ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

****

Cap. 51.

An Act to continue the Term and enlarge the Powers of Two Acts, passed in the Fourth and Twenty-fifth Years of His present Majesty, for repairing, and widening the Roads from the High Bridge in *Spalding*, to a certain Place called *Tydd Goat*, in the County of *Lincoln*, and from *Sutton Saint Mary's* to *Sutton Wash*, in the said County. [23d *May* 1806.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act for repairing and widening the Roads from the High Bridge in* Spalding, *to a certain Place called* Tydd Goat, *in the County of* Lincoln, *and from* Sutton Saint Mary's *to* Sutton Wash, *in the said County:* And whereas another Act was passed in the Twenty-fifth Year of the Reign of His present Majesty, intituled, *An Act to enlarge the Term and Powers of an Act passed in the Fourth Year of His present Majesty's Reign, for repairing and widening the Roads from the High Bridge in* Spalding, *to a certain Place called* Tydd Goat, *in the County of* Lincoln, *and from* Sutton Saint Mary's *to* Sutton Wash, *in the said County:* And whereas the Trustees appointed in or by

4 G. 3. c. 55.

25 G. 3. c. 123.

virtue of the ſaid Acts, have proceeded to put the ſame in Execution, for which Purpoſe they have borrowed conſiderable Sums of Money on the Credit of the Tolls thereby granted, which ſtill remain due and cannot be repaid, nor can the ſaid Roads be properly amended, improved, and kept in Repair, unleſs the Term of the ſaid Acts is continued, ſome of the Powers and Proviſions of the ſaid Acts altered, enlarged, and amended, and the Tolls increaſed: 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 Acts, paſſed in the Fourth and Twenty-fifth Years of the Reign of His preſent Majeſty, and all and every the Authorities, Powers, Privileges, Proviſions, Penalties, and Clauſes therein contained (except ſuch as relate to Exemption from Stamp Duties, and ſuch as are hereby varied, altered, or repealed) ſhall be and continue in full Force, and be executed for and during the Term hereinafter mentioned, as fully and effectually, to all Intents and Purpoſes, as if the ſame were herein particularly repeated and re-enacted, but ſubject nevertheleſs to the Amendments, Variations, Alterations, and Additions herein contained, and which ſhall commence and take Effect upon the paſſing of this Act; and this Act, and the additional Term and the Tolls hereby granted, ſhall be and are hereby declared to be ſubject and liable to the Payment of all Money now due and owing upon the Credit or on Account of the ſaid former Acts, or which may hereafter be borrowed or become due and owing on the Credit of the ſaid former Acts and this Act, and of all Intereſt due and to grow due for the ſame reſpectively.

Acts 4 and 25 G. 3. continued.

Truſtees for executing the ſaid Acts to execute this.

II. And be it further enacted, That the Truſtees named in or appointed in purſuance of the ſaid recited Acts, or either of them, ſhall be and are hereby appointed Truſtees for putting in Execution this Act, and ſhall continue to meet and adjourn, from Time to Time, according to the Directions of the ſaid recited Acts.

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

III. And be it further enacted, That the ſaid Truſtees may ſue and be ſued in the Name of their Clerk, and that no Action to be brought or commenced by or againſt the ſaid Truſtees, or any Five or more of them, by virtue or on account of the ſaid recited Acts or this Act, or either of them, in the Name of their Clerk, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk, or by the Act of ſuch Clerk, without the Conſent of the ſaid Truſtees, or any Five or more of them; but the Clerk for the Time being to the ſaid Truſtees ſhall always be deemed the Plaintiff or Defendant in ſuch Action, as the Caſe may be: Provided always, that every ſuch Clerk in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended, in purſuance of the ſaid recited Acts or of this Act, ſhall always be reimburſed and paid, out of the Monies to ariſe by virtue of the ſaid Acts and this Act, all ſuch Coſts, Charges, and Expences, as by the Event of any ſuch Proceeding he ſhall pay, bear, expend, or be put unto or become chargeable with, by reaſon of his having been ſo made Plaintiff or Defendant therein as aforeſaid.

Clerk to be reimburſed Expences.

Recital of Part of the firſt Act relative to ap-

IV. And whereas by the ſaid firſt-recited Act (amongſt other Things) it is enacted, that, upon the Death or Refuſal to act of any Truſtee thereby appointed or thereafter to be choſen, it ſhould be lawful for the ſurviving or

or remaining Truſtees, or any Seven or more of them, from Time to Time to elect one other Perſon to be a Truſtee in the room of every Truſtee ſo deceaſed, or refuſing to act, but Notice in Writing of the Time and Place of Meeting for every ſuch Election ſhould be fixed on ſome publick Place in the Towns of *Spalding*, *Holbeach*, and *Sutton Saint Mary's*, or upon all the ſaid Turnpikes, at leaſt Twenty Days before every ſuch Meeting; and all Perſons who ſhould be ſo elected were thereby veſted with the ſame Powers for putting the ſaid Act in Execution, as the Perſons in whoſe Places they ſhould be reſpectively choſen were veſted with; and it was thereby further enacted, that no Perſon ſhould be capable of acting as a Truſtee in the Execution of the ſaid Act, unleſs he ſhould take and ſubſcribe the Oath therein mentioned before he took upon himſelf to act: And whereas ſome of the Truſtees have neglected to take and ſubſcribe the ſaid Oath, and others have neglected to act after they had ſo qualified, whereby the ſaid Clauſes are found inſufficient to anſwer the Purpoſes thereby intended; be it therefore enacted, That from and after the paſſing of this Act, if any Truſtee already elected and choſen, who has not taken and ſubſcribed the ſaid Oath, ſhall neglect or refuſe to qualify himſelf for acting as a Truſtee in the Execution of the ſaid Acts and this Act, by taking and ſubſcribing the ſaid Oath within Two Years from the paſſing of this Act, or if any Perſon hereafter to be elected and choſen to be a Truſtee, ſhall neglect or refuſe to qualify himſelf for acting in the Execution of this Act within Two Years next after he ſhall have been ſo elected and choſen; or if any Truſtee already elected and choſen, or hereafter to be elected and choſen, ſhall neglect or refuſe to act as a Truſtee in the Execution of this Act for the Space of Three Years after he ſhall have ſo qualified, ſuch Truſtee ſo neglecting or refuſing ſhall from thenceforth be diſqualified, and be incapable of acting as a Truſtee in the Execution of this Act; and it ſhall be lawful for the remaining Truſtees, or any Seven or more of them, from Time to Time to elect one other Perſon to be a Truſtee in the room of every Perſon ſo neglecting or refuſing to qualify or act as laſt aforeſaid; and if any Perſon ſo neglecting or refuſing to qualify or act, ſhall preſume to act contrary to the Intent and Meaning hereof, every Perſon ſo offending in each of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit and pay the like Sum as is directed by the ſaid firſt-recited Act to be forfeited in caſe of any Perſon preſuming to act not being qualified; to be recovered, paid, and applied in like Manner as ſuch Forfeiture or Penalty by the ſaid firſt-mentioned Act is directed to be recovered, paid, and applied.

pointing Truſtees in caſe of Death, &c.;

and the Qualification of Truſtees.

Truſtees to qualify within Two Years;

and to act within Three Years.

Penalty.

V. Provided always, and be it further enacted, That if any Perſon ſo becoming diſqualified, ſhall at any Time thereafter be deſirous of being re-elected, it ſhall be lawful for the remaining Truſtees to again elect and chuſe him to be a Truſtee, ſubject nevertheleſs to the ſeveral Reſtrictions aforeſaid.

Perſons becoming diſqualified may nevertheleſs be re-elected Truſtees.

VI. And whereas by the ſaid firſt-recited Act (amongſt other Things) it is enacted that no Common Brewer ſhould be capable of being a Truſtee under the ſaid Act, by which Means many proper Perſons are prohibited from acting; be it therefore further enacted, That ſo much of the ſaid Clauſe as prohibits a Common Brewer from being a Truſtee, ſhall be and the ſame is hereby repealed; and from and after the paſſing of this Act, it ſhall be lawful to or for any Common Brewer to be appointed, and

Common Brewers declared eligible as Truſtees.

and be capable of being a Truſtee under the ſaid Act, and ſhall be veſted with the ſame Powers and Authorities, as fully and effectually, to all Intents and Purpoſes, as if he had been originally made capable of acting in and by the ſaid former Acts, or either of them.

No Order to be revoked at a ſubſequent Meeting, unleſs the ſame or the like Number of Truſtees preſent,

VII. And be it further enacted, That from and after the paſſing of this Act, no Order or Determination to be made by the Truſtees at any Meeting to be held in purſuance of this Act, ſhall be revoked or altered at any ſubſequent Meeting, unleſs the ſame or the like Number of Truſtees ſhall be preſent at ſuch ſubſequent Meeting, as were preſent at the Meeting whereat ſuch Order or Determination was made; any Thing in the ſaid Acts contained to the contrary in anywiſe notwithſtanding.

Tolls to be paid at all the Turnpike Gates.

VIII. And whereas by the ſaid Act of the Twenty-fifth Year of the Reign of His preſent Majeſty (amongſt other Things) it is enacted, that all Cattle and Carriages paſſing and repaſſing along the ſaid Roads, for which the proper Toll ſhould be paid at any one Gate acroſs the ſaid Roads, ſhould be permitted to paſs and repaſs the next Turnpike acroſs the ſaid Roads Toll-free, upon a Note or Ticket being produced ſignifying ſuch Payment, by which Means the Tolls are inſufficient for the Purpoſes of ſuch Act; be it therefore enacted, That ſo much of the Clauſe as permits all Cattle and Carriages, after Payment of the proper Toll at any one Gate acroſs the ſaid Roads, to paſs and repaſs the next Turnpike acroſs the ſaid Roads Toll-free, upon a Note or Ticket being produced, ſhall be and the ſame is hereby repealed; and from and after the paſſing of this Act no Note or Ticket ſhall be given by the Collectors of the ſaid Tolls to permit any Cattle or Carriages to paſs or repaſs Toll-free, through any of the Turnpikes now erected acroſs the ſaid Roads, but that full Payment of ſuch Tolls as are by the ſaid former Acts, or either of them, directed to be taken, ſhall be demanded and taken at each and every Gate or Turnpike erected or to be erected upon or on either Sides of the ſaid Roads, by ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall from Time to Time appoint for that Purpoſe, before any Horſe, Cattle, Beaſt, or Carriage, ſhall be permitted to paſs through the ſame; which ſaid Tolls, and every Part thereof, ſhall and may be demanded, collected, recovered, applied, and diſpoſed of in ſuch Manner, and for ſuch Uſes, Intents, and Purpoſes, as are directed by the ſaid former Acts, or either of them, with reſpect to the Tolls thereby authorized to be taken, but ſubject nevertheleſs to the Proviſions and Directions of this Act: Provided always, that nothing in this Act contained ſhall authorize or empower the ſaid Truſtees, or their Collector or Toll Gatherer, to demand or receive in one Day more than Three Tolls, from any Perſon paſſing along the ſaid Road between *Spalding* and *Sutton Waſh*, or between *Tydd Goat* and *Spalding*.

Former Exemptions from Tolls repealed; other Exemptions granted.

IX. And be it further enacted, That from and after the paſſing of this Act, the ſeveral Exemptions from Toll mentioned and contained in the ſaid firſt-recited Act, except ſuch as relate to the Payment of Tolls more than once a Day, ſhall be and the ſame are hereby declared to be repealed; and that no Toll ſhall be demanded or taken at any Toll Gate for any Cattle or Carriage ſolely employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying any Materials for repairing the ſaid Roads, or of any Lime, Dung, Mould, Soil, or Compoſt

Compoſt of any Kind, for the manuring of any Garden, or other Land or Ground, in any of the Pariſhes through which the ſaid Roads lead, or which are next adjoining to the ſaid Roads; or for any Horſe or other Cattle employed in the ploughing, ſowing, tilling, or cultivating of any Land or Grounds in any ſuch Pariſhes, or for any Cattle or Carriage employed in Harveſt Work or Huſbandry, or in the Carriage of any Hay, Straw, or Corn in the Straw not for Sale; or for any Horſe, Cattle, or Beaſt employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Flax, Hemp, or Femble in the Stalk, either for ſteeping, bleaching, or laying up in Houſes, Outhouſes, Barns, or other Places belonging to the Occupier or Occupiers of the ſaid Lands or Grounds whereon the ſame ſhall have been grown, before the ſame be dreſſed for Sale; or from the Owners or Occupiers of any Lands, or their Servants, going to or from their reſpective Lands on the Buſineſs only of looking after ſuch Lands, or the Stock upon the ſame; or for any Horſe or other Cattle drawing or conveying any Ploughs, Harrows, or other Implements of Huſbandry, in order for the repairing thereof, or uſing the ſame in Huſbandry, or any Utenſil that ſhall be uſed or employed in Huſbandry, or tilling or manuring of Land; or for any Horſes, Cattle, Sheep, Swine, or Hogs, going to or paſſing from Water or Paſture in any of the Pariſhes through which the ſaid Roads lead, or which are next adjoining to the ſaid Roads; or for any Horſe, Mare, or Gelding, going to be or returning from being ſhod or farried; or for any Sheep going to or returning from any Waſh Dike, River, or other Place uſed for the waſhing of Sheep in any ſuch Pariſhes, or for any Sheep going to or returning from any Place uſed for the clipping of Sheep in any ſuch Pariſhes; or for any Horſes or Carriages, of whatſoever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning therefrom; or for any Horſe belonging to any Officers or Soldiers upon their March or on Duty, or for any Horſes, Cattle, or Carriage, employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers; or for any Horſe, Mare, or Gelding, furniſhed by or for any Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exerciſe; provided always, that 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 as aforeſaid; or for any Horſes or other Cattle, or Carriage, employed in conveying Vagrants ſent with lawful Paſſes; or for any Horſe or other Cattle that ſhall be going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of *Lincoln*, on the Day of ſuch Election or Elections, or on the Day before or on the Day after ſuch Election ſhall begin and be concluded; nor ſhall any Toll be taken or demanded of or from any Rector, Vicar, or Curate, going to or returning from his own Pariſh Church, or other Place of Divine Worſhip, or viſiting his ſick Pariſhioners, or upon any other Eccleſiaſtical Duty; nor of or from any Perſon or Perſons going to or returning from his or their Parochial Church, Chapel, or other

Place of Religious Worſhip on *Sundays*, or any other Day on which Divine Worſhip is ordered by Authority to be celebrated, or who ſhall attend the Funeral of any Perſon or Perſons who ſhall be buried in the Pariſh where any ſuch Perſon or Perſons ſhall reſide; nor of or from the Owners or Drivers of any Waggons, Carts, or other Carriages which ſhall have carried Corn or any Sort of Grain, Hemp, Flax, Wool, or other Merchandize, to the ſeveral Markets of *Spalding*, *Holbeach*, and *Wiſbeach*, or either of them, on a Market Day, or the Day after ſuch Market Day reſpectively, if ſuch Waggons, Carts, or Carriages, ſhall return on the Day after the Market Day without any Loading; nor more than one Payment of the ſaid Tolls of or from the Owners or Drivers of any Waggons, Carts, or Carriages, which ſhall go without any Loading to *Sutton Waſh Side* over Night for Loading, and ſhall paſs the next Day loaded; and if any Perſon or Perſons ſhall claim or take the Benefit of any ſuch Exemption, not being entitled to the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied in ſuch and the ſame Manner as any Penalties or Forfeitures are by the ſaid firſt mentioned Act directed to be recovered and applied.

Exemptions from Toll to Reſidents in South Holland in certain Caſes.

X. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, at their Firſt Meeting after the paſſing of this Act, in *Holbeach* aforeſaid, or at any ſubſequent Meeting, by any Order or Orders to be by them then made, as they the ſaid Truſtees ſhall ſee convenient, to permit and ſuffer all and every ſuch Perſon and Perſons who ſhall from Time to Time reſide in and occupy the ſeveral Farm Houſes and Lands ſituate in a certain Diſtrict called *South Holland*, and lying on the South Side of the ſaid Road, to paſs and repaſs through the Gate or Side Bar, called *Tretton Bridge Bar*, in the Pariſh of *Tydd Saint Mary's*, over *Shire Drain*, upon Payment of only One-half of the uſual Tolls for all Cattle and Carriages, except any Horſe, Mare, Gelding, Aſs, or Mule, laden or unladen, and not drawing; and for ſuch laſt-mentioned Cattle One Penny each, ſo as ſuch Cattle and Carriages do not, nor ſhall travel or paſs upon the ſaid Turnpike Roads or any Part thereof.

Exemption from Tolls for Waggons, &c. paſſing only between the High Bridge and the Chain Bridge, in the Town of Spalding.

XI. Provided always, and be it enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to charge or make liable or ſubject to the Payment of the Tolls by the ſaid recited Acts or this Act directed to be demanded and taken, any Cart, Waggon, or other Machine travelling or paſſing on the Road, commonly called *The Low Road*, leading through the ſeveral Pariſhes or Places of *Tydd Saint Mary's*, *Long Sutton*, *Gedney*, *Fleet*, *Holbeach*, *Whaplode*, *Moulton*, and *Weſton*, to the Town of *Spalding* aforeſaid, for the Purpoſe of conveying and delivering any Corn, Grain, Coals, or Merchandize, to any Granary or Warehouſe adjoining to or on the Bank of the River *Welland*, within the Town of *Spalding* aforeſaid, provided that every ſuch Cart, Waggon, or other Machine be laden with and employed ſolely in the Conveyance of Corn, Grain, Coals, or other Merchandize, to the Town of *Spalding* aforeſaid, and do not travel or paſs over any Part of the ſaid Roads, except that Part thereof

thereof which lies between the High Bridge in the Town of *Spalding* aforesaid, and a certain Bridge called *The Chain Bridge*, in the said Town.

Penalty on Persons dragging Timber, &c. on the Road, repealed.

XII. And whereas by the said first-recited Act (amongst other Things) it is enacted, That if any Person should hale or draw, or cause to be haled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone (Mill Stones excepted) otherwise than upon Wheel Carriages, or should suffer any Part of any Tree or Piece of Timber which should be conveyed upon Wheel Carriages, to drag upon any Part of such Roads to the Prejudice thereof, every such Person should for such Offence forfeit any Sum not exceeding Twenty Shillings nor less than Five Shillings: And whereas the said Roads have been greatly damaged by Persons so offending, and the said Clause is insufficient for the Purposes thereby intended; be it therefore further enacted, That from and after the passing of this Act, if any Driver of any Cart, Dray, Waggon, or other Carriage, shall draw or cause to be drawn upon any Part of the said Roads any Trees or Timber, or any Stone not laid upon nor completely suspended by the Cart, Dray, Waggon, or other Carriage to which the same are attached, but shall suffer any Part of such Trees, Timber, or Stone, to drag upon any Part of such Roads, and being convicted thereof, either by his own Confession, the View of a Justice of Peace, or by the Oath of One or more credible Witness or Witnesses, before any Justice of the Peace of the Limit where such Offence shall be committed, shall for every such Offence forfeit any Sum not exceeding Ten Shillings, with Costs not exeeeding Ten Shillings, in case such Driver shall not be the Owner of such Carriage; and in case the Offender be the Owner of such Carriage, then any Sum not exceeding Twenty Shillings, with like Costs; and in either of the said Cases shall, in Default of Payment, be committed to the House of Correction for any Time not exceeding One Calendar Month, unless the same shall be sooner paid; and every such Driver so offending, shall and may, by Authority of this Act, with or without any Warrant, be apprehended by any Person or Persons who shall see such Offence committed, and shall be immediately conveyed or delivered to a Constable or other Peace Officer, in order to be conveyed before some Justice of the Peace, to be dealt with according to Law; and if any such Driver shall refuse to discover his Name, it shall and may be lawful for the Justice of the Peace before whom he shall be taken, or to whom any such Complaint shall be made, to commit him to the House of Correction for any Time not exceeding Three Calendar Months, or to proceed against him for the Penalty aforesaid, by a Description of his Person and the Offence, and expressing in such Proceedings that he refused to discover his Name; provided, that if such Driver shall prove to the Satisfaction of such Justice, that he did as aforesaid by Order of the Owner of such Carriage, or of such Trees or Timber, then such Owner being thereof convicted, and not being such Driver, shall forfeit and pay the said Penalty of Twenty Shillings, to be recovered and applied as other Forfeitures and Penalties are by the said Acts directed to be recovered and applied.

Other Penalties instead of the former.

Empowering Trustees to widen Bridges, &c.

XIII. And whereas some of the Bridges and Tunnels erected over Drains of Sewers, or other Works of Drainage, running under or across the said Roads, are so narrow as to be incommodious for the free Passage of Carriages

Carriages and Cattle, and it would tend to the Improvement thereof if such Bridges and Tunnels were enlarged, and the Tops, Posts, and Side Rails thereof were planed and painted; be it therefore enacted, That from and after the passing of this Act, it shall be lawful for the said Trustees, or any Seven or more of them, at any Meeting, by their Order, to cause to be widened the said Bridges and Tunnels, or any of them, by extending on either or both Sides thereof the Arch of any such Bridges or Tunnels, and covering the same, and also to plane and paint the Tops of such Bridges and Tunnels, and the Posts and Side Rails thereof, and also all such other Posts and Rails on or by the Sides of the said Roads, as they shall think proper: Provided nevertheless, that the Waterway of any such Bridges or Tunnels shall not be made of lesser Dimensions, and that the Parts so extended of any such Arch shall from Time to Time be repaired by the said Trustees.

Statute Work.

XIV. And be it further enacted, That so much of the said Acts as relate to the Performance of Statute Labour on the said Roads, shall be and the same is hereby repealed, and 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 said County of *Lincoln*, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Clerk or Surveyor, or 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 or Places in which the said Roads do lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them, paid to the said Trustees, or 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 or Place, 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 or Place 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 are or may be directed by any Law or Statute in Force and Effect for the Repairs of the Publick Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons, who shall appear subject and liable to 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 at such Days and at such Times (not being Haytime or Harvest) and in such Parts of the said Roads, as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said

ſaid Juſtices ſhall and 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 ſaid Truſtees, or their Treaſurer, at ſuch Time or Times as they the ſaid Juſtices ſhall direct; and in default of Payment thereof, the ſame ſhall and 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 the ſaid recited Acts 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 uſual Place or Places of Abode for that Purpoſe, by any Surveyor 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 or effect for the Repair of the publick Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid, and in that Caſe, every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Road, all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Road; and in caſe the ſaid Surveyor or Surveyors of the ſaid Highways for any of the ſaid Pariſhes or Places, ſhall refuſe or wilfully neglect to give in ſuch Liſt as aforeſaid, or ſhall knowingly and wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Truſtees may compound for Statute Work.

XV. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the Highways of any Pariſh, Townſhip, Place, or Diviſion, or the Inhabitants or Occupiers of Lands, Tenements, or Hereditaments within the ſame reſpectively, to compound and agree with the ſaid Truſtees, or any Five or more of them, for the Statute Work to be by them or any of them done on the ſaid Road, provided that ſuch Compoſition Money be paid by the Surveyor or Surveyors, or other Officers of the Pariſh, or reſpective Perſon ſo compounding, to the Treaſurer or Treaſurers of the ſaid Truſtees, on or before the Twenty-ninth Day of *September* in each Year, or within One Calendar Month after Notice for that Purpoſe given him, her, or them reſpectively.

Powers given to Truſtees by former Acts, to compound for the Tolls repealed;

XVI. And whereas by the ſaid firſt-recited Act the Truſtees, or any Seven or more of them, are empowered from Time to Time as they ſhould ſee convenient, to compound for any Term not exceeding one Year at any one Time, with any Perſon or Perſons for any Carriages, Horſes, Cattle, or Beaſts, travelling upon the ſaid Roads, or any Part thereof, for any Sum not leſs than Ten Shillings, for all or any of the Tolls to be paid for

or in respect of such Carriages, Horses, Cattle, or Beasts, and all such Composition Money should be paid quarterly in advance: And whereas it would be greatly to the Advantage of the said Roads if the Compositions for the Tolls in future were made with and payable by each Person for himself or herself only, and if the whole Composition Money was paid in advance; be it therefore enacted, That from and after the passing of this Act it shall not be lawful for the said Trustees to compound or agree in Manner aforesaid with any Person or Persons using to travel through all or any of the Turnpikes erected upon or across the said Roads with any Carriages, Horses, Cattle, or Beasts, for the Payment of the Tolls payable in respect thereof, other than and except with the Owner or Owners of such Carriages, Horses, Cattle, or Beasts; and the Composition Monies to be received of such Owner or Owners shall be payable by each such Owner for himself or herself only, and shall be instantly paid to the said Trustees, or such Person or Persons as they shall appoint, or otherwise to be void and of no Effect; and such Composition Monies, so to be paid as aforesaid, shall be applied in such Manner as the Tolls are by the said first-recited Act directed to be applied.

and other Power granted instead thereof.

For preventing Annoyance and Nuisances on the Road.

XVII. And be it further enacted, That if any Person or Persons shall leave any Waggon, Cart, or other such Carriage, or any Plough or Implement of Husbandry (except only during such reasonable Time as such Waggon, Cart, or other Carriage shall be loading or unloading) or shall depasture or keep any Horse, Mare, Gelding, Ass, Mule, or other Cattle, upon or on either Side of the said Roads, he, she, or they so offending in either of the Cases aforesaid, shall, on Conviction before any One of His Majesty's Justices of the Peace for the said Division of *Holland*, on the Evidence of One or more credible Witness or Witnesses, forfeit and pay any Sum not exceeding Thirty Shillings for every such Waggon, Cart, or other Carriage so left, or Horse, Mare, Gelding, Ass, or Mule, or other Cattle so depastured, and the said Justices for the said Division of *Holland*, or any of them, are and is hereby required to take Cognizance of such several Offences, and to proceed to Conviction accordingly; and on Nonpayment of such Penalty, to levy the same by Distress and Sale of the Offender's Goods and Chattels, in such Manner as Distresses and Sales for Forfeitures and Penalties are by the said former Acts, or either of them, authorized and directed to be made; and in case sufficient Distress shall not be found, or such Penalties shall not be forthwith paid, to commit the Offender to the House of Correction for the said Division of *Holland*, for any Term not exceeding Three Calendar Months, unless such Penalty, and all reasonable Charges, shall be sooner paid.

Application of Compensation Money if amounting to 200 l.

XVIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Acts and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as in the said first recited Act particularly mentioned, such Money 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

the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing the ſaid recited Acts and 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 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, or 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 Monies 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 Lands, Tenements, and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Where leſs than 200l. and exceeding 20l.

XIX. 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, ſhall be leſs than the Sum of Two Hundred Pounds, and ſhall amount to or 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, 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 the Manner herein-before directed, or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the Truſtees for executing the ſaid recited Acts and this Act (ſuch Nomination and Approbation to be ſignified in Writing under the

the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the said Court of Chancery.

Application where less than 20*l.*

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

In case of not making out Titles;

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

XXI. 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 the said Acts or this Act, for the Purposes of the said Roads, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case the Person or Persons to whom any such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Five or more of them, to order the Sum and 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 Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*]; subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum and 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.

Respecting disputed Titles.

XXII. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of

the Court of Chancery, in purſuance of the ſaid Acts or this Act, for the Uſe of the ſaid Road, 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 thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of the 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 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 one, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

Court of Chancery to direct the Payment of Expences.

XXIII. Provided always, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchaſed under the Authority of the ſaid Acts or this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court 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 the ſaid Acts and 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 the ſaid Acts or this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, or any Five or more of them, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

For paying the Expences of the Act.

XXIV. And be it further enacted, That the Charges and Expences incurred in and about the obtaining and paſſing of this Act, together with lawful Intereſt for all Money which ſhall be advanced from Time to Time for that Purpoſe, ſhall be paid out of any Money already raiſed by virtue of the ſaid recited Acts, or out of the firſt Monies which ſhall be raiſed or borrowed upon the Credit of the ſaid recited Acts and this Act, in preference to all other Payments whatſoever.

Publick Act.

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

Commencement and Continuance of the Act.

XXVI. And be it further enacted, That the ſaid recited Acts (ſubject to the Alterations, Additions, and Amendments in this Act contained) and

and this Act, shall continue and be in force, and be executed for and during the Residue now to come of the Term granted and continued by the said recited Acts, and from the Expiration thereof, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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