ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 70.

An Act to continue the Term, and alter and enlarge the Powers of several Acts, passed for repairing the Road from *Cambridge* to *Ely*, and from *Ely* to *Littleport*, and from *Littleport* to *Checquer Corner* in *Downham*, in the several Counties of *Cambridge* and *Norfolk*, and other Roads in the said Acts mentioned; and for more effectually amending, improving, and keeping in Repair, certain other Roads. [29th *June* 1804.]

WHEREAS an Act was passed in the Third Year of the Reign of His present Majesty, intituled, *An Act for repairing, widening, turning, and keeping in Repair, the Road from the Town of* Cambridge *to* Ely, *and from thence to* Soham, *and for building a Bridge cross the River* Ouze, *at or near a Place called* Stretham Ferry *in the County of* Cambridge: And whereas Two other Acts were passed in the Fifth and Tenth Years of the Reign of His said present Majesty for continuing the Term, and altering and enlarging the Powers of the said Act, 3 G. 3. 5 & 10 G. 3.

Act, and for extending the Powers and Provisions thereof to other Roads mentioned and described in the said last mentioned Acts: And whereas the Trustees appointed in and by virtue of the said Acts have proceeded in the Execution thereof, and have borrowed considerable Sums of Money on the Credit of the Tolls by the said Acts respectively granted, which Money still remains due and owing, and cannot be paid off, nor can the several Roads in the said Acts mentioned, and the said Bridge, be properly and effectually amended, widened, improved, and kept in Repair, unless the Term of the said Acts be further continued, and the Powers and Provisions thereof altered, amended, and enlarged; and it is necessary that the Tolls granted by the said Acts should be increased: And whereas it would be advantageous to the Neighbourhood, and of publick Utility, if the Trustees of a certain District of Road mentioned in the said Acts, called *The South District*, were discharged from the future Care and Management of so much of the Road mentioned in the said Acts as is situated between the Guide Post upon *Stretham Common* in the Parish of *Stretham*, and a House in the Town of *Wilburton*, formerly in the Occupation of *George Farrin* Gentleman; and if, instead thereof, the Road from the North End of *Short Lane* in the said Parish of *Stretham*, to or near the said House formerly in the Occupation of the said *George Farrin*, and from thence to and through the Town of *Wilburton* aforesaid, and from thence to a Place called *Hop Row* in the Parish of *Haddenham*, and from thence through *Hop Row* aforesaid to *Haddenham End* Highway, and from thence to and through a Place called *Staple Leys* in the Parish of *Wentworth*, and from thence to a Place called *Ballam Baulk* in the said last mentioned Parish, and from thence by and along the said Baulk to join the present Turnpike Road leading from the Town of *Ely* aforesaid to the Town of *Mepal*, at a Place nearly opposite to the Turn leading to the Town of *Witcham* in the *Isle of Ely*, were put under the Care and Management of the said last mentioned Trustees, and made a Part of the Roads comprized in the said Acts: 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, from and after the passing of this Act, such of the Roads as, under the Provisions contained in the said recited Acts, have been amended, widened, improved, and kept in Repair, and also the Roads and Ways herein-before particularly described (except so much and such Parts thereof as the Trustees for the said South District are by this Act discharged from repairing or maintaining) shall be divided into Two separate Districts: and that the Roads from the South-west Corner of *Saint Giles*'s Churchyard in the Town of *Cambridge* to the *Lamb Corner* in *Ely*, and from thence unto the First House in *Soham*, and also the present Road from *Bug's Pond* in *Ely* aforesaid to the House formerly in the Occupation of *Love Owen* in the Parish of *Mepal*, and also the Road or Way from the North End of *Short Lane* aforesaid to or near the said House in the said Town of *Wilburton*, formerly in the Occupation of the said *George Farrin*, and from thence to *Hop Row* aforesaid, and from *Hop Row* to *Haddenham End* Highway, and from thence to and through *Staple Leys* to *Ballam Baulk*, and from thence by and along the said Baulk to join the present Turnpike Road leading from *Ely* to *Mepal*, at the Place nearly opposite to the Turn leading to the Town of *Witcham*, shall be and be called

Discharging the Trustees of the South District from the Care of a certain Part of the Road, and putting another Part under their Care instead thereof.

Roads to be divided into Three Districts.

The South District.

called *The South District* of the said Roads; and that the Road leading from the *Lamb Corner* in *Ely* aforesaid to *Littleport*, and from thence to the South End of the Pavement of *Downham* in the County of *Norfolk*, and from the North End of the said Pavement to *Chequer Corner* in the Parish of *Downham* aforesaid, shall be and be called *The North District* of the said Roads. The North District.

II. And be it further enacted, That the Trustees nominated and appointed in and by virtue of the said recited Acts for the said South District, and their Successors, to be elected in Manner herein-after mentioned, together with the Knights of the Shire for the County of *Cambridge*, now and for the Time being; the Representatives in Parliament for the University of *Cambridge*, now and for the Time being; the Representatives in Parliament for the Town of *Cambridge*, now and for the Time being; the Dean, Archdeacon, Prebendaries, and Chancellor of the Cathedral Church of *Ely*, now and for the Time being; the Lords of the several Manors through which any of the Roads within the said South District do or shall pass, now and for the Time being; the Rectors, Vicars, and perpetual Curates of the several Parishes through which any of the said Roads within the said South District do or shall pass, now and for the Time being, shall be and they are hereby appointed Trustees for putting the said recited Acts and this Act in Execution, so far as the same relate only to the making, widening, turning, altering, repairing, and keeping in Repair, the Roads comprized in the said South District. Trustees for the South District.

III. And be it further enacted, That the Trustees nominated and appointed in and by virtue of the said recited Act of the Tenth Year of the Reign of His present Majesty for the said North District, and their Successors, to be elected in Manner herein-after mentioned, together with the Dean, Archdeacon, Prebendaries, and Chancellor of the Cathedral Church of *Ely*, now and for the Time being; the Rectors, Vicars, and perpetual Curates of the several Parishes through which any of the said Roads within the said North District do or shall pass, now and for the Time being, shall be and they are hereby appointed Trustees for putting the said recited Acts and this Act in Execution, so far only as the same relate to the making, widening, turning, altering, repairing, and keeping in Repair, the Roads comprizing the said North District. Trustees for the North District.

IV. And be it further enacted, That all the said former Acts, and all and every the Authorities, Tolls, Powers, Provisoes, Penalties, Forfeitures, Clauses, Matters, and Things therein respectively contained, (except so much of the said Acts, or either of them, as relate to Exemptions from Stamp Duties; and also except such Tolls, Clauses, Matters, and Things, as are hereby varied, altered, discontinued, or repealed; and also except so far as any of such Authorities, Tolls, Powers, Provisions, Penalties, Forfeitures, Clauses, Matters, and Things, have, by a certain Act, made and passed in the Thirteenth Year of the Reign of His present Majesty, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purposes*, been varied, altered, discontinued, or repealed), shall be and continue in full Force and Effect, and be executed for and during the Term herein-after mentioned, and shall extend and have Relation not only to the Roads directed to be made, repaired, and widened, by the said Former Acts, and all the Powers therein contained, continued and extended to the Roads in this Act.

said former Acts respectively, but also to the making, widening, turning, altering, repairing, and keeping in Repair, the Roads herein-before particularly mentioned and described, and comprized within the said South District, in as full and ample Manner as if the same were herein repeated and re-enacted in the Body of this present Act; but subject nevertheless to the Amendments, Alterations, Variations, and Additions, herein contained, and which shall commence and take Effect upon the passing of this Act; which said additional Term hereby granted shall be subject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the said Acts respectively, and of all such other Sum and Sums of Money as shall hereafter be borrowed on the Credit of the said former Acts and this Act respectively.

The former Tolls at the Gate between *Ely* and *Littleport* altered.

V. And, for the Purpose of raising a Sum of Money sufficient for making, repairing, and widening the Roads within the said North District, and for keeping the same in Repair, and for discharging the Debt now due, or which may hereafter be contracted for that Purpose, be it further enacted, That, from and immediately after the passing of this Act, it shall be lawful for the said Trustees for the said North District, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall under their Hands authorize and appoint, to demand and take at the Gate or Turnpike now erected between *Ely* and *Littleport*, the several Tolls and Duties herein-after mentioned, instead of the Tolls and Duties granted by the said recited Act of the Tenth Year of His present Majesty's Reign, before any Person, Horse, Cattle, or Carriage respectively, shall be permitted to pass through the said Gate; (that is to say,)

Tolls.

For every Horse, Mare, Gelding, Mule, Ass, or other Beast, drawing any Carriage, and for every Wheel of such Carriage, the Sum of Two-pence:

For every Horse, Mare, Gelding, Mule, or Ass, not drawing, the Sum of Two-pence:

For every Drove of Oxen, Cows, or other Neat Cattle, the Sum of One Shilling and Three-pence *per* Score, and so in Proportion for any less Number: And,

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in Proportion for any less Number:

Which said respective Sum and Sums of Money shall be taken and demanded in the Name of or as a Toll, and shall be and are hereby vested in the said Trustees of the said North District; and the same and every Part thereof shall be paid, applied, and disposed of, or assigned to or for the Uses, Intents, and Purposes of the said recited Act of the Tenth Year of His present Majesty's Reign, and this present Act, in relation to the said North District, and to or for no other Use, Trust, Intent, or Purpose whatsoever; and the said Trustees, or any Seven or more of them, or such Persons as they, or any Seven or more of them, shall authorize and appoint, shall have the same Power, Authorities, and Remedies, for demanding, collecting, recovering, and levying the Tolls and Duties hereby made payable, as are in and by the said last mentioned Act given and prescribed for demanding, collecting, recovering, and applying the Tolls and Duties thereby granted and made payable.

VI. And

Trustees for the South District discharged from the Care of the Road across *Grunty Fen*;

VI. And be it further enacted, That the Trustees for the said South District shall be, and they are hereby discharged from putting the said recited Act of the Tenth Year of the Reign of His present Majesty into Execution, so far as the same relates to the making, widening, turning, altering, repairing, and keeping in Repair, so much of the Road leading from the said House, formerly in the Occupation of the said *George Farrin*, across *Grunty Fen*, to the House formerly in the Occupation of the aforesaid *Love Owen* in the Parish of *Mepal*, as leads over, through, or across *Grunty Fen* aforesaid.

and from repairing the Road from *Stretham Common* to *Wilburton*:

VII. And be it further enacted, That the said Trustees for the said South District shall also (subject to the Provisions and Regulations hereinafter contained) be discharged from putting the said recited Acts in Execution, so far as the same relate to the making, widening, turning, altering, and keeping in Repair, so much of the said Road directed by the said Acts to be made, turned, widened, and kept in Repair, as is situate between the Guide Post upon *Stretham Common* aforesaid, and the aforesaid House in the Town of *Wilburton*, formerly in the Occupation of *George Farrin*; and that instead thereof, the said Trustees for the said South District, or any Five or more of them, shall and may make, widen, turn, alter, repair, and keep in Repair, the Road from the North End of *Short Lane* aforesaid, to or near the said House formerly in the Occupation of the said *George Farrin*, and from thence to and through the Town of *Wilburton* aforesaid, and from thence to *Hop Row* aforesaid, and from thence through *Hop Row* to *Haddenham End* Highway, and from thence to and through *Staple Leys* aforesaid to *Ballam Baulk* aforesaid, and from thence by and along the said Baulk to join the Turnpike Road leading from the Town of *Ely* to the Town of *Mepal*, at a Place nearly opposite to the Turn leading to the Town of *Witcham* aforesaid, in as straight a Direction as conveniently may be, and in such Manner and at such Time as shall be approved and directed by the said Trustees, or any Five or more of them.

but not to be discharged from repairing the present Road until the new one is made.

VIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to discharge the said last mentioned Trustees from the Care, Management, and Repair of the said Road, between the said Guide Post upon *Stretham Common* and the said Town of *Wilburton*, until they shall, to the Satisfaction of Three Justices of the Peace for the said *Isle of Ely*, (to be certified by Writing under their Hands and Seals,) have made, turned, altered, widened, and repaired the said Road from the North End of *Short Lane* aforesaid to the said Town of *Wilburton*, One Part of which Certificate shall be delivered by the said Justices to the Treasurer or Clerk to such Trustees, and another Part thereof shall be filed by the said Justices with the Clerk of the Peace for the said *Isle of Ely*; and that, from and immediately after the delivering and filing of such Certificates as herein-before directed, the said last mentioned Trustees shall be discharged from the Care and Management of the said Road situate between the Guide Post upon *Stretham Common* and the said Town of *Wilburton*.

Such Parts of the other Road as have been purchased, to be sold, *etc.*

IX. And whereas Part of the said Road between the said Guide Post and the said Town of *Wilburton* was taken out of the Commons of *Stretham* aforesaid, and no Compensation hath ever been made to the Commoners

Commoners for the ſame; and other Part thereof was taken out of private Grounds, and no Compenſation hath ever been made to the Owners of ſuch private Grounds for the ſame; and other Part of the ſaid Road was made over private Grounds, which were purchaſed by the Truſtees of the ſaid South Diſtrict of the Owners thereof; be it therefore enacted, That within Six Calendar Months next after the filing of ſuch Certificate with the Clerk of the Peace for the ſaid *Iſle of Ely*, as herein-before directed, ſuch of the ſaid Lands and Grounds comprized in and conſtituting the ſaid laſt mentioned Road, as ſhall have been purchaſed by the ſaid laſt mentioned Truſtees, ſhall and may be ſold by the Truſtees appointed to put this Act in Execution, ſo far as reſpects the ſaid South Diſtrict, or any Five or more of them, to ſuch Perſon or Perſons as ſhall be willing to become the Purchaſer or Purchaſers thereof, for the beſt Price that can be gotten for the ſame; and the Money ariſing from ſuch Sale ſhall be applied and diſpoſed of in the ſame Manner as any other Monies veſted in ſuch Truſtees by the ſaid recited Acts or this preſent Act, or either of them, are or may be applied and diſpoſed of; and the Sale or Conveyance of ſuch Lands or Grounds, being executed by ſuch Truſtees, or any Five or more of them, and enrolled with the Clerk of the Peace for the ſaid *Iſle of Ely*, ſhall be good and effectual in Law to all Intents and Purpoſes whatſoever; and that all ſuch Parts of the Lands or Grounds comprized in or conſtituting the ſaid laſt mentioned Road, as ſhall have been taken out of the ſaid Common, ſhall, at the End of ix Calendar Months next after the filing of ſuch Certificate with the ſaid Clerk of the Peace for the ſaid *Iſle of Ely*, as herein-before is directed, be again annexed to the ſaid Common, and become Part thereof; and that ſuch Parts of the ſaid Lands or Grounds comprized in and conſtituting the ſaid laſt mentioned Road, as ſhall have been taken out of any private Grounds, and ſhall not have been purchaſed or paid for, ſhall, at the End of Six Calendar Months from the filing of ſuch Certificate as aforeſaid, become the Property of the Perſon or Perſons from whoſe Lands or Grounds the ſame were taken, his, her, or their Heirs or Aſſigns.

and ſuch Parts thereof as have been taken out of *Stretham Common* to be again annexed to the Common.

Private Grounds not paid for to be reſtored to the Owners, *&c.*

Perſons from whom ſuch Grounds, *&c.* have been purchaſed to have the Preference.

X. Provided always, and be it further enacted, That the Truſtees of the ſaid South Diſtrict, before they ſhall ſo ſell or diſpoſe of the Land or Ground comprized in or conſtituting the ſaid laſt mentioned Road, as ſhall have been purchaſed by them, ſhall firſt offer to ſell or reſell (as the Caſe may happen to be) to the Perſon or Perſons who ſhall be the Owner or Owners of the Lands and Hereditaments lying on both Sides of ſuch diverted Road, or the Perſon or Perſons from whom they ſhall have purchaſed ſuch Piece or Pieces of Ground for the Purpoſes of this Act; and in caſe the Owner or Owners of the ſaid Lands on both Sides of the ſaid diverted Road, or the Perſon or Perſons from whom ſuch Piece or Pieces of Ground have been ſo purchaſed for the Purpoſes of this Act, ſhall refuſe to purchaſe or repurchaſe (as the Caſe may happen to be) any Affidavit to be made and ſworn before a Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County or Place where ſuch diverted Road, or Piece or Pieces of Ground ſhall be, by ſome Perſon or Perſons no way intereſted in the ſaid diverted Road, Piece or Pieces of Ground, ſtating that ſuch Offer was made by or on the Behalf of ſuch Truſtees, and that ſuch Offer was not then and thereupon agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was offered, ſhall in all Courts whatever be ſufficient Evidence

Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom it was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the Ground or Soil of such diverted Road, or of repurchasing such Piece or Pieces of Ground so directed to be sold by virtue of this Act, and he, she, or they, and the said last mentioned Trustees, shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury, in Manner directed by the said Acts, or any or either of them, with respect to disputed Value of Premises to be purchased by the said Trustees, or any Five or more of them, in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as is directed by the said former Acts, or any or either of them, with respect to Purchases made by the said Trustees, or any Five or more of them, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such diverted Roads, Piece or Pieces of Ground as aforesaid, shall be applied to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Power to take away the Materials from the old Road.

XI. Provided always, That it shall be lawful for the said last mentioned Trustees, or any Person or Persons duly authorized by them, or any Five or more of them, at any Time previous to the Expiration of the said Six Calendar Months from the filing of such Certificate as aforesaid, to dig, remove, cart, take, and carry away, from any Part or Parts of the said last mentioned Road, all such Sand, Gravel, Stones, and other Materials, fit for the Repair of Roads, as shall be found therein, and to apply the same in repairing any of the Roads within the said South District, or to sell or dispose thereof, and to apply the Money arising from such Sale, in such Manner as any Monies vested in such Trustees by the said recited Acts or this present Act, or either of them, may be applied.

Repealing the Restriction in Act of 10 G. 3. for erecting a Gate in the Parishes of *Mepal* and *Sutton*.

XII. And whereas by the said recited Act of the Tenth Year of the Reign of His present Majesty, it is enacted, That the Trustees for the said South District, or any Seven or more of them, shall and may erect or cause to be erected a Toll Gate and Toll House, or Toll Gates and Toll Houses, in, upon, or across any Part of the said Road leading from the said House, late in the Occupation of the aforesaid *George Farrin*, across *Grunty Fen*, to the said House in the Occupation of the aforesaid *Love Owen* in the said Parish of *Mepal*, so as the same be not erected within either of the Parishes of *Mepal* or *Sutton*, as they the said Trustees, or any Seven or more of them, should think proper; be it further enacted, That so much of the said Act as prohibits the erecting of any Toll Gate or Toll House within either of the said Parishes of *Mepal* and *Sutton* shall be and the same is hereby repealed.

Trustees of the South District may erect a Toll Gate between *Mepal* and *Stretham*, or between *Mepal* and *Ely*.

XIII. And be it further enacted, That the Trustees for the said South District, or any Five or more of them, shall and may erect and set up, or cause to be erected and set up, One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or across any Part or Parts of the Road between the North End of *Short Lane* aforesaid, and the aforesaid House in the Parish of *Mepal*, formerly in the Occupation of *Love Owen*; or between the said last mentioned House and the Gate called *Bug's Lane* Gate

Gate in *Ely* aforesaid, and provide, or cause to be provided, a proper Toll House and Keeper to each such Gate or Turnpike; and shall and may demand and take, or cause to be demanded and taken, the following Tolls, before any Horse, Cattle, or Carriage, shall be permitted to pass through any such Toll Gate or Turnpike; (that is to say,)

Tolls to be taken thereat.

Toll.

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

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Three-pence *per* Score, and so in Proportion for any less Number:

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Seven-pence Halfpenny *per* Score, and so in Proportion for any less Number:

Which said respective Sum or Sums of Money shall be demanded and taken in the Name of or as a Toll, and shall be paid to such Person or Persons as such Trustees, or any Five or more of them, shall appoint to collect the same, and shall be applied in the same Manner as any Monies vested in such Trustees by the said recited Acts, or either of them, or this present Act, may be applied.

Former Method of electing and appointing new Trustees, and revoking Orders, *etc.* repealed.

XIV. And be it further enacted, That so much of each of the said recited Acts of the Third, Fifth, and Tenth Years of His Majesty's Reign respectively, as relates to the Election and Appointment of new Trustees in the Room of those who shall die or refuse to act, and the Notice to be given for supplying any Vacancy or Vacancies, and also to the revoking, repealing, or suspending of any Orders made by the Trustees appointed by the said recited Acts respectively, or either of them, shall be and the same is hereby repealed; and that from and after the passing of this Act as often as any of the Trustees appointed by the said recited Acts or this Act respectively shall die or refuse to act, (such Refusal being signified in Writing, and delivered to the Clerk to the Trustees of the District for which any such Trustee so refusing to act shall have been appointed,) it shall be lawful for the surviving or remaining Trustees for such District respectively, or any Five or more of them, to elect and appoint another Trustee in the Room of such Trustee so dying or refusing to act; and Notice of the Time and Place of Meeting for the Election and Appointment of such Trustee shall be given by such Clerk, by affixing the same, in Writing, on all the Turnpike Gates within the District wherein such Vacancy shall have been occasioned, at least Fourteen Days before the Meeting for such Election; and the Person so elected and appointed shall and may act in the Execution of the said recited Acts and this Act, for the District for which he shall have been so elected as last aforesaid, as fully and effectually, to all Intents and Purposes, as any Trustee nominated by the said recited Acts or this Act is empowered to do.

Mode of electing new Trustees by this Act.

No Order to be repealed but by a greater Number of Trustees.

XV. And be it further enacted, That, from and after the passing of this Act, no Order made by any of the Trustees appointed by the said recited Acts or this present Act, or either of them, in, for, or concerning

ing the executing of any of the Truſts, Powers, and Authorities of the ſaid recited Acts or of this preſent Act reſpectively, or either of them, ſhall be revoked, repealed, or ſet aſide, by any ſubſequent Order of the Truſtees of the Diſtrict for which ſuch firſt mentioned Order ſhall have been made, unleſs a greater Number of ſuch Truſtees ſhall be then preſent, and conſenting thereto, than were preſent at the making of any ſuch firſt mentioned Order, ſave only and except that in all Caſes which require immediate Interpoſition, any Five or more of ſuch Truſtees ſhall have Power to ſuſpend any Order until another Meeting of the Truſtees of the Diſtrict to which the ſame ſhall relate can be had; and that the Truſtees ſigning any ſuch Order of Suſpenſion ſhall appoint a Meeting for taking the Matter thereof into Conſideration, within Fourteen Days next after ſigning the ſame, and ſhall cauſe Notice of ſuch intended Meeting to be affixed on all the Toll Gates or Turnpikes within the Diſtrict for which ſuch Truſtees ſhall act, at leaſt Ten Days before ſuch Meeting.

No Perſon holding a Place of Profit, or keeping a Victualling Houſe, to be a Truſtee for either of the Diſtricts.

XVI. And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act or the ſaid recited Acts, or either of them, in any Caſe where he ſhall be perſonally intereſted, or during the Time he ſhall hold any Place of Profit ariſing out of any of the Tolls granted by the ſaid recited Acts or this preſent Act, or either of them; nor ſhall any Perſon who ſhall keep any Victualling Houſe, Alehouſe, or other Houſe of publick Entertainment, or who ſhall ſell any Wine, Cyder, Beer, Ale, Spirituous or other ſtrong Liquors, by Retail, ſhall be capable of acting as a Truſtee in the Execution of the ſaid recited Acts or this preſent Act, or either of them, or of collecting the Tolls ariſing within either of the ſaid Diſtricts of Roads, during ſuch Time or Times as he ſhall keep ſuch Victualling Houſe, Alehouſe, or other Houſe of publick Entertainment, or ſhall ſell any Wine, Beer, Cyder, Ale, Spirituous or other ſtrong Liquors, by Retail; but no ſuch Perſon ſhall be precluded from farming ſuch Tolls, provided he employs a Perſon to collect them who ſhall not be under any ſuch Incapacity.

Qualification of Truſtees extended to both Diſtricts.

XVII. And be it further enacted, That, from and after the paſſing of this Act, no Perſon ſhall be qualified or capable of acting as a Truſtee in the Execution of the ſaid recited Acts or this preſent Act, or either of them, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Forty Pounds, or poſſeſſed of or entitled to a Perſonal Eſtate to the Value of Eight hundred Pounds, or ſhall be Heir Apparent of a Perſon poſſeſſed of an Eſtate in Land of the clear yearly Value of Eighty Pounds, and unleſs he hath taken, or ſhall, (not being ſuch Heir Apparent as aforeſaid,) before he acts as ſuch Truſtee, take and ſubſcribe the Oath following, before any Two or more of the Truſtees of the Diſtrict for which he ſhall be appointed, who are hereby authorized and empowered to adminiſter the ſame, in the Words or to the Effect following; (that is to ſay,)

Oath of Truſtees.

'I *A. B.* do ſwear, That I truly and *bonâ fide* am in my own Right [*or*, in the Right of my Wife] in the actual Poſſeſſion and Enjoyment [*or*, Receipt] of the Rents and Profits of Lands, Tenements, or Here-

'ditaments of the clear yearly Value of Forty Pounds [*or*, poſſeſſed of, 'or entitled to a Perſonal Eſtate to the Value of Eight hundred Pounds, 'as *the Caſe may be.*]

'So help me GOD.'

Penalty on acting if not qualified.

Any Thing in the ſaid recited Acts, or either of them, contained to the contrary thereof in anywiſe notwithſtanding; and if any Perſon ſhall preſume to act as a Truſtee in the Execution of the ſaid recited Acts or this preſent Act, or either of them, contrary to the true Intent and Meaning hereof, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and ſuch Perſon ſo ſued or proſecuted ſhall prove that he is qualified as above, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Plaintiff or Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act.

Juſtices may adminiſter Oaths and act as Truſtees, except where intereſted.

XVIII. Provided always, That in all Caſes wherein Juriſdiction is given to any Juſtice or Juſtices of the Peace by the ſaid recited Acts or this preſent Act, or either of them, it ſhall be lawful for ſuch Juſtice or Juſtices to adminiſter an Oath to any Perſon for his or their more certain Information in the Matters then depending; and that any Juſtice of the Peace may act as ſuch in the Execution of the ſaid recited Acts or this preſent Act, or either of them, notwithſtanding his being a Truſtee, except in Caſes wherein he is perſonally intereſted.

Juſtices and Truſtees who are Mortgagees may act.

XIX. Provided alſo, and it is hereby declared, That nothing in this Act contained ſhall extend or be conſtrued to extend to prevent any Juſtice of the Peace or Truſtee under the ſaid recited Acts or this preſent Act, or either of them, being a Mortgagee of the Tolls granted by the ſaid recited Acts or this preſent Act, or either of them, from acting by reaſon of ſuch Mortgage Intereſt.

Treaſurer or Truſtees for South Diſtrict may appoint Special Meetings.

XX. Provided alſo, and be it further enacted, That in caſe the Treaſurer, or any Three or more of the Truſtees of the ſaid South Diſtrict, ſhall at any Time or Times hereafter think it neceſſary that a Special Meeting ſhould be holden between the Times of any Adjournment or Adjournments, it ſhall be lawful for ſuch Treaſurer, or for Three or more of ſuch laſt mentioned Truſtees, to appoint a Meeting to be holden, cauſing Notice of the Time and Place of ſuch Meeting to be affixed on all the Toll or Turnpike Gates then erected within the ſaid South Diſtrict; and the Proceedings of the ſaid Truſtees at all ſuch Meetings ſhall be as valid and effectual, to all Intents and Purpoſes, as if ſuch Truſtees had at their laſt Meeting adjourned to ſuch Time and Place.

Times of Meeting.

XXI. Provided alſo, That no Buſineſs ſhall be done by the Truſtees of either of the ſaid Diſtricts at any Meeting which ſhall be holden before Ten of the Clock in the Forenoon, and that no Adjournment ſhall be made to any Hour later than Two of the Clock in the Afternoon of the Day on which ſuch Meeting ſhall be appointed to be holden; and that if

Five Truſtees ſhall not meet before Two of the Clock in the Afternoon, no Buſineſs ſhall be tranſacted on that Day: Provided always, that where any ſuch Adjournment as laſt aforeſaid is made, Two of ſuch Truſtees ſhall be ſufficient for the Purpoſe of making ſuch Adjournment.

Two Truſtees may adjourn any Meeting on the ſame Day.

XXII. Provided alſo, That no Perſon ſhall act as a Truſtee for either of the ſaid Diſtricts, unleſs it be at a Meeting to be holden in purſuance of the ſaid recited Acts or this preſent Act, or One of them; and that every Act agreed upon at any Meeting ſhall be ſigned at the ſaid Meeting by a competent Number of Truſtees, or otherwiſe every ſuch Meeting, Adjournment, and Act reſpectively, ſhall be void and of none Effect.

No Truſtee to act but at a Meeting.

Orders to be ſigned.

XXIII. And be it further enacted, That if any Perſon or Perſons, ſubject to the Payment of any Toll or Tolls impoſed or directed to be taken by this Act within the ſaid South Diſtrict, ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, it ſhall be lawful for the Perſon or Perſons appointed as herein-before mentioned to collect the ſaid Toll or Tolls reſpectively, to ſeize or diſtrain any Horſe or Horſes, or other Cattle or Beaſt, upon which any ſuch Toll or Tolls is or are by this Act impoſed, or any of the Goods or Chattels of ſuch Perſon or Perſons ſo neglecting or refuſing to pay the ſame; and if ſuch Toll or Tolls, and the reaſonable Charges of ſuch ſeizing and diſtraining, ſhall not be paid within the Space of Five Days next after ſuch ſeizing and diſtraining, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Horſes, Cattle, Beaſts, or Goods ſo ſeized and diſtrained, returning the Overplus (if any) upon Demand thereof made, after ſuch Toll or Tolls, and all reaſonable Charges as aforeſaid, ſhall have been deducted.

Tolls to be levied by Diſtreſs.

XXIV. And be it further enacted, That it ſhall be lawful for the Truſtees for the ſaid Diſtricts of Roads reſpectively, or any Five or more of them, under and ſubject to the Directions, Regulations, and Proviſions, contained in the aforeſaid Act of the Thirteenth Year of His preſent Majeſty, for regulating the Turnpike Roads, (in reſpect to the Erection of Side Gates,) to erect or cauſe to be erected One or more Toll Gate or Toll Gates, and to provide a Toll Houſe or Toll Houſes, with proper Keeper or Keepers thereto, on the Side or Sides of any of the Roads within the ſaid Diſtricts of Roads reſpectively, or in, upon, or acroſs any Lane or Way leading into or out of the ſame; as alſo to erect or cauſe to be erected temporary Toll Gates, Bars, or Chains, on or acroſs any Part or Parts of the ſaid Roads, for the Purpoſe of chequing the Keepers of the other Gates within the ſame Diſtrict, or to prevent the evading of the Tolls; or on the Side of any Part of the ſaid Roads, or on or acroſs any Lane or Way leading into or out of the ſame; and at any ſuch Toll Gates, Bars, or Chains, (without building or providing any Toll Houſes thereat,) to cauſe to be taken and levied ſuch Tolls as are by this Act made payable at any Gate or Turnpike erected by virtue hereof, within either of the ſaid Diſtricts reſpectively, ſo that the ſame do not extend to a Double Charge upon any Perſon paſſing through any other of the Gates or Turnpikes erected or to be erected within the ſame Diſtrict.

Truſtees may erect Side Gates.

XXV. Provided

Tolls to be paid but Once a Day at the same Gate.

XXV. Provided also, and be it further enacted, That if any Person shall have paid the Toll hereby granted for the passing of any Horse, Cattle, or Carriage, through any Gate or Turnpike erected or to be erected by virtue of this Act, within the said South District, the same Person, upon producing a Note or Ticket denoting such Payment, shall be permitted to pass through the same Gate or Turnpike with the same Horse, Beast, or Carriage, Toll-free, at any Time or Times during the same Day, to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next Night, which said Note or Ticket the Collectors of the said Tolls respectively are hereby required to deliver, *gratis*, upon Receipt of such Tolls.

Only One Toll to be paid between *Stretham Ferry* and *Mepal*; or between *Ely* and *Mepal*.

XXVI. Provided also, and be it further enacted, That no Person having paid the Toll hereby granted for the passing of any Horse, Cattle, or Carriage, through One Gate or Turnpike to be erected between *Stretham Ferry* and the aforesaid House in *Mepal*, formerly in the Occupation of the aforesaid *Love Owen*, or between *Bug's Pond* in *Ely* and the aforesaid House, shall be subject or liable the same Day to the Payment of Toll for the same Horse, Cattle, or Carriage, at any other Gate or Turnpike erected between either of the said Places.

Present Hirer of the Tolls at *Bug's Lane Gate* to be repaid by Trustees the Tolls collected at *Mepal*, for any Carriages, *etc.* passing through the Gate at *Mepal*, and *Bug's Lane Gate*.

XXVII. And whereas the Tolls which shall be collected at the Turnpike Gate, called *Bug's Lane Gate* in the Town of *Ely*, are now let to *William Spalding* for the Term of Three Years, from the Second Day of *October* now last past, at the yearly Rent of Two hundred and Thirty-five Pounds Ten Shillings; be it further enacted, That the Trustees for the said South District shall, during the Continuance of such Letting, pay or allow unto the said *William Spalding* all such Sum and Sums of Money as shall have been paid at any Gate to be erected by virtue of this Act, between the said Turnpike Gate called *Bug's Lane Gate* and the aforesaid House in the Town of *Mepal*, formerly in the Occupation of the said *Love Owen*, for any Horse, Cattle, or Carriage, passing through the same, and which shall also pass through the said Turnpike Gate called *Bug's Lane Gate*, on the said *William Spalding*'s producing the Ticket delivered by the Keeper of the said other Gate, to the Person or Persons who shall have paid the Toll for any such Horse, Cattle, or Carriage as aforesaid.

Toll Gates and Toll Houses vested in Trustees.

XXVIII. And be it further enacted, That the Right and Property of all such Toll Gates, Toll Houses, and Side Bars, as shall be erected by virtue of this Act, and the Materials of which the same shall consist, shall be and the same are hereby vested in the Trustees of the respective Districts of Roads in which such Toll Gates and Toll Houses shall be erected.

Exemptions from Tolls.

XXIX. And be it further enacted, That no Tolls shall be demanded or taken at any Gate or Turnpike erected or continued, or to be erected or continued by virtue of the said recited Acts or this present Act, or either of them, for any Coach, Chaise Marine, Landau, Berlin, Chariot, Chaise, Calash, Chair, or other Carriage, or any Horse, Mule, Ass, or other Beast, drawing the same; or any Passengers on Horseback, going to or returning from the Election of a Knight or Knights of the Shire for either of the Counties of *Cambridge* and *Norfolk*, upon the Day or Days

Days of any ſuch Election; nor to charge any Horſe, Beaſt, or Carriage, ſolely employed in the Conveyance of Materials for the Repair of any Turnpike Road or publick Highway, or for going to or returning after having been ſo employed; or in the Conveyance of any Lime, Dung, Soil, or Compoſt, for the manuring of any Land, or in the ploughing, ſowing, tilling, or cultivating of any Land, or in the drawing of any Plough, Harrow, or other Implement of Huſbandry, or in the Conveyance of any Hay or Straw, or Corn in the Straw, not ſold or intended for Sale, but only to be ſtacked or laid up on the Lands and Grounds of the Owner or Owners thereof, or of any Turf or Turves not intended for Sale, but to be laid up and burned in any Pariſhes, Hamlets, or Places ſituated within the ſaid Diſtricts of Roads reſpectively; or in the Conveyance of any Hemp or Flax intended to be ſtacked or laid within any of ſuch Hamlets, Pariſhes, or Places, from the Lands where ſuch Hemp or Flax ſhall have grown, to the Place where it ſhall be wetted, watered, or ſpread, and from thence to the Place where the ſame is intended to be ſtacked or laid up as aforeſaid; nor from any Perſon reſiding in any of ſuch Pariſhes, Hamlets, or Places, going to or returning from his, her, or their proper Parochial Church, Chapel, or other Place of Religious Worſhip; nor from any Perſon attending the Funeral of any Perſon or Perſons who ſhall die and be buried in any of ſuch Pariſhes, Hamlets, or Places; nor ſhall any Toll be taken or demanded for any Horſe or Carriage conveying the publick Mail or Packet; nor for any Cows going to or returning from Milking; nor for any Horſe, Mule, or Aſs, employed in carrying or bringing Home any Milk, or going or paſſing through either of the ſaid Gates for the Purpoſe of being ſo employed, or any Inhabitant of the Town of *Ely*, occupying any Land in any Part of the ſaid South Diſtrict, ſituate within the Pariſhes of *Ely Trinity*, *Ely Saint Mary*, and the Hamlet of *Stuntney*, or either of them, riding to or returning from any ſuch Land; nor any Horſe, Cattle, or Sheep going to or returning from Water, or to or from Paſture, within any of ſuch Pariſhes, Hamlets, or Places, or from any ſuch Pariſh, Hamlet, or Place, to the next adjoining Pariſh, Hamlet, or Place, ſo that ſuch Horſe, Cattle, or Sheep, do not paſs upon any of the Roads comprized within the ſaid Diſtricts reſpectively, more than for Two Miles in ſuch going or returning; nor for any Horſe or other Beaſt, belonging to any Inhabitant of any ſuch Pariſhes, Hamlets, or Places, going to or returning from any Farrier or Smith's Shop within the ſame Pariſh, Hamlet, or Place; nor for the Horſes of any Officers, Soldiers, or Volunteers (whoſe Services have been or ſhall be accepted by His Majeſty) upon their March or upon Duty; nor any Horſes, Cattle, or Carriages, employed in carrying the Arms or Baggage of ſuch Officers, Soldiers, or Volunteers, or in carrying any ſick, wounded, or diſabled Officers, Soldiers, or Volunteers; nor for any Horſe, Beaſt, or Carriage, employed in the Conveyance of Vagrants under the Authority of legal Paſſes; nor for any Timber, Wood, Iron Stone, Brick, Earth, Silt, or other Materials, or any Implements or Tools to be employed in or uſed for the Purpoſes of ſupporting any of the Works of Draining already made or hereafter to be made by the Order or Direction of the Governor, Bailiffs, and Commonalty of the Company of Conſervators of the Great Level of the Fens, called *Bedford Level*, or any Seven or more of them, whereof the ſaid Governor or Bailiffs to be Two, ſave only the Tolls at any Gate or

Turnpike erected or to be erected at or near *Stretham Ferry*, which laſt mentioned Tolls ſhall be taken and paid in all the Caſes in this Clauſe mentioned, and ſave alſo that every Waggon, Wain, Cart, or Carriage, loaded with Eſtover, Hay, Corn in the Straw, or Turves, Sedge, Reed, or any Product of the Fens, or Dung or Compoſt of any Kind, or Clay or Earth, paſſing through any Gate or Turnpike erected or to be erected between *Stuntney* and a Place called *Stone Bridge* in *Ely*, or between *Landbeach Common* and *Chittering Fen*, ſhall at each of the ſaid Gates pay the Sum of One Penny every Time any ſuch Waggon, Wain, Cart, or Carriage, ſo loaded as aforeſaid, ſhall paſs through either of ſuch Gates or Turnpikes, in like Manner as is directed by the ſaid recited Act of the Fifth Year of His preſent Majeſty's Reign.

Lords of the Manor and Inhabitants of *Stretham* exempt from paying Toll within the Townſhip of *Stretham*.

XXX. Provided always, and be it further enacted, That the Lord or Lords, Lady or Ladies of the Manor of *Stretham* for the Time being, their Servants and Attendants, and the ſeveral Inhabitants of the Town of *Stretham*, having Rights of Common in his or her own Occupation, (except common Carriers for Hire,) ſhall not pay any Toll whatſoever at any Gate or Turnpike to be erected by virtue of this Act, at any Place or Places within the Bounds or Townſhip of *Stretham*, for themſelves, their Servants, or Attendants, or their Horſes, Cattle, or Carriages, paſſing through the ſame, laden with their own Property, they the ſaid Inhabitants, Occupiers of Rights of Common as aforeſaid, paying to the ſaid Truſtees, or any Five or more them, their uſual yearly Acknowment of Four-pence for each Common, in like Manner as is directed by the ſaid recited Act of the Fifth Year of the Reign of His preſent Majeſty.

Inhabitants of *Ely* not to be exempted during the preſent letting of *Bug's Lane* and *Gent's Bridge Gates*.

XXXI. Provided alſo, and be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend to permit or allow any Inhabitant of the Town of *Ely* to take the Benefit of any ſuch Exemption, in reſpect of going to or returning from any Land in his Occupation, within the ſaid Pariſhes of *Ely Trinity* and *Ely Saint Mary*, or the Hamlet of *Stuntney*, or either of them, until the Terms for which the Tolls ariſing at the aforeſaid Gate, called *Bug's Lane Gate*, and the Gate called *Gent's Bridge Gate* in *Ely* aforeſaid, are now let, ſhall reſpectively expire.

Penalty on claiming Exemptions unduly.

XXXII. Provided alſo, and be it further enacted, That if any Perſon or Perſons ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being entitled thereto, ſuch Perſon or Perſons ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds nor leſs than Forty Shillings, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted, One Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be applied in Manner herein-after directed, concerning the Application of Penalties and Forfeitures by this Act impoſed.

Clauſe in the former Act of 5 G. 3. explained, reſpecting the Exemptions

XXXIII. And whereas by the ſaid recited Act, paſſed in the Fifth Year of His preſent Majeſty's Reign, it is enacted, That the Lord Biſhop of *Ely*, and the Dean, Canons, and Minor Canons of the Cathedral Church of *Ely*, then and for the Time being, ſhould not be liable to pay nor

nor be charged with any Toll to be collected by virtue of the said recited Act for any of their own Horses, or other Beasts, Carts, or Wheel Carriages whatsoever, passing between the *Lamb Corner* in *Ely* and the First House in *Soham*: And whereas Doubts have arisen, whether such Exemption extended to any hired or borrowed Horse, Cattle, or Carriage, or any other Horse, Cattle, or Carriage, employed by or in the Service of the said Lord Bishop, Dean, Canons, and Minor Canons, not being the Property of the said Lord Bishop, Dean, Canons, and Minor Canons respectively; for obviating all such Doubts, be it therefore further enacted, That, from and after the passing of this Act, the said Lord Bishop, Dean, Canons, and Minor Canons, shall not be liable to pay nor be charged with any Toll for any Horse or Horses, or other Beasts, Cattle, or Carriages whatsoever, passing through any Gate or Turnpike between the *Lamb Corner* in *Ely* and the First House in *Soham*, with the said Lord Bishop, Dean, Canons, and Minor Canons, or any of them, or with their or any of their Families or Servants, or any other Person or Persons employed by or in the Service of the said Lord Bishop, Dean, Canons, and Minor Canons respectively.

from Tolls of the Bishop of *Ely*.

XXXIV. And be it further enacted, That it shall be lawful for the Trustees of the said Districts of Roads respectively, or any Seven or more of them, at a Meeting to be held for that Purpose, of which One Calendar Month's Notice shall be given in Writing, and affixed on all the Toll or Turnpike Gates within each such District respectively, and also inserted in some publick Newspaper usually circulated in the said County of *Cambridge*, from Time to Time to lessen or reduce the Tolls hereby granted, for and during such Time as they, or any Seven or more of them, shall think proper; and afterwards, at any Meeting to be held as aforesaid, from Time to Time, if they shall see Occasion, to advance all or any of the Tolls so reduced or lessened, to any Sum or Sums of Money not exceeding the Tolls hereby granted.

Trustees may lessen the Tolls, *etc.* and afterwards advance the same.

XXXV. Provided always, That when the whole Money borrowed on the Credit of the Tolls arising within the District wherein it shall be intended to reduce or lessen any such Tolls shall not have been paid and discharged, no such Tolls shall be lessened or reduced without the Consent of the Person or Persons entitled to Five-sixth Parts of the Money then remaining due upon such Tolls respectively.

Consent of Five-sixths in Value of the Creditors necessary on altering Tolls.

XXXVI. And be it further enacted, That if any Person shall take off, or cause to be taken off, any Horse or other Beast from any Carriage, or shall unload any Goods, Wares, or Merchandize from any Cart, Waggon, or Carriage, at or before the same shall come to any Toll or Turnpike Gate erected or continued or to be erected or continued by virtue of the said herein-before recited Acts or of this present Act, or of either of them, in order to avoid the Payment of any of the Tolls due and payable at any such Toll or Turnpike Gate; or if any Person shall give to or receive from any Person any Note or Ticket, by this Act or the said recited Acts, or either of them, directed to be given; or if any Person shall forge or counterfeit any such Note or Ticket; or if any Person shall forcibly pass through any such Toll or Turnpike Gate with any Carriage or Cattle; or if any Person occupying any Land near to any Toll

Penalty on Persons permitting private Passage, or taking off a Horse, or entering on either Side a Gate, or receiving or delivering a Ticket, *etc.*

Toll or Turnpike Gate continued or erected by virtue of this Act or the ſaid laſt mentioned Acts, or either of them, ſhall permit or ſuffer any Perſon to paſs through any Gate, Paſſage, or private Way, with any Cattle or Carriage; or if any Perſon ſhall, with any Cattle or Carriage, paſs through any ſuch Gate, Paſſage, or private Way, whereby the Payment of any of the Tolls granted by this Act or the ſaid laſt mentioned Acts, or any or either of them, ſhall be avoided, every Perſon offending in either of the Caſes aforeſaid ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds nor leſs than Forty Shillings.

Truſtees of South Diſtrict may borrow more Money on the Credit of the Tolls.

XXXVII. And be it further enacted, That the Truſtees for the ſaid reſpective Diſtricts, or any Seven or more of them, may and they are hereby empowered at any General Meeting, by Aſſignment, Certificate, or other Writing under their Hands, from Time to Time to borrow and take up at Intereſt, any ſuch further Sum or Sums of Money as they ſhall think proper, upon the Credit of the Tolls by this Act and the ſaid recited Acts granted, in ſuch Manner, and by ſuch Ways and Means, as ſhall appear to them moſt proper and convenient for the Payment of the Monies already due and owing on the Credit of the Tolls ariſing within the ſaid Diſtricts reſpectively, and for effectually carrying on the Repairs of the Roads hereby and by the ſaid recited Acts directed to be made, turned, widened, and repaired, within the ſaid Diſtricts reſpectively.

Notice to be given of borrowing Money.

XXXVIII. Provided always, and be it further enacted, That no Money ſhall be borrowed by the Truſtees of the ſaid South Diſtrict of Roads, upon the Credit of the Tolls hereby granted, unleſs Notice in Writing, under the Hand of the Clerk to ſuch Truſtees, be, by Order of any Five or more of them, fixed upon all the Toll or Turnpike Gates then erected within ſuch Diſtrict, at leaſt Twenty-one Days before the borrowing of ſuch Money.

Aſſignments may be tranſferred, but muſt be entered with the Clerk to the Truſtees.

XXXIX. And be it further enacted, That all Perſons poſſeſſed of, and entitled to any Security or Securities for any Sum or Sums of Money lent upon the Credit of any of the Tolls granted by this Act, may from Time to Time aſſign over their reſpective Securities, and all the Monies which ſhall be due thereon, to any Perſon or Perſons; and every ſuch Aſſignment ſhall from Time to Time be aſſignable by the Perſons entitled, and a Memorandum or Entry of all ſuch Aſſignments, and alſo of all ſuch Aſſignments as have already been made of any Tolls ariſing within the ſaid Diſtrict of Road, by virtue of the herein-before recited Act of the Third and Fifth Years of the Reign of His preſent Majeſty, or either of them, and of the Days when the ſame were brought to be entered, ſhall be made by the Clerk to the Truſtees, by whom ſuch Security ſhall have been given, in a Book to be kept for that Purpoſe, for which Entry Two Shillings and Sixpence and no more ſhall be paid to ſuch Clerk; and every Perſon intereſted may at all ſeaſonable Times inſpect the ſame.

Truſtees of the South Diſtrict may leaſe the Toll.

XL. And be it further enacted, That it ſhall be lawful for the Truſtees of the ſaid South Diſtrict, or any Seven or more of them, at a publick Meeting,

Meeting, to let to farm the Tolls of the ſeveral Gates which ſhall, in purſuance of the Powers herein contained, be erected within the ſaid Diſtrict, in ſuch Manner, and under ſuch Directions, Regulations, and Reſtrictions, as are ſpecified in the aforeſaid Act of the Thirteenth Year of the Reign of His preſent Majeſty for regulating the Turnpike Roads, in reſpect to the letting to farm of Tolls by the Truſtees of Turnpike Roads.

Penalty on Perſons taking away or deſtroying the Materials for repairing the Roads within the *South Diſtrict*, or breaking down or damaging Bridges, &c.

XLI. And be it further enacted, That if any Perſon or Perſons other than thoſe employed by the Truſtees of the ſaid South Diſtrict, or their Surveyor or Surveyors for that Purpoſe, ſhall break down, pull up, injure, or take away any Bridge, Arch, Poſt, or Rail, erected or which ſhall be erected on any Part of the Roads within ſuch Diſtrict, or ſhall take, carry away, or deſtroy, any Ballaſt, Gravel, or other Materials, laid or which ſhall be laid on any Part of ſuch Roads for the Repair thereof, or ſhall take or carry away any of the Drift Sand from ſuch Roads, without Leave in Writing under the Hands of the Truſtees of ſuch Diſtrict, or any Five or more of them, ſpecifying the Quantity to be taken, and the Time for taking the ſame; or if any Perſon whatſoever ſhall take away any Materials which ſhall have been dug or gathered in any Lands, Fields, Waſtes, or Grounds, River or Brook, for the Purpoſe of repairing ſuch Roads, or ſhall get or take away any Materials out of any Pit or Quarry which ſhall have been made for the Purpoſe of getting ſuch Materials for repairing ſuch Roads, before their ſaid Surveyor or Surveyors, or his or their Workmen ſhall have diſcontinued working therein for the Space of Twenty Days, (except the Owner or Occupier of ſuch Pit or Quarry, who ſhall and may get Materials therein for his own private Uſe only, and not for Sale,) every Perſon ſo offending, and being thereof convicted before One or more Juſtice or Juſtices of the Peace for the County, Liberty, or Place, where the ſame ſhall happen, upon the Oath or Oaths of One or more credible Witneſs or Witneſſes, or by his or her own Confeſſion, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds nor leſs than Forty Shillings.

Surveyors of the South Diſtrict may make Cauſeways, erect Bridges, and cut Watercourſes, *etc.* making Satisfaction, *etc.*

XLII. And be it further enacted, That it ſhall be lawful for the Truſtees of the ſaid South Diſtrict of Roads, or any Five or more of them, or their Surveyor or Surveyors, to make or cauſe to be made Cauſeways in or along the Sides of any Part or Parts of the Roads hereby directed to be made, widened, turned, altered, or repaired, and to build or cauſe to be built any Bridge or Bridges, upon, in, or acroſs, ſuch Roads, and to cut or cauſe to be cut any Watercourſes in, through, or acroſs any Lands or Grounds, near to or adjoining the ſame, to prevent the ſaid Roads, or any Part thereof, from being overflowed, and to erect Bridges over ſuch Drains or Watercourſes (if neceſſary), and alſo to make or cauſe to be made a Road or Way by, through, or over the Grounds contiguous to any narrow or ruinous Part of ſuch Roads, (not being the Seite of a Ground whereon any Houſe or Houſes ſhall ſtand, or Yard, Park, Paddock, planted Walk or Avenue to any Houſe,) to be made uſe of by all Paſſengers with Carriages and Cattle, or otherwiſe, as a publick Highway, whilſt the old or ruinous Road is repairing, and until ſuch Time as it ſhall be convenient and ſafe for Carriages and Cattle to paſs the

Juſtices to ſettle Differences.

the ſame, making reaſonable Satisfaction to the Owners or Occupiers of ſuch Lands or Grounds for the Damages they ſhall thereby ſuſtain; and in caſe of any Difference between ſuch Truſtees, or Surveyor or Surveyors, and any of the ſaid Owners or Occupiers, any Two or more Juſtices of the Peace for the County, Liberty, or Place, where the ſame ſhall happen, ſhall and may, on Ten Days Notice thereof, to be given by any ſuch Surveyor to ſuch Owner or Occupier, or by ſuch Owner or Occupier to ſuch Surveyor, to be left at their reſpective Places of Abode with ſome of their reſpective Families, hear, ſettle, and determine the Matters of the ſaid Damages.

On Default of Perſons cutting down Trees and Buſhes, and removing Annoyances, *etc.* after Ten Days Notice,

XLIII. And, for the better preventing of Encroachments and Annoyances in or upon the Roads directed by the ſaid recited Acts and this preſent Act, or either of them reſpectively, to be made, widened, turned, altered, or repaired, within the ſaid South Diſtrict; be it further enacted, That if any Owner or Occupier of any Lands, Tenements, or other Premiſes, near to ſuch Roads, ſhall refuſe or neglect, by the Space of Ten Days next after Notice in Writing given to him or her, or left at his or her uſual Place of Abode, under the Hand of the Surveyor or Surveyors appointed by the Truſtees of the ſaid South Diſtrict, to trim up, lop, cut down, or root up, and remove any Trees or Buſhes growing in or upon ſuch Roads, or in or upon the Hedges or Banks adjacent thereto, or to ſcour and cleanſe any Ditch, Drain, or Watercourſe, contiguous to or leading out of or from ſuch Roads, or to make, build, or erect, acroſs ſuch Ditch, Drain, or Watercourſe, an Arch or Arches ſufficient for the free Courſe of the Water, under his or her Gateway or Paſſage, leading from ſuch Roads into any Field, Ground, or other Premiſes, or to pull down or take away any Encroachment which ſhall be made by any Hedge, Ditch, or Fence, within the Diſtance of Thirty Feet from the Centre of the ſaid Roads; or if any Perſon ſhall ſuffer his or her Sink or Drain to run into ſuch Roads, or ſhall throw, caſt, or lay, or cauſe, permit, or ſuffer to be thrown, caſt, or laid, any Duſt, Dirt, Aſhes, Rubbiſh, Dung, or other Filth or Annoyance, into or upon ſuch Roads, or into or in any of the Ditches, Drains, or Watercourſes thereto belonging, it ſhall be lawful for ſuch Surveyor or Surveyors, and for any Perſon by him or them employed, to trim up, lop, cut down, or root up and remove, any ſuch Trees or Buſhes, and to ſcour and cleanſe any ſuch Ditch, Drain, or Watercourſe, and to make, build, or erect ſuch Arch or Arches as aforeſaid, and effectually to turn, prevent, or ſtop up ſuch Sink or Drain, ſo running into any Part of ſuch Roads, and to abate or pull down and take away any ſuch Encroachment, and to remove ſuch Duſt, Dirt, Aſhes, Rubbiſh, Dung, or other Filth or Annoyance from ſuch Roads, or from the Ditches, Drains, or Watercourſes belonging thereto; and in any of the ſaid Caſes, by Warrant under the Hand and Seal of any Juſtice of the Peace for the County, Liberty, or Place, where the ſame ſhall happen, to levy the Charges thereof (the ſame being firſt ſettled and aſcertained by ſuch Juſtice) by Diſtreſs and Sale of the Goods and Chattels of ſuch reſpective Owner, Occupier, or other Perſon, rendering upon Demand to the Perſon whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, the Overplus (if any be) after deducting the Charges of ſuch Diſtreſs and Sale; and every Perſon who ſhall permit or ſuffer his or her Sink or Drain to run into ſuch

Surveyors to remove ſame, *etc.* and levy the Expences by Diſtreſs and Sale, by Warrant from a Juſtice.

Penalty on Perſons again offending.

ſuch Roads, or any Part thereof, or who, after the Abatement or Removal of any ſuch Encroachment or Annoyance by him or her made, cauſed, or permitted, ſhall again offend in the like Manner, and ſhall be convicted upon the Oath of One or more credible Witneſs or Witneſſes, or by his or her own Confeſſion, ſhall forfeit and pay any Sum not exceeding Five Pounds nor leſs than Forty Shillings, over and above the Charges of removing every ſuch Encroachment and Annoyance, to be ſettled and aſcertained as aforeſaid.

Buildings, *etc.* not to be injured.

XLIV. And be it further enacted, That in widening, turning, and diverting any Part or Parts of the Roads by this Act directed to be made, widened, altered, or repaired, nothing ſhall be done which ſhall in anywiſe injure or damage any Dwelling Houſe, Outhouſe, or other Building, or any Garden, Orchard, Yard, Court, Park, Paddock, Nurſery Ground, planted Walk or Avenue to any Houſe; any Thing herein contained to the contrary notwithſtanding.

Truſtees of South Diſtrict may contract for Repairs of Roads, Bridges, *etc.*

XLV. And be it further enacted, That the ſaid Truſtees for the ſaid South Diſtrict, or any Seven or more of them, or ſuch Perſon or Perſons as they ſhall for that Purpoſe authorize and appoint, may and they are hereby empowered to contract and agree with any Perſon or Perſons for any Sum or Sums of Money for the Repairs of any particular Part or Parts of the Roads within the ſaid Diſtrict, or for the building or repairing of any Bridge or Bridges, or for any other neceſſary Work to be performed in purſuance of this Act; and that all ſuch Contracts and Agreements made in Writing ſhall be valid, and that Actions may be maintained thereon, and Damages and Coſts recovered againſt the Parties failing in the Execution thereof.

Perſons liable to repair Roads or Bridges, or to do Statute Duty, to continue ſo.

XLVI. And be it further enacted, That all Bodies Politick and Corporate, Towns, Pariſhes, Hamlets, and Places, and the Inhabitants thereof, and all Perſons who, before the paſſing of this Act, have uſed to repair, or of Right ought, by reaſon of the Tenure of any Lands or Hereditaments, or on any other Account whatſoever, to repair any Part or Parts of the Roads hereby directed or intended to be repaired, or any Bridges, Cauſeways, Drains, Sewers, or Arches, in or over the ſame, ſhall, notwithſtanding this Act, be ſubject and liable to repair the ſame reſpectively, in the ſame Manner as they have heretofore uſually done or ought to have done.

For regulating Statute Labour.

XLVII. And whereas it is in and by the ſaid recited Act of the Third Year of the Reign of His preſent Majeſty enacted, That the Inhabitants of the ſeveral Towns, Pariſhes, Hamlets, and Places, through which the Road thereby intended to be repaired did lie, and (which Road now comprizes Part of the ſaid South Diſtrict) who, by the Laws and Statutes of this Realm, were and ſhould be obliged or liable to perform the Work in the Highways for the repairing thereof, commonly called *Statute Work*, ſhould and were thereby required to do and perform ſuch and ſo many Days Work, in ſuch Part of the ſaid Road by the ſaid Act directed to be repaired, and lying within the ſaid Towns, Pariſhes, Hamlets, and Places, in which ſuch Inhabitants reſpectively ſhould live, as the ſaid Truſtees, or any Five or more of them, ſhould direct or appoint;

appoint; be it further enacted, That ſo much of the ſaid Act as gives the Power of appointing the Number of Days Work to be done and performed by the Inhabitants of the Towns, Hamlets, and Places, within any Part of the Road lying within the ſaid South Diſtrict, to the Truſtees of the ſaid South Diſtrict, or any Five or more of them, ſhall be and the ſame is hereby repealed; and that, from and after the paſſing of this Act, the Inhabitants of the ſeveral Towns, Pariſhes, Hamlets, and Places, through which any of the Roads within the ſaid South Diſtrict do or ſhall lie, and alſo the Occupiers of all Lands, Tenements, and Hereditaments, lying within ſuch Towns, Pariſhes, Hamlets, and Places reſpectively, or any of them, who, by the Laws and Statutes of this Realm, are liable to perform the Work in the Highway for the Repairs thereof, commonly called *Statute Work*, ſhall be ſubject and liable to do and perform the ſame, and ſhall and are hereby required to do and perform ſuch and ſo many Days Work in ſuch Parts of the ſaid Roads within the ſaid South Diſtrict, and lying within the ſaid Towns, Hamlets, or Places in which ſuch Inhabitants reſpectively ſhall live, or ſhall occupy any Lands, Tenements, or Hereditaments as aforeſaid, as any Two or more Juſtices of the Peace for the County, Liberty, or Place within which ſuch Towns, Pariſhes, Hamlets, or Places do lie, at any Petty or Special Seſſions of the Peace, upon Application made to them by any Five or more of the Truſtees of the ſaid South Diſtrict, ſhall adjudge and determine; which Statute Duty ſhall be done at ſuch Times and in ſuch Manner as the Truſtees of the ſaid South Diſtrict, or any Five or more of them, or their Surveyor, ſhall direct or appoint.

Pariſh Surveyors to deliver in Liſts of Perſons liable to do Statute Work.

XLVIII. And be it further enacted, That the Surveyors of the Highways of and for ſuch of the ſaid Towns, Pariſhes, Hamlets, and Places, within the ſaid South Diſtrict within which any of the Roads hereby directed to be made, widened, turned, altered, and repaired, ſhall or do lie, ſhall and they are hereby required, at the Third Meeting of the Truſtees for the ſaid Diſtrict after the paſſing of this Act, and at the Firſt Meeting of ſuch Truſtees after the Twenty-fifth Day of *March* in every ſucceeding Year, or at any other Meeting of the ſaid Truſtees, if thereunto required by the ſaid Truſtees, or any Five or more of them, (Ten Days Notice of ſuch Meeting being fixed on all the Toll Gates or Turnpikes then erected within the ſaid Diſtrict,) to deliver in to the ſaid Truſtees true and perfect Liſts in Writing, under their reſpective Hands, of the Names of all the Inhabitants of and Occupiers of Lands, Tenements, and Hereditaments, within ſuch Towns, Pariſhes, Hamlets, and Places reſpectively, who are liable to do their Statute Duties in and upon the ſaid Highways; and ſhall in all ſuch Liſts diſtinguiſh and ſet forth which of ſuch Inhabitants or Occupiers ſhall and by this Act ſhall be deemed to keep a Team or Teams, and how many, and which of them are Labourers only.

Penalty on their Neglect.

XLIX. And be it further enacted, That if the reſpective Surveyors of the ſeveral Towns, Pariſhes, Hamlets, or Places, through which any of the ſaid Roads hereby intended or directed to be repaired ſhall lead, ſhall not deliver in to the Truſtees of the ſaid South Diſtrict, Liſts of the Inhabitants of and Occupiers of Lands, Tenements, or Hereditaments,

ments, in their ſeveral Towns, Pariſhes, Hamlets, and Places, at ſuch Times and in ſuch Manner as by this Act is directed, every ſuch Surveyor ſhall forfeit and pay for every ſuch Default any Sum not exceeding Five Pounds; and if any ſuch Inhabitant or Occupier, being obliged or liable to do ſuch Statute Work in and upon ſuch Roads as ſhall be determined by the ſaid Juſtices as aforeſaid, ſhall not perform the ſame at ſuch Times and Places, and in ſuch Manner, as ſhall by ſuch Truſtees, or any Five or more of them, or their Surveyor or Surveyors, be directed, ſuch Inhabitant or Occupier ſhall for every ſuch Neglect or Default forfeit and pay the ſeveral Sums which are herein-after mentioned; that is to ſay, every ſuch Inhabitant or Perſon who ſhall keep or be deemed to keep a Team or Teams, for every Day's Work for each Team, the Sum of Ten Shillings, and every other Inhabitant or Perſon not keeping or not being deemed to keep a Team, for every Day's Work, the Sum of One Shilling and Sixpence; and if any Perſon who ſhall come to work as a Labourer, or who ſhall be ſent with any Team, Draught, or Cart, to work on ſuch Roads, ſhall be found idle or negligent, or ſhall not properly perform ſuch Statute Work, the Surveyor employed by ſuch Truſtees may and is hereby empowered and required to diſcharge ſuch Perſon, and it ſhall be deemed and taken as if ſuch Perſon had not come, or ſuch Team, Draught, or Cart, had not been ſet to work on the ſaid Roads; and the Perſon liable to perform ſuch Statute Work ſhall be ſubject to the like Forfeitures as if he or ſhe had refuſed or neglected to perform the ſame.

Idle Perſons may be diſmiſſed.

L. And be it further enacted, That the ſaid Truſtees of the ſaid South Diſtrict, or any Seven or more of them, may and they are hereby empowered to compound with any Body Politick or Corporate, Town, Pariſh, Hamlet, or Place, and the Inhabitants thereof, or any Perſon or Perſons who, before the paſſing of this Act, have uſed to repair, or of Right ought, by reaſon of the Tenure of any Lands or Hereditaments, or on any other Account whatſoever, to repair any Part of the Roads hereby directed or intended to be made, turned, widened, altered, and repaired, for the Repairs to be by them reſpectively done upon ſuch Roads, and lying within ſuch Diſtricts, or to any Bridges, Cauſeways, Sewers, or Drains therein, and alſo with the Surveyor or Surveyors of the ſeveral Towns, Pariſhes, Hamlets, and Places, through which ſuch Roads, or any Part or Parts thereof, do or ſhall lie, or with any of the Inhabitants thereof, or any of the Occupiers of Lands, Tenements, and Hereditaments therein, for the ſeveral Days Statute Work to be by them reſpectively done upon ſuch Roads, for any certain Sum or Sums of Money, either by the Year or otherwiſe, and the ſame ſhall be immediately paid to the ſaid Truſtees, or any Seven or more of them, or to ſuch Perſon or Perſons as ſhall be appointed by them to receive the ſame; and where any ſuch Compoſition ſhall be made with any Body Politick or Corporate, Town, Pariſh, Hamlet, or Place, or the Inhabitants thereof, or any other Perſon or Perſons who hath or have been uſed to repair, or of Right ought, by reaſon of the Tenure of any Lands or Hereditaments, or on any other Account whatſoever, to repair any Part of ſuch Roads, for a Sum in Groſs, then, from and after Payment of ſuch Sum as ſhall be ſo agreed upon, to the Truſtees of the ſaid South Diſtrict, or any

Truſtees may compound for ſuch Repairs.

Seven or more of them, or their Treaſurer for the Time being, every ſuch Body Politick or Corporate, Town, Pariſh, Hamlet, or Place, and all and every other Perſon and Perſons paying the ſame, and his and their ſeveral and reſpective Heirs and Aſſigns, Lands and Hereditaments, ſhall be and they are hereby diſcharged from the Repair of every ſuch Road, Bridge, Cauſeway, Sewer, or Drain; and the Certificate of ſuch Truſtees, or any Seven or more of them, under their Hands, of ſuch Compoſition and Payment, ſhall be good Evidence thereof, and be received as ſuch by all Judges and Juſtices of the Peace, in any Court or Courts whatſoever.

No Compoſition to be made for Tolls in reſpect of Carriages of a certain Deſcription.

LI. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to authorize the ſaid Truſtees to make any Compoſition for Tolls with any Perſon or Perſons whomſoever, for any Waggon, Wain, Cart, or Carriage, or Horſes or Beaſts drawing the ſame, except ſuch as have the Fellies of the Wheels thereof of the Breadth of Six Inches or more, nor unleſs the Fellies and the Tire thereon ſhall be flat, or ſhall not deviate more than One Inch from a flat Surface.

No Contract for Repairs or Compoſition for Tolls to be made at the Meeting where the ſame was firſt propoſed, nor without the Conſent of Seven Truſtees at the leaſt.

LII. And be it further enacted and declared, That no Contract ſhall be made with any Perſon or Perſons liable to the Repair of any particular Part or Parts of the ſaid laſt mentioned Roads for any Sum or Sums of Money in lieu of ſuch Repairs, nor ſhall any Compoſition for Tolls be entered into or agreed for by the Truſtees of the ſaid South Diſtrict, at any of their Meetings reſpectively, where the ſame ſhall be firſt propoſed, but every ſuch Propoſition ſhall be adjourned over for the Conſideration of the ſaid laſt mentioned Truſtees at their next Meeting, and Fourteen Days Notice of ſuch Propoſition ſhall be given by the Clerk to the Truſtees of ſuch Diſtrict, and affixed on all the Toll or Turnpike Gates within ſuch Diſtrict; and no ſuch Contract or Compoſition ſhall be valid unleſs Seven Truſtees ſhall be then preſent and conſenting thereto; and no ſuch Compoſition for Tolls ſhall be made for a longer Term than One Year.

Surveyors to be reimburſed Compoſition Money paid by them.

LIII. Provided always, That if the Surveyor or Surveyors of the Highways of any Town, Pariſh, Hamlet, or Place, within the ſaid South Diſtrict, for the Statute Work whereof any Compoſition ſhall, by virtue of the Powers contained in the ſaid recited Acts of the Third and Fifth Years of the Reign of His preſent Majeſty, or in this preſent Act, or either of them, be made, pay the Compoſition Money in Manner directed by the ſaid recited Acts and this Act reſpectively, then and in ſuch Caſe ſuch Surveyor or Surveyors ſhall be repaid or reimburſed the ſame, in ſuch Manner as by the Laws now in being Surveyors of the Highways are to be repaid or reimburſed the Monies by them expended in buying Materials for amending the Highways.

Juſtices on Appeal to determine the Proportion of the Statute Work.

LIV. And be it further enacted, That if the Surveyor or Surveyors of the Highways for the Time being of any of the Towns, Pariſhes, Hamlets, or Places, lying within either of the ſaid Diſtricts of Roads reſpectively, ſhall think the Juſtices have directed or appointed too large a Pro-

a Proportion of the Statute Work in any Town, Pariſh, Hamlet, or Place, to be done on the Road within their reſpective Diſtricts, it ſhall be lawful for ſuch Surveyor or Surveyors of the Highways to appeal to the Quarter Seſſions of the Peace for the County or Liberty wherein ſuch Road ſhall lie, next after ſuch Direction or Appointment ſhall have been made, unleſs the ſame ſhall be made within Twenty-one Days preceding ſuch Quarter Seſſions, and then to the Second Quarter Seſſions next after ſuch Direction or Appointment, and the Juſtices in the ſaid Quarter Seſſions are hereby authorized and empowered finally to adjuſt and determine what Proportion of the Statute Work in any ſuch Town, Pariſh, Hamlet, or Place ſhall be done to the Roads by the ſaid recited Acts or this Act directed or intended to be made, widened, turned, altered, or repaired, ſuch Surveyor or Surveyors of the Highways having firſt given Fourteen Days Notice of ſuch Appeal to the Surveyor or Surveyors appointed by the ſaid Truſtees reſpectively.

Inhabitants of *Stretham* to perform Statute Duty on the new Road.

LV. And whereas by the ſaid recited Act of the Fifth Year of the Reign of His preſent Majeſty, the Inhabitants of the Townſhip or Pariſh of *Stretham* are exempted from the Performance of Statute Duty upon any other Part of the Turnpike Road lying within their Pariſh or Townſhip, in Conſideration of their making and keeping in good and effectual Repair, at their own Expence, ſo much of the Road as lies between the Entrance of *Short Lane* aforeſaid, and the Spot on the Top of the Hill above the ſaid Town of *Stretham*, falling into the Road leading to *Braham Lane*, which includes the Whole of the ſaid Lane called *Short Lane*, and the Paſſage through the ſaid Town of *Stretham*: And whereas Part of the intended new Road from the North End of *Short Lane* aforeſaid, to the ſaid Town of *Wilburton*, lies in the ſaid Pariſh of *Stretham*, and the repairing of the ſaid Road will be of great Benefit to the Inhabitants of the ſaid Townſhip or Pariſh, and in Conſideration thereof the ſaid Inhabitants have conſented and agreed to perform Three Days Statute Work upon the ſaid intended new Road; be it therefore enacted, That the Inhabitants of the ſaid Townſhip or Pariſh of *Stretham* ſhall, from and immediately after the paſſing of this Act, do and perform Three Days Statute Work upon the ſaid intended new Road, in the ſame Manner, and under the ſame Regulations, and Penalties for Neglect thereof as the Inhabitants of any other Pariſhes or Places within the ſaid South Diſtrict are by Law liable to do and perform Statute Work upon the Highways within their reſpective Pariſhes; and that the Surveyors of the Highways of the ſaid Pariſh of *Stretham* ſhall deliver in true and perfect Liſts to the Truſtees of the ſaid South Diſtrict, or any Five or more of them, of all Perſons within the ſaid Pariſh liable to perform Statute Duty upon the Highways within the ſame, at ſuch Times, in ſuch Manner, and under ſuch Penalties for the Neglect thereof, as the Surveyors of any other Pariſhes within the ſaid Diſtrict are by Law required and compellable to do; the ſaid recited Act of the Fifth Year of the Reign of His ſaid Majeſty, or any Law, Statute, or Uſage to the contrary thereof notwithſtanding.

Commoners of *Stretham* and *Waterbeach* may erect a

LVI. And whereas great Inconveniencies have ariſen to the Inhabitants and Commoners of the Pariſhes of *Stretham* aforeſaid and *Waterbeach*

Gate between their Commons.

beach in the said County of *Cambridge*, by reason of the Vicinity of their Commons, and there not being a Gate to prevent the straying of their Cattle from one Common to the other: And whereas there is no convenient Place for erecting any such Gate, but across the present Turnpike Road leading through the said Parishes; be it therefore enacted, That it shall be lawful for the Inhabitants of the said Parishes, by and with the Consent of the Trustees of the said South District, or any Seven or more of them, at some Meeting to be holden for that Purpose, in pursuance of a Notice to be signed by any Seven of the said Trustees, or their Clerk or Treasurer, and affixed on all the Turnpike Gates within the said District, and also advertised in some Newspaper usually circulated in the said County of *Cambridge*, at least Fourteen Days before such Meeting, to erect and set up a Gate across the said Road at the Place where the Commons belonging to the said Parishes meet, or as near thereto as may be, they the said Inhabitants building a House thereto, and providing and paying a proper Keeper to take Care of such Gate, and placing and building such Gate and House in such Manner, and under such Regulations and Restrictions as the said Trustees, or any Seven or more of them, assembled at such Meeting as aforesaid, shall direct, and answering all Damages that may arise from their Neglect, or from the Neglect of the Person or Persons appointed to keep the said Gate.

For paying the Interest of Monies.

LVII. And be it further enacted, That, from and after the Twenty-ninth Day of *September* which will be in the Year of Our Lord One thousand eight hundred and seven, One-third Part at least of all and every the Tolls and Sums of Money which shall arise and be collected and received within the said North District, shall be applied by the Trustees thereof in Payment and Discharge of the Interest now due, and which shall from henceforth become due and payable for the Principal Sum and Sums of Money now charged and hereafter to be charged upon the Tolls arising within the said North District, or in Payment of so much of such Interest as the same Third Part shall be sufficient to discharge.

Commissioners of the *Burnt Fen District* may erect Breastwork on the River *Ouse*.

LVIII. And whereas the Support of the East Bank of the River *Ouse* is of great Consequence to the Commissioners and Land Owners of a certain District of Fen, called *Burnt Fen First District* (which is protected by the said Bank, and to the Preservation of the Lands lying within the said District, which must on every Breach or Failure of the said Bank be overflowed and annoyed with Waters, to the Loss of many Thousand Acres of rich and valuable Land, and the great Impoverishment of the Owners and Occupiers thereof): And whereas the present Turnpike Road leading from *Scottings Ferry* to *Brandon Creek Bridge* runs on the said East Bank of the said River *Ouse*, and by the frequent passing of Horses and Carriages thereon the said Bank may in Time become much worn and lowered: And whereas it would greatly tend to the Preservation of the said Bank, and the Protection of the said District, if the said Commissioners had Power to erect and set up a sufficient Breastwork on the Riverside of the said Bank or Turnpike Road, but so as not thereby to reduce the Breadth of the said Road to less than Sixteen Feet in any

Part

Part thereof; be it therefore further enacted, That, from and after the passing of this Act, the said Commissioners of the said District, called *Burnt Fen First District*, and their Officers, Agents, Servants, Labourers, and Workmen, shall have Power and Authority to enter into and upon the Lands adjoining to the said Turnpike Road or Bank, and also on the said Turnpike Road or Bank, with all such Implements and Utensils as shall be necessary, and to erect and set up a Breastwork upon the said Road or Bank on the River Side thereof, at such Times as they the said Commissioners shall judge necessary, and to make such Breastwork to be on an Average Two Feet above the present Height of the said Road or Bank in the lowest Part thereof, and Eight Feet above the Surface of the Lands in the said District.

Limiting the Breadth of the Breastwork.

LIX. Provided always nevertheless, and be it further enacted, That in making the said Breastwork, the Breadth of the said Road or Bank shall in no Part thereof be reduced to less than Sixteen Feet.

For paying the Expences of making such Breastwork.

LX. And be it further enacted, That, towards defraying the Expence of making the said Breastwork, the said Trustees of the said North District shall pay to the said Commissioners of the said District the Sum of Fifty Pounds, in Manner following; (that is to say), the Sum of Twenty-five Pounds, Part thereof, so soon as the said Commissioners shall have expended the Sum of Fifty Pounds in making the said Breastwork, and the Remainder of the said Sum of Fifty Pounds so soon as the said Commissioners shall have expended the further Sum of Fifty Pounds in making such Breastwork as aforesaid.

Penalty on persons feeding Cattle on the East Bank, *etc.*

LXI. And, in order to preserve the said Bank from Hurt or Injury, be it further enacted, That such Bank shall not be fed with any Kind of Cattle whatsoever; and that if any Cattle shall be found upon the said Road or Bank, the Owner or Owners thereof shall forfeit and pay for the same to the said Commissioners the Sum of One Penny *per* Head for any Sheep, and One Shilling *per* Head for all other Cattle, to be levied by Distress and Sale of such Sheep and Cattle respectively.

Trustees of South District may cause Roads to be measured and Mile Stones to be erected.

Penalty on defacing Mile Stones.

LXII. And be it further enacted, That the Trustees of the said South District, or any Five or more of them, may cause the Roads within such District by this Act directed or intended to be made, widened, turned, altered, or repaired, to be measured, and Stones or Posts to be from Time to Time set up on the Sides thereof, with Inscriptions denoting the Number of Miles and Distances of Places; and if any Person shall wilfully and designedly break, pull down, dig up, injure, or destroy any such Stones or Posts, or shall erase, obliterate, or deface any of the Inscriptions made thereon, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on drawing Timber, *etc.* except on Wheel Carriages.

LXIII. And be it further enacted, That if any Person shall hale or draw, or cause to be haled or drawn, along any of the Roads hereby directed or intended to be repaired, any Tree or Piece of Timber, otherwise

wiſe than upon or by Wheel Carriages, or hale or draw, or cauſe to be haled or drawn any Plough upon or acroſs any Part of the Roads within the ſaid South Diſtrict, whereby the ſame ſhall be prejudiced, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings nor leſs than Twenty Shillings.

Proceedings to be entered in Books.

Copies may be taken.

Books may be read in Evidence.

LXIV. And be it further enacted, That Accounts of all Receipts and Diſburſements, and all Contracts, Orders, and Proceedings entered into, made and had, by or on the Behalf of the Truſtees of the ſaid South Diſtrict in the Execution of the ſaid recited Acts and this preſent Act, ſhall be entered in Books to be kept for that Purpoſe by the Treaſurer or Clerk to the ſaid laſt mentioned Truſtees; and that any Perſon may take Copies thereof, paying for every Copy not exceeding One hundred Words Two-pence, and ſo proportionably for any Number of Words; which ſaid Books, and alſo the Books directed to be kept for the regiſtering and entering Securities for Monies borrowed, and of any Aſſignments thereof, ſhall be admitted to be read in Evidence in all Caſes of Appeal, Suits, or Actions, touching any Thing done in purſuance of this Act.

Penalties and Forfeitures to be levied and recovered by Diſtreſs and Sale.

How to be applied.

If no Diſtreſs the Offender to be committed.

LXV. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed for any Offence againſt the ſame, and all Coſts and Charges allowed and ordered by any Juſtice or Juſtices of the Peace in relation to the Recovery thereof (which ſaid Coſts and Charges ſuch Juſtice and Juſtices is and are hereby authorized and empowered to award at his and their Diſcretion, the Manner of levying and recovering of which is not hereby otherwiſe particularly directed) ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender or Perſon liable or ordered to pay the ſame reſpectively, by Warrant under the Hand and Seal of ſuch Juſtice or Juſtices, rendering the Overplus of ſuch Diſtreſs and Sale, if any, to the Party or Parties, after deducting the Charges of making the ſame; which Warrant ſuch Juſtice or Juſtices is and are hereby empowered and required to grant upon Conviction of the Offender, by Confeſſion, or upon the Oath of One or more credible Witneſs or Witneſſes, or upon Order made as aforeſaid; and the Penalties and Forfeitures, Coſts and Charges, when ſo levied, ſhall be paid One Half to the Informer, and the other Half to the Treaſurer of the Truſtees for the Diſtrict of Roads where the Offence ſhall happen, to be employed towards the Repair thereof, unleſs otherwiſe directed by this Act; and in caſe ſuch Diſtreſs cannot be found, and ſuch Penalties and Forfeitures, or the ſaid Coſts or Charges ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice or Juſtices, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit ſuch Offender or Offenders, or Perſon or Perſons liable to pay the ſame reſpectively to the Common Gaol or Houſe of Correction of the Limit where the Offence ſhall be committed, or ſuch Order as aforeſaid ſhall be made, for any Time not exceeding Three Calendar Months, unleſs the ſaid Penalty, Forfeiture, Coſts, or Charges ſhall reſpectively be ſooner paid; and if ſuch Offender or Offenders, or Perſon or Perſons liable or ordered to pay the ſame reſpectively,

If the Offender lives out of the

fectively, shall live out of the Jurisdiction of the Justice or Justices hereby authorized to grant such Warrant, it shall and may be lawful for any Justice of the Peace of the Limit wherein such Person shall inhabit, and every such Justice is hereby required, upon Request to him for that Purpose made, and upon a true Copy of the Conviction whereby such Forfeiture or Penalty was incurred, or of the Order for the Payment of such Costs or Charges, produced and proved by a credible Witness upon Oath, by Warrant under his Hand and Seal, to cause the Penalty or Forfeiture mentioned in such Order, to be levied by Distress and Sale of the Goods and Chattels of such Offender or Offenders, or Person or Persons liable or ordered to pay the same respectively as aforesaid; and if no sufficient Distress can be had, to commit such Offender or Offenders, or Person or Persons liable as aforesaid, to the Common Gaol or House of Correction of such Limit for the Time and in Manner aforesaid.

Jurisdiction of the Justice, the Justices where he lives may proceed, having a Copy of the Conviction duly proved.

LXVI. Provided nevertheless, That no Warrant of Distress, unless otherwise directed by this Act, shall be issued for levying any Penalty or Forfeiture, Costs or Charges, until Six Days after the Offender shall have been convicted, and an Order made and served upon him or her for Payment thereof.

Time of issuing Warrant of Distress

LXVII. 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 deemd 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 any 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 may recover full Satisfaction for the Special Damage in an Action on the Case.

Distress not unlawful for Want of Form.

LXVIII. Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or wrongful Proceedings, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed, or caused to be committed, any such Irregularity or wrongful Proceedings, before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit, whereupon such Proceedings, or Orders and Judgements shall be had, made, and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Tender of Amends may be made before the Action be brought.

LXIX. Provided always, That where the Plaintiff or Plaintiffs shall recover in any such Action, he, she, or they, shall be paid his, her, or their full Costs of Suit, and have the like Remedies for recovering the same, as for the recovering of Costs in any other Case by Law.

Where Plaintiffs recover to have full Costs.

LXX. And

Truſtees may ſue and be ſued in the Name of their Clerk.

LXX. And be it further enacted, That the ſaid Truſtees may ſue and be ſued in the Name of their Clerk for the Time being (in whom the Right, Intereſt, and Property of and in all the Toll Gates or Turnpikes and Toll Houſes which ſhall be erected and provided in purſuance of the ſaid recited Acts and this Act, with the ſeveral Conveniencies and Appurtenances thereunto belonging reſpectively, and the Materials of which the ſame ſhall conſiſt, and all other Materials, Implements, and Things which ſhall be purchaſed or provided for the Purpoſes of the ſaid Acts and this Act, ſhall be veſted, for the proſecuting or defending any Indictment, Suit, or Action, ordered by the ſaid Truſtees by or againſt any Perſon or Perſons whomſoever); and that no Indictment, Suit, or Action, which ſhall be brought or commenced by or againſt the ſaid Truſtees, or any of them, by virtue or on Account of the ſaid Acts and this Act, in the Name of their Clerk, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk, or by the Act or Default of ſuch Clerk, without the Conſent of the ſaid Truſtees at a Meeting to be held for that Purpoſe; but the Clerk for the Time being to the ſaid Truſtees ſhall be deemed Plaintiff or Defendant in ſuch Indictment, Suit, or Action, as the caſe may be: Provided always, that every ſuch Clerk by whom or in whoſe Name any Indictment, Suit, or Action, ſhall be commenced, proſecuted, or defended, in purſuance of the ſaid Acts and this Act, ſhall be advanced or reimburſed and paid out of the Monies to be raiſed by virtue thereof and of this Act, all ſuch Coſts, Damages, and Charges, as by every ſuch Proceeding he ſhall be put to or become chargeable with by Means or on Account of his being ſo made Proſecutor, Plaintiff, or Defendant.

Clerk to be repaid his Expences.

Inhabitants may be Evidences.

LXXI. And be it further enacted, That upon any Complaint, Information, Indictment, or Action, to be laid, preferred, or brought againſt any Perſon or Perſons for any Offence committed againſt the ſaid recited Acts or this preſent Act, or either of them, the Evidence of any of the Inhabitants of any of the Pariſhes or Places through which any of the Roads directed or intended by the ſaid recited Acts or this preſent Act, or either of them, to be made, widened, altered, or repaired, do or ſhall lie, ſhall not be refuſed by reaſon of his being an Inhabitant of any ſuch Pariſh or Place; any Law, Cuſtom, or Uſage to the contrary notwithſtanding.

Directing the Application of Compenſation Money where exceeding 200*l.*

LXXII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands or Hereditaments purchaſed, taken, or uſed, by virtue of the Powers of the ſaid recited Acts and this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatick, or Perſon or Perſons under any Diſability or Incapacity, as in the ſaid recited Acts, or any of them, is particularly mentioned, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing the ſaid Acts and this Act, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court,

Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way, by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands or Hereditaments in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrance or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands or Hereditaments, or affecting other Lands or Hereditaments ſtanding ſettled therewith, to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Meſſuages, Lands, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Meſſuages, Lands, and Hereditaments, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſe aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application of Compenſation Money when leſs than 200l. and above 20l.

LXXIII. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands or Hereditaments purchaſed, taken, or uſed, for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees for executing the ſaid Acts and this Act, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties,) in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe be applicable, without

obtaining or being required to obtain the Direction or Approbation of the ſaid Court of Chancery.

Application where the Sum is leſs than 20*l.*

LXXIV. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid, as next before mentioned, ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of the ſaid Acts and this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles;

or if Perſons cannot be found, Purchaſe Money to be paid into the Bank;

ſubject to the Order of the Court of Chancery, on Motion or Petition.

LXXV. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees; or in caſe ſuch Perſon or Perſons, to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid, cannot be found; or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments, [*deſcribing them*], ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court of Chancery, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be, and is hereby empowered in a ſummary Way of Proceeding, or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Publick Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt, of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Where any Queſtion ſhall ariſe touching the Title to Money to be

LXXVI. And be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of the ſaid recited Act or this Act,

Act, for the purchaſe of any Buildings, Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt, in any Buildings, Lands, Tenements, or Hereditaments, to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Buildings, Lands, Tenements, or Hereditaments, at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Buildings, Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends or Intereſts of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Buildings, Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

paid, the Perſon who ſhall be in Poſſeſſion of the Lands, &c. at the Time of ſuch Purchaſe, ſhall be deemed entitled thereto, according to ſuch Poſſeſſion.

LXXVII. Provided always, and be it further enacted, That where, by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Houſes, Buildings, Lands, Tenements, or Hereditaments, to be purchaſed under the Authority of the ſaid Acts or this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Houſes, Buildings, Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes, in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this or the ſaid Acts, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

The Court may order reaſonable Expences of Purchaſes to be paid by the Company.

LXXVIII. And be it further enacted, That it ſhall be lawful for the Juſtice or Juſtices before whom any Perſon or Perſons ſhall be convicted of any Offence or Offences againſt the ſaid recited Acts or this preſent Act, or either of them, to draw up and record ſuch Conviction, *mutatis mutandis*, in the Form or to the Effect following; (that is to ſay,)

Form of Warrant of Conviction.

‘ County of } BE it remembered, That on this Day
‘ of in the Year
‘ of the Reign of His preſent Majeſty, *A. B.* is convicted before me,
‘ [*or*, us] of His Majeſty's Juſtices of the
‘ Peace for the ſaid County of
‘ [*Specifying the Offence, and Time and Place when and where the*
‘ *ſame was committed, as the Caſe ſhall be*] and I [*or*, we] the ſaid
‘ Juſtice [*or*, Juſtices] do adjudge him [*or*, her] to forfeit and pay
‘ for

' for the ſame the Sum of Given
' under my Hand and Seal [*or*, our Hands and Seals] the Day and
' Year above written.'

To proportion the Expences of obtaining this Act.

LXXIX. And, in order to prevent any Diſputes touching the Proportion which ought to be paid out of the Tolls ariſing within the ſaid Diſtricts reſpectively towards defraying the Expences of obtaining and paſſing this Act, be it further enacted, That Two Third Parts thereof ſhall be paid by the Truſtees of the ſaid South Diſtrict, or any Five or more of them, or their Treaſurer for the Time being, out of the Tolls collected or to be collected at any of the Gates or Turnpikes erected or to be erected within the ſaid South Diſtrict, and that the Remainder of ſuch Expences ſhall be paid by the Truſtees of the ſaid North Diſtrict, or any Five or more of them, or their Treaſurer for the Time being, out of the Tolls collected or to be collected at any of the Gates or Turnpikes continued or erected, or to be erected, on the Roads within the ſaid North Diſtrict.

Perſons aggrieved may appeal to Quarter Seſſions.

LXXX. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves, aggrieved by any Thing done in purſuance of this Act, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace to be held for the Limit wherein the Cauſe of ſuch Complaint ſhall ariſe, ſuch Appellant or Appellants firſt giving or cauſing to be giving Six Days Notice at leaſt in Writing of his, her, or their Intention to bring ſuch Appeal, and of the Matter thereof, to the Treaſurer or Clerk to the Truſtees of the Diſtrict of Roads within which the Cauſe or Matter of ſuch Appeal ſhall ariſe, and within Four Days after ſuch Notice entering into Recognizance before ſome Juſtice of the Peace for ſuch County, Liberty, or Place, with Two ſufficient Sureties, conditioned to try ſuch Appeal at ſuch General Quarter Seſſions, and to abide the Order of, and pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices at ſuch Seſſions, upon due Proof of Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt, as they the ſaid Juſtices ſhall think proper, to be levied and recovered as herein-before directed, and the Determination of ſuch Quarter Seſſions ſhall be final and concluſive to all Intents and Purpoſes; and no Proceedings to be had or taken in purſuance of this Act ſhall be quaſhed or vacated for want of Form, or removed by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; any Law or Statute to the contrary notwithſtanding: Provided that no ſuch Appeal ſhall be made againſt any Conviction for any Penalty or Forfeiture incurred by virtue of the ſaid recited Acts or this preſent Act, or either of them, unleſs the Perſon convicted ſhall, at the Time of ſuch Conviction, (if he ſhall be then preſent, if not within Six Days after,) give or cauſe to be given Notice of his or her Intention to appeal, and at the ſame Time enter into Recognizance, or give Security with ſufficient Sureties to pay ſuch Penalty

Penalty or Forfeiture, in caſe ſuch Conviction ſhall be affirmed upon ſuch Appeal; and upon his or her giving ſuch Security, the further Proceedings for ſuch Penalty or Forfeiture ſhall be ſuſpended until ſuch Appeal ſhall be heard and determined.

Rights of the Corporation of *Bedford Level* reſerved.

LXXXI. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to invalidate, affect, or prejudice, any of the Rights, Powers, and Authorities, veſted in the Governor, Bailiffs, and Commonalty of Conſervators of the Great Level of the Fens, called *Bedford Level*, or in the ſaid Governor, Bailiffs, or Conſervators, by virtue of an Act made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for ſettling the draining of the Great Level of the Fens, called* Bedford Level, or by virtue of any other Act or Statute whatſoever; but that all Rights, Powers, and Authorities whatſoever, which now are veſted in the ſaid Governor, Bailiffs, and Commonalty, or in the ſaid Governor, Bailiffs, and Conſervators, or any of them, ſhall for ever hereafter remain, continue, and be in them and every of them, as fully and amply, to all Intents and Purpoſes, as if this Act had never been made.

Limitation of Actions.

LXXXII. And be it further enacted, That if any Action or Suit ſhall be brought againſt any Perſon or Perſons for any Thing done or acted in purſuance of this Act, then and in every ſuch Caſe ſuch Action or Suit ſhall be commenced or proſecuted within Six Calendar Months next after the Fact committed, and not afterwards, and the ſame and every ſuch Action or Suit ſhall be brought within the County or Place where the Fact was committed, and not elſewhere; and the Defendant or Defendants in any ſuch Action or Suit ſhall and may plead the General Iſſue, 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 if any ſuch Action or Suit ſhall be brought after the Time limited for bringing the ſame, or ſhall be laid in any other County or Place than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants; and if a Verdict or Verdicts ſhall be found for ſuch Defendant or Defendants, or if the Plaintiff or Plaintiffs in ſuch Action or Suit ſhall become nonſuit, 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, ſuch Defendant or Defendants ſhall and may recover Treble Coſts, and have the like Remedy for the Recovery thereof as any Defendant or Defendants hath or have in any other Caſes by Law.

General Iſſue.

Treble Coſts.

Publick Act.

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

Continuance of the Act.

LXXXIV. And be it further enacted, That the Term granted by the ſaid recited Acts ſhall, from and after the paſſing of this Act, ceaſe and determine,

determine, and that the ſaid recited Acts (ſubject to the Alterations, Additions, and Amendments in this Act contained) and this Act, ſhall from thenceforth continue and be in Force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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