ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 74.

An Act for making and maintaining a Turnpike Road from the Town of *Wisbech* in the *Isle of Ely*, in the County of *Cambridge*, to the Town of *Thorney* in the same Isle and County. [18th May 1810.]

WHEREAS the making and maintaining of a Turnpike Road from the Bridge over the Great River in the Town of *Wisbech Saint Peter*, in the *Isle of Ely*, in the County of *Cambridge*, and through the several Parishes of *Wisbech Saint Peter* and *Wisbech Saint Mary*, the Hamlet of *Wisbech Guybirn* and the Lordship of *Thorney*, to the Bridge over the River in the Town of *Thorney*, all in the same Isle and County, to communicate with the present Turnpike Road leading from the said Town of *Thorney* to the City of *Peterborough* in the County of *Northampton*, will afford great Convenience and Accommodation to Persons residing in and in the Neighbourhood of the Towns and Places aforesaid, and will be a Work of public and general Utility: but the same Road cannot be made Turnpike without the Authority of Parliament: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Honourable *Francis Russell* commonly called the Marquis of *Tavistock*, the Honourable *William Russell* commonly called Lord *William Russell*, the Honourable *Charles Somerset Manners* commonly called Lord *Charles Somerset Manners*, the Honourable *Francis Godolphin Osborne* commonly called Lord *Francis Godolphin Osborne*, the Honourable *Charles Wentworth Fitzwilliam* commonly called Lord Viscount *Milton*, the Right Honourable *Charles Yorke*, *William George Russell* Esquire, *Robert Abbott*, *William Adam*, *John Bailey* the elder, *John Bailey* the younger, *Sampson Barber*, *John Bark*, *Joseph Beakley*, *James Bellamy*, *John*

Appointment of Trustees.

Appointment of Truſtees.

John Bellamy the younger, *Henry Birkbeck*, *John Boultbee*, *Edward Candler Brown*, *Joſeph Buckworth*, *Thomas Cave*, *Thomas Cheeſman*, *John Cheeſman*, *William Clapham*, *Thomas William Coke*, *Martin Cole*, *Thomas Anderſon Cooke*, *Thomas Cox*, the Reverend *Robert Cox*, *Wright Crane*, *Crump*, *Abraham Culy*, *John Edes*, *Thomas Elſton*, *Thomas Fawſſett*, *Alexander Fraſer*, *Thomas Gee*, the Reverend *John Girdleſtone*, *Steed Girdleſtone*, *Thomas Girdleſtone*, *Henry Girdleſtone*, *Jeremiah Ground*, *John Gurney*, *Nathaniel Hadley*, *Robert Hardwicke*, the Reverend *William Hardwicke*, *John Hemment*, *Richard Hodgſon*, *Thomas Orby Hunter*, *Hugh Jackſon*, the Reverend *Jeremiah Jackſon*, the Reverend *Abraham Jobſon*, *Charles Laughton*, *Edward Leeds*, *Daniel Lehair*, *Robert Lincoln*, *Samuel Marriott*, *Gyles Marriott*, *John Marſhall*, *George Maxwell*, *Iſaac Meers*, *Daniel Miller*, *Thomas Moore*, *William Morley*, *William Morris*, *Henry James Nicholls*, *Robert Francis Pate*, *Iſaac Pears*, *John Pears*, *Jonathan Peckover*, *William Peckover*, the Reverend *Richard Pollard*, *William Rayner*, *Abraham Sheath*, *Challis Sheath*, the Reverend *Thomas Sheepſhanks*, *Richard Shepherd*, *Charles Simpkin*, *William Simpſon*, *Frederick Siſſon*, *William Skrimſhire*, *William James Smith*, *James Spurr*, *William Squire* the elder, *Wright Thomas Squire*, *William Squire* the younger, *Samuel Stanton*, *Thomas Swanſborough*, *Joſeph Taylor*, *Francis Taylor*, *John Taylor*, *William Thorpe*, the Reverend *Jonathan Townley*, *James Uſill*, *Abraham Uſill*, *Benjamin Vipan*, *William Walcot*, *George Wardale*, *Francis Wardale*, *William Watſon*, *James Watſon*, *Thomas Steed Watſon*, *Robert Wilſon*, *John Wing* the elder, the Reverend *William Wing*, the Reverend *John Wing*, and *John Wing* ſon of the ſaid *William Wing*, and their Succeſſors to be elected in Manner hereinafter mentioned, ſhall be and they are hereby appointed Truſtees for making, altering, diverting, repairing, improving and maintaining a Turnpike Road from the Town of *Wiſbech* aforeſaid to the Town of *Thorney* aforeſaid, in the Manner by this Act directed and authorized, and for carrying into Execution the ſeveral Powers and Proviſions of this Act.

Mode of appointing new Truſtees.

II. And be it further enacted, That when and as often as any Truſtee hereinbefore named or to be elected in Manner hereinafter mentioned ſhall die, or refuſe to act in the Execution of this Act, it ſhall be lawful for the ſurviving or continuing Truſtees, and they are hereby authorized and required from Time to Time, at any General Meeting to be holden in purſuance of this Act, to elect and appoint one other Perſon to be a Truſtee in the room of every Truſtee ſo dying or refuſing to act; and that every Perſon who ſhall be elected a Truſtee at any ſuch General Meeting in the room of any Truſtee ſo dying or refuſing to act as aforeſaid, ſhall be and is hereby appointed a Truſtee to act with the other ſurviving and continuing Truſtees in the Execution of this Act in the ſame Manner as if he had been originally named and appointed a Truſtee in and by this Act.

What deemed a Refuſal to act.

III. And be it further enacted, That if any Perſon who is in and by this Act named and appointed or who ſhall be in Manner aforeſaid elected and appointed a Truſtee for the Purpoſes of this Act (not being a Creditor of the Tolls under this Act, and not being under any temporary Incapacity of acting by reaſon of any Office or want of Qualification or otherwiſe under the proviſions of this Act) ſhall neglect to act as a Truſtee in the Execution hereof for the Space of Twelve Calendar Months next after Notice in Writing requiring him to act ſhall have been given to him by the Clerk

or

of Clerks to the ſaid Truſtees by virtue of any Order for that Purpoſe made at a General Meeting of the ſaid Truſtees, ſuch Neglect ſhall be deemed to be and ſhall be a Refuſal to act in the Execution of this Act.

No Perſon holding a Place of Profit to act.

IV. Provided always, and be it further enacted, That no Perſon ſhall act as a Truſtee in the Execution of this Act during the time in which he ſhall hold any Place of Profit under this Act.

Creditors not incapable of acting.

V. Provided alſo, and be it further enacted, That no Perſon being a Mortgagee or Aſſignee of any Mortgage or other Security, or otherwiſe a Creditor upon the Tolls by this Act authoriſed to be raiſed and received, ſhall on that account be incapable of acting as a Truſtee in the Execution of this Act.

Qualification of Truſtees.

VI. And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act unleſs he ſhall in his own Right or in the Right of his Wife be ſeiſed of or entitled to Meſſuages, Lands, Tenements or other Hereditaments of the clear yearly Value of Fifty Pounds for ſome Eſtate for Life or for Years determinable on one or more Life or Lives, or for ſome larger Eſtate, and ſhall be in the actual Receipt of the Rents and Profits of the ſame Hereditaments, or ſhall be Heir Apparent of ſome Perſon or Perſons ſeiſed of or entitled to Meſſuages, Lands, Tenements or other Hereditaments of the clear yearly Value of One hundred Pounds for ſome Eſtate in fee ſimple or fee tail, and in the actual receipt of the Rents and Profits thereof, or unleſs he ſhall be poſſeſſed of a perſonal Eſtate alone or of real and perſonal Eſtates together to the Amount in Value of One thouſand Pounds after Payment of all his juſt Debts.

Oath or Affirmation of Qualification to be taken.

VII. And be it further enacted, That no Perſon ſhall act as a Truſtee in the Execution of this Act (except in adminiſtering the Oath or Affirmation hereinafter mentioned) until he ſhall have taken an Oath, or being of the People called Quakers an Affirmation, that he is duly qualified to act as ſuch Truſtee by ſome of the Means required by this Act, and ſhall in taking ſuch Oath or Affirmation ſpecify the Nature of his Qualification according to the true Intent and Meaning of this Act; which Oath or Affirmation ſhall be adminiſtered by and taken before One or more of the ſaid Truſtees, who is and are hereby empowered to adminiſter the ſame at any General Meeting of the ſaid Truſtees to be holden by virtue of this Act.

Penalty on Perſons acting if not qualified.

VIII. And be it further enacted, That if any Perſon not being qualified in Manner hereinbefore mentioned ſhall act as a Truſtee in the Execution of this Act, every Perſon ſo acting ſhall forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame within Twelve Calendar Months next after the Time when ſuch Perſon ſhall have ſo acted as a Truſtee, which ſaid Sum ſhall and may be recovered in any of His Majeſty's Courts of Record at *Weſtminſter* or in the Court of Pleas of the *Iſle of Ely*, by Action of Debt or on the Caſe or by Bill, Suit, or Information, wherein no Eſſoign, Protection or Wager of Law, nor more than one Imparlance ſhall be allowed; and that every Perſon who ſhall be proſecuted for acting as a Truſtee in the Execution of this Act ſhall prove that he is qualified by ſome of the Means directed by this Act, or ſhall pay the ſaid Sum of Fifty Pounds, upon Proof being given of his having acted as ſuch Truſtee.

IX. Provided

Acts of unqualified Persons, previous to Conviction to be valid.

IX. Provided always, and be it further enacted, That the Acts and Proceedings of every Person who shall act as a Trustee in the Execution of this Act, previously to his being convicted of having acted without a sufficient Qualification according to the Intent and Meaning hereof, shall be as valid and effectual as if such Person had been duly qualified according to the Directions of this Act.

Meetings of Trustees.

X. And be it further enacted, That the said Trustees shall hold a General Meeting at the present *Rose* and *Crown* Inn in the Town of *Wisbech* aforesaid, on the *Thursday* next after the Expiration of Three Weeks from the Day of the passing of this Act, and shall also hold a General Meeting at the present *Duke's Head* Inn in the Town of *Thorney* aforesaid, on the Third *Thursday* in the month of *October* next after the passing of this Act, and shall in the following and every succeeding Year during the Term of this Act hold General Meetings either in the Town of *Thorney* aforesaid or in the Town of *Wisbech* aforesaid, on the last *Thursday* in the Month of *May*, and on the Third *Thursday* in the Month of *October*, and that the first of such General Meetings annually shall be holden alternately in the Town of *Thorney* aforesaid and in the Town of *Wisbech* aforesaid, and the second of such General Meetings annually shall always be holden in the Town where the first General Meeting in the same Year was not holden; and that any Five of the said Trustees may at any Time by Writing under their Hands appoint a special Meeting of the said Trustees to be holden in either of the Towns of *Wisbech* and *Thorney* aforesaid, or at any intermediate Place between the said Towns, and that the said Trustees may from Time to Time adjourn their said General and Special Meetings, and that their said adjourned Meetings may be holden in either of the Towns of *Wisbech* and *Thorney* aforesaid, or at any intermediate Place as the said Trustees shall from Time to Time appoint; and that when and as often as any Meeting which shall be holden by virtue of this Act shall be adjourned by the said Trustees or by their Clerk or Clerks, and any Special Meeting of the said Trustees shall be holden before the Day appointed for such adjourned Meeting, the said adjourned Meeting shall not be holden unless there shall be a fresh Appointment thereof at such Special Meeting, and that in case Five of the said Trustees shall not be present at the Place appointed for holding any Meeting under the Authority of this Act, and at the Time at which the same shall be appointed to be holden or within a reasonable Time afterwards, then such Meeting shall be adjourned by the Trustees then present, or by the Clerk or Clerks to the said Trustees, to another Day not exceeding Thirty Days from the Day of such Meeting, and to the same Place where such Meeting was to have been holden; and that Notice in Writing of every General and Special Meeting to be holden under the Authority of this Act shall be affixed upon all the Toll Gates then erected across the said Road and inserted in some public Provincial News-paper generally circulated in the said *Isle of Ely* Ten Days before the Day of such Meeting, and that such Notice of every Special Meeting shall specify the Object thereof, and that no Business shall be done or proceeded upon at any Meeting of the said Trustees before the Hour of Eleven in the Forenoon, and that no Meeting shall be appointed to be holden at or adjourned to a later Hour than the Hour of Three in the Afternoon; and that at all the Meetings to be holden under the Authority of this Act the Trustees then present shall bear and defray their own Expence.

XI. And

Power for Trustees to make Orders.

XI. And be it further enacted, That the said Trustees shall have full Power and Authority, at their respective Meetings to be holden under and by virtue of this Act, to make and determine upon such Orders and Proceedings touching the Execution of this Act as to them shall seem meet, and that no Orders or Proceedings of the said Trustees (except such as are herein particularly mentioned and otherwise provided for) shall be valid unless the same shall be made and determined upon at some Meeting to be holden under and by virtue of this Act by a Majority of the Trustees present at such Meeting, nor unless Five of the said Trustees at the least shall be then present; and that at every such Meeting a Chairman shall be appointed by Ballot out of the Trustees then present, and in case there shall at any such Meeting be an Equality of Votes touching any Orders or Proceedings proposed to be made or determined upon, the same shall be decided by the Chairman, who shall have a casting Vote for that purpose; and that the Names of the Trustees present at their respective Meetings and all their Orders and Proceedings at such respective Meetings shall be entered in a Book or Books and shall be signed by the Trustees then present or a Majority of them, and being so signed shall be admitted and allowed as good and sufficient Evidence of the Orders and Proceedings of the said Trustees at all Times and to all Intents and Purposes whatsoever; and that the said Book or Books shall be deposited with the Clerk or Clerks to the said Trustees and shall be at all Times open for the Inspection of the said Trustees or any of them without any Fee or Reward for the same.

Orders not to be revoked but by Nine Trustees.

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

Power to appoint Officers.

XIII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time at their respective Meetings to appoint such Treasurers, Clerks, Receivers, Collectors, Surveyors, and other Officers as to them the said Trustees shall appear necessary and proper to assist in the Execution of this Act, and from Time to Time as they shall see Occasion to remove any such Officer or Officers as aforesaid, and to appoint another or others in his or their Place or Places, and to require and take from every or any such Officer before he shall act in the Execution of his Office, at the Expence of the said Trustees, such Security for the due Execution of his said Office as the said Trustees shall think proper, and to allow and pay out of the Monies to be raised and received by virtue of this Act the Costs and Charges of every such Security and such Salaries or other Compensation to the said respective Officers for their Trouble as the said Trustees shall think reasonable and proper.

Persons disqualified from holding Offices.

XIV. Provided always, and be it further enacted, That no Victualler or Retailer of Ale, Beer, Wine, or Spirituous Liquors, nor any menial Servant of any Person acting as a Trustee in the execution of this Act,

Act, shall be capable of holding any Office or Place of Profit under this Act.

Certain Trustees not to vote in the Election of Officers.

XV. Provided also, and be it further enacted, That in case any Officer who shall have been so appointed as aforesaid shall die or resign or be removed from his said Office, it shall not be lawful for any Person being a Trustee for the Purposes of this Act to vote for or act in the Appointment of any Person or Persons to succeed such Officer so dying, resigning, or being removed as aforesaid, who shall not have acted as a Trustee in the Execution of this Act and have signed his Name to the Proceedings or Orders at some one or more of the Meetings of Trustees for executing this Act holden within Eighteen Calendar Months next preceding the Death, Resignation or Removal of such Officer, if so many Months shall have elapsed from the Time of passing this Act: Provided also, That no Trustee shall be disqualified as aforesaid who shall have been under any temporary Incapacity from acting during any Part of the said Eighteen Months by reason of any Office or want of Qualification or otherwise under the Provisions of this Act.

Power of appointing temporary Officers.

XVI. And be it further enacted, That when and as often as any Collector, Receiver, or other Officer to be appointed by the said Trustees under the Authority of this Act, shall die or become incapable of performing his Duty, or shall abscond or absent himself or become bankrupt or insolvent, it shall be lawful for any Five or more of the said Trustees, although not assembled at a Meeting, to discharge such Collector, Receiver or other Officer so becoming incapable of performing his Duty or absconding or absenting himself or becoming bankrupt or insolvent as aforesaid; and to nominate and appoint a proper Person to act until the next General or Special Meeting of the said Trustees in the Place of such Collector, Receiver, or other Officer who shall so die or be discharged as aforesaid.

Officers to keep Accounts.

XVII. And be it further enacted, That every Treasurer, Clerk, Receiver, Collector and other Officer to be appointed by the said Trustees shall fairly enter into a Book or Books to be by him kept for that Purpose an Account of all Monies by him received and expended on account of the said Trustees, specifying the Times when and the Persons from whom and to whom, and for what Purposes such Monies were respectively received and paid, and shall produce and deliver to the said Trustees at every General Meeting, or at any other Meeting when thereunto required by the said Trustees, the said Account or a true Copy thereof signed by such Treasurer, Clerk, Receiver, Collector or other Officer, and also all Vouchers for the several Expenditures mentioned therein, and shall at any Meeting of the said Trustees when thereunto required by the said Trustees verify every such Account upon his Oath (which Oath any one of the said Trustees is hereby empowered to administer) and also shall at all Times when thereunto required by the said Trustees produce and deliver to them or to whom they shall appoint all Books, Accounts, Papers or other Matters or Things belonging to the said Trustees or relating to the Office of such Treasurer, Clerk, Receiver, Collector or other Officer in his Custody or Power, and pay over to the said Trustees or to whom they shall appoint the Balance of Monies which shall be in his Hands by virtue of his said Office.

XVIII. And

Punishment of Officers refusing to account.

XVIII. And be it further enacted; That in case any such Treasurer Clerk, Receiver, Collector or other Officer shall wilfully refuse, after Ten Day's Notice in Writing given to him under the Hands of Five or more of the said Trustees or under the Hand or Hands of their Clerk or Clerks for that Purpose, to produce before and deliver to the said Trustees the several Books, Accounts, Papers or other Matters or Things in his Custody or Power relating to his said Office or otherwise belonging to the said Trustees, or shall wilfully disobey any of the lawful Orders or Directions to be made and given to him by the said Trustees, every Person so offending and being thereof convicted before any Justice or Justices of the Peace for the said *Isle of Ely* (who is and are hereby authorised and required to hear and determine any such Offence upon the Oath of One or more Witness or Witnesses or upon the Confession of the Person so offending) shall for every such Offence forfeit and pay such Sum of Money not exceeding Twenty Pounds, as such Justice or Justices shall direct to be recovered by Distress and Sale of the Goods and Chattels of the Offender, and may also be committed by such Justice or Justices to the House of Correction for the said *Isle of Ely* for any Time not exceeding Six Calendar Months at the Discretion of the said Justice or Justices; and in case any such Treasurer, Clerk, Receiver, Collector or other Officer shall refuse or neglect to account for all Monies received and paid by him to the Satisfaction of the said Trustees, or to pay the Money due upon the Balance of his Account according to the Direction of the said Trustees, then and in every such case it shall be lawful, upon the Complaint of any Five or more of the said Trustees or their Clerk or Clerks, for any Justice or Justices of the Peace for the said *Isle of Ely*, by Warrant under his or their Hand and Seal or Hands and Seals, to levy by Distress and Sale of the Goods and Chattels of such Offender so refusing or neglecting to account or to pay the Money due upon the Balance of his Account as aforesaid, such Sum or Sums of Money as he shall be required to account for, or shall be found due upon the Balance of his Account; and for want of such Distress it shall be lawful for any such Justice or Justices of the Peace, by Warrant under his or their Hand and Seal or Hands and Seals, to commit any such Offender to the Common Gaol or any House of Correction for the said *Isle of Ely*, there to remain without Bail or Mainprize until he shall have made an Account to the Satisfaction of the said Trustees and shall have paid such Monies as shall appear to be remaining in his Hands to the said Trustees or according to their Appointment, or shall have compounded for the same and shall have paid the Money compounded for (which Money the said Trustees may and they are hereby empowered to accept by way of Composition) or for any less Space of Time in the Discretion of the said Justice or Justices; or otherwise that the said Trustees may and they are hereby empowered to bring or cause to be brought any Action or Actions in any of his Majesty's Courts of Record at Westminster, or in the Court of Pleas of the *Isle of Ely*, against any such Officer so refusing, neglecting or making Default as aforesaid, and against such Person or Persons as shall have become Surety for him for the Recovery of the Monies that shall appear to be in the Hands of such Officer or to be due to the said Trustees upon the Balance of his Account.

Map and Book of Reference to remain with Clerk of Peace.

XIX. And whereas a Map or Plan, describing the Line of the said proposed Turnpike Road and the Lands through which the same is proposed to be carried, together with a Book of Reference containing a List of

of the Names of the Owners and Occupiers of the said Lands, has been deposited at the Office of the Clerk of the Peace for the said *Isle of Ely*; Be it therefore further enacted, That the said Map or Plan and Book of Reference shall at all Times remain in the Custody of the said Clerk of the Peace or of his Deputy, to the end that all Persons may at all seasonable times have Liberty to peruse and inspect the same on paying the Sum of One Shilling, and to take a Copy or an Extract of or from the said Map or Plan on paying the Sum of Five Shillings, and of or from the said Book of Reference on paying the Sum of Three Shillings and Sixpence.

Power to make Road according to Plan.

XX. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby required by virtue of this Act to make and set out as soon as conveniently may be after the passing of this Act, a Turnpike Road from the Bridge over the Great River, in the Town of *Wisbech Saint Peter* aforesaid, through the several Parishes of *Wisbech Saint Peter* and *Wisbech Saint Mary* aforesaid, the Hamlet of *Wisbech Guyhirn* aforesaid and the Lordship of *Thorney* aforesaid, to the Bridge over the River in the Town of *Thorney* aforesaid, of such Width, not exceeding One hundred Feet in any Part thereof, and in such Manner as to them shall seem expedient and proper; and that the said Trustees in making and setting out the said Road shall observe and follow the Line thereof laid down and described in the said Map or Plan of the said Road so deposited with the Clerk of the Peace for the said *Isle of Ely* as aforesaid, and shall not in any one Part of the said Road deviate from the said Line more than One hundred Yards of Three Feet each without the Consent in Writing of the Person or Persons, Body or Bodies through or over whose Lands the said Road shall be made or set out in consequence of such Deviation; and that the said Road and every Part thereof, when and as soon as the same shall have been made or set out by the said Trustees according to the Directions of this Act, shall be and be deemed to be a Turnpike Road to all Intents and Purposes whatsoever.

Power to make the Road although Names of the Owners of Lands omitted.

XXI. And be it further enacted, That it shall be lawful for the said Trustees to make or set out the said Turnpike Road in the Line thereof laid down and described in the said Map or Plan, or within the Distance of One Hundred Yards thereof, although the Name or Names of any Person or Persons, Body or Bodies through or over whose Lands the same shall be made or set out may have been omitted in the Book of Reference deposited with the said Map or Plan, in case it shall appear to and be certified by Two or more Justices of the Peace for the said *Isle of Ely* that such Omission proceeded from Mistake or Accident.

Deviation allowed with Consent of the Owners.

XXII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to set out, make, widen, divert or alter the said Road beyond the Distance of One Hundred Yards from the Line thereof laid down and described in the said Map or Plan, if the Person or Persons, Body or Bodies Politic, Corporate or Collegiate through or over whose Lands the said Road shall be made, set out, or diverted, shall be consenting thereto and shall signify such his, her, or their Consent in Writing under his, her, or their Hand or Hands or corporate Seal or Seals.

Power to enter upon Lands.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees and for their Surveyors, Officers, Agents and Workmen and every

every of them, with or without Cattle or Carriages, from Time to Time for the Purposes of this Act to enter into and upon and continue in and upon any of the Lands or Grounds through or over which the said Turnpike Road is intended to be made, set out or diverted, and into and upon any Lands or Grounds thereto adjoining, and to make any temporary Bridges, Ways and Passages into, from, and through any such Lands or Grounds, as well for themselves as for Persons travelling and passing along the said Road, and to lay and deposit any Materials or Implements upon the said Lands and Grounds or any of them without being deemed Trespassers or being subject to any Punishment, Penalty or Damage for the same, so that Satisfaction be made in the Manner hereinafter mentioned to the respective Owners and Occupiers of the said Lands and Grounds for any Injury that may be thereby done to the same.

Power to take Lands.

XXIV. And be it further enacted, That for making and maintaining the said Turnpike Road and for the Erection of any Gates or Buildings upon or by the Sides of the same, and for other the Purposes of this Act, it shall be lawful for the said Trustees and for their Surveyors from Time to Time to take, use, and convert any Roads, Droves and Common or Waste Lands and Grounds lying within the Line of the said Road, or within the Distances thereof hereinbefore authorized, without making any Compensation for the same; and also to take, use, and convert any private Lands, Grounds, or Hereditaments within the Line or Distances aforesaid, making such Compensation for the same as is hereinafter mentioned.

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

XXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to enable the said Trustees or any other Person acting under their Authority or under the Authority of this Act, to take down, remove, use, destroy or injure any Dwelling House or any inclosed Garden or Orchard, for any of the Purposes of this Act, without the previous Consent in Writing of the respective Owners thereof and other Persons interested therein, save and except all such Dwelling Houses, Gardens, and Orchards as shall have been erected, inclosed, or taken in, upon, or from any Waste or Common Lands or Droves within the Space of Thirty Years next before the passing of this Act, and also save and except the Cottages or Dwelling Houses, Gardens and Orchards following (that is to say) Five Cottages or Tenements situate on the North Brink of the Great River in the Town of *Wisbech Saint Peter* aforesaid, now or late in the several Occupations of *Thomas Baker*, the Widow *Jackson*, the Widow *Parker*, *John Nixon* and *Thomas Brawn*; Three Gardens formerly part of the Lord's Waste, but now inclosed, situate in *Wisbech Saint Mary* aforesaid near to the Church, now or late in the several Occupations of *John Cotterel*, *Isaac Bracer*, and *Richard Tawn*; a Garden situate in *Wisbech Saint Mary* aforesaid adjoining to a Cottage or Tenement now or late in the Occupation of *William Woods*; a Piece of Land used as a Garden to the Schoolhouse situate in *Wisbech Saint Mary* aforesaid, now or late in the Occupation of *John Russell*; a Blacksmith's Shop and Shed situate in *Wisbech Guyburn* aforesaid, now or late in the Occupation of *William Bedmore*; and a Cottage or Tenement and Garden thereto adjoining situate in *Wisbech Guybirn* aforesaid, now or late in the Occupation of *Robert Oldfield*.

Power to agree for Purchases and Compensation.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and required to treat and agree with the Owners and Occupiers of and other Persons interested in any Houses, Buildings, Lands, Tenements or Hereditaments which the said Trustees or any Person or Persons under their Authority shall take, use, remove, dig, cut, destroy or injure in making, widening, altering, diverting, repairing or maintaining the said Turnpike Road or any Part or Parts thereof under the Authority of this Act, or in carrying into Execution any of the Purposes hereof for the Purchase of any such Houses, Buildings, Lands, Tenements or Hereditaments, or for the Compensation to be made for such Damages as may happen to be done to the same, and to settle and ascertain in what Proportions the Sum or Sums by them agreed to be paid for any such Purchase or Compensation as aforesaid shall be paid to and divided amongst the several Persons interested therein; and also that it shall be lawful for all Bodies Politic, Corporate or Collegiate and Corporations Aggregate or Sole on behalf of themselves respectively, and of their respective Heirs and Successors, and for all Husbands, Guardians, Committees, Executors and Administrators and all other Trustees whatsoever on behalf of their respective Wives, Infants, Lunaticks or other *Cestuique* Trusts, and for all Femes Covert who shall be interested in their own Right, and for all other Persons whomsoever who shall be possessed of or interested in any such Houses, Buildings, Lands, Tenements or Hereditaments, to treat and agree with the said Trustees acting under the Authority of this Act for the Sale thereof to them, and to convey the same unto the said last-mentioned Trustees or unto such Person or Persons and in such Manner as the said last-mentioned Trustees shall direct, or to treat and agree with the said last-mentioned Trustees for the Compensation to be made for such Damages as may happen to be done to any such Houses, Buildings, Lands, Tenements or Hereditaments in the Execution of any of the Powers of this Act, and that all such Sales, Conveyances, and Agreements shall be valid and effectual in Law to all Intents and Purposes whatsoever, any Law, Statute or Custom to the contrary notwithstanding, and that all Bodies, Corporations, Trustees and other Persons whatsoever shall be and they are hereby fully indemnified for and in respect of all such Matters and Things as they shall respectively lawfully do or cause to be done by virtue or in pursuance of this Act.

Compensation, if not agreed upon, to be assessed at the Sessions.

XXVII. Provided always, and be it further enacted, That in case the said Trustees acting under the Authority of this Act or any such Body Politic, Corporate or Collegiate, Corporation Aggregate or Sole, Trustee or Trustees, or other Person or Persons possessed or interested as aforesaid, shall refuse or neglect to treat, or be prevented from treating and agreeing, or shall not agree touching the Sale of any such Houses, Buildings, Lands, Tenements or Hereditaments which shall be so taken, used, removed, dug, cut, destroyed or injured as aforesaid, or touching the Compensation to be made for the Value thereof or for any Damages that may happen to be done thereto, according to the true Intent and Meaning of this Act, then and in such Case it shall be lawful for the said Trustees acting under the Authority of this Act, giving Fourteen Days previous Notice in Writing under the Hands of any Five or more of the said last-mentioned Trustees or of their Clerk or Clerks, to the principal Officer of such Body or Corporation or to such Trustee or Trustees or other Person or Persons possessed or interested as aforesaid, or any off them, or at his, her or their or any of their usual or last Place or Places of Abode, or for any such

such Body or Corporation, Trustee or Trustees, or other Person or Persons possessed or interested as aforesaid, giving Fourteen Days previous Notice in Writing under the Hand of the principal Officer of such Body or Corporation or under the Hand or Hands of such Trustee or Trustees or other Person or Persons or any of them to the Clerk or Clerks of the said Trustees acting under the Authority of this Act, or at his or their Place or Places of Abode, to apply to the Justices of the Peace to be assembled at some General Quarter Sessions of the Peace to be holden for the said *Isle of Ely*, for the purpose of having the Compensation to be made by the said Trustees acting under the Authority of this Act, for the Value of such Houses, Buildings, Lands, Tenements, or Hereditaments or for the Damages done thereto assessed by a Jury at the said Sessions; and that on such Application being so made, and such Notice as aforesaid being proved to have been given, the said Justices at their said Sessions or at some Adjournment thereof shall and they are hereby authorized and required to cause a Jury of Twelve indifferent Men to be impanneled and returned by the Chief Bailiff of the said *Isle* and to be duly sworn, and that any of the Parties who shall be interested in the Verdict of the said Jury shall have their lawful Challenges to the said Jury or any of them, and that all proper Witnesses shall and may then and there be duly sworn and examined and all legal Evidence produced and given on behalf of any of the said Parties, and that the said Jury being sworn and the said Witnesses being sworn and examined and the said Evidence being produced and given as aforesaid, the said Jury shall then and there assess and award the Compensation to be made and given by the said Trustees acting under the Authority of this Act for the Value of the said Houses, Buildings, Lands, Tenements or Hereditaments which shall have been so taken, used, removed, dug, cut, destroyed or injured as aforesaid, or for any Damages which may happen to have been done thereto, to the respective Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Trustee or Trustees, or other Person or Persons possessed of or interested in the same, according to their respective Rights and Interests therein, and shall give their Verdict thereon accordingly; and that the said Justices shall then and there declare Judgement according to the said Verdict of the said Jury, which said Verdict and Judgement shall finally bind and be conclusive upon as well the said Trustees acting under the Authority of this Act as also the said Bodies, Corporations, Trustees or other Persons or Parties possessed or interested as aforesaid, and shall be entered and kept among the Records of the Sessions of the Peace for the said *Isle of Ely*, and the same or true Copies thereof being signed by the Clerk of the Peace or his Deputy shall be deemed and taken as good Evidence in all Courts of Law or Equity whatsoever, and that all Persons shall and may have Recourse thereto and take Copies thereof or Extracts therefrom at all seasonable Times on paying the Fees usual in Cases of the like Nature.

Payment of Costs of Application.

XXVIII. And be it further enacted, That in all Cases when the Compensation which shall be awarded by such Jury as aforesaid shall be greater than the Compensation which shall have been previously offered by or on behalf of the said Trustees acting under the Authority of this Act, the Costs attending the Application to the said Justices, the Charges of Witnesses thereon and all other Expences relating thereto to be allowed by the said Justices at their said Sessions, shall be borne and paid by the said Trustees out of the Monies to be raised, received and collected by them

them under the Authority of this Act; and that in all cases where such Compensation shall not be greater than the Compensation which shall have been so previously offered, such Costs, Charges and Expences to be allowed as aforesaid shall be borne and paid by the Body, Corporation, Trustee or Trustees, or other Person or Persons possessed or interested as aforesaid: Provided always, that in all cases where any Person or Persons shall by reason of unavoidable Absence have been prevented from treating with the said Trustees acting under the Authority of this Act, such Costs, Charges, and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

Payment of Compensation to Mortgagees.

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

Application of Compensation to Persons under Disabilities.

XXX. And be it further enacted, That all such respective Sums of Money as shall be agreed or awarded to be paid by the said Trustees acting under the Authority of this Act, for any Houses, Buildings, Lands, Tenements or Hereditaments belonging to any Body Politic, Corporate or Collegiate, Corporation aggregate or sole, Feme Covert, Infant, Lunatic, Idiot or other Person or Persons under any legal Disability or Incapacity, which shall have been purchased, taken, used, dug, cut, destroyed or injured by the said Trustees under the Authority of this Act, shall in case the same shall amount to the Sum of Two hundred Pounds or upwards be paid by the said Trustees with all convenient Speed into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees acting under the Authority of this Act; and that such Sums of Money to the Amount aforesaid when so paid into the said Bank of *England* shall there remain until the same shall, by Order of the said Court of Chancery upon a Petition to be preferred in a summary Way, be applied in the Purchase of Land Tax or in the Discharge of any Debts or Incumbrances affecting the said Houses, Buildings, Lands, Tenements or Hereditaments which shall have been so purchased, taken, used, dug, cut, destroyed or injured as aforesaid, or any other Houses, Buildings, Lands,

Lands, Tenements, or Hereditaments belonging thereto, or being under the same Title therewith, or until the same shall upon a Petition to be preferred in like Manner be laid out by Order of the said Court of Chancery in the Purchase of other Houses, Buildings, Lands, Tenements, or Hereditaments to be conveyed and settled to, for, and upon the like Uses, Trusts, and Purposes, as the Houses, Buildings, Lands, Tenements or Hereditaments which shall have been so purchased, taken, used, dug, cut, destroyed or injured as aforesaid, at the Time of the purchasing, taking, using, digging, cutting, destroying or injuring the same, were conveyed or settled upon, or such of them as shall then be existing and capable of taking Effect; and that in the mean Time and until any such Order can be made as aforesaid, such respective Sums of Money may by Order of the said Court of Chancery be laid out in some of the Public Funds or in Government or real Securities, and that the Dividends and Interest arising therefrom shall by Order of the said Court of Chancery be paid to the Person or Persons who for the Time being would have been entitled to the Rents and Profits of the said Houses, Buildings, Lands, Tenements, or Hereditaments which shall have been so purchased, taken, used, dug, cut, destroyed or injured as aforesaid; and that in case such respective Sums of Money shall not amount to the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then the same shall and may, with the Approbation of the said Trustees acting under the Authority of this Act or any Five or more of them, be paid into the said Bank of *England*, and applied by order of the said Court of Chancery in the same Manner as is hereinbefore directed concerning Sums amounting to Two hundred Pounds and upwards; or otherwise shall and may without any Order of the said Court be paid into the Hands of Two Trustees to be nominated in Writing by and under the Hand or Hands of the Person or Persons who for the Time being would have been entitled to the Rents and Profits of the said Houses, Buildings, Lands, Tenements or Hereditaments which shall have been so purchased, taken, used, dug, cut, destroyed or injured as aforesaid, such Nomination being approved of by Five or more of the said Trustees acting under the Authority of this Act by Writing under their Hands; and that such Sums of Money as shall be paid to such Two Trustees as aforesaid, shall be by them applied in such and the like Manner as is hereinbefore directed with respect to the Sums of Money amounting to Two Hundred Pounds and upwards, hereinbefore required to be paid into the said Bank of *England*, but without any Order of the said Court of Chancery touching the Application thereof; and that in case such respective Sums of Money shall not exceed the Sum of Twenty Pounds, then the same shall be paid to the Person or Persons who for the Time being would have been entitled to the Rents and Profits of the said Houses, Buildings, Lands, Tenements or Hereditaments which shall have been so purchased, taken, used, dug, cut, destroyed or injured as aforesaid, for his, her or their own Use and Benefit; or in Case of any such Person being a Feme Covert, Infant, Lunatic or Idiot, then to his or her Husband, Guardian or Committee for the Use and Benefit of such Person.

For want of Titles, &c. Purchase Monies to be paid into the Bank.

XXXI. And be it further enacted, that in Case the Person or Persons to whom any such Sum or Sums of Money shall be awarded to be paid for the Purchase of or for any Damage that may happen to have been done to any Houses, Buildings, Lands, Tenements or Hereditaments which

which ſhall have been purchaſed, taken, uſed, dug, cut, deſtroyed or injured as aforeſaid, ſhall refuſe to accept the ſame or ſhall not be able to make a good Title to the ſaid Houſes, Buildings, Lands, Tenements or Hereditaments to the Satisfaction of the ſaid Truſtees acting under the Authority of this Act, or in caſe the Perſon or Perſons who ſhall be entitled to ſuch Houſes, Buildings, Lands, Tenements or Hereditaments, or to whom any ſuch Sum or Sums of Money ſhall be awarded to be paid as aforeſaid ſhall not be known or cannot be found, then and in any ſuch Caſe it ſhall be lawful for the ſaid Truſtees to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* the Truſtees acting under the Authority of this Act, ſubject to the Order, Controul and Diſpoſition of the ſaid Court of Chancery; which ſaid Court of Chancery, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money or any Part thereof by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding or otherwiſe as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in any of the Public Funds, and to order Diſtribution thereof or Payment of the Dividends thereof, according to the reſpective Eſtates, Titles or Intereſts of the Perſons making Claim or appearing to be entitled thereto, and to make ſuch other Order or Orders touching the ſame 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 ſaid Bank of England as aforeſaid.

In caſe of queſtion as to Title, the Perſon in Poſſeſſion to be deemed entitled.

XXXII. And be it further enacted, That in caſe any queſtion ſhall ariſe touching the Title of any Perſon to any Money which ſhall have been paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery in purſuance of this Act, for the Purchaſe of any Houſes, Buildings, Lands, Tenements or Hereditaments, or of any Eſtate, Right or Intereſt in any Houſes, Buildings, Lands, Tenements or Hereditaments which ſhall have been purchaſed, taken, uſed, dug, cut, deſtroyed or injured, or for any Damage that may have been done thereto as aforeſaid, or to any Bank Annuities which ſhall have been purchaſed with any ſuch Money as aforeſaid, or to the Dividends or Intereſt of any of ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Houſes, Buildings, Lands, Tenements or Hereditaments at the Time of ſuch Purchaſe or Damage, and all Perſons claiming under ſuch Perſon or Perſons or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Houſes, Buildings, Lands, Tenements or Hereditaments, according to ſuch Poſſeſſion until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and that the Dividends or Intereſt of the Bank Annuities which ſhall have been 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 to appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Houſes, Buildings,

Buildings, Lands, Tenements or Hereditaments or to some Estate or Interest therein.

Power for the Court of Chancery to order Expences.

XXXIII. And be it further enacted, That in case by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Houses, Buildings, Lands, Tenements or Hereditaments which shall have been purchased, taken, used, dug, cut, destroyed or injured as aforesaid, the Money which shall have been paid for the Purchase thereof or for any Damage that may have been done thereto shall have been paid into the Bank of *England*, subject to the Order of the Court of Chancery, and shall be afterwards applied under the Direction of the said Court in the Purchase of other Houses, Buildings, Lands, Tenements or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Chancery to order the Expences of such Purchase or Purchases in which the said Money or any Part thereof shall be so applied, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees acting under the Authority of this Act, out of the Monies to be raised and received by virtue of this Act, and that the said Trustees shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Purchase Monies to be paid by the Trustees.

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

Lands taken to become a common Highway and be vested in the Trustees.

XXXV. And be it further enacted, That upon Payment or Tender, by or on the Part of the said Trustees acting under the Authority of this Act, of such respective Sums of Money as shall have been agreed or awarded to be paid by them as aforesaid in the Manner by this Act directed concerning the same respectively, all the Owners and Occupiers of and Persons interested in the Houses, Buildings, Lands, Tenements or Hereditaments in respect whereof such Sums of Money shall be respectively paid or tendered as aforesaid, shall thenceforth be divested of all Right, Title, Claim, Interest and Property of, in, to or out of the same, and that such Lands or Grounds, or such Part or Parts thereof as the said Trustees shall set out and allot for that Purpose shall thenceforth to all Intents and Purposes whatsoever become and for ever afterwards be a common Highway, and shall be and be deemed to be Part of the said Turnpike Road intended to be made by virtue of this Act, and shall be maintained and repaired acccordingly, and that such Part or Parts of the said Lands and Grounds, and of the Lands and Grounds constituting the present Road laid down and described in the said Map or Plan, as shall not be made or form a Part of the said Turnpike Road, unless the same shall lead over some Common or Waste Ground or to some Town, Village or Hamlet to which the said Turnpike Road shall not lead, and also all such other Houses, Buildings, Lands, Tenements and Hereditaments as the said Trustees shall inclose, take or use under the Authority and for the Purposes of this Act shall be vested in the said Trustees; and

that

that it ſhall be lawful for the ſaid Truſtees to ſell and for any Five or more of them by virtue of an Order of the ſaid Truſtees for that Purpoſe made at any General Meeting to convey any of the ſaid Houſes, Buildings, Lands, Tenements and Hereditaments, ſo veſted in them as aforeſaid, which ſhall not be wanted for any of the Purpoſes of this Act to ſuch Perſon or Perſons and in ſuch Manner as the ſaid Truſtees ſhall think proper, ſo that the ſaid Truſtees ſhall firſt offer the ſame for Sale to the Perſon or Perſons from whom the ſame Houſes, Buildings, Lands, Tenements or Hereditaments were reſpectively taken, or to the Owner or Owners of the Lands adjoining the ſame; and that in caſe the ſaid Truſtees and ſuch Perſon or Perſons, Owner or Owners cannot agree touching the Purchaſe Monies to be paid to the ſaid Truſtees for the ſame, ſuch Purchaſe Monies ſhall be aſſeſſed and awarded by a Jury in ſuch and the ſame Manner as in and by this Act directed, concerning the Sale of or Compenſation for Damage to any Houſes, Buildings, Lands, Tenements or Hereditaments, to be taken, uſed, dug, cut, deſtroyed or injured by the ſaid Truſtees for any of the Purpoſes of this Act; and that the Coſts and Charges of aſſeſſing and awarding the ſaid Purchaſe Monies by ſuch Jury as aforeſaid ſhall be borne and paid in ſuch and the ſame Manner as is in and by this Act directed, concerning the Coſts and Charges of aſſeſſing and awarding any Compenſation for the Value of, or for Damages to any ſuch Houſes, Buildings, Lands, Tenements or Hereditaments as aforeſaid; and that in caſe the ſaid Houſes, Buildings, Lands, Tenements or Hereditaments or any Part thereof ſhall be ſold and conveyed as aforeſaid, then upon Payment of the Purchaſe Monies for the ſame, and upon Receipts for ſuch Purchaſe Monies being ſigned and given by the Treaſurer to the ſaid Truſtees for the Time being, the reſpective Houſes, Buildings, Lands, Tenements or Hereditaments which ſhall be ſo ſold and conveyed as aforeſaid, and the Fee Simple and Inheritance thereof reſpectively, ſhall thenceforth be veſted in the Perſon or Perſons to whom the ſame ſhall be conveyed as aforeſaid, according to the Purport and Effect of the Conveyance or reſpective Conveyances thereof.

Toll Gates, &c. to be erected.

XXXVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, by and with the Monies to be raiſed and received under the Authority of this Act, to provide, erect or ſet up one Toll Gate, Bar or Chain acroſs the ſaid intended Turnpike Road at or near to the North End of a certain Lane called *Mill Lane* in the Pariſh of *Wiſbech Saint Peter* aforeſaid, and alſo one other Toll Gate, Bar or Chain acroſs the ſaid Road at the Boundary which divides the Lordſhip of *Thorney* aforeſaid from the Pariſh of *Wiſbech Saint Mary* aforeſaid, and alſo one Side or Catch Bar acroſs the North Bank of the Great River in the ſaid Pariſh of *Wiſbech Saint Peter* at or near to the South End of the ſaid *Mill Lane*, or between the ſaid South End of the ſaid *Mill Lane* and the South End of a cretain other Lane called *Barton Lane*, in the ſaid Pariſh of *Wisbech Saint Peter*, and alſo ſuch other Side or Catch Bars upon or by the Sides of the ſaid Road and upon or acroſs any Lanes or Byeways leading into or out of the ſame, as they ſhall think expedient and proper; and to diſcontinue, remove and alter the ſaid Toll Gotes, Bars or Chains, or any of them, and in like Manner to provide, erect or ſet up others in lieu thereof, ſo as none ſuch ſhall be erected or placed acroſs the ſaid Road nearer to the Town of *Wiſbech* aforeſaid than the ſaid North End of the ſaid *Mill Lane*, nor

nearer

nearer to the Town of *Thorney* aforesaid than the said Boundary which divides the said Lordship of *Thorney* from the said Parish of *Wisbech Saint Mary*; and also to provide or erect Toll Houses with suitable Buildings and Conveniencies thereto at the said respective Toll Gates, Bars or Chains, or any of them, and to inclose from the said Road or any Part thereof convenient Yards or Gardens for the said respective Toll Houses; and also to make or cause to be made such Hedges, Ditches and Fences by the Side of the said Road, or upon, over or across any Common, Waste or uncultivated Lands or Grounds, in such Manner and Direction as they shall find necessary for preventing the Tolls by this Act authorized to be demanded and received from being evaded; and that all such Toll Gates, Bars or Chains, Toll Houses, Buildings, Conveniencies, Yards, Gardens, Hedges, Ditches and Fences, and all other Works, Materials, Matters and Things whatsoever, which shall be made, taken or used by or under the Authority of the said Trustees in the Execution of this Act, shall be vested in the said Trustees for the Purposes of this Act.

Tolls payable at Boarden House Gate to be purchased and extinguished.

XXXVII. And whereas there are certain Tolls now payable at a Gate called *Boarden House Gate*, erected at the Boundary which divides the Lordship of *Thorney* aforesaid from the Parish of *Wisbech Saint Mary* aforesaid, and it is desirable that the said Tolls should cease and be extinguished; Be it therefore further enacted, That it shall be lawful for the said Trustees, and they are hereby required, immediately after the passing of this Act, to treat and agree with the Owner or Owners of the said Tolls or the Person or Persons entitled to receive the same, for the Purchase of the said Tolls, and for a Compensation to be made and paid to such Owner or Owners or Person or Persons for the same; and that in case the said Trustees or such Owner or Owners, or Person or Persons as aforesaid, shall refuse to treat or shall be prevented from treating, or shall not agree for the Purchase of the said Tolls and for the Compensation to be made for the same as aforesaid, then such Compensation shall be assessed and awarded by a Jury, in such and the same Manner as is in and by this Act directed concerning Compensations to be made for the Purchase of or for Damages to any Houses, Buildings, Lands, Tenements or Hereditaments to be taken, used, dug, cut, destroyed or injured by the said Trustees for any of the Purposes of this Act, and that the Costs and Charges of assessing and awarding the said Compensation by such Jury as aforesaid, shall be borne and paid in such and the same Manner as is in and by this Act directed, concerning the Costs and Charges of assessing and awarding Compensations for the value of or for Damages to any such Houses, Buildings, Lands, Tenements or Hereditaments as aforesaid; and that from and after the Payment or Tender by or on the Part of the said Trustees to the Owner or Owners of the said Tolls, or the Person or Persons entitled to receive the same, or in such other Manner as is in and by this Act directed and authorized, of such Sum or Sums of Money as shall be agreed or assessed and awarded to be paid as aforesaid, all and singular the Tolls which now are or at any Time heretofore have been paid or payable at the said *Boarden House Gate*, for any Horses, Cattle or Carriages passing into and from the said Lordship of *Thorney*, upon, along or across the said intended Turnpike Road shall be for ever extinguished, and the Payment of the said Tolls and every of them by any Person, or Persons whomsoever, and all Right, Title, Interest, Claim or Demand of such Owner or Owners thereof or Person or Persons entitled to

receive the ſame or any of them as aforeſaid, ſhall ceaſe and be for ever determined.

Tolls to be taken.

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

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

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

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

For every Horſe, Mare, Gelding, or other Beaſt, drawing any Carriage, Sledge, or Implement of Huſbandry, drawn by two or more ſuch Beaſts, and carrying any Tree or Trees or Timber or Stone at any time between the Months of *October* and *March*, the additional Sum of One penny Halfpenny.

For every Four-wheeled Carriage drawn, and in any Manner fixed to any other Carriage drawn by any Horſe, Mare, Gelding 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, Mare, Gelding or other Beaſt, the Sum of Sixpence.

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

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

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

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

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

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

Power to vary Tolls.

XXXIX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time, when and as often as they ſhall think proper, at any general Meeting to be holden by virtue of this Act, to leſſen or reduce all or any of the ſaid Tolls hereinbefore mentioned and authorized to be demanded, taken and received at all or any of the ſaid Toll Gates, Bars or Chains and Side or Catch Bars to be provided, erected or ſet up by virtue of this Act, and again to raiſe, leſſen or reduce the ſame; ſo that they ſhall not at any Time exceed the reſpective Tolls hereinbefore mentioned, and by this Act authorized to be demanded, taken

taken and received; and that it shall be lawful for the said Trustees, or their Collectors, Farmers or other authorized Persons, to demand, take and receive the said Tolls when so lessened or reduced or again raised or lessened, in such and the same Manner as they are by this Act authorized to demand, take and receive the said Tolls hereinbefore particularly mentioned; provided that no reduction of the said Tolls shall be made without the Consent of the several Persons for the Time being entitled to Five-sixth Parts of the principal Money which shall be then due on the Security of the said Tolls, to be testified in Writing under the Hands of the said Persons respectively, and that no Reduction of the said Tolls shall be made unless Notice in Writing shall be affixed upon all the Toll Gates which shall then be erected across the said Road, and also inserted in some Public Provincial Newspaper generally circulated in the said *Isle of Ely*, Fourteen Days previous to the Meeting at which such Reduction shall be proposed to be made.

Limitation or Payment of Tolls.

XL. And be it further enacted, That none of the said Tolls by this Act authorized shall be demanded or taken more than once at any One Toll Gate, Bar, or Chain, to be provided, erected, or set up, by virtue of this Act, and at any Side or Catch Bar adjoining, or belonging thereto, for or in respect of the same Horse, Cattle, or Carriage passing, or repassing, through the same Toll Gate, Bar, or Chain, and Side or Catch Bar, at any Time or Times, in any One Day, to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night, so that the Person or Persons who shall have paid such Tolls once, as aforesaid, shall produce a Ticket from the Collector, or other Person to whom the same shall have been paid, denoting the Payment thereof, which Ticket the said Collector, or other Person, is hereby required to provide and give on the Receipt of such Tolls; and that in case the said Trustees shall provide, erect, or set up more than Two Toll Gates, Bars or Chains, or Side or Catch Bars, by virtue of this Act, none of the said Tolls shall be demanded or taken at more than Two of such Toll Gates, Bars or Chains, as aforesaid, or of the Side or Catch Bars adjoining, or belonging to the same, or any of them, for or in respect of the same Horse, Cattle, or Carriage, though the same may pass or repass through all, or more than Two of the Toll Gates, Bars or Chains which shall be provided, erected, or set up, by virtue of this Act, and through all or more of the Side or Catch Bars adjoining or belonging thereto, at any Time or Times in any One Day, to be computed as aforesaid, so that the Person or Persons who shall have paid any such Tolls twice, as aforesaid, shall produce Tickets from the Collectors or other Persons to whom the same shall have been paid, denoting the Payment thereof (which Tickets the said Collectors, or other Persons, are hereby required to provide and give on the receipt of such Tolls).

Exemptions from Tolls.

XLI. And be it further enacted, That no Toll shall be demanded or taken at any of the Toll Gates, Bars, or Chains to be provided, erected, or set up across the said Road or at any Side or Catch Bar adjoining, or belonging thereto, for or in respect of any Horse, Cattle, or Carriage which shall be employed in conveying or guarding, or in returning from conveying or guarding any Mail, Packet, or Express sent by or under the Authority of His Majesty's Postmaster General, or any of his Deputies, or for or in respect of any Horse belonging to any Military Officer or Soldier

Soldier upon March, or upon Duty, or for or in respect of any Horse, Cattle, or Carriage employed in conveying or guarding, or in returning on the same Day from conveying or guarding the Arms or Baggage of any such Officer or Soldier, or any wounded, sick, or disabled Officer or Soldier, or any Prisoner of War, or any Ordnance, Barrack, Commissariat or Public Stores of or belonging to or for the Use of His Majesty, or for or in respect of any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry, or Volunteer Cavalry, and rode by him in going to or returning from any Place appointed for Exercise, Inspection, or Review, provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements, according to the Regulations appointed for such Corps, at the Time of claiming the Exemption, or for or in respect of any Horse, Cattle, or Carriage conveying or returning from conveying Materials for repairing any Public Works within either of the said Parishes of *Wisbech St. Peter*, and *Wisbech St. Mary*, or the said Lordship of *Thorney*, belonging to the Corporation of *Bedford Level*, or to the Commissioners of the *North Level*, Part of the said *Bedford Level*, or to the Commissioners of Sewers for the Hundred of *Wisbech* aforesaid, or to the Commissioners for the Drainage of any District or Districts within the Parishes and Lordship aforesaid, or any of them, or for or in respect of any Horse, Cattle, or Carriage, carrying or conveying only any Elector or Electors to or from the Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Cambridge*, or for or in respect of any Horse, Cattle, or Carriage carrying or conveying any Clergyman to or from the Performance of his Clerical or Ministerial Duties, or carrying or conveying any other Person on any Sunday or other Day on which Divine Service shall be ordered by authority to be celebrated, to or from the celebration of Divine Service only at the Church or Chapel, or other authorized Place of Religious Worship in any of the Parishes or Lordship through which the said Road shall pass, being the Parish or Lordship wherein such Person shall reside, or carrying or conveying any Person to or from the Funeral of any deceased Person who shall be buried in any of the said Parishes or Lordship, being the Parish or Lordship in which such Person in his or her Lifetime usually resided, or for or in respect of any Horse, Cattle, or Carriage employed only in conveying or in returning on the same or succeeding Day from conveying any Vagrant sent by a legal Pass, or for or in respect of any Horse, Cattle, or Carriage belonging to any Person or Persons actually residing on the North Bank of the Great River of *Wisbech* aforesaid, or within the Distance of Two Hundred Yards from the said Bank, between the Town of *Wisbech* aforesaid, and the South end of a certain Lane, called *Black Dike Lane*, in the Hamlet of *Wisbech Guybirn* aforesaid, whether such last-mentioned Horse, Cattle, or Carriage shall be unladen, or shall be carrying or conveying any such last-mentioned Person or Persons, or any of his, her, or their Family or Servants only, or any of his, her, or their Goods or Effects only, or any Materials for the Repairs of any of his or their Buildings, Fences or Premises only, so that such last-mentioned Horse, Cattle, or Carriage shall be going into or towards the said Town of *Wisbech* only, or going from the said Town to the Place or Places of Residence of such Person or Persons only, and shall not go or pass upon any other Part of the said Road than upon such Part thereof as shall be immediately along and by the Side of the said Great River in the said Town of *Wisbech*, or for or in respect of any Horse, Cattle,

Cattle or Carriage which ſhall only croſs the ſaid Road, or ſhall not paſs more than One Hundred Yards thereon, or for or in reſpect of any Horſe, Cattle, or Carriage carrying or conveying, or returning from carrying or conveying any Stones, Bricks, Lime, Timber, Wood, Gravel, Silth, or other Materials for making or repairing the ſaid intended Road, or any Bridge thereon, or any other Work done under the Authority of the ſaid Truſtees, or for repairing any of the Highways in the ſeveral Pariſhes or Lordſhip through which the ſaid Road ſhall paſs, or for or in reſpect of any Horſe, Cattle, or Carriage carrying or conveying any Hay, Graſs, Straw, or Corn in the Straw to be laid up or conſumed in the Buildings, Yards, or Premiſes of the Owners thereof, and not intended for Sale, or going or returning empty in that Employment, or carrying or conveying any Manure to be laid upon any of the ſaid Lands, or going or returning empty in that Employment, or for or in reſpect of any Horſe, Cattle, or Carriage carrying or conveying only any Ploughs, Harrows, or other Implements for the Cultivation, Drainage, or Improvement of any of the ſaid Lands, or going or returning empty in that Employment, or for or in reſpect of any Horſe or Cattle going to or returning from Work in cultivating any of the ſaid Lands only, or going to or returning from being ſhoed or farried, or going to or returning from Paſture or Watering Places in any of the ſaid Pariſhes, and not paſſing more than Two Miles along the ſaid Road, or carrying or conveying Occupiers of Lands in any of the ſaid Pariſhes or Lordſhip, or their Families or Servants to or from their ſaid Lands only.

Certain Exemptions not to extend to Catch Bar on the North Bank.

XLII. Provided always, and be it further enacted, That no Perſon or Perſons (other than and except Perſons actually reſiding on the North Bank of the Great River of *Wiſbech* aforeſaid, or within the Diſtance of Two Hundred Yards from the ſaid Bank, between the Town of *Wiſbech* aforeſaid, and the South End of the ſaid *Black Dike Lane* in the Hamlet of *Wiſbech Guyhirn* aforeſaid, for and in reſpect of Horſes, Cattle, and Carriages belonging to ſuch laſt-mentioned Perſons reſpectively, and carrying or conveying ſuch laſt-mentioned Perſons reſpectively, or their reſpective Families, Servants, Goods, or Effects only, or Materials for the Repairs of their reſpective Premiſes only, and going into or towards the ſaid Town of *Wiſbech* only, or going from the ſaid Town to their own reſpective Place of Reſidence only, and not going or paſſing upon any other Part of the ſaid Road than upon ſuch Part thereof as ſhall lie immediately along and by the Side of the Great River in the ſaid Town of *Wiſbech*,) ſhall by virtue of this Act, or of any other Act or Acts now in force, have or be entitled to any Exemption from the Payment of the reſpective Tolls by this Act authorized to be demanded and taken, for or in reſpect of any Horſe, Cattle, or Carriage paſſing through the ſaid Side or Catch Bar by this Act authorized to be erected or ſet up acroſs the ſaid North Bank of the ſaid Great River, at or near to the South End of the ſaid *Mill Lane*, or between the ſaid South End of the ſaid *Mill Lane* and the South End of the ſaid *Barton Lane* in the Pariſh of *Wiſbech Saint Peter* aforeſaid, by reaſon only of ſuch Horſe, Cattle, or Carriage only croſſing the ſaid Road, or not paſſing more than One Hundred Yards thereon.

Power to erect Weighing Engines.

XLIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, if they ſhall think proper, to order and cauſe to be built or erected at or near to any Toll Gate, to be erected or uſed under their Authority upon any Part of the ſaid Road, and at ſuch diſtance from any

such Toll Gate as they shall think expedient; a Machine or Engine, with a suitable House or other Building, and Conveniencies thereto proper for the weighing of Carts, Waggons, and Carriages conveying any Goods or Merchandize whatsoever, and to order all or any of such Carts, Waggons, or Carriages as shall pass laden through any such Toll Gate, or along the said Road, to be weighed, together with the lading thereof; and that it shall be lawful for any Person or Persons to be appointed or authorized by the said Trustees for that Purpose to demand and take, over and above the Tolls hereinbefore authorized to be demanded and taken, such additional Tolls for the Weight or Weights which any such Cart, Waggon, or Carriage, together with the Lading thereof, shall weigh at any such Weighing Engine to be erected as aforelaid, over and above the Weights allowed to them respectively by an Act passed in the Thirteenth Year of the Reign of His present Majesty for regulating the Turnpike Roads in *England*, as are granted and made payable by the said last-mentioned Act; which said additional Tolls, when the same shall be incurred, shall and may be demanded and recovered in the same Manner as any other Toll by this Act made payable is by this Act authorized to be demanded and recovered, and that every such Weighing Engine shall, to all Intents and Purposes, be and be deemed to be a Weighing Engine within the Scope and Meaning of the said Act passed in the Thirteenth Year of the Reign of His present Majesty.

Owners or Drivers of Waggons conveying Military Stores not subject to Penalties for Overweight.

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

Power to recover Tolls.

XLV. And be it further enacted, That the said respective Tolls hereinbefore respectively authorized and made payable, shall be demanded and taken in the Name of and as Tolls by the said Trustees, or by their Collectors, Farmers, or other Persons by them authorized to receive the same, and shall be paid by the Person or several Persons accompanying the Horses, Cattle, or Carriages in respect whereof the same shall become payable as aforesaid, before such Horses, Cattle, or Carriages shall be suffered to pass through the Toll Gates, Bars, or Chains or Side or Catch Bars at which the same shall be respectively payable; and that if any such Person or Persons shall upon Demand thereof, either immediately or at any Time afterwards made by the said Collectors, Farmers or other Persons authorized to receive the same, neglect or refuse to make Payment of the said Tolls, or of any Part or Parts thereof, it shall be lawful for the said Collectors, Farmers, or other Persons so authorized to receive the same, by himself or with Assistants to detain, seize and distrain the respective Horses, Cattle, or Carriages in respect whereof such Tolls shall have

have become payable, or any of them, or any Carriage or Carriages which shall be drawn by any such Horses or Cattle, or the Lading, Harnels or Accoutrements of any such Horses, Cattle, or Carriages, or any Part thereof, or any of the Goods or Chattels of the Person or Persons so neglecting or refusing to pay the same as aforesaid; and that if such Tolls, and the reasonable Charges of such Detention and Distress and of keeping such Distress shall not be paid to such Collectors, Farmers or other Persons authorized as aforesaid, within the Space of Five Days next after the Day of such Detention and Distress, the said Collectors, or other Persons authorized as aforesaid, shall and may at any Time or Times thereafter sell and dispose of such Distress or any Part thereof, and out of the Monies which shall arise by such Sale shall and may pay and retain such Tolls and all reasonable Charges incurred by such Detention, Distress and Sale, returning the Overplus of the said Monies and such Parts of the said Distress as shall remain unsold (if any there shall be) upon Demand to the Owner or Owners thereof, or to the Person or Persons in whose Possession the same shall have been when so detained and distrained as aforesaid.

Disputes concerning Tolls to be settled by Justices.

XLVI. And be it further enacted, That if any Disputes shall arise concerning any Tolls which shall be demanded under the Authority of this Act, or concerning any Charges incident to any such Distress or Sale as aforesaid, it shall be lawful for the Collector, Farmer or other Person making such Distress to retain the same or the Monies arising from the Sale thereof till the said Tolls and the just Amount thereof and the Charges of such Distress and Sale shall be ascertained by some Justice or Justices of the Peace for the said *Isle of Ely*, who, upon Application to be made to him or them for that Purpose by any of the Parties concerned, shall examine the Matter by Oath of the said Parties, or of a Witness or Witnesses, and shall determine the Amount of the said Tolls which ought to be paid, if any such shall appear to him or them to have been due, and shall in that case assess the Charges of such Distress and Sale and of the Attendance upon the said Justice or Justices by the Collector, Farmer or other Person making such Distress, all which Sums so to be determined and assessed shall be paid to the Collector, Farmer or other Person making such Distress before he or she shall be obliged to return the said Distress or any Part of the Monies arising from the Sale thereof; and in case the said Justice or Justices shall determine that no such Toll was due, then he or they shall assess the Charges of the Person or Persons injured by such Distress to be paid to him, her, or them by such Collector, Farmer or other Person by whom the same shall have been made, and in default of Payment thereof by such Collector, Farmer or other Person, shall and may cause the same to be levied, with all further reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Collector, Farmer or other Person making default in the Payment thereof.

Collectors to be competent Witnesses.

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

XLVIII. And

Power to leaſe Tolls.

XLVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time, at any of the General Meetings to be holden under the Authority of this Act (Notice in Writing of ſuch Meeting, and of the Intention of the ſaid Truſtees to let to farm the ſeveral Tolls by this Act authorized to be demanded and received, or any of them, being affixed upon all the Toll Gates erected acroſs the ſaid Road, and inſerted in ſome Public Provincial Newſpaper generally circulated in the ſaid *Iſle of Ely* at leaſt Fourteen Days previous to the Day of ſuch Meeting) to let to farm in the Manner directed and preſcribed by the ſaid Act of the Thirteenth Year of the Reign of His preſent Majeſty the ſeveral Tolls by this Act made payable and authorized to be demanded and received, or any of them or any Part or Parts thereof, to any Perſon or Perſons for any Term not exceeding Three Years for the beſt Rent or Price that can be reaſonably gotten for the ſame, payable at ſuch Times to ſuch Perſons and in ſuch Manner and ſubject to ſuch Covenants, Conditions and Agreements as the ſaid Truſtees ſhall think fit; and that it ſhall be lawful for any Five or more of the ſaid Truſtees afterwards, though not aſſembled at any Meeting, to execute one or more Leaſe or Leaſes of the ſaid Tolls according to the Terms of ſuch letting thereof, and that the ſeveral Perſons hiring the ſaid Tolls ſhall execute Counterparts of ſuch Leaſes, and ſhall give ſuch ſufficient Security for Payment of the Rents and Performance of the Covenants to be reſerved and contained in ſuch reſpective Leaſes as the ſaid Truſtees at their ſaid reſpective Meetings ſhall think fit.

Power to appoint Collector in default of Payment of Rent by Farmer.

XLIX. And be it further enacted, That if any Perſon who ſhall be the Farmer or Renter of any of the Tolls by this Act authorized to be demanded and received, or his Executors or Adminiſtrators, ſhall not pay or cauſe to be paid to the ſaid Truſtees, or their Treaſurer for the Time being, the Rent or Sum or Sums of Money which ſuch Farmer or Renter ſhall have agreed to give for the ſame, within the Space of Fourteen Days next after the ſeveral and reſpective Days on which the ſame ſhall become due and payable, it ſhall be lawful for any Five or more of the ſaid Truſtees (though not aſſembled at any Meeting), to appoint ſome fit Perſon to collect and receive the Tolls of which ſuch Perſon ſhall be the Farmer or Renter until the next General or Special Meeting of the ſaid Truſtees; which Perſon ſo to be appointed ſhall have the ſame Powers and be accountable in the ſame Manner in all reſpects as if he had been appointed a Collector at a Meeting holden by virtue of this Act; and that in any ſuch Caſe as aforeſaid, upon Notice in Writing being given by any Five or more of the ſaid Truſtees or their Clerk or Clerks to ſuch Farmer or Renter, or to his or her Executors or Adminiſtrators, or left at his, her, or their laſt Place of Abode, the Term and Time for which the ſaid Tolls ſhall have been hired or rented ſhall at the time mentioned in ſuch Notice ceaſe and be abſolutely determined, and ſuch Farmer or Renter, or his or her Executors or Adminiſtrators, ſhall no longer be or be deemed to be the Farmer or Farmers of the ſaid Tolls; and that all ſuch Sums of Money as ſhall have been depoſited in the Hands of the ſaid Truſtees or their Treaſurer, in Part of the ſaid Rent, or for the better ſecuring the regular Payment thereof, and all Intereſt which ſhall be then due thereon ſhall become forfeited to the ſaid Truſtees, and ſhall be by them applied towards the ſeveral Purpoſes of this Act.

L. And

L. And be it further enacted, That if any Collector of Tolls who shall be discharged from his Office by virtue of this Act, or any Farmer or Farmers whose Term for hiring or renting the said Tolls, or any of them, shall be expired or determined by virtue of his, her or their Contract for the same or by virtue of any of the Provisions of this Act, or the Wife or Widow or any of the Children, Family or Representatives of any Collector or Farmer who shall be discharged, or whose Term shall be expired or determined as aforesaid, or who shall happen to die, or any other Person or Persons, shall refuse to deliver up the Possession of any Toll House or Building to be erected or set up upon or by the Side of the said Road, or any Yard or Garden belonging thereto, or any other Premises belonging to or under the Direction of the said Trustees in the Possession of such Collector, Farmer or other Person for the Space of Four Days after Demand thereof made, and Notice in Writing given for that purpose by Five or more of the said Trustees (though not assembled at any Meeting), or by their Clerk or Clerks, then, and in any such case, it shall be lawful for any Constable or other Peace Officer for the said *Isle of Ely*, by virtue of a Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the said Isle (who is and are hereby empowered to grant the same), with such Assistance as shall be necessary to enter every or any such House, Building, Yard, Garden or other Premises in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her or their Goods and Effects out of the same, and to deliver the Possession thereof to the said Trustees, or their Clerk or Clerks, or to such other Person or Persons as the said Trustees shall direct, and also to seize, sell, and dispose of so much of the said Goods and Effects as shall be necessary for paying and discharging the Expences which shall have been incurred by or in consequence of such Refusal as aforesaid. Collectors and others refusing to deliver up Toll Houses, to be removed.

LI. And be it further enacted, That if any of the several Persons who have become or agreed to become Subscribers, or who shall become or agree to become Subscribers towards the Expences of obtaining and passing this Act, and of carrying the same and the several Provisions hereof into Execution, shall for the Space of Fourteen Days after Notice in Writing under the Hand or Hands of the Treasurer or Treasurers to be appointed by the said Trustees shall have been for that Purpose given to him, her or them, or left at his, her or their usual or last Place or Places of Abode, refuse or neglect to make Payment of the respective Sums by him, her or them so subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice to be paid to the said Treasurer or Treasurers or other Person or Persons authorized by the said Trustees to receive the same, at such Time or Times, and in such Manner as the said Trustees shall in that behalf direct, and according to the Terms upon which the same shall have been or shall be by him, her or them subscribed or agreed to be paid, it shall be lawful for the said Trustees to bring or cause to be brought any Action of Debt, or on the Case or any Bill or Suit against every or any such Person so refusing or neglecting as aforesaid, or against his or her Heirs, Executors or Administrators, in any of His Majesty's Courts of Record at Westminster, or in the Court of Pleas of the *Isle of Ely*, for recovering or enforcing the Payment of the said respective Sums, or such Part or Parts thereof as shall be so refused or neglected to be paid as aforesaid, and that in any Subscriptions to be recovered.

such Action, Bill or Suit, no Essoign, Protection or Wager of Law, nor more than one Imparlance shall be allowed.

Power to borrow Money.

LII. And be it further enacted, That it shall be lawful for the said Trustees, at any of their General Meetings to be holden under the Authority of this Act, to borrow and take up at Interest upon the Credit of the Tolls by this Act authorized to be raised and received such Sum or Sums of Money, not exceeding in the whole the Sum of Twelve Thousand Pounds, as they shall think necessary for the purpose of carrying this Act into Execution; provided that no such Money shall be borrowed after the first Meeting of the said Trustees, unless Notice in Writing of such Meeting, and of the Intention of the said Trustees to borrow Money on the Credit of the said Tolls shall have been affixed upon all the Toll Gates then erected across the said Road, and also inserted in some Public Provincial Newspaper generally circulated in the said *Isle of Ely*, at least Fourteen Days previous to the Day of such Meeting.

Power to mortgage the Tolls.

LIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered by any Writing or Writings under the Hands and Seals of any Five or more of them by virtue of any Order or Orders to be made for that purpose by the said Trustees at any of their General Meetings from Time to Time, to grant and assign the said Tolls by this Act authorized to be raised and received, or any Part or Parts thereof, and all or any of the Toll Houses, Toll Gates, Buildings, Yards or Gardens belonging to or under the Authority of the said Trustees, to any Subscriber or Subscribers as aforesaid, or to any Person or Persons of whom any such Sum or Sums of Money shall be borrowed as aforesaid, and to their respective Executors, Administrators and Assigns for and during the Continuance of the Term of this Act, as a Security or Securities to such Subscribers or other Persons respectively, and to their respective Executors, Administrators and Assigns for the Repayment to them respectively of the Monies which have been subscribed or advanced by them respectively, together with Interest for the same not exceeding the Rate of Five Pounds *per Centum per Annum*; and that every such Security shall be made in the Form or to the Effect following (that is to say)

'BY virtue and in pursuance of an Act passed in the Fiftieth Year of the Reign of His Majesty King George the Third, intituled '[*here set forth the Title of this Act*] and in consideration of the Sum of ' to . the Treasurer ' appointed by the Trustees for carrying the said Act into Execution paid ' by of ' We whose Names are hereunto subscribed and Seals affixed, being Five ' of the said Trustees, Do grant and assign unto the said ' his Executors, Administrators and Assigns, such Proportion ' of the Tolls arising or becoming payable by virtue of the said Act, and ' of the Toll Houses, Toll Gates, Buildings, Yards and Appurtenances ' belonging to us or under our Authority by virtue of the said Act, as ' the said Sum of doth or shall bear ' to the whole Sum now due, or hereafter to become due on any Security ' granted or to be granted by the Trustees acting under the Authority of ' the said Act upon the said Tolls and Premises, to have, hold, receive and ' take such Proportion of the said Tolls, Toll Houses, Toll Gates and ' Premises

'Premiſes as aforeſaid unto the ſaid his Exe-
'cutors, Adminiſtrators and Aſſigns, for the Reſidue and Remainder now
'to come of the Term for which the ſaid Act is or ſhall be in Force,
'unleſs the ſaid Sum of
' ſhall be ſooner repaid to the ſaid
'his Executors, Adminiſtrators or Aſſigns, together with Intereſt for the
'ſame, after the Rate of *per Centum per Annum*. In witneſs
'whereof, we have hereunto ſet our Hands and Seals this Day
'of in the Year of our Lord One thouſand eight
'hundred

And that it ſhall be lawful for all Perſons to whom any Security ſhall be made as aforeſaid, and their reſpective Executors, Adminiſtrators and Aſſigns reſpectively, or ſuch other Perſons as ſhall from Time to Time be reſpectively entitled to the ſame, by Writing or Writings, under his, her or their Hand and Seal or reſpective Hands and Seals, to aſſign and transfer the ſaid Security and the Principal Money and Intereſt ſecured thereby, and all their Right and Title in and to the ſame, to any other Perſon or Perſons, and his, her or their Executors, Adminiſtrators and Aſſigns, and that every ſuch Aſſignment ſhall or may be made in the Form or to the Effect following; (that is to ſay)

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

Mortgages, &c. to be entered.

LIV. And be it further enacted, That Copies of all ſuch Mortgages as ſhall be made by the ſaid Truſtees under the Authority of this Act, ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks to the ſaid Truſtees, and that all ſuch Transfers of the ſaid Securities or any of them as ſhall be made as aforeſaid, ſhall be produced to the ſaid Clerk or Clerks, and that upon any Perſon or Perſons becoming entitled to any of the ſaid Securities by virtue of any Will, Letters of Adminiſtration or other Inſtrument, the Probate of ſuch Will, or ſuch Letters of Adminiſtration or other Inſtrument, ſhall in like Manner be produced to the ſaid Clerk or Clerks, and that the ſaid Clerk or Clerks ſhall cauſe Copies or Memorials of all ſuch Transfers, Probates of Wills, Letters of Adminiſtration or other Inſtruments, as ſhall be produced to him or them as aforeſaid, to be entered in the ſaid Book or Books, and ſhall deliver Certificates of the Entry thereof to the Perſon or Perſons appearing to be entitled thereto, and ſhall be paid the Sum of Ten Shillings and no more for each ſuch Entry and Certificate, and that upon

upon the Delivery of such Certificate by the Clerk or Clerks, and not before, the Person or Persons, claming by virtue of any such Transfer, Will, Letters of Administration or other Instrument, shall be entitled to the Security or Securities, granted by the said Trustees which shall pass thereby, and to the Principal Money and Interest which shall then be due thereon; and that the said Book or Books may be at all Times inspected by the said Trustees or any of them, or by the said Mortgagees, or other Persons entitled to the said respective Securities for the Time being, without Fee or Reward; and that the several Entries in the said Book or Books, signed by the Clerk or Clerks to the said Trustees for the Time being, shall be admitted and allowed as good and sufficient Evidence of such Mortgages, Securities or Transfers respectively, at all Times and to all Intents and Purposes whatsoever.

No Priority of Mortgages.

LV. And be it further enacted, That all Persons to whom any Mortgage or Transfer shall be made, or who shall be entitled to any such Mortgage by virtue of this Act, shall be in proportion to the Sum or Sums of Money therein mentioned, Creditors on the said Tolls and Premises whereon the same shall be secured in equal Degree, and that none of them shall have any Preference in respect of the Priority of the Date of any such Mortgage, or in respect of the Priority of Time in advancing the Sum or Sums of Money on any such Mortgage.

Application of Monies.

LVI. And be it further enacted, That all the Monies which shall arise and be produced by the several Subscriptions made and entered into for obtaining and carrying into Execution this Act, and from the Tolls by this Act authorized to be raised and received, and also all the Monies which shall from Time to Time be borrowed, or shall otherwise arise and be produced by virtue or under the Authority of this Act, and which are not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees authorized to carry this Act into Execution for the Time being, and shall be applied by them in the Manner following; (that is to say) In the first Place, in paying and discharging the Costs, Charges and Expences, of preparing, obtaining and passing this Act, with all lawful Interest for such Monies as shall have been advanced and expended, by any Person or Persons, for or towards that Purpose, and then in paying the Compensation which shall be agreed or assessed and awarded to be paid, for the Purchase of the said Tolls, now or heretofore payable at the said *Boarden House Gate* as aforesaid, and then in paying the Interest from Time to Time, accruing and becoming due upon the several Principal Sums of Money which shall have been subscribed or advanced, and shall from Time to Time be due and owing on the several Mortgages to be made in pursuance of this Act, and then in defraying the Expences of providing and erecting Toll Gates, Toll Houses and other Buildings; and of making, forming, widening, diverting, altering and repairing the said Road, and of purchasing Houses, Buildings, Lands, Tenements and other Hereditaments, and making Compensation for Damages, and of making and maintaining the necessary and convenient Works upon and for the said Road, and of executing the several Powers and Purposes of this Act, and lastly, in redeeming, paying off, and discharging the several Principal Sums which shall for the Time being, be due on such Mortgages or Securities as aforesaid, or any of them.

LVII. And

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

LVIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, who shall from Time to Time be appointed by the said Trustees, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or authorized by the said Trustees, to search for, cut, dig, gather, take and carry away any Stones, Gravel, Silth, Sand or other Materials, for making, forming, maintaining or repairing the said Road, Toll Houses, Bridges, and others Works belonging to or under the Authority of the said Trustees in, upon, out of and from any Waste Grounds or Commons, in any of the said Parishes, Hamlets or Lordships, through which the said Road shall pass or in any adjoining Parish or Place, without paying any thing for the same, and to carry the same over or across any inclosed Lands or Grounds, so that such Surveyor or Surveyors or other Person or Persons, shall fill up the Pits and level the Ground from whence any such Materials shall have been taken, or shall sufficiently fence off such Pits in such Manner that the same shall not be dangerous to Passengers or Cattle; and in case such Materials or a sufficient Quantity thereof cannot conveniently be had in such Waste Grounds or Commons as aforesaid, then to search for, cut, dig, gather, take and carry away any such Materials as aforesaid, in, upon, out of, or from and over any other Lands or Grounds; and that the said Trustees shall make all reasonable Compensation and Satisfaction for the Damages done to the Owners and Occupiers of such Lands or Grounds, where and from whence the said Materials, or any of them shall have been dug, gathered, taken and carried away, or over which the same shall have been conveyed; and that in case of any Difference between the said Trustees or their Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers, touching the Compensation to be made for any such Damages, it shall be lawful for any Two or more Justices of the Peace for the said *Isle of Ely*, after Fourteen Days' previous Notice in Writing being given by either Party to the other, or left at the respective Places of Abode of such Surveyors or other Persons employed as aforesaid, or of such Occupiers respectively, of their Intention to apply to the said Justices, to hear, settle and determine the Matter of such Damages, and the Costs attending the Hearing and Determination of the same, and that the Judgement or Order of the said Justices touching the same shall be final and conclusive to all Parties interested therein. Power to get Materials.

LIX. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or other Person or Persons, under the Authority of this Act, to dig, gather, take or carry away, any such Materials as aforesaid, in or from any inclosed or private Lands or Grounds until after Fourteen Days' Notice in Writing, signed by such Surveyor or other Person authorized by the said Trustees, shall have been given to the respective Owners or Occupiers of the Lands or Grounds Materials not to be taken from inclosed Grounds without an Order from Two Justices.

from which such Materials are intended to be taken, or left at the usual Place of Residence of such Occupiers respectively, requiring them to appear before Two or more Justices of the Peace for the said *Isle of Ely*, at a certain Time and Place to be specified in such Notice, to shew cause why such Materials should not be taken away, and that the said Parties shall appear before the said Justices on the said Day specified in the said Notice, and such Justices after hearing the Parties concerned shall, if they think proper, authorize such Surveyor or other Person to dig, gather, take and carry away such Materials at such Time or Times, and in such Manner as to the said Justices shall seem proper; or if such respective Owners or Occupiers shall not by themselves or by their respective Agents attend pursuant to such Notice, such Justices may make such Order therein as they shall think fit, in the same Manner as if such respective Owners or Occupiers had attended pursuant to such Notice.

No Materials to be taken in the Lordship of Thorney except for the Works in that Lordship.

LX. Provided always and be it further enacted, That it shall not be lawful for any Person or Persons under the Authority of this Act to dig, gather, take or carry away any Gravel, Stones or other Materials in, upon or from any inclosed Lands or Grounds in the Lordship of *Thorney* aforesaid, forthe purpose of forming, erecting, maintaining or repairing the said Road, or any Toll Houses or Buildings thereon, or any other Works under the Authority of this Act, other than and except such Part of the said Road, and such Toll Houses, Buildings or other Works as shall lie or be situate within the said Lordship of *Thorney*, without the previous Consent and Authority in Writing of the said *John* Duke of *Bedford*, his Heirs or Assigns, or of his or their Agent.

Power to make Causeways, Bridges, &c.

LXI. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors or such other Person or Persons as shall be appointed by him or them, or authorized by the said Trustees to make any Causeways in and upon or by the Side of the said Road or any Part thereof, and to make, divert, open, cleanse and enlarge any Ditches, Drains or Watercourses in, under, upon or by the Side of the said Road or any Part thereof, and in, upon and through any Lands or Grounds lying contiguous thereto, not being the Scite of any Dwelling House, nor being any inclosed Garden or Orchard, in order to conduct the Water from the said Road, and to build, erect, maintain and repair any Bridges, Arches or Tunnels upon any Part or Parts of the said Road across any Stream, River, Drain, Ditch or Water therein or contiguous thereto, making reasonable Compensation to the Owners and Occupiers of Private and Inclosed Grounds only for the Damages which they shall thereby sustain; and that in Case of any Difference concerning such Damages it shall be lawful for any Two or more Justices of the Peace for the said *Isle of Ely*, after Fourteen Days' previous Notice in Writing being given by such Surveyors or other Persons appointed or authorized as aforesaid, or left at the usual Places of Abode of such Occupiers respectively, or by such Owners or Occupiers respectively, or left at the usual Place of Abode of such Surveyors or other Persons, to hear, settle and determine the Matter of the said Damages and the Costs attending the Hearing and Determining of the same, and that the Judgment or Order of the said Justices touching the same shall be final and conclusive to all Parties interested therein.

LXII. And

Power to contract for Works.

LXII. And be it further enacted, That it shall be lawful for the said Trustees, or such Person or Persons as they shall for that purpose authorize or appoint, to contract with any Person or Person for making, altering, widening, diverting or repairing the said Road, or any Part thereof, or for making or executing any Works, or for doing any other Matter or Thing by this Act authorized to be done, in such Manner and for such Sum or Sums of Money and upon such Terms as the said Trustees shall think proper; and also to contract and agree with any Persons or Bodies Politick or Corporate for the Payment of any Sum or Sums of Money either annual or in gross, or other Compensation for any Loss, Injury or Damage which any such Persons or Bodies Politick or Corporate shall or may sustain by reason of any thing done, or to be done, in the Execution of this Act; and that all Contracts and Agreements in Writing entered into in pursuance of any Order of the said Trustees, by their Clerk or Clerks, Surveyor or Surveyors, or other Officers, with any Person or Persons, Body or Bodies Politick or Corporate, relating to any Matter or Thing to be done by virtue of this Act, shall be binding as well upon the said Trustees as upon the said Persons or Bodies contracting or agreeing with the said Trustees and signing or sealing such Agreements and their respective Executors, Administrators and Successors, and that Actions and Suits may be maintained thereon, aud Damages and Costs recovered against the Party or Parties failing in the performance of such Contracts or Agreements respectively.

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

LXIII. And be it further enacted, That all Bodies Politick and Corporate, all Commissioners and all other Persons who by reason of the Tenure of their Lands or any Charge thereon, or by any Law, Statute, Custom, Usage or otherwise, are or shall be liable to repair or to pay any Money or otherwise contribute towards the Repair of any Part or Parts, Side or Sides of the said Road, or any Bridge, Arch, Tunnel, Causeway, Drain or Sewer, in, upon or under the same, or any Bank, Shore, Wharfing or Frontage, upon, against or contiguous to any Part of the said Road, shall notwithstanding this Act still remain liable to repair or to pay or otherwise contribute towards the Repair of the same in such Manner and to the same Extent as they were before the Passing of this Act; and that the Inhabitants of the several Parishes, Hamlets, Lordships, Townships, Divisions or Watches through which the said Road shall pass, shall from and after the passing of this Act be and remain liable to the Repair of the several Parts of the said Road which shall lie within their said respective Parishes, Hamlets, Lordships, Townships, Divisions or Watches, and which any other Person or Persons is or are or shall not be liable to repair, in the same Manner as such Inhabitants are or shall be liable to the Repair of any other Highways within the same Parishes, Hamlets, Lordships, Townships, Divisions or Watches respectively.

Power to agree with Commissioners respecting Bridges, &c.

LXIV. Provided always, and be it further enacted, That in case the said Trustees shall at any Time or Times think it necessary for any of the Purposes of this Act, to take down, take up, remove, rebuild, alter, or enlarge any Bridge, Arch or Tunnel, now lying upon, over, or in any Drain, Sewer, or Watercourse, and belonging to, or under the Direction, Power, or Controul of any Commissioners or other Persons acting under the Authority of any Act or Acts of Parliament, or under the Authority of any Commission of Sewers, the said Trustees shall and they are hereby required,

required, with and out of the Monies which shall be raised and received under the Authority of this Act, to pay and discharge the Costs, Charges, and Expences of taking down, taking up, removing, rebuilding, altering or enlarging every such Bridge, Arch or Tunnel which shall be taken down, taken up, removed, rebuilt, altered or enlarged, by or under the Direction of the said Trustees, and of repairing, maintaining and supporting the same; and that the Commissioners or other Persons who before the taking down, taking up, removing, rebuilding, altering or enlarging any such Bridge, Arch or Tunnel, shall have been liable to repair, maintain, and support the same, shall and they are hereby required to pay to the said Trustees such Compensation, either annual or in gross, for the Exoneration of the said Commissioners or other Persons respectively from the future Charges and Expences of repairing, maintaining and supporting such Bridge, Arch or Tunnel, at such Time or Times, and in such Manner as the said Trustees and the said Commissioners or other Persons respectively shall mutually agree upon; which Compensation the said Commissioners and other Persons respectively are hereby authorized and empowered to agree for by virtue of any Order to be made for that purpose at any of their Meetings; and that in case the said Trustees and the said Commissioners or other Persons shall not agree touching any such Compensation to be made as aforesaid, it shall be lawful for any Two or more Justices of the Peace for the said *Isle of Ely*, upon Application to be made to them by or on behalf of either of the said Parties, after Fourteen Days' Notice in Writing given by either of the Parties or their respective Clerks or other Officers to the other of the said Parties or their respective Clerks or other Officers, or left at their respective Places of Abode, to settle and determine such Compensation to be made as aforesaid whether annual or in gross, and the Time or respective Times and the Manner at and in which such Compensation shall be made and paid by the said Commissioners or other Persons as aforesaid, also the Costs attending the making of such Application and the determining of the same, and that the Judgement and Order of the said Justices touching the same shall be final and conclusive to all Parties interested therein; and that it shall be lawful for the said Commissioners and other Persons respectively, and they are hereby respectively required to pay the Compensation which shall be agreed by them or awarded by the said Justices to be paid by the said Commissioners or other Persons as aforesaid out of the Monies which the said Commissioners or other Persons shall respectively raise and receive by virtue of the several Powers and Authorities respectively vested in them by any Law, Statute or otherwise.

No Waterway to be diminished.

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

Power for the Duke of Bedford to open Gold Dyke.

LXVI. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend, to defeat, extinguish, or lessen the Right or Power of the said *John* Duke of *Bedford*, as sole Owner of the Manor and Lordship of *Thorney* aforesaid, and of his

his Heirs and Aſſigns, at any Time or Times hereafter to open, ſcour out and cleanſe a certain Drain, called *Gold Dyke*, dividing the ſaid Lordſhip of *Thorney* from the Pariſh of *Wiſbech Saint Mary* aforeſaid, over which the ſaid Road is intended to paſs, but that the ſaid *John* Duke of *Bedford*, his Heirs and Aſſigns ſhall and may at all Times hereafter have full Power and Authority, to open, ſcour out and cleanſe the ſaid Drain, ſo that he or they ſhall in ſuch caſe at his and their own Expence erect and place and at all Times thereafter ſupport and maintain over the ſaid Drain a good and ſufficient Bridge for the paſſage of Horſes, Cattle and Carriages, paſſing along the ſaid Road in ſuch and the ſame Manner as if this Act had not been made.

Power to direct Indictments for not repairing Bridges, &c.

LXVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees at any Time or Times and from Time to Time to order and direct any Action or Actions, Indictment or Indictments, Proſecution or Proſecutions to be commenced, proſecuted and carried on againſt the Inhabitants of any Pariſh, Hamlet, Lordſhip, Townſhip, Diviſion or Watch or againſt any Commiſſioners or any other Perſon or Perſons liable to repair or to pay any Money or otherwiſe contribute towards the repair of any Bridge, Arch, Tunnel, Drain, Sewer, Bank, Shore, Wharfing or Frontage, in, upon, under, againſt or contiguous to the ſaid Road, or any Part thereof, when and as often as any ſuch Bridge, Arch, Tunnel, Drain, Sewer, Bank, Shore, Wharfing, or Frontage, ſhall be in Decay, or out of Repair, and to pay all ſuch Coſts and Expences attending the ſaid Action or Actions, Indictment or Indictments, Proſecution or Proſecutions, as ſhall be incurred by or on account of the ſaid Truſtees, out of the Monies which ſhall be raiſed and received under the Authority of this Act, and that all Damages and Fines, which, in, by or under ſuch Action or Actions, Indictment or Indictments, Proſecution or Proſecutions, ſhall be recovered by or awarded, or directed to be paid to the ſaid Truſtees or the Perſon or Perſons ſuing, indicting or proſecuting on their behalf, ſhall be paid to the Treaſurer or Treaſurers to the ſaid Truſtees and ſhall be expended and applied under the Direction of the ſaid Truſtees, to and for the ſeveral Purpoſes of this Act.

Power to compel performance of Statute Duty.

LXVIII. And be it further enacted, That the reſpective Surveyors of the Highways for the ſeveral Pariſhes, Hamlets, Lordſhips, Townſhips, Diviſions and Watches, through which the ſaid intended Road ſhall paſs, ſhall yearly or oftener, within Seven Days after demand ſhall have been made of them reſpectively in Writing by any Surveyor or Surveyors, acting under the Authority of this Act, deliver to ſuch laſt-mentioned Surveyor or Surveyors, exact Accounts or Liſts in Writing, under their reſpective Hands of the Chriſtian and Surname of every Perſon who within their reſpective Pariſhes, Hamlets, Lordſhips, Townſhips, Diviſions and Watches ſhall be liable to perform Statute Work, or to pay any Money as a Compenſation for ſuch Statute Work, and ſhall ſpecify in every ſuch Liſts the Nature and Amount of the Work and the Amount of the Money which every ſuch Perſon ſhall be liable to perform or pay as aforeſaid according to the Laws which for the Time being ſhall be in force for the Repairs of the Public Highways; and that it ſhall be lawful for any Two or more Juſtices of the Peace acting in and for the ſaid *Iſle of Ely*, and they are hereby required, upon Application

to them by the ſaid Truſtees or by their Clerk or Clerks, or Surveyor or Surveyors, or by any other Perſon acting under the Authority of the ſaid Truſtees, from Time to Time to adjudge and determine what Part or Proportion of Statute Work ſhall be performed by the reſpective Inhabitants of the ſaid ſeveral Pariſhes, Hamlets, Lordſhips, Townſhips, Diviſions and Watches upon the ſaid Road, and alſo what Proportion of the Money received by the reſpective Surveyors of the Highways within the ſaid ſeveral Pariſhes, Hamlets, Lordſhips, Townſhips, Diviſions and Watches ſhall be by them reſpectively paid to the ſaid Truſtees or their Treaſurer or Treaſurers, and alſo from Time to Time to appoint and order ſuch and ſo many of the Perſons who ſhall appear to be liable to perform Statute Work as aforeſaid within their reſpective Pariſhes, Hamlets, Lordſhips, Townſhips, Diviſions and Watches, to perform the ſame upon the ſaid Road for ſo many Days as the ſaid Juſtices ſhall think reaſonable; and alſo to order and direct the ſeveral Perſons who ſhall appear to be liable to pay any Money 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 or Treaſurers, at ſuch Time or Times as the ſaid Juſtices ſhall direct; and that every Perſon who ſhall neglect or refuſe to perform ſuch Statute Work or to pay ſuch Proportion of Money as a Compoſition for the ſame as aforeſaid, after Notice in Writing given to him, her, or them, or left at his, her or their uſual or laſt Place or Places of Abode for that Purpoſe by any Surveyor or other Perſon acting under the Authority of this Act, ſhall be ſubject and liable to ſuch Pains, Penalties and Forfeitures as ſuch Perſon or Perſons may or would be ſubject or liable to for not performing Statute Work or paying a Compoſition in lieu thereof by virtue of any Law or Statue which is or ſhall be in force for the Repair of public Highways; and that if any Perſon who ſhall go to work as a Labourer or ſhall be ſent with any Team or Draught to work on the ſaid Road in performance of any Statute Duty ſhall be found idle or negligent by any Surveyor acting under the Authority of this Act, it ſhall be lawful for ſuch Surveyor to diſcharge ſuch Perſon, and that ſuch Perſon and the Owner of the Team or Draught with which he ſhall have been ſent ſhall be liable to the ſame Pains, Penalties and Forfeitures as if ſuch Perſon or Owner had neglected or refuſed to perform ſuch Statute Work as aforeſaid.

Power to compound for Statute Work.

LXIX. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time to compound and agree by the Year or otherwiſe with the Inhabitants of any Pariſh, Hamlet, Lordſhip, Townſhip, Diviſion or Watch through which the ſaid Road ſhall paſs, or their Surveyor or Surveyors of Highways, and with the Owners or Occupiers of any Lands, Tenements or Hereditaments or any Commiſſioners or other Perſons, Bodies Politic or Corporate liable to repair or to pay any Money or otherwiſe contribute towards the repair of any Part or Parts of the ſaid Road, or any Bridges, Arches, Tunnels, Drains, Sewers, Shores, Wharfings or Frontages in, upon, under, againſt or contiguous to the ſaid Road or any Part thereof, or to the Performance of any Statute Work or other Duty thereon, for the Payment to the ſaid Truſtees of any Sum or Sums of Money for and in lieu of ſuch Repairs, Statute Work or other Duty reſpectively; and alſo for the reſpective Surveyors of the Highways of any Pariſh, Hamlet, Lordſhip, Townſhip,

Townſhip, Diviſion or Watch through which the ſaid Road ſhall paſs to compound and agree by the Year or otherwiſe with the ſaid Truſtees for the Payment to the ſaid Truſtees of any Sum or Sums of Money for and in lieu of the Repairs or Statute Work or other Duty to be performed by the Inhabitants of ſuch Pariſh, Hamlet, Lordſhip, Townſhip, Diviſion or Watch upon any Part or Parts of the ſaid Road, and that the ſaid Money which ſhall be ſo compounded for ſhall be paid to the ſaid Truſtees or their Treaſurer or Treaſurers by the perſons compounding for the ſame; and that the reſpective Surveyors of the Highways who ſhall pay any ſuch Compoſition Money as aforeſaid ſhall be repaid or reimburſed the ſame with all Coſts and Charges which ſhall have been incurred and paid by them reſpectively by the ſeveral Ways and Means and in ſuch Manner as by the Laws in being Surveyors of Highways are to be repaid or reimburſed any of the Monies by them expended in or about the Repairs of Highways.

Power to remove Annoyances after Notice.

LXX. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors and other Perſon or Perſons appointed by him or them, or authorized by the ſaid Truſtees from Time to Time to remove and prevent all Nuiſances, Annoyances or Encroachments upon or by the Side of any Part or Parts of the ſaid Road by Timber, Stone, Carriages, Hovels, Buildings, Fences, Rails, Pits, Pales, Poſts, Projections or otherwiſe; and alſo to cut down, top or lop any Trees or Buſhes growing in, upon or by the Side of the ſaid Road or in any of the Hedges, Fences or Grounds adjoining or near thereto; and alſo from Time to Time at proper Seaſons of the Year to ſheer and cut the Tops and Sides of all ſuch Hedges or Fences and to take and carry away the ſame reſpectively in caſe the reſpective Owners or Occupiers of the ſaid Lands or Grounds whereon ſuch Nuiſances, Annoyance or Encroachment ſhall happen, or of the Matters and Things whereby the ſame ſhall be occaſioned, or the reſpective Perſon or Perſons by whom or whoſe Order ſuch Nuiſances, Annoyances or Encroachments ſhall have ariſen, or the reſpective Owners or Occupiers of the Lands or Grounds wherein ſuch Trees, Buſhes, Hedges or Fences ſhall be, ſhall refuſe or neglect ſo to do for the Space of Ten Days after Notice in Writing given to them reſpectively for that Purpoſe under the Hand of any ſuch Surveyor or other Perſon authorized as aforeſaid; and that all ſuch Charges and Expences to be thereby incurred or ſuſtained by the ſaid Surveyor or Surveyors or other Perſon or Perſons authorized as aforeſaid, as the ſaid Truſtees ſhall think reaſonable ſhall be paid to ſuch Surveyors or other Perſons reſpectively by ſuch reſpective Owners or Occupiers or other Perſons ſo refuſing or neglecting as aforeſaid.

Power to remove ſudden Obſtructions without Notice.

LXXI. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors or ſuch other Perſon or Perſons as ſhall be appointed by him or them or authorized by the ſaid Truſtees as aforeſaid from Time to Time without giving any previous Notice to remove all ſuch Matters or Things whatſoever as ſhall be found lying upon or by the Side of any Part of the ſaid Road ſo as materially to obſtruct or annoy the Paſſage along the ſame, and to carry and place ſuch Matters and Things in any waſte Ground adjoining or near to the ſaid Road; and that the ſaid Surveyor or Surveyors or other Perſon or Perſons ſhall forthwith give Notice to the Owners of or Perſons intereſted in the ſaid

Matters

Matters or Things, in case such Owners or Persons respectively shall be known or can be found, and that the Charges of removing and carrying away the same shall be paid by such Owners or other Persons interested as aforesaid; and that in Case such Owners or other Persons interested as aforesaid shall not be known or cannot be found, or shall not within Fourteen Days' Notice as aforesaid remove and take the said Matters and Things from the said waste Grounds whereon the same shall be laid into and upon their own Premises, it shall be lawful for the said Surveyor or Surveyors or other Person or Persons authorized as aforesaid, to sell and dispose of the same, in such Manner as the said Trustees shall direct, and that the Monies arising from the Sale thereof, after defraying the Expences attending the same, shall be applied for the Purposes of this Act.

Cattle straying to be impounded.

LXXII. And be it further enacted, That if any Horse, Beast or Cattle shall at any Time be straying or at large upon the said Road or any Part thereof, or by the Side thereof, other than upon or by the Side of such Part of the said Road as shall pass through or along any Common or waste Lands not fenced off from the said Road, or shall be chained or fenced to or upon the said Road or any Part thereof, or on the Side thereof, or shall be turned loose or driven across the said Road to Water, or shall be injuring or damaging the said Road or any of the Works of or belonging to the said Trustees, the Owner or Owners of such Horse, Beast or Cattle shall in every such Case pay to the said Trustees or to their Treasurer or Treasurers for their Use such Sum as the said Trustees shall think reasonable, not exceeding the Sum of Forty Shillings over and above such Damages and other Penalties as such Owner or Owners shall thereby incur or be liable to pay by virtue of this Act or otherwise; and that it shall be lawful for the Surveyor or Surveyors, or other Person or Persons authorized by the said Trustees to seize any such Horse, Beast or Cattle which shall be so straying or at large, chained or fastened, turned loose or driven, or doing Injury or Damage as aforesaid, and to impound the same in any open Pound within any of the said Parishes, Hamlet or Lordship through which the said Road shall pass, and the same in Pound to keep for the Space of Five Days, and for so much longer Time as shall be thought necessary; and that after the Expiration of the said Five Days, and after giving or leaving Notice of such impounding to or at the Dwelling House of the Owner or Owners of the said Horse, Beast or Cattle, if he, she or they shall be known, or on the Door of the Church or Chapel of the Parish, Hamlet or Lordship in which the same shall have been seized, if such Owner or Owners shall not be known, it shall be lawful for the said Trustees or for their Surveyor or Surveyors or other Person or Persons authorized as aforesaid, unless the said Sum, and the Costs and Charges attending the seizing and impounding the said Horse, Beast or Cattle shall be in the mean Time discharged, to sell and dispose of such Horse, Beast or Cattle in such Manner as shall be thought expedient; and that the Money arising from the Sale thereof, after defraying the Expences attending the seizing, impounding and selling of the same, shall be paid to the Treasurer or Treasurers to the said Trustees, who shall, after deducting the Sum thought reasonable by the said Trustees, to be paid by the Owner or Owners of such Horse, Beast or other Cattle, not exceeding the said Sum of Forty Shillings, return the Surplus of the said Money (if any there shall be) to such Owner or Owners, or other Person or Persons to whom the same shall appear to belong.

LXXIII. And

Transient Offenders to be secured.

LXXIII. And be it further enacted, That it shall be lawful for any of the said Trustees, or their Clerks, Collectors, Surveyors, or other Officers respectively, or any of them, and for such other Person or Persons as they or any of them shall call to their Assistance, without any Warrant or any other Authority than this Act, to seize and detain any Person or Persons, being a Stranger or Strangers, or unknown to such Trustees, Clerks, Collectors, Surveyors or other Officers respectively, or not residing within the said *Isle of Ely*, who shall commit any Offence or Offences against this Act, or against any of the Provisions herein contained, and to take him, her or them before any Justice or Justices of the Peace for the said *Isle of Ely*, and such Justice or Justices is and are hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint which shall be so made.

Penalties.

LXXIV. And be it further enacted, That if any Surveyor of the Highways within any Parish, Hamlet, Lordship, Township, Division or Watch through which the said Road shall pass, shall refuse or neglect to deliver an Account of all Persons liable to perform Statute Work, or to pay Money as a Composition in lieu thereof, in the Manner directed by this Act; or if any Collector or Farmer of the Tolls, by this Act authorized to be demanded and received, shall knowingly take or demand, or cause to be taken or demanded from any Person, any Toll not so authorized, or any greater or less Toll than is so authorized, or shall in any Manner misbehave or misconduct himself in his Situation or Office, as such Collector or Farmer of the said Tolls, or if any Person shall assault, hinder or obstruct, or cause to be assaulted, hindered or obstructed any Collector, Farmer or Surveyor, or other Officer or Person appointed or authorized by the said Trustees, whilst acting in the Discharge of his Duty for the Purposes of this Act, or if any Person shall with an Intent to evade the Payment of any Toll by this Act made payable, go or pass with any Horse, Cattle or Carriage through or over any Lands or Grounds not being a publick Highway lying near to any Toll Gate, Bar, Chain or Side or Catch Bar which shall be erected, used or authorised by the said Trustees under the Authority of this Act, or if any Owner or Occupier of any such Lands or Grounds shall knowingly permit any Person with any Horse, Cattle or Carriage to pass through or over the same with such Intent as aforesaid, or if any Person shall forcibly pass through any Toll Gate, Bar, or Chain, or Side or Catch Bar to be erected, set up or used by the said Trustees, under the Authority of this Act, with any Horse, Cattle or Carriage, without Payment of the Toll which shall be due for the same, or shall claim or take the Benefit of Exemption from Payment of any such Toll without being entitled thereto, or shall offer or use any forged or false Note, Ticket or Paper, denoting the Payment of any such Toll, or take off, put on, leave or conceal any Horse, Beast, Carriage, Goods or Lading, or do any other Act, Matter or Thing, whatsoever, with an intent to evade the Payment of any such Toll; or if any Person shall not permit to be weighed any Waggon, Cart or Carriage, which shall be liable to be weighed at any Weighing Machine, under the Authority of this Act, or shall by any Means obstruct or prevent the Weighing thereof, or shall do any Act, Matter, or Thing whatsoever, with an intent to conceal the actual lading of any such Waggon, Cart or Carriage passing along the said Road or

any Part thereof, or if any Perſon ſhall draw or permit to be drawn or dragged upon the Ground, or on any Part of the ſaid Road any Tree, Piece of Timber or Stone, or if any Perſon ſhall hereafter hang or fix any Gate to, upon or againſt any Field, Land or Ground adjoining the ſaid Road, ſo as to open outwards towards the ſaid Road, or if any Perſon driving any Carriage of any Deſcription upon the ſaid Road and meeting another Carriage of any Deſcription ſhall not keep on the left Side of the ſaid Road the Carriage which he or ſhe ſhall be driving, or if any Perſon ſhall in any Manner wilfully prevent or obſtruct any other Perſon from paſſing him or her or the Carriage under his or her Care upon the ſaid Road, or if any Perſon ſhall leave any Carriage longer than may be neceſſary for loading or unloading the ſame, in, upon, or on the Side of any Part of the ſaid Road, except in caſes of Accident, or if any Perſon ſhall ride or drive any Horſe, Beaſt, Cattle or Carriage, upon any Cauſeway or Footway adjoining to the ſaid Road, or do or cauſe any Damage to be done thereto, or if any Perſon ſhall uſe, remove or carry away any Stone, Gravel, Silth, or other Materials which ſhall be procured by the ſaid Truſtees, or by their Surveyor or Surveyors, or by any other Perſon or Perſons under their Authority, for the Purpoſe of making, altering, repairing or maintaining the ſaid Road or any of the Works of or belonging to the ſaid Truſtees, or ſhall dig or take away any Materials out of any Pit or Place which ſhall have been made, opened or marked out, for the Purpoſe of getting ſuch Materials by the Surveyor or Surveyors, or other Perſon or Perſons authoriſed by the ſaid Truſtees, before ſuch Surveyor or Surveyors, or other authorized Perſon or Perſons, or his or their Workmen ſhall have diſcontinued working therein for the Space of Three Calendar Months (other than the Owner or Occupier of any private or incloſed Grounds, wherein ſuch Pit or other Place ſhall have been made, opened or marked out as aforeſaid, and Perſons authorized by ſuch Owner or Occupier, taking ſuch Materials for his own private Uſe only) or if any Perſon ſhall pull down or in any Manner damage or injure any Building, Gate, Fence, Bridge, or other Work, or fill up or make a Way over any Ditch which ſhall be erected, provided, thrown out or uſed by the ſaid Truſtees, for the Purpoſes of this Act, or if any Perſon ſhall throw down, pull up, remove, deſtroy or deface any Mile Stone, Direction Poſt, or other Poſt, Stake, Matter or Thing, which ſhall be fixed, put up or ſet down, by or under the Authority of the ſaid Truſtees for any of the Purpoſes of this Act, or if any Perſon driving any Swine along the ſaid Road ſhall ſuffer the ſame to root up or damage the ſaid Road, or any Part thereof, or any of the Fences, Banks or Water-courſes on either Side thereof, or if any Perſon ſhall make or aſſiſt in making any Bonfire, or ſhall ſet fire to or let off or throw any Firework whatſoever on any Part of the ſaid Road, or within Forty Yards of the ſame, or if any Perſon ſhall lay any Wood, Stones, Hay, Straw, Dung, Manure, Soil, Aſhes, Rubbiſh, or other Matter or Thing whatſoever, on any Part of the ſaid Road, or on the Side thereof, to the Prejudice thereof, or to the Prejudice, Annoyance or Inconvenience of Perſons travelling thereon, except Aſhes laid thereon in times of Froſt for the prevention of Accidents, or ſhall neglect to remove and take away any Nuiſance, Annoyance or Encroachment, which ſhall have been left by

him

him or her, or by any of his or her Family or Servants, upon or by the Side of the said Road, after Notice to remove and take away the same shall be given to him or her by the Surveyor or Surveyors, or other Person or Persons authorised by the said Trustees, or if any Person or Persons shall in any other Manner prevent or obstruct a free and open Passage along the said Road, every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay such Sum of Money (not exceeding Ten Pounds nor less than Ten Shillings) as any Justice or Justices of the Peace acting in and for the said *Isle of Ely* shall in that behalf direct.

Mode of levying and applying Penalties, &c.

LXXV. And be it further enacted, That in case the several Penalties, Forfeitures, and Fines, by this Act inflicted or authorized to be imposed or any of them, and the several Sums of Money by this Act made payable, or authorized to be demanded and received, or any of them, shall not be paid to the Person or Persons entitled to receive the same upon demand thereof made, or within the Times hereinbefore respectively limited for Payment thereof, then and in any such Case where the Recovery of such Penalties, Forfeitures, Fines or Sums of Money is not by this Act otherwise provided for, it shall be lawful for any Justice or Justices of the Peace for the said *Isle of Ely*, upon Application to be made to him or them for that Purpose, and upon Proof of any such Penalty, Forfeiture, Fine, or Sum of Money having been incurred or become payable being given before and to the Satisfaction of the said Justice or Justices, either by the Confession of the Person or Persons who shall be liable to the same, or from whom the same shall be due, or by the Oath of One or more credible Witness or Witnesses which Oath, such Justice or Justices is and are hereby empowered and required to administer) to cause such unpaid Penalty, Forfeiture, Fine, or Sum of Money to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons who shall have incurred or become liable to the same or from whom the same shall have become due and payable as aforesaid by Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices, (which Warrant or Warrants, such Justice or Justices is and are hereby empowered to grant for those Purposes) and that the Overplus of the Monies levied or raised by any such Distress and Sale, after such respective Penalty, Forfeiture, Fine, or Sum of Money and the Charges of such Distress and Sale shall be received and deducted, shall be returned upon demand unto the Owner or Owners of such Goods and Chattels or unto the Person or Persons in whose Possession the same shall have been at the Time of such Distress; and that all such Penalties, Forfeitures, Fines and Sums of Money when recovered and received, if the same shall be recovered or received by or on behalf of the said Trustees or any of their Officers or other Persons acting under their Authority, shall if not directed by this Act to be otherwise applied, be from Time to Time paid to the Treasurer or Treasurers of the said Trustees to be applied for the Purposes of this Act; and that in case any such Penalty, Forfeiture, Fine or Sum of Money shall not be paid as aforesaid, and there shall not be any sufficient Distress whereby the same can be levied, it shall be lawful for any Justice or Justices of the Peace for the said *Isle of Ely*, and he and they is and are hereby authorized and required by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to commit

mit the Perſon or Perſons who ſhall have incurred or be liable to the Payment thereof or from whom the ſame ſhall be due or payable, to the Common Gaol or any Houſe of Correction for the ſaid *Iſle of Ely*, there to remain without Bail or Mainprize for any ſuch Time (not exceeding Six Calendar Months) as the ſaid Juſtice or Juſtices ſhall direct, unleſs ſuch Penalty, Forfeiture, Fine or Sum of Money and all reaſonable Coſts and Charges attending the Recovery thereof, or the Proſecution of the Perſon or Perſons who ſhall be liable to the ſame, or from whom the ſame ſhall be due ſhall be ſooner paid and ſatisfied.

LXXVI. And be it further enacted, That it ſhall be lawful for the Juſtice or Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted under the Authority of this Act of any Offence againſt the ſame or againſt any of the Proviſions hereby made, to cauſe the Conviction upon ſuch Offence to be made out in the Form or to the Effect following, and that every ſuch Conviction ſhall be good and effectual to all Intents and Purpoſes whatſoever.

Form of Conviction.

'Iſle of Ely, to wit.' } BE it remembered, That on this Day of in the Year of 'our Lord is duly convicted before 'of His Majeſty's Juſtices of the Peace acting within and 'for the ſaid *Iſle of Ely*, in purſuance of an Act paſſed in the Fiftieth Year 'of the Reign of His Majeſty King *George* the Third, intituled [*here 'ſet forth the Title of this Act*] for that the ſaid on the 'Day of now laſt paſt, at in the ſaid *Iſle 'of Ely*, did [*here ſtate the Offence committed*] contrary to the Proviſions 'of the ſaid Act, and do declare and adjudge that the 'ſaid hath forfeited for the ſaid Offence the Sum 'of to be levied and applied in the Manner directed 'by the ſaid Act. Given under 'the Day and Year firſt above written.'

Which Conviction the ſaid Juſtice or Juſtices ſhall cauſe to be written or printed upon Parchment, and to be returned to the next General Quarter Seſſions of the Peace to be holden in and for the ſaid *Iſle of Ely*, to be filed by the Clerk of the Peace for the ſaid Iſle or his Deputy, and to remain and be kept among the Records of the Court of Seſſions of the ſaid *Iſle of Ely*.

Appeal to the Seſſions.

LXXVII. And be it further enacted, That if any Perſon or Perſons Body or Bodies Politick, Corporate or Collegiate, ſhall think himſelf, herſelf or themſelves aggrieved by any Thing done or omitted to be done by or on behalf of the ſaid Truſtees in purſuance of this Act, then and in every Caſe wherein the Determination or Judgement of any Juſtice or Juſtices of the Peace for the ſaid *Iſle of Ely* is not by this Act declared to be final and concluſive, it ſhall be lawful for ſuch Perſon or Perſons, Body or Bodies, to appeal to any General Quarter Seſſions of the Peace which ſhall be holden for the ſaid *Iſle of Ely*, within Six Calendar Months, next after the Cauſe of Complaint ſhall have ariſen, on giving to the Clerk or Clerks to the ſaid Truſtees Fourteen Days' previous Notice in Writing of ſuch Appeal and of the Cauſe and Matter thereof, and within Four Days after ſuch Notice entering into a Recognizance with

Two

Two Sureties before ſome Juſtice or Juſtices of the Peace for the ſaid *Iſle of Ely*, for trying ſuch Appeal and abiding the Order of the Juſtices of the ſaid Seſſions and for paying ſuch Coſts as ſhall be by them awarded, and that the Juſtices, (not being intereſted in the Premiſes, who ſhall be aſſembled at the ſaid General Quarter Seſſions of the Peace for the ſaid *Iſle of Ely*,) ſhall and they are hereby required to hear and determine the Matter of every ſuch Appeal and to make ſuch Order and Adjudication therein and award ſuch Damages and Coſts on either Side as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy or cauſe to be levied the Damages and Coſts which ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties againſt whom the ſame ſhall be awarded; and that the Overplus (if any) of the Monies to ariſe by any ſuch Sale ſhall be rendered upon Demand to the Owner or Owners of ſuch Goods and Chattels after deducting the reaſonable Charges of ſuch Warrant, Diſtreſs and Sale; and that in caſe the ſaid Damages and Coſts ſhall not be fully paid according to the Order of the ſaid Juſtices, and there ſhall not appear to be any ſufficient Diſtreſs whereby the ſame may be levied, it ſhall be lawful for the ſaid Juſtices at their ſaid Seſſions, or for any Two or more Juſtices for the ſaid *Iſle of Ely* afterwards out of Seſſions, to commit the Perſon or Perſons making default in Payment thereof to the Common Gaol or any Houſe of Correction for the ſaid *Iſle of Ely* for any Time not exceeding Six Calendar Months or until ſuch Damages and Coſts ſhall be in the mean time fully paid; and that the Determination and Judgement of the ſaid Juſtices in the Premiſes ſhall be final and concluſive to all Parties concerned and intereſted therein.

Power for Truſtees being Juſtices to act as ſuch.

LXXVIII. And be it further enacted, That it ſhall be lawful for any Juſtice or Juſtices of the Peace for the ſaid *Iſle of Ely* to act as ſuch in the Execution of this Act or of any of the Powers and Authorities hereby veſted in them (otherwiſe than in ſuch Matters and Caſes in which he or they ſhall be individually intereſted) notwithſtanding that ſuch Juſtice or Juſtices may be a Truſtee or Truſtees for the Purpoſe of carrying this Act into Execution, or a Creditor or Creditors upon any of the Tolls by this Act granted and made payable.

Diſtreſs not to be unlawful for want of Form.

LXXIX. And be it further enacted, That where any Diſtreſs ſhall be made for any Penalty, Forfeiture, Fine, or Sum of Money impoſed or made payable or directed or authorized to be levelled under the Authority of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or Want of Form in the Determination or Order impoſing or awarding ſuch Penalty, Forfeiture, Fine or Sum of Money, or in the Information, Summons, Conviction, Warrant, Diſtreſs or any other Proceeding relating to the ſame, or to the levying or recovery thereof, and that the Party or Parties diſtraining ſhall not be deemed a Treſpaſſer or Treſpaſſers *ab initio* on account of any Irregularity which ſhall afterwards take place or be occaſioned, but that the Perſon or Perſons who ſhall be aggrieved by any ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage in an Action or Actions upon the Caſe.

Proceedings not to be quashed for want of Form nor removable by Certiorari.

LXXX. And be it further enacted, That no Order, Determnation, Award, Judgement, Conviction, Warrant or other Proceeding to be made by the said Trustees, or by any Justice or Justices of the Peace, touching or concerning any of the Matters in this Act mentioned, or touching or concerning any Offence against the same, shall be quashed or vacated for Want of Form only, or be removed or removeable by *Certiorari* or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at Westminster, any Law, Statute or Usage to the contrary thereof in anywise notwithstanding.

Limitation of Actions.

LXXXI. And be it further enacted, That if any Action, Suit, Information, Indictment or other Process shall be commenced or prosecuted against any Person or Persons for any Thing done or omitted to be done in Pursuance of this Act, or in the Execution of any of the Powers or Authorities hereby given, every such Action, Suit, Information, Indictment or other Process shall be commenced within Six Calendar Months next after the Time of the Fact or Facts complained of having been committed or omitted, and not afterwards; and that no such Action, Suit, Information, Indictment or other Process shall be commenced until after Fourteen Days' Notice thereof in Writing shall have been given to the Clerk or Clerks to the said Trustees, nor after sufficient Satisfaction or a Tender thereof shall have been made to the Person or Persons who shall have been aggrieved; and that every such Action, Suit, Information, Indictment or other Process shall be brought and laid in the County, Isle or Jurisdiction where the Fact or Facts complained of, shall have been committed, and not elsewhere; and that the Defendant or Defendants in or to any such Action, Suit or Information shall and may plead the general Issue, and in Replevin shall and may justify and avow such Fact or Facts as have been done or omitted to be done under the Authority of this Act, or shall and may plead specially, as he or they may be advised and think proper; and shall and may at any Trial to be had upon any such Action, Suit, Information, Indictment, or other Process as aforesaid, give in Evidence this Act and the special Matter relating to such Fact or Facts, and that the same was or were done, or omitted to be done, in Pursuance and by the Authority of this Act, whether the same shall have been specially pleaded or not; and that if any Action, Suit, Information, Indictment or other Process shall be commenced after the Time hereinbefore limited, or without such Notice as aforesaid, or after sufficient Satisfaction shall have been made or tendered as aforesaid, or shall be brought or laid elsewhere than in the County, Isle or Jurisdiction where such Fact or Facts shall have been committed; or if the Commission or Omission of any such Fact or Facts shall appear to have been lawfully authorized by this Act, then the Jury upon such Trial shall find a Verdict for the Defendant or Defendants, Avowant or Avowants; and that if the said Jury shall upon any such Trial find a Verdict for the Defendant or Defendants, Avowant or Avowants, or if the Plaintiff or Plaintiffs shall become nonsuit or discontinue his, her or their said Action, Suit, Information, Indictment or other Process, or if upon a Demurrer or otherwise, Judgment shall be given for the Defendant or Defendants, Avowant or Avowants therein, then and in any of the said Cases such Defendant or Defendants, Avowant or Avowants shall have and be entitled to and shall and may recover treble Costs against the Plaintiff or Plaintiffs, Informant or Informants, Prosecutor or Prosecutors,

and

and shall and may have such and the like Remedies for recovering the same as is usual in Cases of Costs awarded by Law.

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

LXXXII. And be it further enacted, That the said Trustees acting under the Authority of this Act, shall and lawfully may commence and prosecute any Action, Suit, Indictment or other Process in the Name or Names of their Clerk or Clerks against any Person or Persons for any Thing done or caused, or suffered to be done or omitted to be done by him, her or them contrary to the Provisions of this Act, and shall and lawfully may, in any such Action, Suit, Indictment or other Process lay and allege any Houses, Buildings, Lands, Tenements or Hereditaments, Goods, Chattels or Effects, or other Property by this Act vested in the said Trustees or otherwise belonging to them, to be the Houses, Buildings, Lands, Tenements, Hereditaments, Goods, Chattels or Effects or other Property of their said Clerk or Clerks, for the Time being; and that any other Person or Persons shall and lawfully may in like Manner commence and prosecute any Action, Suit, Indictment or other Process against the said Trustees for any Thing done or caused to be done, or omitted to be done by them or under their Authority, contrary to the Provisions of this Act, whereby such Person or Persons shall be aggrieved, by making the Clerk or Clerks to the said Trustees Defendant or Defendants to the same, and by laying and alleging in like Manner any Houses, Buildings, Lands, Tenements, Hereditaments, Goods, Chattels or Effects, or other Property, by this Act vested in the said Trustees or otherwise belonging to them, to be the Houses, Buildings, Lands, Tenements, Hereditaments, Goods, Chattels or Effects, or other Property of their said Clerk or Clerks for the Time being; and that no such Action, Suit, Indictment or other Process as aforesaid, shall abate or be discontinued or discharged by Reason of the Resignation, Removal or Death of such Clerk or Clerks, or by his or their Act or Default, without the Consent of the said Trustees, by an Order at one of their Meetings to be holden under the Authority of this Act; and that the said Clerk or Clerks, by whom or in whose Name any such Action, Suit, Indictment or other Process shall be prosecuted or defended on the Behalf and by the Order of the said Trustees, shall be fully reimbursed and paid out of the Monies which shall arise and be received by or on Account of the said Trustees under the Authority of this Act, all such Costs, Charges, Damages, Losses and Expences as he or they shall bear, pay, sustain or be put unto, or become chargeable with, in or by Reason of prosecuting or defending any such Action, Suit, Indictment or other Process as aforesaid.

Clerk not to be an incompetent Witness.

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

Persons suing or being sued under the Authority of the Trustees to be reimbursed.

LXXXIV. And be it further enacted, That the said Trustees shall, out of the Monies which shall arise and be received by Virtue of this Act, reimburse and make good to all Persons who shall commence or prosecute any Action, Suit or Prosecution against any other Person or Persons, by

by the Direction or under the Authority of the said Trustees, or who shall be sued or prosecuted by any other Person or Persons for any Matter or Thing by them respectively done by the Direction or under the Authority of the said Trustees, all such Costs, Expences, Damages and Losses as such Persons may respectively thereby pay, sustain or be put unto.

Rights of Bedford Level Corporation and others to be saved.

LXXXV. Provided always, and be it further enacted, That this Act or any Thing herein contained shall not extend or be construed to extend to lessen, invalidate, alter or take away any of the Rights, Privileges, Powers or Authorities by Law, Statute or Usage now vested in the Governor, Bailiffs and Commonalty of the Company of Conservators of the Great Level of the Fens called *Bedford Level*, or in the general Commissioners of the North Level, Part of the said Great Level, or in the Commissioners of any District or Districts in or through which the said intended Road shall pass, or in the Commissioners of Sewers for the Hundred of *Wisbech* and Parts adjacent; but that all such Rights, Privileges, Powers or Authorities shall for ever hereafter continue vested in the said Governor, Bailiffs and Commonalty, and the said General Commissioners and other Commissioners respectively, as fully and amply to all Intents and Purposes as if this Act had not been made.

Public Act.

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

Term of this Act.

LXXXVII. And be it further enacted, That this Act shall commence upon the Day on which the same shall receive the Royal Assent, and shall have Continuance and be in Force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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