ANNO TERTIO

GEORGII IV. REGIS.

Cap. ix.

An Act for repairing and amending the Roads from *Donington High Bridge* to *Hale Drove*, and to the Eighth Mile Stone in the Parish of *Wigtoft*, and to *Langret Ferry* in the County of *Lincoln*.

[3d *April* 1822.]

WHEREAS an Act was passed in the Thirty-first Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing and widening the Roads from* Donington High Bridge *to* Hale Drove, *and to the Eighth Mile Stone, in the Parish of* Wigtoft, *and to* Langret Ferry *in the County of* Lincoln: And whereas another Act was passed in the Eighteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of an Act made in the Thirty-first Year of the Reign of His late Majesty King* George *the Second, intituled 'An Act for repairing and widening the Roads 'from* Donington High Bridge *to* Hale Drove, *and to the Eighth Mile 'Stone in the Parish of* Wigtoft, *and to* Langret Ferry *in the County of* 'Lincoln:' And whereas another Act was passed in the Forty-first Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to continue for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and alter and enlarge the Powers of Two Acts passed in the Thirty-first Year of the Reign of His late Majesty King* George *the Second, and the Eighteenth Year of the Reign of His present Majesty King* George

31 G. 2. c. 50.

18 G. 3. c. 104.

41 G. 3. c. 44.

the Third, for repairing and widening the Roads from Donington High Bridge *to* Hale Drove, *and to the Eighth Mile-Stone in the Parish of* Wigtoft, *and to* Langret Ferry *in the County of* Lincoln: And whereas the Trustees appointed in or by virtue of the said Acts have proceeded in the Execution thereof, and have borrowed at Interest several considerable Sums of Money on the Credit of the Tolls authorized to be collected upon the said Roads, and which Money still remains due and owing, and the Terms granted and continued by the said Acts are near expiring: And whereas the said Roads cannot be effectually amended and kept in Repair, nor can the Money so borrowed be repaid, unless the Terms and Powers of the said Acts are enlarged and the Tolls increased: And whereas it will facilitate the Execution of the Purposes aforesaid, if the said Acts were repealed, and if such of the Powers and Provisions of the said Acts as shall be continued or amended were consolidated and comprized in one Act, and if further Powers and Provisions were granted and made: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts passed in the Thirty-first Year of the Reign of His late Majesty King *George* the Second, and in the Eighteenth and Forty-first Years of the Reign of His late Majesty King *George* the Third, shall on the Third *Wednesday* next after the passing of this Act, be and the same are hereby severally repealed; and this Act shall commence and take Effect and be put in Execution for and during the Term herein-after mentioned, for the Purpose of repairing, widening, altering, improving, and keeping in Repair the present Turnpike Road from *Donington High Bridge*, across *Hammond Beck*, through the Towns of *Donington* and *Swineshead* to *Hale Drove*, and through *Swineshead North-end*, and through Parts of the Parishes, Hamlet, Townships, and Places of *Swineshead*, *Wigtoft*, *Kirton*, *Frampton*, *Skirbeck Quarter*, Part of the Parish of *Boston* called *Boston West*, through the Town of *Boston*, and other Parts of the said Hamlet of *Skirbeck Quarter* by *Wyberton* Old Mile Stone, *Frampton Mill*, through other Parts of the said Town of *Kirton* by *Sutterton* Watch-house, to the Eighth Mile Stone in the Parish of *Wigtoft*, and from *Langret Ferry* through the Township of *Brothertoft* and the Parishes of *Frampton* and *Kirton* to the Road leading from *Swineshead* to *Boston*; and this Act and the Term and Tolls hereby granted shall be and the same are hereby made subject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls authorized to be taken by the said Acts, or any of them, on the said Roads, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected.

Recited Acts repealed.

Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the Parts of *Holland* in the County of *Lincoln*, and *John Skynner Baily*, the Reverend *Basil Beridge*, the Reverend *William Bolland*, the Reverend *Charles Boothby*, *William Bousfield*, *John Broughton*, *George Byron*, the Reverend *John Calthrop*, *Richard*

Richard Calthrop, the Reverend *John Caparn*, *Charles Chaplin* M.P., *Henry Clarke*, *Henry Clarke* the younger, *Bartholomew Claypon*, *Bartholomew Claypon* the younger, *Joseph Claypon*, the Reverend *Richard Conington*, *Peregrine Samuel Curteis*, *William Dods*, *Joseph Dods*, *Augustus Duggan*, *Charles Thomas Ellis*, *Samuel Everard*, *Samuel Richard Fydell*, *William Garfit*, *Henry Gee*, *Thomas Gee*, *Richard Gleed*, the Reverend *Bartholomew Goe*, *William Golding*, *Charles Green*, *Gilbert John Heathcote* M. P., *George Holland*, *John Palmer Hollway*, *Edward Hunnings*, the Reverend *Edward Ince*, *Thomas Ingall*, *William Augustus Johnson* M.P., *John Linton*, *John Morley*, *Henry Butler Pacey* Doctor in Divinity, *John Paul*, the Honourable *Charles Anderson Pelham* M.P., *Roger Pocklington*, *Stephan Pollexfen*, *Francis Robinson*, *William Rodgerson*, *Henry Rogers*, the Reverend *Martin Sheath*, *William Taylor*, the Reverend *John Thirkill*, *Francis Thirkill*, *Charles Keightley Tunnard*, *Thomas Tunnard*, *Samuel Waite*, *Thomas Waite*, *John Waite*, the Reverend *John Wayet*, *Francis Wheldale*, *John Yerburgh*, *James Whiting Yorke* the younger, *Richand York*, and their Successors to be elected in manner herein-after mentioned, shall be and they are hereby appointed Trustees for repairing, widening, altering, improving and keeping in Repair the said Roads, and for otherwise putting this Act in Execution.

Power to appoint additional Trustees.

III. And be it further enacted, That it shall be lawful for the said Trustees or any Three or more of them at any of their Meetings to be held in pursuance of this Act, to elect, nominate, and appoint any Number of fit and proper Persons, not exceeding Five, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed.

Power to elect other Trustees on Deaths, &c.

IV. And be it further enacted, That when any of the Trustees hereby appointed or to be elected and appointed in manner herein mentioned shall die, or by Bankruptcy, Insolvency, or otherwise become disqualified or become incapable of acting, or by Writing under their or his Hands or Hand delivered to the Clerk to the said Trustees, refuse to act in the Execution of this Act, it shall be lawful for the remaining or surviving Trustees, at their annual Meeting, to be holden as herein-after mentioned, but at no other Time to elect and appoint One or more fit Person or Persons to be a Trustee or Trustees in the Room of all and every Trustee or Trustees dying, becoming disqualified, refusing to act, or becoming incapable of acting as aforesaid; and all and every Person and Persons who shall be so elected and appointed a Trustee or Trustees and being duly qualified, shall and may act with the surviving and remaining Trustees in the Execution of this Act, to all Intents and Purposes, as if he or they had been named and appointed a Trustee or Trustees in and by 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 be in his own Right or in Right of his Wife seised or possessed of and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear Yearly Value of Two hundred Pounds above Reprizes; or shall be Heir Apparent of a Person so seised, of Freehold or Copyhold Lands,

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Tenements or Hereditaments, of the clear Yearly Value of Four hundred Pounds above Reprizes; or shall be possessed of a clear Personal Estate alone, or of a Real and Personal Estate together, of the Amount or Value of Eight thousand Pounds; and if any Person not being so qualified as aforesaid, or becoming disqualified by Bankruptcy, Insolvency or otherwise, or not having taken and subscribed the Oath as herein-after mentioned, or being a Quaker, not having made and subscribed the Affirmation as herein-after mentioned, shall act as a Trustee in the Execution of this Act, 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, to be recovered together 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, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified and hath taken and subscribed the Oath or Affirmation by this Act required, or otherwise shall pay the said Penalty upon Proof being given of his having acted as a Trustee in the Execution of this Act: Provided nevertheless, that all the Acts and Proceedings of any such Person as a Trustee in the Execution of this Act, previous to his being convicted of any of the Offences 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.

Acts of Trustees not qualified valid before Conviction.

Trustees to take an Oath.

VI. Provided also, and be it further enacted, That every Trustee appointed or to be elected and appointed by virtue of this Act, before he shall act as such, except in administering the Oath or Affirmation next herein-after mentioned, at the First or Second Meeting of the said Trustees, shall take an Oath or Affirmation before One or more of the said Trustees, who is and are hereby empowered to administer the same in the Form or to the Effect following; that is to say,

Oath.

'I do swear [*or, being one of the People called Quakers*, do solemnly affirm], That I am in my own Right [*or*, in the Right of my Wife] truly and *bonâ fide* seised or possessed of and in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear Yearly Value of Two hundred Pounds above Reprizes; [*and in case of an Heir Apparent*] I do swear [*or, being a Quaker*, do solemnly affirm] that I am Heir Apparent of who, to the best of my Knowledge and Belief, is truly and *bonâ fide* seised or possessed of and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear Yearly Value of Four hundred Pounds above Reprizes; [*and in case of Personal Estate*] I do swear [*or, being a Quaker*, do solemnly affirm,] that I am truly and *bonâ fide* possessed of a clear Personal Estate alone, or of a Real and Personal Estate together, of the Amount or Value of Eight thousand Pounds; and that I will truly and faithfully execute the Powers and Trusts reposed in me by an Act passed in the Third Year of the Reign of His Majesty

'jesty King *George* the Fourth, intituled [*here set forth the Title of*
'*this Act.*] So help me GOD.'
'[*Or*, being a *Quaker*, omit the Words 'So help me God.]'

Trustees not to act where interested.

VII. Provided also, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act during the Time he shall hold any Place of Profit, or shall be interested or concerned in any Contract, or shall be a Lessee or Farmer of the Tolls under this Act; and that all such Trustees as are Justices of the Peace may act as Justices of the Peace within their respective Jurisdictions in the Execution of this Act, notwithstanding their being Trustees, except only in Cases where they shall be personally interested; nor shall any Mortgagee or Assignee of any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, be on that Account deemed disqualified to act as a Trustee in the Execution of this Act.

Trustees being Justices may act as such.

Mortgagees, &c. may act as Trustees.

Victuallers not to be Officers, or act as Trustees.

VIII. Provided always, and be it enacted, That no Person or Persons who shall keep any Victualling House or other House of public Entertainment, or who shall sell any Wine, Cider, Beer, Ale, Spirituous or other strong Liquors by Retail, shall be capable of acting as a Trustee, or of taking, holding, or enjoying any Place or Places of Trust or Profit, or be concerned or interested in any Contract or Contracts under the said Trustees, or of collecting the Tolls hereby granted and made payable during such Time as he, she, or they shall keep such Victualling House, Ale House, or other Place of public Entertainment, or shall sell any Wine, Cider, Beer, Ale, Spirituous or other strong Liquors by Retail, or shall hold any Place or Places of Trust or Profit, or be concerned in any such Contract or Contracts; but no such Person shall be precluded from farming such Tolls, provided he, she, or they employ a Person or Persons to collect such Tolls who shall not be under any such Incapacity.

Meetings of Trustees.

IX. And be it further enacted, That the said Trustees shall meet in the Town of *Boston* aforesaid on the Second *Thursday* next after the Commencement of this Act, or as soon after as conveniently may be, between the Hours of Nine of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall then proceed to carry this Act into Execution; and the said Trustees shall then and from Time to Time afterwards adjourn themselves and meet at the same Place, or at such other Place either in the Town of *Boston* aforesaid, or in some one of the said Parishes from, through, or into which the said Roads are made or pass, and at such Times as the said Trustees shall from Time to Time order and direct, provided that no Adjournment shall be made for a longer Time than Three Calendar Months; and if at any Meeting appointed to be held by virtue of this Act there shall not appear a sufficient Number of Trustees to act, or in case the Trustees at any Meeting assembled shall not adjourn themselves, the Clerk to the said Trustees shall from Time to Time as often as such Case shall happen, by Notice in Writing, to be affixed on all the Toll Gates then erected in, upon, across, or on the Sides of the said

Roads, at least Ten Days before the next intended Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to have been held, at such Time as he shall think fit, not being more than Fourteen Days from the Day on which such last Meeting was appointed: Provided always, that no Business shall be done or proceeded upon by the said Trustees at any Meeting except the First Meeting to be held under this Act before the Hour of Eleven of the Clock in the Forenoon, nor shall any Meeting be appointed to be held at any later Hour than Two of the Clock in the Afternoon of the Day on which such Meeting may be appointed to be holden.

Annual Meeting, and Meetings on Emergencies.

X. And be it further enacted, That a General Meeting of the Trustees shall be held annually on the First *Tuesday* in the Month of *February* in *Boston* aforesaid; and if after the Adjournment of any Meeting of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, or if for want of proper Adjournment or otherwise it shall be necessary to call a Meeting of the said Trustees, it shall and may be lawful to and for any Two or more of the said Trustees, or to or for the Clerk of the said Trustees, upon an Order in Writing signed by Two or more of the said Trustees (although not assembled at a Meeting nor together), to appoint the Time, Place, and Purpose of such Meeting, and to give Notice thereof in Writing upon any Toll Gate then erected and being on the said Roads, such Meeting not being less than Seven Days after such Notice, and every such earlier Meeting shall and may be held accordingly; and the said Trustees, or the Majority of them, at all Meetings held in pursuance of this Act, the Number present not being less than Three, are hereby empowered (except only in Cases where any greater or less Number of them are herein particularly required or authorized to act) to make all necessary Orders, Determinations, and Agreements in the Execution of this Act; and no such Order, Agreement, or Determination shall be made unless the Majority of the Trustees present at such Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order, Agreement, or Determination; and no such Order, Agreement, or Determination shall be revoked or altered at any subsequent Meeting, unless special Notice shall be given at least Ten Days previous to the Day of holding such Meeting, by affixing the same in Writing upon all the Toll Gates then erected on the said Roads, nor unless a greater Number of the Trustees shall concur in the Revocation or Alteration thereof than concurred in the making of any such Order, Agreement, or Determination of the said Trustees; and the said Trustees at all their Meetings shall pay their own Expences, but not for the Use of the Room or Rooms where their Meetings shall be held for the Purposes of this Act; and at every Meeting of the said Trustees a Chairman shall and may be appointed, and when and as often as there shall happen to be an Equality of Votes at any such Meeting upon any Question, including the Vote of the Chairman, then and in every such Case it shall and may be lawful to and for the Chairman to give the decisive or casting Vote.

How Orders of the Trustees are to be made and revoked.

Trustees to pay their own Expences.

XI. And

Orders, &c. to be entered.

XI. And be it further enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered shall be signed by the Trustees making the same, or by their Chairman, which Book or Books, and also the Book and Books herein-after directed to be kept for registering Mortgages and Assignments or Transfers thereof, and the Book or Books which may have been kept by the Trustees acting in the Execution of the said recited Acts, or by their Treasurer or Clerk under their Direction, according to the Provisions of such Acts, shall be admitted as Evidence in all Courts whatsoever touching any thing done in pursuance of this Act.

Accounts to be kept of Receipts and Disbursements.

XII. And be it further enacted, That the said Trustees 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 Roads, and of the several Articles, Matters and Things for which any Sum 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, and any Creditor or Creditors on the Tolls hereby granted without Fee or Reward, and the said Trustees and Creditors shall or 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 or shall not 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 not exceeding Five Pounds, to be levied and recovered in manner herein-after mentioned.

Appointing Officers.

XIII. And be it further enacted, That the said Trustees at any of their Meetings shall and may from Time to Time appoint any Collectors, Clerk, Treasurers, Surveyors and other Officers, and may from Time to Time remove any such Officer or Officers, and on the Removal, Death, or Resignation of any such Collectors, Clerk, Treasurers, Surveyors, or other Officers, may appoint others in their stead, and may and they are hereby authorized and empowered, out of the Monies arising by virtue of this Act, to allow and pay to the several Collectors, Clerk, Treasurers, Surveyors and other Officers, and to such other Person or Persons as shall be assisting them or any of them in or about the Execution of this Act, such Salaries, Rewards, and Allowances for their Attendance, Care, Labour, and Services as the said Trustees shall deem reasonable; and all such Officers and Persons shall from Time to Time when thereunto required by the said Trustees, deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, true, exact, and perfect Accounts in Writing, under their respective Hands, of all Monies which they and every of them respectively shall have received to that Time by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their Hands,

How Officers shall account.

Hands, to the said Trustees or to such Person or Persons as they shall appoint to receive the same, and not otherwise; and if any such Officer or Person shall refuse or neglect to produce or deliver up such Vouchers relative to the same, or shall refuse or neglect to pay the Money due on such Account in manner aforesaid; or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Trustees, all the Books, Accounts, Papers and Writings in their respective Custody or Power relating to the Execution of this Act, then and in every or any of the said Cases, it shall be lawful for any Two or more Justices of the Peace for the County, Division, Town, Parts or Place wherein such Officer or Officers or Person or Persons so refusing or neglecting shall be or reside, upon Complaint being made to them by any One or more of the said Trustees, by Warrant or Warrants under the Hands and Seals of such Justices, to cause such Officer or Officers or Person or Persons to be brought before them, and upon his or their appearing or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced; and if upon Confession of the Officer or Officers or Person or Persons against whom any such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, which Oath such Justices within their respective Jurisdictions are hereby empowered and required to administer without Fee or Reward, or upon Inspection of the said Accounts, if produced, it shall appear to such Justices that any of the Monies which shall have been collected or received, shall be in the Hands of such Officer or Officers or Person or Persons, such Justices may, and they are hereby authorized and required upon Non-payment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers or Person or Persons respectively; and if no Goods and Chattels can be found sufficient to answer and satisfy the said Money and the Charges of distraining and selling the same, or if such Officer or Officers or Person or Persons shall not appear before such Justices unless for some sufficient Excuse, at the Time and Place by them appointed for that Purpose, or if appearing shall refuse or neglect to give and deliver to such Justices an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to the said Justices the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers and Writings in his or their Custody or Power, relating to the Execution of this Act, or to the said Roads, then and in either of the Cases aforesaid such Justices may and they are hereby authorized and required, by Warrant or Warrants under their Hands and Seals, to commit such Officer or Officers, or Person or Persons, to the Common Gaol or House of Correction of the County, Division, Town, or Place where such Offender or Offenders shall be or reside, there to remain without Bail or Mainprize, until he or they shall have given and made a true and perfect Account and Payment as aforesaid, or until he or they shall have compounded and agreed with the said Trustees, and shall have paid such Composition in such Manner as the said Trustees shall appoint, which Composition the said Trustees are hereby empowered to make; or until he or they shall have delivered

vered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said Trustees: Provided always, that no Person who shall be so committed for want of sufficient Distress, shall be detained in Prison by virtue of this Act for a longer Space of Time than Six Calendar Months.

Present Officers to continue until new ones elected.

XIV. Provided always, and be it further enacted, That each and every Clerk, Receiver, Collector, Surveyor, and other Officer (other than the Treasurer or Treasurers) appointed under and by virtue of the former Acts, or any of them, for or in respect of the said Roads hereby directed to be repaired and amended, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the said Trustees for executing this Act, and each and every such Clerk, Receiver, Collector, Surveyor, and other Officer shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations, in all Respects whatsoever, as if he had been appointed by virtue of this Act.

Treasurers, &c. to give Security.

XV. And be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, or other Officers to be appointed for the Purposes of this Act, for the faithful Execution of their respective Offices, and no such Treasurer, Receiver, Collector, or other Officers shall be permitted to enter upon and continue in such their Offices respectively, unless they shall have given such Security.

Trustees may appoint temporary Collectors in certain Cases.

XVI. And be it further enacted, That upon the Death, Incapacity, Absconding, or Absence of any Collector or Receiver of Tolls, any Three or more of the Trustees, though not assembled at a Meeting appointed by virtue of this Act, by Writing under their respective Hands, shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the then next Meeting of the said Trustees, in the Stead of such Collector or Receiver as shall so die, become incapable, abscond, or absent himself, which Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same manner in all respects as the Person who shall so die, become incapable, abscond, or absent himself would have had or been subject to.

Offices of Clerk and Treasurer not to be held by the same Persons.

XVII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint, or continue the Person who may be appointed or continued 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 continue or appoint the Person who has been or 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 aforesaid, 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

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 together 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, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed.

Books, &c. relative to former Acts to be delivered to the Trustees.

XVIII. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money on account of the said Roads by virtue of the said Acts, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or other Things relating to the said Roads, shall account for, pay, and deliver over the same and every Part thereof to the Trustees in and by this Act named and appointed, in like Manner and under the like Penalties as the several Collectors or other Persons receiving any Money by virtue of this Act are herein-before required to pay or account for the same.

Actions to be brought in the Name of the Treasurer or Clerk or One of the Trustees, who are not to be personally liable to Costs.

XIX. And be it further enacted, That the said Trustees may sue and be sued in the Name or Names of their Treasurer or Clerk, or in the Name or Names of any One of the said Trustees for or on Behalf of the said Trustees, and no such Action shall abate or be discontinued by the Death or Removal of the Person in whose Name or against whom the said Action shall be brought or commenced, nor by the Act of such Person or Persons done without the Consent of the said Trustees, at a Meeting to be holden in pursuance of this Act: Provided always, that every such Treasurer, Clerk or Trustee shall always be reimbursed and paid forthwith out of the Monies to be raised by virtue of this Act, all such Costs and Charges as by the Event of any such Action he shall be put unto or become chargeable with by reason of his being so made Plaintiff or Defendant as aforesaid: Provided also, that his being so made Plaintiff or Defendant as aforesaid, shall not disqualify or incapacitate him from giving Evidence in such Action, unless he shall be otherwise personally interested therein.

Arrears and Property belonging to former Trustees vested in the Trustees named in this Act.

XX. And be it further enacted, That all Arrears of Tolls or Rents or other Monies due to, and Property Real or Personal, and all Choses in and Rights of Action, either at Law or in Equity, vested in the Trustees under the said recited Acts of the Thirty-first Year of the Reign of King *George* the Second, and the Eighteenth and Forty-first Years of the Reign of His said late Majesty King *George* the Third, or any of them, shall immediately on the Commencement of this Act be vested in the Trustees named in or to be elected and appointed by virtue of this Act, who shall be and are hereby enabled to receive and take Possession of the same, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law or in Equity, and to act in respect thereof as effectually as if the same had become due to, or had been vested in them under and by virtue of this Act, or such Arrears of Tolls or Rents or other Monies so due to the Trustees, under the said recited Acts as aforesaid, by virtue of any Deed or Specialty shall or may be sued for and recovered in the Name of

of the Trustee or Trustees to or with whom such Deed or Specialty shall have been so made or entered into, or the Survivor or Survivors of them, at the Option or Election of the Trustees named or to be appointed by virtue of this Act; and all the Costs to be incurred by the Trustees or Persons in whose Names such Proceeding shall be had, shall be paid and defrayed by and out of the Monies to be raised by virtue of this Act, and the Monies when recovered, shall be paid over to the Treasurer of the said Trustees to be applied for the Purposes of this Act.

Power to erect Toll Gates.

XXI. And for the Purpose of collecting and receiving the Tolls hereby granted and made payable, be it enacted, That the said Trustees may and they are hereby authorized to continue all or any of the Toll Gates and Toll Houses which have been erected in, upon, or across any Part of the said Roads by virtue of the said recited Acts, and shall and may erect or cause to be erected such and so many other Toll Gates and Toll Houses in, upon, or across any Part of the said Roads, by this Act directed to be repaired, amended and kept in Repair, and also such and so many Toll Gates and Toll Houses on the Sides of the said Roads, and in, upon, or across any Street, Lane or Byeway, which does or shall lead into or out of the same, as they the said Trustees shall think proper and expedient, subject nevertheless to such Restrictions and Directions as are herein-after mentioned concerning the same, and also shall or may erect or provide a Toll House with suitable Buildings, a Garden and other Conveniences, not exceeding One Eighth of an Acre of Land, at or near each of the said Toll Gates.

Toll Houses, &c. vested in Trustees.

XXII. And it is hereby enacted and declared, That the Right and Property of and in all the Toll Gates and Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Mile Stones, Posts, Rails and Fences already erected on the said Roads by virtue of the said Acts, and which shall be erected and provided in pursuance of this Act, with the several Grounds, Conveniences and Appurtenances thereto respectively belonging, and the Materials of which the same shall consist, and all Materials, Tools and Implements which have been or shall be provided for repairing the said Roads, by this Act directed to be repaired, amended and kept in Repair, shall be vested in the said Trustees for the Time being, and they are hereby authorized and empowered to apply and dispose of the same as they shall think fit, and to bring or cause to be brought any Action or Actions, and to prefer and prosecute, or order and direct the preferring and prosecuting of any Informations or Indictments against any Person or Persons who shall dig up, break, or pull down, steal, take or carry away, spoil, destroy, injure or damage any of the Toll Gates or Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Mile Stones, Direction Boards, Posts, Rails and Fences or any of the Conveniences and Appurtenances thereunto belonging, or any of the Materials, Tools, or Implements aforesaid, in which Action or Actions, Bill or Bills of Indictment, it shall be sufficient to state generally such Toll Gates, and Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Mile Stones, Direction Boards, Posts,

Posts, Rails and Fences, Tools or Implements, to be the Property of the Clerk for the Time being, to the said Trustees.

Power to remove Toll Gates.

XXIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, and they are hereby empowered from Time to Time, when and as often as they shall think proper, to cause any of the Toll Gates or Toll Bars already erected, or which shall be continued or erected in, upon, or across or on the Side or Sides of any Part of the said Roads by virtue of this Act, to be removed to and erected in, upon, or across, or on the Side or Sides of such other Part or Parts of the said Roads as the said Trustees, or any Three or more of them assembled at a General or Adjourned Meeting, shall from Time to Time order and direct, subject to the Restrictions aforesaid; provided that none of the said Toll Gates or Toll Bars shall be removed as aforesaid, unless Notice in Writing, specifying the Object of such Meeting, shall have been affixed upon all the Toll Gates then standing upon the said Roads, at least Twenty-one Days before any Meeting shall be holden, at which any Proposal may be made for the Removal of any such Gate or Gates.

Power to sell the present Toll Houses.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses erected upon the said Roads by virtue of the said Acts, or hereafter to be erected by virtue of this Act, and the Ground whereon the same may stand, with the Out-houses, Gardens, and Appurtenances thereunto belonging, when they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by Public Auction or Private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same; and in case of Sale, to convey the said Toll Houses, Gardens, and Appurtenances to the Person or Persons who shall purchase the same as an Estate or Estates of Inheritance in Fee Simple; and the Person or Persons who shall purchase the same, his, her, or their Heirs or Assigns shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trusts and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Nonapplication thereof: Provided always, that such Preference of purchasing shall be given to the Person or Persons whose Land may adjoin any such Toll Houses as is herein-after directed to be given, where any Piece or Pieces of Land or old Road not wanted for the Purposes of this Act, is authorized to be sold and disposed of.

Power to take Tolls.

XXV. And be it further enacted, That it shall be lawful for the said Trustees or any Person or Persons to be appointed by virtue of this Act Collector or Collectors, to demand and take the several Tolls following, subject to the Restrictions herein-after contained, at the Toll Gates or Toll Bars, or Toll Gate or Toll Bar, or Side Bars or Side

Side Gates erected upon the said Roads by virtue of the said Acts hereby repealed, and which by virtue of this Act shall be continued or erected in, upon, or across, or on the Side or Sides of the said Roads once a Day, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; that is to say,

Tolls.

For every Horse, Mule or other Beast, drawing any Coach, Chariot, Landau, Berlin, Vis-a-vis, Barouche, Phaeton, Curricle, Calash, Chaise, Chair, Gig, Whiskey, Taxed Cart, Caravan, Hearse or Litter, the Sum of Five-pence:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart or other such Carriage, having Wheels of less Breadth than Six Inches in the Fellies or Sole thereof, the Sum of Five-pence:

For every Horse, Mule, or other Beast drawing any such Carriage or Carriages as last aforesaid, having Wheels of the Breadth of Six Inches or more in the Fellies or Sole thereof, the Sum of Three-pence Halfpenny:

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling *per* Score:

For Half a Score the Sum of Sixpence:

For a Quarter of a Score the Sum of Three-pence:

For Four only of such Oxen, Cows, or Neat Cattle, or for Four above a Score, Half Score, or Quarter Score, the Sum of Two-pence Halfpenny:

For Three only of such Oxen, Cows, or Neat Cattle, or for Three above a Score, Half Score, or Quarter Score, the Sum of Two-pence:

For Two only of such Oxen, Cows, or Neat Cattle, or for Two above a Score, Half Score, or Quarter Score, the Sum of One Penny Halfpenny:

For One only of such Oxen, Cows, or Neat Cattle, or for One above a Score, Half Score, or Quarter Score, the Sum of One Penny:

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Sixpence *per* Score:

For Half a Score, the Sum of Three-pence:

For a Quarter of a Score, the Sum of One Penny Halfpenny:

For Four or Three only of such Calves, Hogs, Sheep, or Lambs, or for Four or Three above a Score, Half Score, or Quarter Score, the Sum of One Penny:

For Two or One only of such Calves, Hogs, Sheep, or Lambs, or for Two or One above a Score, Half Score, or Quarter Score, the Sum of One Halfpenny:

Tolls to be paid before Cattle pass the Gate.

Which said respective Tolls hereby granted and made payable, or any of them, shall not be increased in respect of narrow Wheels by the Provisions of any General Statute or Act of Parliament now in force; and the said respective Tolls shall, subject to the Restrictions in this Act contained, be demanded and taken before any Horse, Mule, or other Beast, Coach, Waggon, Cart, or other Carriage whatsoever, or Drove of Oxen or Neat Cattle, Calves, Hogs, Sheep, or Lambs be permitted to pass through any Toll Gate erected or to be erected or continued upon the said Roads by virtue of this Act, or in, upon, or across

Collectors to give Tickets.

across any Lane, Street, or Byeway leading into the same; and upon Payment of any of the Tolls, the Collector or Receiver shall and he is hereby required to deliver to the Person paying such Toll a Note or Ticket denoting such Payment, and specifying thereon the Name of the Gate at which the Toll is received, and of the Gate or Gates which such Tickets shall free.

Limiting the Number of Tolls.

XXVI. Provided also, and be it further enacted, That no more than Three full Tolls on the whole Line of Roads shall be demanded or taken of or from any Person or Persons for or in respect of the same Horse or Horses, or other Beasts or Cattle, or Carriage or Carriages as aforesaid, in any one Day for passing and repassing through all or any of the said Toll Gates or Toll Bars erected or continued or to be erected or continued on the said Roads, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night.

Tolls vested in Trustees, and Manner of Recovery in case of Non-payment.

XXVII. And be it further enacted, That all the said respective Tolls and all and every Sum and Sums of Money which shall arise and be produced therefrom shall be vested in the said Trustees for the Time being, and the same and every Part thereof shall be paid, applied, disposed of, and assigned in such Manner as is herein-after mentioned; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made by the Person or Persons so authorized to receive the same, neglect or refuse the Payment thereof, or any Part or Parts thereof, it shall be lawful for the Person or Persons so authorized to seize and distrain any Horse or other Cattle, together with their Bridles, Saddles, Harness, or Accoutrements, or any Carriage together with its Lading, upon which any Toll is by this Act imposed (but no such Bridle, Saddle, Harness, or Accoutrements shall be so seized without detaining and seizing the Horse or other Beast bearing the same), or any of the Goods and Chattels of the Person or Persons neglecting or refusing to pay the same; and if such Tolls and the reasonable Charges of such Distress and keeping the same shall not be paid within the Space of Five Days after the Day of making such Distress, the Person or Persons so distraining shall and may at any Time or Times thereafter sell the Horse, Cattle, Beast, Carriage, Goods and Chattels so distrained, and out of the Money which shall arise by such Sale, pay such Tolls and all reasonable Charges incurred by such Distress and Sale, returning the Overplus of the Money which shall arise by such Sale, and what shall remain unsold, if any, on Demand, to the Owner or Owners thereof.

For settling Disputes concerning Tolls.

XXVIII. And be it further enacted, That if any Dispute shall happen concerning any Tolls due, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector so distraining to retain such Distress, or the Money arising from the Sale thereof, till the Amount of the Tolls and the Charges of such Distress shall be ascertained by some Justice of the Peace for the County, Division, Town, or Place where any such Dispute shall arise, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties, or of a Witness or Witnesses, and

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 Non-payment thereof forthwith, by Warrant under the Hand and Seal of such Justice, upon the Goods and Chattels of the Person or Persons refusing to pay the same, rendering the Overplus, if any, on Demand, after Payment of such Costs and Charges, and 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.

Exemptions from Toll.

XXIX. And be it further enacted, That no Toll shall be demanded or taken for any Horses or Carriages conveying or attending His Majesty or any of the Royal Family, or returning after having been so employed; or for any Horse or Cattle drawing any Carriage passing through any of the Toll Gates or Toll Bars erected or continued or to be erected by virtue of this Act, carrying or conveying Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials to be used on or about the said Roads, or for repairing any of the Highways or Bridges in the Parishes, Hamlets, or Places which are liable to perform Statute Duty upon any Part of the said Roads, or on returning empty having been so employed, or carrying or conveying Hay, Grass, Seed, Corn, Flax, Hemp, Saintfoin, Fodder, Turnips, Potatoes, or Straw, or Corn in the Straw only, not sold or disposed of, or not going to be sold or disposed of, but going to be laid up in the Houses, Outhouses, Barns, or Yards of the Owners thereof in any of the said last-mentioned Parishes, Hamlets, or Places, or any Ploughs, Harrows, or other Implements of Husbandry to be used in any of the same Parishes, Hamlets, or Places, or to be taken to any Place for the Purpose of the same being repaired, or to be brought back from such Place after the same shall have been repaired; or any Dung, Mould, Ashes, Soot, Horn Bones, Soil, or Compost of any Kind whatsoever to be used in the Cultivation or manuring of Lands (except Lime); or for the Horses of any Clergyman going to or returning from visiting any of his sick Parishioners, or going to or returning from Church or Divine Service, or any other his parochial or ministerial Duty, or from any other Person or Persons residing in any of the said Parishes, Hamlets, or Places, who shall pass through any of the said Toll Gates or Toll Bars to or from his, her, or their proper parochial Church or Chapel; or from any Person or Persons going to or returning from his, her, or their usual Place of religious Worship tolerated by Law on a *Sunday*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated; or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes, Hamlets, or Places; or for any Horse, Mule, Ass, or Cattle kept within such Parishes, Hamlets, or Places going to or returning from Work in cultivating Lands therein; or for any Horse or Cattle going to or returning from Water or Pasture, such Pasture lying on the South or South-west Side of the River *Witham*; or going to or returning from being shod or farried; or for any Horse or Carriage of whatsoever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmasters General, either when employed

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in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom; or for the Horses of Officers and Soldiers on their March or on Duty; or for Carriages or Horses or other Beasts employed in carrying the Arms or Baggage of such Officers or Soldiers; or in carrying or conveying any sick, wounded, or disabled Officers or Soldiers; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry; or to any Field Officer, Adjutant, or other mounted Officer of Volunteer Infantry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, provided that all such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption, and not otherwise; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance or Barrack or other Public or Commissariat Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Carriage, Horse, or other Beast employed in the Conveyance of Vagrants travelling with legal Passes, or returning after having been so employed; or for any Horse or Carriage going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Lincoln* on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled thereto, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

Penalty on fraudulently taking Benefit of Exemptions.

Exempting Stores from Overweight.

XXX. 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 the Service of His Majesty's Forces, or 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, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses drawing the same whilst so employed, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for the 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.

Exemptions by 55 G. 3. c. 119. not to be affected.

XXXI. Provided always, and be it further enacted, That Waggons, Carts, and other Carriages having the Wheels of the Width and Descriptions and the Axletrees fixed as directed by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, 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 the Horses and other Cattle drawing the same,

same, shall have and enjoy the Privileges and Exemptions granted thereby.

Tolls may be reduced.

XXXII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, when and as often as they shall think proper, to lessen or reduce any of the Tolls hereby granted or made payable, and to raise the same again, so as they do not at any Time exceed the Tolls by this Act granted and made payable, and so as every Reduction thereof be made with the Consent of the Person or Persons for the Time being entitled to Five Sixth Parts of the Money then due on the Security of the Tolls; but no such Reduction shall be made unless Twenty-one Days previous Notice shall be affixed in Writing upon all the Toll Gates then erected across the said Roads.

Trustees may compound for Tolls.

XXXIII. And be it further enacted, That it shall and may be lawful for the said Trustees, from Time to Time as they shall see convenient, to compound and agree for any Term not exceeding One Year at any one Time with all or any of the Inhabitants of the several Parishes, Hamlets, or Places to or through which any Part of the said Roads do or shall pass or lead, for the passing of all or any Description of their Horses, Cattle, or Carriages through all or any of the Toll Gates erected or continued or to be erected by virtue of this Act, which Composition shall be paid yearly in advance; and in Default thereof the Composition or Agreement with the Person or Persons making such Default shall thenceforth be void, and all such Composition Money shall be paid and applied in such Manner as the Tolls are hereby directed to be paid and applied.

Subjecting Carts drawn by One Horse to be weighed.

XXXIV. Provided also, and be it further enacted, That all Carts and other Carriages drawn by One Horse or other Beast of Draught, and having the Sole, Tire, or Bottom of the Fellies of the Wheels thereof of a less Breadth than Six Inches, shall be liable (if the said Trustees shall think fit to order and direct the same, but not otherwise) to be weighed at any Weighing Machine or Weighing Machines now erected or which may hereafter be erected upon the said Roads, in the same manner as Carts and other Carriages drawn by any greater Number of Horses or Beasts of Draught are now liable to be weighed by Law, and the Owners and Drivers thereof shall be liable to the same Penalties for refusing to suffer such Carts and other Carriages to be weighed, or for obstructing or hindering the Wheels from being measured or gauged, as the Owners or Drivers of Carts or other Carriages drawn by Two or more Horses are now liable to by law; and every such Cart or other Carriage drawn by one Horse or other Beast of Draught, which together with the Loading thereof shall weigh more than One Ton and five hundred Weight shall pay, and it shall be lawful for the said Trustees, or any Person or Persons empowered by any Three or more of them to receive the Tolls granted by this Act, to receive and take such and the same additional Toll for Overweight as Carts or other Carriages drawn by Two or more Horses or other Beasts of Draught are liable to pay by Law.

To prevent Evasion of Tolls.

XXXV. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast, or Carriage whatsoever, in order to avoid Payment of the said Tolls, or any of them, pass through any Land or Ground adjoining to or lying near any Toll Gate or Toll Bar erected or continued or to be erected by virtue of this Act (except the Owner or Owners, Occupier or Occupiers of such Land or Ground, or his, her, or their Servant or Servants, or any Person or Persons in his, her, or their Family), the same not being a common Road; or if any Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, Beast, or Carriage to pass through the same (save and except as aforesaid) with Intent to avoid the Payment of any of the said Tolls, or any Part or Parts thereof; or if any Person or Persons shall give to or receive from any Person other than the Collectors of such Toll, or forge or counterfeit any Ticket by this Act directed to be given by the Collectors of the said Tolls, or shall forcibly pass through any Toll Gate or Toll Bar with any Horse, Cattle, Beast, or Carriage, or shall at any Time or Times take off or cause to be taken off any Horse, Ox, or any other Cattle or Beast from any Carriage, with an Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, or shall unload any Goods, Articles, or Things from any Carriage, in order that such Carriage may pass empty, or with an exempted Load only, every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

For punishing Gate-keepers misbehaving.

XXXVI. And be it further enacted, That every Toll Collector, being Lessee of the said Tolls, or appointed either by the said Trustees or by any such Lessee to collect the Tolls payable at any Toll Gate or Toll Bar to be continued and erected by virtue of this Act, shall and he is hereby required to place the Name of such Toll Gate and also his own Christian and Surname, painted on a Board in legible Characters, on the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately on his beginning to collect such Tolls or coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion, and painted either in Black Letters on a White Ground, or White Letters on a Black Ground, and shall continue the same so placed during the whole Time he shall collect such Toll or be upon such Duty; and if any Collector of the same 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 the Powers 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 hinder any Person or Persons from reading the Name of such Gate or his own Christian or Surname; or shall refuse to tell the Name of such Gate, or his own 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 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 Toll Gate or Toll Bar; or shall make use of any scurrilous or abusive Language to any Traveller or Passenger; then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, which the Justice or Justices before whom the Information shall be laid shall adjudge, and such Penalty shall be recovered as other Penalties are by this Act directed to be recovered.

Penalty for assaulting Collectors.

XXXVII. And be it further enacted, That if any Person or Persons shall at any Time assault, obstruct, hinder, or molest, or cause or promote to be assaulted, obstructed, hindered, or molested, any Collector of Tolls who shall or may be employed by virtue of or in the Execution of this Act in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Collectors declared competent Witnesses.

XXXVIII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting under the Authority of the said Trustees, or under any Lessee or Lessees of the said Tolls, shall not be incompetent on account of his or their being appointed to collect such Tolls, to give Evidence in any such Dispute, Suit, or Litigation.

Tolls may be leased.

XXXIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, upon Fourteen Days Notice to be given thereof in one of the Newspapers printed and circulated in the County of *Lincoln*, from Time to Time to demise or let to farm, or agree to demise or let to farm, all or any of the Tolls or Duties arising by virtue of this Act, and all or any of the Toll Houses and the Conveniences and Appurtenances thereto belonging, and the Weighing Machines, if any thereon, for any Term not exceeding Three Years, upon public Bidding to the best Bidder, and for the best Price or Rent such Trustees can at the Time get for the same, payable monthly in advance, or at such other Time or Times as the said Trustees shall think proper, to any Person or Persons who shall be willing to take or farm the same, under such Conditions, Provisoes, and Agreements, and with such Sureties for the Payment thereof, as the said Trustees, or any Three or more of them, shall think fit, without being compelled to put up the said Tolls at the Sum at which they were last let, or to have any other Meeting for the Letting thereof; and at such Letting the Trustees present shall have and be entitled to One or more Bidding or Biddings for the said Tolls, either by themselves or their Clerk or Treasurer, or other Person by them authorized; or in case at any Time or Times hereafter when the said Tolls shall be put up to Auction there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees, or any Three or more of them, to accept a pri-

a private Tender for the same for such Letting, and to demise or let to farm, or agree to demise or let to farm, all or any of such Tolls at any Sum not less than the Sum at or for which they shall have been then last let; any thing in any Law or Statute to the contrary notwithstanding; and the Rent or Money arising by such Letting shall be applied in manner directed by this Act.

Enabling the Trustees to take Possession of the Toll Houses, &c. in certain Cases.

XL. And be it further enacted, That in case all or any of the said Tolls arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, 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 Seven Days next after any of the Days on which the same ought to be paid, pursuant to the Agreement for demising or leasing thereof; or in case any Collector or Receiver of the Tolls, who shall be discharged from his said Office by virtue 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, abscond, absent himself, or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House or Toll Houses, Weighing Machine or Weighing Machines, with the Buildings, Gardens, and Appurtenances thereto respectively belonging, erected or continued or to be erected by virtue of this Act, for the Space of Four Days after Demand thereof made in Writing, signed by any Three or more of the said Trustees, or by their Clerk or Treasurer, and left at such Toll House, or in any Toll Houses, Weighing Machine or Weighing Machines; or in case such Lease, Agreement, or Contract shall in any other Manner become void, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County, Division, Town, or Place in which any such Toll House shall be situated, upon Application made by any one or more of the said Trustees, or by any Person by him or them appointed on his or their Behalf, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of every or any Toll House, Toll Gate, Bar, Chain, or Weighing Machine, and the Buildings and Appurtenances thereunto belonging, in the Day Time, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereout respectively, or other the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees or other Persons acting by or under their Authority Possession thereof; and thereupon it shall be lawful for the said Trustees, if they shall think fit, to vacate and determine the Contract or Agreement (if any) for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be from that Time utterly void, to all Intents and Purposes, save as to the Covenants or Agreements for Payment up to that Time of the Rent or Rents thereby reserved, or other Covenants or Agreements on the Lessees Part which shall have been broken, as if such Demise or Agreement had never been made;

made; and it shall be lawful for the said Trustees in every such Case to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected as if no former Demise, Contract, or Agreement had been made relative thereto; any Rule of Law or Right to the contrary notwithstanding.

For borrowing Money on Security of Tolls.

XLI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Three or more of them, at any Meeting to borrow and take up at Interest upon the Credit and Security of the Tolls to arise by virtue of this Act, in such Manner as they shall think proper, such further Sum or Sums of Money as they or any Three or more of them shall think fit, and for securing the Repayment of all such Sum and Sums of Money, with lawful Interest for the same, they the said Trustees, or any Three or more of them, are hereby empowered from Time to Time, by any Writing or Writings under their Hands, to demise or mortgage the said Tolls, or any Part or Parts thereof, and the Toll Gates, Toll Bars, and Toll Houses for collecting the same during the Continuance of this Act, the Charges of such Mortgages to be paid out of such Tolls, as a Security or Securities to any Person or Persons who have advanced or shall at any Time advance any Money for improving, maintaining, or keeping in Repair the said Roads, or any Part thereof, their respective Executors, Administrators, and Assigns, for the Money so to be advanced, with lawful Interest for the same, which Writing or Writings may be made in the Form following, or in any other Words to the like Effect; (that is to say),

Form of Mortgage.

'BY virtue of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act,*] we Three of the Trustees for putting the said Act in Execution, in Consideration of the Sum of in Hand advanced and paid by of to the Treasurer of the said Roads, do hereby grant, bargain, sell, and demise unto the said his Executors, Administrators, and Assigns, for and during the Continuance of the said Act, such Proportion of the Tolls to arise upon the said Roads, and the Toll Gates, Toll Bars, and Toll Houses already made and erected, or hereafter to be made and erected for collecting the same, as the said Sum of doth or shall bear to the whole Sum now or hereafter to become due and owing on the Security thereof, to be had and holden from the Date hereof for and during the Continuance of the said Act, unless the said Sum of with legal Interest shall be sooner paid and satisfied. Given under our Hands and Seals this Day of in the Year of our Lord .'

Mortgages to be entered in a Book.

Mortgages may be transferred.

And all such Mortgages or Mortgage Securities shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees, and such Book or Books shall and may at all seasonable Times be perused and inspected by the said Trustees, or any Creditor or Creditors of the said Trust, without Fee or Reward; and it shall be lawful for all Persons respectively to whom any Mortgages shall be made as aforesaid, or who shall be from Time to Time entitled to the Money thereby secured, to assign and transfer his, her, or their

Right, Title, and Interest in and to such Mortgage, and the Principal Money and Interest thereby secured, to any other Person or Persons whomsoever; which Assignment or Transfer may be made in the following Words, or Words to the like Effect, to be endorsed on such Mortgage Security, or to be underwritten or thereunto annexed and signed in the Presence of and attested by One or more credible Witness or Witnesses; (that is to say),

Form of Transfer,

'I the within named [*or*, I Assignee, Executor, or Administrator of the within-named] [*as the Case may be*] do hereby assign and transfer this Mortgage Security, with all my Right and Title to the Principal Money thereby secured, and all Interest now due and hereafter to grow due upon the same unto of , his Executors, Administrators, and Assigns. Dated this Day of in the Year of our Lord .' Witness to the signing hereof .'

which must be entered with the Clerk.

Which Transfer shall be produced and notified to the said Clerk within Three Calendar Months next after the Day of the Date thereof, who shall enter the same in the said Book or Books, for which Entry the said Clerk shall be paid the Sum of Five Shillings and no more, and such Transfer shall then entitle such Assignee, his Executors, Administrators, and Assigns to the full Benefit of such Mortgage Security, and every such Assignee may in like Manner assign and transfer the same, and so *toties quoties*; and it shall not be in the Power of any Person or Persons, except the Person or Persons to whom the same shall be last transferred, his, her, or their respective Executors or Administrators to release, discharge, or make void the original Mortgage Security, or the Monies due thereon, or any Part thereof; and all Persons to whom any such Mortgage or Transfer shall be made as aforesaid shall, in proportion to the Sum or Sums of Money thereby secured, be Creditors on the Tolls by this Act granted, and on the said Toll Gates, Toll Bars, and Toll Houses, in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing their Monies, or of the Dates of their respective Securities or otherwise.

An Action of Ejectment may be supported by One Mortgagee.

XLII. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls, Toll Gates, Bars, Chains, Toll Houses, and Buildings shall seek to obtain the Possession of the said Toll Gates, Bars, Chains, Toll Houses, and Buildings, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but the Person or Persons who shall obtain the Possession thereof shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

XLIII. And

Application of Money raised.

XLIII. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said recited Acts, or any of them, for and in respect of the said Roads, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed on the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say), in Payment of all the Costs, Charges, and Expences which shall have been incurred in the applying for or obtaining and passing of this Act, and in defraying the Expences of erecting and providing Toll Gates, Toll Bars, Toll Houses, and other Buildings, and keeping the same in Repair; and of altering, raising, widening, repairing, and preserving the said Roads by this Act directed to be kept in Repair as aforesaid; and of erecting and making necessary and convenient Culverts, Arches, or Bridges upon the said Roads, and otherwise executing the several other Purposes of this Act; and in reducing, paying off, and discharging the several Principal Sums of Money and Interest which shall have been borrowed and secured in pursuance of and for the Purposes of the said recited Acts, or any of them, and which may be hereafter borrowed and secured by virtue of this Act, or on the Credit thereof, and to or for no other Use, Intent, or Purpose whatsoever.

The paved Streets of Boston not to be repaired by the Trustees.

XLIV. Provided always, and be it further enacted, That no Part of the Money by this Act made applicable to the amending, repairing, and keeping in Repair the said Roads, shall be applied in or towards repairing any Part of the Streets in the Town of *Boston*.

Trustees may widen or alter Road and purchase Lands.

XLV. And be it further enacted, That in case the said Trustees shall think proper to widen, turn, vary, or alter any Part or Parts of the present Path or Course of the said Roads, for the better Accommodation of Coaches, Carriages, and Passengers, it shall be lawful for the said Trustees, and they are hereby authorized and empowered from Time to Time to treat, contract, and agree with any Person or Persons for the Purchase or Exchange of any Lands, Grounds, or Hereditaments lying near or contiguous to the said Roads, and for the Loss or Damage the Owners, Proprietors, and Occupiers thereof, or any of them, shall or may in anywise sustain by such widening, turning, varying, or altering such Roads, and to pay out of the Monies hereby vested in the said Trustees for the Purposes of this Act such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, or Persons interested as aforesaid and the said Trustees, and for the Costs attending such Purchase, which Roads, when widened, turned, varied, or altered by virtue of this Act shall be and remain Thirty Feet wide at the least; and such Lands and Grounds when so purchased as aforesaid shall, by Order and Direction of the said Trustees, be laid into and made Part of such Roads, in such Manner as the said Trustees shall thinkconvenient, with

with proper Drains, Ditches, and Fences for that Purpose, and shall thenceforth be deemed and taken to be a Public or Common Highway, and Part of the Roads to be repaired by virtue of this Act: Provided always, that it shall not be lawful for the Trustees acting in the Execution of this Act, in turning, varying, or altering any Part of the said Roads, to deviate more than One hundred Yards from the present Line or Course of the said Roads, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands or Hereditaments through which any such Deviation may be made.

Dwelling Houses, Gardens, &c. not to be damaged.

XLVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to the taking down of any Dwelling House or other Building, or to the taking in of any Land that is a Garden or Orchard adjoining to any Dwelling House, or any Yard, Park, Paddock, planted Walk, inclosed Nursery for Trees, or Avenue to any House, or any Part thereof, without the Consent of the Owner or Proprietor thereof respectively in Writing first had and obtained.

Trustees to fence the Road.

XLVII. And be it further enacted, That in all Cases where the said Trustees shall turn or alter any Part or Parts of the present Roads, or make any new Roads over and through any private Grounds, or shall take away any Fence for widening the said Roads, the said Trustees shall make or cause to be made and planted proper Quickset Hedges or Fences on both Sides of such new made Roads, or on the Side upon which any such Fence may be so removed as aforesaid, with sufficient Ditches to the same, and a sufficient Post and Rail or other Fence to protect the Growth thereof, so as effectually to guard and fence off the Lands adjoining to the said Roads, and also proper Gates, Bridges, and Arches, where necessary, out of the said Roads into the Lands adjoining, and shall keep such Fences so to be made in good Order and Repair for and during the Term of Seven Years from the Time that such Fences shall have been made or set up, unless the Owner or Proprietor for the Time being of any such Land or Ground shall agree with the Trustees to keep such Fences in Repair from any earlier Period.

Authorizing incapacitated Persons to treat with and convey to Trustees.

XLVIII. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians, or Trustees, or any other Person or Persons whomsoever, not only for and on Behalf of themselves, but also for and on Behalf of their Infants, Wards, Cestuique Trusts, Lunatics, Idiots, or Persons of unsound Memory and Understanding, and to and for all Femes Covert who are or shall be seised of or interested in their own Right, and to and for all and every Person or Persons whomsoever who are or shall be seised or possessed of or interested in any such Lands or Hereditaments, to treat, contract, and agree with the said Trustees, or any Three or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Three or more of them, any such Lands or Hereditaments, or any Part thereof, for any

of the Purposes of this Act; and all Contracts, Sales, and Conveyances which shall be so made shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Femes Covert, and all other Persons are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Where Persons neglect or refuse to treat.

XLIX. And be it further enacted, That if any such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians, or Trustees, Femes Covert, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given in Writing, or left at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments intended to be taken in and added to the said Roads, or which may be used or taken for the Purposes of widening, altering, or improving the said Roads, or any Part or Parts of such Roads, shall by the Space of Ten Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees, or any Three or more of them, shall cause such Damage to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County wherein such Lands or Hereditaments shall be situated; and in order thereto the said Trustees, or any Three or more of them, are hereby empowered and required from Time to Time as Occasion shall require, to summon and call before the said Jury and examine upon Oath all and every Person or Persons whomsoever, which Oath any One or more of the said Trustees is and are hereby empowered to administer, and such Trustees, or any Three or more of them, shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own Information as for the Information of the said Jury in the Premises; and after the said Jury shall have inquired of, ascertained, and settled such Damage and Recompence, the said Trustees, or any Three or more of them, shall thereupon order, adjudge, and determine the said Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners or other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgment, Order, or Determination thereupon shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever claiming or to claim in Possession, Reversion, or Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunatics, Idiots, and Persons under any Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Eccle-

Damages to be settled by a Jury.

Verdict of Jury to be final.

Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, as well as all other Persons whomsoever.

Trustees to issue their Warrant to the Sheriff to summon the Jury.

L. And be it further enacted, That for the summoning and returning of such Jury or Juries, it shall be lawful for the said Trustees, or for any Three or more of them, to issue their Warrant or Warrants to the Sheriff of such County, thereby commanding and requiring the said Sheriff to impannel, summon, and return Twenty-four Persons qualified to serve on Juries, to appear before the said Trustees, or any Three or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, and such Sheriff or his Deputy or Deputies is and are hereby required to impannel, summon, and return such Number of Persons accordingly, and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear on such Summons, the said Trustees, or any Three or more of them, shall and they are hereby empowered and required to draw by Ballot, and to swear or cause to be sworn Twelve who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen so returned, the said Sheriff or his Deputy or Deputies, or any Three or more of the said Trustees, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Three or more of them, shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff or his Deputy or Deputies, Bailiffs or Agents making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury and shall not appear, without shewing any reasonable and sufficient Excuse, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give a Verdict, or shall in any other Manner wilfully neglect their Duty therein contrary to the true Intent and Meaning of this Act, or on any of the Persons who, being required to give Evidence before the said Jury, shall refuse or neglect to appear after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences without any reasonable or sufficient Excuse, or appearing shall refuse to be sworn or examined or to give Evidence, so as no such Fine be more than Twenty Pounds upon any such Sheriff, Deputy, Bailiff, or Agent, nor more than Five Pound on any other Person for one Offence.

Jurors may be challenged.

Sheriff, &c. may be fined on Neglect of Duty.

How Expences of Jury, &c. shall be paid.

LI. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained than what shall have been agreed to and offered by the said Trustees before the impannelling of the Jury, as a Recompence or Satisfaction for any such Right, Interest or Property, Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be ascertained and settled by some Justice of the Peace within whose Jurisdiction such Difference shall have arisen, not interested in the

the Matter in question, who is hereby required to examine and settle the same at a Time and Place to be by him appointed, after summoning the Parties interested to attend him for that Purpose, and shall be borne and paid by the Treasurer or Treasurers to the said Trustees out of any Money arisen or to arise by virtue of this Act; and in Default of Payment thereof by the said Treasurer within Five Days after the said Costs shall be so settled, the same shall and may be levied by Distress and Sale of the Goods and Chattels of the said Treasurer, by Warrant under the Hand and Seal of such Justice; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees before the impannelling of the said Jury, as a Recompence or Satisfaction for any such Right, Interest or Property, or Loss or Damage as aforesaid, then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace within whose Jurisdiction such Difference shall arise, not interested in the Matter in question, who is hereby required to examine and settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose, shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Trustees by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures; provided that where by reason of Absence any Person or Persons shall have been prevented from treating with the said Trustees touching the Matters aforesaid, the whole of such Costs and Expences shall be paid by the said Trustees out of the Money to be raised or received by virtue of this Act.

Upon Payment of the Purchase Money, the Lands to be taken for the Road.

LII. And be it further enacted, That every Sum of Money, Consideration, Recompence, or Satisfaction to be agreed for or ascertained or assessed as aforesaid, shall be paid by the Treasurer or Treasurers to the said Trustees out of any Money arisen or to arise by virtue of this Act, either into the Bank of *England* as herein-after mentioned, or as the Case may require, to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents; and upon Payment thereof in manner aforesaid, or upon depositing the same in the Bank of *England* in manner by this Act directed, such Lands or Hereditaments shall be used and taken for the Purposes of this Act in such Manner as the said Trustees shall direct, and shall be sufficiently ditched and fenced off from the Lands adjoining thereto, and shall to all Intents and Purposes become and be deemed a Common Highway, and shall thenceforth for ever be deemed Part of

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the Roads by this Act directed to be improved, amended, and kept in Repair, and thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments.

Trustees empowered to sell Land not wanted for the Purposes of the Act.

LIII. And whereas the Trustees for executing this Act by means of the Purchases which have been made by virtue of or under the said recited Acts hereby repealed, or which the said Trustees are by this Act empowered to make, or by reason of the diverting of some Part of the said Roads, or in consequence of the Inclosures which have been made of the Commons and Waste Lands over which Part of the said Roads was originally made, or in consequence of all the Gravel and Materials having been dug from Parcels of Land appropriated for getting Gravel and Materials for repairing the said Roads, and heretofore used by the said Trustees for that Purpose, may be seised of some Pieces or Parcels of Land, or certain Pieces or Parcels of Land may be vested in them which can no longer be made use of for the Purposes of this Act; and it is expedient that they should have Power to sell all such Pieces or Parcels of Land, as well as any Piece or Pieces of old Road which may be no longer of public Utility, and Ditches having been made by the Sides of the said Roads which may be dangerous to Persons using the said Roads, it is desirable that all such Ditches running by the Sides of the said Roads should be filled up and levelled in, and that in all Cases where any such Ditches are not nearer than Twenty Feet from the Centre of any Part of the said Roads, the same, together with the Plots, Pieces, or Parcels of Land by the Sides of the said Roads, being between such Ditches and the ancient Hedges or other Fences of the said Roads, should be sold and disposed of by the said Trustees for the Benefit of the said Roads: Be it therefore further enacted, That it shall and may be lawful for the said Trustees, or any Three or more of them, from Time to Time to fill up and level all or any of such Ditches as aforesaid, and to sell and dispose of such several Pieces or Parcels of Land or old Road, or any such Ditches, Plots, Pieces, or Parcels of Land by the Sides of the said Roads as aforesaid, together or in Parcels, either by public Sale or private Contract, as they shall find most advantageous and convenient to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees before they shall sell and dispose of any such Pieces or Parcels of Land, or old Roads or Ditches, Plots, Pieces, or Parcels of Land by the Sides of the said Roads as aforesaid, shall first offer the same for Sale respectively to the Person or Persons whose Lands shall adjoin thereto, or any one of them; and if such Person or Persons respectively shall then and thereupon refuse or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, on an Affidavit being made and sworn before a Master or Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, Division, Town, or Place where any such Land or old Road or Ditches, Plots, Pieces, or Parcels of Land by the Sides of the said Roads shall be situate (who are hereby respectively empowered to take such Affidavit), by some Person or Persons no way interested in the Premises, stating that such Offer was made by or on Behalf of the said Trustees, and that

First Offer to whom to be made.

such Offer was then and thereupon refused or was not agreed to by the Person or Persons to whom the same was made, such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused or 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 Pieces or Parcels of Land or old Road, or Ditches, Plots, Pieces, or Parcels of Land by the Sides of the said Roads, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in manner by this Act directed with respect to disputed Value of Premises to be taken and used by the said Trustees in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like manner as by this Act is directed with respect to Purchases made by the said Trustees *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Pieces or Parcels of Land or old Road, or Ditches, Plots, Pieces, or Parcels of Land by the Sides of the said Roads as aforesaid, shall be applied by the said Trustees to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Money; and a Conveyance by Bargain and Sale inrolled in any of His Majesty's Courts of Record at *Westminster*, of any such Pieces or Parcels of Land or old Road, or Ditches, Plots, Pieces, or Parcels of Land by the Side of the said Roads as aforesaid, being executed by any Three or more of the said Trustees, shall be sufficient to convey the same to such Purchaser or respective Purchasers thereof, free from all Trusts, Rights, Claims, Demands, Charges, and Incumbrances whatsoever, and shall be good and effectual in Law to all Intents and Purposes.

Application of Money when amounting to 200*l.*

LIV. And be it further enacted, That the Money agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, of any Body Politic, Corporate or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or from any Feme or Femes Covert, or other incapacitated Person or Persons, or of any Person or Persons seised for Life or Lives, or any other Estate in strict or other Settlement, 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 *ex parte* the Trustees for executing this Act, to the Intent that such Money shall 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 Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting any other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes, or where such

Money shall not be so applied, then the same shall 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 and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making the 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 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 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 Lands, Tenements, and Hereditaments so to be purchased under the Authority of this Act, in case such Purchase or Settlement were made.

Where less than 200*l.* and exceeding 20*l.*

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

Application where not exceeding 20*l.*

LVI. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last before mentioned shall not exceed Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the

Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees or any Three or more of them shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, &c.

LVII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees or any Three or more of them to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the 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 for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Persons in Possession, primâ facie, entitled to Purchase Monies according to such Possession.

LVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such 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 Lands, Tenements, or Hereditaments according

cording to such Possession, until the contrary shall be shewn to the Satisfaction of the said 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.

Expences of Purchases how to be paid.

LIX. 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 Lands, Tenements or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem 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.

For getting Materials for repairing the Road.

LX. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, and such Person and Persons as he or they shall appoint, to search for, dig, gather, get, take and carry away, any Furze, Heath, Stone, Flint, Sand, Gravel, and other Materials, proper and convenient for widening, altering, improving or repairing the said Roads, or for other the Purposes of this Act, out of any Waste Land or Common Ground, Common River, or Brook, not being within the Distance of One hundred Yards from any Bridge, Dam, Weir or Jetty in any Parish, Town, Village, Hamlet or Place within which the said Roads or any Part or Parts thereof lie or may be made to pass, and for Want of sufficient Quantities of such Furze, Heath, Stone, Sand, Gravel, or other Materials in the Places last described, then to dig, take and carry away the like Materials out of any Waste Land or Common Ground, Common River or Brook not being within the like Distance from any Bridge, Dam, Weir, and Jetty in any adjoining Parish, Town, Village, Hamlet, or Place, without making any Recompence for the same, the said Surveyor or Surveyors or other Person or Persons filling up, fencing and levelling, or sloping down the Banks of all such Pits and Holes as shall be made or occasioned by digging for or taking away such Materials, and making such Allowance or Satisfaction to the Person or Persons through whose Lands or private Ways such Materials shall be brought or carried for the Damages done and occasioned thereby, as the said Trustees shall judge fit and reasonable; and in case sufficient Materials cannot be gotten in such Waste Lands, Common Grounds, Common Rivers or Brooks as aforesaid, it shall be lawful for such Surveyor or Surveyors and such Person and Persons as he or they shall appoint, by Order of any Two or more Justices of the Peace for the County or Division in which the Land may be situated, to dig for and take away the like Materials out of the private Grounds of any Person or Persons (not being a Garden,

Orchard,

Orchard, Yard, Paddock, Park, planted Walk or Avenue to any House or inclosed Grounds, planted and set apart or used as a Plantation or Nursery for Trees) in any Parish, Hamlet, or Place in which any Part of the said Roads lie or is situate, where such Materials are or may be found, and from Time to Time to carry away such and so much of the said Materials respectively, as the said Surveyor or Surveyors shall judge necessary for improving and repairing the said Roads, paying such Recompence for the same and for the Damages done to the Owners and Occupiers of the respective Grounds where, through, and whence the same shall be dug and carried away, as the said Trustees shall judge reasonable; and in case of any Difference between such Owners and Occupiers or any of them and the said Trustees, touching the Damages aforesaid, then the Amount thereof to be settled by any Two or more Justices of the Peace for such County or Division, but subject to such Appeal to the General Quarter Sessions of the Peace to be holden in and for the said County or Division as is herein-after directed.

Notice to be given before Materials taken.

LXI. And be it further enacted, That it shall not be lawful for any Surveyor or Surveyors or any other Person or Persons acting under the Authority of this Act to dig, gather, get, take or carry away, any Materials for repairing and improving the said Roads out of or from any inclosed Lands or Grounds, without the Consent in Writing of the Owner or Occupier thereof first had and obtained for that Purpose, or until Ten Days previous Notice in Writing, signed by the Surveyor of the said Roads, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last usual Place of Abode of such Owner or Occupier, to appear before Two or more Justices of the Peace acting in and for the County, Division, Town, or Place in which such Lands or Grounds shall be situate, to shew Cause why such Materials should not be had from such Lands or Grounds; and in case such Owner or Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person to dig, gather, get, take, and carry away such Materials, in such Manner and at such Time or Times as to such Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or his Agent, such Justices may, upon Proof on Oath of the Service of such Notice (and which Oath any One of such Justices is hereby empowered to administer), make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier or his Agent had attended.

Penalty on taking away Materials got by Surveyor.

LXII. And be it further enacted, That if any Person or Persons shall take or carry away any Materials which shall have been dug or gathered for the Purposes of this Act, or if any Person or Persons shall get or take away any Materials out of any Pit or Quarry, which shall have been made for the Purpose of getting Materials for the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Twenty-one Days (except the Owner or Occupier of any Private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials

therein for his own private Use only and not for Sale) all and every such Person and Persons so offending shall forfeit, for every such Offence, any Sum not exceeding Five Pounds, over and above the Value of the Materials so taken away.

Surveyor may remove Annoyances.

LXIII. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint from Time to Time, to remove and prevent all Nuisances and Annoyances on any Part or Parts of the said Roads, or by the Sides thereof, by Timber, Stones, Carriages, Wheels, Blocks, Saw Pits or other Pits, Hovels, Dung, Straw, or otherwise, and to turn any Watercourses, Gutters, Conduits, or Drains running into the same to the Prejudice thereof, and to open, scour, cleanse, deepen and enlarge any Gutter, Ditch, Conduit, or Watercourse adjoining or near to the said Roads or any Part or Parts thereof, and all and every Person and Persons occasioning any such Nuisances and Annoyances on any Part or Parts of the said Roads, or by Neglect or otherwise causing any Watercourse, Gutter, Conduit, or Drain to run into the same, shall be subject and liable to repay all the Charges and Expences of removing such Nuisances and Annoyances, in case he or they shall refuse or neglect, after Seven Days Notice from the Surveyor, to remove the same in such manner as the Surveyor shall direct; such Charges and Expences to be levied, together with such Penalty or Forfeiture (if any) as is by this Act imposed on such Offence by Warrant of any Justice of the Peace acting in and for the County, Division, Town or Place where the said Offence shall be committed, or where the Person or Persons so offending shall reside, in the same Manner as is authorized for Forfeitures incurred by virtue of this Act.

Surveyors may make Causeways, &c. and cut Drains.

LXIV. And be it further enacted, That it shall be lawful for such Surveyor or Surveyors, and such other Person and Persons as shall be appointed by the said Trustees to make Footpaths or Causeways in or along the Sides of the said Roads, and to cut or make Drains or Watercourses upon and through any Grounds lying contiguous to the said Roads, not being a Garden, Orchard, planted Walk or Avenue to any House, and to erect and keep in Repair the Bridges and Arches thereupon, and also to make Ditches or Trenches in such Places and in such Manner as such Surveyor or Surveyors by Order of the said Trustees shall judge necessary; and make sufficient Fences, Barriers, and other Erections on any Part or Parts of the said Roads, in order to prevent any Rivulet or Current of Water from flooding the same, as such Surveyor or Surveyors shall judge necessary.

Roads may be measured and Mile Stones erected.

LXV. And be it further enacted, That the said Trustees may, if they think fit, cause the said Roads to be measured, and Stones or Posts to be placed in or near the Sides of the said Roads, and also to cause to be erected Direction Posts upon such Parts of the said Roads where the same are crossed or joined by other Roads, as they shall think proper.

Penalties for damaging Roads and Works thereon.

LXVI. And be it further enacted, That if any Person or Persons shall wilfully pull up or damage any Bridge or Bridges, Culvert or Culverts, Direction or Mile Post or Stone erected or fixed in, across, or

or near the Side or Sides of the said Roads, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person shall ride upon any Footpath or Causeway formed upon or on the Side of or adjoining the said Roads, or shall drive or lead any Horse, Beast, or Swine, or wheel any Hand Cart, Barrow, or other Carriage upon or cause any Damage to be done to any Footpath or Causeway; or if any Person shall cause to be hauled or drawn upon any Part of the said Roads any Timber, Stone, or other Thing (except upon wheeled Carriages), or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled Carriages to drag upon the said Roads to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Roads, shall suffer the same to root up and damage the same, or the Fences on either Side thereof; or if any Person shall turn or suffer any Horse, Cow, Mule, Ass, Beast, Sheep, or Swine to be turned on or to be or remain upon the said Roads, to graze or depasture on the Sides thereof; or if any Higler, Hawker, Pedlar, Gipsey, or other Person travelling with any Machine, Vehicle, Cart, or other Carriage, or with or without any Horse, Mule, or Ass, shall pitch any Tent or encamp upon or by the Side of any Part of the said Roads; or if any Person driving any Carriage upon the said Roads shall ride on the Shafts or other Part of the said Carriage without holding the Reins of the Horse or Horses, or meeting another Carriage shall not keep his or her Carriage on his or her Left or Near Side of the said Roads, and also keep on the same Side himself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her or any Carriage under his or her Care upon the said Roads; or if any Person shall kill or singe any Hog, Pig, or Swine, or shall make or assist in making any Fire or Fires commonly called Bonfires; or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Fireworks whatsoever within Eighty Feet from the Centre of any Part of the said Roads; or play at Football or any other Game or Games to the Annoyance of any Passenger or Passengers on any Part of the said Roads; or if any Blacksmith or other Person occupying a Blacksmith's Shop having Windows to the Front of the said Roads, shall not, by good and close Shutters every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into the said Roads; or if any Person after having blocked or stopped any Waggon, Cart, or other Carriage in going up any Hill or rising Ground, shall not immediately afterwards take away or remove from the said Roads the Stone or other Thing made use of in so blocking or stopping such Waggon, Cart, or other Carriage; or if any Person shall leave any Carriage (except in Cases of Accidents) upon or on the Side of the said Roads longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto, and then such Carriage shall be placed as near to the Side of the said Roads as conveniently may be; or shall lay any Timber, Stones, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Thing whatsoever upon the said Roads, or on any Side or Sides thereof between the said Roads and the Fences now standing or hereafter to be erected on the Sides thereof; or shall plough up, dig up, or break up any of the Soil between any Part of the said Roads and such Fences as aforesaid, for the Purpose of making Compost or Manure or for Cul-

Cultivation; or otherwise shall scrape off any Soil or other Thing from the said Roads or the Sides thereof; or shall take up and carry away any Scrapings thereof, or any Dung, Mould, Soil, Compost, or Manure from the Sides thereof; or shall carry Rods or Bars of Iron across the Back of any Horse, Mule, or Ass passing along the said Roads; or if the Surveyor or Surveyors of the said Roads, or any Contractor or Contractors for the Repairs of the said Roads or any Part thereof, or any Person or Persons acting by or under their Authority, shall lay or cause to be laid upon the said Roads or the Sides thereof, or upon any Part of the said Roads, any Heaps of Stones or other Materials for repairing the said Roads or any Part thereof, and shall permit and suffer the same to remain in Heaps longer than shall be necessary for spreading or laying such Stones and Materials over or upon the said Roads; every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied as herein-after directed.

Cattle straying.

LXVII. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind shall at any Time be found tethered, wandering, straying, grazing, or lying upon the said Roads, or any Part thereof, or by the Sides thereof, and whether attended by any Person or Persons or not, it shall be lawful for the Surveyor of the said Trustees for the Time being, or for any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle in the Common Pound of the Parish, Township, or Place where the same shall be, or in such other Place as the said Trustees, or any Three or more of them shall appoint, and the same there to detain until the Owner or Owners thereof shall for each and every Horse, Ass, Sheep, Swine, or other Beast 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 be lawful for the said Trustees, or any Three or more of them, to sell or cause to be sold every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, and the Money arising from such Sale, after deducting the said Penalty and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, or Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

Gates to open inwards.

LXVIII. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever shall be made to open into or towards any Part of the said Roads, or be suffered to continue so to open, except the Hanging Post thereof shall be so far removed from the Centre of the said Roads that no Part of such Gate shall when open project over any Part of the said Roads or any of the Footpaths thereof; and the Occupier or Occupiers of every Park, Paddock, Field, or Inclosure having any Gate opening contrary to the Directions of this Act shall, within Ten Days after Notice to him, her, or them given, either personally or in Writing, from the Surveyor of the said Roads,

Roads, cause such Gate to be hung so that no Part of the Gate when open shall project over any Part of the said Roads or any Footpath belonging thereto; and in Default thereof the Surveyor of the said Roads is hereby authorized to cause such Gate to be so hung, and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the County, Division, Town, or Place in which such Gate shall have been erected, and upon Conviction thereof upon the Oath of One or more credible Witness or Witnesses, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Gates, and shall also forfeit and pay a further Sum not exceeding Forty Shillings for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made as aforesaid.

Trustees may contract for Repairs or any other Work.

LXIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, from Time to Time to contract and agree with any Person or Persons for widening, altering, improving, or repairing the said Roads or any Part or Parts thereof, or for doing any other Work in pursuance or Execution of this Act, in such Manner and for such Sum or Sums of Money or otherwise as the said Trustees, or any Three or more of them, shall think proper; but no Contract for repairing any Part of the said Roads shall be made for a longer Term than One Year.

The Parishes in Holland Fen, through which Part of the Road passes, to contribute to the Repairs thereof.

LXX. And whereas Part of the said Road separates and divides certain Lands in the Parishes, Townships, or Places of *Skirbeck Quarter*, *Wyberton*, *Frampton*, *Kirton*, *Wigtoft*, *Swineshead*, Part of the Parish of *Boston* called *Boston West*, and *Brothertoft*, which on the Inclosure of a certain extra-parochial Fen called *Holland Fen* were Part of such Fen, and allotted to and declared to be Part of such Parishes, Townships, or Places respectively, but the Turnpike Road separating such Lands was not on such Inclosure declared to be Part of or within such Parishes or any of them; but inasmuch as the Inhabitants and Occupiers of Lands in such Parishes, Townships, or Places have and enjoy the Benefit and Advantage of such Parts of the said Turnpike Road as pass through their respective Parishes, Townships, or Places, it is reasonable that the same should be considered as Part of the Roads lying within such Parishes, Townships, or Places, and that the Inhabitants of such Parishes, Townships, or Places should be liable to a Proportion of the Expences of keeping in Repair the said Roads, and that such Expences should be raised, defrayed, and paid by the Inhabitants of the said Parishes, Townships, or Places in the same Manner as the Expences of repairing public Roads in Parishes in *England* are by Law directed to be raised and paid: Be it therefore further enacted, That from and after the passing of this Act, it shall and may be lawful to and for any Two or more Justices of the Peace within their respective Jurisdictions yearly to adjudge and determine what Part or Portion of the Statute Duty or Composition Money to be paid in lieu thereof within the said Parishes, Townships, or Places shall be done, paid, laid out, and expended on or for the Benefit of the said Turnpike Roads by this Act directed to be kept in Repair,

in like manner and in all respects as if such Parts of the said Roads so passing through such Parishes, Townships, or Places; and the Inhabitants of such Parishes, Townships, or Places respectively shall be subject to Indictments, Fines, and other Proceedings for omitting to repair such Parts of the said Roads as aforesaid, as the Inhabitants of Parishes in *England* are or might be subject or liable to for neglecting or omitting to repair public Roads within their respective Parishes.

Justices may appoint Surveyors of the Highways for Brothertoft.

LXXI. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace acting in and for the Parts of *Holland* in the said County of *Lincoln*, and they are hereby required, at their Special Sessions for the Highways to be holden in the Week after *Michaelmas*, or at such other Time as the Appointment of Surveyors of the Highways, in Parishes in *England* is by Law directed to be made by Warrant under their Hands and Seals, to appoint One or more substantial Inhabitant or Inhabitants, Occupier or Occupiers of Lands, Tenements or Hereditaments in the Township of *Brothertoft*, living therein or within Three Miles thereof, fit and proper to serve the Office, to be Surveyor or Surveyors of the Highways of the said Township of *Brothertoft*; and the said Justices and all and every Constables and Constable, Churchwardens, Householders assessed to any parochial or public Rate, and other Person and Persons of and in the said Township of *Brothertoft*, are hereby directed and required to give such Notice and Notices, and to assemble and meet, and to make out and deliver such List and Lists, and do all and every other Act and Acts as the like Person and Persons are by Law required and directed to do in and about the Appointment of Surveyors of Highways in Parishes in *England*, and such Justices, Officer and Officers, and other Person and Persons, and the Person and Persons so to be appointed Surveyor or Surveyors of the Highways of the Township of *Brothertoft*, as aforesaid, shall be subject and liable to all and every the like Fines and Penalties for Neglect or Breach of Duty as the like Persons are by Law subject and liable to in Parishes in *England*.

Persons liable to repair the Roads to continue so.

LXXII. And be it further enacted, That all and every Person and Persons, Hundreds, Parishes, Townships, Hamlets, Villages and Places, and the Inhabitants thereof respectively, Bodies Politic and Corporate, who before the passing of this Act were liable to the maintaining or amending of any Part or Parts of the said Roads or any Bridge or Bridges, Causeways or Arches or other necessary Things thereon, or any Part or Parts thereof, shall still remain liable and chargeable to the Repair thereof.

Statute Duty.

LXXIII. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work or are or shall be chargeable towards repairing and amending the said Roads or any Part thereof, shall still 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 of *Holland* in the County of *Lincoln*, and they are hereby empowered and required, upon Application made to them for that Purpose by the said Trustees or by their Treasurer, Clerk or Surveyor by their Order, yearly to adjudge and determine what Part

or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Hamlets, or Places in or through which the said Roads lie or pass, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Hamlet or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him or them paid to the said Trustees or to their Treasurer or Treasurers; and 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, Township, Hamlet or Place within their respective Jurisdictions, to bring in Lists before such Justices at some Place to be expressed in such Summons, within Ten Days after the serving of such Summons, of the Names of the several Persons who within such Parish, Township, Hamlet or Place respectively, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the 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 appoint and order such and so many Persons as 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 Roads 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 Roads as the said Trustees or any Three or more of them 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 and 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 Surveyor or Surveyors of every such Parish, Township, Hamlet or Place for the Time being, to be by him or them paid over to the said Trustees or to their Treasurer at such Time or Times as the said Justices shall direct; and in Default of Payment thereof by any such Surveyor or Surveyors, 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 or directed 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 of 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 or Persons who shall come to Work as a Labourer or Labourers, or who shall be sent with any Team or Draught to work on

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the said Roads shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person or Persons who shall be found idle or negligent as aforesaid, and in that Case every such Person or Persons shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he or they had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, Hamlets 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, or shall refuse or neglect to collect or to pay over such Composition or any Part thereof in manner aforesaid, every such Surveyor so offending, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Statute Work may be compounded for.

LXXIV. And be it further enacted, That it shall be lawful for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them done on the said Roads or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements or Hereditaments of and in all or any of the Parishes, Townships, Hamlets or Places in, over, or upon which the said Roads are situated or pass, for a certain Sum of Money by the Year or otherwise as the said Trustees shall think reasonable, in lieu of the Whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways or other Officer of the Parish, Township, Hamlet or Place, or by the Person or Persons so compounding, to the Treasurer to the said Trustees in Advance, on or before the First Day of *October* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish, Township, Hamlet or Place shall not be permitted to compound for that Year.

Respecting Repairs of Roads at the Black Sluice, Old Gowt, and Red Stone Gowt.

LXXV. And whereas in the said Act, passed in the Thirty-first Year of the Reign of His late Majesty King *George* the Second, it is recited that certain Parts of the Roads intended to be thereby repaired on each Side of a large Drain called *Black Sluice*, and the Bridge over the same, and also Part of the Highway at or near the *Old Gowt* in *Skirbeck Quarter*, were or had been and of Right ought to be repaired at the general Charge of the Eleven Towns of *Holland*; and it is in such Act also recited, that certain other Parts of the said Roads on each Side of a large Drain called *Redstone Gowt* and the Bridge over the same had been and of Right ought to be repaired at the general Charge of the Occupiers of the Lands in all that large Tract of Country who were subject to the Repairs of *Redstone Gowt*; and it was by the said Act enacted, that it should be lawful for the Surveyor or Surveyors or other Person or Persons who usually did or ought to repair the said Bridges, and Part of the Highways, on Behalf of the said Eleven Towns of *Holland*, or on the Behalf of the Occupiers of Lands chargeable with the Repairs of *Redstone Gowt* as aforesaid respectively, and they were thereby severally empowered and required to repair and amend

amend the said Parts of the said Highways with the same Materials and in the same Manner as the Highways adjoining thereto should be repaired by virtue of that Act, or to contract with and pay to the said Trustees, or any Seven or more of them, such Sum or Sums of Money as should be agreed upon between such Trustees or any Seven or more of them and the said Surveyor or Surveyors, in lieu of such Repairs; and in case the said Surveyor and Surveyors, or other Person or Persons before mentioned, or any of them, should neglect to repair the said Highways as aforesaid, or to contract, or should not agree with the Trustees for the same, for the Space of One Month after Notice given in Writing, under the Hands of the said Trustees or any Five or more of them for that Purpose, or if at any Time during the Continuance of the said Act, the said Parts of the Highways should not be well and sufficiently amended and kept in Repair (One Month's previous Notice at least in Writing having been first fixed upon or near such Bridge or Road so wanting to be amended, under the Hands of the said Trustees, or any Five or more of them), it should be lawful for the said Trustees, or any Five or more of them, or their Surveyor or other Person or Persons by their Order, to repair either any or all of the said Bridges or Roads in such Manner as should seem to them most effectual, the Charge whereof being ascertained by their Surveyor upon Oath if required, and which Oath any Two or more of the Trustees were thereby empowered to administer, should be reimbursed to the said Trustees by the Officer or Officers acting for and on Behalf of the said Eleven Towns of *Holland*, and also for and on Behalf of the Persons chargeable to the Repairs of *Redstone Gowt* respectively, or by an equal Rate to be levied by Order of the Justices of the Peace at their General Quarter Session for the Division or Place wherein such Roads or Bridges lay, who were thereby authorized and required to make and cause the same to be levied upon all or any Part of the Lands, Tenements, and Hereditaments chargeable with the Repairs of such respective Bridge or Road so repaired as aforesaid, and which lay within the Limits of their Jurisdiction; and where any Person or Persons chargeable as aforesaid resided in any other Division, then the said Rate should be levied by virtue of a Warrant under the Hand and Seal of any One Justice of the Peace for such Division, who was thereby empowered and required to levy the same upon sight of the Rate and Order of Sessions aforesaid, or of a Copy thereof signed by the Clerk of the Peace of the Sessions where such Order should be made: And whereas in the said Act passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third, it is recited, that Doubts had arisen with respect to the Description of Persons who were or ought to repair the said Bridges and Parts of the Roads or Highways on Behalf of the said Eleven Towns of *Holland*, or on Behalf of the Occupiers of Lands chargeable with the Repairs of *Redstone Gowt* as aforesaid, and also with respect to the Distance which the last-mentioned Persons were to repair the said Roads or Highways; and in order to obviate such Doubts, it was enacted, that the Surveyors of the Highways for the Time being in the several Parishes, Townships, or Places of *Boston West*, *Skirbeck Quarter*, *Wyberton*, *Frampton*, *Kirton*, *Algerkirke*, *Fosdyke*, *Sutterton*, *Wigtoft*, *Swineshead*, and *Brothertoft*, in the said county of *Lincoln*, commonly

called the Eleven Towns of *Holland*, should be deemed and were thereby declared to be the proper Persons or Officers who were and ought to repair in manner directed by the said recited Act of the Thirty-first Year of the Reign of His said late Majesty King *George* the Second, the said certain Parts of the Roads on each Side of the said Drain called *Black Sluice* and the Bridge over the same, and also Part of the Highway at or near the *Old Gowt* in *Skirbeck Quarter*, on Behalf and at the general Charge of the Inhabitants of the said Eleven Towns of *Holland*, and that the Surveyor or Surveyors for the Time being who should be appointed by the Commissioners acting under and by virtue of an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for draining and improving certain low Marsh and Fen Lands lying between* Boston Haven *and* Bourn *in the Parts of* Kesteven *and* Holland *in the County of* Lincoln, and of an Act passed in the Tenth Year of the Reign of His said late Majesty King *George* the Third, for amending and making more effectual the said last mentioned Act, should be deemed, and was and were thereby declared to be the proper Person or Persons, Officer or Officers, who was or were or ought to repair in manner directed by the said recited Act of the Thirty-first Year of the Reign of His said late Majesty King *George* the Second, the said other Parts of the said Roads on each Side of the said *Redstone Gowt*, to the Distance of Sixty-three Feet and Four Inches, from the Centre of the said *Redstone Gowt* Northward, and Ninety Feet Six Inches from the same Centre Southward, and the Bridge over the same Roads, on the Behalf and at the general Charge of the Occupiers of the Lands chargeable with the Repairs of the said *Redstone Gowt*: And whereas it is expedient that the said Parts of the said Roads should continue to be repaired by the several Persons declared subject and liable to the Repair thereof in and by the said recited Acts; be it therefore further enacted, That all and every Person and Persons, Officer and Officers, Parishes, Townships, Hamlets, Villages and Places, and the Inhabitants thereof respectively, which is and are in and by the said recited Acts, or either of them, declared subject and liable to repair, amend, and keep in Repair the said Parts of the said Turnpike Roads, on each Side of the said Drain, called the *Black Sluice* and the Bridge over the same, and Part of the said Roads at or near the *Old Gowt* in *Skirbeck Quarter*, and certain other Parts of the said Roads, on each Side of the said Drain called *Redstone Gowt* and the Bridge over the same, to the Extent specified and declared in and by the said Act passed in the Forty-first Year of the Reign of His said late Majesty King *George* the Third, shall still remain and be liable and chargeable to and with the Repair of the said Parts of the said Roads and the said Bridges respectively, in such Manner and to the same Extent as they were liable and chargeable before the passing of this Act, or might or would have been if the said Acts had not been repealed; and the Trustees acting in the Execution of this Act shall have and use all and every the like Remedies, Powers and Proceedings for enforcing and recovering Payment of any Sum or Sums of Money that may be due and owing from such Surveyors or other Officers respectively, or any of them, for or on account of the Repairs of the said Parts of the said Roads and Bridges, or under or by virtue of any Contract or Agreement for that Purpose or otherwise,

otherwise, as are herein-before given and vested in the said Trustees for recovering and enforcing the Payment of any Composition for Statute Duty, in case Default shall be made in Payment thereof by the Surveyor or Surveyors respectively liable thereto.

Power to stop up Passage along the Bank of the Hammond Beck.

LXXVI. And whereas in the said Act passed in the Thirty-first Year of the Reign of His late Majesty King *George* the Second, it is recited that the Payment of the said Tolls might be evaded or greatly lessened by the Passage of Cattle and Carriages along the Road on *Hammond Beck Banks*, at or between *Swineshead*, *Bargate*, and *Donington High Bridge*; and it was therefore enacted, that it should be lawful for the said Trustees, or any Five or more of them, to cause the said Road on *Hammond Beck Banks* to be fenced or otherwise stopped up, and from Time to Time kept constantly fenced or stopped up in such Manner as the said Trustees or any Five or more of them should think proper; and if any Person or Persons should wilfully damage or destroy such Fence, or open the said Passage thereby intended to be discontinued, every such Person or Persons should pay to the said Trustees or their Treasurer the Expence of repairing and restoring the said Fence, and should also for every such Offence forfeit such Sum not exceeding Ten Pounds, nor less than Twenty Shillings, as the said Trustees, or any Five or more of them, should appoint; be it therefore further enacted, That it shall and may be lawful to and for the Trustees acting in the Execution of this Act, or any Three or more of them, to keep and maintain the Fences now erected and standing across the said Bank of the *Hammond Beck*, and from Time to Time to erect and maintain such new Fences as they may deem necessary for the effectually fencing and stopping up the said Road on the said Bank; and if any Person or Persons shall wilfully cause any Damage or Injury to such Fences, or shall open or cause to be opened the said Passage hereby intended to be fenced and stopped up, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, nor less than Twenty Shillings, to be recovered as any other Penalty is by this Act authorized to be recovered: Provided always, that nothing in this Act contained shall extend to deprive the Inhabitants of the *Haute Hills* of their Way or Passage for Cattle or Carriages along the Bank of the said *Hammond Beck* aforesaid; but that such Gate or Gates shall be erected by the said Trustees with Locks thereon as to them, or any Three or more of them, shall seem expedient and necessary, the Keys whereof shall be delivered to such Inhabitants, they paying for the same.

For securing transient Offenders.

LXXVII. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put the same in Execution; be it therefore further enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors, or other Officers respectively, and such Person or Persons as they or he shall call to their or his Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons as shall commit any such Offence or Offences, and to take him, her, or them before any Justice of the Peace of the County, Division, Town, or Place where the

the Offence or Offences shall be committed, to be dealt with according to Law.

Recovery of Penalties.

LXXVIII. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not otherwise particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way, by the Order and Adjudication of any One Justice of the Peace for the County, Division, Town, or Place in which such Penalty shall be incurred, on Complaint to him for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice, who is hereby authorized and required to summon before him any Witness or Witnesses, and to examine him, her, or them upon Oath of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money so levied or recovered, after discharging the Penalty or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned, upon Demand, to the Owner or Owners of the Goods or Chattels so seized or distrained; and in case such Penalties and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his, her, or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Five Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for such Justice, or any other Justice of the Peace for such County, Division, Town, or Place as aforesaid, and he is hereby authorized and required by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Gaol of such County, Division, Town, or Place, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Penalties and Forfeitures and all reasonable Charges shall be sooner paid and satisfied, and such Penalties and Forfeitures when so levied (the Application whereof is not otherwise directed) shall be paid to the Treasurer acting under this Act, and be wholly applied to the Purposes of this Act, and to or for no other Use or Purpose whatsoever.

Offenders against the Act.

LXXIX. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice and 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 (as the

Case

Case shall happen), or in any other Form of Words to the same Effect:

'to wit. } BE it remembered, That on the Day of in the Year of our Lord is convicted before me One of His Majesty's Justices of the Peace for the said County, Division, Town, or Place [*as the Case may be*], by virtue of an Act passed in the Third Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act, and specify the Offence, and when and where committed*]. Given under my Hand and Seal the Day and Year first above written.' Form of Conviction.

LXXX. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, either by the said Trustees, or by any One or more of His Majesty's Justices of the Peace, or by any other Person or Persons whomsoever, such Person may appeal to the Justices of the Peace at the next General Quarter Sessions of the Peace to be holden for the County, Division, Town, or Place in which the Cause of Complaint shall have arisen, if there be sufficient Time after the Cause of such Complaint shall have arisen, first giving or causing to be given Ten Days Notice at least in Writing of his or her Intention of bringing such Appeal and of the Matter thereof to the Clerk to the said Trustees, or other the Person or Persons whose Act or Determination shall be so appealed against, and within Four Days next after such Notice, entering into a Recognizance before some Justice of the Peace for the said County, Division, Town, or Place, with Two sufficient Sureties conditioned to try such Appeal and abide the Order thereon, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and for Want of sufficient Time for giving such Notice previous to the First Quarter Sessions after the Cause of such Complaint shall have happened, then such Appeal, after such Notice and under such Recognizance, may be made at the Second General Quarter Sessions of the Peace to be holden for the said County, Division, Town, or Place; and the Justices at such First or Second Sessions, upon due Proof of such Notice having been 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 Parties appealing or appealed against as they the said Justices shall think proper; and the Determination of such Justices at such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices at such Sessions may also, by their Order and Warrant, levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse or neglect to pay the same, and for Want of sufficient Distress commit such Person or Persons to the Common Gaol or House of Correction for such County, Division, Town, or Place, there to remain for any Time not exceeding Six Calendar Months, or until Payment of such Costs. Persons aggrieved may appeal to the Quarter Sessions.

Proceedings not to be quashed for Want of Form.

LXXXI. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or of any Proceedings 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 removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and 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 any other Proceeding 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 committed 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 on the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on Behalf of the Party distraining before such Action brought.

Limitation of Actions.

LXXXII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Twenty Days Notice thereof shall be given to the Clerk of the said Trustees, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action

General Issue.

shall or may at his or their Election plead specially or the General Issue Not Guilty, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, and that such Action or Suit shall have been brought before Twenty Days Notice thereof was given as aforesaid, or after sufficient Satisfaction shall be made or tendered as aforesaid, or shall be brought in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the

Treble Costs.

Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any Case by Law.

Public Act.

LXXXIII. 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.

LXXXIV. And

LXXXIV. And be it further enacted, That this Act shall commence on the Third *Wednesday* next after the passing of this Act, and shall continue 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. Commencement and Continuance of this Act.

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