Anno ſeptimo

Georgii III. Regis.

An Act to amend an Act made in the Fifth Year of His preſent Majeſty, for amending the Road from *Chatteris Ferry*, through *Chatteris* and *March*, to *Wiſbech Saint Peter's*; and from thence to *Tid Gote*, in the *Iſle of Ely*; and from *Wiſbech* aforeſaid, through *Outwell*, to *Downham Bridge*, in the County of *Norfolk*; and for repealing the ſeveral Acts for repairing the ſaid Road between *Wiſbech* and *March*; and alſo for charging certain Lands in *Walderſea*, and on *Wiſbech South Side*, towards the Repairs of the *Walderſea* and *South Side Banks*, which, before the paſſing of the ſaid Act, were liable to ſuch Repairs.

WHEREAS an Act was made in the Fifth Year of His preſent Majeſty's Reign, for amending the Road from Chatteris Ferry, through Chatteris and March, to Wiſbech Saint-Peter's; and from thence to Tid-Gote, in the Iſle of Ely; and from Wiſbech aforeſaid, through Outwell, to Downham Bridge, in the County of Norfolk; and for repealing the ſeveral Acts for repairing the ſaid Road between Wiſbech and March: And whereas by the ſaid Act of the Fifth of His preſent Majeſty, it was directed, that a certain Piece of Bank extending from Preamble, reciting Act 5 *Geo.* III.

Wisbech-Bridge, to a Place lately called Baldwin's, and now Hamlyn's Gull; and from thence to a House, or Site of a House, called Tower House, which, before the said Act, was maintained at the joint Expence of the Governor, Bailiffs, and Commonalty, of the Company of Conservators of the great Level of the Fens called Bedford Level, and the Owners of certain Lands in a Place called Waldersea, lying on the South Side of the said Bank, should be supported and maintained out of the Tolls to be collected by virtue of the said Act, and should be kept up to certain Dimensions therein set forth: And whereas it is of very great Consequence, that the said Bank should be properly and sufficienty kept up and maintained, the same being the Defence not only of the said Waldersea Lands, but also of many Thousand Acres of Land belonging to the Corporation of Bedford Level, against the high County Waters, in their Passage to the Sea, through Wisbech River: And whereas it was also directed by the said Act, that a certain Bank called The South Side Bank, lying within the Jurisdiction of the Commissioners of Sewers for the Hundred of Wisbech, and Parts adjacent, which, before the passing of the said Act, was supported by certain Rates or Acre Shots, annually laid upon certain Lands lying under the Defence of the said Bank, should be supported and maintained out of the Tolls to be collected by virtue of the said Act: And whereas, if the whole Expence of maintaining the said Banks is continued to be charged upon the said Tolls, the Income thereof will be so much exhausted thereby, that the Trustees will not be able to raise Money sufficient to put the Road under their Care, into any tolerable Repair: And whereas the said Act cannot otherwise be effectually carried into Execution, to answer the good Purposes thereby intended, unless some Alterations be made therein, and some other Provisions granted by Parliament: May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act, and all the Clauses, Directions, Powers, and Provisions, herein contained, shall, unless herein otherwise directed, commence and take Place from and immediately after the passing of this Act, and shall continue in Force for and during the Continuance of the said former Act, and no longer.

Commencement and Continuance of this Act.

And

And be it further enacted by the Authority aforeſaid, That Sir Samſon Gideon Baronet, James Adamſon Clerk, Abraham Amry, Thomas Aveling the elder, Stephen Aveling, John Argles, Thomas Bodham, John Brown, William Baker, Joſeph Bonner, Francis Brown, Edmund Bond, Lewis Barnes, Richard Beaty, Robert Coney, Robert Crow, Philip Caſe, Iſaac Cockeram, William Coleback, Samuel Coddington, Edward Croſs the younger, Maſſey Croſs, John Davis, John Duſon, John Dow, Thomas Dove, John Drake, William Dunn, Richard Foſter Clerk, Couſins Framingham, Thomas Forby, Thomas Foſter, Thomas Fawſſett, John Goddard of Stoake, Henry Grundill, Oldmeadow Gill, Edward Godfrey, William Goulden the younger, Stephen Gilder, Telner Goddard, John Garner the younger, Thomas Ground, John Griffiths, John Goodger, Robert Garnham, William Harvey Clerk, John Hines, John Heaton, John Harriſon, John Herber, John Hollingworth, William Hawkins, Edward Hunt, Jeremiah Hardmeat, Edward Jackſon, Robert Johnſon of Whittleſey, John Johnſon the elder, of Leverington; John Johnſon the younger, of the ſame; Robert Kilby, John Loomes, Thomas Loftus, John Marcon, John Mann the younger, Robert Mears the elder, Robert Mears the younger, Thomas Moore, John Mayer, John Marſhall of Elm, Edward Northon, Thomas Newman, John Overſtow, Richard Oſwin Clerk, Edward Peale, William Plummer the elder, William Robinſon Clerk, Edmund Saffery, Robert Say Clerk, Thomas Say, Robert Spencer, Henry Searle, Henry Sutliffe, Edward Stone, William Smith, Charles Scribo, Roger Steevens Clerk, Edward Steevens, Simon Smith, John Scrimſhaw the elder, John Scrimſhaw the younger, William Scrimſhire, Francis Steevens, Thomas Topper, John Tayler the elder; Richard Thompſon, John White Clerk, Thomas Weſt the younger, John Wrangle the younger, William Wilkinſon, Thomas Woodward, Iſaac Walker Clerk, Thomas Watkinſon, John Whitehead, John Waite, William Watts, George Waddington, Son of John Waddington, and John White; ſhall be, and they are hereby added to, and joined with, the Truſtees appointed by, or elected in purſuance of, the ſaid former Act; and that the Truſtees hereby appointed, and the Survivors of them, being duly qualified according to the Direction of the ſaid Act, together with the Truſtees appointed by, or in purſuance of, the ſaid former Act, ſhall be, and they are hereby appointed, authorized, and impowered, to put the ſaid former Act, and this Act, in Execution; ſub- Additional Truſtees.

ſect nevertheleſs to the Alterations and Additions herein contained.

Expence of maintaining the Bank from *Hamlyn's Gull* to *Tower Houſe*, how to be borne.

And whereas, by the Proviſions made in the ſaid Act, the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the great Level of the Fens, called Bedford Level, and the Owners of certain Lands in Walderſea, are, during the Continuance of the ſaid Act, entirely exonerated of the Charge and Burden of ſupporting the Bank theretofore by them, at their joint Expence, ſupported under the Agreement of the Twenty ſecond Day of October, One thouſand ſeven hundred and fifty, from Hamlyn's Gull to Tower Houſe; be it therefore further enacted by the Authority aforeſaid, That they the ſaid Governor, Bailiffs, and Commonalty, of the Company of Conſervators, of the great Level of the Fens, called Bedford Level, ſhall, from and after the Twenty fifth Day of March, One thouſand ſeven hundred and ſixty ſeven, and during the Continuance of this Act, pay, or cauſe to be paid, unto the Truſtees for putting in Execution the ſaid recited Act of the Fifth Year of His preſent Majeſty's Reign, or to ſuch Perſon or Perſons as they, or any Five or more of them, at a publick Meeting aſſembled, ſhall, by any Writing under their Hands and Seals, appoint to receive the ſame, the yearly Sum of Twenty Pounds; which Sum ſhall be paid half-yearly on the Feaſt Days of Saint Michael the Archangel, and the Annunciation of the Bleſſed Virgin Mary, by equal Proportions, in every Year; the Firſt Payment thereof to begin and be made upon the Feaſt Day of Saint Michael the Archangel, in the Year One thouſand ſeven hundred and ſixty ſeven; and that the Owners for the time being of ſuch certain Lands in Walderſea, as have contributed to the Repairs of the ſaid Bank, ſhall, in like Manner, annually pay the Sum of Twenty Pounds to the Perſon or Perſons to be appointed as aforeſaid; which reſpective Sums of Money ſhall, by the ſaid Truſtees, be applied towards the Support and Maintenance of the ſaid Bank, and to no other Purpoſe whatſoever: And in caſe the ſaid yearly Sum of Twenty Pounds, hereby directed to be paid by the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of Bedford Level, or any Part thereof, ſhall be behind and unpaid for the Space of Fourteen Days next after either of the Days hereby appointed for Payment thereof; it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, in the Name of any One of them, or in the Name of their Treaſurer, to recover the Arrear ſo due, in an Action on the Caſe

againſt the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the great Level of the Fens, called Bedford Level, in any of His Majeſty's Courts of Law: And in caſe the ſaid yearly Sum of Twenty Pounds, hereby directed to be paid by the Proprietors and Owners of certain Lands in Walderſea, or any Part of ſuch Sum, ſhall be behind and unpaid, during the Time aforeſaid; the ſame ſhall and may in like Manner be recovered of the Dike Reeve or Dike Reeves of Walderſea for the time being; which ſaid Dike Reeve or Dike Reeves the ſaid Owners are hereby authorized and required to appoint annually for the Purpoſes of collecting and paying the ſaid Sum of Twenty Pounds as is herein before directed and enacted.

Commiſſioners of Sewers to raiſe Money for *South Side Bank.*

And be it further enacted by the Authority aforeſaid, That from and after the Twenty fifth Day of March, One thouſand ſeven hundred and ſixty ſeven, the Commiſſioners of Sewers for the time being, for the Hundred of Wiſbech, and Parts adjacent, ſhall, and they are hereby authorized, directed, and required, yearly, and every Year, during the Continuance of this Act, to raiſe upon the Lands now charged by Order of the ſaid Commiſſioners of Sewers with the Repairs of the ſaid Bank called The South Side Bank, (that is to ſay, on all the Lands on Wiſbech South Side and Elm Weſt Side as far as Gold Bank or Crooked Bank) by an equal Rate or Acre Shot, the Sum of Twenty Pounds; and to appoint One or more Dike Reeve or Dike Reeves to collect and pay the ſame annually upon the Twenty fifth Day of March to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall, in manner aforeſaid, appoint to receive the ſame; which ſaid Monies ſhall be applied, from time to time, in ſupporting the ſaid Bank called The South Side Bank, and to and for no other Purpoſe whatſoever: And in caſe the ſaid Sum of Twenty Pounds, or any Part thereof, ſhall, at any Time or Times, be behind and unpaid for the Space of Fourteen Days next after the Day hereby appointed for the Payment thereof to the ſaid Truſtees; that then it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, in the Name of any One of them, or in the Name of their Treaſurer, to recover the ſame in an Action on the Caſe againſt the Dike Reeve or Dike Reeves to be appointed as aforeſaid for the time being, in any of His Majeſty's Courts of Law.

For repealing Reſtraint againſt erecting a Gate near *Wiſbech:*

And whereas by the ſaid former Act, it was amongſt other Things enacted, That nothing therein contained ſhould

ſhould authoriſe the Truſtees to erect, place, or have, any Gate or Bar on the Road to Leverington, nearer to the Town of Wiſbech than Pickar's Lane End: And whereas it was alſo by the ſaid Act enacted, That the ſaid Truſtees, or any Five or more of them, ſhould, from time to time, when ever applied to for that Purpoſe, compound and agree for any Term not exceeding One Year, and for certain Sums of Money therein mentioned, with any of the Inhabitants of Wiſbech Saint Peter's, Leverington, Newton, Tid Saint Giles, Elm, and Emneth reſpectively, travelling upon the ſaid Roads in their Way to and from Wiſbech Saint Peter's, for the Tolls to be taken at the Gates or Bars therein mentioned, and that they the ſaid Truſtees, or any Five or more of them, might compound and agree for any Term not exceeding One Year, with any Perſon or Perſons, (except Perſons travelling for Hire) for any Carriages, Horſes, Cattle, or Beaſts, travelling upon the ſaid Roads for any Sum not leſs than Twenty Shillings, for and in lieu of the ſaid Tolls: And whereas ſince the making of the ſaid Act, it has been found that the Tolls ariſing upon the ſaid Road between Wiſbech and Leverington might be collected at a leſs Expence at a Gate or Bar nearer to the Town of Wiſbech than Pickar's Lane End; and that by ſetting up ſuch Gate or Bar, the Fences between Wiſbech and Walton Dam, authoriſed by the ſaid Act to be ſet up, would become uſeleſs, and the Expence thereof be ſaved to the ſaid Roads; and that the making the aforeſaid Compoſitions for Tolls is very prejudicial to the ſaid Roads; be it therefore further enacted by the Authority aforeſaid, That ſo much of the ſaid Act as prohibits the ſetting up or having any Gate or Bar nearer to the Town of Wiſbech, on the Road to Leverington, than Pickar's Lane End; and alſo ſo much of the ſaid Act as authoriſes the ſetting up or erecting ſuch Fences between Wiſbech and Walton Dam, and making the ſaid ſeveral Compoſitions for Tolls, ſhall be, and the ſame is and are hereby repealed.

And Direction to compound with certain Places for Toll.

So much of former Act repea ed, as prohibits ſetting up Gates, or erecting Fences, in certain Places, and compounding for Tolls.

No Gate to be erected nearer to *Wiſbech*, than the Widow *Hewitt's*, &c.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees ſhall not erect, ſet up, or have, any Gate or Bar, nearer to the Town of Wiſbech, on the Road to Leverington, than the Houſe now or late the Widow Hewitt's, and late in the Occupation of Daniel Dring, or on the Road to March nearer to the ſaid Town than the Place where the Gate now ſtands.

Allowing Commiſſioners of Sewers for *Wiſbech*, &c. to have a Paſſage through certain Gates.

Provided always, and it is hereby further enacted by the Authority aforeſaid, That the Commiſſioners of Sewers for the Hundred of Wiſbech, and Parts adjacent, ſhall

ſhall and may, from time to time, and at all Times during the Continuance of this Act, have a Paſſage Toll-free through any Gate or Gates, Bar or Bars, that ſhall be ſet up between the ſaid Houſe and Leverington, for themſelves, their Agents, Officers, Servants, and Workmen, Horſes, Carts, and Carriages, for the viewing, bearing, harrowing, and cleaning of the River, and for the ſurveying and repairing the Bank thereof, and for the doing every other Work neceſſary to be done in and about the ſame; and that all and every Perſon and Perſons employed in the haling of Barges or other Veſſels in the River, between Wiſbech Town and the Waſhway, ſhall have the like free Paſſage through ſuch Gate or Gates, for themſelves and their Horſes employed in the ſaid Buſineſs; and alſo that all Perſons, Horſes, Carts, and Carriages, ſhall have the like free Paſſage in their Way to and from the Corn Mills now ſtanding, or which at any Time or Times hereafter, during the Continuance of this Act, ſhall be ſtanding upon the Bank of the ſaid River.

Truſtees may compound for Tolls,

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, may, and are hereby impowered, at the General Meeting of the ſaid Truſtees, held annually at the Town of Wiſbech Saint Peter's, on the Tueſday next preceding the Twenty fourth Day of June in every Year, as they ſhall ſee Occaſion, to compound and agree for any Term not exceeding One Year, at any One Time, with any Perſon or Perſons, for any Carriages, Horſes, Cattle, or Beaſts, travelling upon the ſaid Roads, or any Part thereof, for any Sum not leſs than Thirty Shillings, for all or any of the Tolls to be paid for and in reſpect of ſuch Carriages, Horſes, Cattle, or Beaſts; but no Compoſition ſhall be allowed by virtue of this Act, with any Perſon or Perſons travelling for Hire; and the Compoſition-money ſhall be paid Quarterly and in Advance; and in Default thereof, the Compoſition or Agreement with the Perſon or Perſons omitting to pay the ſame in Advance as aforeſaid, ſhall from thenceforth be void; and that all ſuch Compoſition-money ſhall be applied in ſuch Manner, as the Tolls directed to be paid by the ſaid Act, are to be applied.

Proviſo with Inhabitants of Places whoſe Compoſitions are to be repealed, to continue for the Remainder of the Year.

Provided always, and be it further enacted by the Authority aforeſaid, That all ſuch Perſons, Inhabitants of Wiſbech Saint Peter's, Leverington, Newton, Tid Saint Giles, Elm or Emneth, as by virtue of the ſaid former Act, have compounded for their Paſſage through any of the Gates or Bars ſet up by virtue of the ſaid Act, ſhall

pass Toll-free with their Cattle, Carts, and Carriages, through such Gates or Bars to the End of the Year for which they so compounded, agreeable to their said Composition, and according to the true Intent and Meaning of the said Act.

Tolls between *Outwell Bridge* and *Downham Bridge*.

And be it further enacted by the Authority aforesaid, That no Person travelling upon the said Turnpike Road to Downham, shall be liable to pay more than One full Toll between Outwell Bridge, and Downham Bridge, in any One and the same Day.

And whereas by the said former Act, all Persons liable to the Performance of Statute-work within the Parishes, Hamlets, or Places, in or through which the Roads thereby intended to be repaired should pass, were to remain chargeable thereto, and are liable to the Performance of Three Days of such Statute-work in every Year upon the said Roads, which may be very burthensome to the Inhabitants of the said Parishes, Hamlets, or Places; be it therefore further enacted by the Authority aforesaid, That none of the Inhabitants of any or either of such Parishes, Hamlets, or Places, shall be chargeable with, or compelled to perform, more than Two Days Statute-work in any One Year upon any Part of the said Roads within their respective Parishes, Hamlets, or Places; any thing in the said former Act to the contrary notwithstanding.

Statute-work may be lessened.

New Trustees how to be elected.

And whereas Doubts may arise touching the Trustees Power under the said Act of chusing new Trustees, in the place of those who shall die or refuse to act; for obviating whereof, be it further enacted by the Authority aforesaid, That when and so often as any Trustee shall die or refuse to act, it shall and may be lawful to and for the surviving or other Trustees, or any Five or more of them, at their annual General Meeting, by any Writing or Writings under their Hands and Seals, to elect and appoint One other Person to be a Trustee in the Place of every Trustee so dying or refusing to act; and all Persons so chosen, shall be and are hereby vested with the same Powers as the Persons in whose Places they shall be respectively chosen, were vested with.

Charges of this Act how to be paid.

And be it further enacted by the Authority aforesaid, That all Costs, Charges, and Expences, in and about applying for, obtaining, and passing this Act, shall in the First Place be fully paid out of the Money already collected and unemployed, or hereafter to be collected or borrowed by virtue of the said former and of this present Act.

And

And be it further enacted by the Authority aforeſaid, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any thing done in purſuance of this Act, until Twenty one Days Notice thereof ſhall have been given to the Clerk or Treaſurer to the ſaid Truſtees, or after a ſufficient Satisfaction or Tender thereof ſhall have been made to the Party or Parties aggrieved, or after Six Calendar Months next after the committing of the Fact for which ſuch Action or Suit ſhall be commenced; and every ſuch Action ſhall be brought in the Iſle of Ely, if the Cauſe of Action ſhall ariſe in the ſaid Iſle, or in the County where the ſame ſhall ariſe, and not elſewhere; and the Defendant and Defendants in every ſuch Action or Suit, ſhall and may, at his or their Election, plead ſpecially, or, the General Iſſue, Not Guilty; and give this Act, and the Special Matter, in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or that ſuch Action or Suit hath been brought before Twenty one Days Notice ſhall have been thereof given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County or Liberty, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be Nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared; or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch other Remedy for the ſame as any Defendant or Defendants is or are intitled to have in other Caſes. Limitation of Actions. 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 whatſoever, without ſpecially pleading the ſame. Publick Act.

FINIS.