than heretofore; and the Payments and Tolls for passing over the same will probably be increased, and become more than sufficient for the Repairs thereof; and the Bridge Reeves and Inhabitants of Downham aforesaid have agreed that such Increase, over and above the said Annual Rent or Sum of One

hundred Pounds, shall go in Aid of the said Turnpike Road; and that the said Payments or Tolls, and also the House standing at the Foot of the said Bridge, commonly called The Bridge House, and the Land belonging to the said House, shall be demised to the said Trustees authorized to put this Act in Execution, for the Term of this Act, at the said Annual Rent or Sum of One hundred Pounds, payable Half-yearly; saving to the Inhabitants of Downham aforesaid, and of the Parishes of Wimbottisham and Stow Bardolph, such Right of passing and repassing over the said Bridge at all Times Toll-free, as they now by Usage respectively enjoy; and also upon Condition that the Inhabitants of Downham aforesaid shall at all Times pass Toll-free, with their own Horses, Servants, Cattle, and Carriages, through all or any of the Turnpikes or Gates, to be erected by virtue of this Act, within the said Parish of Downham only; be it therefore enacted by the Authority aforesaid, That at any Time after the passing of this Act, the said Payments or Tolls, and also the said Bridge House and Land belonging to the said House, shall be demised to or in Trust for the said Trustees authorized to put this Act in Execution, for any Term not exceeding the Term of this Act, at the said Annual Rent or Sum of One hundred Pounds, payable Half-yearly to the present or any future Bridge-reeves of the said Bridge, if the said Trustees, or any Five or more of them, shall chuse to hire the same at the Rent and upon the Conditions aforesaid; and that the Lease or Demise thereof shall set forth an Account of the several Payments or Tolls which have been so taken as aforesaid; and of the Privileges and Exemptions from Payment thereof, which the Inhabitants of Downham, Wimbottisham, and Stow Bardolph do now by Usage respectively enjoy; and the said Trustees, and such Person and Persons as they shall appoint to collect the said Payments or Tolls for passing over the said Bridge, shall have the same Power to collect, and Remedy to recover, such Payments and Tolls to all Intents and Purposes, as the Bridge-reeves or Inhabitants of Downham aforesaid, or any other Person or Persons ever had, or now have, to collect and recover the same; and such Tolls so collected shall, after Payment of the said Rent and other incident Charges, be applied towards making and keeping in Repair the said Roads: Provided always, That if the said Rent of One hundred Pounds, or any Part thereof, shall be unpaid by the Space of Forty Days next after any of the

Downham Bridge Toll to be lett to the Trustees.

Days

Days whereon the same shall become due and payable by virtue of the said Demise or Lease; then, and from thenceforth it shall and may be lawful to and for the Bridge-reeves for the time being of Downham aforesaid, or either of them, to resume and take again into their own Hands the said Bridge House and Land, and also the Collection of the said Payments or Tolls which shall have been so demised; and the said Demise or Lease shall from thenceforth cease and become absolutely void; and it shall and may be lawful for the Inhabitants of Downham aforesaid, in the Names of their said Bridge-reeves for the time being, to recover the Arrears so due in an Action on the Case against the Treasurer of the said Trustees for the time being, in any of His Majesty's Courts of Law.

Inhabitants of *Downham* to pass Toll-free thro' any Gate erected within the said Parish.

Provided always, That during the Continuance of the said Demise or Lease, it shall and may be lawful to and for the said Inhabitants of Downham aforesaid to pass Toll-free at all Times, with their own Horses, Servants, Cattle, and Carriages, through all or any of the Turnpikes or Gates to be erected by virtue of this Act within the said Parish of Downham.

Bridge-reeves to pay the Land Tax, and maintain the Bridge, &c.

Provided also, That during the Continuance of the said Demise or Lease, the Bridge-reeves of the said Parish for the time being shall pay the Land Tax for the said demised Premisses, and all other Payments usually made by Landlords; and shall, at their own proper Costs and Charges, keep the said House in tenantable Repair; and shall also repair the said Bridge, and maintain and keep the same, in all Respects, passable for Horses, Beasts, and Carriages of all Sorts; and whenever the said Bridge shall be repairing, and thereby rendered impassable, shall find and provide, at their own proper Costs and Charges, a Ferry-boat or other Passage over the River Ouze, fit and convenient for Horses, Beasts, Carts, and Carriages.

And whereas William Grant, of Chatteris aforesaid, Yeoman, and Sarah his Wife, in her Right are intitled to, and do now take and receive, certain prescriptive Payments or Tolls for the Passage of Horses, Cattle, and Carriages, through a Bar or Toll-gate erected and set up at Chatteris Ferry adjoining to or communicating with the Road intended to be repaired by this Act: And whereas the said William Grant and Sarah his Wife have proposed and agreed to demise, assign, and make over the said Tolls and Duties, and the Toll-house and Toll-gate so belonging to them as aforesaid, and the Scite, Ground,

Ground, and Soil of the same, with the Appurtenances and all Benefit and Advantage thereof, to the Intent that the same may be held and enjoyed, used, and applied for the Purposes of this present Act, upon the Terms and Conditions herein after mentioned: It is therefore hereby further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said William Grant and Sarah his Wife, and the said William Grant and Sarah his Wife are hereby required at any Time after the passing this Act, by Indenture under their Hands and Seals, to grant, demise, lease, assign, or make over the said Tolls, Toll-house, Toll-gate, Scite, Soil, Ground, and Premisses, with the Appurtenances, unto the said Trustees, or to such Person or Persons as they, or any Five or more of them, shall order, direct, or appoint, for and during the Continuance of this present Act, at and under the yearly Rent or annual Sum of Seventy Pounds, payable half-yearly as is herein after-mentioned; and that such Lease or Demise shall specify and set forth the several Payments or Tolls which have been so taken as aforesaid.

Proprietors of *Chatteris Ferry* to lease the same to the Trustees.

And it is hereby further enacted and declared, That the said Trustees, or any Five or more of them, so assembled, shall, and they are hereby authorized and required to accept of such Lease, Demise, or Assignment, and to execute, or cause to be executed, a Counterpart thereof; and that after such Grant, Demise, or Assignment shall be made and executed, the Treasurer or Receiver, for the time being, of the Tolls and Duties to be collected and received by virtue and in pursuance of this Act, shall and may, and he is hereby authorized and required, out of the said Tolls and Duties, yearly and every Year, during the Continuance of this Act, to pay, or cause to be paid, unto the said William Grant and Sarah his Wife, and the Heirs of the said Sarah, the yearly Rent or Sum of Seventy Pounds, to be paid on the Feasts of the Nativity of our Blessed Lord and Saviour, and of Saint John the Baptist, in every Year by equal Portions, free from all Deductions except the Tax laid upon Land by Authority of Parliament; the First Payment thereof to begin and be made at or on such of the said Feasts as shall first happen after the Commencement of the said Lease.

Trustees to accept a Lease thereof.

Provided always, and it is hereby enacted and declared, That when and so often as the said annual Sum or yearly Rent of Seventy Pounds, or any Part thereof, shall happen to be behind or unpaid for Forty Days after

On Neglect of Payment, Proprietors to take Possession.

after any of the said Feasts or Days herein before mentioned, limited, and appointed, for Payment thereof; then and so often, and from time to time, as it shall so happen, it shall and may be lawful to and for the said William Grant and Sarah his Wife, and the Heirs and Assigns of the said Sarah, to take Possession of the Toll-gate so to be granted, leased, or assigned, or of any other Toll-gate or Turnpike to be erected and set up by virtue and in pursuance of this Act as aforesaid; and to receive and take the Tolls and Duties payable thereat respectively, to and for his, her, and their, own Use and Benefit, until thereby or otherewith, or therwise, all Arrears of the said yearly Sum of Seventy Pounds, then grown due, or that during such Possession shall grow due, and all Costs and Charges attending such Entry upon, and Perception of, the said Tolls and Duties, and all Damages that he, she, or they, shall then have had or sustained by reason of the Nonpayment of the said yearly Sum, shall be fully satisfied and paid.

After the Expiration of this Act, Tolls, &c. to cease.

And it is hereby enacted and declared, That after the Expiration of this present Act, the said Tolls and Duties, and other the Premisses in and by such Lease, Demise, or Assignment, to be comprized, shall revert to, and be held, received, taken, and enjoyed, by such Person or Persons as should or ought to hold, enjoy, and receive the same, in case this Act had not been made, or such Lease, Demise, or Assignment, had not been executed.

And whereas the said Road, Toll-house, and Tolls, are now in Mortgage, with other Lands, to George Waddington of Doddington aforesaid, Esquire, for securing the Payment of the Sum of One thousand three hundred and seventy Pounds, and Interest: Now therefore, be it enacted by the Authority aforesaid, That nothing herein contained shall prejudice, defeat, or impeach, the said Mortgage, or any Right or Remedy vested in the said Mortgagee for recovering the Principal Money and Interest thereby secured, other than such Right or Remedy as is thereby vested in him, or that he is intitled to take by Entry upon and Possession of the said Toll-gate in such Lease or Assignment to be comprized; but that the Rent to be reserved upon the said Demise or Assignment, to be made by the said William Grant and Sarah his Wife, shall remain a Security to the said George Waddington, his Heirs, Executors, Administrators, and Assigns, for the Payment of the said Sum of One thousand three hundred and seventy Pounds, and Interest;

Reservation of the Rights of the Mortgagee of *Chatteris Ferry*.

and that the ſaid Rent, whenever demanded of the ſaid Truſtees by him the ſaid George Waddington, his Executors, Adminiſtrators, and Aſſigns, ſhall be paid to the ſaid George Waddington, his Executors, Adminiſtrators, or Aſſigns, for or towards the Diſcharge of the Principal and Intereſt due upon the ſaid Mortgage, from time to time, as the ſame ſhall become due or payable as aforeſaid; any thing herein contained to the contrary notwithſtanding.

Reſervation of the Rights of the Lord of the Manor of *Chatteris Ramſea.*

Provided nevertheleſs, and it is hereby enacted and declared, That nothing herein contained ſhall prejudice, impeach, or defeat, the Right, Title, or Intereſt, of the Lord or Lords of the Manor of Chatteris Ramſay, of, in, or to, any Fines, Reliefs, Rents, Herriots, Forfeitures, or any other cuſtomary Payments, Dues, and Services, incident or belonging to the ſaid Manor, or to the Lord or Lords thereof reſpectively for the time being; but that all ſuch Fines, Reliefs, Herriots, Rents, Forfeitures, and other cuſtomary Payments, Dues, and Services, and all Remedies for Recovery of the ſame, ſhall be, and are hereby ſaved and reſerved to the ſaid Lord or Lords of the ſaid Manor of Chatteris Ramſay aforeſaid, in as full and ample, extenſive, and beneficial Manner, as the ſame are now held and enjoyed by the ſaid Lord or Lords.

Proviſo.

Provided alſo, and be it further enacted, That the ſaid William Grant and Sarah his Wife, and the Heirs of the ſaid Sarah, ſhall have a free Paſſage for themſelves, their Servants, Horſes, Cattle, Carts, and Carriages, at all Times during the Continuance of the ſaid Demiſe, through the ſaid Toll-gate or Bar at Chatteris Ferry aforeſaid.

Perſons, *&c.* chargeable to the Repair of the Roads, to continue ſo.

And be it further enacted by the Authority aforeſaid, 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 is or are, or hereafter ſhall be, liable and chargeable towards repairing the ſaid Roads, or any Part thereof, or any Bridges, Cauſeways, Arches, Streets, Lanes, or Ways, in, upon, or through which, the ſaid, Roads, or any Part or Parts thereof, ſhall lead, 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

ſtill remain chargeable, and liable to, and ſhall repair ſuch Roads, Bridges, Cauſeways, Arches, Streets, Lanes, and Ways, in ſuch Manner as they ought to have done in caſe this Act had not been made; provided that nothing herein contained ſhall extend to charge the Governor, Bailiffs, and Commonalty of the Great Level of the Fens, called Bedford Level, or the Commiſſioners of Sewers for the Hundred of Wiſbech and Parts adjacent, within their reſpective Juriſdictions, or the Land Owners of Walderſea, with the Repairs of any of the Bridges, Tunnels, Cauſeways, or Banks, within their reſpective Juriſdictions, to be taken and uſed by virtue of this Act, by the ſaid Truſtees, as and for a Road; or to charge the Inhabitants of the Hamlet of March aforeſaid with the Repairs of the Bridge over the River Nene in the ſaid Hamlet, or any Proprietor or Proprietors of any Bridge or Bridges which ſhall be enlarged by virtue of this Act; but that all ſuch Bridges, Tunnels, Cauſeways, and Banks, ſhall from thenceforth be repaired and amended at the Coſt and Charge of the Truſtees of the ſaid Roads.

This Act not to extend to the Repair of the Bridge at *Wiſbech Saint Peters*.

Provided always, and be it further enacted and declared by the Authority aforeſaid, That nothing in this Act contained ſhall extend to impower the ſaid Truſtees, or any Perſon or Perſons employed by or under them, at any Time, to widen, enlarge, or otherwiſe alter, the Bridge over the River in the Town of Wiſbech Saint Peters, or to charge the ſaid Truſtees with the Repairs thereof.

Truſtees may compound for repairing the Roads, &c.

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, 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 of any Lands, Tenements, or Hereditaments, which now are, or hereafter ſhall be, liable and chargeable towards repairing all or any Part of the ſaid Roads, or any Bridges, Cauſeways, Arches, Streets, Lanes, or Ways in the ſaid Roads, for a certain annual Sum of Money, in lieu of ſuch Repairs; and that ſuch Compoſition-money ſhall be paid at the Time of entering into ſuch Agreement; and ſuch Inhabitants, Perſon and Perſons, Bodies Politick and Corporate, and Owners and Proprietors, ſhall be reſpectively diſcharged from ſuch Repairs for the Term ſo agreed for, and for which ſuch Money ſhall be ſo paid, and no longer.

And

Persons liable to do Statute-work to continue so.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons, who by Law are chargeable towards repairing and amending any of the Roads within the said Parishes, Hamlets, or Places, in or through which the said Roads hereby intended to be repaired and amended shall pass, by Statute or Days Work, shall still remain chargeable, and do their respective Days Work in such Parishes, Hamlets, and Places, in such Manner as he or they ought to have done if this Act had not been passed; and that the said Trustees, or any Five or more of them, may direct what Part or Proportion of the said Statute-work shall be done upon the said Roads, by the Inhabitants of each or any of the said Parishes, Hamlets, or Places, in or through which the said Roads shall pass, so that the Inhabitants of any of the said Parishes, Hamlets, or Places, be not subject or liable to do more than Three Days Work in any One Year, for any One Person or Team upon the said Roads, and that the same be not done by the said Inhabitants in the Time of Harvest; and that the said Statute-work shall be done at such Times, and in such Manner, and in such Places on the said Roads, as the said Trustees, or any Five or more of them, or the Surveyor by them appointed, shall, from time to time, direct and appoint; and that every Inhabitant of the said Parishes, Hamlets, or Places, who shall rent or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed to keep a Team, and shall do and perform such Work upon the said Roads, as Persons keeping Teams are liable to perform; and every Person shall, for every Fifty Pounds a Year of Lands, Tenements, or Hereditaments, which he or she shall respectively rent or occupy within any such respective Parish or Place, send One Team to perform such Work upon the said Roads.

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

Trustees may compound with Parishes for Statute-work.

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, from time to time, during the Continuance of this Act, to compound and agree with the Inhabitants of any Parish, Hamlet, or Place, in or through which the said Roads shall pass, for such Sum or Sums of Money as they the said Trustees shall think reasonable, in lieu of the Statute-work to be done by such Parish, Hamlet, or Place, upon the said Roads, for any Term not exceeding One Year at any One Time; which Composition-money shall always be paid in Advance to the Treasurer or Clerk to the said Trustees,

and shall be applied in Repair of the said Roads; and that all Parish Surveyors shall be reimbursed the Money so respectively paid by them, in such Manner, and by such Ways and Means as, by the Laws now in being, Surveyors of Highways are to be reimbursed the Money laid out by them, in and about repairing and amending the Highways within this Realm.

Surveyors of the Highways to deliver in Lists of Persons chargeable with Statute-work.

And be it further enacted by the Authority aforesaid, That the respective Surveyors of the Highways of all and every the Parish and Parishes, Hamlets, and Places, in or through which the said Roads shall pass, shall yearly, during the Continuance of this Act, within Ten Days after Demand thereof made to them in Writing by the Surveyor of the said Roads, deliver to the said Turnpike Surveyor, true and perfect Lists in Writing under their Hands, of the Names of all and every Person and Persons in the said Parishes, Hamlets, or Places, who are by Law chargeable with the Repair of the Roads in the said Parishes, Hamlets, or Places, and shall set forth in such Lists what each Person is chargeable with, for and towards repairing the same; and that the Surveyor or Surveyors of such Parish or Parishes, Hamlets, or Places, for the time being, within Six Days after Notice given them, or any of them, by the said Surveyor of the said Roads, of the Persons chargeable as aforesaid, and wanted to do their respective Statute or Days Work in or upon the said Roads, and of the Time when such Work is to be done, shall summon or give publick Notice thereof to the said Persons so wanted, and chargeable as aforesaid; and if any such Surveyor or Surveyors of such Parish or Parishes, Hamlets, or Places, shall neglect or refuse to act, as they are hereby directed, he or they, for every such Default, shall forfeit and pay the Sum of Forty Shillings, to be levied and recovered in such Manner as the other Penalties and Forfeitures are by this Act directed to be levied and recovered; and if any Person or Persons, keeping a Team or Teams, or hereby deemed to keep a Team or Teams, and chargeable towards repairing the said Roads, shall, after such Summons or Notice, neglect or refuse to send their Teams with Carriages (each Team to consist of Three or more good Horses or Beasts of Draught) if such Person or Persons, to whom such Summons or Notice shall be given, shall keep Three Working Horses or Beasts of Draught; but if he, she, or they, shall not keep Three Working Horses or Beasts of Draught, then such Team or Teams to consist only of Two such Horses

Penalty on Surveyors neglecting to deliver Lists.

Penalty on Persons not performing Statute-work.

or Beasts of Draught, with Two able Men to attend the same, to do and perform such their respective Days Works on the said Roads, he, she, or they, so neglecting or refusing, shall, for each Day's Default, forfeit and pay the Sum of Ten Shillings for every Team; and if any Labourer, or other Person or Persons, so chargeable towards repairing the said Roads, shall, after such Summons or Notice, neglect or refuse to do and perform their Days Work appointed to be done on the said Roads as aforesaid, he, she, or they, shall respectively forfeit and pay the Sum of One Shilling and Six Pence for each Day's Default; and if any Person or Persons, who according to such Summons or Notice shall attend, shall be found idle or negligent in the said Work, the said Surveyor shall and may, and is hereby required to discharge such idle or negligent Person or Persons, and such Person or Persons shall be looked upon as absent from that Day's Work, and be liable respectively to the respective Forfeitures before-mentioned, for neglecting or refusing to do the said Work.

Surveyors may appeal to the Justices to proportion the Statute-work.

Provided always, and be it enacted by the Authority aforesaid, That if the Surveyors of the Highways, for the time being, of any of the said Parishes, Hamlets, or Places, shall think that the said Trustees, or Surveyors by them authorized, have directed or appointed too large a Proportion of the Statute-work, in any Parish, Hamlet, or Place, to be done on the said Roads, it shall and may be lawful for such Surveyors of the Highways aforesaid, to appeal to the General Quarter Sessions of the Peace, next after such Direction or Appointment, to be held for the County of Norfolk, if the Cause of Complaint arise in the said County; but if the same arise in the Isle of Ely, then to the next General Quarter Sessions of the Peace for the said Isle; and the Justices, in their said respective Quarter Sessions, are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work, in any Parish, Hamlet, or Place, shall be done on the said Roads, such Surveyors of the Highways as aforesaid first giving Seven Days Notice in Writing, of such Appeal, to the Surveyor appointed by the said Trustees as aforesaid.

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

And be it further enacted by the Authority aforesaid, That if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone (Mill Stones excepted) otherwise than upon Wheel Carriages, or shall

draw any Plough upon or croſs the ſaid Roads, or any Part thereof; or ſhall ſuffer any Part of any Tree or Piece of Timber, though conveyed upon Wheel Carriages, to drag along any Part of ſuch Roads, to the Prejudice thereof, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Shillings, to be paid and applied as the other Penalties and Forfeitures are by this Act directed to be paid and applied.

Roads to be meaſured, and Mile-ſtones erected.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall cauſe the ſaid Roads to be meaſured, and Stones or Poſts to be ſet up, on, or near the Sides thereof, at the Diſtance of One Mile from each other, with Inſcriptions thereon, denoting the Diſtance of every ſuch Stone or Poſt from any Town or Place, as they ſhall think fit; and that if any Perſon or Perſons ſhall wilfully pull down, break, or damage, any ſuch Stone or Poſt, or obliterate any Inſcription which ſhall have been made thereon, or ſhall cauſe or procure the ſame to be done, and be thereof convicted upon Oath by One or more credible Witneſs or Witneſſes, or by his, her, or their own Confeſſion, before any Juſtice of the Peace (which Oath ſuch Juſtice is hereby impowered and required to adminiſter without Fee or Reward) every ſuch Perſon ſo offending ſhall forfeit the Sum of Twenty Shillings for every ſuch Stone or Poſt ſo pulled down, broke, or damaged, or Inſcription ſo obliterated, whereof One Moiety ſhall be paid to the Informer or Informers, and the other Moiety ſhall be paid and applied in ſuch Manner as the other Forfeitures and Penalties are by this Act directed to be paid and applied; and in caſe ſuch Penalty ſhall not be forthwith paid, ſuch Juſtice of the Peace ſhall commit ſuch Perſon or Perſons to ſome Houſe of Correction, there to remain for any Space not exceeding Two Calendar Months, nor leſs than One Calendar Month, unleſs ſuch Forfeiture and all reaſonable Charges ſhall be ſooner paid; and every ſuch Offender, in either of the ſaid Caſes, ſhall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Perſon or Perſons who ſhall ſee any ſuch Offence committed, and ſhall be immediately delivered to a Conſtable or other Peace Officer, who ſhall convey any ſuch Offender before any Juſtice of the Peace to be dealt with according to Law, and the Directions of this Act.

Penalty on defacing Mile-ſtones, &c.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforeſaid, That all the Penalties, Forfeitures, and Fines, hereby inflicted

inflicted or authorized to be imposed (the Manner of levying and recovering whereof, is not otherwise hereby particularly directed) shall be, upon Proof of the Offences respectively, before any Justice of the Peace, either by Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath such Justice of the Peace is hereby impowered and required to administer without Fee or Reward) levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice (which Warrant or Warrants such Justice is hereby impowered to grant for the said Purposes) and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattles, and the Penalties, Forfeitures, and Fines, when paid, or levied, shall be (if not otherwise directed to be applied by this Act) from time to time, paid to the Clerk or Treasurer to the said Trustees, and shall be applied in the Repair of the said Roads; and in case sufficient Distress shall not be found, or such Penalties, Forfeitures, and Fines, shall not be forthwith paid, it shall and may be lawful for such Justice, and he is hereby authorized and required by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to some House of Correction, there to remain for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed; such Person may appeal to the Justices of the Peace at the General Quarter Sessions of the Peace for the said County of Norfolk or Isle of Ely, as the Case may happen, within Six Calendar Months after the Cause of such Complaint shall have arisen (such Appellant first giving or causing to be given, Seven Days Notice at the least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees; and within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace for the said County of Norfolk or Isle of Ely respectively,

respectively, with Two sufficient Sureties conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and that the said Justices at the said Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper, and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes.

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

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

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

Writings to be without Stamps.

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

Proceedings to be enter'd in a Book.

And be it enacted by the Authority aforesaid, That all Agreements, Orders, Payments, Debts, Contracts, and Proceedings whatsoever, of the said Trustees, shall be entered in a Book or Books to be kept for that Purpose; and such Agreements, Orders, Payments, Debts,

Contracts, and Proceedings, so entered, shall be signed by the Clerk or Treasurer to the said Trustees, at any of their said Meetings; and such Orders shall be deemed and taken to be original Orders; and that the said Book or Books, and also the said Book directed to be kept for registering the said Mortgages, Assignments, or Transfers, shall be kept by the Clerk or Treasurer to the said Trustees, and shall and may be produced and read in Evidence in all Courts whatsoever; and shall and may at all seasonable Times be seen and perused by any Person or Persons, without Fee or Reward; and that Copies thereof shall be made out and signed by the Clerk or Treasurer to the said Trustees, for any Person or Persons demanding such Copies, and paying for the same, at and after the Rate of Six Pence for every One hundred Words, and so proportionably for any greater or less Number.

Books may be read in Evidence.

Clerk's Fee.

Proceedings not to be quashed for want of Form, or removeable by *Certiorari*.

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

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Twenty one Days Notice thereof shall have been given to the Clerk or Treasurer to the said Trustees; or after a sufficient Satisfaction, or a Tender thereof, shall have been made to the Party or Parties aggrieved; or after Six Calendar Months next after the Commencement of the Fact for which such Action or Suit shall be commenced; and every such Action shall be brought in the Isle of Ely, if the Cause of Action shall arise in the said Isle, or in the County where the same shall arise, and not elsewhere; and the Defendant and Defendants in every such Action or Suit, shall and may at his or their Election plead specially, or the General Issue, Not Guilty, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in Pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit hath been brought

General Issue.

brought before Twenty one Days Notice shall have been 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 Liberty, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs; then the Defendant or Defendants shall recover Treble Costs, and have such other Remedy for the same, as any Defendant or Defendants is or are intitled to have in other Cases. Treble Costs.

Provided always, and it is hereby further enacted, That none of the Powers or Authorities given by this Act to the said Trustees, to turn any Watercourses or Drains running along or out of the said Roads; or to make any Causeways, new Drains, and Ditches, or alter or enlarge any old Ones, in and upon the said Roads, and through any Ground lying contiguous thereto; or to make any new Bridge or Bridges, or alter, enlarge, or diminish any old Ones; or to hale with Men or Horses on the Bank or Banks of any publick Drain leading to or near the said Roads; or of any Ditch lying contiguous to the said Roads, for the Conveyance in Boats of any Materials to be used in repairing the said Roads; or to divert, turn, or alter, the Course or Path of any Part or Parts of the said Road; shall extend, or be construed to extend, to invalidate, lessen, diminish, alter, or take away, any of the Rights, Powers, and Authorities, vested in the Governor, Bailiffs, and Commonalty, of the Company of Conservators of the Great Level of the Fens called Bedford Level, or in the said Governor, Bailiffs, and Conservators, by virtue of an Act made in the Fifteenth Year of the Reign of King Charles the Second, intituled, An Act for settling the Draining of the Great Level of the Fens called *Bedford Level*, or by virtue of any other Act or Statute whatsoever; but that all Rights, Powers, and Authorities, whatsoever, which by virtue of the said Act of the Fifteenth of King Charles the Second, or of any other Act or Statute whatsoever, now are vested in the said Governor, Bailiffs, and Commonalty, or in the said Governor, Bailiffs, and Conservators, or any of them, shall for ever hereafter remain, continue, and be in the said Governor, Bailiffs, and Commonalty, and in the said Governor, Bailiffs, and Conservators, and every Rights of the Corporation of *Bedford Level* saved.

of

of them, as fully and amply to all Intents and Purposes, as if this Act had never been made.

And whereas, the said Road is intended to be carried over the Bridge called Slade Bridge, over Slade Lode, Carters Bridge, over Vermuyden's Drain, or the Forty-foot, over a Bridge called Studbridge in Studbridge Drove, the Bridge over Moor's Drain, the Bridge over Bevill's Leam, and a Bridge called New Common Bridge, over Elm Leam; all which Bridges of Right belong to, and are or have been repaired by, the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called Bedford Level: And whereas the continual passing with Horses, Cattle, and Carriages, over the said Bridges, will greatly wear, spoil, and destroy the same, inasmuch that they cannot be maintained and repaired at the same Expence that the said Bridges have heretofore been maintained and repaired at; but greater Sums of Money will be necessary for the Maintenance and Repair thereof than hath been formerly laid out thereon; be it enacted by the Authority aforesaid, That from the Time of passing this Act, and from thenceforth during the Continuance thereof, all the said Bridges shall be maintained and repaired under the Direction and Inspection of the Corporation Officers in whose District the said Bridges shall lay, as often as it shall be necessary, at the sole Expence of the Trustees of this Act, out of the Tolls that shall be raised thereby; and if the said Trustees shall neglect or refuse to repair any of the said Bridges, being out of Repair, for the Space of Ten Days after Notice given to their Clerk in Writing, specifying the particular Bridge which wants Repair, such Notice to be given under the Hand of the Officer of the Bedford Level Corporation for the time being, within whose District the said Bridge, so wanting Repair, shall lay, and left with the Collector of the Toll-gate which shall be nearest to the said Bridge so wanting to be repaired; and in case there are Two Toll-gates at equal Distances from the said Bridge, then with either of the Collectors of the said Tolls at either of the said Gates; that then it shall be lawful for the said Governor, Bailiffs, and Conservators of the said Corporation, or any Five or more of them, whereof the said Governor, Bailiffs, or any of them, to be Two, forthwith to direct the Repair thereof; and that as soon as the same shall be repaired, the said Governor, or Bailiffs and Conservators, or any Five or more of them, whereof the said Governor or Bailiffs, or any of them, to be Two, to order their Receiver General

Power to the Corporation of *Bedford Level* to direct the Repairs of Bridges.

ral for the time being to draw on the Collector of the Tolls, at the Gate where the said Notice was left, for the Money laid out and expended by their Officer in the Repair of any such Bridge or Bridges; who shall, out of the First Monies that shall come to his Hands by the said Tolls, after the said Draft shall be to him so presented, pay and satisfy the same; which Draft so paid shall afterwards be allowed in his Account, as fully as if the same had been by him paid by Order of the said Trustees; the said Tolls always to be liable and applicable to the Payment of the said Drafts, prior to any Charge on the same.

Dimensions of *Walderſea Bank* aſcertained:

And whereas by Agreement bearing Date the Twenty second Day of October, One thousand seven hundred and fifty, and made between the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called Bedford Level, and the Land Owners of Walderſea, it was mutually agreed, that a certain Piece of Bank extending from a certain Place called or known by the Name of Baldwyn's, and now Hamlyn's Gull, unto a House, or Scite of a House, formerly called Tower House, being the Bank, or Part of the Bank, of Walderſea, containing by Estimation about Two Miles, should for ever thereafter, at all Times, be kept, supported, and maintained, at the joint Expence of the said Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called Bedford Level, and the said Land Owners of Walderſea: And whereas, in pursuance of the said Agreement, the said Bank hath ever since been supported at the joint Expence of the said Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, and the said Land Owners of Walderſea, and divers large Sums of Money have been expended thereon: And whereas the Support and Maintenance of the said Bank is, at all Times, of the utmost Consequence, not only for the Preservation of the Lands of Walderſea from Inundations and Overflowings, but also of a great Part of the Lands lying in the Great Level of the Fens, which must, on every Breach or Failure of the said Bank, be greatly overflowed and annoyed with Water, to the Loss of many Thousand Acres of rich and valuable Lands: And whereas Part of the Road hereby intended to be made will pass directly over the said Piece of Bank, from one End thereof to the other, which, by the great and frequent Passage of Horses, Carts, and Carriages thereon, will be much more worn and destroyed than the same hath heretofore

heretofore been, and will require larger Sums to be laid out and expended thereon, to support and maintain the same, than have ever been heretofore necessary; be it therefore enacted by the Authority aforesaid, That from and after the passing this Act, during the Continuance thereof, the said Piece of Bank from the Place late called Baldwyn's, now Hamlyn's Gull, unto a House, or Scite of a House, called Tower House, shall be constantly supported and maintained at the sole Charge and Expence of the Trustees of the said Road, out of the Tolls to be collected by virtue of this Act, so that the Seat or Foundation of the said Bank within the Limits aforesaid, be never less than of the Breadth of Fifty one Feet, the Heighth of the said Bank never less than Seventeen Feet, and the Top of the said Bank never less than the Breadth of Fifteen Feet; and in case it shall at any Time hereafter happen that the Seat or Foundation of the said Bank be less than the Breadth of Fifty one Feet, or the Heighth of the said Bank be less than Seventeen Feet, or the Breadth of the said Bank on the Top thereof be less than Fifteen Feet; that then, on Notice thereof to be given in Writing to the Clerk of the said Trustees, either under the Hand of the Officer for the time being of the Bedford Level Corporation, in whose District the said Piece of Bank shall lay, or under the Hand of the Dyke Reeve of Walderſea, to be left with the Collector of the Toll, at the Gate nearest to which the said Piece of Bank shall lay; and in case there are Two Toll-gates at equal Distances from the said Piece of Bank, then with either of the Collectors of the Tolls at either of the said Gates, the Trustees shall give immediate Orders to amend and make up the same according to the Dimensions aforesaid; and on Failure thereof, for the Space of Ten Days, that it shall then be lawful for the Officer of the Bedford Level Corporation for the time being, within whose District the said Piece of Bank shall lay, or the Dyke Reeve of Walderſea, to set about the Repair of the said Bank, and to make it equal to the Dimensions aforesaid; and that as soon as the same shall be repaired, it shall and may be lawful for the said Governor, Bailiffs, and Conservators, or any Five or more of them, whereof the said Governor or Bailiffs, or any of them, to be Two, in case the same shall have been repaired by the Direction of their Officer, to order their Receiver General for the time being, to draw on the Collector of the Tolls, at the Gate where the said Notice was left, for the Money laid out and

Trustees to keep the same in Repair.

expended in the Repair thereof; or in case the same shall have been repaired by the Direction of the Dyke Reeve of Walderſea, then for the ſaid Dyke Reeve to draw on the Collector of the Tolls, at the Gate where the ſaid Notice was left, for the Money expended in the Repair thereof; which Collector ſhall, out of the firſt Monies that ſhall come to his Hands by the ſaid Tolls, after either of the ſaid Drafts ſhall be to him ſo preſented, pay and ſatisfy the ſame; which Drafts ſo paid ſhall afterwards be allowed in his Account, as fully as if the ſame had been by him paid by Order of the ſaid Truſtees; the ſaid Tolls always to be liable and applicable to the Payment of the ſaid Drafts, prior to any Charge on the ſame.

And whereas Breaches have frequently happened in the ſaid Bank for want of immediate Attention to the Riſe of Land Floods, and timely Aſſiſtance to preſerve and ſupport the ſaid Bank, to the drowning of many Thouſand Acres of Land: And whereas, in caſe of ſuch Accidents, there may not be Time to give Notice to the ſaid Truſtees of the ſaid Danger, ſo as to enable them to defend the ſaid Bank againſt the ſame; be it enacted by the Authority aforeſaid, That as often as the ſaid Banks are ſo annoyed and endangered by Land Floods, if the Agents or Servants of the ſaid Truſtees do not, at the Time of ſuch Danger appear on the Place or Places in the ſaid Banks, ſo annoyed or endangered by the ſaid Land Floods, to defend the ſame againſt any Breaches or Slips which may happen in the ſaid Bank from the ſaid Floods; that then it ſhall and may be lawful either for the Officer for the time being of the Bedford Level Corporation, in whoſe Diſtrict the ſaid Piece of Bank lays, or for the Dyke Reeve for the time being of Walderſea, whichſoever of them ſhall be firſt on the Place where the Danger is, inſtantly to ſet about endeavouring to ſave and ſecure the ſaid Bank from ſuch Breach or Slip; and if the ſame cannot be prevented, but a Breach or Gull ſhall happen in the ſaid Bank, then to ſet about with ſuch Aſſiſtance as he ſhall think proper, ſtopping and taking the ſaid Breach or Gull; and that the ſaid Governor, Bailiffs, and Conſervators, or any Five or more of them, whereof the ſaid Governor or Bailiffs to be Two, in caſe the ſame ſhall have been endeavoured to have been ſaved and protected by their Officer, or a Breach or Gull happening, the ſame ſhall have been by him taken or ſtopped, order their Receiver General for the time being, to draw on the Collector of the Tolls, at the Gate neareſt to which the ſaid

In caſe of immediate Danger Corporation of *Bedford Level*, and *Walderſea* Land Owners, to repair *Walderſea Bank* at Expence of the Truſtees.

said Bank shall lay; and in case there are Two Gates at equal Distances from the said Bank, then on the Collector of either of the said Gates; for the Money laid out and expended in so endeavouring to save and secure the same, or in taking or stopping such Breach or Gull; or in case the said Piece of Bank shall have been endeavoured to be saved and secured by the said Dyke Reeve of Walderſea, or the said Breach or Gull shall have been taken or stopped by him, then the said Dyke Reeve shall draw on the Collector of the Tolls, at the Gate nearest which the said Bank shall lay; and in case there are Two Gates at equal Distances from the said Bank, then on the Collector of either of the said Gates, for the Money expended in so endeavouring to save and secure the same, or in taking or stopping the said Breach or Gull; which Collector shall, out of the first Monies that shall come to his Hands by the said Tolls, after either of the said Drafts so drawn, either by the Receiver General to the said Governor, Bailiffs, and Conservators, or the Dyke Reeve of Walderſea, shall be to him so presented, pay and satisfy the same; which Draft or Drafts so paid, shall afterwards be allowed in his Accounts, as fully as if the same had been by him paid by Order of the said Trustees; the said Tolls always to be liable and applicable to the Payment of the said Drafts, prior to any Charge on the same.

Power to Commissioners of Sewers for the Hundred of *Wisbech*.

Provided also, and be it enacted by the Authority aforesaid, That from and after the passing of this Act, the South Bank from Wisbech Bridge, to the Gull formerly called Baldwyn's, and now Hamlyn's Gull, being Part of the said Road hereby intended to be repaired and amended, and lying within the Jurisdiction of the Commissioners of Sewers for the Hundred of Wisbech and Parts adjacent, shall be supported, maintained and amended at the sole Cost and Charge of the Trustees of the said Roads, out of the Tolls to be collected by virtue of this Act; and that whenever the said Bank shall be out of Repair, then, upon Notice thereof to be given in Writing to the Clerk of the said Trustees, under the Hands of Two of the Commissioners of Sewers for the said Hundred and Parts adjacent, or to be left at the Dwelling-house or Place of Abode of the said Clerk, the said Trustees shall give immediate Orders for the amending and repairing of the same; and in Default of such Orders, for the Space of Ten Days, then it shall and may be lawful for the said Commissioners of Sewers to repair the same, in such Manner as they shall think proper;

per; and that they the said Commissioners, or any Two of them, shall and may, as soon as the said Bank shall be so repaired, draw upon the Treasurer of the said Trustees for the Money laid out and expended in the repairing thereof; and that the Treasurer shall pay such Draft out of the first Money that shall come to his Hands, and the said Payment shall be allowed him in his Account with the said Trustees; the said Tolls always to be liable and applicable to the Payment of the said Drafts, prior to any other Charge on the same.

Commissioners of Sewers may stop Breaches, &c.

And be it further enacted by the Authority aforesaid, That when and as often as the said Bank between Wisbech Bridge and Hamlyn's Gull shall be in Danger of being broke down, or otherwise damaged, by the Fresh Water Floods, or the Tides running up or down the River, and the Agents or Servants of the said Trustees shall not appear in order to secure the said Bank from any Breaches or Slips, or appearing, shall not endeavour to secure the same; then the said Commissioners of Sewers, or any Person or Persons acting under them, shall and may secure the said Bank, if it can be done, from such Breach or Slip; but if such Breach or Slip cannot be prevented, then they the said Commissioners, or any Person or Persons acting under them, shall and may take or stop such Breach or Slip; and that they the said Commissioners, or any Two or more of them, shall and may draw upon the Treasurer of the said Trustees for the Money so laid out and expended by them in and about the said Breach or Slip, and that the said Treasurer shall pay such Draft out of the first Money that shall come to his Hands, and the said Payment shall be allowed him in his Account with the said Trustees; the said Tolls always to be liable and applicable to the Payment of the said Drafts, prior to any other Charge on the same.

Rights of Commissioners of Sewers reserved.

Provided always, and be it hereby enacted, That this Act, or any thing herein contained, shall not extend, or be construed to extend, to invalidate, lessen, diminish, alter, or take away, the Right or Power of the said Commissioners of Sewers for the Hundred of Wisbech, and Parts adjacent, to set down any Sluice or Tunnel for the draining of any Lands within their Jurisdiction, in any Bank or Road to be made by the said Trustees; the said Commissioners making up such Breaches at their own Expence, as shall be thereby made in the said Bank or Road, and leaving such Bank or Road in as strong and good Condition, in all Respects, as the same was

before their setting down such Sluice or Tunnel; nor shall any thing herein contained, prejudice, lessen, or any way defeat, or be construed to prejudice, lessen, or any way defeat any of the Rights, Powers, and Authorities, now vested in the said Commissioners of Sewers for the Purposes of draining; provided that whenever the said Commissioners of Sewers in the Exercise of such Rights, Powers, and Authorities, or any Person or Persons acting under them, shall do any Damage to the said Roads intended to be hereby repaired and amended, or any of them, then the said Commissioners shall repair the same at their own Cost and Charge.

Commencement and Continuance of the Act.

And be it further enacted by the Authority aforesaid, That this Act, and all the Powers herein contained, 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; and the same 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 whatsoever, without specially pleading the same.

Publick Act.

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