ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

Cap. liv.

An Act for making and maintaining a Turnpike Road from the Town of *Crowland*, in the County of *Lincoln*, to the Town of *Eye*, in the County of *Northampton*. [20th *June* 1817.]

WHEREAS the making and maintaining a Turnpike Road from or near the Triangular Bridge in the Town of *Crowland*, in the County of *Lincoln*, to unite with and join the Turnpike Road leading from the Town of *Thorney*, in the Isle of *Ely*, in the County of *Cambridge*, to the City of *Peterborough*, in the County of *Northampton*, at the Entrance of the Town of *Eye*, in the said last-mentioned County, through and along the said several Parishes of *Crowland* and *Eye*, and certain extra-parochial Lands called *The Four Hundred Acre Common*, *Borough Fen*, and *Borough Fen Common*, in the said Counties of *Lincoln* and *Northampton*, or One of them, will be a great Benefit and attended with much Convenience and Accommodation to Persons residing within or in the Neighbourhood of the Towns and Places aforesaid, and will open a much shorter and better Communication than there exists at present between the said Town of *Crowland* and the said City of *Peterborough*, and various other Parts of the adjacent Country, and will also be of public Utility, but such Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *William George Adam*, *John Atkinson*, *Thomas Atkinson*, Trustees.

William Allen, *Thomas Baumpgartner*, *William Buckle*, *Francis Buckle*, *Sampſon Barber*, *John Bailey*, *John Bailey* the younger, *John Bewſher*, *John Boultbee*, *William Clapham*, *Thomas Alderſon Cooke*, *Otho Cooke*, *Thomas Cheſhire*, *Charles Cole*, *Charles Cole* the younger, *John Webb Cole*, *Stephen Cherrington*, *William Cooke*, *William Cooke* the younger, *Robert Cooke*, *George Caſwell*, *George Cherrington*, *George Maxwell Edmunds*, *Henry Everard*, *Henry Freeman* Clerk, *John Facon*, *Thomas Fillingham*, *William Ervin Griffin*, *Thomas Griffin*, *John Gates*, *John Griffin*, *John Girdleſtone* Clerk, *Steed Girdleſtone*, *Henry Girdleſtone*, *Thomas Orby Hunter*, *James Hills*, *James Hills* the younger, *Edward Jenkins*, *Chriſtopher Jeffery*, *Robert Lincoln*, *James Lock*, *Edward Leeds*, *John Little*, *Iſlep Little*, *Joſeph Little*, *William Little*, *George Little*, *John Moore*, *George Moore*, *William Pank Moore*, *Thomas Moore*, *Edward Macquire*, *Charles William Wentworth Fitzwilliam* commonly called *Viſcount Milton*, *John Newburn*, *Benton Manton*, *William Moorley*, *John Newton*, *John Parſons* Clerk, *Robert Francis Pate*, *William Pate*, *William Pank*, *John Pank*, *John Porter*, *George Platel*, *Iſaac Pears* the younger, *John Pank* the younger, *John Pank* Son of the ſaid *William Pank*, *George Porter*, *Daniel Swift*, *John Smith*, *Jonathan Sutton*, *William James Smith*, *William Squire*, *William Walcot Squire*, *William Simpſon*, *William Swift*, *John Swift*, *Thomas Scotney*, *Edward Sanderſon*, *William Slator*, *James Dewhurſt Sprigge*, the Right Honourable *Francis Ruſſell* commonly called *Marquis of Taviſtock*, *Charles Warner*, *Charles Wyche*, *John Wing* Clerk, *Tycho Wing*, *John Wing*, *Michael Wells*, *John Williams*, *John Williams* the younger, *Mark Warſop*, *Thomas Wilſon*, and *John Yarday*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for making and maintaining, altering, diverting, repairing, improving, and keeping in Repair the Turnpike Road from the Town of *Crowland* aforeſaid to the Town of *Eye* aforeſaid, in the Manner by this Act directed and authorized, and for carrying into Execution the ſeveral Powers and Proviſions of this Act.

Power to appoint additional Truſtees.

II. And be it further enacted, That it ſhall be lawful to and for the ſaid Truſtees, and they are hereby authorized and empowered, at any of their General Meetings to be holden in purſuance of this Act, to elect any Number of additional Truſtees not exceeding Ten in the whole, who ſhall have the ſame Powers and Authorities for executing this Act as if they had been herein named and appointed Truſtees.

Mode of appointing new Truſtees.

III. And be it further enacted, That when and as often as any Truſtee hereby appointed, or to be appointed by virtue of this Act, ſhall die, or neglect or refuſe to act, or become incapable of acting, it ſhall be lawful for the ſurviving or remaining Truſtees, and they are hereby authorized and required from Time to Time, at any General Meeting to be holden in purſuance of this Act, to elect and appoint one other Perſon to be a Truſtee in the room of every Truſtee ſo dying or refuſing or neglecting to act, or becoming incapable of acting; and that every Perſon who ſhall be ſo elected and appointed (being qualified as herein-after mentioned) ſhall be and is hereby veſted with the ſame Powers of carrying this Act into Execution as the Perſon in whoſe Place he ſhall be choſen was veſted with, or as if he had been herein named and appointed Truſtee.

What deemed a Refuſal to act.

IV. And be it further enacted, That if any Perſon who is in and by this Act named and appointed, or who ſhall be in Manner aforeſaid elected

and appointed a Truſtee for the Purpoſes of this Act (not being a Creditor of the Tolls under this Act, or not being under any temporary Incapacity of acting by reaſon of any Office, want of Qualification, or otherwiſe, under the Proviſions of this Act), ſhall neglect to act as a Truſtee in the Execution hereof for the Space of Two Years next after Notice in Writing requiring him to act ſhall have been given to him by the Clerk or Clerks to the ſaid Truſtees by virtue of any Order for that Purpoſe made at a General Meeting of the ſaid Truſtees, ſuch Neglect ſhall be deemed to be and ſhall be a Refuſal to act in the Execution of this Act.

Qualification of Truſtees.

V. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act unleſs he ſhall in his own Right, or in the Right of his Wife, be in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds above Reprizes, or ſhall be Heir Apparent of a Perſon poſſeſſed of an Eſtate in Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes; and to which Lands, Tenements, or Hereditaments he will be entitled upon the Deceaſe of his Parent or Anceſtor as Heir-at-law in the Event of the Death of ſuch Parent or Anceſtor inteſtate, or under the Limitations contained in any Will, Settlement, or other Deed or Inſtrument, or ſhall be poſſeſſed of or entitled to a Perſonal Eſtate alone, or of Real and Perſonal Eſtates together, to the Amount in Value of One thouſand Pounds after Payment of all his juſt Debts, nor (except in adminiſtering the Oath or Affirmation herein-after mentioned) until he ſhall have taken and ſubſcribed before any One or more of the ſaid Truſtees an Oath, or (being one of the People called *Quakers*) an Affirmation, in the Words or to the Effect following; and which Oath any One of the ſaid Truſtees is hereby authorized to adminiſter at any of their Meetings held in purſuance of this Act; (that is to ſay),

Oath.

'I *A. B.* do ſwear [*or, being one of the People called Quakers*, do ſolemnly affirm), 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 Hereditaments of the clear yearly Value of Fifty Pounds above Reprizes [*or*, am Heir Apparent of a Perſon who to the beſt of my Knowledge and Belief is ſeiſed of ſuch an Eſtate of the clear yearly Value of One hundred Pounds], and to which I am entitled on the Death of my Parent [*or*, Anceſtor] inteſtate as Heir-at-law [*or*, under the Limitations contained in a certain Indenture, bearing Date the Day of *or*, in the laſt Will and Teſtament of *C. D.*, dated the Day of], or poſſeſſed of a Perſonal Eſtate, or Real and Perſonal Eſtates together, of the Amount of One thouſand Pounds; and that I will truly, faithfully, and impartially execute the Truſts repoſed in me as a Truſtee by virtue of an Act paſſed in the Fifty-ſeventh Year of the Reign of King *George* the Third, intituled *An Act* [*here inſert the Title of this Act*], according to the beſt of my Skill and Judgment, and without Favour or Affection, Prejudice or Malice, to any Perſon or Perſons whomſoever.

'So help me GOD.'

No Perſon intereſted (except as a Creditor), nor while

Nor ſhall any Perſon be capable of acting as a Truſtee in the Execution of this Act in any Matter wherein he ſhall be perſonally intereſted other than as a Creditor, nor while he holds any Place of Profit, or be concerned or

holding a Place of Profit, to act.

or interested in any Contract or Contracts, or a Farmer or Lessee under this Act, nor any Person who shall sell any Wine, Cider, Ale, Beer, or Spirituous Liquors by Retail.

Penalty on Persons acting not qualified.

VI. And be it further enacted, That if any Person not being qualified as aforesaid, or being so incapacitated by reason of the Causes before specified, or any of them, shall presume to act as a Trustee in the Execution of this Act contrary to the true Intent and Meaning hereof, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same within Twelve Calendar Months next after the Time when such Person shall have so acted as a Trustee, and such Sum shall and may be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, Plaint, or Information, wherein no Essoign, Protection, or Wager at Law, nor more than One Imparlance shall be allowed; and that every Person so sued or prosecuted for acting without being so qualified as aforesaid as a Trustee in the Execution of this Act shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Suit or Prosecution than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that such Acts and Proceedings as shall have been performed and transacted by any such Person (except in Cases and Matters wherein he shall be personally interested touching the Execution of this Act), previously to his Conviction for the Offence before mentioned, shall notwithstanding such Conviction be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Creditors not incapable of acting.

VII. Provided always, and be it further enacted, That any Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall not on that Account be deemed unqualified, or be disabled from acting as a Trustee in the Execution of this Act:

Justices may act as Trustees.

Provided also, that all such Trustees as are Justices of the Peace for the Division or Parts of *Holland*, in the said County of *Lincoln*, or for the Liberty and Soke of *Peterborough*, in the said County of *Northampton*, or either of them, may act as Justices of the Peace within their respective Jurisdictions in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases wherein they shall be personally interested.

Meetings of Trustees.

VIII. And be it further enacted, That the said Trustees shall meet together at the present *Blue Boar Inn*, in the Parish of *Eye*, on the *Monday* next after the Expiration of Three Weeks from the Day of the passing of this Act, and shall also hold a General Meeting at the present *Angel Inn*, in the Parish of *Crowland*, on the Third *Monday* in the Month of *October* next after the passing of this Act, and shall in the following and every succeeding Year during the Term of this Act hold General Meetings either in the Town of *Eye* aforesaid, or in the Town of *Crowland* aforesaid, on the Third *Monday* in the Month of *May*, and on the Third *Monday* in the Month of *October*; and the First of such General Meetings annually shall be holden alternately in the Town of *Eye* aforesaid and in the Town of *Crowland* aforesaid, and the Second of such General Meetings annually

shall

ſhall always be holden in the Town where the Firſt General Meeting in the ſame Year was not holden; and that in caſe Five of the ſaid Truſtees ſhall not be preſent at the Place appointed for holding any Meeting under the Authority of this Act, at which the ſame ſhall be appointed to be holden, or within a reaſonable Time afterwards, then ſuch Meeting ſhall be adjourned by the Truſtees then preſent, or by the Clerk or Clerks to the ſaid Truſtees, to the Place where the laſt Meeting was appointed to be held or was held (as the Caſe may be), and to ſuch Time as the ſaid Truſtees or their Clerk, as the Caſe may be, ſhall think fit, not leſs than Fourteen Days, nor more than Three Calendar Months from the Day on which the laſt Meeting was held or appointed to be held, and that Notice in Writing of every General Meeting to be holden under the Authority of this Act ſhall be affixed on all the Turnpike Gates then erected by virtue of this Act, and inſerted in ſome public Provincial Newſpaper generally circulated in the Neighbourhood of the ſaid Road, at leaſt Seven Days before the Day of ſuch intended Meeting; and in caſe no Adjournment, Notice, or Appointment ſhall be made or given by the Clerk to the ſaid Truſtees as aforeſaid, during the Space of Thirty Days after the ſaid Meeting was held or appointed to be held, then it ſhall be lawful for any Five or more of the ſaid Truſtees to cauſe Notice in Writing to be affixed on all the Turnpike Gates then erected by virtue of this Act, appointing the Truſtees to meet at ſuch Time and at ſuch Place in or near the ſaid Road as they the ſaid Truſtees ſhall think proper, not leſs than Seven Days from the Time of affixing ſuch Notice; and the Truſtees ſhall at all their ſeveral Meetings pay their own Expences.

Special Meetings.

IX. Provided always, and be it further enacted, That if at any Time after any Adjournment of any Meeting of the Truſtees acting in the Execution of this Act, it ſhall be thought neceſſary that an earlier Day of Meeting be appointed than the Day to which ſuch Meeting ſhall or may be adjourned, the Clerk by an Order in Writing, ſigned by Five or more Truſtees (although not aſſembled at a Meeting), mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice of ſuch earlier Meering by Notice in Writing affixed on all the Turnpike Gates then erected by virtue of this Act Seven Days at leaſt before ſuch Meeting ſhall be held, and alſo by Advertiſement publiſhed Seven Days before ſuch Meeting ſhall be held in ſome Newſpaper circulated in the Neighbourhood of the ſaid Road; and all Proceedings of the Truſtees at ſuch Special Meetings ſhall be as valid as they would have been in caſe the ſaid Truſtees had met in purſuance of an Adjournment, and ſuch Meetings may be adjourned, and every Adjournment of any ſuch Special Meeting ſhall be conſidered as an Adjournment of the original Meeting under this Act: Provided alſo, that no Buſineſs ſhall be tranſacted or proceeded upon by the Truſtees aſſembled at any Meeting appointed by virtue of this Act before the Hour of Eleven in the Forenoon, nor any Adjournment made to, nor any Meeting appointed to be held at any Hour later than Three in the Afternoon, except in the Caſe of Special Meetings, where the Order directing the ſame ſhall be ſigned by Five or more of the Truſtees acting in the Execution of this Act.

Power for Truſtees to make Orders.

X. And be it further enacted, That the ſaid Truſtees ſhall have full Power and Authority, at their reſpective Meetings to be holden under and by virtue of this Act, to make and determine upon ſuch Orders and

Proceedings touching the Execution of this Act as to them ſhall ſeem meet; and that no Orders or Proceedings of the ſaid Truſtees (except ſuch as are herein particularly mentioned and otherwiſe provided for) ſhall be valid, unleſs the ſame ſhall be made and determined upon at ſome Meeting to be holden under and by virtue of this Act by a Majority of the Truſtees preſent at ſuch Meeting, nor unleſs Five of the ſaid Truſtees at the leaſt ſhall be then preſent; and that at every ſuch Meeting a Chairman ſhall be appointed by Ballot out of the Truſtees then preſent; and in caſe there ſhall at any ſuch Meeting be an Equality of Votes touching any Orders or Proceedings propoſed to be made or determined upon, the ſame ſhall be decided by the Chairman, who ſhall have a caſting Vote for that Purpoſe.

Orders not to be revoked, but by Nine Truſtees.

XI. And be it further enacted, That no Order or Proceeding made or determined upon at any Meeting of the ſaid Truſtees ſhall be revoked or annulled but at a ſubſequent Meeting, at which Nine of the ſaid Truſtees at leaſt ſhall be preſent, and concur in revoking or annulling the ſame, nor unleſs Notice of ſuch ſubſequent Meeting ſigned by Five of the ſaid Truſtees, or by their Clerk or Clerks, ſtating the Object of ſuch Meeting, ſhall have been affixed and inſerted in the Manner herein-before mentioned concerning Notices of General and Special Meetings to be holden under and by virtue of this Act.

Appointment of Officers.

XII. And be it further enacted, That the Truſtees acting in Execution of this Act ſhall and may from Time to Time, at any of their Meetings to be held in Manner aforeſaid, appoint a Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors, Receiver or Receivers of the Tolls, and a Surveyor or Surveyors of the ſaid intended Road, and ſuch other Officers as they ſhall think neceſſary and proper to aſſiſt in the Execution of this Act, and from Time to Time in like Manner to remove any ſuch Officer or Officers as aforeſaid, and from Time to Time to remove any ſuch Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors, Surveyor or Surveyors, or other Officer or Officers, as to them the ſaid Truſtees ſhall ſeem right and proper, and to appoint any other Perſon or Perſons in his, her, or their Room or Stead; and on the Death, Reſignation, or Removal of any ſuch Officer or Officers, to appoint others in his, her, or their Stead, and to order and direct by and out of the Monies arifing by virtue of this Act ſuch Salaries and Allowances, or other Compenſation to be made and paid to all and every the Officer and Officers, and other Perſon and Perſons employed for their Services in or about the making, maintaining, amending, altering, improving, and keeping in Repair the ſaid intended Road, or any Part thereof, or otherwiſe, in carrying this Act into Execution, as the ſaid Truſtees ſhall think reaſonable: Provided always, that no Perſon ſhall be capable of holding any Place of Profit under this Act who ſhall ſell any Wine, Cider, Ale, Beer, or Spirituous Liquors by Retail, or who ſhall be a menial Servant of any Perſon acting as a Truſtee in the Execution of this Act.

Perſons diſqualified from holding Offices.

Certain Truſtees not to vote in the Election of Officers.

XIII. Provided alſo, and be it further enacted, That in caſe any Officer who ſhall have been ſo appointed as aforeſaid ſhall die or reſign, or be removed from his ſaid Office, it ſhall not be lawful for any Perſon being a Truſtee for the Purpoſe of this Act to vote for or act in the Appointment of any Perſon or Perſons to ſucceed ſuch Officer ſo dying, reſigning, or being

being removed as aforesaid, who shall not have acted as a Trustee in the Execution of this Act, and have signed his Name to the Proceedings or Orders at some One or more of the Meetings of Trustees for executing this Act holden within Eighteen Calendar Months next preceding the Death, Resignation, or Removal of such Officer, if so many Months shall have elapsed from the Time of passing this Act.

Appointment of temporary Collectors.

XIV. Provided always, and be it further enacted, That when and as often as any Collector, Receiver of the Tolls, or other Officer to be appointed by the Trustees under the Authority of this Act, shall neglect or become incapable of performing his Duty, or shall abscond or absent himself, or become Bankrupt or Insolvent, it shall be lawful for any Five or more of the said Trustees, though not assembled in Meeting, to discharge such Collector, Receiver, or other Officer so becoming incapable of performing his Duty, or absconding or absenting himself, or becoming Bankrupt or Insolvent as aforesaid; and also in case any Collector, Receiver, or other Officer shall die, to nominate and appoint a proper Person to act until the next General or Special Meeting of the said Trustees in the Place of such Collector, Receiver, or other Officer who shall so die, or be discharged as aforesaid; and every such Collector or Receiver so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all Respects as if he had been nominated and appointed at a Meeting held in Manner hereinbefore described; and that if any Collector or Receiver of the said Tolls who shall be discharged from his said Office by virtue of this Act, or any Farmer or Farmers whose Term for hiring or renting the Tolls hereinafter directed to be taken, or any of them, shall be expired or determined by virtue of his or their Contract for the same, or by virtue of any of the Provisions of this Act, or the Wife or Widow, or any of the Children or Family, or other Representative of any Collector or Receiver who shall die or be discharged, or of any Farmer whose Term shall be expired, or any other Person or Persons who may have the Possession of any Toll House, Building, or Appurtenances to be erected, set up, and used by virtue of this Act, shall refuse to deliver up the Possession thereof for the Space of Three Days after Demand thereof made, and Notice in Writing given for that Purpose by any Five or more of the said Trustees, though not assembled at any Meeting, or by their Clerk or Clerks, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County, Division, Parts, Liberty, or Place in which such Toll Houses or Building shall be situated, upon Application made by any Five or more of the said Trustees, or by their Clerk, or any other Person by them appointed on their Behalf, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, to order any Constable or other Peace Officers for the same County, Division, Parts, Liberty, or Place, with such Assistance as shall be necessary, to enter into such Toll House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods and Effects out of the same, and to put the said Trustees, or their new appointed Officer, or any other Person appointed by them into the Possession thereof, and also to seize, sell, and dispose of so much of the said Goods and Effects as shall be necessary for paying and discharging the Expences which shall have been incurred by or in consequence of such Refusal as aforesaid.

Collectors and others refusing to deliver up Toll Houses to be removed.

XV. And

Officers to account on Oath.

XV. And be it further enacted, That every Treaſurer, Receiver, Collector, Clerk, and other Officer, and all other Perſons who ſhall be appointed under or by virtue of this Act, or who ſhall receive any Money to be laid out in the Repair of the ſaid Road, or any Part thereof, or who ſhall have the Direction or Management of ſuch Repairs, ſhall from Time to Time, when thereunto required by the Truſtees at any of their Meetings to be holden under this Act, deliver to them, or to ſuch Perſon or Perſons as they ſhall reſpectively for that Purpoſe appoint, a true and perfect Account in Writing under the reſpective Hands of ſuch Officers or Perſons reſpectively of all Monies which ſhall have been by them reſpectively had, collected, or received by virtue of this Act, and how and to whom, and for what Purpoſes the ſame, and every Part thereof have been diſpoſed of, together with proper Vouchers and Receipts for ſuch Payments, and ſhall verify ſuch Accounts; and ſuch Officers and Perſons ſhall and they are hereby reſpectively required to pay all ſuch Monies as upon the Balance of ſuch Account or Accounts ſhall appear to be in his or their Hands to ſuch Perſon or Perſons as the ſaid Truſtees ſhall appoint to receive the ſame; and in caſe any ſuch Treaſurer, Clerk, Receiver, Collector, or other Officer or Perſons ſhall wilfully refuſe or neglect, after Fourteen Days Notice in Writing given to him under the Hands of Five or more of the ſaid Truſtees, or under the Hands or Hand of their Clerks or Clerk for that Purpoſe, to produce before and give to the ſaid Truſtees ſuch Accounts as aforeſaid, or to produce and deliver up the Vouchers and Receipts relating to the ſame; or in caſe ſuch Officers ſhall refuſe or neglect to deliver up to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, within Fourteen Days after being thereunto required by the ſaid Truſtees, all Books, Accounts, Papers, and Writings in their reſpective Cuſtody or Power anyways relating to the Execution of this Act, or to the ſaid Road, or ſhall wilfully diſobey any of the lawful Orders or Directions to be made and given to him by the ſaid Truſtees, then and in any of the ſaid Caſes any One or more of His Majeſty's Juſtices of the Peace for the County, Diviſion, Parts, Liberty, or Place wherein ſuch Perſon may be or reſide, ſhall, upon Complaint of the ſaid Truſtees, or any One or more of them, or of ſuch Perſon or Perſons as they or any Five or more of them ſhall appoint for that Purpoſe, iſſue a Summons under his or their Hand or Hands for ſuch Officers or Perſons to appear before him or them; and upon ſuch Officers or Perſons appearing or having been ſummoned and not appearing, or in caſe it ſhall appear that ſuch Officers or other Perſons have not been found, ſuch Juſtice or Juſtices ſhall make Inquiry concerning ſuch Default and the Matter of Complaint, and ſhall hear and determine the ſame in a ſummary Way; and if upon the Confeſſion of the Party, or by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtice or Juſtices is and are hereby empowered and required to adminiſter), it ſhall appear to ſuch Juſtice or Juſtices that any of the Monies which ſhall have been raiſed or collected under this Act ſhall remain due from ſuch Officer or other Perſon, ſuch Juſtice or Juſtices may, 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 cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officers or other Perſons; and if no Goods or Chattels of ſuch Officers or other Perſons can be found ſufficient to ſatisfy the ſaid Money and the Charges of diſtraining and ſelling the ſaid Goods and Chattels, or if any ſuch Officers or other Perſons ſhall be convicted of any other

of

of the Offences aforesaid, such Justice or Justices is and are hereby empowered to commit such Officers or other Persons to the Common Gaol for the County, Division, Parts, Liberty, or Place where such Officers or other Persons shall live or reside, or to any House of Correction within the same, there to remain without Bail or Mainprize until such Officer or Officers, Person or Persons shall have produced, given up, and made a true and perfect Account as aforesaid, and shall have made such Payments as shall appear to be due from him or them as aforesaid; or until he or they shall have compounded with the said Trustees for the same (which Composition the said Trustees or any Five or more of them are hereby empowered at any Meeting to make and accept), and shall have paid such Composition Money to the said Trustees or their Treasurer or Treasurers, or to such other Person as the said Trustees shall appoint; or until such Officer or other Person shall have delivered up all such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees: Provided always, that no such Officer or other Person so committed as aforesaid shall be confined or detained in Prison, for want of sufficient Distress by virtue of this Act, for any longer Time than Six Calendar Months.

Security from Treasurer and Officers.

XVI. And be it further enacted, That the Trustees acting in the Execution of this Act shall and they are hereby required to take sufficient Security from the Treasurer or Treasurers, Receiver or Receivers, to be appointed for the Purposes of this Act, for the due and faithful Execution of his or their Office or Offices; and may also, if they think fit, take such Security from any Collector or Receiver of the Tolls, or other Officer to be appointed by virtue of this Act, or from any Person employed by them for the Purposes of this Act.

Offices of Clerk and Treasurer not to be held by one Person.

XVII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

Actions, &c. in the Name of the Clerks.

XVIII. And be it further enacted, That all Actions, Suits, Prosecutions, Indictments, Informations, Appeals, and other Proceedings whatsoever, to be had, taken, prosecuted, or defended by or against the said Trustees, shall be had, taken, prosecuted, or defended in the Name of their Clerk or Clerks for the Time being; and that no Action, Suit, Prosecution, Information, Appeal, or other Proceedings, to be had, taken, prosecuted, or defended by or against the said Trustees or any of them by

virtue of this Act, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk or Clerks, but that the Clerk or Clerks to the ſaid Truſtees for the Time being ſhall always be deemed the Plaintiff, Proſecutor, Informant, Appellant, Defendant, or Reſpondent, in any ſuch Action, Suit, Profecution, Information, Appeal, or other Proceedings (as the Caſe ſhall be): Provided always, that every ſuch Clerk or Clerks, in whoſe Name or Names any ſuch Action, Suit, Proſecution, Information, Appeal, or other Proceeding ſhall be had, taken, proſecuted, continued, or defended in purſuance of this Act, ſhall be fully reimburſed and paid out of the Monies ariſing by virtue of this Act all ſuch Coſts, Charges, Damages, and Expences, as by the Event or in conſequence of any ſuch Action, Suit, Proſecution, Information, Appeal, or other Proceedings, he ſhall pay, bear, ſuſtain, expend, or be put unto or become chargeable with or liable for, or be fairly entitled to by reaſon of being ſo made Plaintiff, Defendant, Informant, Appellant, or Reſpondent.

Clerk not to be an incompetent Witneſs.

XIX. Provided always, and be it further enacted, That in any ſuch Actions, Suit, Indictments, or other Proceſs in which the Clerk or Clerks to the ſaid Truſtees ſhall as ſuch Clerk or Clerks be Plaintiff or Plaintiffs, Proſecutor or Proſecutors, Defendant or Defendants, he or they ſhall not be an incompetent Witneſs or Witneſſes on Behalf of the ſaid Truſtees by reaſon only of his or their being ſuch Plaintiff or Plaintiffs, Proſecutor or Proſecutors, Defendant or Defendants.

Proceedings to be entered in a Book.

XX. And be it further enacted, That the ſaid Truſtees ſhall cauſe to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all ſuch Truſtees as ſhall be preſent at their ſeveral Meetings; and all Entries in ſuch Book or Books, being ſigned by the Chairman then preſent, ſhall be deemed Originals, and ſhall be allowed to be read as Evidence in all Caſes, Suits, Actions, Proſecutions, and Proceedings touching or concerning any Thing done in purſuance of this Act; and that ſuch Book or Books ſhall at all ſeaſonable Times be open and liable to the Inſpection of all and every the ſaid Truſtees, and of the Creditors on the Tolls hereby granted and made payable; and that any of the ſaid Truſtees and Creditors ſhall and may have and take Copies thereof, paying for every Copy not exceeding One hundred Words the Sum of Sixpence, and ſo in proportion for any greater Number of Words.

Accounts to be kept of Receipts and Diſburſements.

XXI. And be it further enacted, That the ſaid Truſtees or any Five or more of them ſhall, and they are hereby required, from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books ſuch Clerk ſhall enter or cauſe to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on Account of the ſaid Road, and of the ſeveral Articles, Matters, and Things for which ſuch Sums of Money ſhall have been diſburſed, laid out, and paid; which Book or Books ſhall at all ſeaſonable Times be open to the Inſpection of the ſaid Truſtees, or any Creditor or Creditors on the Tolls thereby granted, without Fee or Reward; and the ſaid Truſtees and Creditors, or any of them, ſhall and may take Copies of or Extracts from the ſaid Book or Books, or any

Part or Parts thereof, without paying any Thing for the ſame; and in caſe the ſaid Clerk ſhall refuſe to permit the ſaid Truſtees, or ſuch Creditors, or any of them to inſpect the ſame, or take ſuch Copies or Extracts as aforeſaid, ſuch Clerk ſhall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner herein-after mentioned.

Power to erect Turnpikes.

XXII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, by and with the Monies to be raiſed and received under the Authority of this Act, to provide, erect, or ſet up one Toll Gate, Bar, or Chain acroſs the ſaid intended Turnpike Road, at or near the North End of a certain Drove called *Kew's Drove*, in *Borough Fen* aforeſaid; and alſo ſuch Side or Catch Bars upon or by the Sides of the ſaid Road, and upon or acroſs any Lanes or Bye-ways leading into or out of the ſame, as they ſhall think expedient and proper; and to diſcontinue, remove, and alter the ſaid Toll Gates, Bars, or Chains, or any of them, and in like Manner to provide, erect, or ſet up others in lieu thereof, ſo as only One principal Toll Gate, Bar, or Chain (ſave and except Side or Catch Bars) be allowed to ſtand or be in or upon the ſaid Turnpike Road at any one Time; and alſo to provide and erect Toll Houſes, with ſuitable Buildings and Conveniences thereto, at the ſaid reſpective Toll Gates, Bars, or Chains, or any of them, and to incloſe from the ſaid Road or any Part thereof convenient Yards or Gardens not exceeding Half a Rood for the ſaid reſpective Toll Houſes; and alſo to make or cauſe to made ſuch Hedges, Ditches, and Fences by the Sides of the ſaid Road, or upon, over, or acroſs any Common, Waſte, Open or Uncultivated Lands or Grounds, in ſuch Manner and Direction as they ſhall find neceſſary for preventing the Tolls by this Act authorized to be demanded and received from being evaded; and that all ſuch Toll Gates, Bars, or Chains, Toll Houſes, Buildings, Conveniences, Yards, Gardens, Hedges, Ditches, and Fences, and all other Works, Materials, Matters, and Things whatſoever which ſhall be made or uſed by or under the Authority of the ſaid Truſtees in the Execution of this Act, ſhall be veſted in the ſaid Truſtees; and they or any Five or more of them are hereby authorized and empowered to ſell, aſſign, transfer, apply, and diſpoſe of the ſame as Occaſion ſhall require and as they ſhall think proper; and to cauſe to be brought any Action or Actions, and to prefer and proſecute any Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall dig up, break, or pull down, take, ſteal, or carry away, ſpoil, deſtroy, injure, or damage any the ſaid Toll Gates, Bars, or Chains, Toll Houſes, Buildings, Materials, Matters, and Things aforeſaid, or any new Fences which ſhall be made and repaired by the ſaid Truſtees, or diſturb the ſaid Truſtees, or their Agents or Servants in the Poſſeſſion thereof; in which Bill or Bills of Indictment it ſhall be ſufficient to ſtate generally ſuch Toll Gates, Toll Houſes, Conveniencies, Appurtenances, Materials, Articles, or Things to be the Property of the Clerk for the Time being of the ſaid Truſtees.

No Bars to be erected between the Triangular Bridge and the Weſt Tunnel.

XXIII. Provided alſo, and be it further enacted, That no Side or Catch Bars be at any Time placed under the Powers or Proviſions of this Act between the Triangular Bridge in the Town of *Crowland*, and a certain Tunnel in the Bank of the River *Welland*, in the ſaid County of *Lincoln*, called *The Weſt Tunnel*.

XXIV. And

Tolls to be taken.

XXIV. And be it further enacted, That the ſeveral Tolls herein-after particularly mentioned ſhall be demanded, taken, and received by the ſaid Truſtees, or by their Collectors, Farmers, or other Perſons authorized by the ſaid Truſtees to receive the ſame at the ſaid reſpective Toll Gates, Bars or Chains, and Side or Catch Bars, which ſhall be provided, erected, or ſet up under the Authority of this Act, for and in reſpect of the ſeveral Horſes, Cattle, and Carriages herein-after particularly ſpecified, on the Paſſage of ſuch Horſes, Cattle, and Carriages reſpectively through the ſaid reſpective Toll Bars or Chains, and Side or Catch Bars; that is to ſay,

Tolls.

For every Horſe, Mule, or Aſs, laden or unladen and not drawing, the Sum of Two-pence:

For every Horſe or other Beaſt drawing any Waggon, Wain, Cart, or other ſuch Carriage, or drawing any Sledge, or any Implement of Huſbandry, the Sum of Three-pence:

For every Horſe or other Beaſt drawing any Hearſe, Coach, Chariot, Barouche, Landau, Phaeton, Curricle, Chaiſe, Gig, Taxed Cart, or other ſuch Carriage, the Sum of Sixpence:

For every Horſe or other Beaſt drawing any Carriage, Sledge, or Implement of Huſbandry, drawn by Two or more of ſuch Beaſts, and carrying any Tree or Trees, or Timber or Stone, at any Time between the Months of *October* and *March*, the additional Sum of One Penny Halfpenny:

For every Four-wheeled Carriage, drawn and in any Manner fixed to any other Carriage drawn by any Horſe or other Beaſt, the Sum of One Shilling:

For every Two-wheeled Carriage, drawn and in any Manner fixed to any other Carriage drawn by any Horſe or other Beaſt, the Sum of Six-pence:

For every Five Oxen, Cows, Burlings, or other large Cattle, the Sum of Three-pence:

For every Ox, Cow, Burling, or other large Cattle leſs than Five, the Sum of One Halfpenny:

For every Ox, Cow, Burling, or other large Cattle exceeding the Number of Five, where the Exceſs ſhall be leſs than Five, the Sum of One Halfpenny:

For every Five Sheep, Lambs, Hogs, Calves, or other ſmall Cattle, the Sum of One Penny Halfpenny:

For every Sheep, Lamb, Hog, Calf, or other ſmall Cattle leſs than Five, the Sum of One Farthing:

For every Sheep, Lamb, Hog, Calf, or other ſmall Cattle exceeding the Number of Five, where the Exceſs ſhall be leſs than Five, the Sum of One Farthing:

Abatement of Tolls on Carriages.

XXV. And be it further enacted, That for and in reſpect of all Waggons, Carts, or other Carriages having the Wheels of the Widths and Deſcriptions, and the Axletrees fixed as mentioned and ſet forth in and by an Act made in the Fifty-fifth Year of the Reign of His preſent Majeſty, intituled *An Act to enable the Truſtees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Caſes*, and for and in reſpect of all Horſes and other Beaſts drawing the ſame reſpectively, there be allowed an Abatement of One-fourth Part of the Tolls hereby granted.

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XXVI. And

Power to vary Tolls.

XXVI. And be it further enacted, That the ſaid Truſtees may and they are hereby authorized and empowered, from Time to Time as they ſhall think proper, to leſſen and reduce all or any Part or Parts of ſuch Tolls herein-before mentioned; and authorized to be taken, demanded, and received at all or any of the ſaid Toll Gates, Bars, or Chains, and Side or Catch Bars to be provided, erected, or ſet up by virtue of this Act, and again to raiſe, leſſen, or reduce the ſame, ſo that they ſhall not at any Time exceed the reſpective Tolls herein-before mentioned, and by this Act authorized to be demanded, taken, and received; but no ſuch Reduction ſhall be made unleſs Notice in Writing be given for that Purpoſe, by affixing the ſame upon all the Toll Gates, Bars, or Chains which ſhall then be erected by virtue of this Act, and alſo inſerted in ſome public Provincial Newſpaper uſually circulated in the Neighbourhood of the ſaid Road, Twenty-one Days before the Day appointed for the Meeting for making ſuch Reduction; and ſuch Tolls ſo leſſened or reduced or raiſed again ſhall be collected, recovered, and applied in the ſame Manner as the Tolls hereby granted are directed to be collected, recovered, and applied: Provided always, that until the whole Money ſubſcribed or borrowed on the Credit of this Act ſhall have been paid off or diſcharged, the Tolls hereby granted ſhall not be leſſened or reduced without the Conſent of the Perſon or Perſons entitled to Two-third Parts of the Money remaining due upon the Credit of the ſaid Tolls on this Act.

Limitation of Tolls.

XXVII. And be it further enacted, That the ſaid reſpective Tolls herein-before authorized to be demanded, taken, and received ſhall be demanded, taken, and received, before any Horſe, Mule, Aſs, Beaſt, or other Cattle, Coach, Waggon, Cart, or other Carriage whatſoever, be permitted to paſs through any Toll Gate, Bar, or Chain, or any Side or Catch Bar, to be erected by virtue of this Act upon or acroſs the ſaid Road, or any Part thereof, or upon or acroſs any Lane or Way leading into the ſame; and upon Payment of any of the ſaid Tolls the Collector or Receiver ſhall and he is hereby required to deliver *gratis* to the Perſon paying ſuch Toll a Note or Ticket denoting ſuch Payment, and which Notes or Tickets ſhall be provided by the ſaid Truſtees; and there ſhall be printed and ſpecified thereon the Names of the ſeveral reſpective Gates which ſuch Tickets ſhall free, or which ought under the Proviſions of this Act to be paſſed free for one Payment of Toll, and which ſaid reſpective Tolls or Duties ſhall be and are hereby veſted in the ſaid Truſtees, and ſhall be applied for the Purpoſes of this Act as herein-after is directed; and if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, it ſhall be lawful for the Perſon or Perſons appointed to collect ſuch Tolls by himſelf, herſelf, or themſelves, or taking ſuch Aſſiſtance as he, ſhe, or they ſhall think neceſſary, to ſeize and diſtrain any ſuch Horſes or other Cattle or Beaſts, or the Bridles, Saddles, Gears, Harneſs, Accoutrements, or a ſufficient Part thereof (except the Bridles or Reins apart from any Horſe or Beaſt); and if ſuch Tolls, and the reaſonable Charges of ſuch Diſtreſs ſhall not be paid within the Space of Five Days after ſuch Diſtreſs made, the Perſon or Perſons ſo diſtraining ſhall and may ſell the Horſe or Horſes, Cattle, or other Things ſo diſtrained, or a ſufficient Part thereof, returning the Overplus (if any be), and what ſhall remain unſold, upon Demand to the Owners thereof, after ſuch Tolls, and the reaſonable Charges of making ſuch Diſtreſs, and keeping and ſettling the ſame, ſhall be deducted and paid.

Only One Toll to be taken in one Day.

XXVIII. Provided always, and be it further enacted, That only One Toll ſhall be taken in any One Day for paſſing or repaſſing all the Toll Gates, Bars, or Chains, or Side or Catch Bars to be erected under and by virtue of this Act, with the ſame Horſes, Cattle, or Carriages.

Puniſhment of Collectors for Miſbehaviour.

XXIX. And be it further enacted, That all and every Toll Collector being Leſſee of the ſaid Tolls, or appointed either by the ſaid Truſtees, or by any ſuch Leſſee or Leſſees to collect the Tolls by this Act granted, ſhall and he is hereby required to place his Chriſtian and Surname painted on a Board in legible Characters in the Front or ſome other conſpicuous Part of the Toll Houſe or Toll Gate immediately upon his coming on Duty, each of the Letters of ſuch Name or Names to be at leaſt One Inch in Length and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and ſhall continue the ſame ſo placed during the whole Time he ſhall be upon ſuch Duty; and if any Collector of the ſaid Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall demand or take a greater or leſs Toll from any Perſon than he ſhall be authorized to do by virtue of this Act, or of the Orders and Reſolutions of the Truſtees made in purſuance thereof, or ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof, and claim ſuch Exemption, or ſhall refuſe to permit or ſuffer, or ſhall in anywiſe hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame on having paid the ſaid Tolls or any of them, or ſhall in anſwer to ſuch Demand give a falſe Name or Names, or ſhall refuſe or neglect to give a Ticket denoting the Payment of the ſaid Toll, and naming and ſpecifying the ſeveral Gates freed by ſuch Payment, or upon the legal Toll being paid or tendered ſhall unneceſſarily detain or wilfully obſtruct, hinder, or prevent any Paſſenger or Paſſengers from paſſing through any Turnpike or Toll Gate, or ſhall make uſe of any ſcurrilous or abuſive Language to any Paſſenger or Paſſengers, then and in every ſuch Caſe every ſuch Toll Collector ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge; and ſuch Penalty ſhall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Juſtices to ſettle Diſputes concerning Tolls.

XXX. And be it further enacted, That if any Diſpute ſhall happen about the Amount of the Tolls or the Charges of making, keeping, or ſelling any Diſtreſs, it ſhall and may be lawful for the Collector or the Perſon ſo diſtraining to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof (as the Caſe may happen), until the Amount of the Tolls due, and the Charges of the Diſtreſs and Sale, and of keeping the Diſtreſs, be aſcertained by ſome Juſtice of the Peace for the County, Diviſion, Parts, Liberty, or Place wherein ſuch Diſpute ſhall happen to ariſe, who, upon Application made to him for that Purpoſe, ſhall examine the Matter on the Oath of the Parties or other Witneſs or Witneſſes (which Oath ſuch Juſtice is hereby authorized to adminiſter), and ſhall determine the Amount of the Tolls due, and ſhall award ſuch Coſts and Charges to either Party as to the ſaid Juſtice ſhall appear right and proper; all which Coſts and Charges ſhall and may be levied and recovered in caſe of Nonpayment thereof forthwith, by Warrant under the Hand and Seal of ſuch

Juſtice, rendering the Overplus (if any) upon Demand, after deducting the Coſts and Charges of making ſuch Diſtreſs and Sale, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold.

Exemption from Tolls.

XXXI. Provided always, and be it further enacted, That no Toll ſhall be demanded or taken of or from any Perſon or Perſons for any Horſe, Cattle, Beaſt, or Carriage, which ſhall only croſs the ſaid Road, or ſhall not paſs more than One hundred Yards upon the ſaid Road; nor for any Horſe or Horſes, or other Beaſt or Cattle, nor for any Waggon, Wain, Cart, or other Carriage, employed in carrying or conveying any, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the ſaid Road, or any Bridge thereon, or any other Work done under the Authority of the Truſtees of this Act for repairing any of the Highways in the ſeveral Pariſhes or Places in or through which any Part of the ſaid Turnpike Road ſhall paſs; nor for or in reſpect of any Horſe, Cattle, or Carriage carrying or conveying any Hay, Turnips, Graſs, Straw, or Corn in the Straw only, not ſold or diſpoſed of, or going to be ſold or diſpoſed of, but paſſing to be laid up, placed, or conſumed in the Houſes, Barns, Outhouſes, or Yards, or on the Lands of the Owners thereof, or going or returning empty in that Employment; nor for any Horſe, Beaſt, or other Cattle or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or other Implements of Huſbandry, for the Cultivation, Drainage, or Improvement of any Lands, or any Mould, Dung, Compoſt, or Manure, Chalk, and Lime, employed in Huſbandry for manuring or improving the ſame; nor for any Horſes or other Beaſts going to or returning from Work in cultivating the ſaid Lands only, or to or from Paſture or Watering Places, or going to be or returning from being ſhoed or farried; nor for any Horſe, Cattle, or Carriage going to or returning from any Corn Mill or Malt Kiln, ſituate in any of the Pariſhes or Places in which the ſaid Road lies, with or for any Corn, Grain, Malt, Meal, or Flour to be ground, made, or ſmelted, and when ſo done for the Owner's own Uſe and Conſumption, and not for Sale, or carrying or conveying Occupiers of Lands in the ſaid Pariſhes and Places, or their Families or Servants, to or from their ſaid Lands only; nor ſhall any Toll be demandable from any Perſon or Perſons going to or returning from his, her, or their proper Parochial Church, Chapel, or other Place of Religious Worſhip, on *Sundays*, or any other Days for the Purpoſe of celebrating or having been employed in celebrating Divine Service, or going to attend or returning from attending the Funeral of any Perſon who ſhall die or be buried in any of the Pariſhes or Places in which the ſaid Road lies; nor from any Clergyman or other Miniſter of the Goſpel going to viſit or returning from viſiting any ſick Perſon, or on other his Parochial or Miniſterial Duty; nor from any Horſes or Carriages, of whatſoever Deſcription, employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying or guarding ſuch Mails or Expreſſes, or in returning from conveying the ſame; nor for the Horſe or Horſes of any Officers or Soldiers on Duty; nor for any Horſe or Horſes, or other Beaſt, or any Cart, Carriage, or Waggon employed in carrying or conveying, or returning

ing empty from carrying or conveying, the Arms or Baggage of any Officers or Soldiers on Duty, or employed in carrying or conveying, or returning empty from having been employed only in carrying or conveying, any ſick, wounded, or diſabled Officers or Soldiers, or any Priſoner of War; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, nor the Horſe or Horſes, or other Cattle drawing the ſame, employed in conveying any Ordnance, or Barrack or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, or returning empty from having been ſo employed; nor for any Horſe, Mare, or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exerciſe, Inſpection, or Review, provided that ſuch Perſon ſhall be dreſſed in the Uniform of his Corps, and ſhall have his Arms, Furniture, and Accoutrements according to the Regulations of ſuch Corps at the Time of claiming the Exemption; nor for any Horſes, Carts, or Waggons travelling with Vagrants ſent by legal Paſſes, or returning empty after having been ſo employed; nor for any Horſe or Horſes, Coaches, or other Carriages carrying or conveying only any Elector or Electors to or from the Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid Counties of *Lincoln* and *Northampton* on the Day or Days of ſuch Election, or the Day before or Day after ſuch Election ſhall begin or be concluded.

Exempting Carriages conveying King's Stores, &c. from Penalties for Overweight.

XXXII. And be it further enacted, That no Perſon owning or driving or cauſing to be driven any Waggon, Wain, Cart, or other Carriage, provided for or actually employed in the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight, nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage, be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithſtanding.

No Tolls to be taken in reſpect of Materials uſed in repairing the Bank of the River Welland.

XXXIII. Provided always, and be it further enacted, That no Toll ſhall be demanded or taken for or in reſpect of any Horſe or Horſes, or other Beaſt or Cattle, nor for or in reſpect of any Waggon, Wain, Cart, or other Carriage belonging to or in the Employment of the Corporation of *Bedford Level*, employed in carrying or conveying any, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Stones, Bricks, Timber, Wood, Gravel, or other Materials for the Repairs of ſuch Part of the Bank of the River *Welland*, in the ſaid County of *Lincoln*, as extends ſouthwardly from a certain Tunnel in the ſaid Bank at the End of the ſaid Town of *Crowland* called *The Weſt Tunnel*.

Power to erect Weighing Engines.

XXXIV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, if they ſhall think proper, to order and cauſe to be built or erected,

erected, at or near to any Toll Gate to be erected or used under their Authority upon any Part of the said Road, and at such Distance from any such Toll Gate as they shall think expedient, a Machine or Engine, with a suitable House or other Building, and Conveniences thereto, proper for the weighing of Carts, Waggons, and Carriages conveying any Goods or Merchandize whatsoever, and to order all or of any such Carts, Waggons, or Carriages as shall pass laden through any such Toll Gate, or along the said Road, to be weighed, together with the Lading thereof; and that it shall be lawful for any Person or Persons to be appointed or authorized by the said Trustees for that Purpose to demand and take, over and above the Tolls herein-before authorized to be demanded and taken, such additional Tolls for the Weight or Weights which any such Cart, Waggon, or Carriage, together with the Lading thereof, shall weigh, at any such Weighing Engine to be erected as aforesaid, over and above the Weights allowed to them respectively by an Act passed in the Thirteenth Year of the Reign of His present Majesty, for regulating the Turnpike Roads in *England*, as are granted and made payable in and by a certain other Act passed in the Fourteenth Year of the Reign of His said present Majesty, intituled *An Act for explaining and altering an Act made in the Thirteenth Year of His present Majesty's Reign* (being the Act above referred to), *intituled* '*An Act* '*to explain and amend, and reduce into one Act of Parliament, the General* '*Laws now in being for regulating of Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purposes*,' so far as the same relates to the Payment of additional Tolls at Weighing Engines, and the Number of Horses to be used in Carriages drawn on Turnpike Roads, and for allowing certain Exemptions with respect to Weight and Payment of Toll in particular Cases; which said additional Tolls, when the same shall be incurred, shall and may be demanded and recovered in the same Manner as any other Toll by this Act made payable is by this Act authorized to be demanded and recovered; and that every such Weighing Engine shall to all Intents and Purposes be and be deemed to be a Weighing Engine within the Scope and Meaning of the said Act passed in the Thirteenth Year of the Reign of His present Majesty.

Collectors to be competent Witnesses.

XXXV. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise concerning any of the Tolls, the Collector, Farmer, or other Person or Persons authorized to demand or receive the same, or any other Person or Persons acting under the Authority of the said Trustees, shall be not incompetent on account of his being such Collector or Farmer, or being so authorized or so acting as aforesaid, to give Evidence in or touching any such Dispute, Suit, or Litigation.

Power to Trustees to lease Tolls.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees, upon Fourteen Days Notice to be given thereof, by affixing the same upon all the Turnpike Gates then erected by virtue of this Act, and advertising the same in some Newspaper usually circulated in the Neighbourhood of the said Road from Time to Time, by Writing under the Hands and Seals of Five or more of the said Trustees, to let or farm the Tolls arising by this Act, or any Part thereof, to any Person or Persons who shall be willing to take or farm the same from Year to Year, or for any Part of the Term hereby granted, not exceeding Three Years, upon public Biddings to the highest Bidders, and for the best Prices such Trustees can reasonably get for the same, payable Quarterly or otherwise

in Advance, and in such Manner and under such Covenants, and with such Sureties for the Payment thereof, as the said Trustees shall think fit; which Money so to be paid shall be applied and disposed of as the Tolls granted by this Act are directed to be applied and disposed of; and that it shall be lawful for any Five or more of the said Trustees afterwards, though not assembled at any Meeting, to execute One or more Lease or Leases of the said Tolls according to the Terms of such Letting thereof, and that the several Persons hiring the said Tolls shall execute Counterparts of such Leases.

Lessees or Persons appointed by them may collect the Tolls.

XXXVII. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof, shall be leased, demised, or let to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall, by Writing or Writings under his, her, or their Hand or Hands, authorize and appoint, to demand and take the said Tolls so leased, demised, or farmed, with the like Powers for the Recovery thereof to all Intents and Purposes whatsoever, as any Collector of the said Tolls appointed by the said Trustees is hereby authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons as aforesaid, shall be subject to the Regulations of this Act, and to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls appointed by the said Trustees is subject or liable to.

Obtaining Possession of Toll Houses when let to farm.

XXXVIII. And be it further enacted, That in case the Tolls arising from all or any of the Toll Gates or Turnpikes erected or to be erected on the said Road shall, at any Time or Times during the Continuance of this Act, be demised or let to farm to any Person or Persons whomsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear for the Space of Twenty-one Days next after any or either of the Days on which the same ought to be paid pursuant to the Agreement for letting the same, then and in either of the Cases aforesaid it shall be lawful for any One Justice of the Peace for the County, Division, Parts, Liberty, or Place where such Toll Gates or Turnpikes shall be situate, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter into and take Possession of the Toll House or Toll Houses, with the Buildings, Gates, and Appurtenances thereto belonging, so let as aforesaid, and to remove and put out such Lessee or Lessees, Farmer or Farmers, from the Possession thereof, and from the Collection of the Tolls then payable; and that thereupon it shall be lawful for the said Trustees, if they shall think fit, to vacate and determine the Contract or Agreement for leasing or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes (save as to the Covenants or Agreements for Payment of the Rent or Rents thereby reserved) as if such Demise or Agreement had never been made; and it shall be lawful for the said Trustees or any Five or more of them in every such Case to demise or let to farm the said Tolls again to any Person or Persons, or cause them to

be taken and collected in such Manner, as if no former Contract or Agreement had been entered into relative thereto.

Power to compound for Tolls.

XXXIX. And be it further enacted, That it shall be lawful for the said Trustees, at any of their General Meetings to be holden under this Act, from Time to Time to compound and agree with any Person or Persons for the passing of any Carriage, Horses, Beasts, or other Cattle travelling on the said Road, for all or any of the Tolls to be paid in respect thereof, for any Term not exceeding Twelve Calendar Months at any one Time, which Composition Money shall be paid in Advance, quarterly or otherwise, as the said Trustees shall appoint; and in default of such Payment the Composition or Agreement with the Person or Persons making such Default shall thenceforth be void, and all such Composition Money shall be applied in such Manner as the Tolls are hereby directed to be applied.

Subscriptions to be recovered.

XL. And be it further enacted, That if any of the several Persons who have become or agreed to become Subscribers, or who shall become or agree to become Subscribers towards the Expences of obtaining and passing this Act, and of carrying the same and the several Provisions hereof into Execution, shall, for the Space of Twenty-one Days after Notice in Writing under the Hand or Hands of the Treasurer or Treasurers to be appointed by the said Trustees shall have been for that Purpose given to him, her, or them, or left at his, her, or their usual or last Place or Places of Abode, refuse or neglect to make Payment of the respective Sums by him, her, or them so subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice to be paid to the said Treasurer or Treasurers, or other Person or Persons authorized by the said Trustees to receive the same, at such Time or Times and in such Manner as the said Trustees shall in that Behalf direct, and according to the Terms upon which the same shall have been or shall be by him, her, or them subscribed or agreed to be paid, it shall be lawful for the said Trustees to bring or cause to be brought any Action of Debt or on the Case, or any Bill or Suit, against every or any such Person so refusing or neglecting as aforesaid, or against his or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*, for recovering or enforcing the Payment of the said respective Sums, or such Part or Parts thereof as shall be so refused or neglected to be paid as aforesaid; and that in any such Action, Bill, or Suit, no Essoign, Wager or Protection of Law, nor more than One Imparlance, shall be allowed.

Enabling Trustees to borrow Money.

XLI. And be it further enacted, That the said Trustees, at any of their General Meetings to be holden for that Purpose, whereof Fourteen Days Notice in Writing (except of the First General Meeting to be holden under this Act, for which no such Notice shall be deemed requisite) shall be given by affixing the same on all the Turnpikes or Toll Gates then erected and set up by virtue of this Act, and inserting the same in some public Newspaper circulated in the Neighbourhood through which the said Road is intended to pass, may and they are hereby empowered from Time to Time, by any Writing or Instrument under the Hands and Seals of any Five or more of them, to assign over or mortgage all or any of the Tolls to be collected and raised by virtue of this Act, and also the Toll Houses, Toll Gates, Buildings, Yards, or Gardens, and Appurtenances thereunto belonging, to

or

or under the Authority of the ſaid Truſtees (the Charges of aſſigning or mortgaging the ſame to be paid out of ſuch Tolls), for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money not exceeding the Sum of Four thouſand Pounds to be borrowed by the ſaid Truſtees upon the Credit of ſuch Tolls, with lawful Intereſt thereon, at ſuch Rate as the Truſtees ſhall think fit; which Money ſo to be borrowed ſhall be applied and diſpoſed of in ſuch Manner as the Tolls to ariſe or be collected at the ſaid Turnpikes are hereby directed to be applied and diſpoſed of, and to no other Uſe or Purpoſe whatſoever; and that ſuch Mortgage or Mortgages, Aſſignment or Aſſignments, may be in the Form following, or ſuch other Form as the ſaid Truſtees making the ſame ſhall think proper; (that is to ſay),

Form of Aſſignment.

'BY virtue and in purſuance of an Act paſſed in the Year of the Reign of His Majeſty King *George* the Third, intituled *An Act* [*here inſert the Title of this Act*] in conſideration of the Sum of to the Treaſurer appointed by the Truſtees, for putting the ſaid Act in Execution, having been this Day paid by of we who have hereunto ſubſcribed our Names and affixed our Seals, being Five of the ſaid Truſtees, do grant and aſſign unto the ſaid his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of Tolls ariſing or becoming payable by virtue of the ſaid Act, and of the Toll Houſes, Toll Gates, Buildings, Yards, and Appurtenances belonging to us or under our Authority by virtue of the ſaid Act, as the ſaid Sum of doth or ſhall bear to the whole Sum now due or hereafter to become due on any Security granted, or to be granted by the Truſtees acting under the Authority of the ſaid Act, upon the ſaid Tolls and Premiſes, to have, hold, receive, and take ſuch Proportion of the ſaid Tolls, Toll Houſes, Toll Gates, and Premiſes as aforeſaid, with the Appurtenances unto the ſaid his Executors, Adminiſtrators, and Aſſigns, for the Reſidue and Remainder now to come of the Term of Years, for which the ſaid Tolls are granted by the ſaid Act, ſubject to the Proviſo following; (that is to ſay), provided always that if the ſaid Sum of ſhall be repaid to the ſaid his Executors, Adminiſtrators, or Aſſigns, together with the Intereſt for the ſame after the Rate of *per Centum per Annum*, without any Deduction or Abatement whatſoever, on or before the Day of now next enſuing, then this Aſſignment ſhall be void, or elſe ſhall remain in full Force. In Witneſs whereof we have hereunto ſet our Hands and Seals this Day of in the Year of our Lord .'

Mortgages to be entered.

And Copies of all ſuch Mortgages or Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks, Treaſurer or Treaſurers, to the ſaid Truſtees; and all and every Perſon or Perſons to whom any ſuch Mortgages or Aſſignments ſhall be made as aforeſaid, or who ſhall be entitled to the ſame, or the Money thereby ſecured, is and are hereby empowered from Time to Time, by Aſſignment under his, her, or their Hand and Seal or Hands and Seals, to be indorſed upon the Back of his, her, or their Security, or by any other Writing or Writings to be ſealed and delivered in the Preſence of and atteſted by One credible Witneſs, to aſſign over or transfer his, her, or their Intereſt and Right in or to the Principal and Intereſt Money thereby ſecured, to any Perſon

Perſon or Perſons whomſoever, in the following Words, or Words to the like Effect; (that is to ſay),

Form of Transfer.

'I in conſideration of the Sum of paid to me by do hereby transfer and aſſign unto 'the ſaid his Executors, Adminiſtrators, and 'Aſſigns, a certain Mortgage or Security, bearing Date the 'Day of in the Year One thouſand eight hundred and 'made to by the Truſtees for carrying into 'Execution an Act of Parliament paſſed in the Year of 'the Reign of His Majeſty King *George* the Third, intituled *An Act* [*here 'ſet forth the Title of this Act*] and alſo the principal 'Sum of thereby ſecured, and all Intereſt now due and 'henceforth to become due in reſpect thereof, and all my Right and Title 'in and to the ſame. In Witneſs whereof I have hereunto ſet my Hand 'and Seal the Day of in the Year of 'our Lord .'

Aſſignments and Transfers to be entered in a Book.

All which Aſſignments or Transfers ſhall be produced and notified to the Clerk or Clerks, Treaſurer or Treaſurers, to the ſaid Truſtees, within Thirty Days after the Date thereof, who ſhall cauſe an Entry or Memorial to be made of ſuch Aſſignments or Transfers, containing the Dates, Names, and Additions of the Parties, and Sums of Money therein mentioned, to be aſſigned or transferred in the ſaid Book or Books to be kept for entering the ſaid original Mortgages and Aſſignments, for which the Clerk or Clerks, Treaſurer or Treaſurers, ſhall be paid the Sum of Ten Shillings, and no more, and which ſaid Book or Books ſhall and may at all reaſonable Times be peruſed and inſpected without Fee or Reward; and ſuch Entry being made, and not otherwiſe, ſuch Aſſignment or Transfer ſhall entitle ſuch Aſſignee or Aſſignees, his, her, or their Executors, Adminiſtrators, and Aſſigns, to ſuch Mortgage or Aſſignment, and the Monies thereby ſecured, and ſo aſſigned and transferred, and to the Benefit thereof; and ſuch Aſſignee or Aſſignees, and his, her, or their Executors and Adminiſtrators, ſhall and may in like Manner aſſign or transfer the ſame again, and ſo *toties quoties*; and it ſhall not be in the Power of any Perſon or Perſons who ſhall have made any ſuch Aſſignment or Transfer to make void, releaſe, or diſcharge the ſame, or any Monies due thereon: Provided nevertheleſs, that no Preference ſhall be given to any Perſon or Perſons advancing any Sum or Sums of Money upon the Credit of the ſaid Tolls in reſpect to the Priority of advancing any ſuch Sum or Sums of Money, but that all Perſons to whom ſuch Mortgages or Aſſignments ſhall be made as aforeſaid ſhall be, in proportion to the Sum or Sums of Money therein mentioned, Creditors on the ſaid Tolls, in equal Degrees one with another.

No Priority of Mortgage.

Application of Money ſubſcribed, borrowed, and of Tolls.

XLII. And be it further enacted, That all the Monies ſubſcribed or to be ſubſcribed for the Purpoſes of this Act, and all the Money which ſhall ariſe and be produced from the Tolls by this Act granted or made payable, together with the Monies which ſhall be borrowed upon the Credit thereof, and all other Monies which ſhall ariſe and be produced by virtue of this Act, ſhall be veſted in the ſaid Truſtees for the Time being, and applied to and for the ſeveral Uſes, Intents, and Purpoſes following; (that is to ſay), in the firſt Place, in the Payment of all the Coſts, Charges, and Expences incident to or attending the preparing, obtaining, and paſſing

passing this Act; and after Payment thereof, in paying the Interest to arise from such Sum or Sums of Money as may be borrowed on Mortgage, or other Security of the said Tolls, and subject thereto, in defraying the Expences of making the said Road, erecting and providing Toll Houses, Turnpikes, Bars, Gates, Chains, and other necessary Buildings, and of making, forming, widening, diverting, altering, and repairing the said Road, and of purchasing Houses, Buildings, Lands, Tenements, and other Hereditaments, and making Compensation for Damages, and of making and maintaining the necessary and convenient Works upon and for the said Road, and of executing the several other Powers and Purposes of this Act; and after Payment of the several Sums and Expences aforesaid, in paying the Interest to arise upon such Sum or Sums of Money as may be subscribed for the Purposes of this Act; and the clear Residue or Surplus of all such Sums of Money shall be applied in paying and discharging such principal Sum or Sums of Money as may have been so subscribed for the Purposes of this Act.

Mode of Payment of Creditors at the Discretion of the Trustees.

XLIII. Provided always, and be it further enacted, That in case the said Trustees shall at any Time be desirous of paying off any Proportion of the principal Monies due and owing upon the Credit of the said Road; it shall and may be lawful for the said Trustees, at any of their General Meetings to be holden as aforesaid (Notice of such intended Meeting, and of the Purposes thereof, being at first given at least Twenty-one Days preceding the same by Advertisement in some Newspaper printed in or usually circulated within the Neighbourhood of the said intended Road), if they shall think fit, instead of paying the same rateably amongst all the Creditors, to determine by Lot to which of such Creditors the whole or a Proportion thereof shall be paid, and to pay the same to such Creditor or Creditors only, any Thing in this Act contained to the contrary notwithstanding.

Gates leading into Fields to open inwards.

XLIV. And be it further enacted, That all Gates to be hereafter made and placed in any Field, Ground, or Place adjoining any Part of the said Road, shall be made, set up, and hung so as to open inwards only towards such Field, Ground, or Place, and not outwards towards the said Road; and that it shall be lawful for the said Trustees to cause all such Gates as now are or hereafter may be erected and so constructed as to open outwards towards the said Road to be altered and made so as to open inwards and towards such Field, Ground, or Place only.

Power to get Materials.

XLV. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road who shall from Time to Time be appointed by the said Trustees, and such other Person or Persons as shall be employed by such Surveyor or Surveyors or authorized by the said Trustees, to search for, dig, cut, gather, take, and carry away any Stones, Gravel, Filth, Sand, Chalk, Furze, Heath, or other Materials for making and forming, amending, altering, diverting, improving, or repairing the said Road, Toll Houses, Bridges, and other Works belonging to or under the Authority of the said Trustees, in, upon, out of, or from any Waste Grounds or Commons, or out of any common River or Brook in any Parish, Hamlet, Township, or Place in which any Part of the said Road shall lie or be situate, or in any adjoining Parish, Hamlet, Township, or Place, without paying any Thing for the same, they the said Surveyor or

Surveyors or other Person or Persons filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and if a sufficient Quantity of such Materials cannot be had or found in or upon any such Waste or Common, or in any such common River or Brook, then and in such Case the Surveyor or Surveyors or other Persons as aforesaid may, by Order of any Justice or Justices of the Peace acting in and for the County, Division, Parts, Liberty, or Place where the said Fields, Lands, or Grounds shall lie, to be made upon the Application of the said Trustees, search for, dig, gather, get, and take away any such Materials in and out of the Lands, Fields, or Grounds of any Person or Persons in any Parish, Hamlet, Township, or Place in which any Part of the said Road shall lie or be situate where the same may be had or found (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the Value of such Materials, and also for the Damages done to the Owners and Occupiers of any such Lands, Fields, or Grounds where and from whence the same shall be dug, gathered, and carried away, or over which the same or any other Materials for forming, making, amending, altering, diverting, improving, or repairing the said Road shall be carried, as shall be agreed upon between the said Surveyor or Surveyors or other Person or Persons, and such Owner or Occupier, or in case of their not agreeing then as any One or more Justice or Justices of the Peace acting in and for the County, Division, Parts, Liberty, or Place where the same Lands, Fields, or Grounds shall be situate, shall and may adjudge and determine to be reasonable; which Judgment or Order of such Justice or Justices therein shall be final and conclusive to all Parties.

Notice to be given before Materials taken.

XLVI. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or other Person acting under the Authority of this Act to dig, gather, get, take, or carry away any Materials for forming, making, amending, altering, diverting, improving, or repairing such Road out of or from any inclosed Land or Ground, until Notice in Writing, signed by the Surveyor, shall have been given to the Occupiers of the Land or Ground from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Occupiers, to appear before any Justice or Justices of the Peace acting in and for the County, Division, Parts, Liberty, or Place where the said Land or Ground shall be, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his Agent shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, such Justice or Justices shall, if he or they think proper, authorize such Surveyor or other Person to dig, gather, get, take, and carry away such Materials, at such Time or Times as to such Justice or Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or Agent, such Justice or Justices may (upon Proof on Oath of the Service of such Notice, and which Oath they or any One of them are or is hereby empowered to administer) make such Order therein as he or they shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his Agent had attended.

XLVII. And

Penalty on taking Materials ſet apart for the Road.

XLVII. And be it further enacted, That every Perſon who ſhall take away any Materials which ſhall be dug, gathered, or got in any Lands, Fields, Grounds, Waſtes or Commons, Rivers or Brooks, for the Purpoſes of this Act, or get away any Materials out of any Pit or Quarry which ſhall have been made for the Purpoſe of getting Materials for the ſaid Road, before the ſaid Surveyors or their Workmen ſhall have diſcontinued working therein for the Space of Two Calendar Months (except the Owners or Occupiers of any private Ground, and Perſons authorized by ſuch Owners and Occupiers to get Materials therein for his own private Uſe only and not for Sale), ſhall forfeit for every ſuch Offence any Sum not exceeding Five Pounds.

Power to make Drains and build Bridges.

XLVIII. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors, or ſuch Perſon or Perſons as he or they ſhall appoint or employ (ſuch Surveyor or Surveyors having an Order in Writing for that Purpoſe ſigned by the ſaid Truſtees or any Five or more of them), to make or cauſe to be made any Cauſeways, and alſo covered or open Drains and Ditches in and upon or on the Side or Sides of the ſaid Road, and alſo through any Grounds or Fields lying contiguous thereto, not being a Yard, Garden, Orchard, planted Walk, or Avenue to any Houſe, and to ſcour ſuch Ditches and Drains ſo as effectually to carry off the Water from any Part of the ſaid Road, and alſo to build, erect, maintain, and repair any Bridges, Arches, or Tunnels upon any Part or Parts of the ſaid Road, acroſs any Stream, River, Drain, Ditch, or Water therein or contiguous thereto; and alſo to make or cauſe to be made a Road through the Grounds or Fields adjoining or lying near to any hollow Way, narrow or ruinous Part of the ſaid Road (ſuch Ground reſpectively not being the Ground whereon any Houſe or other Building ſtands, or a Garden, Orchard, Yard, Park, Paddock, or planted Walk, or Avenue to any Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees), to be made uſe of as a public Highway whilſt the old Road is repairing or widening, and until ſuch Time as it ſhall be convenient for Paſſengers and Carriages to paſs along the ſame, making ſuch Recompence to the Owners and Occupiers of the private Grounds reſpectively for the Damages they ſhall or may ſuſtain as the Parties ſhall agree upon, or if they ſhall not agree then as it ſhall be adjudged reaſonable by Two or more Juſtices of the Peace for the County, Diviſion, Parts, Liberty, or Place in which ſuch private Grounds ſhall be ſituate; but that no Satisfaction ſhall be made for doing or non-performing any of the Works aforeſaid upon or through any uncultivated Common or Waſte Ground.

For enabling Truſtees to contract for Repairs.

XLIX. And be it further enacted, That the ſaid Truſtees ſhall or may and they are hereby empowered from Time to Time to contract and agree with any Perſon or Perſons for the making, altering, widening, diverting, and keeping in Repair the ſaid Road, or any Part or Parts thereof, or for all or any other of the Works to be done and performed in the Execution of this Act, in ſuch Manner and for ſuch Sum or Sums of Money as the ſaid Truſtees ſhall think proper; and that all Contracts and Agreements in Writing entered into purſuant to an Order made at any Meeting by ſuch Truſtees ſhall be binding on the ſaid Truſtees and other Parties who ſhall ſign the ſame, his, her, or their Succeſſors, Executors, and Adminiſtrators reſpectively, and that Actions and Suits may be maintained thereon,

thereon, and Damages and Coſts recovered againſt the Party or Parties failing in the Execution of ſuch Contracts or Agreements.

No Water-way to be diminiſhed.

L. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees, or for any Perſon or Perſons under their Authority, in removing, rebuilding, or altering any ſuch Arch or Tunnel as aforeſaid, to reduce or diminiſh the Water-way under the ſame, but that every ſuch Water-way ſhall be left of no leſs Width and Dimenſions than the ſame was of before ſuch Bridge, Arch, or Tunnel was built, removed, rebuilt, or altered.

Power to direct Indictments for not repairing Bridges.

LI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, at any Time or Times and from Time to Time, to order and direct any Indictment or Indictments, Proſecution or Proſecutions, to be commenced, proſecuted, and carried on againſt the Inhabitants of any Pariſh, Hamlet, Lordſhip, Townſhip, Diviſion, or Place, or againſt any Commiſſioners or any other Perſon or Perſons liable to repair, or to pay any Money or otherwiſe contribute towards the Repair of any Bridge, Arch, Tunnel, Drain, Sewer, Bank, Shore, Wharfing, or Frontage in, upon, under, againſt, or contiguous to the ſaid Road or any Part thereof, when and as often as any ſuch Bridge, Arch, Tunnel, Drain, Sewer, Bank, Shore, Wharfing, or Frontage ſhall be in Decay or out of Repair, and to pay all ſuch Coſts and Expences attending the ſaid Indictment or Indictments, Proſecution or Proſecutions, as ſhall be incurred by or on account of the ſaid Truſtees, out of the Monies which ſhall be raiſed and received under the Authority of this Act.

Directing the Admeaſurement of the Road and the Erection of Mileſtones, &c.

LII. And be it further enacted, That the ſaid Truſtees ſhall cauſe the ſaid Road to be meaſured, and Stones or Poſts to be placed in or near the ſame, with Inſcriptions thereon denoting the Diſtance from *London* and the next adjoining Towns between which ſuch Stones or Poſts ſhall be ſituated, and alſo ſuch and ſo many Direction Poſts as they ſhall think proper; and if any Perſon or Perſons ſhall wilfully break, damage, or pull up any of the Mileſtones or Poſts erected upon or near any Part of the ſaid Road, or ſhall obliterate or deface any of the Letters, Figures, or Marks thereon, and be thereof convicted before any Juſtice of the Peace for the County, Diviſion, Parts, Liberty, or Place in which the ſame Mileſtones or Poſts ſhall be ſituate, by the Confeſſion of the Party or by the Oath of any credible Witneſs, ſuch Perſon or Perſons ſo offending ſhall forfeit and pay (over and above the Amount of Damages occaſioned) any Sum not exceeding Five Pounds, together with all reaſonable Coſts and Charges of ſuch Information, for every ſuch Offence; one Moiety of which Penalty ſhall be paid to the Informer, and the other Moiety applied for the Purpoſes of this Act; and in caſe ſuch Perſon or Perſons ſo offending and convicted ſhall not be able or ſhall refuſe to pay the ſame, then it ſhall be lawful for any Juſtice of the Peace for the ſaid County, Diviſion, Parts, Liberty, or Place, by Warrant under his Hand and Seal, to commit ſuch Perſon or Perſons to the Common Gaol for the ſaid County, Diviſion, Parts, Liberty, or Place, or to any Houſe of Correction within the ſame, there to remain for any Time not exceeding Two Calendar Months, unleſs ſuch Penalty, Coſts, and Charges ſhall be ſooner recovered and paid.

Power to remove Annoyances after Notice.

LIII. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and other Perſon or Perſons appointed by him or them or authorized by the ſaid Truſtees, from Time to Time to remove and prevent all Nuiſances, Annoyances, and Encroachments upon or by the Side of any Part or Parts of the ſaid Road, by Timber, Stones, Carriages, Hovels, Buildings, Fences, Rails, Poſts, Pits, Pales, Projections, or otherwiſe; and alſo to cut down, top, or lop any Trees or Buſhes growing in, upon, or by the Side of the ſaid Road, or in any of the Hedges, Fences, or Grounds adjoining thereto, ſuch Trees or Buſhes not being an Ornament or Shelter to a Houſe or other Building, and not growing in any Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to a Houſe, or any Nurſery for Trees; and alſo from Time to Time, at proper Seaſons of the Year, to ſhear and cut the Tops and Sides of all ſuch Hedges or Fences, and to take and carry away the ſame reſpectively, in caſe the reſpective Owners or Occupiers of the ſaid Lands or Grounds whereon ſuch Nuiſances, Annoyances, or Encroachments ſhall happen, or of the Matters or Things whereby the ſame ſhall be occaſioned, or the reſpective Perſons by whom or whoſe Order ſuch Nuiſances, Annoyances, or Encroachments ſhall have ariſen, or the reſpective Owners or Occupiers of the Lands or Grounds wherein ſuch Trees, Buſhes, Hedges, or Fences ſhall be, ſhall refuſe or neglect ſo to do for the Space of Ten Days after Notice in Writing given to them reſpectively for that Purpoſe under the Hand of any ſuch Surveyor or other Perſon authorized as aforeſaid; and that all ſuch Charges and Expences to be thereby incurred or ſuſtained by the ſaid Surveyor or Surveyors, or other Perſon or Perſons authorized as aforeſaid, as any Juſtice or Juſtices for the County, Diviſion, Parts, Liberty, or Place ſhall think reaſonable, ſhall be paid to ſuch Surveyors or other Perſons reſpectively by ſuch reſpective Owners or Occupiers or other Perſons ſo refuſing or neglecting as aforeſaid.

Power to remove ſudden Obſtructions without Notice.

LIV. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors, or ſuch other Perſon or Perſons as ſhall be appointed by him or them, or authorized by the ſaid Truſtees as aforeſaid, from Time to Time, without giving any previous Notice, to remove all ſuch Matters or Things whatſoever as ſhall be found lying upon or by the Side of any Part of the ſaid Road ſo as materially to obſtruct or annoy the Paſſage along the ſame, and to carry and place ſuch Matters and Things in any Waſte Ground adjoining or near to the ſaid Road; and that the ſaid Surveyor or Surveyors, or other Perſon or Perſons, ſhall forthwith give Notice to the Owners of or Perſons intereſted in the ſaid Matters or Things, in caſe ſuch Owners or Perſons reſpectively ſhall be known and can be found; and that the Charges of removing and carrying away the ſame ſhall be paid by ſuch Owners or other Perſons intereſted as aforeſaid; and that in caſe ſuch Owners or other Perſons intereſted as aforeſaid ſhall not be known or cannot be found, or ſhall not within Fourteen Days after ſuch Notice as aforeſaid remove and take the ſaid Matters and Things from the ſaid Waſte Grounds whereon the ſame ſhall be laid, into and upon their own Premiſes, it ſhall be lawful for the ſaid Surveyor or Surveyors, or other Perſon or Perſons authorized as aforeſaid, to ſell and diſpoſe of the ſame in ſuch Manner as the ſaid Truſtees ſhall direct, and that the Monies ariſing from the Sale thereof, after defraying the Expences attending the ſame, ſhall be applied for the Purpoſes of this Act.

For impounding Cattle or Swine straying.

LV. And be it further enacted, That if any Cow, Horſe, Aſs, Pig, or other live Stock or Cattle ſhall at any Time be found wandering, ſtraying, or lying about the ſaid Road, or any Part thereof, it ſhall and may be lawful to and for the Surveyor of the ſaid Road for the Time being, or ſome other Perſon or Perſons employed by him or by the ſaid Truſtees, to ſeize and impound every ſuch Cow, Horſe, Aſs, Pig, or other live Stock or Cattle, in the common Pound of the Pariſh or Place where the ſame ſhall be, or in ſuch other Place as the ſaid Truſtees or any Five of them ſhall appoint, and the ſame there to detain until the Owner or Owners thereof ſhall for every and each Cow, Horſe, Aſs, Pig, or other live Stock or Cattle ſo impounded, pay the Sum of Five Shillings to the Perſon impounding the ſame, together with the reaſonable Charges and Expences of impounding and keeping the ſame; and in caſe the ſaid Penalty, Charges, and Expences ſhall not be paid within Five Days after ſuch impounding, it ſhall and may be lawful to and for the ſaid Truſtees or any Five of them to ſell or cauſe to be ſold every ſuch Cow, Horſe, Aſs, Pig, or other live Stock or Cattle, and the Money ariſing from ſuch Sale, after deducting the ſaid Penalty and the Charges, and Expences of impounding, keeping, and ſelling every ſuch Cow, Horſe, Aſs, Pig, or other live Stock or Cattle, ſhall be paid to the Perſon whoſe Property the ſame ſo ſold ſhall appear to have been.

Power to enter Lands and make Roads.

LVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Five or more of them, and for their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Grounds through or adjoining to which or whereupon the ſaid Road hereby authorized to be made is intended to paſs; and to ſtake out and make the ſame of ſuch Width (not exceeding Sixty Feet over any Commons or Waſte Grounds, and not exceeding Forty Feet over any other Lands or Grounds), and in ſuch Manner as the ſaid Truſtees ſhall think neceſſary or proper, without being deemed a Treſpaſſer or Treſpaſſers, and without being ſubject or liable to any Fine, Penalty, or Puniſhment for entering or continuing upon any Part or Parts of ſuch Lands or Grounds reſpectively for any of the Purpoſes of this Act, making Satisfaction to the Occupiers of ſuch Lands or Grounds for the Damage that ſhall be done to the Lands or Grounds on the Sides of the ſaid Road whilſt the ſame ſhall be making; and if any Perſon ſhall wilfully pull up, remove, or deſtroy any of the Stakes or other Marks uſed in laying out or making any Part of ſuch Road, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Forty Shillings.

Truſtees may make and divert the Road.

LVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Five or more of them, and they are hereby authorized and empowered, to make and repair, and from Time to Time to widen, divert, ſhorten, vary, and alter, within the Diſtance herein-after mentioned, the Courſe or Path of any Part or Parts of the ſaid Road through any Waſte Grounds, Commons, or uncultivated Lands, without making Satisfaction for the ſame, and alſo through any private Grounds or Hereditaments, firſt making Satisfaction to the Owners thereof and Perſons intereſted therein for the Damage they ſhall ſuſtain thereby.

LVIII. And

Road to be made according to Plan depoſited with the Clerk of the Peace.

LVIII. And whereas a Survey has been taken to aſcertain the Practicability of making the ſaid Road, and a Map or Plan deſcribing the Line of the ſaid Road, and the Lands through which the ſame is intended to be made, together with a Book of Reference, containing a Liſt of the Names of the Owners or reputed Owners and Occupiers of ſuch Lands, has been depoſited in the Offices of the Clerk of the Peace for the Parts or Diviſion of *Holland* in the ſaid County of *Lincoln*, and alſo in the Office of the Clerk of the Peace in and for the Liberty and Soke of *Peterborough* in the ſaid County of *Northampton*; be it therefore enacted, That ſuch Maps or Plans, and Books of Reference, ſhall at all Times remain in the Cuſtody of the ſaid reſpective Clerks of the Peace for the Time being or their reſpective Deputies, and that all Perſons ſhall at ſeaſonable Times have Liberty to inſpect and peruſe the ſame, and make Copies of or Extracts from the ſame as Occaſion ſhall require at their Will and Pleaſure, paying to the Clerk of the Peace the Sum of Two Shillings and Sixpence for every ſuch Inſpection, and the Sum of One Shilling for every Hundred Words contained in ſuch Copy; and that the ſaid Truſtees in making the ſaid Road ſhall not deviate more than One hundred Yards from the Line deſcribed in the ſaid Maps or Plans without the Approbation and Conſent in Writing of the Perſon or Perſons, Bodies Politic, Corporate, or Collegiate, through whoſe Lands or Grounds ſuch Deviation ſhall be made.

Lands ſpecified in Plan may be uſed notwithſtanding Errors as to Owners.

LIX. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees to make the ſaid Road into, through, acroſs, or over the Lands and Premiſes of any Perſon or Perſons who is or are or may be Owner or Owners of Lands or Premiſes over which the ſame is or are ſet out and deſcribed in the ſaid Map or Plan as aforeſaid, although the Name or Names of ſuch Perſon or Perſons may happen to be omitted or miſtated in the ſaid Book of Reference, in caſe it ſhall appear to any Two or more Juſtices of the Peace for the ſaid Parts or Diviſion of *Holland* in the ſaid County of *Lincoln*, or for the ſaid Liberty and Soke of *Peterborough* in the ſaid County of *Northampton*, as the Caſe may be, and be certified by Writing under their Hands that ſuch Error or Omiſſion proceeded from Miſtake.

Dwelling Houſes, &c. not to be taken without Conſent.

LX. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to enable the ſaid Truſtees, or any other Perſon acting under their Authority or under the Authority of this Act, to take down, remove, uſe, deſtroy, or injure any Dwelling Houſe, or any incloſed Garden or Orchard, for any of the Purpoſes of this Act, without the previous Conſent in Writing of the reſpective Owners thereof, and other Perſons intereſted therein, ſave and except a Piece or Parcel of Land uſed as a Garden or Pleaſure Ground to the Meſſuage or Tenement ſituate in *Crowland* aforeſaid now belonging to and in the Occupation of *Jonathan Sutton*.

No Part of Northam Farm to be taken for the Purpoſes of this Act.

LXI. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to enable the ſaid Truſtees, or any other Perſon or Perſons acting under their Authority, or under the Authority of this Act, for the Purpoſes of this Act, to make or ſet out the ſaid Road in, through, over, or upon any Part of a certain Farm and Lands in the Pariſh of *Eye* aforeſaid called *Northam Farm*, belonging

belonging to the Right Reverend the Lord Biſhop of *Peterborough* in Right of his See, and now under Leaſe to and in the Occupation of *Daniel Swift*, or to take, uſe, or convert any Part of the ſame Farm and Lands for the Purpoſe of forming, altering, widening, diverting, or improving the ſaid Road, or for building, making, or enlarging any Toll Houſes, Buildings, or Yards or Gardens to be attached thereto, or any other Works under the Authority of this Act, or to dig, take, gather, or carry away any Gravel, Stones, or other Materials from the ſaid Farm and Lands, or any Part thereof, for the Purpoſe of making, maintaining, altering, repairing, widening, diverting, or improving the ſaid Road, or any Works under the Authority of this Act; this Act, or any Law, Statute, Uſage, or Cuſtom to the contrary notwithſtanding.

Enabling Truſtees to contract for the Purchaſe of Lands, and incapacitated Perſons to ſell.

LXII. And be it further enacted, That it ſhall be lawful for the Truſtees acting in the Execution of this Act to treat, contract, and agree with the Owners and Occupiers of or Perſons intereſted in any Houſes, Buildings, Lands, Tenements, or Hereditaments through or over which the ſaid Truſtees are herein-before authorized to carry the ſaid intended Road, or otherwiſe for the Purpoſes of this Act, for the Purchaſe thereof, and alſo for the Satisfaction to be made on account of the Loſs or Damage which any Owners or Occupiers of or Perſons intereſted in any of the ſaid Houſes, Buildings, Lands, Tenements, or Hereditaments through, over, or near to which the ſaid Road is intended to paſs as aforeſaid, ſhall ſuſtain by the making, widening, altering, diverting, repairing, or maintaining the ſaid intended Road, or any Part thereof; and alſo that it ſhall be lawful for the Huſbands, Guardians, Truſtees, Committees, or Attornies of any of the Owners or Proprietors of ſuch Houſes, Buildings, Lands, Tenements, or Hereditaments, private Lands or Grounds, being under Coverture, Minors, Lunatics, beyond the Seas, or under any other Diſability, and for any of the ſaid Owners or Proprietors being Tenants in Tail for Life or Lives, or for Years determinable on a Life or Lives, and for any Bodies Politic, Corporate, or Collegiate, and Corporations Aggregate and Sole, on behalf of themſelves reſpectively, and of their reſpective Heirs and Succeſſors, to contract and agree with the ſaid Truſtees for the Satisfaction to be made for ſuch Damage as aforeſaid, and alſo for the Sale of the Fee Simple and Inheritance of ſuch Houſes, Buildings, Lands, Tenements, or Hereditaments through or over which the ſaid Truſtees are authorized to carry the ſaid intended Road, and alſo to convey and aſſure the Fee Simple and Inheritance of ſuch Parts thereof as ſhall be ſo contracted to be ſold to the ſaid Truſtees for the Purpoſes of this Act; and all ſuch Sales, Conveyances, and Aſſurances as may happen to be made of the ſaid Houſes, Buildings, Lands, Tenements, or Hereditaments ſhall be valid and effectual to all Intents and Purpoſes whatſoever, any Law, Statute, or Cuſtom to the contrary notwithſtanding; and that all Bodies, Corporations, Truſtees, and other Perſons whatſoever, ſhall be and are hereby fully indemnified for and in reſpect of all ſuch Matters and Things as they ſhall reſpectively lawfully do or cauſe to be done by virtue and in purſuance of this Act.

If Parties cannot agree on the Price of Lands, Jury to ſettle the Value.

LXIII. And be it further enacted, That in caſe the ſaid Truſtees, and any Owner or Owners, or other Perſon or Perſons intereſted or enabled to contract as aforeſaid, cannot agree as to the Price or Prices or the Value of the Houſes, Buildings, Lands, Tenements, or Hereditaments ſo intended

intended to be purchaſed, then the ſaid Truſtees may and are hereby authorized and empowered, Fourteen clear Days before any General or Quarter Seſſions of the Peace to be holden for the ſaid Parts or Diviſion of *Holland* in the ſaid County of *Lincoln*, and for the ſaid Liberty and Soke of *Peterborough* in the ſaid County of *Northampton*, as the Caſe may be, to give or cauſe to be given to ſuch Owner or Owners, and ſuch Perſon or Perſons intereſted in or capable of contracting for the Purchaſe of ſuch Houſes, Buildings, Lands, Tenements, or Hereditaments, or to be left at the laſt Place of Abode of ſuch Owner or Owners reſpectively, with ſome or one of their reſpective Families or Agents, a Notice in Writing, denoting and deſcribing the reſpective Houſes, Buildings, Lands, Tenements, or Hereditaments ſo intended to be purchaſed and laid into the ſaid Road, and the Places where the ſame ſhall lie, and purporting that the Value or Values of ſuch Houſes, Buildings, Lands, Tenements, and Hereditaments reſpectively, ſhall be adjuſted and ſettled by a Jury at the ſaid Seſſions; and it ſhall be lawful for the Juſtices in Seſſions, upon Proof on Oath (and which Oath they are hereby empowered to adminiſter) to them then and there made of ſuch Notice or Notices having been ſo given, and they are hereby authorized and required, to charge the Jury which ſhall attend at ſuch Seſſions, or ſome other Jury of Twelve honeſt and ſubſtantial Men, to be then and there impannelled and returned by the Sheriff of the ſaid County, without Fee or Reward, and to be ſworn well and truly on their Oaths (which Oaths the ſaid Juſtices are hereby empowered to adminiſter) to aſſeſs the Value of the Houſes, Buildings, Lands, Tenements, or Hereditaments comprized in the ſaid Notices, and the Damages and Recompence to be given to the reſpective Owner or Owners thereof, or other Perſon or Perſons, according to their reſpective Intereſt therein; and to which ſaid Jurors or any of them, the ſaid Truſtees, and all Parties intereſted in or capable of contracting for the Purchaſe of the ſaid Houſes, Buildings, Lands, Tenements, or Hereditaments, ſhall have their lawful Challenges; and the ſaid Jury being ſo charged and ſworn as aforeſaid, and after proper Evidence on Oath (which Oath it ſhall be lawful for the Court to adminiſter) to them given concerning the Nature, Quantity, and Value of the ſaid Houſes, Buildings, Lands, Tenements, and Hereditaments, ſhall by their Verdict aſſeſs the Damages and Recompence to be given for the ſame to the reſpective Owner or Owners thereof, or other Perſon or Perſons, according to their reſpective Intereſts, which Verdict of the ſaid Jury, and the Judgment of the ſaid Juſtices upon the ſame, ſhall finally bind and be concluſive upon the ſaid Truſtees, and all Perſons and Parties intereſted in the ſaid Houſes, Buildings, Lands, Tenements, and Hereditaments.

Payment of Coſts of Application.

LXIV. And be it further enacted, That in all Caſes where the Compenſation which ſhall be awarded by ſuch Jury as aforeſaid ſhall be greater than the Compenſation which ſhall have been previouſly offered by or on Behalf of the ſaid Truſtees acting under the Authority of this Act, the Coſts attending the Application to the ſaid Juſtices, the Charges of Witneſſes thereon, and all other Expences relating thereto, to be allowed by the ſaid Juſtices at their ſaid Seſſions, ſhall be borne and paid by the ſaid Truſtees out of the Monies to be raiſed, received, and collected by them under the Authority of this Act; and that in all Caſes where ſuch Compenſation ſhall not be greater than the Compenſation which ſhall have been ſo previouſly offered, ſuch Coſts and Expences to be allowed as

aforesaid shall be borne and paid by the Body, Corporation, Trustee or Trustees, or other Person or Persons possessed or interested as aforesaid: Provided always, that in all Cases where any Person or Persons shall by reason of unavoidable Absence have been prevented from treating with the said Trustees acting under the Authority of this Act, such Costs, Charges, and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

Payment of Compensation to Mortgagees.

LXV. And be it further enacted, That in case any Houses, Buildings, Lands, Tenements, or Hereditaments which shall be purchased, taken, used, dug, cut, destroyed, or injured by the said Trustees acting under the Authority of this Act, shall happen to be in Mortgage to any Person or Persons, it shall be lawful for the said Trustees, and they are hereby required, upon Application in Writing being made to them by the Mortgagee or Mortgagees thereof, or his, her, or their Executors, Administrators, or Assigns, for that Purpose, to pay to him, her, or them such Sum or Sums of Money as shall have been agreed or awarded to be paid by the said Trustees for or in respect of such Houses, Buildings, Lands, Tenements, or Hereditaments as aforesaid, in part of the Principal Money that shall then be due upon the Mortgage or Mortgages thereof, and upon Payment of such Sum or Sums of Money to such Mortgagee or Mortgagees, or his, her, or their Executors, Administrators, or Assigns, he, she, or they shall acknowledge the Receipt thereof in Satisfaction of so much of the Principal Money due upon such Mortgage or Mortgages, by some Writing to be indorsed thereon, and to be signed by him, her, or them in the Presence of One or more credible Witness or Witnesses, provided that every such Mortgagee shall be entitled to require from the said Trustees Six Calendar Months Notice in Writing of any such intended Payment, or in Default of such Notice Six Calendar Months Interest in Advance on the Sum or Sums which shall be so paid.

Upon Payment of Purchase Money, Lands to be laid into Road, and old Road to be stopped up, and new Road may be fenced.

LXVI. And be it further enacted, That every Sum of Money or Recompence which shall be agreed or awarded to be paid for any Houses, Buildings, Lands, Tenements, or Hereditaments to be purchased for the Purposes of this Act, or which shall be made for any Loss or Damages as aforesaid, shall be paid by the said Trustees out of the Tolls or other Monies arising by virtue of this Act to the Parties or Persons respectively entitled thereto, if such Parties or Persons are qualified to receive the same, or to his, her, or their Agent or Agents; and upon Payment thereof, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Treasurer of the said Road, to be by him paid into the Bank of *England* under the Direction of the Court of Chancery in Manner by this Act directed, as the Case may be, and after Ten Days Notice given to such Parties or Persons, or his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, in case such Parties or Persons, or his, her, or their Agents or Places of Abode can be discovered, but if not, then after Twenty-one Days Notice inserted in some Newspaper circulated in the Neighbourhood of the said Road, all Owners and Occupiers of and Persons interested in such Houses, Buildings, Lands, Tenements, or Hereditaments, shall thenceforth be divested of all Right, Title, Claim, Interest, and Property of, in, to, or out of the same, and such Houses, Buildings, Lands, Tenements, or Hereditaments shall be laid into and made Part of the said intended Road, in such Manner

Manner as the ſaid Truſtees ſhall direct, and ſhall be ſufficiently ditched, fenced, and ſet out for that Purpoſe, and ſhall to all Intents and Purpoſes become and be deemed a Common Highway, and ſhall from thenceforth for ever be deemed as Part of the Road by this Act directed to be made, amended, and kept in Repair; and after ſuch new Road ſhall be formed and completed, then the Land (not being Common or Waſte Lands) comprized in or conſtituting the old or former Road ſhall be veſted in the ſaid Truſtees, and ſhall or may be ſtopped up and left unrepaired (unleſs the ſame be wanted for any public Uſe, or for the particular Convenience of the Occupancy of any Lands or Tenements to which the ſame may lead), or ſhall be by the ſaid Truſtees ſold for the beſt Price or Prices that can be gotten for the ſame, and the Money ariſing by ſuch Sale ſhall be applied to the Purpoſes of this Act, and the Conveyances to be made of ſuch Lands, being executed by the ſaid Truſtees, ſhall be good and effectual to all Intents and Purpoſes; and that in all Places where the Courſe of any Part of the preſent Road ſhall be diverted by virtue of this Act from the old Line of Road, or a new Road ſhall be made, except over or through any Common or Waſte Land, or where the old Road ſhall be widened, the ſaid Truſtees ſhall and they are hereby required to cauſe good and ſufficient Mounds, Rails, and Fences to be made and provided, and Quickſets to be planted in an huſbandlike Manner, or ſufficient Stone Walls to be built on both Sides of ſuch new Road where the ſame is neceſſary, and to ſupport ſuch Quickſet Fences for and during the Term of Four Years from the firſt making thereof.

Regulating Sale by Truſtees.

LXVII. Provided always, and be it further enacted, That in caſe the ſaid Truſtees ſhall think proper to ſell or diſpoſe of any Piece or Pieces of Ground which they are herein empowered to ſell for the Purpoſes of this Act, they ſhall firſt offer the ſame for Sale to the Perſon or Perſons of whom the ſame ſhall have been purchaſed, or (in caſe ſuch Ground ſhall be a Piece or Parcel of old Road) to the Perſon or Perſons whoſe Lands ſhall adjoin thereto, and if ſuch Perſon or Perſons reſpectively ſhall refuſe or ſhall not agree (except with reſpect to the Price thereof) to purchaſe the ſame reſpectively, in ſuch Caſe an Affidavit, to be ſworn before a Maſter or Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County, Diviſion, Parts, Liberty, or Place where the ſame Lands ſhall be ſituated (who are hereby reſpectively empowered to take ſuch Affidavit), by ſome Perſon or Perſons no way intereſted in the ſaid Piece or Parcel of Ground, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Truſtees, and that ſuch Offer was refuſed, or was not agreed to by the Perſon or Perſons to whom ſuch Offer was made, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and was refuſed, and not agreed to by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing ſuch Piece or Pieces of Ground, and he, ſhe, or they and the ſaid Truſtees ſhall differ with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by the Juſtices of the Peace for the ſaid County, Diviſion, Parts, Liberty, or Place wherein ſuch Lands or Grounds ſhall lie, at their General Quarter Seſſions of the Peace to be held in and for the ſame County, Diviſion, Parts, Liberty, or Place next after ſuch Difference ſhall ariſe; and on Fourteen Days clear Notice thereof to be given by the ſaid Truſtees to ſuch Owner or Owners, Occupier

Occupier or Occupiers, or left at his, her, or their reſpective Places of Abode, the ſaid Juſtices ſhall hear, ſettle, and determine the Matter of the ſaid Difference, and alſo the Coſts attending the hearing and determining the ſame, whoſe Judgment and Order therein ſhall be final and concluſive to all Parties; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch Piece or Pieces of Road or 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 Non-application of ſuch Money.

Application of Money when amounting to 200*l.*

LXVIII. And be it further enacted, That if any Money ſhall be paid or agreed or awarded to be paid for the Purchaſe of any Houſe, Buildings, Lands, Tenements, or Hereditaments to be purchaſed by virtue of the Powers of this Act for the Purpoſes thereof, and which ſaid Houſes, Buildings, Lands, Tenements, or Hereditaments, or any Part thereof or Eſtate therein, ſhall belong to any Owners or Proprietors, Owner or Proprietor, being under Coverture, Minors, Lunatics, beyond the Seas, or under any other Diſability, or to any Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole; and alſo if any Money ſhall be paid or agreed or awarded to be paid for the Purchaſe of any Houſes, Buildings, Lands, Tenements, or Hereditaments which are by Deed, Will, or otherwiſe entailed or limited in ſtrict or other Settlement; and ſuch Monies ſhall, in caſe the ſame ſhall amount to or exceed 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 there *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Money may be applied, under the Direction and with the Approbation of the ſaid 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 Houſes, Buildings, Lands, Tenements, or Hereditaments, in the Purchaſe or Redemption of the Land Tax, or in or towards the Diſcharge of any Debt or Debts, or other Incumbrances affecting the ſame Houſes, Buildings, Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith to the ſame, or the like Uſes, Truſts, Intents, or Purpoſes, as the ſaid High Court of Chancery ſhall authorize to be purchaſed or paid, or ſuch Part thereof as ſhall be neceſſary; and in caſe ſuch Money ſhall not be ſo applied, then that the ſame be laid out and inveſted, under and with the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed, limited, and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner, as the Houſes, Buildings, Lands, Tenements, or Hereditaments which ſhall be ſo purchaſed by the Truſtees of this Act as aforeſaid, ſtood ſettled or limited prior to ſuch Purchaſe, 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 meantime and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid High 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 meantime, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends or Intereſt

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 ſaid Houſes, Buildings, Lands, Tenements, or Hereditaments ſo to be purchaſed, in caſe ſuch Purchaſe or Settlement was made.

When leſs than 200*l.* and not leſs 20*l.*

LXIX. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Houſes, Buildings, Lands, Tenements, or Hereditaments to be purchaſed for the Purpoſes aforeſaid, and belonging to any Body Politic, Corporate, or Collegiate, or Corporation Aggregate or Sole, 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 or amount to 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 Houſes, Buildings, Lands, Tenements, or Hereditaments ſo purchaſed, or for his, her, or their Guardian or Guardians, Committee or Committees, Truſtee or Truſtees, or Huſband, in caſe of Infancy, Idiotcy, Lunacy, Coverture, or other Incapacity, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and to be placed to his Account as aforeſaid, in order to be applied in Manner hereinbefore directed with regard to the Monies agreed or awarded to be paid as aforeſaid where the ſame ſhall amount to Two hundred Pounds and upwards; or otherwiſe the ſame ſhall be paid, at the like Option, to Five Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by the Truſtees for executing 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 and Produce ariſing therefrom, may be applied in any Manner hereinbefore directed with regard to ſuch Monies where the ſame ſhall amount to the Sum of Two hundred Pounds and upwards, ſo far as the Caſe ſhall be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid High Court of Chancery.

When under 20*l.*

LXX. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as laſt aforeſaid 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 Houſes, Buildings, Lands, Tenements, or Hereditaments ſo purchaſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees ſhall think fit; or in caſe of Infancy, Idiotcy, Lunacy, Coverture, or other Incapacity, then ſuch Money ſhall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Truſtee or Truſtees, or Huſband, to and for the Uſe and Benefit of ſuch Perſon or Perſons reſpectively entitled thereto.

In caſe of not making out a good Title, &c.

LXXI. 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 Houſes, Buildings, Lands, Tenements, or Hereditaments to be purchaſed under or by virtue of the Powers of this Act for the Purpoſes aforeſaid, 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 the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found or diſcovered, then and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees 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 there *ex parte* the Truſtees of this Act, ſubject to the Order, Controul, and Diſpoſition of the ſaid High Court of Chancery; which ſaid Court, 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 ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public 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 therein 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 of *England* as aforeſaid.

Where any Queſtion ſhall ariſe as to the Title to Money.

LXXII. Provided always, 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 High Court of Chancery in purſuance of this Act, for the Purchaſe of any Houſes, Buildings, Lands, Tenements, or Hereditaments, or of any Eſtate, Right, Title, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance of this Act for the Purpoſes aforeſaid, or to any Bank Annuities to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Houſes, 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 Houſes, Buildings, Lands, Tenements, or Hereditaments according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid High Court of Chancery; and the Dividends or Intereſt 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 Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

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

LXXIII. Provided alſo, 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 this Act for the Purpoſe aforeſaid, the Purchaſe Money for the ſame ſhall be required to be paid into the High Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements,

Tenements, or Hereditaments, to be ſettled to the like Uſes, in purſuance of this Act, it ſhall be lawful for the ſaid High Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as to the ſaid Court ſhall ſeem reaſonable, to be paid by the ſaid Truſtees out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Purchaſe Monies to be paid by the Truſtees.

LXXIV. And be it further enacted, That all ſuch Sums of Money as the ſaid Truſtees acting under the Authority of this Act ſhall agree or become liable to pay for or in reſpect of the Purchaſe of any Houſes, Buildings, Lands, Tenements, or Hereditaments, or for or in reſpect of any Damage that may have been done thereto in the Execution of this Act, ſhall be paid to the Parties or Perſons reſpectively entitled thereto, or to their reſpective Agents, or in ſuch other Manner as is directed by this Act, out of the Monies by this Act authorized to be raiſed and received by the ſaid Truſtees.

Perſons liable to repair Roads, &c. to continue ſo.

LXXV. And be it further enacted, That all Bodies Politic and Corporate, all Commiſſioners, and all other Perſons who by reaſon of the Tenure of their Lands, or any Charge thereon by any Law, Statute, Cuſtom, Uſage, or otherwiſe, are or ſhall be or become liable to repair, or to pay any Money, or otherwiſe contribute towards the Repair of any Part or Parts, Side or Sides of the ſaid Road, or any Bridge, Arch, Tunnel, Cauſeway, Drain, or Sewer in, upon, or under the ſame, or any Bank, Shore, Wharfing, or Frontage upon, againſt, or contiguous to any Part of the ſaid Road, ſhall notwithſtanding this Act ſtill remain liable to repair, or to pay, or otherwiſe contribute towards the Repair of the ſame, in ſuch Manner and to the ſame Extent as they were before the paſſing of this Act; and that the Inhabitants of the ſeveral Pariſhes, Hamlets, Lordſhips, Townſhips, Diviſions, or Places through which the ſaid Road ſhall paſs, ſhall from and after the paſſing of this Act be and remain liable to the Repairs of the ſeveral Parts of the ſaid Road which ſhall lie within their ſaid reſpective Pariſhes, Hamlets, Lordſhips, Townſhips, Diviſions, or Places.

Statute Work.

LXXVI. And be it further enacted, That all Perſons who by Law now are or hereafter ſhall or may become liable to do Statute Work, or now are or hereafter ſhall be chargeable towards repairing, ſupporting, and amending the ſaid Turnpike Road, or any Part thereof, ſhall remain liable thereto in like Manner as heretofore; and it ſhall be lawful for any Two or more Juſtices of the Peace for the Diviſion or Parts of *Holland* in the ſaid County of *Lincoln*, or for the Liberty and Soke of *Peterborough* in the ſaid County of *Northampton*, within their reſpective Juriſdictions, and they are hereby empowered and required (upon Application made to them for that Purpoſe by the ſaid Truſtees, or by any Perſon by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road lies, or other Perſon or Perſons liable to repair the ſame; and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work, ſhall be by him or them paid to the ſaid Truſtees or their Treaſurer; and

in

in order thereunto it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons, of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to pay any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of ſuch Work to be done, whether with Teams or Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be paid, which Liſts of Names ſhall be made in ſuch Manner and under ſuch Regulations and Reſtrictions as is, are, or may be directed by any Law or Statute in force and effect for the Repair of public Highways; and out of ſuch Liſts ſuch Juſtices ſhall or may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to do Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Road as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay-time or Harveſt), and on ſuch Parts of the ſaid Road, as the ſaid Truſtees or their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject or liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct; and in default of Payment thereof, the ſame ſhall or may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid (after Notice in Writing given to or left for him, her, or them at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe, ſigned by the Surveyor or Surveyors to the ſaid Truſtees), ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in force and effect for the Repair of the public Highways; and if any Perſon who ſhall come to work as a Labourer, or who ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove off the Perſon who ſhall be found idle or negligent as aforeſaid; and that ſuch Perſon, and the Owner of the Team or Draught with which ſuch Perſon ſhall have been ſent, ſhall be ſubject and liable to the ſame Pains, Penalties, Forfeitures, and Payments, as if ſuch Perſon or Owner had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work at any Part of the ſaid Road; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Road; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places reſpectively ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Power to compound for Statute Work.

LXXVII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees from Time to Time to compound and agree, by the Year or otherwise, with the Inhabitants of any Parish, Hamlet, Lordship, Township, Division, or Place through which the said Road shall pass, or their Surveyor or Surveyors of Highways, and with the Owners or Occupiers of any Lands, Tenements, or Hereditaments, or any Commissioners or other Persons, Bodies Politic or Corporate, now liable to repair or who may hereafter be liable to repair, or pay any Money or otherwise contribute towards the Repair of any Part or Parts of the said Road, or any Bridges, Arches, Tunnels, Drains, Sewers, Shores, Wharfings, Frontages, in, upon, under, against, or contiguous to the said Road or any Part thereof, or to the Performance of any Statute Work or other Duty thereon, for the Payment to the said Trustees of any Sum or Sums of Money for and in lieu of such Repairs, Statute Work, or other Duty respectively; and also for the respective Surveyors of the Highways of any Parish, Hamlet, Lordship, Township, Division, or Place through which the said Road shall pass, to compound and agree by the Year or otherwise with the said Trustees for the Payment to the said Trustees of any Sum or Sums of Money for and in lieu of the Repairs, or Statute Work, or other Duty to be performed by the Inhabitants of such Parish, Hamlet, Lordship, Township, Division, or Place upon any Part or Parts of the said Road; and that the said Money which shall be so compounded for shall be paid to the said Trustees or their Treasurer or Treasurers by the Persons compounding for the same; and that the respective Surveyors of the Highways who shall pay any such Composition Money as aforesaid shall be repaid or reimbursed the same, with all Costs and Charges which shall have been incurred and paid by them respectively, by the several Ways and Means and in such Manner as by the Laws in being Surveyors of Highways are to be repaid or reimbursed any of the Monies by them expended in or about the Repairs of Highways.

Penalties for obstructing Collector, evading Toll, &c.

LXXVIII. And be it further enacted, That if any Person shall assault, hinder, or obstruct, or cause to be assaulted, hindered, or obstructed, any Collector of the Tolls while acting in the Discharge of his Duty for the Purposes of this Act; or if any Person shall, with an Intent to evade the Payment of any Toll by this Act made payable, go or pass with any Horse, Cattle, or Carriage through or over any Lands or Grounds, not being the Owner or Owners, or Occupier or Occupiers thereof, or his, her, or their Servant or Servants, or in his, her, or their Employ, or of his, her, or their Family, not being a public Highway lying near to any Toll Gate, Bar, or Chain, or Side or Catch Bar which shall be erected, used, or authorized by the said Trustees under the Authority of this Act; or if any Owner or Occupier of any such Lands or Grounds shall knowingly permit any Person, not being his, her, or their Servant or Servants, or in his, her, or their Employ, or of his, her, or their Family, with any Horse, Cattle, or Carriage, to pass through or over the same with such Intent as aforesaid; or if any Person shall forcibly pass through any Toll Gate, Bar, or Chain, or Side or Catch Bar, to be erected, set up, or used by the said Trustees under the Authority of this Act, with any Horse, Cattle, or Carriage, without Payment of the Toll which shall be due for the same, or shall claim or take the Benefit of Exemption from Payment of any such Toll without being entitled thereto, or shall offer or use any forged or false Note, Ticket, or Paper, denoting the Payment of any

such Toll, or take off, put on, leave, or conceal any Horse, Beast, Carriage, Goods, or Lading, or do any other Act, Matter, or Thing whatsoever, with an Intent to evade Payment of any such Toll; or if any Person shall not permit to be weighed any Waggon, Cart, or Carriage which shall be liable to be weighed at any Weighing Machine under the Authority of this Act, or shall by any Means obstruct or prevent the Weighing thereof, or shall do any Act, Matter, or Thing whatsoever, with an Intent to conceal the actual Lading of any such Waggon, Cart, or Carriage passing along the said Road or any Part thereof; or if any Person shall draw or permit to be drawn or dragged upon the Ground, or on any Part of the said Road, any Tree, Piece of Timber or Stone; or if any Person shall hereafter hang or fix any Gate to, upon, or against any Field, Land, or Ground adjoining the said Road, so as to open outwards towards the said Road; or if any Person driving any Carriage of any Description upon the said Road, and meeting another Carriage of any Description shall not keep on the left Side of the said Road the Carriage which he or she shall be driving; or if any Person shall in any Manner wilfully prevent or obstruct any other Person from passing him or her, or the Carriage under his or her Care upon the said Road; or if any Person shall leave any Carriage longer than may be necessary for loading or unloading the same in, upon, or on the Side of any Part of the said Road, except in Cases of Accident, or shall not place such Carriage, during the Time of loading or unloading, as near to the Side of the said Road as conveniently may be; or if any Person shall ride or drive any Horse, Beast, Cattle, or Carriage upon any Causeway or Footway adjoining to the said Road, or do or cause any Damages to be done thereto; or if any Person shall pull down or in any Manner damage or injure any Building, Gate, Fence, Bridge, or other Work, or fill up or make a Way over any Ditch which shall be erected, provided, thrown out, or used by the said Trustees for the Purposes of this Act; or if any Person driving any Swine along the said Road shall suffer the same to root up or damage the said Road, or any Part thereof, or any of the Fences, Banks, or Watercourses on either Side thereof; or if any Person shall make or assist in making any Bonfire, or shall set fire to or let off or throw any Fire-work whatsoever, or play at Foot-ball, or any other Game, on any Part of the said Road, or within Forty Yards of the same; or if any Person shall lay any Wood, Stones, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever on any Part of the said Road or the Sides thereof to the Prejudice thereof, or to the Prejudice or Annoyance of Persons travelling thereon (except Ashes laid thereon in Times of Frost for the Prevention of Accidents), or shall neglect to remove and take away any Nuisance, Annoyance, or Encroachment which shall have been left by him or her, or by any of his or her Family or Servants, upon or by the Side of the said Road, after Notice to remove and take away the same shall be given to him or her by the Surveyor or Surveyors or other Person or Persons authorized by the said Trustees; or if any Person or Persons shall in any other Manner prevent or obstruct a free and open Passage along the said Road, every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay such Sum of Money, not exceeding Ten Pounds, as any Justice or Justices of the Peace acting in and for the County, Division, Parts, Liberty, or Place wherein such Offence shall be committed, shall in that Behalf direct.

LXXIX. And

Penalties how to be recovered and applied.

LXXIX. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be impoſed (the Manner of levying and recovering whereof is not herein otherwiſe directed), ſhall, upon Proof of the Offences reſpectively before any Juſtice of the Peace for the County, Diviſion, Parts, Liberty, or Place where the ſame ſhall be committed, either by the Confeſſion of the Party offending or by the Oath of any credible Witneſs or Witneſſes, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of ſuch Juſtice (which Warrant ſuch Juſtice is hereby empowered and required to grant), and the Overplus (if any), after ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Diſtreſs and Sale, are deducted, ſhall be returned upon Demand unto the Owner or Owners of ſuch Goods and Chattels, and the Monies ariſing by ſuch Penalties, Forfeitures, and Fines, when paid or levied, if not otherwiſe directed to be applied by this Act, ſhall be from Time to Time paid to the Treaſurer or Treaſurers of the ſaid Truſtees, and applied for the Purpoſes of the ſaid intended Road; and in caſe ſufficient Diſtreſs ſhall not be found, and ſuch Penalties, Forfeitures, and Fines ſhall not be forthwith paid, it ſhall be lawful for any ſuch Juſtice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol of the ſaid County, Diviſion, Parts, Liberty, or Place, or to any Houſe of Correction within the ſame, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

For Apprehenſion of Offenders.

LXXX. And be it further enacted, That it ſhall and may be lawful for any of the ſaid Truſtees or their Collectors, Surveyors, or other Officers reſpectively, and ſuch Perſon or Perſons as they or any of them ſhall call to their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any Perſon or Perſons (being unknown to ſuch Truſtees, Collectors, Surveyors, or other Officers) who ſhall commit any Offence or Offences againſt this Act, and take him, her, or them before any Juſtices or Juſtice of the Peace for the County, Diviſion, Parts, Liberty, or Place where the Offence ſhall be committed, or where ſuch Offender or Offenders ſhall be ſeized and apprehended, and ſuch Juſtice and Juſtices ſhall and is and are hereby required to proceed and act with reſpect to ſuch Offender or Offenders according to the Proviſions of this Act.

Conviction of Offenders.

LXXXI. And for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every the Juſtice or Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the ſame Effect, as the Caſe ſhall happen; (that is to ſay),

Form of Conviction.

‘ ‘ to wit. } BE it remembered, That on the Day of
‘ in the Year of our Lord One thouſand eight hundred and
‘ is duly convicted before of His
‘ Majeſty's Juſtices of the Peace for the in purſuance
‘ of an Act paſſed in the Year of the Reign of
‘ His

'His Majesty King *George* the Third, intituled [*here set forth the Title of this Act*] for that the said did on the Day of [*here specifying the Offence, Time, and Place where and when the same was committed, as the Case shall be*] contrary to the Provisions of the said Act, and do declare and adjudge that the said hath forfeited for the said Offence the Sum of to be levied and applied in the Manner directed by the said Act. Given under my Hand and Seal the Day and Year first above-mentioned.'

Proceedings not to be quashed for Informality.

LXXXII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage (if any) in an Action upon the Case, but no Plaintiff shall recover in any such Action for such Irregularity as aforesaid if Tender of sufficient Amends shall have been made for or on Behalf of the Party distraining before such Action brought.

Persons aggrieved may appeal to the Quarter Sessions.

LXXXIII. Provided always, 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, and for which no particular Method of Relief hath been already appointed, such Person or Persons may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the said County, Division, Parts, Liberty, or Place where such Party shall reside, or where such Matter of Complaint shall have arisen, within Six Calendar Months after the Cause of such Complaint shall have arisen, such Person or Persons first giving or causing to be given Fourteen Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer of the said Trustees, and within Four Days after such Notice in Writing entering into a Recognizance before some Justice of the Peace for the said County, Division, Parts, Liberty, or Place, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of and pay such Costs as shall be awarded by the Justices at such General Quarter Sessions; and the said Justices at such Quarter Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing or appealed against as they the said Justices shall think proper; and the said Justices may, if they see Cause, mitigate any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party or Parties injured as they shall judge reasonable; and the Determination of the Justices at such Quarter Sessions shall be final,

final, binding, and concluſive to all Intents and Purpoſes; and the ſaid Juſtices ſhall and they are hereby required, at ſuch Seſſions, by their Order or Warrant to levy ſuch Damages and Coſts ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall refuſe to pay the ſame, and for Want of ſufficient Diſtreſs may commit ſuch Perſon or Perſons to the Common Gaol of or for the ſaid County, Diviſion, Parts, Liberty, or Place, or to any Houſe of Correction within the ſame, for any Time not exceeding the Term of Six Calendar Months, or until Payment of ſuch Damages and Coſts.

Limitation of Actions.

LXXXIV. And be it further enacted, That if any Action, Suit, Information, Indictment, or other Proceſs ſhall be commenced or proſecuted againſt any Perſon or Perſons for any Thing done or omitted to be done in purſuance of this Act, or in the Execution of any of the Powers or Authorities hereby given, every ſuch Action, Suit, Information, Indictment, or other Proceſs ſhall be commenced within Six Calendar Months next after the Time of the Fact or Facts complained of having been committed or omitted, and not afterwards; and that no ſuch Action, Suit, Information, Indictment, or other Proceſs ſhall be commenced until after Fourteen Days Notice thereof in Writing ſhall have been given to the Clerk or Clerks to the ſaid Truſtees, nor after ſufficient Satisfaction or a Tender thereof ſhall have been made to the Perſon or Perſons who ſhall have been aggrieved; and that every ſuch Action, Suit, Information, Indictment, or other Proceſs, ſhall be brought and laid in the County or Juriſdiction where the Fact or Facts complained of ſhall have been committed, and not elſewhere; and that if any Action, Suit, Information, Indictment, or other Proceſs ſhall be commenced after the Time herein-before limited, or without ſuch Notice as aforeſaid, or after ſufficient Satisfaction ſhall have been made or tendered as aforeſaid, or ſhall be brought or laid elſewhere than in the County or Juriſdiction where ſuch Fact or Facts ſhall have been committed, or if the Commiſſion or Omiſſion of any ſuch Fact or Facts ſhall appear to have been lawfully authorized by this Act, then the Jury upon ſuch Trial ſhall find a Verdict for the Defendant or Defendants; and that if the ſaid Jury ſhall upon any ſuch Trial find a Verdict for the Defendant or Defendants, or if the Plaintiff or Plaintiffs ſhall become nonſuited, or diſcontinue his, her, or their Action, Suit, Information, Indictment, or other Proceſs, or if upon a Demurrer or otherwiſe Judgment ſhall be given for the Defendant or Defendants therein, then and in any of the ſaid Caſes ſuch Defendant or Defendants ſhall have and be entitled to, and ſhall and may recover Treble Coſts againſt the Plaintiff or Plaintiffs, Informant or Informants, Proſecutor or Proſecutors, and ſhall and may have ſuch and the like Remedies for recovering the ſame as is uſual in Caſes of Coſts awarded by Law.

Rights of Bedford Level Corporation and others to be ſaved.

LXXXV. Provided always, and be it further enacted, That this Act or any Thing herein contained ſhall not extend or be conſtrued to extend to leſſen, invalidate, alter, or take away any of the Rights, Privileges, Powers, or Authorities by Law, Statute, or Uſage now veſted in the Governor, Bailiffs, and Commonalty of the Company of Conſervators of the Great Level of the Fens called *Bedford Level*, or in the General Commiſſioners of the North Level Part of the ſaid Great Level, or ſave and except as far as the ſame are altered or taken away by this Act in the Commiſſioners of any Diſtrict or Diſtricts in or through which the ſaid intended Road ſhall paſs; but that all ſuch Rights, Privileges, Powers, or Authorities

rities shall for ever hereafter continue vested in the said Governor, Bailiffs, and Commonalty, and the said General Commissioners, and save and except as aforesaid in the said other Commissioners respectively, as fully and amply to all Intents and Purposes as if this Act had not been made.

Public Act.

LXXXVI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Term of this Act.

LXXXVII. And be it further enacted, That this Act shall commence upon the Day on which the same shall receive the Royal Assent, and shall have Continuance and be in force 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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