ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

****

Cap. lvii.

An Act for repairing the Road leading from *Chatteris Ferry* to *Wisbech*, and from thence to *Tid Gote* in the *Isle of Ely*, and to *Downham Bridge* in the County of *Norfolk*, and to authorize the Conversion of the *Wisbech and March* Low Road into Turnpike. [13th *July* 1849.]

WHEREAS an Act was passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act for repairing the Road leading from* Chatteris Ferry, *through* 9 G. 4. c. 73.
Chatteris *and* March, *to* Wisbech Saint Peter's, *and from thence to* Tid Gote *in the* Isle of Ely, *and from* Wisbech *aforesaid, through* Outwell, *to* Downham Bridge *in the County of* Norfolk: And whereas considerable Sums of Money are now due and owing on the Credit of the Tolls authorized to be taken by virtue of the said Act, and such Sums cannot be paid off, or the Interest thereof discharged, nor can the said Roads be effectually repaired, unless further Powers are granted, and the Term of the said Act further continued: And whereas Part of the Road by the said recited Act directed to be repaired between the Towns of *March* and *Wisbech Saint Peter's* passes along the South Bank of the *Wisbech* River, and it was provided by the said Act that the said Bank should be supported by the

Trustees acting in execution of the said Act during the Continuance thereof, they the said Trustees receiving annually certain Contributions towards the Support thereof, as therein mentioned: And whereas by reason of Improvements effected in the Outfall of the said River since the passing of the said Act, the Expense of supporting the said Bank has considerably increased, and the Trustees acting in execution of the said Act are unwilling to continue to receive the said Contributions and to take charge of the said Bank: And whereas it is doubtful whether the said Bank can be maintained in its present Course and of its present Dimensions, and it is therefore expedient that the Trustees should be empowered, if they should think fit, to abandon as Turnpike so much of the Road as passes along the same, and that further and more effectual Powers should be granted, as well for maintaining the Remainder of the said Roads as for enabling the Trustees to make the Road or Highway between the said Towns of *March* and *Wisbech Saint Peter's* called "The *Wisbech and March* Low Road" Turnpike, in lieu of the Portion of the Road so proposed to be abandoned as aforesaid; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from after the Third *Tuesday* next after the passing of this Act the said recited Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth shall be repealed (except so far as the same repealed any former Act or Acts), and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Certain Provisions of recited Act repealed.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament or in legal Instruments it shall be sufficient to use the Expression "The *Wisbech and Chatteris* Turnpike Road Act, 1849."

Roads to which this Act is applicable.

III. And be it enacted, That this Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair the present Turnpike Road leading from *Chatteris Ferry*, through *Chatteris*, *Doddington*, and *Wimblington*, to *March* in the *Isle of Ely*, and from thence (subject to the Provisions herein-after contained) to *Guyhirn Corner*, and along the South Bank of the *Wisbech* River to the Bridge in *Wisbech Saint Peter's* in the said Isle, and from the said Bridge, through *Wisbech Saint Peter's*, *Leverington*, and *Newton*, to *Tid Gote* in the said Isle, and also from the said Bridge, through *Wisbech Saint Peter's*, *Elm*, *Emneth*, and *Outwell*, to *Downham Bridge* in the County of *Norfolk*; and also for the Purpose of improving, maintaining, and keeping in repair the Road herein-after authorized to be made Turnpike, if and when the same shall be made Turnpike, under the Provisions herein-after contained.

New Term and Tolls liable to former Debts.

IV. And be it enacted, That 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 now due and owing or secured upon

upon or made payable out of the Tolls authorized to be taken by virtue of the said recited Act, 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 taken.

Former Debts, &c. vested in new Trustees.

V. And be it 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 said Trustees under the said recited Act, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act, who shall be and are hereby enabled to sue for and recover 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.

Former Books to be Evidence.

VI. And be it enacted, That all and every the Books and Book of Proceedings which have been kept by the Trustees acting in the Execution of the Act hereby repealed, or any of the Acts therein recited, or by their Treasurer or Clerk under their Direction, according to the Provisions of such Acts, and made Evidence thereby, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

Bonds, Contracts, &c. to remain in force.

VII. And be it enacted, That all Bonds, Conveyances, Covenants, Agreements, Contracts, Leases, Mortgages, and Securities made to or by or entered into by any Person or Persons to or with the Trustees for executing the said recited Act hereby repealed, or any of the Acts therein recited, shall remain and continue in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same be fully satisfied and performed on account of the Trusts under this Act; and all Bargains, Contracts, Agreements, or Notices made, entered into, or given by the Trustees for executing the said recited Act hereby repealed, or any of the Acts therein recited, with or to any Person or Persons, for any Purpose relating to the said Roads, or to the Execution of such Acts, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms and Stipulations thereof.

Appointment of Trustees.

VIII. And be it enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the *Isle of Ely*, and for the Counties of *Cambridge* and *Norfolk* respectively, together with *Christopher Addison*, *Richard Atkinson*, *Thomas Aveling*, *Edmund Barley*, *John Blench*, *Ebenezer Bonfield*, *Edmund Burton*, *John Bellamy*, *Charles Boucher*, *Charles Boucher* junior, *Morley Beart*, *Frederick Browne Bell*, *Thomas Tomlinson Berry*, *John Bird*, *John Bird* junior, *Thomas Bird*, *Robert Bird*, *Henry Bird*, *Joseph Blackborn*, *John Brown*, *George Cottam*, *John Corthorn*, *Charles Culledge*, *William Curtis*, *Joseph Climenson*, *Robert Dawbarn*, *Richard Wood Dawbarn*, *John Dearlove*, *John Dow*, *John Dixon*, *William England*, *William Exley*, *Thomas Fryer*, *Daniel Fryer*, *John Fryer* (Son of *Daniel*),

Daniel), *Jonathan Flowers*, *Thomas Frusher*, *Frederick Daniel Fryer*, *John Gapp*, *John Girdlestone*, *Thomas Greeves*, *Samuel Golden*, *William Golden*, *Thomas Grounds*, *John Goulden*, *Joseph Hannath*, *Thomas Pattison Holmes*, *Adderley Howard*, *William Haseldine*, *William Hopkin*, *Edward Hett*, *Henry Ilett*, *Hugh Jackson*, *William Goddart Jackson*, *Edward Jackson*, *William Jecks*, *John Johnson*, *Hardy Johnson*, *Robert Jarrold King*, *Henry Leach*, *Matthew Laxon*, *William Lyon*, *John Micklefield Lefever*, *Edward Gillam Markby*, *William May*, *John Goddard Marshall*, *John Marshall*, *William Moore*, *Charles Metcalfe* junior, *Henry Morton*, *Thomas Nix*, *William Neale*, *William Ollard*, *Richard Orton* (of *Doddington*), *Richard Orton* (of *March*), *Robert Francis Pate*, *William Peckover*, *Algernon Peckover*, *Edward Phillips*, *William Pratt*, *William Pope* junior, *John Pope* (of *March*), *Hanslip Palmer*, *John Pope* (of *Wisbech*), *John Rogby*, *Josiah Rumball*, *Thomas Richards*, *John Richardson*, *Fryer Richardson*, *John Ruston*, *Robert Ruston*, *Richard Ruston* junior, *Richard Rowell*, *George Augustus Schultz*, *Thomas Smith*, *Thomas Stear*, *Henry Skeels*, *James Smith*, *Joseph Smith*, *William Stevens*, *William Townley*, *Luke Trott*, *Thomas Tibbett*, *Joseph Taylor*, *Charles Townley* (Son of *Richard Greaves Townley*), *James Usill*, *Harley Matthew Usill*, *Robert Vawser*, *John Weldon* junior, *Henry Warth*, *Robert Ward*, *Henry William Ward*, *John Rose Weatherhead*, *John Whitsed*, *George Augustus Ward*, *George Augustus Ward* junior, *Robert West*, *John Woodward*, *Hugh Wooll*, *George Wooll*, *Charles Wooll*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying this Act into execution.

Power to appoint additional Trustees.

IX. And be it enacted, That it shall be lawful for the said Trustees at any Meeting under this Act to elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated, and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

Meetings of Trustees.

X. And be it enacted, That the said Trustees shall meet together on the Third *Tuesday* next after the passing of this Act, or as soon after as conveniently may be, at the Sessions House or at some other convenient Place in the Town of *Wisbech Saint Peter's* aforesaid, and shall then and there proceed to carry this Act into execution, and shall and may from Time to Time afterwards adjourn to and meet at such Times, and at such Place or Places on or near to the said Roads, as the said Trustees or the major Part of them present at any such Meetings shall think proper and appoint: Provided always, that no Business shall be transacted at any such Meeting unless Three at least of the said Trustees shall be present; provided also, that there shall be One General Annual Meeting of the said Trustees held alternately at the Towns of *Wisbech Saint Peter's* and *March* aforesaid in every Year.

Power to appoint Committees.

XI. And be it enacted, That the said Trustees may appoint Committees out of their own Number to execute any of the Purposes of

of this Act, according to such Instructions and Regulations as shall be laid down by the said Trustees at any General or Special Meeting, and the said Committees and their Officers may proceed and act according to such Appointment, but shall always be accountable according to such Instructions and Regulations.

Old Officers to continue until new ones elected.

XII. And be it enacted, That each and every Treasurer, Clerk, Receiver, Collector, Surveyor, and other Officer appointed under and by virtue of the said Act hereby repealed shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and each and every such Treasurer, 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.

Map or Plan deposited at the Office of the Clerks of the Peace to remain there, and be open to Inspection.

XIII. And whereas in anticipation that it will be expedient for the Trustees acting in execution of this Act to abandon as Turnpike the Road along the said Bank of the *Wisbech* River, Maps or Plans describing the said *Wisbech and March* Low Road as a Road proper to be made Turnpike in lieu thereof, with a Book of Reference thereto, have been deposited at the Office of the Clerks of the Peace of the *Isle of Ely* and of the Counties of *Cambridge* and *Norfolk*: Be it enacted, That the said Maps or Plans and Book of Reference shall remain in the Custody of the Clerks of the Peace of the said Isle and Counties respectively, to the end that all Persons may at all seasonable Times inspect and peruse the same, and have Copies thereof or Extracts therefrom, paying the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Maps or Plans and Books of Reference, or any Copy thereof respectively, or of any Part thereof respectively, certified by the Clerk of the Peace of the said Isle or either of the said Counties, or his Deputy for the Time being, to be a true Copy thereof, shall be good Evidence in all Courts of Law or elsewhere.

Power to make Road according to deposited Plan.

XIV. And be it enacted, That it shall be lawful for the said Trustees at any Time hereafter to abandon the present Turnpike Road between *March* and *Wisbech Saint Peter's* aforesaid, and to set out and make the Road delineated on the said Maps or Plans, and described in the said Book of Reference, Turnpike in lieu thereof, and, subject to the Provisions herein-after contained, to divert the Course of such Road, and to make the same of such Width as they may think proper, not exceeding Sixty Feet, and also to make, for the Purposes of such Road, all such Footpaths, Bridges, Embankments, Ditches, Drains, Arches, Culverts, Tunnels, Fences, and other necessary Works upon or near thereto as they may think requisite, and for the Purposes aforesaid to take possession of the Land described in the said Maps or Plans and Book of Reference, making Satisfaction for the same to the Owners thereof and other Persons interested

therein for the Damage which such Owners or other Persons may respectively sustain thereby; and it shall be lawful for the said Trustees, and for their Surveyors and Workmen, from Time to Time to enter upon the said Land, and to stake out the same for the Purposes of this Act, at such Time and in such Manner as the said Trustees or Surveyor shall think necessary or expedient.

Trustees, so long as they use the Bank as Turnpike, to pay the South-side Proprietors 60*l.* a Year, and the Waldersey Proprietors 15*l.* a Year.

XV. Provided always, and be it enacted, That so long as the said Trustees shall continue the present Turnpike Road between *March* and *Wisbech Saint Peter's* aforesaid along the Bank of the *Wisbech* River, under the discretionary Power given them by this Act, they shall pay out of the Revenues of the said Trust to the Owners of the Lands in *Wisbech South Side* and *Elm West Side* as far as *Gold Bank* or *Crooked Bank* the yearly Sum of Sixty Pounds, and to the Landowners of *Waldersey* the yearly Sum of Fifteen Pounds, the same respective Sums to be due and payable on the First Day of *January* in every Year, and the first Payment to be made on the First Day of *January* in the Year One thousand eight hundred and fifty, and that the Receipt of the Dike-reeves for the Time being of the *Wisbech South Side* and *Elm West Side*, and of the Treasurer for the Time being of the Commissioners for the Drainage of *Waldersey*, shall be sufficient Discharges to the said Trustees for the said respective Sums; and the said respective yearly Sums of Sixty Pounds and Fifteen Pounds shall be applied by the said Landowners respectively in the Maintenance of the said Bank next their respective Districts between *Wisbech* and *Guyhirn*, when and as Occasion shall require: Provided nevertheless, that the Receipt and Application of such Sums as aforesaid shall not be construed to prejudice or affect the Rights or Liabilities of the said Landowners respectively, or of any Bodies or Parties who would have been liable to maintain the said Bank but for the Provisions of the said recited Act hereby repealed and the several Acts therein recited.

Trustees not to divert the Road, or purchase Lands compulsorily beyond the Limits of Deviation.

XVI. Provided always, and be it enacted, That it shall not be lawful for the said Trustees to divert the Course of the said Road, except at the Places where Limits of Deviation are defined on the said Plans, and then only on that Side of the Road where such Limits are defined, and within such Limits, without the Consent of the Owners, Lessees, and Occupiers of all Lands which may be required for the Purposes of such Diversion first had and obtained, nor to take or purchase by Compulsion for any of the Purposes aforesaid any Lands which may be situate beyond the said Limits of Deviation, or beyond the present Boundary of the said *Wisbech and March* Low Road where no Limits of Deviation are defined on the said Plans, anything in this Act, or in an Act passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England, or in any other Act, contained to the contrary notwithstanding; and it shall not be lawful for the said Trustees, without the Consent of such Owners, Lessees, and Occupiers as aforesaid, to divert the said Road beyond the said Limits of Deviation, or, where no Limits of Deviation are defined on the said Plans, otherwise or to a greater Extent than they will or may be able to divert the same

3 G. 4. c. 126.

same under or consistently with the Provisions of any general Act or Acts relating to Turnpike Roads which may for the Time being be in operation.

The Freehold and Inheritance of Lands to remain and be vested in the Persons of whom they are purchased.

XVII. And be it enacted, That in case any Lands shall be hereafter purchased by the said Trustees for the Purpose of making or improving any Road mentioned in this Act, the Freehold and Inheritance in the Lands so purchased, in case the same shall be of Freehold Tenure, and in case the same shall be of any other Tenure the Estate and Interest therein, shall not (notwithstanding any Provisions in any of the Acts in force for regulating Turnpike Roads in *England*) by means of any such Purchase, or any Conveyance or Assurance made in pursuance thereof, be vested in the said Trustees, but such Freehold and Inheritance, or the Estate and Interest in such Lands, shall notwithstanding such Purchase and Conveyance or Assurance remain and be vested in the Persons in whom the same were vested immediately prior to such Purchase by the said Trustees, and the said Trustees shall by means of such Purchase and Conveyance or Assurance be entitled to a perpetual Right of Way in, over, or upon the Lands so purchased by them.

The Right of Way to cease when Lands are not wanted.

XVIII. Provided always, and be it enacted, That if at any Time any Land purchased by the said Trustees under the Authority of this Act shall not be wanted for the Purposes thereof, and the Road for which the same was purchased shall cease to be a Highway, then the Right of Way in or over the said Lands shall cease and be extinguished, and the Freehold and Inheritance in the said Lands, in case the same shall be of Freehold Tenure, and the Estate and Interest in such Lands, in case the same shall be of any other Tenure, shall be and remain in the Persons then entitled to the same, freed and discharged from such Right of Way.

Trustees to have the same Power of cutting and digging as if they had purchased Fee Simple.

XIX. Provided also, and be it enacted, That the said Trustees shall have the same Power and Authority of cutting, digging, and using the Lands taken by them for the Purposes of this Act as the said Trustees would have had in case they had purchased the Fee Simple, or the whole Estate and Interest in the said Lands.

Regulations respecting Toll Gates.

XX. And be it enacted, That the several Turnpikes, Toll Gates, Toll Bars, and Toll Houses now standing or being on the said Turnpike Roads or on the Sides thereof shall be continued until removed by any Order of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be erected and set up, in, upon, or across the Turnpike Roads for the Time being to be maintained or repaired by virtue of this Act, or on the Sides thereof, any Turnpike, Toll Gate or Bar, and to remove the present or any future Turnpikes, Toll Gates or Bars, or any of them, as they shall think proper.

Power to take Tolls.

XXI. And be it enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed or continued Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls following at the several and respective Turnpikes

Turnpikes or Toll Gates or Toll Houses, or Side Bars or Side Gates or Chains, which are or is or shall be standing or being or continued or erected by virtue of this Act in, upon, across, or on the Side or Sides of the said Roads or any Part thereof, Once on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock on the next succeeding Night; (that is to say,)

Tolls.

For every Horse or other Beast, except Asses, drawing any Coach, Barouche, Barouchet, Sociable, Landau, Landaulet, Chariot, Chaise, Caravan, Phaeton, Curricle, Gig, Chair, Cartee, Break, Hearse, Litter, or other such Carriage, the Sum of Sixpence:

For every Ass drawing any Chaise, Gig, Cartee, or other Two or Four wheeled Carriage, the Sum of Three-pence:

For every Horse or Mule, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

For every Ass, laden or unladen, and not drawing, the Sum of One Penny:

For every Horse or other Beast drawing any Waggon, Wain, Drag, Cart, or other such Carriage, or Threshing Machine, having the Fellies of the Wheels at the Bottoms or Soles thereof of the Breadth of Six Inches and upwards, the Sum of Three-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, or Threshing Machine, having the Fellies of the Wheels at the Bottoms or Soles thereof of the Breadth of Four Inches and a Half and less than Six Inches, the Sum of Three-pence Three Farthings:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, or Threshing Machine, having the Fellies of the Wheels at the Bottoms or Soles thereof of less Breadth than Four Inches and a Half, the Sum of Four-pence Halfpenny:

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

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

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

For every Waggon, Cart, or other Carriage drawn by One Dog or more, the Sum of One Penny:

For every Waggon, Wain, Cart, or other Carriage impelled by Steam or other mechanical Power, the Sum of One Shilling:

For every Five Oxen, Cows, or other large Cattle, not drawing, the Sum of Three-pence:

For every Ox, Cow, or other large Cattle, less than Five, not drawing, the Sum of One Halfpenny:

For every Ox, Cow, or other large Cattle, not drawing, exceeding a Number of Five, where the Excess shall be less than Five, the Sum of One Halfpenny:

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

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

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

Which said respective Tolls or Sums of Money shall be demanded and taken as aforesaid before any Horse, Mule, Ass, or other Beast or Cattle, or Carriage, upon which any Toll is by this Act imposed, shall be permitted to pass through any such Turnpike or Toll Gate, Side Bar or Side Gate or Chain; and such respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied in manner herein-after directed.

Tolls to be paid but once a Day.

XXII. Provided always, and be it enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage through any One of the said Toll Gates, Bars, or Chains continued or erected or to be erected by virtue of this Act, such Horse, Cattle, Beast, or Carriage shall, upon a Ticket denoting the Payment thereof for that Day being produced, be permitted to pass Toll-free through the same Toll Gate, and also through such other Gate or Gates as the Ticket for such Payment shall free, at any Time or Times during the same Day, to be computed as aforesaid, anything in this Act contained to the contrary thereof in anywise notwithstanding.

Limiting the Number of Tolls to be taken on the same Day.

XXIII. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees to cause more than Three full Tolls to be demanded or taken on the same Day for or in respect of the Passage of the same Horses, Beasts, Cattle, and Carriages through all the several Turnpikes or Toll Gates now erected or to be erected on the whole Line of the said Roads between *Chatteris Ferry* and the Town of *Wisbech St. Peter's* aforesaid, nor more than Two full Tolls on the same Day for or in respect of the Passage of the same Horses, Beasts, Cattle, and Carriages through all the several Turnpikes or Toll Gates now erected or to be erected on the whole Line of the said Road between the Town of *Wisbech Saint Peter's* aforesaid and *Tid Gote*, nor more than Three full Tolls on the same Day for or in respect of the Passage of the same Horses, Beasts, Cattle, and Carriages through all the several Turnpike or Toll Gates now erected or to be erected on the whole Line of the said Road between the Town of *Wisbech Saint Peter's* aforesaid and *Downham Bridge*.

Stage Coaches, &c. to pay every Time of passing; Post Chaises on every new Hiring.

XXIV. Provided also, and be it enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or Cattle drawing any Stage Coach, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, and also for and in respect of any Waggon, Wain, Cart, or other Carriage impelled by Steam or other mechanical Power, for every Time of passing or repassing along the said Roads or any of them, and also for and in respect of all Horses or other Beasts drawing any Post

Chaise or other Carriage travelling for Hire for every Time of passing or repassing along the said Roads or any of them whenever a new Hiring of such Post Chaise or other Carriage shall have taken place.

Application of the Tolls.

XXV. And be it enacted, That all the Monies which shall be received by the said Trustees by virtue of this Act upon the Roads included in this or the said recited Act shall be applied as follows; (that is to say,)

Firstly, in paying and discharging the Expenses of obtaining and passing this Act or incident thereto:

Secondly, in paying the Expense of erecting, providing, and keeping in repair Toll Gates, Toll Bars, and Toll Houses, and in paying the Officers to be employed in the Execution of this Act:

Thirdly, in paying off annually Securities on the Tolls to the Amount of Two hundred Pounds a Year as herein-after directed:

Fourthly, in paying and discharging the Interest upon or in respect of the Principal Sums which may for the Time being be owing or secured on the Credit of the Tolls authorized to be taken by the said former Act hereby repealed, or by this Act:

Fifthly, in paying the Expenses of improving, maintaining, and keeping in repair the said Roads, and putting this Act into execution with reference thereto:

Sixthly, in reducing, paying off, and discharging the several Principal Sums which have been borrowed or may hereafter be borrowed on the Credit of the Tolls authorized to be taken by the said former Act hereby repealed, or by this Act.

Tolls not to be applied in repairing Streets.

XXVI. Provided always, and be it enacted, That no Part of the Tolls received by virtue of the said recited Act or of this Act shall be laid out or expended in repairing or maintaining any of the Roads or Streets through or in the Towns of *Chatteris*, *March*, and *Wisbech Saint Peter's*, or any of them, or in repairing any Road or Street within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any Tolls be collected in any of the said Towns, or in any Town within such Limits as aforesaid.

Exemptions from Tolls.

XXVII. And be it enacted, That no Toll shall be demanded or taken by virtue of this or any of the said recited Acts for any Horse, Cattle, Beast, or Carriage employed in the Carriage or Conveyance of any Hemp or Flax intended to be stacked or laid up in any of the Parishes, Hamlets, or Places in or through which the said Roads pass, from the Lands on which such Hemp or Flax shall have been grown to the Place where the same shall be wretted, watered, or spread, and from thence to the Place where the same is intended to be so stacked or laid up as aforesaid, or for any sucking Foal, Mule, or Ass under the Age of Six Months attending its Dam, or for any Horse or other Beast hauling or drawing any Boat, Barge, or other Vessel, or any Waggon, Cart, or other Carriage, employed in carrying or conveying, or going empty to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying

or

or conveying on the same Day, any Timber, Wood, Iron, Stone, Earth, Bricks, Silth, or other Materials, or any Implements or Tools, for the Purposes of making, maintaining, or repairing any Bank or Work of Drainage already made and maintained or hereafter to be made and maintained at the Expense of the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called *Bedford Level*, or for any Horse or other Beast employed in hauling or drawing any Machine for deepening, roding, or cleansing any River or Drain adjoining or near to any of the said Roads, or for any Horse, Mule, or Ass ridden by any Officer or Servant of the *Bedford Level* Corporation when actually employed in the Business of the said Corporation, or for any Horse, Cattle, Beast, or Carriage employed by the Commissioners of Sewers for the Hundred of *Wisbech* and Parts adjacent, or any of their Officers or Agents, as well for the said Purposes as for the bearing, harrowing, cleansing, and scouring out of any of the Rivers or Drains within their Jurisdiction; and if any Person shall in any fraudulent or collusive Manner whatsoever claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds, one Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

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

XXVIII. And be it enacted, That the Commissioners of Sewers for the Hundred of *Wisbech* and Parts adjacent and the Commissioners of the *Nene Outfall* respectively shall and may from Time to Time and at all Times hereafter have a Passage Toll-free through any Gate or Gates, Bar or Bars, already set up or erected or to be set up or erected between the Towns of *Wisbech Saint Peter's* and *Leverington* aforesaid, for themselves, their Agents, Officers, Servants, and Workmen, Horses, Carts, and Carriages, for the viewing, bearing, harrowing, and cleansing of the River, and for surveying and repairing the Banks thereof, and for doing every other Work necessary to be done in and about the said River and Banks or any of them; and all and every Persons and Person employed in the hauling of Barges or other Vessels in the River between *Wisbech* Town and *Sutton Bridge* shall have the like free Passage through such Gate or Gates, Bar or Bars, for themselves, and their Horses or other Beasts employed in the said Business, and all Persons and Horses shall have the like free Passage in their Way to and from the Corn Mill now standing or which at any Time hereafter during the Continuance of this Act shall be standing upon the Bank of the said River between the Town of *Wisbech Saint Peter's* and the *Horse Shoe*.

Trustees may continue or erect Fences upon the Sides of or in Lanes leading into the Roads.

XXIX. And be it enacted, That the said Trustees shall and may continue the present Rails or Fences, or cause to be set up and erected such new or other Rails or Fences, as they shall think proper, on the Sides of the said Roads, or upon, across, or on the Sides of the Bank lying on the West Side of *Wisbech* River in the *Isle of Ely* and in the County of *Norfolk*, or either of them, or in, upon, or across any of the Lanes or Droves leading to the said Roads and Bank, or either of them, and lying within the said *Isle of Ely* and the County of *Norfolk*, or either of them, or upon, across, or on the Sides of the

Bank called the *Old Podike*, or upon, across, or on the Side of the Road at *Outwell* on the South Bank of *Well Creek*, near *Mullicourt Bar*, for preventing any Passage upon the said Banks or the Sides thereof, or on the said Roads, or in or through the said Lanes or Droves, for Horses, Cattle, Beasts, or Carriages, without Payment of the Tolls: Provided always, that the Commissioners of Sewers for the Hundred of *Wisbech* and Parts adjacent and the Commissioners of the *Nene Outfall* respectively shall and may have, from Time to Time, a free Passage upon or on the Side of the River Bank, for themselves, their Agents, Officers, Servants, and Workmen, Horses, Carts, and Carriages, for the viewing, bearing, harrowing, and cleansing of the said River, and for surveying and repairing the said Bank, and for doing every other Work necessary to be done in and about the said River and Bank; and if the said Trustees shall continue, or at any Time or Times after the Commencement of this Act set up or place, any Rails or Fences across any Lanes or Droves leading into the said Roads or any of them, where no Toll Houses shall be erected, then they the said Trustees shall fix a Gate in such Fences, and find and provide *gratis* for every Occupier of Land who from the Situation of his or her Land shall have occasion to pass through the said Fences a Key to every such Gate, so that such Occupier shall and may have a Passage for himself or herself, and his or her Servants, Cattle, and Carriages, to and from his or her Land, and not otherwise; and if such Occupier shall lose such Key, then he or she so losing the same shall provide another at his or her own Expense; provided that if any such Occupier of Land, his or her Servant or Servants, shall wilfully leave any such Gate or Gates open, or permit any Person or Persons not entitled to such Passage to pass through such Gate or Gates, with any Horse, Cattle, Beast, or Carriage, to evade the Payment of the Tolls to be collected by virtue of this Act, then every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Gates to be erected in certain Cases, and Keys provided for Occupiers of Lands.

XXX. And whereas Part of the said Roads which are made upon the Banks of the River *Nene*, and of the River running through the Parishes of *Outwell*, *Stow Bardolph*, and *Downham*, have of late Years been considerably damaged and rendered dangerous and unsafe by Persons driving Cattle down the Banks of the said Rivers to water, and also by Cattle straying to the said Rivers to drink: Be it enacted, That from and after the Commencement of this Act, if any Horse, Cow, Beast, or other Cattle shall at any Time be driven or be found straying down the Banks of the said Rivers or either of them, or otherwise trespassing on or damaging the Banks of the said Rivers or either of them, upon or adjoining to which any Part of the said Roads are situate, it shall be lawful for any Officer or Officers or other Person or Persons appointed or to be appointed by the said Trustees to seize and impound such Horse, Cow, Beast, or other Cattle in the common Pound of the Parish or Place where the same shall be driven, or be found straying, trespassing, or doing Damage as aforesaid, or in such other Place as the said Trustees shall appoint, and the same there to detain until the Owner or Owners thereof shall, for each Horse, Cow, Beast, or other Cattle impounded, pay a Sum of Money not exceeding Forty Shillings to the Treasurer for the Time being of the said

Cattle trespassing on the Banks of the River to be impounded.

said Trustees, towards the Purposes of this Act, and also the Sum of One Shilling to the Person impounding the same, besides the reasonable Charges and Expenses of impounding and keeping the same; and in case the said Sums, Charges, and Expenses shall not be paid within Seven Days after such impounding, it shall be lawful for the Pound-keeper, or such other Person as shall be appointed by the said Trustees for that Purpose, giving Seven Days previous Notice of the intended Sale to the Owner or Owners of such Horse, Cow, Beast, or other Cattle, or if the Owner or Owners thereof cannot be found, within Three Days after advertising the same in some public Newspapers usually circulated in the *Isle of Ely* and County of *Norfolk*, to sell or cause the same to be sold, and the Money arising from such Sale, after deducting the said Sums, and the Charges and Expenses aforesaid, and of such Notice and Sale, shall be paid to the said Treasurer, to be by him paid over to the Person whose Property the Horse, Cow, Beast, or other Cattle so sold shall appear to have been.

Bridges, &c. in the Road not to be removed without Consent of the Trustees.

XXXI. And be it enacted, That no Person or Persons, Body or Bodies Politic or Corporate, shall at any Time during the Continuance of this Act pull down, take down, or remove, or cause to be pulled down, taken down, or removed, any Bridge, Arch, or Tunnel (otherwise than for the repairing, enlarging, or rebuilding thereof,) in any Part of the Roads hereby intended to be repaired, without the Consent in Writing of the said Trustees; and the Road leading over each and every Bridge, Arch, and Tunnel shall, for the Purpose of proceeding against Persons who shall obstruct or injure the same, be deemed, adjudged, and taken to be a common Highway; and all Persons obstructing the Passage over any such Bridge, Arch, or Tunnel, other than for the repairing, enlarging, or rebuilding thereof, shall be proceeded against and punished as Persons who stop or obstruct the King's Highway; and if any Person or Persons, Body or Bodies Politic or Corporate, shall build or cause to be built any Bridge, Arch, or Tunnel over any River, Drain, or Ditch where there is or shall be no Bridge, Arch, or Tunnel at the Time of the passing of this Act, or shall make or cause to be made any Passage over or through any River, Drain, or Ditch within the Distance of One Mile of each Side of the said Road, by means of which the Payment of the Tolls hereby granted may be avoided, such Person or Persons, Bodies Politic or Corporate, building or making, or causing to be built or made, such Bridge, Arch, Tunnel, or Passage, shall be liable to the Penalties by this Act or by the said recited Act or otherwise inflicted on Persons causing or permitting or suffering Evasion of Toll: Provided always, that nothing in this Act contained shall extend or be construed to extend to prevent or hinder any Person or Persons from making any private Communication between his or their Lands or Grounds; provided also, that nothing herein contained shall extend to prevent the Alteration or Removal of the Bridge called the *Tongs Drain Bridge* by any Persons authorized to alter or remove the same, such Persons upon such Alteration or Removal restoring the Road where the same now passes over the said Bridge to a fit and proper State, and providing temporary Accommodation for the Road Traffic during the Progress of the Works.

No Bridges, &c. to be built by which Toll may be evaded.

For paying off the Sum of 200*l.* yearly as a Composition for certain Securities on the Tolls.

XXXII. And be it enacted, That it shall be lawful for the said Trustees and they are hereby required to pay yearly out of the Monies and Tolls collected and received by virtue of this Act such Sum and Sums of Money as shall or may be agreed to be accepted by any Person or Persons, being a Creditor or Creditors on the said Tolls, as a Composition or Compositions on and in satisfaction of his, her, or their Security or Securities to the Amount of Two hundred Pounds, according to the Stipulation after mentioned; (that is to say,) the said Trustees shall, Twenty-one Days at least before the General Meeting in each Year, cause public Notice to be given in some One or more Newspaper or Newspapers circulated in the Counties of *Cambridge*, *Norfolk*, and *Lincoln*, that a Composition or Compositions will be paid for Four Shares of Fifty Pounds each to such Creditor or Creditors on the said Tolls as shall be willing to accept the smallest Composition for his, her, or their Share or Shares, and requiring such Creditors to transmit Proposals in Writing, sealed up, to the Trustees at the said Meeting, specifying therein the lowest Rate *per Centum* which such Creditor or Creditors will accept and take for each and every Share of Fifty Pounds, not exceeding Four, which he, she, or they may have due and owing on the said Tolls (which said Proposals shall as soon after the Hour of One of the Clock in the Afternoon of the Day of the said Meeting as convenient be publicly opened by the Clerk to the Trustees at the said Meeting), and the Creditor or Creditors whose Proposal or Proposals shall specify the lowest Rate *per Centum* which he, she, or they will accept and take for all or any of the said Shares of Fifty Pounds intended to be paid off shall have the Preference, and be paid such Sum or Sums of Money as he, she, or they may be willing to accept for the same, by the Treasurer to the said Trustees, at the Expiration of One Calendar Month next after such Meeting, with all Interest then due for the same; and if Two or more of the said Creditors shall deliver in Proposals at the same Meeting for accepting a Composition for any such Share or Shares at an equal Rate *per Centum*, then and in such Case it shall be forthwith determined by Lot, to be fairly drawn by the Clerk to the said Trustees, to which of the said Creditors Preference shall be given in Payment of such Composition or Compositions, and the Creditor or Creditors having the casting Lot shall be paid his, her, or their Composition or Compositions at the Time and in manner herein-before mentioned; but if there shall not be any Proposals delivered in at the said annual Meetings or any of them by any of the Creditors for accepting any such Composition or Compositions as aforesaid for his, her, or their Share or Shares to the Amount of Two hundred Pounds, or any Part of that Sum, at a less Rate than the full Amount of the Principal Monies due to him, her, or them on the said Tolls, then and in such Case, but not otherwise, the said Trustees shall and may and they are hereby required, in each and every Year in which such Proposal or Proposals shall not be delivered in as aforesaid, to set apart, by and out of the said Monies and Tolls, the full Sum of Two hundred Pounds or such Part of the same Sum as shall be requisite, to be applied for and towards Payment of the Principal Monies then due and owing on the said Tolls, and the said Trustees shall then cause the Numbers of the

respective Securities, with the several Sums for which they are given, to be separately set down in Writing, and put together into a Box or Wheel, and out of such Box or Wheel immediately afterwards cause to be drawn the Numbers of so many of the said Securities as shall be equal in Value or Amount to the Sum so set apart and intended to be paid off; and in One Calendar Month next after such Numbers shall be respectively drawn the Treasurer to the said Trustees shall pay to the Person or Persons who shall be entitled to the respective Securities the Numbers of which shall be drawn as aforesaid, or to the Trustee or Trustees, Guardian or Guardians of such of the Persons so entitled as shall be under Age, such Sum or Sums of Money as shall be due by virtue thereof, which they are hereby required to accept and take accordingly in discharge of such Securities, or of such Part of the same as shall be thereby satisfied and paid.

Roads not to be exempt from Provisions of future general Acts.

XXXIII. And be it enacted, That nothing herein contained shall be deemed to exempt the Road comprised in this Act from the Provisions of any general Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Rights of the Corporation of Bedford Level reserved.

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

15 Car. 2. c. 17.

Commencement and Term of Act.

XXXV. And be it enacted, That this Act shall commence on the Third *Tuesday* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Interpretation of Terms.

XXXVI. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

The Word "Person" shall be understood to include Corporations:

Words importing the Masculine Gender shall include Females.

XXXVII. And

Public Act.

XXXVII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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