Anno quinto

Georgii III. Regis.

An Act for repairing and widening the Road from *Alford* to *Boston*, and from thence to *Cowbridge*, in the County of *Lincoln*.

WHEREAS the Road leading from the West End of the Pavement near Master Sugar's House in Alford, by Miles Cross Hill, through the Parishes of Well and Ulceby, and the Lane between Dexthorpe and Langton, and through the Parishes of Dalby, Partney, Spilsby, Toynton, All Saints, East Keale, West Keale, Stickford, Stickney, Sibsey, Fishtoft, and Skirbeck, to the East End of the broad Pavement in Wide Bargate, within the Town of Boston in the County of Lincoln; and from thence to a certain Place called Cowbridge, near Boston aforesaid, being the High Road from great Part of the Wolds and Marshes in the said County, to Boston aforesaid; is in many Places so very deep and ruinous, and in others so very narrow and incommodious, that in the Winter Season many Parts thereof are impassable for Waggons and Carriages, and also for Horses laden, and Travellers cannot pass thereon without great Danger: And whereas the said Road cannot be amended, widened, and kept in proper Repair, by the ordinary Course appointed by the Laws now in being: May it please Your Majesty that it may be enacted; and be it enacted by the Preamble.

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 Brownlow Eertie, commonly called Lord Brownlow Bertie; the Right Honourable Albemarle Bertie, commonly called Lord Albemarle Bertie; the Right Honourable Vere Bertie, commonly called Lord Vere Bertie; the Right Honourable Robert Bertie, commonly called Lord Robert Bertie; the Right Honourable George Sutton, commonly called Lord George Sutton; the Right Honourable William Manners, commonly called Lord William Manners; the Right Honourable Robert Manners, commonly called Lord Robert Manners; the Right Honourable James Manners, commonly called Lord James Manners; the Right Honourable Sir John Cuſt Baronet, the Honourable George Hobart, the Honourable John Monſon, Sir Francis Knollys Baronet, Sir Gilbert Heathcote Baronet, Peregrine Bertie, David Atkinſon, Charles Amcotts, Mottram Andrews, Henry Andrews, William Atchard, Richard Abbott, John Ayre, John Arnall, Thomas Alderſon, William Aſh, John Allatt, John Ancient, George Ancient, Joſeph Banks, Thomas Brackenbury, Langley Brackenbury, John Brackenbury of Spilſby, Langhorn Burton, Robert Carr Brackenbury, Charles Brackenbury, Thomas Birch, John Bowman, Thomas Burton, Robert Barlow, Richard Beſtoe M. D. Charles Berridge LL. D. Joſeph Brackenbury, Thomas Beaumont, Henry Beſt, Whittingham Beſt, Anthony Baker, Thomas Birch of Saleby, Edward Bailey, Clerks; James Brackenbury, Joſeph Brackenbury junior, Cuthbert Blyth, John Bourne, George Bourne, Henry Bourne, Robert Bourne, William Barnfather, Richard Bell, George Barnes, Thomas Brotherton, Francis Beaty, Joſhua Baxter, John Brackenbury of Boſton, Samuel Bennet, Thomas Bradley, Robert Burton, William Burton, William Brockett, Thomas Brightwell, Thomas Barr, Andrew Betts, Chriſtopher Barnard, George Baſs, Charles Chaplin, George Coltman, Francis Cuſt, George Cheſelden, the Reverend William Cheates, Richard Cuſt D. D. John Calthrop, Edward Codd, Clerks; John Cooper, John Cheyney, Thomas Cheyney, Thomas Cheyney junior, Jacob Connington, Thomas Capps, William Chowne, John Colby, Robert Colſton, Robert Chapman, Thomas Collis, Edward Cartwright, George Cartwright, Joſeph Clark, Thomas Cartwright, Thomas Carlton, George Coxſon, John Chapman of Burgh, William Chapman, Charles Clarke M. D. John Chapman of Boſton, Samuel Daſhwood, Charles Daſh-

Truſtees Names.

wood, William Drake, Edward Drax, Francis Bateman Dashwood, John Dymoke, Edward Dymoke, the Reverend Charles Dewsnop, Samuel Drake, John Dobbs, Charles Dewsnop junior, Edward Draper, John Dods, Wharton Emerson, John Elye, William Emlyn, Richard Ealand, Richard Fydell, Robert Fowler D. D. Richard Falkner Clerk, Lister Fitz William, Hurst Fowler, John Fowler, Robert Fowler, George Fowler, William Faucitt, William Fowler, Joseph Gape, John Greathed, Thomas Greathed, James Gardner, [illegible]Gardiner, Thomas Carmston Clerk, William Garsit senior, William Garsit junior, George Goodin senior, George Goodin junior, William Goodwin, John Gilby, William Groswell, Philip Goose, John Gildon, George Gunnis, William Horsefall, the Reverend Robert Hastings, Charles Hall, Clerks; John Haw, William Hairby senior, William Hairby junior, George Fitz William Hodgson, Isaac Hill senior, Isaac Hill junior, Thomas Hardwick, Thomas Hall, William Haggard, John Harrison, James Hairby, Butler Hairby, Solomon Hanford, Robert Hastings junior, Francis Hill, Richard Hurdmas, Thomas Hardy M. D. Richard Harley, Samuel Jackson, William Jackson of Boston, William Jackson of Alford, George Jolland, John Inett, William Paine King, John Kippey Clerk, Thomas Kime, John Kelsey, Bennet Langton senior, Bennet Langton junior, Peregrine Langton, Samuel Langton, Mathew Lister, Mathew Dymoke Lister, the Reverend Richard Loxham, John Linton senior, John Linton junior, Clerks; John Laine, Thomas Longstaff, John Low, William Laine, Thomas Longstaff junior, James Longstaff, Robert Lee, William Massingberd, William Burrell Massingberd, Thomas Massingberd, Charles Burrell Massingberd, William Marshall, Henry Cracroft Marshall, John Mitchell, George Maddison, the Reverend James Andrew Milnes, Charles Myres, John Marriott, Clerks; Edward Micklethwaite, Robert Martin junior, Robert Merfin, Joseph Mountain, John Mason junior, John Mackinder of Hanby, Robert Neve, Hugh Norton, [illegible] Nelthorpe, William Oates Clerk, John Odlin, Thomas Pownall, Richard Pilkington, Gilbert Pilkington, Henry Butler Pacey, Samuel Preston, the Reverend Charles Pilkington, William Pennington of Mavis Inderby, Clerks; John Parrish, Edward Parrish, Caleb Preston, Peter Packharnis, John Parker, Thomas Penson, John Pell of Swinsted, John Pell of Little Steeping, William Pell of Skegness, William Quincey senior, William Quincey junior, Samuel Reynardson, Samuel Charles Reynardson, Jacob Reynardson, Joseph Robertson, Francis Robinson, Robert

Hibbert Rinder, George Rill, John Short, Cunningby Sibthorpe, Gervase Scrope, Thomas Scrope, George Stovin, the Reverend Roger Stevens, Richard Sugar, Francis Sugar, John Smith, , Smithwaite, Clerks; William Stapleton, William Stapleton junior, Thomas Sharpe, John Saul, Edward Stephens, John Schrimshire, Richard Spendley, Jonathan Smith, Thomas Saltonstall, Abraham Sheath, Robert Soulley, Benjamin Stephenson, Wyldbore Tuting Clerk, Tristram Twell, Francis Thirkhill, Jeffry Tysdall, Jeffry Tysdall junior, Kerchever Thompson, Robert Thompson, Samuel Thompson, Joseph Joynbee, John Tunnard, Robert Topham, John Topham, Richard Taylor, William Tedd, John Talker, John Talker junior, Robert Vyner senior, Robert Vyner junior, Abraham Varnham, the Reverend Richard Vesey, William Uvedale, Clerks; Robert Vent, Thomas Whichcot, Charles Wood, Willoughby Wood, Joseph Walls, Charles White, Mathew Wildbore, Saint John Wells, Bernard Wilson D. D. Richard Wright, John Wright, Middlemore Ward, Robert Wilby, Abraham Walker, Samuel Whiting, Thomas Whilton, Clerks; George Wright, George Wright junior, William Wright, Samuel Wright, Timothy Wayet, Thomas Wayet, John Wayet, John Wayet junior, Thomas Williamson, Charles West, West Wheldall, West Wheldall junior, William Watson, John West, Bartholomew Wells, Thomas Wright senior, West, Joseph Wilson, Nicholas Wrigglesworth, John Yerburgh, Thomas Yerburgh, the Mayor, Recorder, Aldermen, and Town Clerk of Boston for the time being; shall be, and they and their Successors to be elected in Manner herein after mentioned, are hereby appointed Trustees for ordering, amending, widening, and keeping in Repair, the said Road, and also for putting in Execution all the Powers hereby given; and they the said Trustees, or any Five or more of them, shall and may build and erect, or cause to be built and erected, One or more Turnpike or Turnpikes in, upon, across, or on the Sides of, any Part of the said Road between the Towns of Alford and Spilsby; and also One or more Turnpike or Turnpikes in, upon, across, or on the Sides of, the said Road between the Towns of Spilsby and Boston; and also One other Turnpike in, upon, across, or on the Sides of, any Part of the said Road at or near Cowbridge; and shall also erect or provide, or cause to be erected or provided, a Toll-house or Toll-houses, with suitable Out-buildings thereto, in, upon, or adjoining to, the said Road, at or near each of the Places where

Trustees may erect Turnpikes and Toll-houses;

the said Turnpikes shall be erected; and also shall and may take in and inclose from the said Road, or any Part thereof, as many Garden Spots as there shall be Toll-houses thereupon, suitable and convenient for each respective Toll-house; and shall also make, or cause to be made, such Ditches, Banks, or other Fences, along or near the said Road, or any Part thereof, as they shall, from time to time, find necessary, in order to prevent any Person or Persons passing with their Cattle or Carriages from avoiding any of such Turnpikes.

Trustees may erect Side-gates,

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, by any Order made at any of their publick Meetings, if they think it necessary, to cause One or more other Turnpike or Turnpikes to be erected on the Side or Sides of the Road hereby intended to be repaired, across any Road, Lane, or Bye-way leading into the same; and also to erect or provide a Toll-house at each of the Places where such Turnpikes shall be erected, and there to take and receive such Tolls as are by this Act granted and made payable, so as the same do not extend to a Double Charge, in case of passing through any other of the Turnpikes which shall be erected by virtue of this Act.

and take Tolls thereat, so as the same do not extend to a Double Charge.

Trustees may remove Turnpikes, &c.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Seven or more of them, assembled at any Meeting, to take up, alter, and remove any Turnpike or Turnpikes, Toll-house or Toll-houses, and fix such Turnpike or Turnpikes, and Toll-house or Toll-houses, at any other convenient Place or Places; and also to erect or provide any other Turnpike or Turnpikes, Toll-house or Toll-houses, at any other Place or Places in, upon, across, or on the Sides of the said Road; but that Notice in Writing of the Time and Place of Meeting for every such Purpose shall be fixed upon all the Turnpikes to be erected by virtue of this Act, at least Ten Days before every such Meeting.

Proviso.

Provided nevertheless, That nothing in this Act contained shall impower the said Trustees to erect or place any Turnpike on the said Road between Partney Church and Toynton Field; or between Burton's Corner and Boston.

The following Tolls to be taken at each Turnpike.

And be it further enacted by the Authority aforesaid, That at each and every of the Turnpikes which shall be at any Time erected by virtue of this Act, the following Tolls shall be taken by such Person or Persons as the said Trustees, or any Five or more of them, shall appoint

point for that Purpose, before any Horse or other Cattle shall be permitted to pass through the same; that is to say,

The Tolls.

For every Horse, Mare, Gelding, Mule, Ass, Ox, Bullock, or other Beast of Draught, Drawing, the Sum of Three Pence.

For every Horse, Mare, Gelding, Mule, Ass, or other Beast of Burden, laden or unladen, and not drawing, the Sum of One Penny Halfpenny.

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

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

Tolls vested in the Trustees.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

Provided always, That no Person or Persons shall be subject to pay Toll more than Once in any One Day, to be computed from Twelve of the Clock in at Night to Twelve of the Clock in the succeeding Night, for passing or repassing with the same Cattle or Carriage, through any of the Turnpikes to be erected by virtue of this Act; but that all Persons, after Payment of Toll Once at any such Turnpike, shall, during the

Tolls to be paid but Once a Day.

the Remainder of the Day, pass or repass Toll-free with such Cattle or Carriage through the same Turnpike, upon producing a Ticket or Tickets denoting the Payment of such Toll; which Tickets the Collectors of the Tolls are hereby required to give gratis, upon Receipt of the Toll.

Particular Tolls to be taken at the Places herein mentioned.

Provided always, That no Person or Persons shall be subject to pay more than One Toll between Alford and Spilsby; or more than Two Tolls between Spilsby and Boston; or more than One Toll between Boston and Cowbridge, in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) for passing or repassing with the same Cattle or Carriage through all or any of the Turnpikes to be erected by virtue of this Act; but that all Persons, after Payment of Toll Once between Alford and Spilsby, and after Payment of Toll Twice between Spilsby and Boston; and after Payment of Toll Once between Boston and Cowbridge, shall, during the Remainder of the Day, pass or repass Toll-free with such Cattle or Carriage, upon producing a Ticket or Tickets denoting the Payment of such Toll or Tolls; which Tickets the Collectors of the Tolls are hereby required to give gratis upon Receipt of the Toll.

Property of Turnpikes and Toll-houses vested in Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses which shall be erected or provided by virtue of this Act, and of the Materials for building the same, and also for repairing the said Road, shall be vested in the said Trustees; and they, or any Five or more of them, are hereby impowered to dispose thereof as they shall think proper, and to bring Actions or prefer Bills of Indictment in their Names, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, or any One or more of them, against any Person or Persons who shall any ways injure or disturb them in the Possession thereof.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet together at the House known by the Sign of the White Hart in Spilsby, on the Twenty first Day after the passing of this Act, and proceed to the Execution thereof; and shall then, and from time to time afterwards, adjourn themselves to, or hold their Meetings for the Execution of so much of this Act as relates to the repairing and widening the Road from Alford to Spilsby, at such Place or Places, within the said Towns of Alford and Spilsby alternately, as they the said Trustees,

or any Five or more of them, shall think convenient; and shall also adjourn themselves to or hold their Meetings for the Execution of so much of this Act as relates to the repairing and widening the Road from Spilsby to Boston, and from thence to Cowbridge, at such Place or Places, within the said Towns of Spilsby and Boston alternately, as they the said Trustees, or any Five or more of them, shall think convenient; as often as it shall be necessary for putting this Act in Execution; and that a General Meeting of the said Trustees shall yearly, and every Year, be held on the First Thursday in July, at Spilsby and Boston alternately, for the passing and settling of all Accounts of their Treasurers, Receivers, Toll-bar Keepers, and other Officers relating to the said Road, and for the other Purposes of this Act; and that Ten Days Notice of all Meetings, not held by Adjournment, shall be given in Writing, to be fixed upon all the Turnpikes which shall be erected upon the said Road.

Ten Days Notice of all Meetings to be given.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That all the Monies arising by the Tolls to be levied by virtue of this Act, and that shall be borrowed on the Credit thereof, shall be applied in the First Place in defraying all the Expences incurred in and upon account of procuring and passing this Act, and shall, from time to time, afterwards be applied in erecting and providing Turnpikes and Toll-houses, and for repairing, turning, altering, widening, and keeping in Repair, the said Road; and in paying the Interest and Principal of the Monies borrowed, and for executing the necessary Purposes of this Act, and to no other Use or Purpose whatsoever.

Trustees not liable to repair Pavements.

Provided also, and be it enacted by the Authority aforesaid, That no Part of the Money arising by virtue of this Act, shall be applied in or towards repairing any Part of the Streets already paved in the said Town of Boston, but that such Streets and every Part thereof shall continue to be repaired in the same Manner as they have used to be before the making of this Act.

And whereas the Payment of the said Tolls may be evaded or greatly lessened by the Passage of Cattle and Carriages through the Lane called Frog Lane, leading from the Town of Alford into Alford West Field, and through the Lane leading from the Town of Well into Alford South Field, and through the Lane leading from the said Town of Well into Alford West Field, and also through Two several Lanes leading from the Road between Dexthorpe and Langton aforesaid to the Town of Langton;

Langton; and also through the Grounds called West House Grounds, and over a certain Place called Black Sike in or near the West Fen; and also over the Bridge called Paul's Bridge, leading from the West Fen across Mill Drain, into that Part of Frith Bank called Earl's Gate, over certain Bridges, Fords, Garths, or fordable Places, across a certain Drain called the Side Drain, leading from Cowbridge to a certain Place called Luke's Corner, at the East End of Drift Garth, near to a certain Place called Earls Croft, and to certain Houses in Skirbeck, now in Tenure of James Wilkinson and John Gibbons, be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to cause all the said Lanes, Grounds, Bridges, and Places to be fenced, ditched, banked, or otherwise stopped up, and to make or cause to be made such Ditches, Banks, or other Fences in, upon, or across any Part of the said East or West Fens, or along or near the said Road, or any Part thereof, as they shall from time to time find necessary, in order to prevent any Person or Persons from avoiding any of the said Turnpikes; and the same from time to time to keep constantly fenced, ditched, banked, or stopped up in such Manner as the said Trustees, or any Five or more of them, shall think proper: And if any Person or Persons shall wilfully fill up, destroy, or damage any such Ditch, Bank, or other Fence, or open any of the Passages so intended to be discontinued; every such Person shall pay to the said Trustees, or their Treasurer, the Expence of repairing and restoring such Ditch, Bank, or other Fence, and shall also for every such Offence forfeit such Sum, not exceeding Ten Pounds, nor less than Forty Shillings; which said Expence and Penalty shall be recovered in such Manner as the Penalties in this Act are herein after appointed to be recovered.

Trustees may erect Fences, &c.

to prevent evading the Tolls.

Penalty on destroying such Fences.

Provided always, That nothing in this Act contained shall extend to deprive the Inhabitants of West House, Frith Bank, or Earl's Gate, Earl's Croft, or of the said Houses in Tenure of the said James Wilkinson and John Gibbons, of their usual Way or Passage for Cattle or Carriages through or over any such Place or Places so to be stopped up as aforesaid; but that One or more convenient Gate or Gates, if necessary, shall be made, with a Lock or Locks thereon, at the Expence of the said Trustees, the Keys whereof shall be delivered to such Inhabitants, they paying for such Keys.

Reservation of Rights.

And

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, Mare, Gelding, Aſs, Mule, Cattle, Coach, Berlin, Landau, Chariot, Chaiſe, Calaſh, Waggon, Wain, Cart, Dray, or other Carriage, paſs through any Ground, Parcel of Land, or other Place, adjoining to or lying near any of the ſaid Turnpikes, the ſame not being a Common Road (the Owner or Occupier of ſuch Ground, Land, or Hereditament, through ſuch Gate or Way as he hath uſually paſſed through the ſame, excepted) or through, along, or over any of the Lanes, Grounds, Bridges, Fords, Wiaths, or fordable Places, ſo to be ſtopt as aforeſaid (the Inhabitants of Weſt Houſe, Frith Bank, Earl's Gate, Earl's Croft, and of the ſaid Houſes in Tenure of the ſaid James Wilkinſon and John Gibbons, only excepted) or if any Owner or Occupier of any Ground, Land, or Hereditament, which ſhall adjoin or lie near to any of the ſaid Turnpikes; or if any Inhabitant of Weſt Houſe, Frith Bank, Earl's Gate, Earl's Croft, or of the ſaid Houſes in Tenure of the ſaid James Wilkinſon and John Gibbons, by leaving the Gate or Gates ſo intended to be made for their Paſſage open or unlocked, or by giving or lending his or her Key, ſhall knowingly or willingly permit or ſuffer any Perſon or Perſons with any Horſe or other Cattle, or any Coach, Waggon, or other Carriage, to paſs through any ſuch Ground, Land, or Hereditament, or through ſuch Gate or Gates; or if any Perſon or Perſons ſhall give to or receive from any other Perſon or Perſons, except the Collectors of the Tolls, any Ticket of the Day by this Act directed to be given by ſuch Collectors, whereby the Payment of any of the ſaid Tolls, or any Part thereof, ſhall be avoided; or if any Perſon or Perſons ſhall take off, or cauſe to be taken off, any Horſe or other Cattle from any Coach, Waggon, or other Carriage, with an Intent to avoid paying any of the ſaid Tolls, or any Part thereof, or ſhall leave, or cauſe to be left, upon or near to any Part of the ſaid Road, any Coach, Waggon, or other Carriage, Horſe, or other Cattle, with ſuch Intent alſo aforeſaid, whereby the Payment of the ſaid Tolls, or any Part thereof, ſhall be avoided, every Perſon ſo offending in any of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit the Sum of Forty Shillings; whereof One Moiety ſhall be paid to the Informer or Informers, and the other Moiety ſhall be applied in ſuch Manner as the other Penalties are herein after directed to be applied.

to avoid paying the Tolls.

Provided

Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, from time to time, with the Consent of Two Thirds of the Creditors on the said Tolls, to lessen all or any of the said Tolls, and for such Time as they shall think proper; and the Tolls so lessened shall be recovered and levied in such Manner as is herein before mentioned for recovering and levying the Tolls herein before granted; and the said Trustees, or any Five or more of them, may afterwards, if there shall be Occasion, advance all or any of the Tolls so lessened to any Sum or Sums not exceeding the respective Rates herein before mentioned.

Trustees may lessen the Tolls;

and raise them again.

Provided always, and it is hereby enacted by the Authority aforesaid, That no Toll shall be demanded or taken for any Horse or other Cattle or Carriage employed in the Conveyance of any Stones, Gravel, or other Materials for repairing of any Highway, or of any Lime, Dung, Mould, Soil, or Compost of any Kind for the manuring of any Garden or other Land or Ground, or that shall be used or employed in the plowing, sowing, tilling, or cultivating of any Land or Ground; or for any Horse, or other Cattle or Carriage employed in the Conveyance of any Hay to be stacked, or Corn in the Straw to be laid up in the Houses, Outhouses, Yards, or Grounds of the Owner or Owners thereof; or for any Horse, or other Cattle drawing or conveying any Plough, Harrow, or other Implement of Husbandry in order for the repairing thereof, or using them in Husbandry, or manuring of Land; or for any Person or Persons residing in any Township or Parish in which the said Road doth lie, going to or from their proper Parochial Church, Chapel, or other Place of Religious Worship on the Sabbath Day or Sunday; or attending the Funeral of any Person or Persons that shall die and be buried in any of the said Parishes or Townships; or for any Horse or other Cattle, going to or passing from Water or Pasture; or from one Pasture to another for Feed, or to be, or from being, shoed, farried, or cured of any Lameness, Illness, or Distemper; or for any Sheep going to be, or returning from being, washed in any Wash Dyke, River, or other Place used for the washing of Sheep in or near any Part of the said Road; or any Sheep going to be, or returning from being, clipped in any Place used for the clipping of Sheep near the said Road; or for any Post Horse carrying any Mail or publick Packet; or for the Horses of any Soldiers on their March, or for any Carriage

Exemptions from Toll.

or Horse or other Cattle employed in the drawing or conveying their Arms or Baggage; or for any Carriage or Cattle employed in the Passing of Vagrants with lawful Passes; nor shall any Person or Persons be subject to pay any Toll for the passing, returning, or repassing of any Horse, Mare, Gelding, Mule, or Ass; or of any Coach, Berlin, Landau, Chariot, Chair, Chaise, Calash, Caravan, or any other Carriage that shall be going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Lincoln, on the Day of such Election, or on the Day before or Day after such Election shall begin or be concluded; nor shall the Owners or Drivers of any Waggons, Carts, or Carriages which shall come without any Loading to the said Towns of Boston, Spilsby, or Alford, over Night, and shall pass the next Day loaded, be subject to more than One Payment of the said Tolls, the Owner or Driver of such Waggon, Cart, or Carriage, producing a Ticket, signifying that such Tolls were paid for such Waggon, Cart or Carriage, when it passed unloaded the Day before; any thing herein contained to the contrary notwithstanding. And if any Person or Persons shall claim and take the Benefit of any of the Exemptions by this Act granted, not being intitled to the same, every such Person shall forfeit the Sum of Forty Shillings; whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the other Penalties are herein after directed to be applied.

Penalty of making illegal Claims.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, at any Meeting to be holden in the said Towns of Boston, Spilsby, or Alford, from time to time to borrow or take up at Interest any Sum or Sums of Money, and assign over the Tolls arising by virtue of this Act, or any Part thereof (the Costs and Charges of assigning the same to be paid out of such Tolls) for any Time or Term during the Continuance of this Act, as a Security for such Sum or Sums of Money, together with the Interest thereof, to such Person or Persons, or their Trustees, who shall advance the same, by the following Words of Assignment under their Hands, or by any other Words in Writing to that Purpose:

Tolls may be assigned for Money borrowed.

Form of Assignment.

BY virtue of an Act made in the Fifth Year of the Reign of His Majesty King *George* the Third, for repairing and widening the Road from *Alfoxton* to *Bolton*, and from thence to *Gowbridge* in the County of *Lancaster*, we of the Trustees do assign unto *A. B.* his Executors, Administrators, or Assigns, in Consideration of the Sum of from this Day of in the Year of our Lord during the Continuance of the said Act, or until the said Sum of with Interest at the Rate of per Centum per Annum shall be repaid, such Proportion of all the Tolls arising by virtue of this Act, as the said Sum of shall bear to the whole Sum advanced on the Credit of the same.

No undue Preference to be given.

And all and every Person or Persons to whom the said Trustees, or any Five or more of them, shall at any Time make such Assignment or Assignments, shall be equally intitled to their Proportion of the said Tolls, according to the respective Sums in such Assignment mentioned to be advanced, to secure the Re-payment thereof with Interest, without any Preference by reason of Priority of Assignment, or on any other Account whatsoever; and the Money so borrowed shall be applied in such Manner as the Tolls are directed to be applied, and to no other Use or Purpose; And Entries or Memorials of every such Assignment or Assignments, containing the Date, Names of the Parties, and Sums of Money borrowed, shall be made in a Book or Books to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees; which said Book or Books shall and may be perused at all seasonable Times by all Persons whomsoever, without Fee or Reward; but no Money shall be borrowed by the said Trustees, or any of them, upon the Credit of the Tolls, after the First Meeting of the said Trustees, unless Notice be for that Purpose given, in Writing under the Hand of the Clerk or Clerks to the said Trustees, upon all the Turnpikes then erected by virtue of this Act, at least Fourteen Days before the Meeting for the Purpose of borrowing such Money; And all and every Person or Persons to whom any such Assignment or Assignments shall be made as aforesaid, or who shall be intitled to the Money thereby secured, may from time to time assign or transfer his, her, or their, Right, Title, Interest, or Benefit, to the Principal and Interest thereby secured, to any Person or Persons whomsoever, indorsing on the Back of such Security before One credible

Penalty of making illegal Claims.

Entries of all Assignments to be made.

Tolls may be assigned for Money borrowed.

Notice to be given of borrowing Money.

Assignments may be transferred.

ble Witneſs the following Words, or Words to the like Effect:

Form of Transfer.

I Do transfer this Aſſignment, with all my Right and Title to the Principal hereby ſecured, and to all the Intereſt now due, to *C. D.* his Executors, Adminiſtrators, or Aſſigns. Dated this Day of

A. B.

Witneſs *G. H.*

Which ſaid Transfer or Aſſignment, ſhall, within Three Calendar Months from the Date thereof, be produced and notified to the ſaid Clerk or Clerks, Treaſurer or Treaſurers, who ſhall cauſe an Entry or Memorial to be made of ſuch Aſſignment or Transfer, containing the Date, Names of the Parties, and Sums of Money therein transferred, in the ſaid Book or Books to be kept for the entering the ſaid original Aſſignments; for which the ſaid Clerk or Clerks, Treaſurer or Treaſurers, ſhall be paid by the Perſon or Perſons to whom ſuch Aſſignment or Aſſignments ſhall be made, ſuch Sum as the ſaid Truſtees, or any Five or more of them, ſhall appoint, not exceeding the Sum of Two Shillings and Six Pence, and no more; and after ſuch Entry made, ſuch Aſſignment ſhall intitle ſuch Aſſignee, his, her, or their, Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon; and ſuch Aſſignees may in like Manner aſſign again, and ſo toties quoties; and it ſhall not be in the Power of ſuch Perſon or Perſons who ſhall have made ſuch Aſſignment, to make void, releaſe, or diſcharge the ſame, or any Monies thereby due, or any Part thereof.

Entries to be made of all Aſſignments.

Clerk's Fee.

Truſtees to appoint Officers,

And be it further enacted by the Authority aforeſaid, That the Truſtees, or any Seven or more of them, may, and are hereby authorized from time to time, to appoint proper Perſons to be Collectors and Receivers of the Tolls; and One or more Perſon or Perſons to be Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors, of the ſaid Road, and ſuch other Officer or Officers as the ſaid Truſtees, or any Seven or more of them, ſhall think neceſſary, and ſhall take ſuch Securities for the due Execution of their reſpective Offices, as the ſaid Truſtees, or any Seven or more of them, ſhall think fit; and ſuch Collectors, Receivers, Clerks, Treaſurers, Surveyors, and other Officers, or any of them, from time to time, to remove, and to appoint others in the Stead of ſuch of them as ſhall be ſo removed, or ſhall reſign, or ſhall die; but Notice in Writing

and remove them, and appoint others.

of the Intention to proceed to such Appointment, and of the Time and Place where the Meeting is to be held, shall be first given, and fixed upon all the Turnpikes at least Ten Days before every such Appointment; and may and are hereby impowered, out of the Monies arising by virtue of this Act, to contract for, allow, and pay, to such Collectors, Receivers, Clerks, Treasurers, Surveyors, and other Officers, and to such other Person and Persons as shall be assisting to them in the Execution of this Act, such Salaries, Rewards, or Allowances, as they the said Trustees, or any Seven or more of them, shall think reasonable.

Trustees to allow Officers Salaries.

And be it further enacted by the Authority aforesaid, That all and every such Collectors and Receivers, Clerks, Treasurers, and Surveyors, and other Officers and all other Persons whatsoever, who shall have or receive any of the Monies which shall be raised, collected, or received by virtue of this Act, shall, at the Annual General, or any other Meeting, and, from time to time, when and as often as he or they shall be thereunto required by the said Trustees, or any Five or more of them, produce and give up to the said Trustees, or any Five or more of them, full, true, and fair Accounts in Writing, of all the Monies which shall have been by them respectively had, collected, or received, and how, to whom, and for what Purposes such Monies, and every Part thereof, hath or have been disposed of or applied, together with proper Receipts and Vouchers for the Payment or Payments thereof; and shall and are hereby respectively required to pay all such Monies as, upon the Balance of such Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or to such Person or Persons, and to such Uses and Purposes, as they, or any Five or more of them, shall direct; and that all such Officers and Persons so accounting, or to account as aforesaid, shall, if required, upon their several Oaths (which Oaths any Two or more of the said Trustees are hereby impowered to administer) verify the said Accounts, and the particular Items and Articles thereof; and if any such Officers or Persons, being required so to do, shall refuse or neglect to render and give up such Account or Accounts as aforesaid, or to produce or deliver up to the said Trustees, or any Five or more of them, the Receipts and Vouchers relating to the same, or to verify the Articles thereof upon his or their Oath or Oaths, or shall refuse or neglect to pay such Monies as, upon the Balance of any Account or Accounts, shall appear to be

Officers to account upon Oath.

Officers refusing to account,

in his or their Hands, to the said Trustees, or any Five or more of them, or as they shall direct or appoint; then, and in either of the Cases aforesaid, such Trustees, or any Five or more of them, may and are hereby impowered to bring, or cause to be brought, any Action or Actions in the Name of such Trustees, or in the Name or Names of any One or more of them, against the Officer or Officers, Person or Persons, so refusing or neglecting as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made of any such Refusal or Neglect as aforesaid, to any Two or more Justices of the Peace for the County, Division, or Place, where such Officer or Officers, Person or Persons, so neglecting or refusing, shall be or reside, such Justices may and are hereby authorized and required, by Warrant or Warrants under their Hands and Seals, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before them; and, upon his or their appearing, or not being found, to hear and determine the Matters of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees, or any Five or more of them, by virtue of this Act might have done; and if, upon the Confession of the Party or Parties, or by the Oath or Oaths of One or more Witness or Witnesses (which said Oath or Oaths such Justices are hereby impowered to administer) it shall appear to such Justices, that any of the Monies which shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may and are hereby authorized and required, upon Non-payment thereof, by Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods of such Officer or Officers, Person or Persons respectively; and if no Goods of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of levying the same; or if any such Officer or Officers, Person or Persons, shall not appear before the said Justices at the Time and Place by them appointed for that Purpose, upon Notice thereof in Writing being delivered to such Officer or Officers, Person or Persons, or left at their last Place or Places of Abode respectively; or if appearing, shall refuse or neglect to give or deliver to the said Justices such Account or Accounts of the Receipts and Payments as aforesaid, or

may be sued.

Balance to be levied by Distress and Sale.

to

to verify the Truth of such Accounts, and the Articles thereof, upon Oath as aforesaid, or to produce or deliver up to the said Justices, the several Receipts and Vouchers relating to such Accounts respectively, and to the Articles thereof; then, and in either of the Cases aforesaid, the said Justices may, and are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to cause such Officer or Officers, Person or Persons, to be committed to the Common Gaol of the County, Division, or Place, where such Officer or Officers, Person or Persons, shall live or reside, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his or their respective Accounts, and verified the same on Oath, and shall have produced and delivered up the Receipts and Vouchers relating to such Accounts respectively; and shall have paid all the Monies which shall appear to be in their respective Hands, and the reasonable Charges of such Distress or Distresses as shall in those Respects have been made; or until he or they shall have compounded with such Trustees, or any Five or more of them, for the same, and paid such Composition-money; which said Compositions the said Trustees, or any Five or more of them, are hereby impowered to make.

For want of Distress Offender to be committed;

until he shall conform or compound for the same.

And be it further enacted by the Authority aforesaid, That the said Surveyor or Surveyors, or any Person or Persons who shall by the said Trustees, or any Five or more of them, or by the said Surveyor or Surveyors, be employed for that Purpose, may, and is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Sand, or other Materials, proper for the repairing the said Roads, in, upon, out of, or from, any Part of the East Fen, West Fen, or Wildmore Fen, or from any Waste or Common Grounds, River or Brook, in any Parish, Town, or Place, through which the said Road leads, or which do adjoin or lie near to the said Road, or in any neighbouring Parish, Town, or Place, to be used in repairing the said Road, without paying any thing for the same, such Surveyors, or other Persons, filling up the Pits, and levelling the Grounds, from which such Materials shall be taken, or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and to cut, dig, gather, take, and carry away, any Quantity or Quantities of Furze, Heath, Stones, Gravel, Sand, or other Materials, proper and sufficient for that Purpose, in, upon, or out of, from, and over, the Lands and Grounds of any Person or Persons

Surveyors may dig Gravel, &c.

without paying for the same; levelling the Pits,

Persons (such Lands and Grounds not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery, or Meadow Ground, planted with any Walk or Walks of Trees, or Avenue to any House) they the said Surveyors, or other Person or Persons by them employed as aforesaid, or some or One of them, having an Order from the said Trustees, or any Seven or more of them, for so doing; and paying, or offering to pay, such Rates for such Materials, and for the Damage done to the Owners or Occupiers of the Lands and Grounds where and from whence such Materials shall be digged, gathered, and conveyed, and over which the same shall be conveyed, as the said Trustees, or any Seven or more of them, shall adjudge reasonable; they the said Surveyors, or other Persons, filling up the Pits, and levelling the Grounds, from which such Materials shall be so taken, or fencing off such Pits, as aforesaid: And in case of any Difference between the said Trustees, Surveyors, or other Persons employed as aforesaid, and any of the said Owners or Occupiers, concerning such Damages, the Justices of the Peace, or the major Part of them, who shall be assembled at the next General Quarter Session for the Division or Place wherein the said Materials shall be so cut, digged, gathered, taken, and carried away, and on Six intire Days Notice thereof, to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by him, her, or them, to the said Surveyors, or to be left at their respective Places of Abode with some or One of their respective Families, shall hear, settle, and determine the Matter of the said Damages, whose Judgement or Order therein shall be final and conclusive to all Parties.

and making Satisfaction to the Owners.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, from time to time (such Surveyor or Surveyors having an Order from the said Trustees, or any Five or more of them, for that Purpose) to remove and prevent all Annoyances on any Part of the said Road, by Filth, Dung, Ashes, Rubbish, Water, or otherwise, and to turn, scour, or cleanse, any Water-courses, Sinks, or Drains, running into, along, or out of, the said Road, and make the same as deep and large as he or they shall think proper; and also to cut down any Trees or Bushes growing in the said Road, or to cut down, lop, or top, any Trees or Bushes growing in the Hedges or Banks adjoining thereto, and to take and carry away the same, in case the Owners or Occupiers of the Premisses shall

Surveyors may remove Annoyances, &c.

and cut down Trees,

neglect to remove the same, or to cut down or carry away such Trees or Bushes as aforesaid, or to turn, open, scour, or cleanse such Water-courses or Drains, or remove such other Annoyances, for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors; the Charges whereof (to be settled by the said Trustees, or any Five or more of them) shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers; the same to be recovered in such Manner as the Penalties are herein after directed to be recovered: And if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

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 be lawful for the said Surveyor or Surveyors (by Order of the said Trustees, or any Five or more of them) to make, or cause to be made, Causeways and Drains in and upon the said Road, and also Ditches and Drains through any Ground lying contiguous thereto; and to erect Bridges or Arches upon the said Road, or enlarge any Bridges already made, so as to be passable at all Times for Coaches, Waggons, or other Carriages; and also to make, or cause to be made, a Road through the Grounds adjoining to any narrow or ruinous Part of the said Road (not being the Ground whereon any House or Houses, or other Buildings, Stand, or a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) to be made use of by all Passengers, Cattle, Carriages, or otherwise, as a publick Highway, whilst the old Road is repairing or widening, and till such Time as it shall be convenient and safe for Passengers and Carriages to pass through the same; making such reasonable Satisfaction to the Owners or Occupiers of such Ground respectively through which any such Drains or temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, or any Seven or more of them; and in case of any Difference concerning the same between such Owners or Occupiers, and the said Trustees, it shall be lawful for the Justices of the Peace, or the major Part of them, who shall be assembled at the next General Quarter Sessions for the Division or Place wherein such Lands or Grounds lie (upon such Notice to be given by such

Surveyors may make Causeways, &c.

and make a temporary Road;

making Satisfaction to the Owners.

Justices to determine Differences.

Owners or Occupiers of the said Surveyors, as is herein before-mentioned with respect to Differences arising touching the Damage occasioned by getting Materials for Repair of the said Road) to settle, adjudge, and finally determine, what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid.

Trustees may widen, &c. Drains for the Passage of Boats,

And whereas it is absolutely necessary for the repairing some Parts of the said Road to convey the Materials in Boats along the Drains or Ditches leading to or near the said Road, and to make Cuts or Communications between such Drains or Ditches; be it further enacted by the Authority aforesaid, That it shall be lawful for such Person or Persons as the said Trustees, or any Five or more of them, shall appoint, to make use of any Drain in the Fens called the East Fen, West Fen, or Wildmore Fen, or of any Publick or Parish Drain, leading to or near the said Road, or of any Ditch lying contiguous, or within One hundred Yards of the said Road, and to make the same navigable for the Conveyance in Boats of any Materials to be used in repairing the said Road, and to hale with Men or Horses, on the Bank or Banks of such Drains or Ditches, and to open, scour, widen, and make deeper, such Drains and Ditches, and to make Cuts or Communications between such Drains or Ditches, and to remove all Obstructions, so as to make a free Passage for the Boats employed in the Conveyance of any of the said Materials; making such reasonable Satisfaction for any Damage done to the Lands or Grounds of any Person or Persons (such Lands or Grounds not being Common or Waste Grounds) as shall be agreed upon between such Person or Persons, and the said Trustees, or any Seven or more of them: And in case of any Difference between the said Trustees and such Person or Persons concerning such Damages, the Justices of the Peace, or the major Part of them, who shall be assembled at the next General Quarter Sessions of the Peace for the Division or Place wherein such Lands or Grounds shall lie, upon such Notice to be given by such Person or Persons, or by the said Surveyors, as is herein before-mentioned with respect to Differences touching the Damage occasioned by getting Materials for repairing the said Road, shall hear, settle, and determine, the Matter of such Damages, whose Judgement or Order therein shall be final and conclusive to all Parties

making Satisfaction to the Owners,

Justices to determine Differences,

Provided always, That no Cut to be made by virtue of this Act, shall be used for any other Purpose but the Passage of Boats for conveying the said Materials only, nor shall any Waters be suffered upon any Pretence whatsoever to pass through the same for the Purpose of Drainage, other than such Quantity of Water as shall or may be sufficient for navigating the said Boats or Vessels through the same: And in case any Attempt shall be made contrary to the Intent of this Act; then, and in such Case, the said Trustees, or any Five or more of them, upon Complaint in Writing to them made by Three or more Persons interested in the Drainage through Maud Foster's Gowt, or the River Witham, are hereby impowered and required forthwith to take effectual Means for preventing the same, and to guard against such Attempts for the future. How Cuts may be used.

Provided always, That nothing in this Act contained shall extend, or be construed to extend, to allow the said Trustees to do or impower any Person to do any Act or Thing, whereby any Work or Works done or to be done by order of the General Commissioners of Drainage of the Low Lands and Fens in the said County of Lincoln, appointed, or to appointed, by virtue of an Act of Parliament made in the Second Year of His present Majesty's Reign, intituled, An Act for draining and preserving certain Low Lands called *The Fens*, lying on both Sides of the River *Witham*, in the County of *Lincoln*; and for restoring and maintaining the Navigation of the said River from the High Bridge in the City of *Lincoln*, through the Borough of *Boston* to the Sea, shall be any way damaged, impaired, or made inconvenient, for the Purposes of Drainage and Navigation, without the Consent of the said General Commissioners for Drainage of the said Low Lands and Fens as aforesaid, first had and obtained, under the Hands and Seals of the Majority of them, who shall be present at some One of their General Meetings. Trustees not to damage the Drainage Works without Leave.

Provided always, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, and they are hereby impowered, to erect a Pen Sluice or other Works in every Cut which shall be made by virtue of this Act, for Communications between the several and respective Drains, with sufficient Doors to prevent any more Water than shall be necessary for navigating such Boats or Vessels passing in or out of the said Drains; and may and are hereby impowered, in case any Lands shall be overflowed or annoyed, or be in Danger of being overflowed or annoyed with Water, by Trustees may erect a Pen Sluice, &c.

[C. 1.]

by Reason or Means of any Works which shall be made by virtue of this Act, to erect One or more Horse Engine or Engines, or other Sort of Engine or Engines, and cause such Engine or Engines to be worked so long as the same shall be necessary; and such Drains or Ditches shall be made use of for the Purposes of this Act, the Expence whereof shall be defrayed out of the Monies arising by virtue of this Act; and the said Trustees, or any Five or more of them, may, and are hereby impowered and required, if necessary, to issue back the full Quantity of Water out of such Drains or Ditches, which by any Works to be done in pursuance of this Act shall have been admitted into the same.

And whereas there are certain paved Causeways for Horses, in the Parishes of Boston and Skirbeck, in the Road to be amended by virtue of this Act, which have been laid down at great Expence by the said Parishes respectively, and which will become useless when the said Road shall be effectually repaired, and will be of little Service in amending the same; be it therefore enacted by the Authority aforesaid, That it shall be lawful for the Surveyor or Surveyors of the Highways for the said Parishes respectively, to remove the said Materials of the said Causeways, and therewith to repair such other Roads belonging to the said Parishes respectively leading to the said Turnpike Road, as the Justices of the Peace at any of their Special Sessions to be holden for the Repair of the Highways, or at any Adjournment thereof, shall direct and appoint: And in case the said Surveyor or Surveyors, or any of them, shall, for the Space of Fourteen Days after the Receipt of any such Order, refuse or neglect to proceed to the Execution thereof, or to finish or complete the Matters thereby directed to be done, within such reasonable Time as shall be therein limited for that Purpose, such Surveyor or Surveyors refusing, shall forfeit any Sum not exceeding Five Pounds, nor under Forty Shillings, as the said Justices shall think fit; such Forfeitures to be expended for the Purposes contained in the said Order for removing or laying down the Materials of such Causeways as aforesaid.

Horse Causeways how to be applied.

And be it further enacted by the Authority aforesaid, That no Person or Persons, Bodies Politick, or Corporate, shall at any Time, during the Continuance of this Act, pull down, remove, or cause to be pulled down or removed, any Bridge or Bridges, otherwise than for the repairing thereof (in any Part of the Road hereby intended to be made or repaired) without

Bridges not to be pulled down without Consent of the Trustees.

the Consent of the said Trustees, or any Seven or more of them, at a Publick Meeting; and that the Road leading over each and every of the said Bridges, shall be deemed, adjudged, and taken to be, a Publick and Common Highway; and if any Person or Persons shall, without such Consent as aforesaid, build, or cause to be built, any Bridge over any River, Drain, or Ditch, where there is or shall be no Bridge at the Time of the passing of this Act, or shall make, or cause to be made, any Passage over or through any River, Drain, or Ditch, by Means of which the Payment of the Tolls hereby granted may be avoided, every such Person or Persons building, or making, or causing to be built, or made, such Bridge or Passage, shall be liable to the Penalties by this Act inflicted on Persons permiting private Passage.

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 it shall be lawful for the said Trustees, or any Seven or more of them, to widen, turn, or alter, any Part of the said Road over any Fen, Common, or Waste Grounds, without paying any Thing for the same; and in case the said Trustees, or any Seven or more of them, shall think it necessary to widen, turn, or alter, any other Part of the said Road, it shall be lawful for the said Trustees, or any Seven or more of them, to purchase any Lands or Hereditaments lying contiguous or near to any Part of the said Road, and out of the said Tolls, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands or Hereditaments, and all the Charges attending such Purchase; and it shall be lawful for all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or Trustees whatsoever, for or on Behalf of any Infants, Femes-covert, Cestuique Trusts, and all other Persons whomsoever, to contract and agree with the said Trustees, or any Seven or more of them, for the Purchase of such Lands or Hereditaments, or any Part thereof, or for their Interest therein, for the Purpose aforesaid, and to sell and convey the same as Occasion shall require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary notwithstanding; and all Persons are hereby indemnified for what they shall do in pursuance of this Act.

Persons, &c. neglecting to treat,

And be it further enacted by the Authority aforesaid, That if any Bodies Politick or Corporate, Ecclesiastical or Civil, 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 Head Officer or Officers of such Bodies Politick, Corporate, Ecclesiastical, or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments intended to be taken in and added to any Part of the said Road, or through which any Part of the said Road shall be intended to be turned, shall, for the Space of Ten Days after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating; then, and in each and every such Case, the said Trustees, or any Seven or more of them, shall cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County, Division, or Place respectively, wherein such Lands or Hereditaments are situate (which Oaths any Two or more of the said Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence shall be made to such Owners or Proprietors, or other Person or Persons, interested for or upon account of taking such Lands or Hereditaments into the said Road, or of turning such Road through the same; and in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, to summon before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer) and they the said Trustees, or any Five or more of them, shall, by ordering a View, or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premisses; and such Trustees shall order, adjudge, and determine, the Sum or Sums of Money, which shall be assessed by the said Jury for such Damages as aforesaid, to be paid to the said Owners, or Proprietors, or other Person or Persons interested, according to such Verdict or Inquisition of the said Jury; which Verdict or Inquisition, Judgement, Order, or Determination, shall be inrolled with the

Jury to settle the Damage and Recompence.

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be final.

the Clerk of the Peace of the County, Division, Place, or Liberty, in which such Lands or Hereditaments do or shall lie (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 Six Pence;) and, being so inrolled, shall be final and binding to all Parties and Persons whomsoever, claiming, or to claim, in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, Ecclesiastical, or Civil, as well as all other Person or Persons whomsoever, and against all and every such Owners and Proprietors: And the said Trustees, or any Seven or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County wherein such Lands or Hereditaments are situate, or to his Deputy, thereby commanding him or them to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number of Persons accordingly: And out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and, for Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve.

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

Provided always, and be it further enacted by the Authority aforesaid, That all Persons concerned shall have their lawful Challenges against any of the said Jurymen; and the said Trustees, or any Seven or more of them, acting in the Premisses, shall have Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or refuse to be sworn on the said Jury; or, being sworn, or refusing to give, or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary

Jurors may be challenged.

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

to

to the true Intent of this Act; and on any of the Persons who, being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, or refuse to be examined, and to give Evidence, and from time to time, to levy and apply such Fine or Fines, in such Manner as the Penalties are herein after directed to be levied and disposed of; so as that no such Fine exceeds the Sum of Ten Pounds, nor less than Twenty Shillings, upon any One Person for One Offence.

Fine not to exceed 10 *l.*

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

And be it further enacted by the Authority aforesaid, That all and every such Sum or Sums of Money or Recompence to be agreed for or ascertained as aforesaid, shall be, and is, and are hereby charged upon the said Tolls, or out of the Monies to be borrowed upon the Credit thereof, and shall be paid accordingly to the Persons respectively intitled thereto, or to their Agents; and that upon Payment or Tender thereof to such Persons, or their Agents, and in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk or Clerks for the time being to the Trustees, for the Use of such Persons; and after One Month's Notice thereof given to such Persons or their Agents, or left at the usual Place or Places of their Abode, to receive such Money, it shall be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to take into or add to the said Road such Lands or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and such Lands or Hereditaments so taken into and made a Part of the said Road, shall be deemed and taken to be, to all Intents and Purposes, a Publick Highway, and Part of the Road hereby intended to be repaired, and shall be repaired and kept in Repair by such Means as the Road hereby appointed to be repaired and widened is by this, or any other Law, to be repaired; and from thenceforth all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new Road shall be completed, the Lands and Grounds constituting the former Road (unless leading over some Common, Wood, or Waste Ground, or to some Village, Town, or Place, to which such new Road doth not lead) shall be vested in, and shall and may be sold and conveyed, by the said Trustees, or any Five or more of them, for the best Price that can be got for the same; and the Money arising

Lands, &c. purchased to be laid into the Roads,

and esteemed a publick Highway.

Old Road may be sold.

arising by such Sale shall be applied in such Manner as the said Tolls are hereby directed to be applied, or the said Trustees, or any Five or more of them, may and are hereby impowered to give in Exchange any Part or Parts of the Lands constituting the former Road, for any Part or Parts of such new Road.

Owners to have the Preference in the Purchase of Lands.

Provided always, That in case the Owner or Owners of any Lands, adjoining to the Lands constituting the former Road, shall signify in Writing, to any Five or more of the said Trustees, before the new Road shall be compleated, his, her, or their Desire to purchase so much of the said former Road as shall adjoin to his, her, or their Lands, such Owner or Owners shall be allowed to purchase the same in Preference to any other Person.

Buildings, &c. not to be damaged.

Provided always, and it is hereby enacted and declared, That the Authority given to the said Trustees as aforesaid shall not extend to the pulling down any Dwelling-house or other Building, or taking in the Site of any House or other Building, or to take in any Garden or Orchard, Yard, Court, Park, Paddock, planted Walk, or Avenue to any House.

Trustees not to act where interested.

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

Roads made over any Moor, &c. to be 40 Feet wide.

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

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

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

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

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

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

Inhabitants to do Statute-work.

Penalty on Surveyors neglecting to deliver in such Lists,

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

and on Persons not performing statute-work.

Labourers found idle to be turned off.

Provided always, and be it enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to charge, subject, or make liable, the Inhabitants of any Hamlet or Place within any Parish or Parishes in which any Part of the said Road lies, with the doing or performing of any Statute-work upon the said Road where such Inhabitants have been exempted or discharged by Agreement, Composition, or otherwise, from doing any Statute-work within the Parish or Parishes to which they respectively belong, for Sixty Years last past; or to affect, alter, or make void, any such antient Agreement or Composition; such Inhabitants paying One Moiety of such Composition to the said Trustees, or any Five or more of them, or to the Surveyor or Surveyors to be by them appointed, to be applied in the repairing of the said Road; and the other Moiety of the said Composition to the Surveyors of the Highways of such Parish or Parishes to which they respectively

Reservation of Rights.

belong

ſpectively belong, to be applied towards the Repairs of the other Roads within ſuch Pariſh or Pariſhes.

Truſtees, with Conſent of Inhabitants, may compound for Statute work.

Provided always, and be it enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to compound or agree, by the Year or otherwiſe, with the Poſſeſſors, Occupiers, Grantees, Truſtees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or ſhall be liable to, or chargeable with, the Repair of any Part of the ſaid Roads, or with any Perſon or Perſons, for the Performance of his or their Statute-work thereon; and alſo, that it ſhall be lawful for the Surveyor or Surveyors of the Highways of any of the ſaid Townſhips, Pariſhes, or Places, or ſuch Churchwardens or Overſeers of the Poor reſpectively as aforeſaid (by and with the Conſent of the Majority of the Inhabitants of ſuch Townſhips or Places firſt had at any Veſtry, or other publick Meeting of ſuch Inhabitants) to compound and agree by the Year or otherwiſe with the ſaid Truſtees, or any Five or more of them, for and in lieu of the Statute-work to be performed by ſuch Inhabitants upon any Part of the ſaid Road; all which Compoſition-monies ſhall be, from time to time, paid in Advance, and ſhall be applied in the Repair of the ſaid Road; and all ſuch Surveyors, Churchwardens, or Overſeers of the Poor, ſhall be reimburſed the Monies ſo by them paid, in ſuch Manner as Surveyors of the Highways are, by the Laws now in being, to be reimburſed the Monies by them expended in buying Materials for repairing the Highways.

Truſtees may compound with Travellers.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, may, and they are hereby impowered to compound or agree by the Year or otherwiſe, but not for a longer Time than One Year, with any Perſon or Perſons, uſing to travel through all or any of the Turnpikes to be erected by virtue of this Act, with any Coach, Waggon, or other Carriage, Horſe, Gelding, Mare, Aſs, or Mule, for any Sum or Sums of Money for and in lieu of Payment of any of the ſaid Tolls, to be inſtantly paid in Manner aforeſaid, or otherwiſe to be void and of no Effect; and that all ſuch Compoſition-monies ſhall be applied in ſuch Manner as the Tolls are directed to be applied.

Truſtees may leaſe, &c. the Tolls.

Provided alſo, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, by Writing under their Hands and Seals, to leaſe the Tolls ariſing by virtue of this Act, or any Part or Parts

Parts of such Tolls, unto any Person or Persons, from Year to Year, or for any Term of Years not exceeding Four 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 Five or more of them, shall think proper; and the Monies arising thereby shall be applied in such Manner as the Tolls so leased are directed to be 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, may, and are hereby impowered and required, to cause the said Road to be measured, and Mile-stones or Posts to be set up in or on the Sides thereof, with Inscriptions denoting the Number of Miles and Distance of Places, as they or any Five or more of them, shall think fit: And if any Person or Persons shall wilfully pull down, dig up, or injure, any or either of such Stones or Posts, or erase, obliterate, or deface, any of the Inscriptions which shall be made thereon, or cause or procure the same to be done; every such Person so offending, shall, for every such Offence, forfeit the Sum of Forty Shillings for each Stone or Post so broken, obliterated, defaced, or pulled down, to be levied by Distress and Sale of the Offender's Goods and Chattles, in such Manner as the other Penalties are herein directed to be levied; and in case sufficient Distress shall not be found, then it shall be lawful for any One or more Justice or Justices of the Peace for the County, Division, or Place, wherein the Offence is committed, by Warrant under his or their Hand or Hands and Seal or Seals, to commit such Person or Persons to the House of Correction for the County, Division, or Place, wherein the Offence shall be committed, there to remain, without Bail or Mainprize, for the Space of Three Calendar Months, unless such Penalty and all reasonable Charges, shall be sooner paid.

Penalty on defacing Mile-stones;

to be levied by Distress and Sale.

For want of Distress, the Offender to be committed.

Penalty on haling Timber otherwise than on Wheel Carriages.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall hale or draw, or cause to be haled or drawn, upon any Part of the said Road, any Tree or Trees, Piece or Pieces of Timber, otherwise than upon Wheels or Carriages, or draw any Plough upon or across the said Road or any Part thereof, whereby the said Road or any Part thereof shall or may be prejudiced; every such Person or Persons, for every such Offence, shall forfeit the Sum of Forty Shillings.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures hereby inflicted, and not otherwise directed to be levied, shall, upon Proof of the Offences respectively for which such Penalties and Forfeitures shall be incurred, before any Justice of the Peace for the County, Division, or Place, wherein the respective Offender or Offenders shall reside, or the Offence be committed, either by the Confession of such Party or Parties, or by the Oath of One Witness, be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by a Warrant under the Hand and Seal of such Justice; which Warrant such Justice is hereby authorized and required to grant for those Purposes, and to administer such Oath gratis; and the Overplus remaining, after such Penalties and Forfeitures are recovered, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattles; which said Penalties and Forfeitures, so levied as aforesaid, or otherwise paid, and every Part thereof (except such Parts thereof as are hereby otherwise disposed of) shall be from time to time paid to the said Trustees, and shall be applied in such Manner as the Tolls are directed to be applied; and in case sufficient Distress shall not be found, and such Penalties or Forfeitures shall not be paid, it shall be lawful for such Justice, and he is hereby authorized and required, by a Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol of the County, Division, or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Months for the First Offence, and for the Second and any other Offence of the same Kind, for any Time not exceeding Six Months, nor less than Four Months, unless such Penalties or Forfeitures, and all reasonable Charges, shall be sooner paid.

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

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

nor the Parties distraining deemed Trespassers *ab initio*.

gularity shall and may recover full Satisfaction for the Special Damage in an Action upon 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 Behalf of the Party or Parties who shall have committed, or cause to be committed, any such Irregularity, Trespass, or wrongful Proceeding, before such Action brought. Plaintiff not to recover, if Tender of Amends hath been made.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall think him or herself aggrieved by any Act or Order or Judgement of the said Trustees, or any Justice or Justices of the Peace, in the Execution of any of the Powers hereby to him or them given, such Person or Persons may appeal to the Justices at the next or at the Second General Quarter Sessions of the Peace, or to any Adjournment thereof, for the Division or Place wherein the Offence was committed, he, she, or they causing Ten intire Days Notice in Writing of such Appeal, and of the Cause and Matter thereof, to be given unto the Person or Persons on whose Oath or Oaths or Evidence such Act, Order, or Judgement shall be so done, made, or awarded, and to some or One of the Collectors of the Tolls; which said Justices at their said Sessions, upon due Proof of such Notices being given as aforesaid, shall proceed in and hear and determine the Causes and Matters of the said Appeals, and every of them, and shall give such Costs to the Parties appealing or appealed against, as they in their Discretion shall think proper; and their Orders and Judgements therein shall be final and conclusive to all Parties concerned. Persons aggrieved may appeal to the Quarter Sessions. Notice of Appeal to be given.

Provided also, and be it further enacted by the Authority aforesaid, That no Conviction, Judgement, or Order of any Justice or Justices of the Peace, or of the said Trustees, in the Execution of the Powers hereby given, shall be quashed, vacated, or discharged, on account of the Want of Form only; nor shall be removed by Certiorari, or otherwise, into any of his Majesty's Courts of Record at Westminster. Proceedings not to be quashed for want of Form; nor removable by *Certiorari*.

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

And be it further enacted by the Authority aforesaid, That the said Trustees shall take Care to have all Receipts, Proceedings, &c. to be entered in a Book.

ceipts, Payments, Debts, Orders, and Contracts, had or made, or contracted or entered into, for or on account of the making, mending, widening, and turning the said Road, and all other the Proceedings of them the said Trustees, to be forthwith fairly written and entered in One or more Book or Books to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall or may be seen and perused at all seasonable Times without Fee or Reward by any Person or Persons whomsoever; and that all such Orders so entered shall be signed by the said Clerk or Clerks at any Meeting of any Five or more of the said Trustees assembled, as the Case shall require; and such Orders shall be deemed and taken to be Originals:

Books may be read in Evidence.

And such Books, and also the said Books directed to be kept for registering or entering the said Assignments and Transfers, shall and may be produced and read in Evidence in all Cases of Appeals, Suits, or Actions, touching any thing done in pursuance of this Act.

On Death or Removal of Trustees, others to be chosen.

And be it further enacted by the Authority aforesaid, That when and as often as any of the said Trustees shall die or refuse to act, it shall be lawful for the surviving Trustees, or any Seven or more of them, by Writing or Writings under their Hands, from time to time, at any of their Meetings, to appoint One other fit Person, properly qualified, in the Room of every Trustee so deceased or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election shall be fixed upon all the Turnpikes to be erected by virtue of this Act, at least Ten Days before any such Meeting; and all such Persons so from time to time appointed shall be joined with the surviving and remaining Trustees in the Execution of this Act; and all such Persons shall and are hereby impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as if they had been nominated Trustees by this Act.

10 Days Notice of Election to be given.

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 any Case 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 a Real Estate, in Law or Equity, of the clear yearly Value of Forty Pounds above Reprizes; or possessed of a Personal Estate to the Amount of One thousand Pounds; or be Heir Apparent of a Person possessed of an Estate in Lands of the yearly Value of One hundred Pounds: And if any Person, not being qualified as aforesaid,

said, shall presume to act in the said Trust, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same; to be recovered in a summary Way before the Justices of the Peace at their Quarter Sessions, or by Action of Debt or on the Case, Bill, Suit, or Information, in any of his Majesty's Courts of Record at Westminster, wherein no Essoin, Protection, Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act. Penalty on acting, not being qualified.

Provided always, and be it enacted by the Authority aforesaid, That the said Trustees, or any of them, shall not be impowered to do any Act in the Execution of the Powers hereby to them given, or any of them, except it be at a Meeting to be held in pursuance of this Act, and unless the Majority of the Trustees present be consenting thereto, such Majority not being less than the respective Numbers authorized to put this Act in Execution; and that all the said Trustees shall, out of their own Money, pay and defray all their own Charges. No Order to be valid, unless made by the Majority of the Trustees present. Trustees to defray their own Expences.

Provided always, That as often as any Collector of the Tolls shall die, or be incapable of performing his Duty, it shall be lawful for any Five or more of the said Trustees, though not assembled at a Meeting in pursuance of this Act, by any Writing under their Hands, to appoint any other Person to collect such Tolls; and the Person so appointed shall have the same Authority for Recovery thereof as the Person he shall succeed was vested with, until the said Trustees, or any Five or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls. Trustees may appoint Collectors, tho' not at a public Meeting.

Provided always, and be it enacted by the Authority aforesaid, That no Act, Order, Determination, or other Proceeding of the said Trustees, or any of them, in the Execution of this Act, shall be revoked, repealed, or altered at any subsequent Meeting, unless Nine of the said Trustees shall be present and concur therein, and Fourteen Days previous Notice in Writing shall be given of such Meeting upon all the Turnpikes. No Order made to be revoked, unless 9 Trustees consent thereto.

Provided always, and be it enacted by the Authority aforesaid, That if there shall not appear at any Meeting which shall be appointed to be held by the said Trustees, a sufficient Number of them to act at such Meeting, In case there shall not be a sufficient Number of Trustees to act,

Clerk to give Notice of another Meeting.

them; and in such Case, the Clerk or Clerks to such Trustees shall and may adjourn the said Meeting to any other Day, within the Space of One Month then next ensuing, by Notice in Writing under his or their Hand or Hands, to be fixed on all the Turnpikes, at least Ten Days before the next Meeting, and shall appoint the said Trustees to meet at the House where such last Meeting was appointed to be held.

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

And be it enacted by the Authority aforesaid, That such Trustees as shall be Justices of the Peace may and are hereby impowered to act as Justices of the Peace in the Execution of this Act (except in Cases where he or they shall be personally interested) and in all such Cases they shall not be intitled or impowered to act either as a Trustee or Justice; nor shall any Trustee who shall have or accept of any Place of Profit under the said Trustees, act as a Trustee during his Enjoyment of such Place of Profit.

No Trustee to accept a Place of Profit arising from the Tolls.

Victuallers not to have a Place of Profit.

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

Treasurer to give Security.

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 Treasurers, Receiver and Receivers, for the due Execution of his or their Office or Offices, as the said Trustees, or any Five or more of them, shall think proper.

Writings to be without Stamps.

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

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought against any Person or Persons for any thing done or to be done by virtue of this Act, or in relation to the Matters herein contained, every such Action or Suit shall be commenced within the Space of Six Calendar Months next after the doing the Matter for which such Action or Suit shall be so brought, and not afterwards; and shall be brought, laid, and tried, in the County or Place where such

Matters respectively shall be committed or done, and not elsewhere; and the Defendant or Defendants in all such Actions and Suits may plead the General Issue, and give this Act and the Special Matter in Evidence, on any Trial or Trials to be had thereupon, and that the Matter for which such Actions or Suits shall be so brought was done by the Authority of this Act; and if the same shall appear to be so done, or shall not be commenced within the Time before limited, or shall be laid in any other County or Place than aforesaid, then the Jury shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of any such Action or Suit; or if, upon any Demurrer, Judgement shall be given for the Defendant or Defendants; in each of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedies for recovering the same as any Defendant or Defendants may have for his or their Costs in any other Cases at Law. General Issue. Treble Costs.

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

FINIS.